

<b>MEETING:</b>	Full Council
<b>DATE:</b>	Thursday, 31 March 2016
<b>TIME:</b>	10.30 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## AGENDA

1. Declarations of Personal Interests

To receive any declarations of interest of a personal nature from Members in respect of the items on this agenda.

2. Minutes (*Pages 5 - 24*)

To approve as a correct record the minutes of the meetings of the Council held on 4<sup>th</sup> and 25<sup>th</sup> February, 2016.

3. Communications

To consider any communications to be submitted by the Mayor or the Chief Executive.

4. Questions by Elected Members

To consider any questions which may have been received from Elected Members and which are asked pursuant to Standing Order No. 10.

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

**Minutes of the South Yorkshire Pensions Authority, South Yorkshire Fire and Rescue Authority, Sheffield City Region Combined Authority, and Police and Crime Panel**

*Any Member of the Council shall have the opportunity to comment on any matters referred to in the following minutes.*

*The relevant representatives shall then be given the opportunity to respond to any comments made by Members on those minutes.*

6. South Yorkshire Pensions Authority - 14th January, 2016 (*Pages 25 - 32*)

7. South Yorkshire Pensions Authority - 11th February, 2016 (*Pages 33 - 34*)

8. Police and Crime Panel - 27th January, 2016 (*Pages 35 - 46*)

9. Sheffield City Region Combined Authority - 1st February, 2016 (*Pages 47 - 58*)

10. South Yorkshire Fire and Rescue Authority - 15th February, 2016 (*Pages 59 - 68*)

### **Minutes of the Regulatory Boards**

11. Planning Regulatory Board - 26th January, 2016 (*Pages 69 - 72*)
12. Planning Regulatory Board - 23rd February, 2016 (*Pages 73 - 76*)
13. General Licensing Regulatory Board - 24th February, 2016 (*Pages 77 - 82*)
14. Statutory Licensing Regulatory Board - 24th February, 2016 (*Pages 83 - 84*)
15. Planning Regulatory Board - 22nd March, 2016 (to follow)
16. General Licensing Panel - 9th February, 2016 (*Pages 85 - 86*)
17. Appeals, Awards and Standards - Various (*Pages 87 - 88*)

### **Minutes of the Health and Wellbeing Board**

18. Health and Wellbeing Board - 2nd February, 2016 (*Pages 89 - 92*)

### **Minutes of the Scrutiny Committees**

19. Overview and Scrutiny Committee - 9th February, 2016 (*Pages 93 - 106*)
20. Safeguarding Scrutiny Committee - 15th March, 2016 (to follow)

### **Minutes of the Area Councils**

21. Dearne Area Council - 25th January, 2016 (*Pages 107 - 110*)
22. North Area Council - 1st February, 2016 (*Pages 111 - 114*)
23. Penistone Area Council - 11th February, 2016 (*Pages 115 - 118*)
24. North East Area Council - 11th February, 2016 (*Pages 119 - 122*)
25. South Area Council - 19th February, 2016 (*Pages 123 - 128*)

### **Recommendation to Council - From Regulatory Boards**

*All reports detailed below are subject to Regulatory Board recommendation and are available to download from the Council's website. The Chair of the Regulatory Board will respond to any comments or amendments concerning these minutes.*

#### Planning Regulatory Board

26. Local Code of Planning Conduct and Guidance (PRB. 24.11.15/7) (*Pages 129 - 152*)

**RECOMMENDED TO COUNCIL** that the Local Code of Planning Conduct and

Guidance be approved and adopted.

27. Planning Compliance Policy (PRB. 23.2.16/7) (Pages 153 - 164)

**RECOMMENDED TO COUNCIL** that the Planning Compliance Policy be approved

General/Statutory Licensing Regulatory Board

28. Terms of Reference of General and Statutory Licensing Regulatory Boards - Update (GLB & SLB 24.2.16/3) (Pages 165 - 172)

**RECOMMENDED TO COUNCIL** that the Terms of Reference of the General and Statutory Licensing Regulatory Boards be amended as detailed within Appendix 1 to the report.

**Recommendations to Council - From Cabinet**

*All reports detailed below are subject to Cabinet recommendation and are available to download from the Council's website. The Cabinet Spokesperson for the Service in question will respond to any comments or amendments concerning these minutes.*

29. Implementation of the Pay Policy Statement 2016/17 (Cab.27.1.2016/6) (Pages 173 - 190)

**RECOMMENDED TO COUNCIL** that approval be given to implement the 2016/17 Pay Policy Statement as detailed at appendix B for the report now submitted with effect from 1<sup>st</sup> April, 2016

30. Review Policy for Minimum Revenue Position (Cab.24.2.2016/10) (Pages 191 - 200)

**RECOMMENDED TO COUNCIL:**

- (i) that the revised Policy for the Council's 2015/16 Minimum Revenue Position (MRP) now submitted be approved noting that the MRP for 2016/17 was agreed by Cabinet as part of approving the overall 2016/17 Treasury Management Strategy; and
- (ii) that the Council review MRP on an annual basis to take account of the Council's changing requirements, particularly in relation to its financial position.

**Minutes of the Cabinet Meetings**

31. Cabinet Meeting - 27 January 2016 (Pages 201 - 204)
32. Cabinet Meeting - 10 February 2016 (Pages 205 - 212)
33. Cabinet Meeting - 24 February 2016 (Pages 213 - 216)

34. Cabinet Meeting - 9th March, 2016 (*Pages 217 - 222*)

**(NB. No Cabinet decisions have been called in from these meetings)**

**Schedule of Declarations - copy attached**

A handwritten signature in black ink that reads "Diana Terris". The signature is written in a cursive style with a large initial 'D' and a distinct 'T'.

Diana Terris  
Chief Executive

Friday 18<sup>th</sup> March, 2016

<b>MEETING:</b>	Full Council
<b>DATE:</b>	Thursday, 4 February 2016
<b>TIME:</b>	10.30 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## MINUTES

### Present

The Mayor (Councillor Mathers)

- Central Ward - Councillors D. Birkinshaw, Bruff and M. Dyson
- Cudworth Ward - Councillors Hayward, Houghton CBE and C. Wraith MBE
- Darfield Ward - Councillors Coates and Saunders
- Darton East Ward - Councillors Duerden, Miller and Spence
- Darton West Ward - Councillors Burgess, Cave and Howard
- Dearne North Ward - Councillors Gardiner, Gollick and Worton
- Dearne South Ward - Councillors Brook and Noble
- Dodworth Ward - Councillors P. Birkinshaw, J. Carr and Riggs
- Hoyland Milton Ward - Councillors Franklin, Shepherd and Stowe
- Kingstone Ward - Councillors D. Green, Mitchell and Williams
- Monk Bretton Ward - Councillors S. Green, Richardson and Sheard
- North East Ward - Councillors Ennis, Hampson and Higginbottom
- Old Town Ward - Councillors Cherryholme and Grundy
- Penistone East Ward - Councillors Barnard, Hand-Davis and Wilson
- Penistone West Ward - Councillors Griffin, Millner and Unsworth
- Rockingham Ward - Councillors Andrews BEM and Lamb
- Royston Ward - Councillors Cheetham, Clements and Makinson
- St. Helen's Ward - Councillors Leech, Platts and Tattersall
- Stairfoot Ward - Councillors K. Dyson and Johnson
- Wombwell Ward - Councillors Frost, Morgan and R. Wraith
- Worsbrough Ward - Councillors G. Carr, Clarke and Pourali

#### **134. Declarations of Personal Interests**

There were no declarations of pecuniary or non-pecuniary interest in respect of the items on this agenda.

#### **135. Minutes**

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

#### **136. Communications**

(a) National takeover day

The Chief Executive reported that on 17<sup>th</sup> November 2015 Barnsley had taken part in the 'takeover challenge', a national event led by the Children's Commissioner for England whereby young people in care and care leavers were given the opportunity to shadow officers and Members across the Council. The aim was to give the young people the opportunity to experience the world of work and observe how decisions were made. The day was a great success and the young people enjoyed it immensely. Barnsley received a silver award from the Children's Commissioner, Anne Longfield in recognition of this success. The Chief Executive reiterated that the 'takeover day' was not a one-off activity and that two young people would be presenting reports at Cabinet the following week.

Councillor Bruff, Cabinet Spokesperson for People (Safeguarding), added her congratulations to the young people who took part in the day with enthusiasm and energy.

(b) Carlton Community College

The Chief Executive reported that Carlton Community College had now been assessed by Ofsted and rated as 'good'. This was a huge achievement and meant that 50% of secondary schools in the borough were now either 'good' or outstanding.

The Mayor and Members of the Council congratulated Paul Tarn, the Executive Principal, staff and students in the usual manner.

(c) Trans Pennine Trail

The Chief Executive was delighted to inform Members that the Trans Pennine Trail had been awarded the Access Award from the British Horse Society in recognition of its significant contribution to the equestrian community. Over two-thirds of the Trail was available to horse riders, including sections that were several miles in length. The TPT ran through a huge variety of landscapes, urban as well as rural, which made the Trail highly accessible to equestrians.

The Chief Executive, the Mayor and Members of the Council expressed their thanks to the Strategic Trans Pennine Trail Team, Mandy Loach and Hanna Beaumont, also Public Rights of Way Officer Sarah Ford, for all their hard

work in continuing to develop and promote the Trans Pennine Trail and to congratulate them on this fantastic achievement.

Cllr Miller, Cabinet Spokesperson for Place, added his thanks for the work on the Trans Pennine Trail which was of benefit not just to horse riders but also to people on bikes and walkers too. He also mentioned that Robin Norbury was the powerhouse behind the scheme which had now obtained national recognition for Barnsley.

Cllr Platts, Cabinet Spokesperson for Communities, also thanked the team and the many volunteers for their hard work and commitment

(d) Museum Learning Team

The Chief Executive reported that the Museum Learning Team had been awarded the prestigious Sandford Award for its work at the Experience Barnsley Museum. The Sandford Award was an independently judged, quality assured assessment of education programmes at heritage sites, museums, archives and collections with a focus on formal curriculum linked education opportunities. It was a nationally recognised kite mark for high quality education provision.

Cllr Miller, Cabinet Spokesperson for Place, added his congratulation to the team for their excellent work in obtaining this prestigious mark of quality. He highlighted that Barnsley was one of only ten teams in the country to receive DfE funding. They were now operating as a self-funding traded service and last year over 6000 children had taken part in organised activities.

(e) Carbon Trust Award

The Chief Executive was delighted to announce that Barnsley had won a further Carbon Trust Award for excellence by reducing carbon emissions by 10.3% over 4 years through investment in energy and lighting technology in both council buildings and street lighting; and for the use of electric cars and the fitting of solar panels. The award demonstrated that Barnsley was able to measure and control emissions effectively.

Cllr Miller, Cabinet Spokesperson for Place, added his personal thanks to Mike Rawlings and the Asset Team for their help in reducing Barnsley's carbon footprint and spoke about his experience of riding in one of Barnsley's electric cars.

Cllr Platts, Cabinet Spokesperson for Communities, highlighted that fitting of solar panels to 341 properties, mainly older people's bungalows, was particularly appreciated by the community as people were able to save money on energy bills. The provision of energy saving bulbs on the estates was also well received.

The Mayor and Members of the Council expressed their congratulations on these achievements in the usual manner.

### 137. Questions by Elected Members

The Chief Executive reported that pursuant to Standing Order No. 10 she had received the following question, in three parts, from Councillor G Carr:

*'How many SEN pupils within the borough with a special needs statement for a placement in a specialist facility are receiving their education in mainstream schools?'*

Councillor Cheetham, Cabinet Spokesperson for People (Achieving Potential) commented that specialist placements were only named in an SEN statement once the placement had been secured for the pupil. There was currently one exception whereby a named specialist school placement was secured for a pupil but parents refused to send the child to that school due to an unfavourable Ofsted report. The pupil remained in a mainstream setting until an acceptable alternative was secured.

*'Out of the overall school population, how many exclusions have been imposed because of the risk to the pupils, staff or children?'*

Fixed Term Exclusions were recorded by categories defined by the DfE and were not specific to risk, to pupils, staff or children. However, the majority of exclusions in Secondary schools were for 'attitude towards staff' (1086) followed by 'defiance' (571). In primary schools the data showed that 'violence to pupils' carried the highest number of fixed term exclusions (48) followed by 'violence to staff' (43). It was difficult to define if the exclusions were due to risk to staff or children because schools choose the category in which to record the reason for exclusion. For example, 'inappropriate behaviour' could mean anything from assault to disruption. In addition, the data showed that a number of children with Special Educational Needs also receive Fixed Term Exclusions. However the numbers reduce when pupils had received an Educational Health Care Plan or Statement of Special Educational Need. This could be due to the extra provision they were receiving in school or that they have been moved on to a more specialist provision that better meet their needs.

*'What are the predicted numbers of places for the future? How are the numbers calculated when planning new homes developments?'*

The formula for estimating the numbers of additional pupils from new developments was 21 primary pupils and 15 secondary pupils per 100 dwellings. Current net capacity for primary schools was 19827, with 19218 currently on roll, reflecting an oversupply of 609 places. This oversupply was forecast to fall to 247 for the academic year 2016/17, before rising to 423 for 2017/18, 719 for 2018/19 and 1011 for 2019/20. For secondary schools the current net capacity was 12800 places. According to census information there were currently 10682 pupils on roll, reflecting an oversupply of 2118 places. This 'oversupply' figure was forecast to gradually reduce year on year until 2022 when there would be a shortage of 25 places, increasing to a shortage of 236 places in 2023.

Councillor G. Carr commented that the question related specifically to SEN pupils, not the general school population, as this seems to be an escalating problem. She declined to ask a supplementary question.



**138. 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.

**139. South Yorkshire Pensions Authority - 19th November, 2015**

**RESOLVED** that the minutes be noted.

**140. South Yorkshire Pensions Authority - 3rd December 2015**

**RESOLVED** that the minutes be noted.

**141. South Yorkshire Pensions Authority - 10th December, 2015**

**RESOLVED** that the minutes be noted.

**142. Police and Crime Panel - 27th November, 2015**

**RESOLVED** that the minutes be noted.

**143. South Yorkshire Fire and Rescue Authority - 30th November, 2015**

**RESOLVED** that the minutes be noted.

**144. South Yorkshire Fire and Rescue Authority - 4th January, 2016**

**RESOLVED** that the minutes be noted.

**145. Sheffield City Region Combined Authority - 7th December, 2015**

**RESOLVED** that the minutes be noted.

**146. Planning Regulatory Board - 24th November, 2015**

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 24<sup>th</sup> November, 2015 be received.

**147. Planning Regulatory Board - 22nd December, 2015**

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 22<sup>nd</sup> December, 2015 be received.

**148. General Licensing Regulatory Board - 23rd December, 2015**

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 23<sup>rd</sup> December, 2015 be received.

**149. Audit Committee - 20th January, 2016**

Moved by Councillor Richardson - Seconded by Councillor Barnard; and

**RESOLVED** that the minutes now submitted of the proceedings of the Audit Committee held on 20<sup>th</sup> January, 2016 be received.

**150. General Licensing Panel - 12th January, 2016**

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the General Licensing Panel held on the 12<sup>th</sup> January, 2016 be received.

**151. Appeals, Awards and Standards Panels - Various**

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.

**152. Health and Wellbeing Board - 8th December, 2015**

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 8<sup>th</sup> December, 2015 be received.

**153. Overview and Scrutiny Committee - 1st December, 2015**

Moved by Councillor Ennis – Seconded by Councillor Unsworth; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 1<sup>st</sup> December, 2015 be received.

**154. Safeguarding Scrutiny Committee - 19th January, 2016**

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

**RESOLVED** that the minutes now submitted of the proceedings of the Safeguarding Scrutiny Committee held on 19<sup>th</sup> January, 2016 be received.

**155. Dearne Area Council - 16th November, 2015**

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 16<sup>th</sup> November, 2015 be received.

**156. North Area Council - 23rd November, 2015**

Moved by Councillor Burgess – Seconded by Councillor Cave; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the North Area Council held on 23<sup>rd</sup> November, 2015 be received.

**157. North East Area Council - 3rd December, 2015**

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 3<sup>rd</sup> December, 2015 be received.

**158. Penistone Area Council - 10th December, 2015**

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 10<sup>th</sup> December, 2015 be received.

**159. South Area Council - 18th December, 2015**

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 18<sup>th</sup> December, 2015 be received.

**160. Central Area Council - 11th January, 2016**

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 11<sup>th</sup> January, 2016 be received.

**161. Housing Revenue Account - Draft Budget 2016/17 & Housing Capital Investment Programme 2016-2021 (Cab.16.12.2015/9)**

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

**RESOLVED:-**

- (i) that the Housing Revenue Account Draft Budget for 2016/17, 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 for Place;
- (ii) that the Service Charge Proposals for 2016/17, as set out at Appendix D and Sections 3.13 and 3.16, be approved;
- (iii) that the 2016/17 Berneslai Homes Management Fee be approved with any final amendments/additions being delegated to the Service Director Culture,

Housing and Regulation and the Executive Director Place in consultation with the Cabinet Spokesperson for Place;

- (iv) that the use of Berneslai Homes Ltd retained surplus as outlined in Section 3.27 be approved;
- (v) that the earmarking of Housing Revenue Account Working Balance as outlined in Sections 3.8 – 3.12 be approved;
- (vi) that the Council Housing Capital Investment Programme for 2020-21 be approved;
- (vii) that a rent reduction in line with Government's rent policy be approved; and
- (viii) that the Board of Berneslai Homes be authorised to vary any of the approved capital schemes subject to a maximum variation on existing budgets of £250,000, with variations above this amount carried out in agreement with the Executive Director Place and the Cabinet Spokesperson for Place.

#### **162. Council Nominations to the Berneslai Homes Board (Cab. 13.1.2016/9)**

Moved by Councillor Howard – Seconded by Councillor Griffin; and

**RESOLVED** that the nomination of Councillors Ennis and Makinson to the Berneslai Homes Board for a three year term be approved with immediate effect.

#### **163. Cabinet Meeting - 18th November, 2015**

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

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meeting held on 18<sup>TH</sup> November, 2015 be received.

#### **164. Cabinet Meeting - 2nd December, 2015**

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

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meeting held on 2<sup>nd</sup> December, 2015 be received.

#### **165. Cabinet Meeting - 16th December, 2015**

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

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meeting held on 16<sup>th</sup> December, 2015 be received.

## 166. Cabinet Meeting - 13th January, 2016

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

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meeting held on 13<sup>th</sup> January, 2016 be received.

## 167. Notice of Motion - Housing and Planning Bill

A Notice of Motion submitted in accordance with Standing Order No 6 in relation to the Housing and Planning Bill was:

Moved by Councillor Miller – Seconded by Councillor Mitchell; and

**RESOLVED:**

(i) That the Council notes:

- That the Housing and Planning Bill is currently being debated in Parliament, and if passed will threaten the provision of affordable homes for rent and buy through:
  - forcing 'high-value' council homes to be sold on the open market
  - extending the right-to-buy to housing association tenants and
  - undermining Section 106 requirements on private developers to provide affordable homes
- That there is no commitment in the Bill that affordable homes will be replaced like for like in the local area.
- That whilst measures to help (first-time buyers are welcome, the 'starter homes' proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country; will not preserve the taxpayer investment; and will be built at the expense of genuinely-affordable homes to rent and buy.
- That the Bill undermines localism by taking 32 new wide and open-ended powers for the Secretary over councils and local communities, including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal.
- That the Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many of England's 11m private renters - including one in four families with children - and does nothing to help arrest the recent rise in homelessness; and

(ii) That the Council:

- analyse and report on the likely impact of the forced sale of council homes, the extension of right-to-buy and the 'starter homes' requirement on the local availability of affordable homes□
- analyse and report on any further likely impacts of the Bill on the local area
- use this information to:
  - support the Leader of the Council in writing to the Secretary of State with the Council's concerns about the Bill
  - set up an urgent meeting between the Leader of the Council and the Chief Executive with the Local Members of Parliament to raise these concerns
  - make public these concerns, including by publishing the above information on the Council's website and promoting through the local press.

.....  
Chair

<b>MEETING:</b>	Full Council
<b>DATE:</b>	Thursday, 25 February 2016
<b>TIME:</b>	10.30 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## MINUTES

### Present

The Mayor (Councillor Mathers)

- Central Ward - Councillors D. Birkinshaw and Bruff
- Cudworth Ward - Councillors Hayward, Houghton CBE and C. Wraith MBE
- Darfield Ward - Councillors Coates, Markham and Saunders
- Darton East Ward - Councillors Miller and Spence
- Darton West Ward - Councillors Burgess, Cave and Howard
- Dearne North Ward - Councillors Gardiner, Gollick and Worton
- Dearne South Ward - Councillors Noble
- Dodworth Ward - Councillors P. Birkinshaw, J. Carr and Riggs
- Hoyland Milton Ward - Councillors Franklin, Shepherd and Stowe
- Kingstone Ward - Councillors D. Green, Mitchell and Williams
- Monk Bretton Ward - Councillors Richardson and Sheard
- North East Ward - Councillors Ennis, Hampson and Higginbottom
- Old Town Ward - Councillors Cherryholme and Grundy
- Penistone East Ward - Councillors Barnard, Hand-Davis and Wilson
- Penistone West Ward - Councillors Millner and Unsworth
- Rockingham Ward - Councillors Andrews BEM, Dures and Lamb
- Royston Ward - Councillors Cheetham and Clements
- St. Helen's Ward - Councillors Leech, Platts and Tattersall
- Stairfoot Ward - Councillors Johnson
- Wombwell Ward - Councillors Frost, Morgan and R. Wraith
- Worsbrough Ward - Councillors G. Carr, Clarke and Pourali

## 168. Declarations of Personal Interests

There were no declarations of pecuniary or non-pecuniary interest in respect of the items on this agenda.

## 169. Suspension of Standing Orders

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

**RESOLVED** that Standing Order 13(5) of the Council be suspended in respect of the consideration of the Budget insofar as it relates to restrictions on Members speaking more than once.

## 170. Service and Financial Planning 2016/17 - Revenue Budget, Capital Programme and Council Tax (Cab.10.2.2016/10)

Minute 170 (A) and (B) were Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

(A) Budget Proposals 2016/17

### **RESOLVED**

- (i) that the budget proposals for all services in 2016/17, as detailed in Sections 4 and 5 of the report of the Director of Finance, Assets and Information Services now submitted, be approved;
- (ii) that the following specific items incorporated within Section 2i of the report (Medium Term Financial Forecast) including for 2016/17 be noted:-
  - (a) Provision for an average 1.2% pay award in 2016/17;
  - (b) Provision for inflation in relation to external providers;
  - (c) An adjustment of £500,000 to reflect the provision required for the anticipated revenue costs of existing and new borrowing;
  - (d) The savings previously agreed as part of the 2 year Plan (minute 148 of Council on 26<sup>th</sup> February 2015).
- (iii) that the total additional funded 2016/17 capital investment of £3.348m (£9.099m is already approved) as outlined at Section 6 of the report be included within the capital programme and funding be released subject to further detailed reports on the proposals for its use;
- (iv) that the detailed proposals for increases in fees and charges as set out in Section 7 of the report be agreed;
- (v) that the position on Reserves, Provisions and Balances as set out in Section 9 of the report be noted and the proposal to use £5m of available resources to increase



the Minimum Working Balance to £15m be agreed, and the remaining £10m be earmarked for future pressures/investments;

- (vi) that the report of the Director of Finance, Assets and Information Services, under Section 25 of the Local Government Act 2003, at Section 1 of the report be noted and the 2016/17 budget proposals be agreed on the basis that the Chief Executive, in liaison with the Director of Finance, Assets and Information Services and in consultation with the Senior Management Team (SMT), submits for early consideration a four year revenue and capital plan from the ongoing activity in order that the potential budget gaps in 2017/18 and the longer term be closed;
- (vii) that the Council be recommended to approve cash limited budgets for each service with overall net expenditure for 2016/17 of £168.282m (see Section 4);
- (viii) that the Budget Overview report (Section 2) and forecast budget positions for 2016/17 to 2020/21 contained in Section 2i of the report (Medium Term Financial Forecast) be noted and monitored as part of the arrangements for the delivery of the Future Council;
- (ix) that the Director of Finance, Assets and Information Services, in liaison with the Chief Executive and SMT as appropriate, be required to submit reports into Cabinet, as a matter of urgency, in relation to the detailed General Fund Revenue Budget for 2016/17, including recommendations on any action further to that set out above required to achieve an appropriately balanced budget for that financial year;
- (x) that the Chief Executive, Director of Finance, Assets and Information Services and SMT be responsible for managing within their respective budgets including ensuring the implementation of savings proposals;
- (xi) that the Authority's Senior Management Team be charged with ensuring that the budget remains in balance and report regularly into Cabinet on budget/savings monitoring including any action required;
- (xii) that the Cabinet be authorised to make any necessary technical adjustments to form the 2016/17 budget;
- (xiii) that appropriate consultation on the agreed budget proposals takes place with the Trade Unions and representatives of Non Domestic Ratepayers and that the views of consultees be considered by Cabinet and the Council; and
- (xiv) that the budget papers be submitted for the consideration of the whole Council.

(B) Council Tax 2015/16

**RESOLVED**

- (i) that the contents of Section 8 of the report (2016/17 Council Tax calculation) of the Director of Finance, Assets and Information Services now submitted, be noted;
- (ii) in respect of the Council Tax 2016/17 calculations:
  - (a) that the Council Tax Collection Fund surplus relating to Barnsley M.B.C. of £1.615M be used to reduce the Council Tax Requirement for 2016/17;

- (b) that the Band D Council Tax for Barnsley M.B.C.'s services be set at £1,295.25; and
- (c) that the Band D Council Tax for Barnsley M.B.C.'s area be set at £1,506.14 including the Police and Fire precepts as set out in (ii)(c).
- (iii) that, in respect of the Council Tax 2016/17 declaration:
- (a) that it be noted that at its meeting of its Cabinet on the 13<sup>th</sup> January 2016 the Council made the following calculations for the year 2016/17 in accordance with Regulations made under Section 31(B) of the Local Government Finance Act 1992 as amended (the "Act"):-
- (1) in accordance with Section 31B (3) of the Local Government Act 1992, as amended, the number of adjusted Band D equivalent properties calculated by the Council as its Council Tax base for the year shall be 60,229.145 (Item T in the formula in Section 31B (1) of the Act);
- (2) that the number of adjusted Band D equivalent properties calculated by the Council, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate shall be as follows:-

Column	A	B	C	D
Parish Area	Band D equivalent chargeable properties	95% of Band D equivalent chargeable properties	Precept Issued (after Council Tax Support Grant) (£)	Band D Equivalent Charge (£)
Billingley	98.700	93.765	1,452.00	15.49
Cawthorne	617.000	586.150	20,144.00	34.37
Dunford	237.900	226.005	8,346.00	36.93
Great Houghton	655.700	622.915	21,425.00	34.39
Gunthwaite and Ingbirchworth	285.400	271.130	5,736.00	21.16
High Hoyland	68.900	65.455	0.00	0.00
Hunshelf	166.200	157.890	3,800.00	24.07
Langsett	107.000	101.650	3,327.00	32.73
Little Houghton	177.400	168.530	2,859.00	16.96
Oxspring	458.400	435.480	17,836.00	40.96
Penistone	4,083.500	3,879.325	158,380.00	40.83
Shafton	953.000	905.350	34,642.50	38.26
Silkstone	1,198.800	1,138.860	68,865.00	60.47
Stainborough	164.200	155.990	4,421.00	28.34
Tankersley	576.300	547.485	12,209.00	22.30
Thurgoland	744.100	706.895	10,262.00	14.52
Wortley	286.900	272.555	6,996.00	25.67
Barnsley and other Non-Parish areas	52,539.700	49,893.715		
<b>Total</b>	<b>63,399.100</b>	<b>60,229.145</b>		

- (b) that the following amounts be now calculated by the Council for the year 2015/16 in accordance with Sections 31-36 of the "the Act":-
- (1) £168,656,500.50 being the net aggregate amount the Council estimates for items set out in Section 31A (2) and 31A (3) of the Act taking into account all Precepts issued to it by Parish Councils;

- (2) £88,649,000 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of the Business Rate Retention Scheme and other specific grants;
- (3) £1,615,000 being the amount which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97 (3) of the Local Government Finance Act 1988 (Council Tax Surplus);
- (4) £78,392,500.50 being the amount by which the amount at (iii)(b) (1) above exceeds the aggregate of amounts at (iii)(b) (2) and (iii)(b) (3) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B (1) of the Act);
- (5) £1,301.57 calculated by the Council as being the amount at (iii)(b) (4) above (Item R in the formula in Section 31B (3)); all divided by the Council Tax base as highlighted in (iii) (a) (1) above (Item T in the formula in Section 31B (1) of the Act);
- (6) £380,700.50 being the aggregate amount of all special amounts (Parish Precepts) referred to in Section 31A (2) of the Act; as per column C in the table in (iii)(a) (2) above;
- (7) £1,295.25 calculated by the Council as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate being the amount at (iii)(b) (5) above less the result given by dividing the amount at (iii)(b) (6) above divided by the amount at (iii)(a) (1) (Item T in the formula in Section 31B (1) of the Act) above in accordance with Section 34 (2) of the Act;
- (8) the following amounts calculated by the Council as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate:-

<b>Section 34(3) Calculation :</b>	
<b>Part of the Council's Area</b>	
<b>Parish of :-</b>	<b>£</b>
Billingley	1,310.74
Cawthorne	1,329.62
Dunford	1,332.18
Great Houghton	1,329.64
Gunthwaite & Ingbirchworth	1,316.41
High Hoyland	1,295.25
Hunshelf	1,319.32
Langsett	1,327.98
Little Houghton	1,312.21

<b>Section 34(3) Calculation :</b>	
<b>Part of the Council's Area</b>	
<b>Parish of :-</b>	<b>£</b>
Oxspring	1,336.21
Penistone	1,336.08
Shafton	1,333.51
Silkstone	1,355.72
Stainborough	1,323.59
Tankersley	1,317.55
Thurgoland	1,309.77
Wortley	1,320.92

being the amounts given by adding to the amount at (iii)(b) (7) above the amount of the special items in (iii)(a) (2) Col D in accordance with Section 34 (3) of the Act;

- (9) the amounts calculated by the Council as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands are shown below.

<b>Section 36(1) Calculation :</b>	<b>Valuation Bands</b>								
	<b>Part of the Council's Area</b>								
<b>Parish of :-</b>	A-	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£	£
Billingley	728.19	873.83	1,019.47	1,165.10	1,310.74	1,602.01	1,893.29	2,184.57	2,621.48
Cawthorne	738.67	886.41	1,034.15	1,181.88	1,329.62	1,625.09	1,920.57	2,216.03	2,659.24
Dunford	740.10	888.12	1,036.14	1,184.16	1,332.18	1,628.22	1,924.26	2,220.30	2,664.36
Great Houghton	738.69	886.43	1,034.17	1,181.90	1,329.64	1,625.11	1,920.59	2,216.07	2,659.28
Gunthwaite & Ingbirchworth	731.34	877.61	1,023.88	1,170.14	1,316.41	1,608.94	1,901.48	2,194.02	2,632.82
High Hoyland	719.58	863.50	1,007.42	1,151.33	1,295.25	1,583.08	1,870.92	2,158.75	2,590.50
Hunshelf	732.95	879.55	1,026.14	1,172.73	1,319.32	1,612.50	1,905.69	2,198.87	2,638.64
Langsett	737.76	885.32	1,032.88	1,180.42	1,327.98	1,623.08	1,918.20	2,213.30	2,655.96
Little Houghton	729.00	874.81	1,020.61	1,166.41	1,312.21	1,603.81	1,895.42	2,187.02	2,624.42
Oxspring	742.34	890.81	1,039.28	1,187.74	1,336.21	1,633.14	1,930.08	2,227.02	2,672.42
Penistone	742.26	890.72	1,039.18	1,187.62	1,336.08	1,632.98	1,929.90	2,226.80	2,672.16
Shafton	740.84	889.01	1,037.18	1,185.34	1,333.51	1,629.84	1,926.18	2,222.52	2,667.02
Silkstone	753.17	903.81	1,054.45	1,205.08	1,355.72	1,656.99	1,958.27	2,259.53	2,711.44
Stainborough	735.32	882.39	1,029.46	1,176.52	1,323.59	1,617.72	1,911.86	2,205.98	2,647.18
Tankersley	731.97	878.37	1,024.76	1,171.15	1,317.55	1,610.34	1,903.13	2,195.92	2,635.10
Thurgoland	727.65	873.18	1,018.71	1,164.24	1,309.77	1,600.83	1,891.89	2,182.95	2,619.54
Wortley	733.84	880.61	1,027.39	1,174.15	1,320.92	1,614.45	1,908.00	2,201.53	2,641.84
All other parts of the Council's Area	719.58	863.50	1,007.42	1,151.33	1,295.25	1,583.08	1,870.92	2,158.75	2,590.50

being the amounts given by multiplying the amount at (iii)(b) (8) above by the number which, in the proportion set out in Section 5 of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D in accordance with Section 36 (1) of the Act;

- (c) that it be noted that for the year 2016/17 the under-mentioned precepting Authorities have stated the following draft amounts in precepts issued to the Council in accordance with Section 42A of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

	Precept	Valuation Bands								
		A-	A	B	C	D	E	F	G	H
<b>Precepting Authority</b>	£	£	£	£	£	£	£	£	£	£
South Yorkshire Fire Authority	4,073,297	37.57	45.09	52.60	60.12	67.63	82.66	97.69	112.72	135.26
South Yorkshire Police Authority*	9,224,696	85.09	102.11	119.12	136.14	153.16	187.20	221.23	255.27	306.32

- (d) that having calculated the aggregate in each case of the amounts at (iii)(b) (9) and (iii)(c) above, the Council in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts shown below as the amounts of Council Tax for the year 2016/17 for each of the categories of dwellings shown below:-

<b>Section 30(2) Calculation :</b>	Valuation Bands								
	A-	A	B	C	D	E	F	G	H
<b>Part of the Council's Area</b>	£	£	£	£	£	£	£	£	£
<b>Parish of :-</b>									
Billingley	850.85	1,021.03	1,191.19	1,361.36	1,531.53	1,871.87	2,212.21	2,552.56	3,063.06
Cawthorne	861.33	1,033.61	1,205.87	1,378.14	1,550.41	1,894.95	2,239.49	2,584.02	3,100.82
Dunford	862.76	1,035.32	1,207.86	1,380.42	1,552.97	1,898.08	2,243.18	2,588.29	3,105.94
Great Houghton	861.35	1,033.63	1,205.89	1,378.16	1,550.43	1,894.97	2,239.51	2,584.06	3,100.86
Gunthwaite & Ingbirchworth	854.00	1,024.81	1,195.60	1,366.40	1,537.20	1,878.80	2,220.40	2,562.01	3,074.40
High Hoyland	842.24	1,010.70	1,179.14	1,347.59	1,516.04	1,852.94	2,189.84	2,526.74	3,032.08
Hunshelf	855.61	1,026.75	1,197.86	1,368.99	1,540.11	1,882.36	2,224.61	2,566.86	3,080.22
Langsett	860.42	1,032.52	1,204.60	1,376.68	1,548.77	1,892.94	2,237.12	2,581.29	3,097.54
Little Houghton	851.66	1,022.01	1,192.33	1,362.67	1,533.00	1,873.67	2,214.34	2,555.01	3,066.00
Oxspring	865.00	1,038.01	1,211.00	1,384.00	1,557.00	1,903.00	2,249.00	2,595.01	3,114.00
Penistone	864.92	1,037.92	1,210.90	1,383.88	1,556.87	1,902.84	2,248.82	2,594.79	3,113.74
Shafton	863.50	1,036.21	1,208.90	1,381.60	1,554.30	1,899.70	2,245.10	2,590.51	3,108.60
Silkstone	875.83	1,051.01	1,226.17	1,401.34	1,576.51	1,926.85	2,277.19	2,627.52	3,153.02
Stainborough	857.98	1,029.59	1,201.18	1,372.78	1,544.38	1,887.58	2,230.78	2,573.97	3,088.76
Tankersley	854.63	1,025.57	1,196.48	1,367.41	1,538.34	1,880.20	2,222.05	2,563.91	3,076.68
Thurgoland	850.31	1,020.38	1,190.43	1,360.50	1,530.56	1,870.69	2,210.81	2,550.94	3,061.12
Wortley	856.50	1,027.81	1,199.11	1,370.41	1,541.71	1,884.31	2,226.92	2,569.52	3,083.42
All other parts of the Council's Area	842.24	1,010.70	1,179.14	1,347.59	1,516.04	1,852.94	2,189.84	2,526.74	3,032.08

- (e) that the Director of Finance, Property and Information Services be authorised to serve notices, enter into agreements, give receipts, make adjustments, initiate proceedings and take any action available to the Council to collect or enforce the collection of non-domestic rates and the Council Tax from those persons liable in accordance with the Council's agreed policy; and
- (f) that the Director of Finance, Property and Information Services determines in accordance with the principles determined by the Secretary of State and set out in the Referendums Relating to Council Tax Increases (Principles) (England) Report 2015/16, that Barnsley Metropolitan Borough Council's relevant basic amount of Council Tax for the year 2015/16 as defined by Section 41 of the Local Audit and Accountability Act 2014 is not excessive.
- (g) that the Director of Legal and Governance be authorised to publish the Council Tax Notice in accordance with the provisions of Section 38 of the Local Government Finance Act 1992.

In accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken on the above items (Minutes 170 (A) and (B) refers).

In favour of the motion

The Mayor (Councillor Mathers), and Councillors Andrews BEM, Barnard, D Birkinshaw, P Birkinshaw, Bruff, Burgess, G Carr, J Carr, Cave, Cheetham, Cherryholme, Clarke, Clements, Coates, Dures, Ennis, Franklin, Frost, Gardiner, Gollick, D Green, Grundy, Hampson, Hand-Davis, Hayward, Higginbottom, Sir Steve Houghton CBE, Howard, Johnson, Lamb, Leech, Markham, Miller, Millner, Mitchell, Morgan, Noble, Platts, Pourali, Richardson, Riggs, Saunders, Sheard, Shepherd, Spence, Stowe, Tattersall, Unsworth, Williams, Wilson, Worton, C Wraith MBE and R Wraith.

No councillors voted against the motion or abstained

All Councillors present at the time of the vote, actually voted.

**171. 2016/17 Treasury Management Policy and Strategy Statement (Cab.10.2.2016/12)**

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

**RESOLVED:-**

- (i) that the main treasury management policies, as outlined in the Treasury Policy Statement (Annex A of the report now submitted), be noted;
- (ii) that the attached Treasury Management Strategy Statement for 2016/17 (Annex B of the report) be approved, including:-
  - a) The revised Minimum Revenue Provision (MPR) Statement at Appendix E, and
  - b) The Annual Investment Strategy for 2016/17.

**172. Prudential Indicators 2016/17 (Cab.10.2.2016/13)**

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

**RESOLVED:-**

- (i) that approval be given to the Prudential Indicators, set out at Appendix B of the report now submitted, for the financial year 2016/17 to 2018/19; and
- (ii) that further monitoring reports be submitted on the indicators during the year as necessary.

**173. Redundancy Compensation and Procedures 2016/17 (Cab.10.2.2016/11)**

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

**RESOLVED:-**

- (i) that for the purpose of the 2016/2017 budgetary procedures, payments in accordance with the Discretionary Compensation Regulations 2006 be up to a maximum of 30 weeks actual pay based on the Statutory Redundancy Scheme; and
- (ii) that any employee (excluding Teachers) declared redundant be afforded the maximum of 12 weeks' notice of termination of employment.

**174. Sheffield City Region Devolution Agreement - Ratification of the Proposal**

The report of the Chief Executive seeking approval of the Sheffield City Region 'SCR' Devolution Agreement detailing the proposed terms of the agreement and the implications thereof was:

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

**RESOLVED** that the Council:

- (i) Note the work that has taken place since the 'deal' was proposed in October 2015, in particular those matters detailed in Section 4 of the report now submitted;
- (ii) Note and take into account that an online consultation exercise has taken place from 2<sup>nd</sup> December, 2015 to the 15<sup>th</sup> January, 2016 including the summary of this consultation as detailed within Section 5 and Appendix C to the report;
- (iii) Endorse the devolution agreement set out at Appendix A; and
- (iv) Delegate authority to the Chief Executive (in full consultation with the Leader of the Council) to consent to an enabling order.

.....  
Chair

This page is intentionally left blank



# Item 6

## SOUTH YORKSHIRE PENSIONS AUTHORITY

14 JANUARY 2016

PRESENT: Councillor S Ellis (Chair)  
Councillor R Wraith (Vice-Chair)  
Councillors: E Butler, B Lodge, K Rodgers, A Sangar,  
M Stowe, J Wood and K Wyatt

Trade Unions: N Doolan (Unison), G Warwick (GMB) and  
F Tyas (UCATT)

Officers: J Hattersley (Fund Director),  
G Chapman (Head of Pensions Administration), and  
I Baker (Pensions Manager) SYPA

A Frosdick (Monitoring Officer), F Foster (Treasurer),  
M McCarthy (Deputy Clerk), J Bell (Director of Human  
Resources, Performance and Communications) and  
M McCoolle (Senior Democratic Services Officer) BMBC

Apologies for absence were received from  
Councillor H Mirfin-Boukouris, Councillor J Scott,  
Councillor B Webster, R Askwith and B Clarkson

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That agenda item 11 entitled ‘Government Consultation on LGPS Pooling’ be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST

None.

6 MINUTES OF THE AUTHORITY MEETING HELD ON 3 DECEMBER 2015

Councillor Ellis informed Members that the Authority had provided a response to the petition received from the Sheffield Climate Alliance.

RESOLVED – That the minutes of the Authority meeting held on 3 December 2015 be signed by the Chair as a correct record.

7 MINUTES OF THE EXTRAORDINARY MEETING OF THE AUTHORITY HELD ON 10 DECEMBER 2015

RESOLVED – That the minutes of the Extraordinary Meeting of the Authority held on 10 December 2015 be signed by the Chair as a correct record.

8 WORK PROGRAMME

Members were presented with a copy of the cycle of future meetings work programme to 9 June 2016.

RESOLVED – That Members noted the contents of the report.

9 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

Councillor Lodge referred to a number of concerns he had raised with a Sheffield CC Cabinet Member in relation to the performance on returns etc.; it was hoped that there would be an improvement in the reporting and processing of figures.

Councillor Rodgers commented that Doncaster MBC had now received the settlement from the Government. Councillor Rodgers added that the Authority and its organisation had been favourably mentioned in the Draft Budget.

Councillor Ellis reported that Rotherham MBC appreciated the ongoing meetings in relation to the investment pooling consultation and actuarial valuation.

10 CIVICA PRESENTATION

The Authority was provided with a presentation by I Taylor and A Smith from CIVICA, on the implementation review of the UPM system.

Councillor Ellis commented that the Authority had recently entered into its second year of a five year contract with CIVICA. Members noted how badly the implementation of the UPM system had affected the Authority's reputation, which took pride in providing a high level of service to its members. UPM had failed to deliver the agreements made within the contract, which had resulted in the Authority's standards having to be dropped and a total cost of £50,000 in overtime payments; staff morale had been affected and sickness levels had risen.

Members expressed disappointment in the system which had affected the Authority's overall performance and Risk Register, and Members requested that a more senior representative from CIVICA attend the next Authority meeting, to provide an overarching view on the overall cost incurred to the Authority.

G Chapman referred to the tight timescale agreed by the User Group to provide CIVICA with an opportunity for improvements to be met; it was important that the Authority did not find itself in a similar position to last year. The Authority had previously requested CIVICA to dramatically improve timescales, although no evidence had been seen. As part of the User Group, the Authority was testing the valuation software together with keeping a close check on matters.

I Taylor, on behalf of CIVICA, sincerely apologised for the problems encountered with the system. A number of internal changes had been made at CIVICA to provide a more transparent development process and to include regular communication with users to provide updates and to address issues. A road map had been created to improve performance to increase automation and to improve both the reporting and website aspects of the product. The Authority and other users had signed up to an action plan which included delivered by dates to rectify problems. In February, work would be released for testing on the changes to the annual returns to improve the year end process which was due for sign off in March. CIVICA was addressing the problems raised with the system, and officers would be available to resolve any further issues with the system. CIVICA's priority was to improve the experience, confidence and working relationship with every local authority customer.

RESOLVED – That Members:-

- i) Noted the presentation.
- ii) Agreed to keep a close check on matters.
- iii) Requested that the Managing Director of the CIVICA Pensions Unit be invited to the next meeting.

11 ACTUARIAL VALUATION 2016: UPDATE

Members were provided with an update on the Actuarial Valuation 2016.

G Chapman referred to the software testing underway which due to performance issues could only be run on a small number of employers. The year-end template had been revised and would be despatched to employers today along with an amended guidance note. Letters had been sent to those employers identified for not returning their annual returns in time previously to establish whether assistance was required in order for them to provide data by 31 May 2016. This is essential in order to enable the Authority to produce the valuation and annual statements by 31 August 2016 and satisfy the Pensions Regulators deadlines. The employers would be chased and financial penalties would be imposed.

Members noted that the overtime for the backlog had ceased on 31 December 2015, and that overtime had now commenced to address data issues resulting from the migration to UPM until 31 March 2016.

RESOLVED – That Members noted the update.

12 BOARD CHAIRS' REPORTS

Councillor Ellis commented that she had now received J Hattersley's formal notification of retirement; it was hoped that recruitment would recommence in February, at which point the pooling arrangements should have become clearer. Members noted that the outstanding job evaluations had now been completed.

Councillor Wraith thanked J Hattersley, on behalf of Members, for his understanding and flexibility over the recruitment of his successor.

13 REVENUE ESTIMATES 2016/17

A report of the Treasurer was submitted to request Members to formally confirm the draft budget proposals considered by the Authority on 3 December 2015. The key elements of the proposals had subsequently been the subject of consultations with various interested parties, and no changes had been suggested.

Councillor Ellis referred to a previous request from Members for the accommodation costs to be reviewed, and she requested that this be provided to the Authority in due course.

F Foster commented that the accommodation costs would be provided within the Service Level Agreement, to be presented to the Authority in due course.

RESOLVED – That the Authority formally confirmed the budget proposals and approved the budget of £6,286,800 for 2016/17.

14 PENSIONS ADMINISTRATION STRATEGY

A report of the Head of Pensions Administration was presented to introduce the first draft of the Pensions Administration Strategy document.

Members noted that the LGPS regulations provided the framework to allow Administering Authorities that so wished to prepare and maintain a Pensions Administration Strategy which was considered best practice to do so. In 2008, the option to create an administration strategy was first introduced and the Authority already had in place Service Level Agreements with all of its employers so there was no immediate requirement to develop a strategy at that time. For a number of reasons this position has now changed and the time is now right to introduce the Administration Strategy which will replace the Service Level Agreements.

G Chapman commented that the first draft of the Pensions Administration Strategy document was currently out for consultation with employers, staff and now with Members with the aim for implementation on 1 April 2016.

Councillor Rodgers suggested that the wording of the Town and Parish Councils section should be revised, as the majority of which did not have such a level of administration.

Councillor Ellis gave thanks for the comprehensive piece of work.

RESOLVED – That Members:-

- i) Considered the content and style of the document.
- ii) Made suggestions for additions/amendments.
- iii) Commented on the proposal for financial penalties for non-compliance both in relation to the type and the amount.
- iv) Agreed that the wording be revised for the Town and Parish Councils.

15 UNITED NATIONS CLIMATE CHANGE CONFERENCE 2015

A report of the Fund Director was presented to draw Members' attention to the negotiation of an agreement on climate change at the United Nations Climate Change Conference held in Paris from 30 November to 12 December 2015. The conference was the 21st yearly session of the Conference of the Parties (COP) to the 1992 United Nations Framework Convention on Climate Change and the 11th session of the Meeting of the Parties to the 1997 Kyoto Protocol.

J Hattersley referred to the published Agreement which was a consensus of the 195 parties who had attended the conference, and would become legally binding if at least 55 countries joined, which would represent at least 55% of global greenhouse emissions. Members noted that a further report would be presented to the Authority once the situation became clearer.

Councillor Sangar requested that the further report should be accompanied by the carbon audit report: The latter will be presented to the next Investment Board meeting.

RESOLVED – That Members:-

- i) Noted the report.
- ii) Agreed that a further report be presented to the Authority together with the carbon audit report.

16 TRADE UNION BILL 2015-16

A report of the Fund Director was submitted to make Members aware that the Government had introduced the Trade Union Bill 2015-16 in the House of Commons on 15 July 2015. It had had its second reading in the House of Lords on 11 January 2016. Trades unions had indicated that they would organise campaigns to oppose the Bill during February 2016.

RESOLVED – That Members noted the report.

17 ANNUAL FUND MEETING

A report of the Communications Manager was presented to report on the Annual Fund Meeting held on 22 October 2015 at Doncaster Racecourse.

It was noted that 5 Councillors had been in attendance, together with:-

- 50 Pensioners
- 8 Contributors
- 7 Deferred members

Members noted that pre-submitted questions and responses had been built into the presentations given by the Fund Director and the Head of Pensions Administration, and an open forum had been held at the conclusion of the meeting.

RESOLVED – That Members noted the contents of the report.

18 COMPLIANCE WITH THE PRINCIPLES FOR INVESTMENT GOVERNANCE: SELF-ASSESSMENT

A report of the Clerk was submitted to update Members on the CIPFA Code of Practice on public sector pensions finance knowledge and skills and the requirements for the self-assessment against the Principles for Investment Governance (formerly Myners' Principles).

In October 2011 Members had adopted a system of self-assessment and had agreed to use a template to gauge compliance. Upon Members' confirmation to the self-assessment process, assessment forms would be despatched to Members, to be completed and returned before the end of March 2016.

RESOLVED – That:-

- i) The Authority noted the contents of the report.
- ii) Members confirmed their commitment to the self-assessment process until the new Regulations for the Scheme come in to place and to review and update the process at this time.
- iii) Members agreed to any development needs arising from the results.

19 PIRC PRESENTATION

The Authority received a presentation from J Hayward and A MacDougall of PIRC.

PIRC were the Authority's voting service contractor and provided research on governance, environmental and social issues as well as proxy execution services.

A MacDougall referred to the Government's proposal for a living wage, and the work currently being undertaken by PIRC. A MacDougall also touched upon the research work PIRC were conducting on behalf of the Local Authority Pension Fund Forum.

Councillor Ellis gave thanks for an interesting and informative presentation.

RESOLVED – That Members noted the contents of the presentation.

20 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

21 GOVERNMENT CONSULTATION ON LGPS POOLING

J Hattersley provided Members with a verbal update on the Government Consultation on LGPS Pooling.

Members noted that the Investment Board had given approval for the Fund Director to explore the research being undertaken by Hymans Robertson, and had given approval for the Board to enter into this providing the costing was circa £10,000.

Members considered the various pooling options open to the Authority in the light of the information currently available. It was noted that a number of details remained outstanding from Government; in particular, it was not clear how Government hoped that the LGPS would access investment in infrastructure. After a full discussion a preferred “pooling” partner was agreed.

RESOLVED – That Members:-

- i) Noted the verbal report.
- ii) Agreed that the Authority would announce its’ agreed pooling preference, subject to the agreement of the South Yorkshire Passenger Transport Pension Fund Committee, in due course.
- iii) Agreed that a special Authority meeting be held to address the response to be provided to the CLG by 18 February 2016.

CHAIR

This page is intentionally left blank



# Item 7

## SOUTH YORKSHIRE PENSIONS AUTHORITY

11 FEBRUARY 2016

PRESENT: Councillor S Ellis (Chair)  
Councillor R Wraith (Vice-Chair)  
Councillors: E Butler, B Lodge, K Rodgers, A Sangar, J Scott,  
M Stowe, B Webster, J Wood and K Wyatt

Trade Unions: G Warwick (GMB), F Tyas (UCATT) and  
N Doolan (Unison)

Officers: J Hattersley (Fund Director),  
S Smith (Head of Investments) and F Bourne (Administration  
Officer) (SYPA)

A Frosdick (Monitoring Officer), D Hanson (HR Business  
Partner), and M McCoole (Senior Democratic Services Officer)  
(BMBC)

Apologies for absence were received from  
Councillor H Mirfin-Boukouris, R Askwith, G Chapman,  
B Clarkson, F Foster, M McCarthy and J Bell, T Gardener,  
N MacKinnon and L Robb

### 1 APOLOGIES

Apologies for absence were noted as above.

### 2 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That agenda item 4 entitled ‘Government Consultation on LGPS’ be considered in the absence of the public and press.

### 3 DECLARATIONS OF INTEREST

None.

### 4 GOVERNMENT CONSULTATION ON LGPS

A report of the Fund Director was presented to seek Members’ views on the proposed responses to the Government consultation and guidance papers relating to the pooling of LGPS investments. Both South Yorkshire LGPS Funds had held meetings since November 2015 to discuss aspects of the consultation.

RESOLVED – That Members:-

- i) Agreed that the draft responses presented be approved subject to minor amendments such as accepting that good practice be exercised in the event of potential conflicts.

- ii) Agreed that the responses should reserve judgement in so far as the detailed guidance was still awaited.
- iii) Agreed that a budget be established for the expenditure of ongoing work, at an initial limit of £50,000, and that a further contribution of £7,000 be made to Hymans Robertson for their work associated with the project.
- iv) Noted that a future report be presented if any further funding was required.
- v) Agreed to continue to pursue negotiations with the preferred pool whilst acknowledging the need to remain open to the potential to explore alternative options if appropriate.
- vi) Agreed to continue communicating with other pools.

CHAIR

**POLICE AND CRIME PANEL**  
**Wednesday, 27th January, 2016****Present:-****Barnsley Metropolitan Borough Council**  
Councillor R. Frost**Doncaster Metropolitan Borough Council**  
Councillor A. Jones  
Councillor G. Jones**Sheffield City Council**  
Councillor J. Armstrong  
Councillor J. Campbell  
Councillor S. Mair-Richards (**in the Chair**)  
Councillor J. Otten**Co-opted Member**  
Mr. A. Carter

Apologies for absence were received from Councillors C. McGuinness (Doncaster), C. Vines (Rotherham) and E. Wallis (Rotherham) and Mr. S. Chufungleung (Co-opted Member).

**F37. QUESTIONS FROM MEMBERS OF THE PUBLIC**

37.1 It was noted that a question had been submitted from a member of the public that had been asked on a number of occasions. The member of the public concerned was not present at the meeting, however, the Chair ruled it as being out of order due to it being repetitious and the questioner having been previously told that it was a procedural matter which had been submitted to the Chief Constable.

37.2 A member of the public asked the following question:-

“Despite recently being the victim of an armed robbery, I am not someone who wants the sight of armed police on the streets of Sheffield to become familiar or normal.

Is the PCP or PCC able to comment on any conversation they had with the Chief Constable or the PCP with the PCC in respect to the armed police on patrol in Sheffield city centre over the Christmas period?

Were they or the PCC consulted on the matter or was it handed down from the Home Office as a fait accompli?

If so, where does this leave the so called democratic control of the Police that the PCC is supposed to represent?”

37.3 The Police and Crime Commissioner replied that, as far as the Police were concerned over the Christmas period, it was a reaction to the attacks in Paris. The judgement was taken, which was not dictated by the Home Office or the Home Secretary but were local judgements taken, not just in Sheffield, but other local centres and Chief Constables put some armed police in centres like Meadowhall and city centres in order reassure people. The Police and Crime Commissioner had not been consulted. There had been a reaction from the public mainly favourable but not everybody. It was thought that the Chief Constable would reflect upon the reactions and think about that if he feels needs to do anything like that again. The Commissioner did not see it as being routine and depends upon the level of threat that is perceived by an individual Chief Constable. The Commissioner and Chief Constable do discuss things but it was his decision at the end of the day.

37.4 As far as armed officers are concerned yes there were armed officers but they were not visible to the public; they were in cars going about South Yorkshire 24 hours a day but you did not see them because the Force needed them to respond immediately if there was an incident.

37.5 Councillor G. Jones reported that Doncaster Council had been made aware that armed police were going to patrol particularly in the Frenchgate Centre in Doncaster and told that was happening following the issues in Paris. One complaint had been received about the armed police being on the streets, however, Councillor Jones had spoken to people subsequently who were reassured equally in that measure. It was a one-off particularly following those fateful attacks and hopefully would never see it again but it had certainly given reassurance to most people.

37.6 A member of the public asked the following questions:-

(a) "How does the Police and Crime Commissioner feel about moving the Fire Service and Police Force together. As the Police Force seem to suffer changes about every two years could they not be left to settle down to the local Police team working before more changes take place. These changes always have a grave impact on partnership working which then impacts on the public.

(b) How valuable does the Police and Crime Commissioner see the Confirmer system set up by South Yorkshire Police and used in partnership with Neighbourhood Watch and if he approves of it could he ensure that the Force use it for crime information. Instead of ignoring it because they have not time. Is this not a waste of money?"

37.7 With regard to question (a), the Police and Crime Commissioner agreed that there had been turbulence happening within the Police Force and it did need to settle down and embed and the local Police teams needed a period of stability to settle. As far as collaboration and partnership possibly with the Fire Service concerned, there was an agenda now which was not being driven by the Force locally, South

Yorkshire had its own ideas about collaboration with the Fire Service, but it was very much from the Home Office and Home Secretary. This appeared to be the direction of travel from the Government and it seemed to be fairly clear at some point there would have to be discussion with the Fire and Rescue Services. That is not to say South Yorkshire did not value a partnership with the Fire Services as there were a number of things that could and were done together such as shared buildings for example the building at Maltby. That was the level at which the Force was taking things in that partnering/sharing way but recognises there were pressures coming from the Home Secretary.

37.8 With regard to question (b), the Police and Crime Commissioner felt it was a valuable service. It was maintained by South Yorkshire Police and performed a valuable service. It was the Commissioner's understanding that the Police were now so stretched in terms of officers and officer time that the ideal of them operating the system and sending down messages on a pretty regular basis will probably not happen because the personnel were not available. His advice would be for Neighbourhood Watch ought to meet with the District Commanders or with local Inspector to see what it could do to make it a better system.

### **F38. QUESTIONS FROM MEMBERS OF THE PANEL**

38.1 Councillor Frost asked the following questions:-

(a) "I would like you to look at sharing buildings with the fire and ambulance services on 'out of town' sites to enable valuable sites to be sold and reduce running costs.

(b) Tackling crime and anti-social behaviour is a key priority and remaining committed to Neighbourhood policing. Already warranted officers have been moved to LPTs and now PSCOs are being centralised so we will miss their local knowledge built up over time. Is this the end of neighbourhood policing?

Penistone members are concerned that at certain times they will be left with no cover as travelling to Penistone can be delayed by traffic or weather problems. How can this be overcome?

(c) We are already seeing difficulties getting officers to PACT meetings and Crime and Safety Sub-Groups. How can Elected Members report problems/concerns to the Police? How do we set PACT priorities?

There were good links between Neighbourhood teams and Berneslai Homes HMOs responsible for anti-social behaviour where information was shared and appear to be lost. How can these links be restored?

(d) Crime is rising and the teams getting intelligence and with links to the community are being lost."

38.2 With regard to question (a), the Police and Crime Commissioner replied that the South Yorkshire Police and South Yorkshire Fire and Rescue Services were already looking at ways to share buildings and reduce costs for both services. Maltby was a good example of a shared facility and it was envisaged this would happen more over the next few years. They would also be looking at working with the Ambulance Service though this was more complicated because they operated on a Yorkshire-wide basis.

38.3 With regard to question (b), the Police and Crime Commissioner replied that he was committed to the concept of neighbourhood policing though the size of the Force had had to be reduced in recent years due to funding cuts.

The new Local Policing Teams had a neighbourhood focus and officers were being equipped with hand held computers that allowed them to stay in communities to write up their reports. They did not have to keep going back and forth to police stations.

Police Community Support Officers were being retained as part of the new Local Policing Teams as a pledge had been given that the percentage of PCSOs would remain at about 6% (225 PCSOs) for the next four years to 2020.

They were a vital resource for enabling communities to feel safe and as a source of local intelligence for the Police.

The Commissioner had given reassurances to Penistone residents that, despite the cuts, their concerns would be addressed and the local Inspector understood very well that some of the smaller or more remote communities must also be kept safe and feel safe.

38.4 With regard to question (c), the Police and Crime Commissioner reported that since there were fewer officers their attendance at community meetings was being reviewed. He would ask all local groups – TARAs, PACTs, Community Forums etc. – to talk to their local Inspector about how the Force could engage with them in the future. Local arrangements would vary. Some meetings may arrange for officers or PCSOs to attend on a less frequent basis. All groups could arrange for information to be passed electronically.

38.5 With regard to question (d), the Police and Crime Commissioner reported that not all crime was rising. In fact some crimes which concerned community groups a great deal – such as burglaries – were falling. It was vital that community groups worked with South Yorkshire Police to understand the new Local Policing Teams and to agree ways of continuing to share information.

This was one reason why the Commissioner was determined that the number of PSCOs would remain at the present number for the next four

years.

38.6 Mr. Carter asked the following question:-

“It relates to the decision taken by the Police and Crime Commissioner to move his office location from Regent Street in Barnsley to the Police Headquarters in Carbrook in Sheffield. I did have a little concern about what message that might give to the general public in terms of the independence of the PCC from the Police Force to be located continuously with him. I suggested, although I appreciate it is a matter entirely for the Commissioner’s for his consideration and determination, that it might be helpful if the address given at least indicated a certain separation from the Chief Constable and his Command Team.”

38.7 The Police and Crime Commissioner stated that the OPCC had very much taken the latter point Mr. Carter was making. He explained that clearly there was an environment where the PCC was having to save every penny possible and a principal motive for moving was financial and the move was going to save something like £100,000 a year. Consideration was then given as to where the OPCC would move to and, because the Police estate was shrinking, there were a number of options in terms of police stations, either whole or partly, and all had been considered and finished up with Carbrook which had space in it. The OPCC had moved into part of the ground floor and had a separate entrance and was separately badged. Mr. Carter was right in terms of what the OPCC put on their e-mail address, address and notepaper and must make the distinction absolutely clear. Perception was important and the PCC and OPCC had thought long and hard about that and in the end became an inhabiting factor before made the final decision. All things being equal Carbrook was the obvious place to go. Staff had moved in and been there for over a week.

38.8 The other key thing was in terms of the savings in petrol and people going backwards and forwards by Meadowhall to Barnsley. The Senior Command Team were highly paid people spending a good proportion of their life every month on the motorway stuck in traffic. .

38.9 Mr. Carter asked if the Commissioner was now required to pay relocation expenses to members of your staff by virtue of change of their office?

38.10 The Police and Crime Commissioner stated that there had been some cost in altering the building and the other costs of the kind you mentioned because changing terms of conditions. There would be some initial costs but it was then envisaged saving a lot of money.

**F39. MINUTES OF THE PREVIOUS MEETING HELD ON 27TH NOVEMBER, 2015**

39.1 Consideration was given to the minutes of the previous meeting of

the South Yorkshire Police and Crime Panel held on 27<sup>th</sup> November, 2015.

39.2 It was confirmed that a letter had been sent to the IPCC expressing the Panel's disappointment with regard to the lack of progress (Minute No. 30 CSE Update).

39.3 The Chair stated that the revised procedure for the initial handling of complaints would be kept under review (Minute No. 31 refers).

39.4 Arising from Minute No. 28.5(a) (the report by Professor John Drew), the Police and Crime Commissioner reported that the report had taken longer than initially hoped but was now in the process of being written up. There was some sensitivity around its release date due to the trials taking place at Sheffield Crown Court, however, all local authorities would have sight of the report before an announcement was made.

39.5 Mr. Carter asked if Panel members in future could receive the draft minutes of meeting in advance of the next meeting's agenda to allow submission of any possible questions to the Commissioner.

**Action:- (1) That the minutes of the previous meeting held on 27<sup>th</sup> January, 2015, be approved for signature by the Chair.**

**(2) That Panel members receive the draft minutes as soon as possible after the meeting – Immediate.**

#### **F40. PRECEPT PROPOSAL FOR 2016-17**

40.1 Consideration was given to a report, submitted by the Chief Finance Officer to the Office of the South Yorkshire Police and Crime Commissioner, containing information about the South Yorkshire Police and Crime Commissioner's proposed Council Tax precept for the 2016/17 financial year.

40.2 Attached to the report was a draft of the Police and Crime Plan setting out the strategic direction for policing in South Yorkshire and providing the information necessary for the determination of the revenue budget and Council Tax precept.

40.3 The Chancellor had announced the outcome of the Spending Review on 25<sup>th</sup> November, 2015, stating that the Government would protect overall Police spending in real terms over the spending review period, an increase of £900M in cash terms by 2019/20 which would provide funding to maintain overall Police force budgets at current cash levels.

40.4 The Spending Review also provided some Police and Crime Commissioners greater flexibility in their local funding decisions by allowing those areas that had historically kept Council Tax levels low to



increase the Band D Council Tax by £5. The 2015/16 Council Tax for policing in South Yorkshire was the eighth lowest policing Council Tax in England and therefore the “greater flexibility” was available to the Commissioner.

40.5 The Police Minister announced details of the Police Grant for 2016/17 on 17<sup>th</sup> December which stated that for 2016/17 direct resource funding for each Police and Crime Commissioner, including precept, would be protected at flat cash levels assuming that precept income was increased to the maximum amount available. This meant that no PCC would face a reduction in cash funding next year compared to this year and the majority would see marginal increases in their spending power.

40.6 An analysis of the grant funding position for Policing in South Yorkshire showed that funding from the Government, in respect of Police Grant and Formula Grant, would fall by approximately £1M in 2016/17. However, the Police Minister was able to suggest that funding for South Yorkshire would actually increase by £0.9M by assuming that Council Tax income would increase by £5 on a Band D property and that additional income would be generated by a small rise in the tax base.

40.7 The Police Funding Settlement was only for one year which made it difficult to undertake medium term financial planning. It also meant that assumptions had to be made as to the potential levels of funding for years beyond 2017 linked to the overall Home Office totals shown in the Spending Review document.

40.8 The net revenue budget for 2015/16 was £240.128M. On the basis of the funding settlement and assuming a Council Tax increase of £5 for a Band D property, the overall net revenue budget for 2016/17 would be, based on the current tax base and with no inclusion of the Collection Fund position, no more than £239.724M an overall reduction in resources of approximately £0.4M.

40.9 The overall forecast budget gap amounting to £10.5M. There was the potential for this to reduce following the determination of the tax base and collection fund position by the district councils. The gap would, therefore, need to be met from savings in revenue expenditure in 2016/17.

40.10 With employee costs representing approximately 90% of the revenue budget, it was likely that the majority of the savings would be found from reductions in employee numbers. Where such reductions involved severance/redundancy payments, the costs would be a feature of the Reserves Strategy. The approach to reducing such numbers would in part be determined by the review of operating structures which was being carried out and guided by the working assumptions set out in the Police and Crime Plan 2016-20.

40.11 The PCC would need financial reserves in order to ensure funding

was available to meet future commitments and avoid unplanned reductions in activity as a result of unforeseen or unbudgeted expenditure. The costs associated with legacy issues was not included in the revenue budget previously. There was no nationally recognised measure of the level of reserves but the Audit Commission suggested that most Chief Finance Officers regard an amount of between 3% and 5% of net revenue spending as a prudent level for general reserves.

40.12 The PCCs Reserves Strategy would be finalised as part of the budget process, however, during the current financial year the PCC had changed the planned strategy of using general reserves to contribute to funding the capital progress to preserving reserve levels for potential future legacy costs. This had resulted in planned review contributions to capital for 2015/16 being released back into reserves and the financing of capital spending replaced with borrowing.

40.13 In renewing the Police and Crime Plan 2016-20 Putting Safety First, there would be more emphasis of emerging themes of:-

- Victims of domestic abuse, human trafficking and hate crime
- Seeking to understand the causes of fatal road traffic collisions to enable greater prevention
- Developing an effective counter terrorism capability
- Ensuring an effective response to armed criminality within South Yorkshire
- Building confidence with the public and contributing to community cohesion

40.14 The following working assumptions would underpin all decision making:-

- Remaining committed to neighbourhood policing
- Deploying resources to areas of highest demand based on threat, harm and risk
- Finding ways to understand and address appropriately feelings of safety
- Distinguishing more carefully between demand that requires an appropriate police response and demand that is the primary concern of other partners
- Consulting public and partners about what they expect of South Yorkshire Police
- Encouraging the workforce at all levels to contribute towards improving service delivery
- Maximising partnerships with other forces, local authorities, emergency services and others in the criminal justice system at local, regional and national levels, where it makes for greater effectiveness and efficiency
- Embedding the Code of Ethics for policing in our culture

After the Police and Crime Commissioner had completed his presentation of the budget report, the Members of the Police and Crime Panel asked the following questions:-

- The OPCC had organised two events with partners to look and map who was doing/providing what in particular areas and was there any duplication/overlap, could the resources be pooled and work together better. The message was coming back that everyone was squeezed and struggling with the financial situation but unless all agencies worked together the small resources available may be wasted so it was important all worked together
- The back office functions of HR, Finance, IT, Legal and Finance – were shared with Humberside and had resulted in a number of savings but there was more to be done. Priority based budgeting, a close look at activities to ascertain if any more savings could be made, was being undertaken. This not reflected in the budget as that work had only just commenced but it was hoped that more savings would be found during the financial year. There was already co-operation with other Forces with regard to specialist activities.
- The possible 50-60 jobs would go through natural wastage so the likely gaps were known. However, it was now becoming more difficult to redeploy given the vastly reduced workforce
- The £4.8M funding for Legacy issues was divided into two. Firstly, £2.4M for the potential costs of the National Crime Agency inquiry into CSE and the remaining £2.4M for the Hillsborough costs which were ongoing. What this figure represented was if there were additional costs, and there would be in both areas, the minimum that would certainly have to be found would be £2.4M. If South Yorkshire applied to the Home Secretary for a specialist grant and for it to be favourably looked upon, she had made it clear we would have to stand the first £2.4M of expenses which was roughly 1% of the total budget so as a precaution we need to have £4.8M in there
- The settlement going forward, unlike local authorities who were given some reassurance over the next 4 years the Police did not; the fund was for 1 year only. There was the flexibility relating to the ability of the Commissioner to raise the Council Tax £5 but it was not known if that would be available for the next year. The Commissioner had not been formally asked to sign off the budget for 2016/17 as work was still taking place to find ways of balancing the budget. As part of the budget process work was still underway in terms of the medium term forecast from April 2017 onwards. At the present time it was felt that the forecast would involve a flat line police finance settlement position probably assuming there would continue to be a reduction in Government grant but that those reductions would be offset by Council Tax increases as that appeared to be the assumption underlying the spending review. That would mean that the reductions

in spending would have to be found in future years to offset Government increases and costs increases

- It was not felt that a full collaboration of South Yorkshire and Humberside Police Forces was being moved to. The two Forces were working very closely together as it made sense being neighbours. The collaboration still had a long way to go and more savings to be achieved. However, the footprint for the new Sheffield City Region, was different and had to be considered. The Police operated at national, regional and local levels.
- The Ministry of Justice Grant was funding that was issued annually. The figure for South Yorkshire for next year was £1.6M, a slight increase on 2015/16. There was no indication of the level of funding in future years. It funded Youth Offending Teams
- The number of Specials were rising. They were trained officers and could do everything a Police Officer could do but they were not available when they were at work. The use of volunteers generally was something that the Home Secretary was very keen all Forces look at South Yorkshire was being cautious and clear that they were not using volunteers to do things that should be paid jobs within the police force
- It was not a comprehensive list of emerging themes in the Putting Safety First Plan. Domestic abuse, human trafficking and hate crime had been in the Plan previously but suddenly seemed to have come to the fore. There was a HMI report on domestic abuse which said that South Yorkshire had to improve with regard to domestic abuse. Having a police force able to deal with these issues meant having to have the right calibre of officer and training
- It was becoming a real anxiety for the increased use of the Police Force as the "last resort" particularly with regard to cases involving mental health. There were growing concerns and issues on the Police having to respond when someone was in trouble. Discussions were taking place with the NHS and local authorities with regard to mental health cases as police officers were not trained. It was a growing area of concern across the country
- The staff at Atlas Court were doing a very difficult job with outdated equipment. They had great responsibility when receiving a call, making a judgement and making the right response to that call; it was a skilled operation. They were as much front line as neighbourhood police officers. There was a Capital Programme of approximately £12M. Tenders had been received with the chosen bidder being selected by 1<sup>st</sup> April; there would then be a period of a year for the design of the actual technology which would be state of the art. It was acknowledged that in hindsight more should have been done earlier but last year when there had been real difficulties with 101 it had not

just been the equipment but also some mistakes made about the number of people in Atlas Court which had now been rectified  
**Action:- (1) That the report be received and its contents noted.**

**(2) That the contents of the documents detailing the Police and Crime Commissioner's proposals for "Securing the Future of Neighbourhood Policing" be noted.**

**(3) That the South Yorkshire Police and Crime Panel supports the proposal, now submitted by the South Yorkshire Police and Crime Commissioner, to increase the Council Tax by 1.95% for 2016/17, by £5 for a Band D property (a 3.3% increase) to £153.16, equivalent to an increase of 10p per week.**

#### **F41. INTRODUCTION OF THE OPPORTUNITY FOR GENERAL QUESTIONS FROM PANEL MEMBERS TO THE POLICE AND CRIME COMMISSIONER**

41.1 Stuart Fletcher, Legal Adviser to the Panel, presented a report proposing changes to the Rules of Procedure to introduce the opportunity for members of the Panel to ask general questions of the Commissioner.

41.2 It was proposed that, in relation to Point 9 of the Procedure, in the absence of the Member who had given notice of a question, that the Member be supplied with a written answer.

41.3 Discussion ensued on point 7(2)(b) of Appendix 1 "most not repeat or substantially repeat any question that has been asked and answered at a meeting of the Panel in the six months preceding the date of the meeting". It was established that it would be for the Chair to make a judgement call as to whether the question had been answered previously.  
**Agreed:- That the Panel's Rules of Procedure for meetings be amended to include the procedure in relation to questions from members of the Panel to the Commissioner on general matters, as set out in Appendix 1 including the further revision to Point 9.**

#### **F42. UPDATE ON THE OPERATION THE COMPLAINTS PROCEDURE**

42.1 Stuart Fletcher, Legal Adviser to the Panel, presented a report on the handling of complaints received against the Police and Crime Commissioner.

42.2 The following complaints had been resolved:-

1. A complaint about the timeliness of South Yorkshire Police's response to a robbery.

As this complaint was an operational matter it had been referred to South Yorkshire Police. The complainant had been informed that this had happened.

2. An anonymous complaint had been received that on two occasions the complainants had been unable to speak to someone when using the 101 number to try to contact the Police.

As this was an operational matter it had been referred to South Yorkshire Police. However, as the complaint had been made anonymously it had not been possible to inform the complainant of the action taken.

3. A complaint had been received in respect of the former South Yorkshire Police and Crime Commissioner.

This had been referred to the Independent Police Complaints Commission who would decide as to whether the issue would be investigated further and at that stage a further report would be provided to the Panel.

42.3 Mr. Carter expressed concern that neither himself or Steve Chufungleung had been consulted in the above complaints as per the revised complaints procedure.

42.4 The Legal Adviser advised that the proposed changes had not been implemented as yet. They required specific changes to the complaints procedure which would hopefully be submitted to the next meeting, therefore, the complaints had been dealt with under the existing procedure of the host authority dealing with the initial handling.

42.5 Michelle Buttery, OPCC, reiterated the assurance given at the previous meeting that, when the process did change, the Office would seek to involve the two independent members in the vetting process so they could witness and quality assure the process.

42.6 Disappointment was expressed that the complaints procedure was still under review and not implemented as yet.

**Action: That the report be received and the contents noted.**

#### **F43. DATES OF FUTURE MEETINGS**

**Action:- That meetings be held on 4<sup>th</sup> March, 15<sup>th</sup> April and 27<sup>th</sup> May, 2016, all commencing at 11.00 a.m. in the Rotherham Town Hall.**

**SHEFFIELD CITY REGION COMBINED AUTHORITY**

**THE AMP TECHNOLOGY CENTRE, WAVERLEY, ROTHERHAM, S60 5WG**

**MINUTES OF THE MEETING HELD ON 1 FEBRUARY 2016**

PRESENT:

Councillor John Burrows, Chesterfield BC (in the Chair)

Councillor Graham Baxter MBE, North East Derbyshire DC

Councillor Chris Read, Rotherham MBC

Councillor Julie Dore, Sheffield CC

Councillor Simon Greaves, Bassetlaw DC

Mayor Ros Jones, Doncaster MBC

Councillor Jim Andrews BEM, Barnsley MBC

Councillor John Ritchie, Bolsover District Council

Ruth Adams, SCR Executive Team

David Armiger, Bassetlaw District Council

Fiona Boden, SCR Executive Team

Huw Bowen, Chesterfield BC

Dorcas Bunton, Derbyshire Dales DC

Peter Dale, Doncaster MBC

Steve Edwards, SYPTE

Andrew Gates, SCR Executive Team

Julie Hurley, SCR Executive Team

Sharon Kemp, Rotherham MBC

Julie Kenny CBE, Rotherham MBC

John Mothersole, Sheffield CC

Martin McCarthy, Deputy Monitoring Officer

Kate Platts, SYPTE

Andrew Shirt, Joint Authorities Governance Unit

Ben Still, SCR Executive Team

Daniel Swaine, Bolsover DC / NE Derbyshire DC

Eugene Walker, S.151 Officer

Apologies for absence were received from Councillor S Houghton CBE, Councillor A Syrett, Councillor A Rhodes, Councillor L Rose, A Frosdick, J Miller, N Taylor, D Terris and C Tyler

1 APOLOGIES

Members' apologies were noted as above.

2 ANNOUNCEMENTS

None requested.

3 URGENT ITEMS

None requested.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None noted.

5 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was confirmed that voting rights could not be conferred in respect of agenda item 13 as the requirement to set the South Yorkshire Transport Levy was a matter for South Yorkshire Local Authorities only.

6 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None noted.

7 REPORTS FROM AND QUESTIONS BY MEMBERS

None noted.

8 RECEIPT OF PETITIONS

None received.

9 PUBLIC QUESTIONS

The Chair welcomed members of the public present and agreed to receive questions relating to the 2016/17 budget setting process (referenced at item 13: 'Combined Authority Transport Levy and SYPTTE Budget 2016/17').

All Members of the CA acknowledged that they had received and read the questions submitted.

***Tony Nuttall, Barnsley Retirees Action Group (affiliated to National Pensioners Convention) asked:***

*"What impact does this committee think that the change of rail franchise referred to have on the rail concessions for elderly and disabled pass holders?"*



*“There has been reference to the Rail Administration Grant received from DfT to: ‘secure, monitor, advertise and carry out administrative tasks connected with the provision of railway passenger services’. There has also been reference to “The DfT Rail North Partnership agreeing to provide this grant (approx. £1.2m) to SYPTE for 2016/17.”*

And

*“Does this cover the cost of continuing the rail concessions for elderly and disabled pass holders when Arriva Rail North takes over the franchise? Is it possible to extend that concession for the elderly so that half price travel is available into West Yorkshire again?”*

*“There has been information that the concessionary fare budget is estimated to underspend by 6% or £2million do councillors agree that the half price travel on trains into West Yorkshire or even the previous situation of free train travel for the elderly is quite easily attainable given that the budget for April 2014 said that the cost of free train travel in both South and West Yorkshire for elderly and disabled pass holders would have been just over £300,000 and there is obviously a cost for the present arrangement?”*

The Chair responded:

Dear Mr Nuttall

Thank you for your question in relation to concessionary rail travel and matters relating to the rail administration grant and the change in rail franchise.

### Rail Franchise

As you are aware, the Government has announced that it intends to award the Northern Franchise to Arriva Rail North Ltd and the TransPennine Express Franchise to First TransPennine Express Ltd. The rail concessions that currently exist in South Yorkshire will continue post April, when the franchises commence. These two new franchises will bring with them a circa £1.2 billion boost to rail services in and around the Sheffield City Region.

### Rail Administration Grant

The Rail Administration Grant received from DFT does not fund rail concessions for the elderly and disabled. The provision of this fund will therefore not impact or fund the concessions provided in South Yorkshire during 2016/17.

### Concessionary Rail Travel

The annual funding levy for public transport services in South Yorkshire has reduced by £29m (29%) over the last five years and it is essential that SYPTE's reserves are used in a sustainable way to balance local transport needs with the pressure to reduce overall expenditure. Any underspend to the concessionary budget in this financial year can therefore not be used as suggested to fund either half price or free train travel into West Yorkshire as it would contravene the SCR

Combined Authority/SYPTE's obligation to set a sustainable multi-year budget. This money will be used to support an ongoing reduction in the transport levy.

The changes to the discretionary senior concessions that SYPTE provides were necessary in order to achieve a 10% budget reduction in the 2014/15 budget.

I hope this answers your questions.

**Alan Trickett from South Yorkshire Freedom Riders asked:**

*"As the financial report shows that the total SYPTE budget is likely to be underspent for the year by 3% and the budget for concessions will be underspent by 6% does the committee agree that it is possible to return to the situation that elderly bus pass holders in South Yorkshire could have the previous concession of using their passes from 9am restored"?*

*"This is of great concern to a number of us in different areas where bus travel is restricted because bus services are not very frequent. Some elderly people are not able to access a bus from their area until well into the morning whereas previously they could use a bus that runs between 9 and 9.30am."*

The Chair responded:

Dear Mr Trickett

Thank you for your question regarding elderly concessionary fares.

I can advise that changes to concessionary travel arrangements passed by Sheffield City Region's Transport Committee in 2014 are not able to be reversed. The changes to the discretionary senior concessions that SYPTE provides were necessary in order to achieve a 10% budget reduction in the 2014/15 budget.

The annual funding levy for public transport services in South Yorkshire has reduced by £29m (29%) over the last five years and it is essential that SYPTE's reserves are used in a sustainable way to balance local transport needs with the pressure to reduce overall expenditure.

Any underspend to the concessionary budget in this financial year can, therefore, not be used as suggested as it would contravene the SCR Combined Authority/SYPTE's obligation to set a sustainable multi-year budget. This money will be used to support an ongoing reduction in the transport levy.

I appreciate that the budget paper presented at Transport Committee in January shows an underspend but the process for reimbursing public transport operators for the revenue they forgo by charging concessionary fares is complex and follows principles laid down by Parliament. Variations in these payments depend on the number of journeys made and changes in the fares charged by operators. SYPTE needs to make assumptions about these changes when it sets its budget. It is only when SYPTE has received claims from operators for the whole year that we know for sure how much we need to pay. Following recent improvements in how SYPTE

models its concessionary budget we would not expect to see an underspend in future years.

I hope this answers your question.

**Sharron Milsom, Sheffield Freedom Riders asked:**

*“The changes made to Sheffield buses, including a 10% cut in the bus network, have resulted in chaos in the city and continuing difficulties for passengers, including disabled people and pensioners. A consultation has now been done in Doncaster for changes to bus services. What percentage cut do the Doncaster proposals represent? And what percentage is anticipated for Barnsley and Rotherham?”*

*“The Sheffield consultation has been accepted as being inadequate. What specific improvements have been/are being included in the consultations in other parts of South Yorkshire? In particular, have any improvements been made as regards consulting with disabled people and pensioners?”*

*“The budget for 2016/17 includes a saving of £1,750,000 for ‘Demand Reductions.’ Does this include any provision for expected reductions in demand resulting from the cuts to the network?”*

The Chair responded:

Dear Ms Milsom

Thank you for your question regarding the Bus Partnership Network Consultations.

The Doncaster Bus Partnership consultation closed just before Christmas and the analysis and network design is still ongoing. The launch of Barnsley Bus Partnership is planned for later this year. Recommendations from both these projects will be presented in due course. The Rotherham Bus Partnership was launched in July 2014.

I can advise that there are no plans to formally undertake any future consultation regarding the Sheffield Bus Network, however Sheffield Bus Partnership is working together to make positive service changes to the network and it is encouraging to see that punctuality has improved.

Using feedback from passengers and journey data recorded on-board, we have identified specific problems, altered timetables and introduced extra buses where needed as a direct result. We expect these further timetable adjustments to better co-ordinate more journeys and, together with the changes already made, improve service delivery across the network overall.

With regards to the consultations undertaken, it is worth noting that without the voluntary bus partnership model operators are under no obligation to consult regarding service changes.

As advised at the SCR Transport Committee, the bus partnership model continues to be reviewed and improved through lessons learnt. A number of these lessons have already been implemented in the recent Doncaster Bus Partnership consultation with an increase in the consultation period from four weeks to six.

In relation to improvements to consult with pensioners and disabled people, there is already a lot of targeted work that happens. All groups are sent paper copies and offered assistance with taking part. All materials offer people the opportunity to ring Traveline in order to receive assistance and this offer has been taken up on many occasions. In response to customer feedback following the Sheffield consultation in Doncaster, we increased the paper copies and posters available in local libraries and increased posters and maps on display in the Interchange.

The savings of £1,750,000 for 'Demand Reductions' that you refer to reflects the continuing trend of falling demand for existing concessionary payments. This reduction is reflected in next year's budget.

I hope this answers your questions.

**George Arthur from Barnsley NUT retired members section asked:**

*"Given that there have been great inadequacies with the last consultations that have been carried out about transport arrangements in South Yorkshire, will this Combined Authority undertake to make sure that any future changes to concessions and transport arrangements are organised in a way that allows the largest number of people to know what is being proposed and to consult in a meaningful way? To illustrate past problems: consultations have not been broadcast in Barnsley's main newspaper, the Barnsley Chronicle, until the Freedom Riders issued a press release; consultations at interchanges were initially organised at a time when elderly bus pass holders could not arrive using their passes until the Freedom Riders asked for these times to be extended; large posters were not put up in interchanges advertising the consultation; the last consultation asked people to decide which group deserved priority out of elderly, disabled and young; other questions also tried to force people to decide on cuts rather than really consulting with people; no public meetings were organised to which people could come and discuss properly what was wanted".*

*"Given the large budget underspend by the SYPTE for the second year running will this Combined Authority instruct officials to draw up a new proposal that will allow concessions enjoyed by the elderly up until March 31<sup>st</sup> 2014 to be restored?"*

The Chair responded:

Dear Mr Arthur

Thank you for your question regarding consultations and concessionary travel arrangements.

### Consultation

We do recognise that any consultation has its limitations, but in this case SYPTE believes that the consultation exercise undertaken was appropriate in the circumstances.

This year we did advertise in the Metro and issued several media releases alongside stakeholder engagement, drop in events and posters in interchanges. This attracted a response from 2437 people across South Yorkshire.

### Concessionary Travel

The changes to the discretionary senior concessions that SYPTE provides were necessary in order to achieve a 10% budget reduction in the 2014/15 budget.

The annual funding levy for public transport support services in South Yorkshire has reduced by £29m (29%) over the last five years and it is essential that SYPTE's reserves are used in a sustainable way to balance local transport needs with the pressure to reduce overall expenditure.

I hope this answers your questions.

The Chair invited members of the public to respond to the points raised in the representations.

It was confirmed that full responses would be provided in writing.

The Chair thanked the members of the public for attending and for their representations.

RESOLVED – That Combined Authority Members instruct the PTE Executive Director to respond in writing to the questions posed at the meeting.

## 10 MINUTES OF THE MEETING HELD ON 7TH DECEMBER 2015

R Adams referred to Minute 19 'Social Inclusion and Equalities Advisory Board,' informing Members that confirmation regarding the Board's membership had been requested and was currently awaited.

RESOLVED – That the minutes of the meeting of the Combined Authority held on 7<sup>th</sup> December 2015 were agreed to be an accurate record of the meeting.

## 11 DEVOLUTION - CONSULTATION UPDATE

Members were presented with a summary of the headline findings from feedback received on the Sheffield City Region's proposed Devolution Deal.

A total of 244 consultation responses had been received from residents and businesses within the Sheffield City Region, which had broadly supported the proposed Devolution Deal.

It was noted that a paper would be circulated to Members shortly, setting out further details of all the feedback received.

RESOLVED – That the Combined Authority Members noted the presentation.

## 12 DEVOLUTION UPDATE

A paper was received to provide Members with a summary on the progress made in taking forward the Sheffield City Region's (SCR's) proposed Devolution Deal in December and January.

A summary of key progress on the workstream themes was set out in the paper along with current issues which had been identified regarding consultation and governance.

The paper identified the next steps to take forward the proposed Deal including the indicative timetable for its ratification.

RESOLVED – That the Combined Authority Members note the work undertaken to date and proposed next steps.

## 13 COMBINED AUTHORITY TRANSPORT LEVY AND SYPTE BUDGET

A paper was presented to Members regarding the South Yorkshire districts' requirement to agree a transport levy for 2016/17, with this levy funding the transport activities of the Combined Authority principally through resourcing the grant paid to South Yorkshire Passenger Transport Executive (SYPTE).

To meet statutory requirements, the levy would need to be approved at the 2<sup>nd</sup> February CA leaders' meeting.

It was noted that reflecting resource pressures across local government, the South Yorkshire Local Authorities had asked Combined Authority finance officers and SYPTE to draw up proposals to reduce the levy by 10% on the 2015/16 figure.

The report therefore presented a mixture of policy choices, efficiency savings and special capital financing measures to reach a 10% reduced levy of £60.5m for 2016/17.

Mayor Jones referred to one of the policy change proposals to increase the child concessionary fare from 70p to 80p, asking if further details could be provided regarding the proposal to introduce SMART enabled value for money commercial travel products for young people.

S Edwards reported that SYPTE was currently working with TravelMaster to launch a weekly multi-operator value for money SMART enabled commercial travel product, designed to help minimise the impact of the fare increase on young people and their families. It was highlighted that this product would offer better value for money, rather than purchasing individual single fare tickets for a significant number of children. Additionally, a range of single operator value for money tickets were also readily available.

RESOLVED – That the Combined Authority Members:-

- i) Agreed the proposed Combined Authority Transport levy be set at £60.5m for 2016/17;
- ii) Noted that this levy was supported by £7.4m of reserves, representing 53% of all the savings required to achieve the 10% reduction; and
- iii) Noted that the proposed levy was contingent on the implementation of the policy choices referred to in the paper, including a 10p increase on Child Concessionary Fares.

#### 14 CA/LEP REVENUE BUDGET PROPOSALS

A paper was presented providing CA Members with an overview of the current shape of the CA/LEP revenue budget proposals for 2016/17, without taking account of a potential Devolution Deal. Further budget proposals were being considered separately to enable officers to produce a budget should a Devolution Deal be reached.

Members noted that the budget proposals outlined in the paper would resource each of the Executive Board's Business Plans. Resource pressures associated with delivery of the capital and revenue programmes and the development of the SEP had also been identified, noting that these pressures had been partly off-set by forecast increased income, albeit not completely.

Members were advised that currently, proposals suggested that subscriptions would need to rise by £1.3m to resource activity. £1m of this related to the adoption of the Transport Hub previously paid for through the South Yorkshire transport levy. The transfer reduced the cost of SYPTE to South Yorkshire partners, resulting in a net-nil cost overall for those authorities, apart from the North Midlands partners.

It was noted that CA Finance officers were working with the SCR Executive to identify mitigations that would allow them to proceed to budget without raising subscriptions overall.

A composite revenue budget and capital programme would be presented to Leaders in March, alongside the CA's Business Plans to show how the Financial Plan would support the delivery of the SEP.

RESOLVED – That Combined Authority Members:-

- i) Noted that the budget proposals did not include Devolution funded activity;
- ii) Noted that current proposals would require £1.3m of additional resource, £1m of which related to costs previously funded by the South Yorkshire transport levy;
- iii) Noted that the CA was committed to finding ways to mitigate calls on partners for increased subscriptions; and

- iv) Noted that a more thorough report linked to the Capital Programme and Business Plans would be presented for approval on the 14<sup>th</sup> March.

## 15 QUARTER 3 REVENUE AND CAPITAL PROGRAMME MONITORING

A paper was presented setting out the CA's revenue budgets and capital programmes at the end of Quarter 3 of financial year 2015/16.

At Quarter 3 the CA/LEP budget was forecast to underspend by £303k up by £146k on the previous quarter. It was noted that this was primarily due to delayed recruitment into roles associated with the delivery of revenue programmes. This underspend was against a target underspend of £116k, required to build up a revenue reserve for the CA/LEP.

Members were informed that the South Yorkshire Transport budget remained on course to underspend by circa £400k, principally due to better than anticipated investment income generated.

At Quarter 3 capital expenditure on the CA's directly controlled schemes remained low at £1.4m from a budget of £39m. CA Finance officers remained in dialogue with Government with regards to the forecast capital underspend.

The paper also asked Members to support a recommendation to vire £225k of funding from STEP to SCRIF to support better oversight of the SCC Grey-to-Green scheme previously funded by both funding streams.

Members asked if future budget reports could be simplified to aid Members' understanding. E Walker acknowledged Members' request.

RESOLVED – That Combined Authority Members:-

- i) Noted the forecast underspend of c. £303k on the CA/LEP budget;
- ii) Noted the forecast underspend of c. £400k on the South Yorkshire Transport budget;
- iii) Noted the continued slow pace of expenditure on the capital programme; and
- iv) Approved the virement of £225k from the STEP funding stream to SCRIF.

## 16 FINANCIAL REGULATIONS

A paper was presented proposing changes to the CA's authorisation of expenditure approval matrix to reflect the new SCR Director and Head of Service hierarchies. Expenditure up to a value of £250k would fall to be approved by Heads of Service and/or Directors who lead on each work stream.

Members were made aware that the matrix related to approving payments on the CA's financial system, rather than more fundamental decisions on expenditure taken by Leaders and the proper officers.



It was noted that the proposed move would reduce reliance on the Head of Paid Service and Director of Finance to approve expenditure and better align expenditure decisions to those individuals who hold direct budget responsibility.

RESOLVED – That Combined Authority Members endorse the Director of Finance’s proposed changes to the CA’s Financial Regulations authorisation of expenditure matrix for transactional processing within the financial system.

17 SUMMARY REPORT - BUSINESS GROWTH EXECUTIVE BOARD

The Summary report from the SCR Business Growth Executive Board was received.

The resolutions made by the Board were duly noted and agreed by the CA.

18 SUMMARY REPORT - HOUSING EXECUTIVE BOARD

The Summary report from the SCR Housing Executive Board was received.

The resolutions made by the Board were duly noted and agreed by the CA.

19 PROPOSITION FOR HOUSING FUND UPDATE

A Summary report around the development of a Housing Capital Programme was received from the SCR Housing Executive Board.

The resolutions made by the Board were duly noted and agreed by the CA.

20 SUMMARY REPORT - SKILLS, EMPLOYMENT AND EDUCATION EXECUTIVE BOARD

The Summary report from the SCR Skills, Employment and Education Executive Board was received.

The resolutions made by the Board were duly noted and agreed by the CA.

21 SUMMARY REPORT - TRANSPORT EXECUTIVE BOARD

The Summary report from the SCR Transport Executive Board was received.

The resolutions made by the Board were duly noted and agreed by the CA.

22 RAIL NORTH UPDATE

Members noted that the Department for Transport had announced that Arriva had been awarded the Northern franchise from April 2016 until March 2025. Arriva had announced that it would remove old Pacer trains by the end of 2019 with new carriages.

Members felt that it was important for the Combined Authority to write to Government expressing its concerns that the new carriages were to be built in Europe and not in the UK.

On a separate issue, Members commented that the Combined Authority should also write to Government with an alternative arrangement regarding the Government's plans to close the Department for Business Innovation and Skills office in Sheffield by 2018.

RESOLVED – That Combined Authority Members:-

- i) Noted the verbal update;
- ii) Agreed that the CA writes to Government expressing its concerns regarding new carriages being built in Europe and not in the UK; and
- iii) Agreed that the CA writes to Government offering an alternative arrangement regarding its plans to close the Department for Business Innovation and Skills office in Sheffield by 2018.

## 23 TRANSPORT FOR THE NORTH UPDATE

A paper was received to provide an update to the Combined Authority on the progress of the Transport for the North (TfN) project.

Members noted that amendments to the 'Cities and Local Government Devolution Bill' would establish TfN as a statutory body by March 2017. The Autumn Statement confirmed that TfN would receive £50 million over five years to develop the organisation and build an investment programme.

TfN consists of 9 interdependent workstreams, covering specific modes and areas of activity. The SCR has representation on all of the workstreams, ensuring that the SCR's interests are communicated to inform the development of each workstream output.

The SCR position/ask for each workstream was outlined in the paper for Members' information.

RESOLVED – That Combined Authority Members:-

- i) Noted the progress being made on TfN; and
- ii) Noted the aspiration of the Sheffield City Region for each workstream.

## 24 SUMMARY REPORT - INFRASTRUCTURE EXECUTIVE BOARD

The Summary report from the SCR Infrastructure Executive Board was received.

The resolutions made by the Board were duly noted and agreed by the CA.

CHAIR

# Item 10

## SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

15 FEBRUARY 2016

PRESENT: Councillor J Andrews BEM (Chair)  
Councillor A Atkin (Vice-Chair)  
Councillors: S Ayris, A Buckley, A Cave, P Haith, R Munn,  
C Ransome, S M Richards and J Satur

DCFO J Roberts, B Sandy, P Shillito and M Topham  
(South Yorkshire Fire & Rescue Service)

D Terris, A Frosdick, J Bell, F Foster, M McCarthy, D Cutting,  
L Noble, A Hunt and M McCoole (Barnsley MBC)

Apologies for absence were received from  
Councillor G Furniss, Councillor E Hughes, R Bywater,  
CFO J Courtney, ACFO M Blunden, I Rooth, G Kirk, D Hanson  
and M Wright

### 1 APOLOGIES

Apologies for absence were noted as above.

### 2 ANNOUNCEMENTS

Councillor Richards informed the Authority that Councillor Furniss' husband, Councillor H Harpham had sadly died; his funeral would take place at Sheffield Cathedral on 16 February. Councillor Harpham had been the MP for Brightside and Hillsborough, and he had previously been the Deputy Leader of SCC and one of the few striking miners from Nottingham. Councillor Richards conveyed condolences, on behalf of the Authority, to Councillor Furniss.

Councillor Ayris also expressed his condolences.

### 3 URGENT ITEMS

RESOLVED – That an urgent item entitled 'Disposal of Former Station Site at Mansfield Road, Sheffield' be considered at Item 23 on today's agenda.

### 4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That the following agenda items be considered in the absence of the public and press:-

Item 21 'Payment of Expenses to the Chair of the Local Pension Board'.

Item 22 'Fire Risk Assessment Services Through Safety Solutions'.

Item 23 'Disposal of Former Station Site at Mansfield Road, Sheffield'.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

RESOLVED – That Councillors Andrews and Cave declared an interest at Item 14 on the agenda entitled ‘Service Level Agreement (SLA) with Barnsley MBC: 1 April 2016 – 31 March 2017’, as they were Members of BMBC.

6 REPORTS BY MEMBERS

Councillor Ayris referred Members to a letter he had sent to D Terris, Clerk to the Authority, which indicated his intention to raise the issue of the Wirral Roofing and Cladding contracts that SYFR had entered into. Councillor Ayris commented that Members had had sight of the correspondence circulated; he suggested a discussion on the best approach, to address a number of serious issues which required further exploration.

Councillor Ransome commented that she felt alarmed that the issue had not been addressed over a long period of time; she hoped that the issue would be thoroughly looked into.

D Terris commented that the information at this stage was incomplete, and she suggested that the Internal Audit Team investigate the matter. It was imperative to have the full information available before drawing any conclusions.

Councillor Richards, Chair of the Audit Committee, commented that Rob Winter, Head of Internal Audit, would be requested to present a preliminary report to the next Audit Committee for discussion.

Councillor Munn had attended the opening of the National Emergency Services Museum on 20 January, and together with Councillors Atkin, Andrews and Ransome, he had attended the opening of the new Parkway Fire Station on 29 January.

Councillor Haith had accompanied CFO Courtney on a visit to Doncaster Fire Station, and she thanked White Watch for their full and frank discussions which ranged from fire hydrants to self-rostering.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC

RESOLVED – That Members had received the questions submitted by the public.

9 NOTICE OF MOTION

Members considered the Motion received from Councillor Ayris which gave notice under Standing Order 6 of the South Yorkshire Fire and Rescue Authority’s Procedural Standing Orders, of his intention to move the following Motion at today’s meeting:-

“Considering the magnitude of the ‘unconventional’ payments outlined in the Review by the Internal Auditors of Overtime Payments to Principal Officers, finds the Chair of the Authority culpable in acting beyond his delegated authority in 2009 and again in 2013 by failing to report such action and associated expenditure to the Authority and therefore recommends he consider his position and resign as Chairman of the Fire and Rescue Authority”.

Councillor Haith commented that each Authority Member had received a letter from Councillor Andrews, which informed them of his intention to stand down as Chair of the Fire Authority in May 2016. In view of this, Councillor Haith wished to submit an amendment to the Motion:-

“This Authority recognised the considerable achievements of South Yorkshire Fire and Rescue Authority under the long leadership of the current Chair of the Authority, including the opening of the new state of the art fire stations. It was noted that the Chair had already indicated that he will not be seeking re-election as Chair at the Authority’s annual meeting, so as to allow the Authority to provide an undivided focus on tackling the unprecedented massive financial cuts imposed on the Service by this Government and the previous Conservative / Liberal Democrat Government”.

Councillor Richards gave thanks to Councillor Andrews for his long and diligent service to the Authority, in which he had been very passionate about SYFR.

Councillor Cave commented that she would be very sad to lose such a superb colleague.

Councillor Satur thanked Councillor Andrews for his wonderful service to the Authority, and she added that the amendment to the Motion would provide continuity to the Authority until May to allow BMBC to find a suitable replacement.

Councillor Atkin reiterated the comments made above by Members.

RESOLVED – That:-

- i) Councillors Atkin, Buckley, Cave, Haith, Munn, Richards and Satur voted in favour of the amendment to the Motion, and asked that their votes be recorded.
- ii) Councillors Atkin, Buckley, Cave, Haith, Munn, Richards and Satur voted in favour of the substantive Motion, and asked that their votes be recorded.
- iii) Councillors Ayris and Ransome voted against both the amendment to the Motion and the substantive Motion, and asked that their votes be recorded.

10 MINUTES OF THE AUTHORITY MEETING HELD ON 4 JANUARY 2016

RESOLVED – That the minutes of the Authority meeting held on 4 January 2016 be agreed and signed by the Chair as a correct record.

11 PRESENTATION ON HIGH VOLUME PUMPS (HVP)

The Authority received a presentation on High Volume Pumps (HVP) in relation to the SYFR Flood Relief in December 2015. Members noted the following key points:-

- SYFR had been contacted by the National Coordinating Centre at 5pm on a Saturday afternoon in December 2015, to request resources be deployed in Cumbria to assist with flood efforts; within less than 2 hours SYFR had deployed its resources to assist in the affected communities. A total of 12 personnel had provided assistance in Carlisle and Cockermouth, with 5 vehicles plus a pod for a prime mover.
- On Boxing Day 2015 SYFR had been deployed to Croston, Lancashire where 19 personnel had provided assistance, with 7 vehicles used plus 2 pods for prime movers.
- SYFR's National Resilience Assets were located at Aston Park and Tankersley Fire Stations.

Station Manager Tottie provided Members with an insight into the SYFR Flood Relief work in December 2015.

Councillor Richards queried the lessons learnt and whether they could assist in future relief projects.

AM Shillito commented that SYFR recognised the benefits of training. A regional exercise had been held before Christmas 2015, to test and assess protocols and procedures in the event of such an incident occurring in South Yorkshire. AM Shillito gave credit to the resilience of SYFR personnel, who had engaged with communities at a time of need.

Councillor Atkin commented that the assets deployed were part of the national resilience and queried whether they were paid for nationally rather than SYFR, and also whether any additional equipment could have been used to provide additional assistance.

DCFO Roberts commented that the high volume pumps and incident response units formed part of the suite of national assets. Initially the vehicles had been paid for on the back of New Dimensions in early 2000. However, the Government had now paid for the assets and had handed them over to fire and rescue services. Constant reviews were undertaken on what national assets were required at any one time.

Councillor Buckley requested that a letter of recognition be sent on behalf of the Authority to the crews who had attended the incidents, to thank them for their hard work and efforts, and for continuing to uphold the reputation of SYFR.

RESOLVED – That the Authority noted the presentation.

12 PRESENTATION ON STOCKSBRIDGE EMERGENCY FIRST RESPONDER

The Authority received a presentation on the Stocksbridge Emergency First Responder (EFR). The following key points were noted:-

- The scheme formed part of a national trial across the country, which was being trialled with SYFR retained personnel. Greater Manchester and London Fire and Rescue Services were also trialling the scheme with wholetime fire crews attending medical emergencies.
- The voluntary scheme provided support to the ambulance services by professional organisations, as part of the paid duties of their staff, and it also complemented the gaps in the Community First Responder Scheme.
- Yorkshire Ambulance Service (YAS) provided 2 day specific training which was assessed every 6 months, level 2 in safeguarding, YAS governance training, 4 CPD sessions per year and the option to ride with YAS once per year.
- EFR was now live at Stocksbridge, Rossington and Dearne Fire Stations, with 22 staff trained as EFR and a total of 17 staff actually responding (with others awaiting DBS checks).
- There had been a total of 125 calls received from 1 November 2015 to 1 February 2016.

Firefighter Richardson and Station Manager Tottie described a typical working day as an EFR. Members noted that simple basic intervention was key in saving lives; a large proportion of retained duty stations wanted to become involved in EFR.

Councillor Richards queried the age of paediatric patients treated by EFR. She also queried whether the dual purpose hybrid ambulance fire vehicle that was currently being developed in West Yorkshire could prove useful in the joint work with SYFR and YAS.

AM Shillito commented that paediatric patients 8 years and under required specialist interventions.

DCFO Roberts commented that the dual purpose hybrid ambulance fire vehicle had been on trial in the South West of the country. Lincolnshire Fire Service now operated 3 ambulances, which provided for a quicker turnaround time; there was the potential to expand the vehicles into the workforce. Members noted a great deal of work was required with the FBU nationally, on the 5 work streams which included EFR.

AM Shillito commented the EFR was a new work stream and new initiative for South Yorkshire. A working group had been established which took soundings from practitioners, representative bodies and YAS etc. to provide for a consistent operating model.

Councillor Richards commented that she had requested the presentations received today at the last Audit Committee Meeting. Given that Members had found the presentations to be very useful, and extremely positive, she requested that similar presentations be brought to the Authority in the future.

RESOLVED – That the Authority noted the presentation.

13 BUDGET, PRECEPT AND COUNCIL TAX 2016/17

A report of the Clerk, Treasurer and Chief Fire Officer and Chief Executive was submitted to inform the Authority that it must set its Precept and Council Tax for 2016/17 by 28 February 2016. The first draft of the 2016/17 Revenue Budget and Capital Programme had been considered by Members at the 4 January 2016 Authority meeting, and had since been revised and presented at Appendix A to the report.

The Council Tax options were presented and the Authority considered the impact.

Councillor Satur made a suggestion for an additional £2m of reserves to be set aside for another round of the Stronger Safer Communities Reserve (SSCR).

F Foster commented that the funding for SSCR would be utilised from earmarked reserves, and that a further report would be presented to the Authority on how the funding could be used.

RESOLVED – That Members:-

- i) Approved the Authority's 2016/17 Revenue Budget at Appendix A.
- ii) Approved the 2016/17 Capital Programme as set out in Appendix B.
- iii) Approved the Treasury Management and Investment Strategy at Appendix C including:-
  - a. Affordable Borrowing Limits and Prudential Indicators.
  - b. The Minimum Revenue Provision Statement.
- iv) Approved a Council Tax increase of 1.97% for 2016/17.
- v) Approved the earmarking of £9.82m of Reserves as set out in paragraph 60.
- vi) Noted that a further report be brought around options for the Medium Term Financial Position.
- vii) Agreed that an extra £2,000,000 from earmarked reserves be used for SSCR.
- viii) Councillors Andrews, Atkin, Buckley, Cave, Haith, Munn, Richards and Satur voted in favour of the above resolutions iv) and vii), and asked that their votes be recorded.
- ix) Councillors Ransome and Ayris voted against resolutions iv) and vii), and asked that their votes be recorded.
- x) Noted that a further report be brought in relation to how SSCR funding could be used.



14 SERVICE LEVEL AGREEMENT (SLA) WITH BARNESLEY MBC: 1ST APRIL 2016 - 31ST MARCH 2017

A report of the Clerk to the Fire and Rescue Authority was submitted to provide Members with an updated Service Level Agreement (SLA) for consideration, and sought the Authority's approval to implement the revised SLA with effect from 1 April 2016.

Member feedback had indicated that Members wished to retain the level of service previously received going forward into 2016/17.

Members noted the facilitation of the Authority's £2m Stronger Safer Communities Reserve was undertaken by the SY Joint Authorities Governance Unit.

Councillor Ayris expressed his strong concerns in relation to the Policy Management section of the report, as he considered that information and advice had not been received in a timely manner in order to allow Members to make informed decisions in the fulfilment of their statutory role.

A Frosdick commented that he understood that positive feedback had been received at the Corporate Planning Workshop held in January on the service provided to the Authority; he would deal with any specific issues that Members wished to raise in respect of the wider services provided by Barnsley MBC.

D Terris added that the Authority was happy to receive any comments or constructive criticism in order to continually make improvements.

RESOLVED – That Members:-

- i) Considered the revised SLA.
- ii) Agreed its implementation with effect from 1 April 2016.
- iii) Reviewed the SLA on an annual basis.

15 REVISION TO THE TERMS OF REFERENCE FOR JOINT LIAISON FORUM (JLF)

A report of the Clerk to the Fire and Rescue Authority was submitted to provide Members with draft revised Terms of Reference for the Joint Liaison Forum (JLF) and provided clarity on the consultation and negotiation arrangements within the Service.

Councillor Richards requested that Section 5 of the report be amended, to provide clarity that the agreement reached for the JLF to meet more frequently would assist in maximising Member attendance and strengthen JLF as a vehicle for employee representative bodies to raise issues of concern with the Authority.

RESOLVED – That Members approved the revised Terms of Reference for the Joint Liaison Forum (JLF) with immediate effect.

16 PAY POLICY STATEMENT

A report of the Clerk to the Fire and Rescue Authority was presented to provide the revised Pay Policy Statement for the Authority for 2016/17 for consideration of the full Authority, as required under the Localism Act 2011.

J Bell commented that whilst the redundancy, retirement and re-employment information was currently up to date, legislation was going through to prevent the re-engagement of individuals who had been in receipt of a pension for a period of 12 months. An amended report would be submitted to the Authority once the legislation had been passed.

RESOLVED – That Members approved the attached Pay Policy Statement.

17 REVISED RISK MANAGEMENT POLICY AND STRATEGY

A report of the Clerk to the Fire and Rescue Authority was submitted to present the revised Risk Management Policy and Strategy. The revised document provided synergy by covering the risk management arrangements for both the Fire and Rescue Service and the Fire and Rescue Authority, and had already been endorsed and approved by the Audit Committee.

It was noted that the Audit Committee Members had positively received the risk management training provided on 3 November 2015.

RESOLVED – That Members accepted the revised Risk Management Policy and Strategy.

18 DECEMBER 2015 PROJECTED OUTTURN REPORT

A report of the Chief Fire Officer and Chief Executive and Clerk and Treasurer was presented to inform Members of the projected revenue and capital spend for the 2015/16 financial year based on actual and committed expenditure to December 2015 and a projection of spend in the remaining quarter of the year.

Members noted that a projected underspend of £580,000 had been reported to the November 2015 Authority meeting. The underspend was now projected to rise to £713,000, which was an increase of £133,000.

RESOLVED – That Members noted the contents of the report.

19 BUILDING IMPROVEMENTS

A report of the Chief Fire Officer and Chief Executive was presented to set out the proposed construction works to fire stations at Aston Park, Edlington, Lowedges and Tankersley, which would create permanent accommodation following the decision to introduce close proximity crewing (CPC) operations.

Members noted that the schemes would be delivered in two phases, with Aston Park and Lowedges in the first phase and Edlington and Tankersley in the second phase; the budget for the programme was £1,635,000.

Councillor Buckley queried whether CPC staff had been consulted.

DCFO Roberts commented that a positive response had been received from staff at the Phase 1 CPC station.

RESOLVED – That Members:-

- i) Noted the contents of the report.
- ii) Approved the proposals for the construction works at Aston Park and Lowedges.

20 PARKWAY AND BIRLEY UPDATE

B Sandy informed Members that Parkway Fire Station was now open and fully functional; the land on the outer side of the fence and the pathway remained areas to be resolved between Sheffield City Council and Bam, the contracted builder.

Members noted a number of ‘snagging’ issues at Birley Fire Station, and discussions were underway to rectify the problems with RLB, the construction and property consultants. Funding was currently being withheld for both fire stations, until the issues had been resolved.

RESOLVED – That Members noted the update.

21 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

22 PAYMENT OF EXPENSES TO THE CHAIR OF THE LOCAL PENSION BOARD

A report of the Clerk to the Fire and Rescue Authority was submitted to request Members give consideration to the payment of an annual allowance to the Chair of the Fire and Rescue Authority’s Local Pension Board, with effect from the inaugural meeting which was held on 13 July 2015.

Members noted that the Scheme of Allowances would next be reviewed in 2017.

RESOLVED – That Members:-

- i) Agreed that the annual allowance be paid to the Chair of the Local Pension Board (in line with payments to FRA co-opted Members) as stated within the report.
- ii) Agreed to backdate the allowance to 13 July 2015.

23 FIRE RISK ASSESSMENT SERVICES THROUGH SAFETY SOLUTIONS

A report of the Business Development Manager SYFRS Safety Solutions was presented in response to increasing market demand, and in line with a number of Fire Service commercial operations offering similar services. Safety Solutions was looking to incorporate Fire Risk Assessments as part of its portfolio of products and services.

RESOLVED – That Members gave consent, in principle, to the provision of Fire Risk Assessment Services via the Trading Arm, Safety Solutions UK Ltd.

24 URGENT ITEM - DISPOSAL OF FORMER STATION SITE AT MANSFIELD ROAD, SHEFFIELD

A report of the Chief Fire Officer and Chief Executive was submitted which summarised the offers received for the former fire station site at Mansfield Road, Sheffield.

RESOLVED – That Members:-

- i) Confirmed the acceptance of 'Offer B' for the Mansfield Road fire station site.
- ii) Authorised the Head of Asset Management to conclude negotiations and complete the disposal.

CHAIR

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 26 January 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, Franklin, Gollick, Grundy, Hampson, Hayward, Leech, Makinson, Mathers (Mayor), Mitchell, Morgan, Noble, Richardson, Riggs, Spence, Stowe, Unsworth and R. Wraith

### In attendance at site visit

Councillors D. Birkinshaw, G. Carr, Cherryholme, Franklin, Hayward, Spence, Stowe and R. Wraith

### 1. Declarations of Interest

Councillor Stowe declared a non-pecuniary interest in **Planning Application 2013/0233** - Extraction of coal ash and subsequent restoration of the land - Hill Street, Elsecar, Barnsley, South Yorkshire, S74 8EN as he is a local ward member.

Councillor Hayward declared a non-pecuniary interest in **Planning Application 2015/1070** - Residential development of 278 dwellings with public open space and landscaping - Land off Summerdale Drive and Carrs Lane, Cudworth, Barnsley as he is a local ward member.

### 2. Minutes

The minutes of the meeting held on 22<sup>nd</sup> December 2015 were taken as read and signed by the Chair as a correct record.

### 3. Town and Country Planning Act 1990 - Part III Applications - Speakers/Site Visits

**Planning Application 2013/0233** Extraction of coal ash and subsequent restoration of the land - Hill Street, Elsecar, Barnsley, South Yorkshire, S74 8EN

Miss June M. Backhouse addressed the Board and spoke against the officer recommendation to approve the application.

Ms Linda Trollop addressed the Board and spoke in favour of the officer recommendation to approve the application.

**RESOLVED** that the application be granted, in accordance with officer recommendation and subject to additional conditions regarding site security details and operating hours to be reduced to no weekend working.

**Planning Application 2015/1070** Residential development of 278 dwellings with public open space and landscaping - Land off Summerdale Drive and Carrs Lane, Cudworth, Barnsley

Mr D. Horner addressed the Board and spoke against the officer recommendation to approve the application.

Mr Paul Butler addressed the Board and spoke in favour of the officer recommendation to approve the application.

**RESOLVED** that the application be granted in accordance with the officer recommendation, subject to completion of S106 Agreement (Education, Public Open Space, Affordable Housing and a Travel Plan) and an additional requirement in condition 7 relating to safer routes to school signage.

In respect of affordable housing, the recommendation is to also authorise officers to instruct the District Valuation Office to undertake an independent viability appraisal of the scheme in order to ascertain the level of the affordable housing commuted sum. Once known, a further report will be presented to members relating to the level of the affordable housing contribution. Should the applicant also submit additional details to satisfy the recommended conditions prior to the further report being considered by members, this report would also summarise any minor changes arising as a result (e.g. updated wording of planning conditions/minor changes to internal layout).

#### **4. Town and Country Planning Act 1990 - Part III Applications**

**Planning Application 2015/1277** Erection of 32 no. dwellings and access road (Outline)- Former Longcar Conference Centre, Longcar Lane, Barnsley, S70 6BB

**RESOLVED** that the application be approved as per recommendation. Members were keen to ensure that four bedroomed houses are provided on site on an Affordable Basis.

**Planning Application 2015/1460** Variation of condition 2 of app 2014/0570 (Increase height of building by two floors and rearrange internal layout to provide 27 additional apartments and residents gym and associated external alterations) to allow removal of balconies from all apartments - Land at Heelis Street, John Street, Burleigh Street, Barnsley, S70 1LW

**RESOLVED** that the application be approved as per recommendation, subject to completion of a section 106 agreement.

It was noted that 1 appeal was decided in December 2015: Use of natural pond for public fishing and erection of single storey café/shop building with car park at Willow Farm, Everill Gate Lane, Broomhill, Barnsley. The appeal was dismissed. Since 1<sup>st</sup> April 2015, 15 appeals have been decided, 13 of which (87%) have been dismissed and 2 of which (13%) have been allowed.

-----  
Chair

This page is intentionally left blank



<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 23 February 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, Franklin, Gollick, Grundy, Hampson, Hayward, Higginbottom, Leech, Mitchell, Morgan, Noble, Richardson, Riggs, Spence, Stowe, Unsworth and R. Wraith

### In attendance at site visit

Councillors D. Birkinshaw, G. Carr, Grundy, Hayward, Mitchell, Morgan and R. Wraith

### 44. Declarations of Interest

Councillor Stowe declared a non-pecuniary interest in **Planning Application 2015/1302** – Residential development of 43 dwellings with associated works at former Highfield Grange Care Home, Blythe Street, Wombwell, Barnsley, S73 8LH as he is a local resident.

Councillor Hayward declared a non-pecuniary interest in Item 5 – Trustees of Boulder Bridge Lane Trust application for a certificate of appropriate alternative development pursuant to the Land Compensation Act 1961 as he is a member of the Boulder Bridge Community Group.

### 45. Minutes

The minutes of the meeting held on 26<sup>th</sup> January 2016 were taken as read and signed by the Chair as a correct record.

### 46. Town and Country Planning Act 1990 - Part III Applications

**Planning Application 2015/0891** Residential development with associated public open space, landscaping and link road. (2013/0280 - Reserved Matters) at land to the south east of Dearne Hall Road & 1 and 3 Claycliffe Road, Barnsley

Mr Mark Jones addressed the Board and spoke in favour of the officer recommendation to approve the application.

Mr John Hutchinson addressed the Board and spoke against the officer recommendation to approve the application.

**RESOLVED** that the application be granted in accordance with the officer recommendation, subject to additional conditions relating to imposition of highways warning signs along spine road, boundary treatment around pond as well as an informative note about the need for a S106 Agreement relating to Affordable Housing provision.

**Planning Application 2015/1302** Residential development of 43 dwellings with associated works at former Highfield Grange Care Home, Blythe Street, Wombwell, Barnsley, S73 8LH.

Mr Steve Gamble addressed the Board and spoke in favour of the officer recommendation to approve the application.

**RESOLVED** that the application be granted in accordance with the officer recommendation and subject to signing of a S106 Agreement for Affordable Housing and Public Open Space provision. In addition, information is to be added to highlight to the developer that there have been concerns over the capacity of drainage systems in the area and for them to ensure, in connection with Condition 9, that drainage is satisfactorily provided for, and all necessary permissions are obtained to provide a suitable method of foul and surface water drainage.

**Planning Application 2015/1163** Erection of 7 bungalows at land adjacent to 30 Rotherham Road, Great Houghton, Barnsley, S72 0DE.

**RESOLVED** that the application be deferred for a site visit.

It was noted that 5 appeals were received in January 2016. None were withdrawn or decided. Since 1<sup>st</sup> April 2015, 15 appeals have been decided, 13 of which (87%) have been dismissed and 2 of which (13%) have been allowed.

#### **47. Boulder Bridge Report**

The Head of Planning and Building Control presented a report regarding the reassessment of the Certificate of Appropriate Alternative Development issued on 27<sup>th</sup> October 2015 relating to land at Carlton Marsh, Carlton, on the basis of the circumstances that prevailed on 10<sup>th</sup> December 1985 and if necessary issue an addendum to that Certificate.

**RESOLVED** that the Board considers that no use, other than the extraction of fuel deposits, would be considered to be appropriate alternative development as at 10 December 1985 and that authority be given to the Head of Planning and Building Control to issue an addendum to the S17 Certificate previously issued to that effect, subject to conditions which include limiting the period by when the land must be restored.

#### **48. Oughtibridge Mills**

The Head of Planning and Building Control presented a report seeking the approval of Planning & Regulatory Board pursuant to Section 101(1)(b) of the Local Government Act 1972 to delegate its decision-making functions as local planning authority to Sheffield City Council in respect of the determination of a forthcoming outline planning application and planning related activities, including negotiation of the terms of the S106 agreement (including any subsequent deeds of variation) and monitoring and enforcement thereof as well as any subsequent application for the approval of the reserved matters, S73 applications, non-material amendments and applications for the discharge of planning conditions for residential development at the Former Oughtibridge Paper Mill site in Sheffield (postal address).

**RESOLVED** that, subject to the Council retaining the ability to submit consultation responses, Planning Regulatory Board authorises the delegation to Sheffield City Council pursuant to Section 101(1)(b) of the Local Government Act 1972 of the Council's decision making functions as local planning authority for a forthcoming outline planning application and planning related activities relating to land edged red on the attached plan, including negotiation of the terms of the S106 agreement (including any subsequent deeds of variation) and subsequent monitoring and enforcement thereof as well as any subsequent application for the approval of the reserved matters, S73 applications, non-material amendments and applications for the discharge of planning conditions.

**49. Planning Enforcement Policy (Cab.13.1.2016/13)**

The Head of Planning and Building Control presented a report seeking the Board's approval to adopt a Planning Compliance Policy.

**RECOMMENDED TO COUNCIL** that the Planning Compliance Policy be approved.

-----  
Chair

This page is intentionally left blank

# Item 13



<b>MEETING:</b>	General Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 24 February 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

### Present

Councillors C. Wraith MBE (Chair), Clarke, Frost, D. Green, Hampson, Johnson, Lamb, Millner, Richardson, Shepherd, Tattersall, Wilson and Worton

### 17 Declaration of Interests

There were no declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

### 18 Minutes

The minutes of the meeting held on the 23<sup>rd</sup> December, 2016 were taken as read and signed by the Chair as a correct record.

Arising out of the discussion of the minutes reference was made to Minute 16 'Taxi Stay Safe Operation' and in response to questioning, the Service Director Culture, Housing and Regulation informed Members that this operation would continue year round subject to the resources being available to deliver the programme.

### 19 Terms of Reference of General and Statutory Licensing Regulatory Boards - Update

The Service Director Culture, Housing and Regulation and Director of Legal and Governance submitted a joint report recommending the Council to approve amendments to the Terms of Reference of the General and Statutory Licensing Regulatory Boards following an Internal Audit Report into Taxi and Premises Licensing.

The review of the Terms of Reference had been initiated following an Internal Audit of the Licensing Service as part of a wider review of the Service following the corporate inspection of Rotherham Metropolitan Borough Council and the publication of the Casey Report into Child Sexual Exploitation on 4<sup>th</sup> February, 2015.

The Internal Audit had identified a control adequacy issue relating to the Terms of Reference as they did not include reference to the role of Members with regard to safeguarding and consequently, it was felt that Members may not be fully aware of their safeguarding responsibilities. Internal Audit had recommended that a review of the Terms of Reference should be undertaken to ensure that these roles and responsibilities was explicit.

A review had, therefore, been undertaken within the context of the findings of the Internal Audit Review, the Casey Report and the Safeguarding Framework. The opportunity had also been taken to amend the Terms of Reference of both the

General and Statutory Licensing Regulatory Boards and to make minor drafting amendments to ensure they remained fit for purpose.

In the ensuing discussion, the following matters were raised:

- It was acknowledged that the Terms of Reference were about functions and powers and not about how those functions were applied.
- It was also noted that one of the issues arising from the Internal Audit review related to the absence of an effective programme of safeguarding training in order to ensure that service users, Members and Officers could recognise the signs of Child Sexual Exploitation and be aware of how to report the concerns. These matters had also been identified within the Safeguarding Framework report submitted to Council on the 26<sup>th</sup> November, 2015 and all had been addressed or were in the process of being addressed.
- Specific reference was made to the checks and balances in place to deal with foreign nationals who were not in a position to be able to produce a certificate of good repute from their country of origin. It was noted that if there were any doubts about the character of an applicant, that application would not be granted.
- Arising out of the above, the Senior Licensing Officer reported that the Immigration Service had undertaken an inspection of the Service last week. Whilst the final report was still awaited, it was understood that the Inspectors had been impressed with the lengths that the Service went to ensure that prior to the grant of licences, all applicants and drivers were granted leave to work in the UK and were (and remained) fit and proper persons to hold such licences. A further more detailed report on the outcome of this inspection would be submitted to the next meeting of the Board
- It was felt that, as far as was reasonably practicable, appropriate and robust processes and procedures were in place to ensure that issues of Safeguarding and CSE were picked up
- Reference was made to paragraph 1(c) of the Terms of Reference and in response the Principal Licensing Officer stated that a report on all licences issued, renewed or refused would be submitted to a future meeting.

**RECOMMENDED TO COUNCIL** that the Terms of Reference of the General and Statutory Licensing Regulatory Boards be amended as detailed within Appendix 1 to the report now submitted.

## **20 Update of Practices/Policies in response to the Casey Report into Child Sexual Exploitation in Rotherham and the Internal Audit Taxi and Premises Licensing Review**

The Service Director Culture, Housing and Regulation submitted a report updating the Board on the current position with regard to the review of policy and procedures within the Licensing Service following the publication of the Alexis Jay and Louise Casey report into Child Sexual Exploitation in Rotherham and the findings from a recent Internal Audit Review of taxi and premises licensing.

The report, in outlining the current position indicated that

- there had been a formalisation of the liaison arrangements with the South Yorkshire Police and Safeguarding Children's Services which was very much welcomed as these arrangements had now been strengthened with action meetings organised to discuss issues relating to safeguarding.
- a review of Licensing Conditions had been undertaken and it was proposed (minutes 21 refers) to introduce a mandatory requirement that drivers undertake safeguarding training
- the Guideline Policy on Criminal Convictions was being reviewed to ensure that this supported the strengthening stance taken in dealing with cases and particularly in relation to safeguarding

Other key actions (which included, where appropriate, reference to the recommendations of the Casey Report and Internal Audit Action Plans) included:

- the submission of regular 'Casey report' updates to meetings of the Board
- the establishment of secure email accounts for the exchange of sensitive information relating to Child Sexual Exploitation
- Quarterly 'provider' meetings between Licensing, Safeguarding Children's Services, the Police and other Partners. It was noted that the first meeting had been held on the 1<sup>st</sup> February, 2016 and had been really successful
- The formulation of an information sharing protocol between the Council and the Police to ensure the timely exchange of sensitive data
- A programme of Elected Member Training – it was noted that the first Safeguarding Training was to be provided by Sheffield Futures at 1.30 am on Thursday 25<sup>th</sup> February, 2016
- A programme of Safeguarding Training for all new driver applications was to be delivered. It was also noted that this programme would be rolled out to existing drivers in due course.
- The introduction of a checklist for the approval/authorisation of all taxi licence applications from December, 2015
- The continual liaison with the Police with regard to the planning of proactive enforcement operations
- The development of procedures in relation to the undertaking of taxi and premises licence inspections from November, 2015.

It was also reported that an encompassing Taxi Licensing Policy incorporating full revised application criteria and convictions policy was to be produced and this would be available from September, 2016. In addition, the Service Director was to attend the monthly CSE meetings.

In the ensuing discussion, reference was made to the following:

- Historic cases where driver licences had been revoked or refused because of safeguarding concerns. The way in which such matters were dealt with was outlined. It was noted that when licences were revoked, drivers could always make appeals to either the Board or to the Magistrates court. In addition, a driver/applicant had the right to challenge the Regulatory Board Panel decision within the Courts subject to the appeal being lodged within the prescribed 21 day period
- In response to detailed questioning, the Board was informed of the process undertaken with regard to immediate revocations

- Questions were raised as to any legal remedy available to drivers whose licences were revoked following the receipt of complaints which subsequently turned out to be vexatious. The Director of Legal and Governance stated that the Authority should be safe from any subsequent action provided decisions were made in good faith and with a reasonable expectation that the information provided was correct
- The Service Director briefly commented upon a 'Facebook' taxi operation undertaken recently. A detailed report would be submitted to the next meeting
- Taxi drivers were more amenable to the installation of CCTV cameras within their vehicles as this not only provided protection for the driver but for the passenger as well. This matter had been discussed within the Trade Liaison Group and such initiatives were very much welcomed by Members of the Board. Whilst this could be made a mandatory condition, the costs of purchase and installation would have to be borne by the driver
- In response to specific concerns the Senior Licensing Officer stated that any Member with concerns about driver standards should report that driver to the Licensing Service. All complaints would be investigated and appropriate action taken. In relation to speeding, for example, if a driver received three written warnings within a 12 month period, they would be required to attend a meeting of the General Licensing Regulatory Board Panel to explain their behaviour.

**RESOLVED** that the update report be received and the action being taken be endorsed.

## **21 Revision of Dual Driver Licence Conditions**

The Service Director Culture, Housing and Regulation submitted a report proposing a revision to the existing dual driver licence conditions in response to a recent Internal Review of Taxi and premises licensing.

The Service had a number of robust policies and procedures to ensure that those licenced to drive vehicles were, and remained, 'fit and proper' persons to hold such a licence. This ensured the continuing safety of the passengers and members of the public. The Review, however, highlighted the absence of a programme of safeguarding training in order to ensure that licence holders, Members and Officers could recognise the signs of child sexual exploitation and be aware of how to report concerns.

In order to address these concerns, an effective programme of training had been established and was currently being delivered by Sheffield Futures, an independent charitable organisation forming part of a national working group that delivered CSE/Safeguarding training to drivers licenced with both Sheffield and Doncaster Councils. The programme was well underway with the delivery of presentations to all new driver applicants and would be rolled out to all existing drivers from April with a priority being given to those who undertook Home to School contracts or who came into regular contact with the young or vulnerable adults on a regular basis.

It was proposed, therefore, that safeguarding training be introduced and made a mandatory requirement of licence conditions.

In the ensuing discussion reference was made to the following:



- The action which could be taken if drivers refused to undertake safeguarding training. It was noted, however, that the Trade had welcomed the introduction of such training
- There was a discussion of the ways in which refresher training could be provided in the future. This matter would be investigated further
- In response to specific questioning, it was reported that the Interim Director Adult Social Care and Health was responsible for, and was ensuring appropriate training for those involved with Community Transport/Dial-a-Ride etc.
- It was noted that training would be provided for or be made available for drivers, escorts and chaperones of any transport service provided by or commissioned by the Council

**RESOLVED:-**

- (i) That the report be noted; and
- (ii) That Driver Licence Conditions be amended to include a mandatory requirement that all drivers undertake safeguarding training.

-----  
Chair

This page is intentionally left blank

# Item 14



<b>MEETING:</b>	Statutory Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 24 February 2016
<b>TIME:</b>	3.00 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors C. Wraith MBE (Chair), Frost, Johnson, Shepherd, Tattersall, Wilson and Worton

### 3 Declaration of Interests

There were no declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

### 4 Minutes

The minutes of the meeting held on the 28<sup>th</sup> October, 2015 were taken as read and sung by the Chair as a correct record.

### 5 Terms of Reference of General and Statutory Licensing Regulatory Boards - Update

The Service Director Culture, Housing and Regulation and Director of Legal and Governance submitted a joint report recommending the Council to approve amendments to the Terms of Reference of the General and Statutory Licensing Regulatory Boards following an Internal Audit Report into Taxi and Premises Licensing.

The review of the Terms of Reference had been initiated following an Internal Audit of the Licensing Service as part of a wider review of the Service following the corporate inspection of Rotherham Metropolitan Borough Council and the publication of the Casey Report into Child Sexual Exploitation on 4<sup>th</sup> February, 2015.

The Internal Audit had identified a control adequacy issue relating to the Terms of Reference as they did not include reference to the role of Members with regard to safeguarding and consequently, it was felt that Members may not be fully aware of their safeguarding responsibilities. Internal Audit had recommended that a review of the Terms of Reference should be undertaken to ensure that these roles and responsibilities was explicit.

A review had, therefore, been undertaken within the context of the findings of the Internal Audit Review, the Casey Report and the Safeguarding Framework. The opportunity had also been taken to amend the Terms of Reference of both the General and Statutory Licensing Regulatory Boards and to make minor drafting amendments to ensure they remained fit for purpose.

**RECOMMENDED TO COUNCIL** that the Terms of Reference of the General and Statutory Licensing Regulatory Bards be amended as detailed within Appendix 1 to the report now submitted.

-----  
Chair

This page is intentionally left blank

# Item 16

## NOTES OF GENERAL LICENSING REGULATORY BOARD PANELS

9<sup>th</sup> February, 2016

1. **Present:** Councillors C Wraith MBE (Chair), J Carr and Richardson  
Members of the Public and Press were excluded from the meeting.

2. **Declarations of Pecuniary and Non-Pecuniary Interest**

There were no declarations of pecuniary or non-pecuniary interest.

3. **Driver Licences**

The Panel considered reports requesting Members to consider the following:

- (a) The determination of the Hackney Carriage and Private Hire Driver's Licence held by Ms D B

The driver was in attendance and gave evidence in support of her case.

After considering all the evidence presented together with the representations made the Panel determined that Ms D B had presented no extenuating circumstances to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and her licence was revoked on the following grounds:

- The accumulation of three Written Warnings for the contravention of Licensing Conditions within a 2 month period (the Council's Guideline Policy for Criminal Convictions states that three or more Written Warnings within a 12 month period will require a driver to be referred to a Licensing Regulatory Board)
- The issuing of Fixed Penalty Notice which has remained unpaid despite being given ample opportunity to do so
- The issuing of a Verbal Advisory Notice in relation to the condition of the vehicle windscreen
- The admission to the offences and breaches of Licensing Conditions for which she had been given Written Warnings for
  - Smoking a cigarette in a licensed vehicle
  - Falsifying the daily check sheet
  - Failing to inform the Licensing Service in writing of a change of address
- The presentation by the Licensing Service of sufficient evidence to show she was not considered to be a fit and proper person to hold such a licence

The decision of the Panel was unanimous.

- (b) The determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr C J W

The applicant was in attendance and made representations in support of his case. He was accompanied by Mr T W.

After considering all the evidence presented together with the representations made the Panel determined that in view of the extenuating circumstances presented there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions. However, in view of the severity of the offence and the need to ensure the protection of the public:

- The driver was issued with a Final Written Warning which will be kept on file as to his future conduct; and
- The Hackney Carriage and Private Hire Driver's Licence was suspended for a period of three months (to be reinstated on Thursday 12<sup>th</sup> May, 2016)

The decision of the Panel was unanimous

- (c) The determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr R T which was currently suspended following his conviction at Magistrates Court for exceeding the statutory speed limit on a public road and the subsequent disqualification from driving for a period of 28 days.

The applicant was in attendance and was supported by Mr M who made representations in support of his case.

After considering all the evidence presented together with the representations made the Panel determined that the licence remain suspended until Monday 7<sup>th</sup> March, 2016 on the following grounds:

- There were no extenuating circumstances presented to warrant a deviation from the Council's Guideline Policy for Criminal Convictions which states that where a driver has been disqualified from driving, the period since the restoration of their licence is at least twice the period of disqualification
- The admission of the speeding offence of driving a motorcycle at 91mph in a 60mph area
- Comments made during the submission of his evidence

The decision of the Panel was unanimous

**APPEALS, AWARDS AND STANDARDS REGULATORY BOARD**

- (a) **School Admission Appeals Panel – 20<sup>th</sup> January 2016**
- |                   |                        |
|-------------------|------------------------|
| Holy Trinity      | 2 Refused<br>1 Allowed |
| Penistone Grammar | 2 Refused              |
- (b) **School Admission Appeals Panel – 3<sup>rd</sup> February, 2016**
- |                   |           |
|-------------------|-----------|
| Penistone Grammar | 1 Refused |
|-------------------|-----------|
- (c) **Exclusion Review – 16<sup>th</sup> February, 2016**
- |                       |                              |
|-----------------------|------------------------------|
| The Academy, Barnsley | 1 Permanent Exclusion Upheld |
|-----------------------|------------------------------|
- (d) **School Admission Appeals Panel – 17<sup>th</sup> February 2016**
- |              |                          |
|--------------|--------------------------|
| Holy Trinity | 5 Refused<br>1 Withdrawn |
|--------------|--------------------------|
- (e) **School Admission Appeals Panel – 19<sup>th</sup> February 2016**
- |                           |           |
|---------------------------|-----------|
| Worsbrough Common Primary | 1 Refused |
| Keresforth Primary        | 1 Refused |
- (f) **School Admission Appeals Panel – 22<sup>nd</sup> February 2016**
- |                    |             |
|--------------------|-------------|
| Lacewood Primary   | 1 Allowed   |
| Hunningley Primary | 1 Withdrawn |
- (g) **School Admission Appeals Panel – 4<sup>th</sup> March, 2016**
- |                  |                          |
|------------------|--------------------------|
| Athersley South  | 3 Refused<br>2 Withdrawn |
| Birdwell Primary | 2 Refused                |
- (h) **School Admission Appeals Panel – 14<sup>th</sup> March, 2016**
- |                 |             |
|-----------------|-------------|
| Athersely North | 2 Withdrawn |
|-----------------|-------------|

This page is intentionally left blank



<b>MEETING:</b>	Health and Wellbeing Board
<b>DATE:</b>	Tuesday, 2 February 2016
<b>TIME:</b>	4.00 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

### Present

Councillor Sir Steve Houghton CBE, Leader of the Council (Chair)  
 Councillor Jim Andrews BEM, Deputy Leader  
 Councillor Jenny Platts, Cabinet Spokesperson - Communities  
 Julia Burrows, Director Public Health  
 Nick Balac, NHS Barnsley Clinical Commissioning Group  
 Lesley Smith, NHS Barnsley Clinical Commissioning Group  
 Tim Innes, South Yorkshire Police  
 Emma Wilson, NHS England Area Team  
 Adrian England, HealthWatch Barnsley  
 Sean Rayner, South West Yorkshire Partnership NHS Foundation Trust  
 Richard Jenkins, Barnsley Hospital NHS Foundation Trust

**In attendance** – Councillors Cherryholme and Miller

### 32 **Declarations of Pecuniary and Non-Pecuniary Interests**

Cllr Platts declared a non-pecuniary interest in minute numbers 38 and 43 in her capacity as a Member of Barnsley Hospital NHS Foundation Trust Governing Body, insofar as the discussion referred to the Trust.

### 33 **Minutes of the Board Meeting held on 8th December, 2015 (HWB.02.02.2016/2)**

The meeting considered the minutes of the previous meeting held on 8<sup>th</sup> December, 2015.

**RESOLVED** that the minutes be approved as a true and correct record.

### 34 **Minutes from the Children and Young People's Trust Executive Group held on 18th December, 2015 (HWB.02.02.2016/3)**

The meeting considered the minutes from the Children and Young People's Trust Executive Group held on 18<sup>th</sup> December, 2015.

**RESOLVED** that the minutes be received.

### 35 **Minutes from the Barnsley Community Safety Partnership held on 11th November, 2015 (HWB.02.02.2016/4)**

The meeting considered the minutes from the Community Safety Partnership held on 11<sup>th</sup> November, 2015.

**RESOLVED** that the minutes be received.

**36 Minutes from the Provider Forum held on 9th December, 2015  
(HWB.02.02.2016/5)**

The meeting considered the minutes from the Provider Forum meeting held on 9<sup>th</sup> December, 2015.

**RESOLVED** that the minutes be received.

**37 Minutes from the Stronger Communities Partnership held on 9th November, 2015 (HWB.02.02.2016/6)**

The meeting considered the minutes from the Anti-Poverty Board held on 9<sup>th</sup> November.

**RESOLVED** that the minutes be received.

**38 Better Care Fund - Plan for 2016/17 (HWB.02.02.2016/7)**

The item was introduced by Lesley Smith, Chief Officer Barnsley CCG. Members heard how NHS England is required to ringfence £3.519 billion within its allocation to CCGs to establish the BCF in 2016/17. The remainder of the £3.9 billion fund being made up of the £394 million Disabled Facilities Grant paid direct to local authorities. In Barnsley the total value of the fund in 2016/17 is expected to be a similar level to 2015/16.

The meeting noted that the performance element of the BCF had been removed for 2016/7. Beyond 2016/7, the spending review had emphasised the ambitions for the full integration of health and social care by 2020. The meeting discussed the work required within and between agencies to progress this.

It was noted that the detailed planning guidance had yet to be published but it was suggested that planning ought to start imminently, with SSDG leading the work, supported by a task and finish group of relevant officers.

**RESOLVED:-**

- (i)** that the policy framework for 2016/17 and related requirements be noted;
- (ii)** that SSDG be tasked to draft the BCF plan for 2016/17;
- (iii)** that authority be given to the Chair and Vice Chair to agree the first draft of the BCF plan for 2016/17 for submission, following consultation with SSDG;
- (iv)** that the Board receives a final draft of the BCF plan for 2016/17 at its meeting on 5<sup>th</sup> April, 2016, prior to final submission on 11<sup>th</sup> April, 2016.

**39 Anti Poverty Action Plan (HWB.02.02.2016/8)**

The item was introduced by Councillor Platts, drawing attention of the meeting to the worsening of Barnsley's relative position in the revised Index of Multiple Deprivation. The committee discussed the role that the Anti-Poverty Action Plan had to play in redressing this.

Members commented on the need to incorporate performance targets against each of the performance measures and acknowledged that work continued to populate

this. The meeting noted the correlation between poverty and poor mental health and that measures to deal with had not been included in the Action Plan.

The meeting noted the emphasis within SWYPFT to focus on improving the employment prospects of people with mental health issues. It was acknowledged that mental health needed to be a cross cutting theme in all strategies partners developed, and the meeting noted the emphasis to be placed in the Community Safety and Stronger Communities Strategies in this respect.

Noted were the specific arrangements in place for mental health under the Crisis Care Concordat.

**RESOLVED** that:-

**(i)** the Anti-Poverty Action Plan be approved subject to further work to develop performance targets for each of the measures;

**(ii)** the connection between poverty and mental health be noted and the work to focus on mental health in the development of strategies and plans be welcomed.

#### **40 Sport and Active Lifestyle Strategy (HWB.02.02.2016/9)**

The item was introduced by the Adam Norris, Senior Health Improvement Officer. Members heard how the action plan had been developed following the recently approved Sport and Active Lifestyle Strategy. It focused on increasing physical activity in the Borough over the next three years.

Members noted that the levels of physical activity in the borough were actually reducing against an already low base, presenting a particular challenge to stabilise levels before progress could be made.

The action plan identified work to analyse key factors that prevented people being more active so that targeted interventions could be developed.

**RESOLVED** that the content of the action plan be noted.

#### **41 Update on Multispecialty Community Providers (HWB.02.02.2016.10)**

The item was introduced by Lesley Smith, Chief Officer at NHS Barnsley CCG, and an update given on the development of the Multi-Specialty Community Provider (MCP) model.

**RESOLVED** that the report be noted.

#### **42 Health and Wellbeing Strategy development - update (Oral report)**

The item was introduced by Richard Lynch, Head of Service Commissioning, Governance & Partnerships who gave an update on the progress made in reviewing and refreshing of the Health and Wellbeing Strategy.

It was noted that work was in hand for a workshop of SSDG members to come together on 26<sup>th</sup> February, 2016 to consider priorities in reviewing the strategy. It was hoped to establish more focused outcomes, and to work with partners about how the data available can be used to track performance.

Members commented on the need to consider those areas where joint working under the Board could make a difference.

**RESOLVED** that the report be noted.

**43 Barnsley Health and Social Care System Financial and Economic Modelling (HWB.02.02.2016/12)**

Neil Lester, Deputy Chief Finance Officer at NHS Barnsley Clinical Commissioning Group gave a presentation on the financial and economic modelling work that had been undertaken to identify the key challenges being faced by each agency to 2020/21.

The presentation highlighted key assumptions for each agency and the extent to which the assumptions could be relied upon. Partners noted the significant financial challenge faced over the next five years, and the system wide transformation required to meet this challenge.

**RESOLVED:-** that the Financial and Economic Model be used to support the development of system-wide planning and modeling of impacts as the move is made towards a more fully integrated model of health and social care.

**44 NHS Planning Guidance 2016/17 – 2020/21**

Members of the Board noted the link circulated, highlighting the recently published NHS planning guidance 2016/17 – 2020/21.

**RESOLVED** that the information be received.

-----  
Chair

<b>MEETING:</b>	Overview and Scrutiny Committee
<b>DATE:</b>	Tuesday, 9 February 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## MINUTES

### Present

Councillors Ennis (Chair), P. Birkinshaw, G. Carr, Franklin, Frost, Gollick, Hand-Davis, Hayward, Johnson, Makinson, Mitchell, Morgan, Pourali, Sixsmith MBE, Spence, Tattersall, Unsworth, Wilson and Worton together with co-opted members Ms P. Gould and Ms J. Whitaker.

### 22 Apologies for Absence - Parent Governor Representative

Apologies for absence were received from Ms Kate Morrith in accordance with Regulation 7 (6) of the Parent Governor Representatives (England) Regulations 2001.

### 23 Declarations of Pecuniary and Non-Pecuniary Interest

There were declarations of interest from Councillors Ennis, Makinson and Pourali as Berneslai Homes Board Members; Councillors G. Carr, Sixsmith, Tattersall, Unsworth and Worton as Members of the Corporate Parenting Panel and Virtual School Governance Group and Co-opted Member, Ms Joan Whitaker as a Member of Barnsley Federation of Tenants and Residents.

### 24 Minutes of the Previous Meeting

The minutes of the meeting held on 1<sup>st</sup> December 2015 were approved as a true and accurate record.

### 25 Devolution Proposal

The Chair welcomed the witnesses to the meeting which included:

- Cllr Sir Stephen Houghton CBE, Leader of BMBC and Chair of Sheffield City Region Combined Authority
- Diana Terris, Chief Executive, BMBC

Cllr Sir Stephen Houghton CBE gave a presentation to the Committee about the Sheffield City Region (SCR) Devolution Proposal, advising that the devolution journey has been evolving for a number of years. Since 2012, the city region has been delivering government investment, generating significant benefits. This led to the first devolution deal in 2014. If the current deal is approved this will lead to a Mayoral Combined Authority.

The SCR comprises of nine local authorities including Barnsley; everyday 42,000 residents cross the SCR boundaries to access employment which reflects the economic activity within the city region. The objectives of the SCR include addressing the deficit of 70,000 jobs compared with other areas of the country, increasing the number of businesses by 6,000, as well as generating approximately 30,000 highly skilled occupations.

The current deal is an entirely economic one, which means it would have no authority over the police or health services. The public consultation ended on the 15<sup>th</sup> January 2016. The consensus of opinion is people are supportive of devolution, but not the introduction of an elected mayor; however, these are mutually inclusive of each other due to Central Government requirements.

An important part of the deal is the 'single pot' which is £30m a year over a 30 year period (£900m), with a 60:40 capital / revenue split. This enables a single line in the Spending Review, as well as allowing for greater responsibility and control over decisions and spending within the city region.

There will be improvements to the transport infrastructure ensuring it is more integrated, as well as being more attractive to users with features such as smart 'oyster style' ticketing. Both the HS2 and HS3 rail networks will operate within the SCR. The devolution process would allow for control over the Adult Skills Budget, resulting in an increase in the skills base within the SCR, as well as enabling co-working with stakeholders, such as the Department for Work and Pensions (DWP).

The devolution process would allow for an enhanced accountability of national programmes to the SCR, as well as a greater role with UK Trade and Investment (UKTI). Future changes in legislation would also allow the SCR Scrutiny Committee to scrutinise Government departments.

The deal covers the SCR as well as new powers to an elected Mayor for the 4 South Yorkshire members of the Combined Authority (CA); there would be further powers to the wider SCR through the SCR Combined Authority. The process allows for any of the remaining 5 non South Yorkshire members to become a constituent member of the CA.

Cllr Sir Stephen Houghton CBE concluded the presentation by giving his recommendation to 'sign up to the deal' enabling the authority to benefit from the potential investment that will be available. Current indications suggest the Council's future income will be generated from Council Tax and Business Rates, as the Revenue Support Grant will no longer exist in 2020.

Members proceeded to ask the following questions:

- i) What are the main challenges and opportunities with the devolution proposal?

The committee were advised the main challenge will be ensuring the right person is elected as Mayor considering the financial changes ahead, as well as being a high profile position. The proposal delivers a huge opportunity for the borough providing long term investment, as well as additional powers allowing for greater control and flexibility over financial spending.

- ii) What interest has there been from businesses regarding Junction 36; after devolution will there be opportunities to offer better incentives?

The group were advised we've got incentives for businesses; the challenge going forward is knowing how much incentive to give as it is difficult encouraging new businesses to locate to Barnsley due to strong competition from other parts of the country, who may already have an existing infrastructure and available workforce. The Council has worked closely with the ASOS distribution centre to help with their recruitment, which has resulted in the creation of 2500 new jobs in the area.

- iii) Will business rates be distributed via the SCR?

Members were advised there is still further work to be done on this. We need to ensure the balance is right geographically and whether the money will go on services or the economy.

- iv) How important will the decision be for the location of the Sheffield station on the HS2 rail link?

The committee were advised successful negotiations with the SCR have been on-going for 4-5 months to evaluate the two alternative locations in Sheffield. Whether the station is located centrally at the old Victoria Station or on the perimeter at Meadowhall; both of these locations would benefit the SCR. A station located centrally would see increases in higher level jobs such as the financial sector within Sheffield City Centre whereas a station at Meadowhall would see a wider span of employment across the area however this would be in logistics/the manufacturing sector. The decision lies with Central Government and will be made in October 2016. If it is decided to locate the station at the old Victoria Station it would cost an additional £1bn. The government has said that there is no extra money available; whatever decision is made however needs to be supported.

This has been a challenging issue for the SCR, however we are working well together and this has been commented upon by external individuals who have worked with other regions in the country.

- v) Under a Mayoral Combined Authority would there need to be changes to how the road network is managed within the SCR?

The group were advised each authority within the SCR will need to ensure the road network within their own area is maintained as they currently do. However, alongside the Mayor, they will need to identify key network routes which contribute to economic growth which will be maintained by the SCR such as the A62.

- vi) How will the SCR ensure the funding is invested appropriately across the region?

The SCR needs to make sure money is invested in 'game changing' projects with consideration for both central and rural economies. Each project will therefore need to be assessed on its economic potential, such as investment in Doncaster Airport.

- vii) Does the Devolution Deal depend on match funding?

Members were advised there will be no requirement for match funding, however you would expect that when applying for monies, the SCR will ask companies what they will be contributing towards projects. Those who can demonstrate their contribution rather than just taking from the funds are more likely to be successful.

viii) Do Barnsley priorities integrate with the plans of the SCR?

The committee were advised that the needs of Barnsley fit into every element of the deal and it will be able to benefit, such as the need for more jobs and better skills.

ix) If the proposal goes through, how will the deal help with the sustainability of Berneslai Homes (BH)?

The group were advised this deal won't help with the BH business plan, However, out of the deal we can make sure BH don't duplicate what the private sector can do.

x) What evidence is there that devolution has worked e.g. in Manchester and are we learning from the experiences of others?

Members were advised Devolution within the UK includes the Scottish and Welsh Assemblies. The Manchester City Region Devolution Deal is slightly ahead of the SCR, but only just. The evidence for Devolution working is based on findings in Europe, where Economic Performance has been better due to decisions being made based on better knowledge and understanding of local areas.

xi) Can we guarantee Barnsley will receive a fair share of the deal and have we got projects ready to take advantage?

The committee were advised the deal is not about authorities getting their 'fair share', but about maximising economic investment. There would be a stringent five year programme to ensure both economic and financial objectives were achieved, but this does not necessarily mean each area will get the same financial share on the same timeframes. The committee were assured that Barnsley is undertaking proactive involvement with the SCR at both a political and officer level and this will continue.

xii) Following a referendum, if the decision is to leave the EU would this affect the devolution proposal?

The group were advised part of the proposal incorporates control of European funding, which would mean an exit from the EU would have implications for this. However, should we leave the EU, it is even more important that we are part of the deal; otherwise we would be completely left out of funding/economic development mechanisms.

xiii) How effective are relationships between key stakeholders?

Members were advised over the last four to five years there have been successful relationships with stakeholders; if we weren't making this work then we wouldn't be getting the deal. There will always be negotiations to be had as there are 9 Council Leaders in the group who want the best for their area.



- xiv) Would the Council's Cabinet function remain the same?

It was confirmed that there would be no changes to the Council's constitution as this is not part of this devolution deal.

- xv) Have we got the maximum out of this deal; will the £900m that is available over the 30 year period be sufficient for the 9 authorities and is it linked to inflation? Also have we learned lessons from existing projects we've had problems with such as the superfast broadband?

The group were advised this deal has secured the most funding compared with others and is a good starting point. Over 30 years this is a lot of money however it's not about just dividing the money equally between the authorities, it's about maximising investments of which we will ensure Barnsley gets its share. For example Doncaster Airport could be given £100 million for development however this would maximise economic development for Barnsley by creating a variety of jobs as well as development of the surrounding road networks.

Despite the earlier issues with the Broadband project this is now going well as we have learnt lessons from this and the private sector are now taking the risks.

- xvi) What impact has the Department for Work and Skills moving from Sheffield to London had; is the needs assessment of jobs for our area accurate; and how will the deal impact our transport infrastructure?

The group were advised the area has not been helped by the government department move; however this evidences how much our economy relies on the public sector which is not good. If this had occurred in Leeds, it would have much less of an impact; therefore we need to ensure we have good private sector jobs in our economy so that it is not impacted by public sector cuts.

Regarding transport, the deal starts in April 2016; however the money and investment powers come 1 year later. It's good that we will have influence over transport; however this does not mean that we will suddenly be able to double bus services.

- xvii) Could a change of Government result in the devolution proposal being reversed?

The committee were advised this could be possible; however, once the devolution process had begun it would be both difficult and costly to reverse.

- xviii) How will the Mayor for the Combined Authority be selected?

The group were advised the Mayoral appointment would inherently be a political one, although there is always the possibility of either a public figure or celebrity being elected.

- xix) Will the proposal help to reduce the 70,000 jobs deficit against other parts of the country, as well as increasing the number of apprenticeships?

Members were advised each project has job creation priorities against it, such as our Goldthorpe and junction 36 and 37 work contributes towards the figures. Nationally, Barnsley ranks as the highest in the country for private sector employment growth; also, during 2013/14, Barnsley had the highest success rate in the country (77 per cent) for the number of apprentices having successfully completed their training. Businesses have a choice where they choose to locate therefore we need to make sure we maximise our opportunities to get them.

xx) Cllr Sir Stephen Houghton CBE, the Leader of the Council was asked if he would be interested in the role of Mayor for the Combined Authority?

Members were advised by the Leader, whilst he is Chair of the SCR, he has not decided whether he will apply for the Mayoral role. Also, there are potentially 8 other Council Leaders within the SCR who could be interested in applying for the position. However, in the first instance the proposal needs to be finalised and agreed.

xxi) How will you ensure public engagement and involvement in the design, delivery and review of projects/services; also, what is the timescale for the appointment of the Mayor?

The committee were advised where there are statutory services in place such as transport there are already processes in place for public engagement. The SCR also has an Overview and Scrutiny Committee therefore we will look to work with these existing processes. For the Mayor, there could be the opportunity for a public question time, similar to the monthly audience with the London Mayor. The first Mayoral elections for the Combined Authority will be held in May 2017. It is important to note that the SCR will take a co-ordinating role and will not be the service deliverer.

xxii) Are there any prospective female candidates for the Mayoral position?

Members were advised a lady had been suggested; although, it has since been confirmed she will not be standing. Also, until there is an official job description it is difficult for any potential candidates to make an informed decision.

xxiii) Activities and jobs in the Financial Sector tend to be based in cities; will the deal help us to get these jobs into Barnsley?

The group were advised it is important that parts of the city region don't grow at the expense of others; it is about us all supporting each other. The bulk of financial roles are in Leeds, therefore we won't just be able to move this but we need to think about what kind of jobs we can get in Barnsley such as advanced manufacturing and logistics as we don't currently have the workforce supply for the financial sector.

The Chair thanked the witnesses for their attendance and presentation and extended the acknowledgement from Doncaster Council to Cllr Sir Stephen Houghton CBE regarding appreciation of him giving this presentation there and the detail incorporated.

## 26 Berneslai Homes Annual Report 2014-15

Due to Councillor Ennis' declaration of interest, the committee selected a Chair from the floor. It was proposed and agreed for Councillor Sixsmith to Chair; therefore he introduced the item and welcomed the following witnesses:

- Helen Jaggard, Chief Executive, BH
- Alison Rusdale, Director of Corporate Services, BH
- Stephen Davis, Director of Assets, Regeneration and Construction, BH
- John Townend, Chair of Barnsley Federation of TARAs
- Joan Whittaker, Secretary of the Barnsley Federation of TARAs
- Richard Burnham, Head of Housing and Energy, BMBC
- Councillor Roy Miller, Cabinet Spokesperson for Place, BMBC

Helen Jaggard introduced the Berneslai Homes (BH) Annual Report 2014-15, and highlighted the risks and challenges being faced as outlined in the committee reports. Further to the Councillor Call for Action (CCfA) on District Heating, discussed at the OSC on 6<sup>th</sup> October 2015, BH reported back on the 4 elements requested by the committee including:

1. All the reductions in the District Heating charges have now been implemented, the last being on the 01.11.15.
2. All of the insulation works recommended in the report were carried out prior to Christmas 2015.
3. BH responded to Councillor Unsworth's enquiry regarding Legionella.
4. BH is continuing to support its tenants with advice on how to use their heating systems efficiently.

Members proceeded to ask the following questions:

- i) As detailed in the report, the BH rent collection rate is high at 98.58%, However, following the introduction of Universal Credit (UC) over 50% of tenants are in arrears, therefore when UC is fully embedded how do you expect this to impact on rent collection and what plans are in place for this?

The committee were advised currently UC is only being awarded to single claimants of working age; at this time it is taking between seven to eight weeks to process their claims and to receive their first payment. For this interim period tenants do not have the financial resources to support their day to day living expenses or for paying their rent. BH is providing support to these tenants through their Tenant Support teams, who will ensure when their tenants receive their backdated payment of UC their rent arrears are cleared.

Following the full roll out of UC to all claimants this will mean BH will have to collect £30m of rent that previously would have been paid to them through Housing Benefit. This could result in the collection rates reducing to 96%, although in some areas of the country the figure has been as low as 70%. There will be constant pressure on BH to chase arrears, therefore we are preparing for this as best we can including encouraging behaviour change from tenants and assisting them to manage their budget. It would be better however if under UC the housing benefit element was paid directly to Berneslai Homes.

- ii) Has there been any publicity to advise BH tenants of the benefits of recycling and also the issues surrounding fly tipping in the borough, including promoting the Council's Bulky Item Collection service of 4 items for £10?

Members were advised this was not one of BH core functions; however, the Housing Management Teams inspect the various estates, and periodically 'walkabouts' are undertaken which have shown the estates to be well maintained. We live on mixed estates however where the issue is from BH tenants, this is addressed. Last year 2500 visits were carried out regarding low level anti-social behaviour (ASB).

- iii) Regarding the future sale of high value properties; are the value of these determined by either an average of local or national house prices?

The group were advised initially BH identified only 10 high value properties that might be affected, however consultation over the government formula would mean many more properties in Barnsley might be classed as high-value with properties above £80k. The Council will have to pay a levy and if the only way to do this is by selling these properties when they become void then it will impact on supply. The national policy is to reduce Council housing as demonstrated by imposing the Right to Buy Scheme on Housing Associations and compensating them in full by forcing Council's to sell their homes to pay for this.

- iv) As detailed in the cover report, from April 2017 tenants with an annual income of £30k will be charged the market rent; how many tenants will be affected and how will you identify them?

'Pay to Stay' relates to people on the tenancy agreement who have a £30K income. We don't currently ask for this information, in the future we can ask but not force it, therefore the government will need to provide guidelines regarding this for example if people refuse to declare their income they will be automatically charged anyway. The government may decide the costs are tapered depending on the household income e.g. the charges will increase the more household income is over the £30K threshold. There is an incorrect assumption that if people can afford the market rent then they can afford to buy a property, which is not the case. Two people on the living wage on a tenancy agreement will be over the £30K limit.

- v) Further to the previous CCfA discussion on District Heating, has all the remedial work now been completed?

The group were advised all the work identified in sections 3 and 6 of the District Heating report has now been completed; however the more extensive works will require capital investment and will need to be undertaken over the long term. This work will be done on a worst-case basis for which there is a funded programme to 2019.

- vi) How confident are you in the arrangements and management of tenancies where BH sub-let to other agencies for people with complex needs; who is responsible for managing these?

Members were advised BH is confident in the arrangements and management of these tenancies. If the property is sub-let to an agency then it is their responsibility to manage any issues, however if they are not doing this then it is upto BH to resolve

this. For all tenancies there is an introductory period therefore we have the opportunity to resolve issues and we try to support people to maintain their tenancies. BH looks after 18,800 properties; this arrangement only relates to a small number of properties.

- vii) Why has Universal Credit (UC) been introduced if the existing system is working?

The committee were advised this was due to a change in legislation as part of the Government's Policy on Welfare Reform. BH has to administer Government Policy, therefore are doing the best they can.

- viii) How can the Council support Berneslai Homes to be more sustainable in relation to the management of its housing stock?

Members were advised BH has a 30 year business plan in place for the management of the 18,800 properties it looks after. Following the increase in the number of successful Right to Buy applications, this has resulted in the need to consider the acquisition of other properties and continued financial investment is required to support this.

- ix) Of the 7037 applicants who are on the waiting list for a BH property, can a breakdown be provided of the type of properties that are needed; also if it will be the persons first home, and whether there is anything the Council can do to help?

The group were advised there has been a significant reduction in the number of people who are waiting as previously there had been 9000 on the waiting list. Of those currently waiting, there are only 100 applicants who are in absolute housing need. BH confirmed they will be able to provide a breakdown of the types of properties that are needed by those currently on their waiting list to the committee.

- x) What procedures are in place to prevent the duplication of work between BH and Area Councils such as the removal of litter and fly tipping?

Members were advised BH did not consider there was any duplication of duties due to them undertaking their own enforcement procedures, such as ensuring people maintain their gardens, as well as their own referral of cases to Neighbourhood Pride. Also, each of the housing management teams undertake youth engagement to educate them e.g. regarding litter, to prevent issues occurring in the first place.

Existing budgets fund the cost of activities such as grass cutting and the removal of graffiti; however this does not extend to litter picking unless the request is made through the steering committee. BH advised litter picking only occurs as part of the regular grass cutting cycles, there are no separate litter picks. BH confirmed they would check their processes to make sure there was no duplication in relation to Neighbourhood Pride Services.

- xi) The intention of the Government is to reduce the influence of local authorities on the social rented sector; does the BH Business Plan take account of this?

The committee were advised the BH business plan has been remodelled since the rent reduction in July and with consideration for the increase in Right to Buys; therefore BH will have to make substantial savings to deal with these financial challenges.

- xii) Can we have information regarding how many 4 bedroom properties we have and how many people are on the housing waiting list for them?

BH confirmed that they would provide this information.

- xiii) Does the sale price of a house bought under the Right to Buy scheme reflect the condition of the property?

Members were advised that every property is individually valued and if there have been any improvements made to the property, the sale price would reflect this.

- xiv) The annual report confirms 361 eviction warrants were applied for but only 40 tenants were evicted; why is this the case?

The committee were advised BH only evicts tenants as a last resort. The majority of evictions are in relation to rent arrears, we take cases to court but evictions are not granted lightly. We should pride ourselves on a low number of evictions as this means we are managing tenancies effectively.

- xv) If BH tenants are not being socially responsible in relation to the disposal of their household rubbish and damaged bins, what action can be taken?

Members were advised if there is evidence to support this, letters are sent and we speak to tenants to ask them to address the situation; although ultimately it depends on the engagement and cooperation of the tenant.

- xvi) Is the Government legislating for any additional funding for social housing?

The group were advised currently there is no additional funding available; despite the cost of an average new build property being £120k. BH is looking to source alternative funding to continue future development programmes.

- xvii) Due to the Government changes including forced sales of council houses, we will be looking for Housing Associations to build more homes. Their rent prices however are still more expensive; therefore will this result in more people being homeless?

The committee were advised the change in the Government's policy will reduce the number of affordable properties and it appears affordable housing is a government blind spot. Not all private landlords are bad however they are not as well regulated as ALMOs (Arms Length Management Organisations). Therefore we increasingly need to ensure the private rented sector is well managed and maximise outcomes from the Housing Planning Bill.

- xviii) Can you draw on funding from partners such as the CCG (Clinical Commissioning Group), and Health and Wellbeing Board to protect the most vulnerable?

The group were advised the Chief Executive of BH chairs the wellbeing provider forum and advised the dialogue between the health and housing sector is taking place. For example BH is involved in work looking at a social prescribing scheme.

- xix) John Townend, Chair of Barnsley Federation of TARAs raised concerns to the committee regarding the government removing secure tenancies and asked if in their role as Members they could encourage the government not to remove these?

Cllr Roy Miller advised that a motion had been taken at Full Council to take concerns regarding changes in the Housing Sector to MPs in Parliament, including the local MP John Healey who is the Shadow Minister for Housing and Planning.

The Chair thanked the witnesses and all attendees for their contribution.

## **27 Draft Corporate Parenting Panel Annual Report 2014-15**

Cllr Ennis resumed the role of Chair for the meeting and welcomed the following witnesses:

- Mel John-Ross, Service Director, Children's Social Care and Safeguarding, BMBC
- Liz Gibson, Head of Virtual School for Looked after Children, BMBC
- Cllr Margaret Bruff, Cabinet Spokesperson - People (Safeguarding)
- Cllr Ralph Sixsmith, Dearne South Ward
- Natalie Chappell, Barnsley Foster Carer

An introduction was given by Mel John-Ross, who explained following the agreement at the OSC meeting on the 10<sup>th</sup> February 2015 the Corporate Parenting Panel (CPP) Annual Report would be discussed at the OSC on an annual basis. This is to enable participation from Members who are not directly involved with the CPP. The key elements of the report were also outlined.

Members proceeded to ask the following questions:

- i) What plans are in place to improve the educational attainment of our children in care?

The committee were advised, Liz Gibson has recently been appointed as the Head of Virtual School for Looked after Children to help in improving their educational achievements. We now have a dedicated post which means we can move the service forward, but we are still under-resourced. An Education Improvement Steering Group has specifically been set up to challenge the quality of the Personal Education Plans (PEPs). Also, in her new role, Liz Gibson is analysing existing data and looking at ways to move things forward and ensure the best possible outcomes as soon as a child enters care.

- ii) To what extent is the voice of our children in care reflected in both the design and improvement of services?

Members were advised that children need to be at the forefront of any changes, as they are the ones who are directly affected. The Children's Council enables their

involvement but we need to also ensure children can input on a day to day basis, therefore the service want to come back to Members with a clear plan of how this will be done.

- iii) As Foster Carers how do you view the provision for our children and ensuring they receive appropriate services and are you satisfied with the support you get as a carer?

The group were advised foster carers act as the biggest advocates to make sure children get what they want and also talk amongst each other to find out what options may be available. We also speak to schools on a regular basis and push schools for what we want for our children. We have a support worker and have had a very positive experience of caring in Barnsley and have found we can get what we need when we push for services.

- iv) In comparing Barnsley to our statistical neighbours, we are aware a number of children are cared for by extended family networks; does this account for our low numbers in care?

The group were advised this is a very important issue and we have challenged assumptions regarding these figures. There were 244 children in care at the end of 2014/15 and as of today we have 279. We have been reviewing our Placement and Sufficiency Strategy and acknowledge we have a high number of Special Guardianship Orders and Residency Orders which prevents children from coming into care. The Orders are still a cost to us financially; however it is cheaper than having children in care.

- v) The figure in relation to children missing from care is very high and has increased, is this as a result of a change to the definition and recording?

The committee were advised the figures in the Annual Report indicate there has been an increase in the number of cases; however, confirmed this is due to there being a change in how these incidents are recorded and also the definition.

Every incident is now recorded, rather than every child who goes missing; therefore, there could be several incidents, but these could all relate to the same child. The incidents are monitored on a monthly basis and a care plan is implemented for each case. Also, in the majority of instances when a child is missing their whereabouts are usually known, normally it is just they are not in the place where they should be at a given time; which can often happen with teenagers.

There are often more incidents of children 'going missing' from residential care, than those who are placed with foster carers; these could be children who are from outside the Barnsley area and particularly initially want to return home, however there is always a care plan in place to track this and do something about it.

- vi) What is done to ensure that Barnsley children in care, who are placed out of the area, receive high quality services?

Members were advised wherever possible the preference is for children to be situated in care facilities within the borough, when this is not appropriate the care providers used will be Ofsted rated, either 'Good' or 'Outstanding'. There will also be an Independent Reviewing Officer (IRO) and qualified Social Worker to provide additional support and challenge the support being given to the child.



- vii) Of the number of children who have 'gone missing' from residential care, how many were residents of Barnsley and how many were from outside the borough?

The service confirmed this information can be provided to the members of the committee.

- viii) Does the service feel the CPP provides sufficient challenge to services?

The committee were advised following the Ofsted inspection, the terms of reference for the CPP have been reviewed and as officers, we feel we are now getting more appropriate support and challenge from the CPP. The start time of CPP meetings has also been altered to 5.00pm to enable our young people in care to attend.

- ix) The Annual Report indicates there has been a reduction in youth offending by Looked after Children and hopefully we will see the rate fall lower for children in care than other children?

The group were advised the reduction in youth offending is positive and our aim is to continue to make improvements in this area.

- x) Substance and drug abuse rates have fallen amongst young people in the area, is this mirrored amongst children in care?

The committee were advised that this is a broad area. In relation to children in care we ensure health assessments are done and that health needs are met. This includes taking a holistic approach, picking up issues and ensuring they are addressed.

- xi) How successful were the events to promote foster caring in the Borough and what other plans are in place to do this in the future?

Members were advised there have been recent high profile campaigns which included the fountains adjacent to the Town Hall being illuminated green. Currently 20 prospective new foster carers are being assessed, which is a priority for the service. We need to increase the number of in-house foster carers which is a challenge as we are in competition from private fostering agencies and other local authorities.

- xii) What are the procedures for children from neighbouring authorities who are placed in care facilities within the Barnsley borough?

The group were advised under these circumstances the relevant authority must notify the Council when the child is placed in the accommodation and similarly when they leave. In Barnsley, due to our high number of private homes and private foster carers we've set up a meeting of private providers to gather intelligence from them. The meeting is chaired by Children's Social Care plus this is attended by others including the Virtual Head, the Police and Health Service representatives.

- xiii) How are Looked after Children with mental health problems supported in Barnsley?

Members were advised Child and Adolescent Mental Health Services (CAMHS) have long waiting lists for assessments; however the timescales involved have been challenged by partners including the Council's Safeguarding Scrutiny Committee

(SSC). There have been improvements in the timescales, however this is an issue for all children and our Looked After Children need to be prioritised. The improvement plan for CAMHS is still in progress.

The Chair suggested that representatives from the Children in Care Council are invited as witnesses to attend when the CPP Annual Report is next brought to the committee; thanked the witnesses and all attendees for their contribution and declared the meeting closed.

#### Action Points

- 1) BH to provide a breakdown of the types of properties that are needed by those currently on their housing waiting list.
- 2) BH to check their processes in relation to Neighbourhood Pride services to check there is no duplication.
- 3) BH to provide information regarding how many 4 bedroom properties we have and how many people are on the housing waiting list for them.
- 4) Once complete, service to share with Members their plan for ensuring children in care can input into service improvement.
- 5) The service to provide a breakdown of the number of children who have 'gone missing' from care regarding how many were from Barnsley and how many were from outside the borough.
- 6) Representatives from the Children in Care Council to be invited to the OSC as witnesses when the CPP Annual Report is next considered by the committee.

<b>MEETING:</b>	Dearne Area Council
<b>DATE:</b>	Monday, 25 January 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Meeting Room, Goldthorpe Library

## MINUTES

**Present** Councillors Noble (Chair), Brook, Gollick, Sixsmith MBE and Worton.

### 36 **Declarations of Pecuniary and Non-Pecuniary Interests**

There were no declarations of pecuniary or non-pecuniary interests.

### 37 **Minutes of the Previous Meeting of Dearne Area Council held on 16 November, 2015 (Dac.25.01.2016/2)**

The meeting received the minutes from the previous meeting of Dearne Area Council, held on 16<sup>th</sup> November, 2015.

**RESOLVED** that the minutes of the Dearne Area Council meeting held on 16<sup>th</sup> November, 2015 be approved as a true and correct record.

### 38 **Dearne Area Council Performance Update including financial position (Dac.25.01.2016/3)**

The Chair welcomed the Tasking Officer to the meeting to provide an update on performance against the Environmental Enforcement Contract. Members heard how 113 Fixed Penalty Notices and 17 Parking Charge Notices for parking had been issued in quarter 3, October – December, 2015. Of the 113 Fixed Penalty Notices, 102 of these had been for littering offences and 11 for dog fouling.

It was noted that 15 children had been witnessed littering outside the secondary school, and would therefore be undertaking supervised litter picks.

Members were made aware of a rise in anti-social behaviour in parts of the area, which were a cause for concern, especially when taking into account the impending changes to policing in the Dearne.

Enquiries were made with regards to increasing the amount of stencilling to discourage dog fouling. Members were encouraged to suggest any areas suitable for stencilling to the Tasking Officer.

The Private Sector Housing Officer, and Enforcement and Investigations Officer were then welcomed to provide an update on their work in the area. The meeting heard how many house and garden inspections had been undertaken. Officers had dealt with numerous cases of anti-social behaviour, engaging with landlords to help overcome issues.

Members noted that the team had referred individuals and families to other agencies such as victim support and the homelessness team, with positive results.

The meeting noted a number of occurrences of fly tipping, which the team had dealt with, engaging the tenant and landlord where possible. Where tenants had refused any support this had led, in some cases, to the issuing of fixed penalty notices and in a few cases to prosecution.

Members thanked the officers for their continued hard work.

The Area Council Manager provided a financial overview for the Area Council. £24,508 of the budget for 2015/16 remained unallocated, together with income from Fixed Penalty Notices of £15,720 this equated to £40,228 for use by the Area Council. Members acknowledged that the year end figure would be considerably higher, due to further income expected from Fixed Penalty Notices.

Members were advised that £31,910 of the Dearne Development Fund had been allocated, and that 10 further applications were due to be considered shortly.

With regards to the Training for Employment commission, the meeting heard that the service would finish at the end of March, 2016, but continued to deliver well against contracted outcomes. 48 people had entered local employment in the 14 months of operation. It was noted that an annual review had now been completed, which had highlighted a number of barriers for people to enter the labour market. These included, travel costs to interviews and the cost of specific training. Members noted the increasing number of referrals to the scheme from Job Centre.

Members discussed the success of the scheme, noting the impact of the service being based in the community made to reduce barriers for people to engage.

The meeting briefly discussed the contract with Twiggs Grounds Maintenance, noting that time had been equally distributed between Dearne North and Dearne South Wards. It was noted how a number of community groups were now working with Twiggs, and it was suggested that community members need to be encouraged to highlight areas requiring attention by the service.

Members discussed a potential issue regarding Twiggs inability to remove significant amounts of green waste from certain sites, which was thought may be due to the ownership of the site. It was agreed that the Area Manager discusses this issue with John Twigg.

**RESOLVED:-**

- (i) that the updated financial position for Dearne Area Council be noted;
- (ii) that the continued progress of the Dearne Area Council commissions be noted and;
- (iii) that the Area Manager discusses issues regarding the collection of green waste from certain sites with John Twigg.

**39 Update on the Area Team work plan and allocation of finances for 2016/2017 (Dac.25.01.2016/4)**

The Area Manager introduced the item, reminding Members of discussions earlier in the Month regarding the remaining 2015/16 financial allocation, and plans for delivery in 2016/17.

Members supported the arranging of a workshop to further explore health issues in the area, considering current data and the support already available to residents.

The meeting discussed the Dearne Development Fund, noting that £31,910 of the allocated £80,000 had been allocated but that 10 applications were yet to be considered. It was therefore agreed to allocate a further £50,000 for the 2016/17 financial year to the fund, to be awarded as per the process previously agreed.

**RESOLVED:-**

- (i) that £50,000 be allocated to the Dearne Development Fund to be awarded in the financial year 2016/17;
- (ii) that the workshop to further discuss the issue of health in the area be supported.

**40 Notes from the Dearne Approach Steering Group held on 11th January, 2016 (Dac.25.01.2016/5)**

The meeting considered the notes from the meeting held on 11<sup>th</sup> January, 2016. It was noted that the group continues to develop and now action plans are in place for each of the themes, with relevant individuals engaged.

Members were encouraged to feedback any questions or queries prior to the next meeting of the group.

**RESOLVED** that the notes from the Dearne Approach Steering Group, held on 11<sup>th</sup> January, 2016 be received.

**41 Notes from the Ward Alliances (Dac.25.01.2016/6)**

The meeting received the notes from the Dearne North Ward Alliance held on 26<sup>th</sup> November, 2015 and Dearne South Ward Alliance held on 16<sup>th</sup> December, 2015.

It was noted that Dearne South Ward Alliance had more recently met where self assessment, self improvement and flood resilience plans had been discussed. Members heard how a site had been identified to locate a container to act as a flood store.

The Christmas event had been extremely successful and a number of individuals had expressed an interest in joining the alliance.

The meeting discussed work around St. Andrew's Square, noting the plans to engage and encourage local people to help keep this area clean and tidy.

With regards to the Dearne North Ward Alliance, they too had also more recently met. All representatives had given feedback on their recent endeavours and £2,000 had been awarded to the Salvation Army for the provision of winter packs.

**RESOLVED** that notes from the respective Ward Alliances be received.

**42 Report on the Use of Devolved Ward Budgets and Ward Alliance Funds (Dac.25.01.2016/7)**

The report was introduced by the Area Council Manager and Members noted the amounts of finance remaining for the 2015/16 financial year.

With regards to the Devolved Ward Budget finance, Members heard how £449.70 remained for Dearne North to allocate and £2,627.46 for Dearne South. It was acknowledged that any remaining unallocated could not be carried forward to future financial years.

Members heard how £3,157.13 remained for Dearne North Ward Alliance to allocate while £7,428.85 was available for Dearne South Ward Alliance.

A discussion took place regarding the awarding of grants for the purchase of equipment and the need to ensure that any equipment remained available for the community to use. It was suggested that the equipment ought to be managed by the Area Team.

**RESOLVED** that the report on the Devolved Ward Budgets and Ward Alliance Funds be received.

-----  
Chair

# Item 22



<b>MEETING:</b>	North Area Council
<b>DATE:</b>	Monday, 1 February 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Meeting Room 1, Barnsley Town Hall

## MINUTES

**Present** Councillors Burgess (Chair), Cave, Cherryholme, Howard, Leech, Platts and Spence

### 44 **Declarations of Pecuniary and Non-Pecuniary Interests**

There were no declarations of pecuniary or non-pecuniary interest.

### 45 **Minutes of the North Area Council meeting held on 23rd November 2015**

The Area Council received the minutes of the previous meeting held on 23<sup>rd</sup> November 2015.

**RESOLVED** that the minutes of the North Area Council meeting held on the 23<sup>rd</sup> November 2015 be approved as a true and correct record.

Minute no. 35 (iv) - It was highlighted that a £13,000 fee is payable to BMBC Enforcement Services, which is the same rate across all Area Councils. A detailed breakdown will be provided.

Minute no. 38 – All Members were asked to keep potential news stories in mind for the next edition of the Community Magazine. Content should be submitted by the end of May for July distribution. A working group will need to be established. Some concerns were expressed regarding advertising placement, as the Area Council did not want to appear to be endorsing particular organisations. Problems were experienced with magazine delivery, as the postcode method didn't seem to have worked. Other delivery options will be explored.

Minute no. 41 – Members were reminded that the closing date for applications for the next round of Stronger Communities Grant funding is 12<sup>th</sup> February.

### 46 **National Citizen Service**

Jo Thornton was welcomed to the meeting to speak about the National Citizen Service (NCS). The NCS is a four week programme for year 11 and 12 students funded by the Government. In Barnsley the NCS is run in conjunction with Barnsley FC. To date over 400 Barnsley young people have taken part. Members were provided with detailed numbers for each area. The aim of the project is to promote independence/life skills and encourage young people to help local communities whilst gaining confidence and a sense of accomplishment. The first week involves a personal challenge for the young people, followed by a week of independent living at Sheffield Hallam halls of residence and finally work on a local community project for weeks 3 and 4. Type of work undertaken includes help at food banks, care homes

and carer gardens. One project per ward would be ideal, which would be delivered at no financial cost to the community. All projects are fully staffed. Members were encouraged to identify potential future social action projects in their wards that could benefit from the scheme in the summer period. It was highlighted that the NCS has some similarities to the Area Council-funded Internship Programme.

Jo was thanked for her attendance and contribution.

#### **47 Procurement Update**

The Area Council Manager provided Members with a financial position and forecast for expenditure, including updates regarding the procurement of the Summer Holiday Internship 2016 and the Environmental Enforcement project post March 2016. To recommission both of the projects a full procurement process is necessary. At the time of writing C & K careers are the favoured option for the Summer Holiday Internship. Kingdom are the successful providers for the Environmental Enforcement project. Concerns were expressed that performance information had not been received, as it had fallen between meetings. Questions were also asked about parking enforcement, connectivity problems and deployment of officers in pairs.

North Area Council currently has £66,562 uncommitted from 2014/15 and 2016/17 budgets. Future budget allocations remain unclear.

#### **RESOLVED**

- (i) that the North Area Council Members give consideration to how the remaining funding is utilised to meet the needs of the North area, and
- (ii) give consideration to which projects they wish to commission in the future to address the Area priorities by way of a workshop session, to include an Economic Regeneration project and that
- (iii) performance information will be provided between meetings for Member consideration.

#### **48 Commissioned Projects Performance Update**

The Area Council Manager updated Members with regard to the performance of the Anti-Poverty Community Outreach, Clean and Green and Now You're Cooking projects. To date, 205 people have accessed the CAB/DIAL service, with 50 clients receiving advice relating to benefit gains, which should bring in an estimated £177,053 of income to the North Area, benefitting both the individual and the economy. It was highlighted that The Forge have needed time to learn about the demographics of the North Area and become familiar with local groups, which has led to a slow start to the project, although milestones have still been achieved. The Now You're Cooking project has also met and exceeded its targets, although unfortunately two scheduled courses were cancelled for Roundhouse Resource Centre and St John Evangelist Church, Staincross.

**RESOLVED** that Members note the Project Performance Reports



#### **49 Report on the use of Devolved Ward Budgets and Ward Alliance Funds**

The report was introduced by the Area Council Manager, and attention drawn to the levels of finance carried forward, and current levels of expenditure in respect of the Devolved Ward Budget, Ward Alliance Fund and Public Health financial contribution. Members were reminded that all project forms must be signed by the end of March and completed by the summer. It has been agreed that £10,000 will be devolved to each Ward Alliance from the Area Council budget. Any underspend can be carried forward.

**RESOLVED** that the report be noted.

#### **50 Notes of the Ward Alliance Meetings**

The meeting received the notes from the Darton East Ward Alliance held on 10<sup>th</sup> December 2015; Darton West Ward Alliance held on 16<sup>th</sup> November 2015 and 11<sup>th</sup> January 2016; Old Town Ward Alliance held on 2<sup>nd</sup> December 2015; and St Helen's Ward Alliance held on 7<sup>th</sup> January 2016.

It was reported that the Christmas lights switch-on in Darton East was a great success despite the bad weather. Thanks were expressed to Lee, Rebecca and John Foster for provision of mince pies. There was some confusion regarding an application to fund a schools project commemorating the Battle of the Somme. The total cost of £7050 was to be met by contributions of £300 from each Ward Alliance, not from one Ward Alliance. This will now be reconsidered.

It was highlighted that a Darton West 'Community Stars' event is to be organised for Friday 4<sup>th</sup> March. The Darton Afternoon Club has now been launched and continues to be well attended. The launch was attended by Millie Johnson, which was very well received. A local history group has produced a booklet about Kexborough and is now putting together a lottery bid to continue this work in the local area.

The Old Town Ward Alliance structure has changed recently and new representatives are required. ?? The Café Coffee choir needs £3750 from the Bishop's Fund if it is to continue.

It was reported that the Christmas tree events in St Helens ward were very successful and planning is now underway for the summer gala. Thanks were expressed to Rosie, Lee and Rebecca for their fantastic work and commitment over the year.

**RESOLVED** that the notes of the respective Ward Alliances be noted.

-----  
Chair

This page is intentionally left blank

# Item 23



<b>MEETING:</b>	Penistone Area Council
<b>DATE:</b>	Thursday, 11 February 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Council Chamber, Penistone Town Hall

## MINUTES

**Present** Councillors Barnard (Chair), Griffin, Hand-Davis, Millner, Unsworth and Wilson

### 31 **Declarations of pecuniary and non-pecuniary interests**

There were no declarations of pecuniary or non-pecuniary interests.

### 32 **Minutes of the Penistone Area Council meeting held on 10.12.2015 (PAC.11.02.2016/2)**

The Area Council received the minutes of the previous meeting held on 10 December 2015.

The Area Council Manager reported on the progress of the DIAL service, with three clients helped during week commencing 1 February and one the previous week. Last week's sessions had taken all of the available time, indicating how involved the process was. Nevertheless, Members considered that the service needed to be promoted further, including through the Barnsley Chronicle.

In relation to Ward Alliance membership, it was noted that it might be possible to recruit a Foundation Governor from Penistone Grammar school and discussions had been held with Father David regarding church representation. It was noted that the Reverend Ann Parr might be interested and that Councillor Millner would make contact with her.

The meeting noted the positive feedback received about the community magazine, including from the Community Liaison Manager at Tesco's. Members were reminded that articles for the next edition were required by the end of March 2016.

**RESOLVED** that the minutes of the Penistone Area Council meeting held on the 10 December 2015 be approved as a true and correct record.

### 33 **Notes from Penistone East and West Ward Alliance held on 17th December, 2015 (PAC.11.02.2016/3)**

The meeting received the notes from the Penistone East and West Ward Alliance held on 17 December 2015.

The meeting noted that Joe Pingy was liaising with John Openshaw regarding a local event to commemorate the Battle of the Somme on 1 July 2016, to be coordinated with the event to be held in Barnsley. Councillor Millner would preside over the Penistone event as Deputy Mayor of the Town Council, given that Councillor Hand-Davis was visiting Serre.

**RESOLVED** that the notes from the Penistone East and West Ward Alliance held on 17 December 2015 be received.

**34 Report on the use of Devolved Ward Budget and Ward Alliance Fund (PAC.11.02.2016/4)**

The Area Manager presented a report detailing expenditure from the Devolved Ward Budget and Ward Alliance Funds, which included funds allocated from Public Health. The Area Manager gave an update on the information in the report, noting that the Devolved Ward Budget was now fully allocated because of applications currently in the pipeline. £18,000 of Ward Alliance Funding remained unallocated, although it was noted that this could be carried forward to 2016/17.

**RESOLVED** that the report detailing the use of the Devolved Ward Budget and Ward Alliance Fund be noted.

**35 Penistone Area Council commissioning, procurement and funding update (PAC.11.02.2016/5)**

The Area Manager presented a report giving an update on the current position of services commissioned and procured by Penistone Area Council. The report also incorporated, at Appendix 1, a financial analysis of the commissioning budget for 2014/15 to 2016/17.

The meeting noted that the countryside skills training commission had not necessarily achieved its initial objective, of providing practical skills for young people in developing stone walling and hedge laying businesses, but had had considerable success in re-engaging people in a work routine. In particular, an initial assessment of the social return in investment from the project was considered to be extremely positive, and the full results from this assessment would be reported to the Area Council in April. Members commented on the approach of GrowForest in taking forward the commission, which suggested that the proprietor's skills could be used to motivate young people in other fields of activity.

In relation to the clean and tidy commission, the meeting noted good progress against targets, and the particular impact in the work to clear verges and litter on the main routes in the Penistone area, that is A616, A628 and A629.

The meeting went on to discuss the arrangements to consider priorities for commissions in 2016/17, and the proposal to arrange a workshop meeting for this purpose. The meeting discussed whether the experience of the countryside skills commission could be used to develop a further project, perhaps with Enterprising Barnsley, to seek to develop new businesses or self-employment. Members commented that they would like to revisit the issue of a rural bus service commission, particularly given the extent of rural isolation. The Area Manager commented that she would make the necessary arrangements for a workshop, with relevant supporting information and expert contributions to assist in Members' consideration of this issue.

**RESOLVED:-**

- (i) that the update on current commissioned projects, as set out in the report now submitted, be received;
- (ii) that the current financial position of the Area Council commissioning budgets for 2015/16 and 2016/17 be noted; and
- (iii) that the Area Manager make appropriate arrangements for a workshop session to consider commissioning and procurement priorities for 2016/17.

### **36 The Future of Penistone Working Together Fund (PAC.11.02.2016/6)**

The Area Manager presented a report giving an update on activity of the Working Together Fund and seeking consideration of options for the future of the approach. The meeting noted that only two applications had been received, which seemed to be more suited to funding support from Section 106 money or the Ward Alliance Fund and so were being progressed accordingly. Members expressed disappointment that initial expressions of interest had not resulted in formal applications and that Members needed to work through their networks to promote the Fund more vigorously. The need for greater promotion of the Fund, through Facebook and the community magazine was also discussed.

#### **RESOLVED:-**

- (i) that the Penistone Working Together Fund continue in 2016/17 with a total allocation of £120,000 and on similar criteria, as set out at section 3 of the report;
- (ii) that the need for more active promotion of the Fund, including through Facebook and the community magazine, be agreed, with Members making contact with appropriate community organisations to promote the fund; and
- (iii) that the Area Manager convene the grants panel to consider the outstanding application in order that this might then subsequently progress to be considered for Ward Alliance funding, if appropriate.

### **37 Elaine Slater - Appreciation**

The meeting noted that the Penistone Area Manager, Elaine Slater, was due to take retirement on 31 March 2016. The Chair expressed his appreciation for the work that Elaine had done in her time as Area Manager to take forward the work of the Area Council and he expressed his best wishes for a long and happy retirement.

**RESOLVED** that the Chair's comments be endorsed.

-----  
Chair

This page is intentionally left blank

<b>MEETING:</b>	North East Area Council
<b>DATE:</b>	Thursday, 11 February 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Meeting Room 1, Barnsley Town Hall

## MINUTES

### Present

Councillors Hayward (Chair), S. Green, Hampson, Higginbottom, Houghton CBE, Makinson, Richardson and C. Wraith MBE

### 41 Declarations of Pecuniary and Non-Pecuniary Interests

Councillor Hayward declared a non-pecuniary interest in Minute no. 38 on the agenda – ‘North East Area Council Apprenticeships and Employability Study Programme’.

### 42 Minutes of the Previous Meeting of North East Area Council held on Thursday 3rd December 2015.

The meeting considered the minutes from the previous meeting of the North East Area Council held on 3<sup>rd</sup> December 2015.

**RESOLVED** that the minutes of the North East Area Council held on 3<sup>rd</sup> December 2015 be approved as a true and correct record.

### 43 Notes of the Following Ward Alliances with Feedback from each Ward Alliance Chair

The meeting received notes from the Cudworth, Monk Bretton, North East and Royston Ward Alliances. The following updates were noted:-

*Cudworth* – 26<sup>th</sup> October 2015 and 7<sup>th</sup> December 2015. The CAB project is now up and running in the area. The Health Fayre and Christmas events went very well. A litter pick is planned for 5<sup>th</sup> March, it is hoped that this will make a big difference to the park and wider area.

*Monk Bretton* – 20<sup>th</sup> November 2015 and 15<sup>th</sup> January 2016. It was reported that it is fairly quiet at the moment. Pat Hall had passed away and will be sadly missed. The Achievement Awards event is planned for mid-March, involving three schools. A meeting about the Information booklet will take place next week.

*North East* – 4<sup>th</sup> November 2015 and 16<sup>th</sup> December 2015. The Christmas events went very well. The Healthy Teeth project will be starting soon, and events to commemorate the Queen’s birthday are being planned. It was reported that the Community noticeboards had now been erected in all areas.

*Royston* – 9<sup>th</sup> November 2015 and 14<sup>th</sup> December 2015. The Green Fingered Gardening Club is to hold a litter pick on 5<sup>th</sup> March. The CAB/DIAL project is proving

to be beneficial. A visit to a potential allotment site is to take place soon and tenancies etc., are being considered.

**RESOLVED** that the notes from the Ward Alliances be received.

#### **44 North East Area Council Youth Development Fund - Children and Young People's Activity Club**

Martin Sawdon from the Exodus Project was welcomed to the meeting. Martin explained that the project had been running for more than 10 years in Barnsley, working with children and young people with the aim of diverting them from anti-social behaviour and enabling them to fulfil their potential.

The Exodus Project now has 15 clubs across the Borough with a wide variety of activities such as dance, drama, crafts and games. There is also a significant education element and the young people have the opportunity to talk about issues such as citizenship, anti-social behaviour etc. The project provides midweek activities, weekend camps and volunteer development, working with schools and community organisations at galas etc.

The project has over 70 volunteers, who are mainly former service users. The North East Project in Cudworth works with around 30 children at after school clubs, providing youth groups for children aged 8-11 and 11-15. Local children have been to the camps, day trips and taken part in activities such as bowling at the Metrodome. Various sessions are held, at 5.30 until 7 for the younger children and then at 7.30 until 9 for the older children. Lots of activities are provided in the summer months. The project has received 5 separate lottery grants, but the biggest issue faced is that of funding sustainability as the aim is to make a difference long-term in an area.

A Member asked about the location of the camps. It was explained that the Project has used Scout Dyke previously but now has its own weekend activity camp site at South Hiendley, in a former Methodist church.

A question was raised about whether the project tackled anti-social behaviour on the streets. It was explained that this was not an area of expertise and both the YMCA and the Youth Offending Team do this type of work. However, provision of activities, particularly during school holidays, would help to combat anti-social behaviour amongst young people. Martin was thanked for his attendance and contribution.

#### **45 North East Area Council Project Performance Report - update on the delivery of commissioned projects**

The Area Council Manager updated Members on the Youth Development Fund current projects, including financial allocations, number of volunteers, volunteer hours, number of young people attending and 'in kind' contributions. The Members agreed that this initiative was achieving good outcomes and outputs. 68 volunteers have been involved in the supported projects, providing 2,348 volunteering hours. This represents a social value of £26,040, indicating that for every £1 spent, there is a social investment return of £11.09, which demonstrates the value of the investment.



The Area Council Manager also fed back with regard to the Fit Reds and Fit Me initiatives which were also being positively received in the local communities.

**RESOLVED** that the North East Area Project Performance report be received and noted.

#### **46 NEAC Financial Position and Procurement Update**

The Area Council Manager outlined the commissioning budget current position, which included expenditure approved up to March 2017. The 2015 / 2016 balance including any base expenditure not used in the previous financial year currently stands at £133,836. A workshop has been organised for 25<sup>th</sup> February to consider the area council's priorities and to look at future finance.

**RESOLVED** that the North East Area financial position and procurement update report be received and noted.

#### **47 Report on the Use of Area Council Budgets, Devolved Ward Budgets and Ward Alliance Funds**

The Area Council Manager introduced this item and highlighted the spend to date in respect of Area Council Budgets, Devolved Ward Budgets and Ward Alliance Funds. Members were reminded of the need to ensure that funding is allocated to projects in line with identified priorities.

**RESOLVED** that the report on the use of Area Council Budgets, Devolved Ward Budgets and Ward Alliance Funds be received and noted.

#### **48 North East Area Council Apprenticeships and Employability Study Programme projects - commissioning**

Due to his previously declared interest in respect of this item, Councillor Hayward left the meeting during discussion and voting on this item.

Members considered the contract specification for procurement of an Apprenticeship and Employability Study programme, focusing on the environment. The programme will consist of a minimum of 12 apprenticeship opportunities, placed within two environment teams and focused on maintaining and improving environmental cleanliness in high profile areas such as village centres / shopping centres and key access routes across Cudworth, Monk Bretton, North East and Royston. The programme will include a second stage apprenticeship scheme for two apprentices who have already completed Stage 1.

It was felt that an Apprenticeship and Employability initiative would be very beneficial for the local area, and as environmental issues receive the most complaints, this should also be a priority. Furthermore that the project should include holiday period working as well as work on 'hot spots, and it was agreed that this will be strengthened up. The contract will not exceed £245,000, with a £23,000 contingency fund if required.

**RESOLVED** that the North East Area Council approve the specification for an Apprenticeship and Employability Study Programme, focusing on the local Environment, at a contract price not exceeding £245,000.

**49 Volunteering Celebration Event**

The Area Council Manager reported that the Volunteering Celebration Event will take place on 8<sup>th</sup> September from 6.30 p.m. until 10 p.m. at Priory Campus. The venue will seat 200 people – i.e. 25 volunteers and their partners per Ward. The working party has organised a 12 foot screen, photographer, the menu and bar etc. Some details are yet to be decided.

**RESOLVED** that Members note the arrangements for the Volunteering Celebration Event.

-----  
Chair

<b>MEETING:</b>	South Area Council
<b>DATE:</b>	Friday, 19 February 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Meeting Room, Wombwell Library

## MINUTES

**Present** Councillors Stowe (Chair), Andrews BEM, Coates, Dures, Franklin, Frost, Lamb, Morgan, Saunders, Shepherd and R. Wraith.

### 36 **Declarations of Pecuniary and Non-Pecuniary Interests**

Councillors Franklin, Lamb and Shepherd declared non-pecuniary interests in Minute nos 41, 42 and 44 in respect of their positions as directors of Forge Community Partnership.

### 37 **One Stop Shop Presentation**

The meeting welcomed David Andy, Zoe Ellis-Georgiou and Phil Beer to the meeting to deliver a presentation on the work of the 'One Stop Shop' project.

Members noted the aim of the project, how it was funded, and how the project had been designed. The presentation then explored some of the achievements made since its inception.

From June, 2014 to January, 2016 the project had engaged with 1,425 clients. The top three areas for which the clients sought assistance were for benefits, debt and legal advice. Members heard how over £1m of debt had been managed and 36 cases of homelessness had been averted. Over £1.1m of additional benefit had been gained, and it was noted that this equated to £16 benefit gained for every £1 invested.

The meeting heard how this figure grew to £28.81 per £1 invested when considering a wider social return on investment.

The high levels of satisfaction felt by clients was noted, as was the proportion of clients feeling 'much better' after using the service. Members noted the breakdown of clients, acknowledging that 39% were in work at least 16 hours per week, 19% were retirees, and only 10% were unemployed.

Members were presented with some case studies, giving details of a number of clients helped, and the difference this had made to their lives.

The meeting discussed the success of the project, stressing the significance of the sessions being held in the evening, of using local venues, and of joint working.

With regards to joint working, the meeting noted the link between reducing debt and improving health, particularly mental health, and discussed how projects such as this could link to more social prescribing by GPs.

**RESOLVED** that the contents of the presentation be noted, and that the presenters be thanked for their work on the commission.

**38 Minutes of the Meeting of South Area Council held on 18th December, 2015 (Sac.19.02.2016/2)**

The meeting considered the minutes of South Area Council held on 18<sup>th</sup> December, 2015.

**RESOLVED** that the minutes of the South Area Council held on 18<sup>th</sup> December, 2015 be approved as a true and correct record.

**39 Notes of the following Ward Alliances (Sac.19.02.2016/3)**

The meeting received the notes from the following Ward Alliances:- Hoyland Milton and Rockingham held on 18<sup>th</sup> January, 2016; Wombwell held on 12<sup>th</sup> January, 2016; and Darfield Ward Alliance held on 21<sup>st</sup> January, 2016.

**RESOLVED** that the notes from the Ward Alliances be received.

**40 Report on the Use of Devolved Ward Budgets and Ward Alliance Funds (Sac.19.02.2016/5)**

Members received the report which provided details of the latest expenditure from the Devolved Ward Budgets and Ward Alliance Funds.

The meeting noted that any of the Devolved Ward Budget remaining unallocated at the end of the financial year could not be carried forward. It was noted that a significant number of applications were currently being processed for this and also the Ward Alliance Fund.

**RESOLVED** that the report on the use of Devolved Ward Budgets and Ward Alliance Funds be received.

**41 South Area Council Performance Report (Sac.19.02.2016/6)**

The Area Council Manager introduced the item. Members noted the current status of commissioned services in the introductory pages of the report, which included recommissioning dates where relevant. Members noted that the Youth Asset Mapping due to take place in February and March, 2016, would help to identify future areas for investment.

Members considered the Overview of Performance, and noted the up to date figures. It was acknowledged that the figure for 'Number of targeted dog fouling and littering operations completed' should read 165, an additional 29 from the previous report, rather than a total of 29.

Members heard how figures in the report relating to 'Access to Local Information & Advice' remained the same, as a quarterly monitoring report had not been due since the last meeting of the Area Council.

Attention was drawn to the number of case studies circulated which helped to show the human impact of the projects commissioned.

**RESOLVED** that the report on the performance of contracted services be noted.

**42 South Area Council update on Recommissioning of Existing Commissioned Projects during 2016/17 (Sac.19.02.2016/7)**

The Area Council Manager introduced the item, providing an update on recommissioned projects.

With regards to the Environmental Enforcement commission, Members noted that two providers had been interviewed and Kingdom Security had been the preferred candidate. It was noted that the original contract would come to an end on 31<sup>st</sup> March, 2016, and the new contract would start on 1<sup>st</sup> April, 2016, providing a seamless transition.

The One Stop Shop contract had been extended until 31<sup>st</sup> March, 2017 by way of a waiver to contract procedure rules. It was suggested that the future of the project should be discussed in the Autumn, in order to make decisions significantly in advance of this date.

With regards to the Tidy Team, it had previously been thought that this contract could be extended until 31<sup>st</sup> March, 2017 by the use of a waiver to contract procedure rules. However, advice from Procurement suggested the value of the contract was too high and that this ought to go out to formal procurement. It was therefore agreed to hold a special meeting of the Area Council to consider revised commissioning documentation, with a view to approving this in order to go out to tender as soon as possible after. Members were concerned that, in the event of any unforeseen circumstances, there could be a gap in service. It was therefore agreed that the Area Manager discusses the possibility of any provision to bridge the contracts if necessary.

Members heard how four potential providers were interviewed for the Summer Holiday Internship commission, and C+K Careers had been successful. It was noted that a pre-contract meeting had been held. Members heard how the first contract with C+K Careers was still ongoing, as students were monitored to establish their first destination after leaving school. Therefore, both contracts would be managed simultaneously.

The meeting discussed the Community Magazine, including areas where delivery had been missed. It was noted that delivery in Birdwell would take place shortly, and Members were encouraged to make the Area Manager aware of any other areas where delivery may have been overlooked.

**RESOLVED:-**

(i) that the progress made towards recommissioning of existing projects be noted;  
(ii) that a special meeting of the Area Council is held on 24<sup>th</sup> March, 2016 at 1pm to consider the specification of requirements for the revised Tidy Team procurement, with a view to approving this in order allow officers to commence the tendering process.

**43 South Area Council update on Future Commissions for 2015/16 and 2016/17 and possible use of existing Area Council Underspend (Sac.19.02.2016/8)**

The Area Council Manager introduced the item, by firstly providing an update on areas of expenditure approved at the previous meeting.

With regards to the Youth Asset Mapping it was noted that an online survey had been proposed, which would provide additional evidence. It was therefore suggested that a headline report of the findings would be presented to the next meeting of the Area Council, with the full report in June, 2016.

Members discussed the Health Asset Mapping Conference, and it was noted that this was likely to take place in May or June, 2016.

The meeting heard how the courses to be delivered by South Yorkshire Fire and Rescue Service are in the process of being arranged and discussions had taken place with various agencies in order to identify individuals most likely to benefit.

Members noted that the support pack for veterans would be progressed in conjunction with South West Yorkshire Partnership NHS Foundation Trust, and with York University, but was unlikely to require any funding from the Area Council.

The meeting considered the amount of finance remaining unallocated for 2016/17, £166,090.57 noting that the provision of finance after March 2017 was unclear.

Members noted the current levels of Ward Alliance Fund finance remaining unallocated, taking into account applications under consideration. It was noted that each Ward Alliance had under £10,000 per ward remaining. Members discussed the potential to devolve up to £20,000 per ward from the Area Council budget to the Ward Alliance Fund, 50% of which had to be matched with volunteer time, external income or in-kind resources.

Members noted that the outcome of the Youth Mapping exercise may require some resources, and that the Area Council had not allocated much finance to the priority to Improve the Local Economy. With this in mind, it was agreed at this time to only devolve £10,000 per ward to the Ward Alliance Fund.

The meeting discussed the use of unallocated Area Council finance. It was agreed to reserve a significant proportion of the South Area Council meeting scheduled to be held on 22<sup>nd</sup> April, 2016 to discuss this in depth.

**RESOLVED** that

- (i)** the progress of projects under development as outlined in the report be noted;
- (ii)** an additional £10,000 per ward be devolved to the Ward Alliance Funds, to be allocated as set out in the report;
- (iii)** that a significant proportion of the South Area Council meeting on the 22<sup>nd</sup> April, 2016 is dedicated to discussing future Area Council Commissions.

**44 Social Return on Investment (Sac.19.02.2016/9)**

The Area Council Manager introduced the item. The meeting heard how the Social Return On Investment methodology not only captured any financial returns due to Area Council investment, but also the wider impact.

Members noted how the methodology used financial proxies to place a value on social outcomes, each proxy being supported by a body of research. In addition the calculation took account other issues such as 'leakage' – the extent to which others benefitted who were outside the original scope of the project, and 'deadweight' – the proportion of the improvement seen which would have naturally occurred without any intervention.

The meeting heard how consultants had worked with the Communities and Area Governance Team to analyse one project from each Area Council, with the One Stop Shop being considered for the South Area. It was noted that Area Council Managers also received training in order for them to be able to calculate the Social Return On Investments of other commissions in the future.

Members discussed using the methodology to show the impact of investments made by the Area Council, and it was suggested that each of the Area Council commissions be analysed.

Various options for taking this forward were discussed. These included convening a working group to assist the Area Council Manager in analysing the remaining projects, or extending the hours of part time staff on the Area Team to undertake the work.

The prevailing opinion was that some finance be allocated to engaging a specialist consultant to facilitate a workshop for the wider Area Team and Members of the Area Council to learn more about the methodology, using Area Council commissions as working examples.

**RESOLVED:-**

- (i) that the report be received and its content noted;
- (ii) that more detailed proposals and associated costings for a facilitated workshop on Social Return on Investment Workshop be submitted to a future meeting of the Area Council.

-----  
Chair

This page is intentionally left blank



# Item 26

**Report of the Director of Legal & Governance & the Head of Planning & Building Control to the Planning & Regulatory Board on 24<sup>th</sup> November 2015**

## **CODE OF PLANNING CONDUCT & GUIDANCE 2015**

### **1. Purpose of report**

This report seeks approval to adopt an updated Local Code of Planning Conduct and Guidance.

### **2. Recommendation**

**That Planning Regulatory Board approves the ‘Local Code of Planning Conduct and Guidance 2015’ for recommendation to the Council.**

### **3. Background**

The Council’s current Local Code of Planning Conduct and Guidance was adopted by Full Council in 2004. The Code of Conduct applies to members and officers of the Council and its primary purpose is to ensure that decisions made in respect of planning applications are fair, open and transparent.

It is considered necessary for the Local Code of Planning Conduct and Guidance to be updated to take account of legislative developments and updated practices of the Council’s Planning Regulatory Board. In particular, the Localism Act 2011 introduced provisions which oblige local government members in England to register disclosable pecuniary and other interests, but these provisions are not referenced in the current Local Code of Planning Conduct and Guidance. The Localism Act has also introduced provisions to clarify the circumstances in which members may comment on applications prior to their approval without bringing into question the validity in law of the determination of such applications. It is intended that the Local Code of Planning Conduct and Guidance shall be supplementary to the existing adopted Code of Conduct for Elected Members.

### **4. Current Position**

It is imperative that the way in which members determine planning applications is fair, honest and transparent and it is also essential that members act in accordance with their own statutory duties in order to protect their own position. The Localism Act 2011 abolished the previous Standards Board regime with a nationally prescribed Code of Conduct and the Council has instead adopted its own Code of Conduct for Elected Members (referenced above).

The Planning Local Code of Conduct and Guidance must therefore be updated so as to reflect the present standards required by members and to provide clarification of their own obligations.

The Council has a duty to ensure that planning decisions are determined in accordance with the Council's development plan and national guidance unless material planning considerations indicate otherwise. It is essential that each planning application is considered and determined on its own merits and that decisions are robust and justifiable.

It is vital that the Code is updated so as to provide accurate and updated guidance to members in connection with their duties in respect of the determination of planning applications.

## **5. Proposal and justification**

It is proposed that Planning & Regulatory Board confirms their approval of the Local Code of Planning Conduct and Guidance.

The key changes to the existing Code can be summarised as follows:

- Clarification regarding the provisions introduced by the Localism Act 2011 obliging members to register disclosable pecuniary interests and guidance in respect of the Council's duty to maintain a register of members' interests.
- Guidance regarding the updated rules on predetermination introduced by the Localism Act 2011. The Localism Act 2011 clarified that members shall not be taken to have had a closed mind when making a decision just because (i) they had previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter, and (ii) the matter was relevant to the decision.
- Clarification that members who are not members of the Planning Regulatory Board shall not be allowed to address the Board.
- Updated guidance regarding possible sanctions to both the Council and members in respect of any failure to adhere to the Code.
- Guidance on members' duties under the Member Code of Conduct and the relationship of this Code to the Local Code of Planning Conduct and Guidance 2015. The Council adopted the Member Code of Conduct on 5 July 2012 and an updated version was approved by the Council on 4 June 2015.

If approved by Planning & Regulatory Board, the Code will thereafter be recommended for adoption by Full Council.

## **6. Implications for local people / service users**

The updated Code would provide members of the Planning Regulatory Board with updated guidance with regard to their duties as members and as regards the proper determination of planning applications.

The updated guidance should assist members in determining planning applications robustly and this would duly have the effect of increasing public confidence in respect of the determination of applications within Barnsley.

**7. Financial implications**

There are no financial implications.

**8. Employee implications**

There are no employee implications. The updated Code does not impose any greater obligations on employees in terms of their duty to disclose interest in applications which affect them personally than under the existing Code.

**9. Compatibility with the European Convention on Human Rights**

The proposals in this report are compatible with Convention Rights.

**10. List of appendices**

Appendix 1 – Local Code of Planning Conduct and Guidance 2015.

**Office Contact: Joe Jenkinson**

**Tel: 01226 772588**

**Date: 9<sup>th</sup> November 2015.**

This page is intentionally left blank

**BARNSLEY METROPOLITAN BOROUGH COUNCIL**  
**LOCAL CODE OF PLANNING CONDUCT AND GUIDANCE 2016**

**CONTENTS**

1. Introduction
2. The General Role and Conduct of Members and Officers
3. The Role of Members
4. The Role of Officers
5. Declaration and Registration or Interests
6. Lobbying
7. Hospitality
8. Development Proposals submitted by Members, Officers and Council Development
9. Pre-application and Pre-Determination discussions
10. Officer reports
11. Decisions contrary to Officer Recommendation and/or the Development plan
12. Site Visits
13. Procedure on Site Visits
14. Member Participation at Meetings of the Planning Regularity Board
15. Disclosure of Information
16. Political Group Meeting
17. Sanctions

1. **INTRODUCTION**

- 1.1 The successful operation of the planning system relies on a mutual understanding of the role of officers and Members. It also relies on each ensuring that they act in a way which is not only fair, honest and impartial but also clearly seen to be so.
- 1.2 Planning decisions can affect people's lives and therefore the community is entitled to expect the highest standards of probity and accountability in the decision making process. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well founded in any way.
- 1.3 Planning decisions rely on well informed judgment within a policy context provided by the statutory Development Plan. Planning law requires local planning authorities to determine all planning applications in accordance with the Development Plan (so far as material to the application), any local finance considerations (so far as material to the application) and any other material considerations. This responsibility must be performed without undue influence or personal interest.
- 1.4 Members and local planning authorities also have a duty to take into account any representations made to the Council as a result of consultation with interested bodies or as a result of public notice or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and, if so, what weight to attach to them. It is essential that each application is considered on its own merits and only material planning considerations are taken into account in reaching a decision.
- 1.5 This Code of Conduct relating to Planning Matters applies to Members and Officers of the Council and its purpose is to ensure that decisions made are open, fair and transparent. It is intended to be supplementary to the provisions introduced by the Localism Act 2011 which require Members to register pecuniary and other interests and for local authorities to promote and maintain high standards of conduct.
- 1.6 In the case of officers it is supplementary to the Council's Code of Conduct for Officers. In both cases it provides more detailed guidance on the standards to be applied in relation to all planning related issues.

2. **The general role and conduct of Members and Officers**

- 2.1 Members and officers have different, but complementary, roles. Both serve the public but Members are responsible to the electorate, while officers are responsible to the Council as a whole. Officers advise Members and the Council, and carry out the Council's work. They are

employed by the Council, not by individual Members, and it follows that instructions may only be given to officers through a Council decision, which is often via delegated powers. Both Members and officers have responsibility to ensure that the policies of the Council are implemented wherever possible. A successful relationship between Members and Officers can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust which underpins it, must never be abused or compromised.

2.2 The Localism Act 2011 introduced provisions which oblige local government members in England to register disclosable pecuniary and other interests. It makes the failure to register relevant interests or declare them when appropriate in meetings a criminal offence. This Act abolished Standards for England, Standards Committees and the National Code of Local Government Conduct. Section 27(1) of the Localism Act 2011 provides that a Relevant Authority (which includes local planning authorities) must promote and maintain high standards of conduct by members and co-opted members of the authority. Section 27(2) further provides that, in discharging its duty under Section 27(1), a Relevant Authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The Council adopted the Member Code of Conduct on 5<sup>th</sup> July 2012 and approved an up-dated version on 4<sup>th</sup> June 2015.

2.3 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTP) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. In addition to these codes, the Council's standing orders set down rules which govern the conduct of Council business.

2.4 The basis of the planning system is the consideration of private proposals for the proposed development and use of land against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved. Whilst Members should take account of those views, they must not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.

### 3. **The role of Members**

3.1 Under the Localism Act 2011 the monitoring officer of a Relevant Authority must establish and maintain a register of interests of members and co-opted members of the Authority. A member or co-opted member is also obliged to notify the Authority's monitoring officer of any disclosable pecuniary interests which the person has at the time the notification is given. A disclosable pecuniary interest is an interest of a relevant member or, where the relevant member is aware that the other person has the interest, an interest of their spouse or civil partner, a person with whom they are living as husband and wife and a person with whom they were living as if they were civil partners. It is a criminal offence where a member of a relevant authority fails without reasonable excuse to register or declare disclosable

pecuniary interests and then duly takes part in council business or meetings (when acting alone).

3.2 The Council's Member Code of Conduct specifies that if a Member has a pecuniary or non-pecuniary interest in any matter to be determined at Planning Regulatory Board they must disclose that interest and give sufficient details of it so that the nature of their interest is clearly understood. Unless a dispensation has been granted, they should not take part in any matter to be determined at Planning Regulatory Board where their interest is a "disclosable pecuniary interest" which they are required to register in accordance with regulations made by the Secretary of State and should withdraw from the meeting during the consideration of that item.

3.3 A Member must not act in such a way as to bring their office or the Council into disrepute. In considering this broad obligation the following should be particularly borne in mind:

- The over-riding duty of a Member is to the whole local community.
- Members have a special duty to their constituents, including those who did not vote for them.
- Whilst Members may be strongly influenced by the views of others, and of their party in particular, it is their responsibility alone to decide what view to take on any question which Members have to decide.
- A Member should never do anything in their public role which could not be justified to the public. A Member's conduct, and what the public believe about their conduct, will affect the reputation of the Council, and of their party if they belong to one.
- It is not enough to avoid actual impropriety; you should at all times avoid any occasion for suspicion and any appearance of improper conduct.

3.4 The role of Members in dealing with both Development Plan and Development Management issues can often lead to difficulties with constituents who naturally expect their Elected Representative to represent their views. The following principles should be applied:-

- In considering Development Plan and policy issues Members must vote in the interests of the whole community, not for Ward, Party, Sectional or personal considerations.
- In considering Development Management matters, Members must act impartially and must not make up their minds until they have read the officers reports and heard the evidence and arguments for and against.



- When dealing with matters affecting their Ward, Members must make clear to constituents, applicants and objectors that they must act in accordance with the above two principles. This does not mean that a Member cannot comment or reflect local concerns about a proposal or even have a predisposition where they may be entitled to vote at the relevant committee but any such view or comment must not be, or be seen as being a pre-determination of the proposal.
- Similarly Members who are also Parish Councillors must make it clear that they may have to vote differently when sitting as a District Member and having heard the technical and legal background from officers. In controversial cases, Members must abstain from the Parish vote to make it clear that they are not prejudicing the decision they will need to make as a District Member. In the event that they do participate in the Parish decision such participation is likely to be viewed as having precluded the participation of such Member in the decision by the district council on the basis that they are not in a position to view the application with an open mind. A Member is always advised in such circumstances to seek the advice of the Monitoring Officer.
- Members must always advise constituents, applicants and objectors of any known public consultation arrangements and the standard representation system and refer them to the appropriate Planning Officer in order that their views can be properly included in the officer's report.

Confidential matters may arise from time to time on planning applications but it is in discussions on enforcement matters in closed session where it is most likely that confidential information will be disclosed. Often the information will relate to the Council's legal position with regard to a particular planning contravention. Information on such matters, if disclosed to any member of the public, could eventually come to knowledge of the person responsible for the contravention and could seriously prejudice the Council in the event of an appeal or in legal proceedings. Members must therefore take particular care not to disclose such information. The Members Code of Conduct specifies that Members should not disclose information given to them in confidence by anyone or information that they reasonably believe or ought reasonably be aware is of a confidential nature.

#### 4. **The Role of Officers**

4.1 The public is entitled to expect high standards of conduct, probity and courtesy by all persons holding public office but in particular when dealing with planning matters.

4.2 In making delegated decisions on applications, officers will:-

- Act fairly and openly

- Approach each application with an open mind
- Carefully weigh up all of the relevant material planning considerations
- Avoid undue contact with interested parties
- Ensure that reasons for decisions are clearly stated and recorded

4.3 In reporting to Planning Regulatory Board and in progressing non-delegated applications, officers will:-

- Provide professional and impartial advice
- Make sure that all information necessary for a decision to be made is given
- Set the application in the context of the Development Plan and all other material considerations
- Include the substance of objections and the views of people who have been consulted
- Provide a clear and accurate written analysis of the issues within the written report
- Give a clear recommendation

4.4 Any material planning information which is received after the written report has been prepared will be presented orally to the Planning Regulatory Board by officers.

4.5 Officers are responsible for carrying out the decisions of the Planning Regulatory Board, whether or not those decisions are in line with officer recommendations.

4.6 Officers shall play no part in the processing of any application in circumstances where there is, or would be perceived to be, a conflict between their personal or financial interests, those of their families or friends, and their professional duty, and they shall formally register the existence of any such conflict in writing to the Executive Director of Place. Any interest the Executive Director of Place has in an application shall be declared to the Chief Executive.

## 5. **Declaration and registration of interests**

5.1 Members sitting on the Council's Planning Regulatory Board must disclose any pecuniary or non-pecuniary interest in respect of any application. The declaration must include the existence and nature of that interest at the beginning of discussing the matter to which it is

relevant, or when the interest becomes apparent. A Member who makes a decision in relation to that matter must ensure that any written statement of the decision records the existence and nature of that interest. The Member need only declare the interest or interests which he knows about and does not need to investigate the business or other interests of friends and relatives. He can stay in the meeting, take part in the discussion and vote on the matter under question unless the interest is a disclosable pecuniary interest in which case you should withdraw from the meeting (see paragraph 5.6 below).

5.2 Members should review their situation regularly and should bear in mind that not only must impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. The responsibility for this rests individually with each individual Member.

5.3 Given the sensitive nature of planning there are situations where the obligations placed upon Members go beyond the strict requirements of the Code of Conduct. In particular:

(i) Members submitting applications on behalf of themselves or in respect of any person with whom they are related or with whom they are a close personal acquaintance, shall take no part in the processing of that application. Any such application must clearly show that it is submitted by a Member. The proposal must be dealt with by the Planning Regulatory Board and not under delegated powers.

(ii) Involvement of a Member of his/her family in a consultancy, agency or company which could be involved in land or property dealings of development within the Borough must be disclosed to the Executive Director of Place or equivalent.

(iii) Close working relationships/friendships or family connection with a consultancy, agency, developer, construction company or land or property owner which operate in the locality and have an interest in a planning application or development within the Borough must be disclosed to the Executive Director of Place.

(iv) Where a Member has advocated a particular course of action on a planning application in advance of it being considered by the Planning Regulatory Board and has a closed mind on this issue, that Member must not take any part in the determination of that application.

5.4 Members must declare any interests in applications coming before the Planning Regulatory Board at the start of the meeting. In order to be able to do that, they are encouraged to seek advice at an early stage from relevant officers of the Council in any situation of uncertainty. If for some reason it is not possible, however, for an interest to be declared by a Member at the outset of a meeting, or if it becomes clear at a later stage during the meeting that a Member has an interest in an item under discussion, then the Member should declare that interest at the first available opportunity.

5.5 When declaring an interest, a Member must specify the nature of the interest, and whether it is a disclosable pecuniary interest, a pecuniary interest or non-pecuniary interest. The minutes of the meeting must record what type of declaration was made by any Member.

5.6 If a Member declares a disclosable pecuniary interest, he or she must withdraw from the meeting while the matter concerned is under discussion. Withdrawal from the meeting involves physically leaving the meeting room. Moving to the public gallery is not sufficient. The chairman of the Planning Regulatory Board must suspend the proceedings of the Board briefly while the Member leaves the Council Chamber.

## 6. **Lobbying**

6.1 It is quite common for applicants and persons who could be affected by a planning decision to approach Members to discuss a proposed development, seek to influence the determination of a planning application or seek to influence the allocation of land in the Development Plan. Whilst this is a perfectly proper part of the political process it can often lead to suggestions of the impartiality and integrity of Members being called into question. To avoid compromising their position all Elected Members must not:-

1. Lobby Members of Planning Regulatory Board.
2. Act as an advocate or put pressure on officers for a particular recommendation or do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

6.2 Members of Planning Regulatory Board must exercise great care in ensuring that their position is not compromised and should:-

(i) Do their best to avoid discussing with an applicant, or any other person, their thoughts about the merits of a planning application or proposed development.

(ii) Not make it known in advance of the consideration of the application by planning Regulatory Board whether they support or oppose a proposal and avoid lobbying other Members.

(iii) Restrict their response to giving procedural advice, and make it clear that that is all they are prepared to do.

(iv) Direct lobbyists or objectors to the case Officer.

(vi) Advise the Executive Director of Place as soon as possible of the existence of any substantial or abnormal lobbying activity.

## **7. Hospitality**

- 7.1 Gifts or hospitality should only be accepted in very limited situations as otherwise this might reasonably be thought to influence, or be intended to influence the judgment of a Member or Officer. The Member Code of Conduct provides that members must register with the Director of Legal and Governance within 28 days receipts details of any gifts or hospitality which they have accepted from any person or body other than the Authority, the value of which exceeds £100.
- 7.2 However in view of the sensitivity of the handling of planning applications, both Officers and Members must in all circumstances tactfully refuse any personal gift which if offered to themselves or to a member of their family by, or indirectly attributable at any person or body who has, or may have, dealings of any kind whatsoever with the Council or, who has applied, or may apply, to the Council for any planning or other kind of decision.
- 7.3 Officers and Members must likewise in the above circumstances refuse offers of hospitality to avoid the suggestion of any improper influence. In exceptional circumstances where the need for the taking of meals and refreshments arises incidental to, and in the normal course of business, between officers, Members and applicants for planning permission the officer should pay for by themselves or if practical payment should be made by the Council. To minimise such situations arising officers or Members should avoid wherever practical visiting the premises of any applicants for planning permission. Where doubt exists, the officer should seek advice from the Director of Legal and Governance.

## **8. Development Proposals submitted by Members, Officers and Council Developments**

- 8.1 Proposals to their own authority by serving and former Members and officers and their close friends and relatives can easily give rise to suspicions of impropriety. So indeed can proposals for a Council's own development. Proposals can take the form of either planning applications or development plan proposals.
- 8.2 It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way that gives no ground for accusations or favouritism. Serving Members who act as agents for people pursuing planning matters within their authority, or submit their own proposal to the authority they serve, must play no part in the decision-making process for that proposal. In addition, they should not take any part in its processing, or should they seek to influence the case officer's assessment or recommendations on the proposal.
- 8.3 The Head of Planning and Building Control shall maintain a formal register of planning applications which have been submitted by an officer of the Planning Service, or a Member of the Council, or an agent acting on their behalf and which relates to the land or property in which the officer or Member has an interest. In the case of officers, this register constitutes compliance with the requirements of section 117 of the Local Government act 1972 which require an officer to register their interest in any contract or other matter which may come

before the Council for consideration. The register secures compliance with the relevant associated procedures contained in the Code of Conduct for Employees. The above provisions apply to all officers of the Council who should therefore register any application by them or their spouse in accordance with the provisions of the Code of Conduct for Employees.

- 8.4 It shall be the responsibility of the officer or Member to notify the Head of Planning and Building Control in writing that an application has been submitted on their behalf. On receiving such notification the Head of Planning and Building Control will enter details of the application in the register, and will confirm in writing to the officer or member that he or she has done so.
- 8.5 The officer or Member must not thereafter have any direct involvement in the processing of the planning application, nor must they seek to use their public office to directly or indirectly influence the decision on it. This requirement applies equally in respect of an application by any officer of the Council. In the case of an application submitted by or on behalf of an officer of the planning service, it will be the responsibility of the Head of Planning and Building Control, or other officer nominated to act on their behalf, to supervise the processing of the application and ensure no direct or indirect involvement by the office on whose behalf the application has been lodged.
- 8.6 All applications entered in the register will be referred to the Planning Regulatory Board for determination. The written report of the application will, as a matter of record, carry the statement, "This application has been submitted by or on behalf of a Member or officer of the Planning Service".
- 8.7 The officer or Member concerned must not attend the Council Chamber whilst the decision is taken but may exercise the same right as any member of the public to view the meeting from the public gallery should they wish to do so.
- 8.8 Where a planning application is submitted on behalf of a close friend or relative of an officer of the planning service, it shall be responsibility of the officer to notify the Head of Planning and Building Control of this in writing. The letter will be placed on file as a matter of record. If the nature of the relationship is such that a reasonable and detached member of the public would consider that the officer's actions may be influenced as a consequence of the relationship, the officer must take no further part in the processing of the application. Where an application is submitted by a close friend or relative of a Member, the Member concerned shall notify the Head of Planning and Building Control in writing and such notification will be placed on file as a matter of record.
- 8.9 The responsibility for the decision in such cases will fall to the Planning Regulatory Board.
- 8.10 Where officers have a friendship with a professional operating within the Borough, and the registration of their interest would happen with such frequency that their ability to carry out their normal duties would be impaired, they may apply in writing to the Head of

Planning and Building Control for special dispensation. Any dispensation granted must be recorded in writing by the Head of Planning and Building Control and will only be granted where the officer concerned will have their work routinely supervised by two or more senior officers.

8.11 Applications made on behalf of the Council for its own development must be determined in an identical manner to applications made by the general public and the same planning policy considerations applied. All such applications must be referred to the Planning Regulatory Board for determination and decisions made must be strictly on planning merits without regard to any financial or other gain, which may occur to the Council if the development is permitted. Any officer who is, or has been, involved in work relating to the promotion of such development within the Council shall not seek to influence improperly any officer responsible for the processing of the application. However this should not preclude the normal professional dialogue that may be expected in terms of the provision or requesting of relevant information or seeking clarification as to any material issue in respect of the application in the same way as any other applicant other than the Council. Any such discussions shall be recorded on file for the purposes of transparency.

## **9. Pre Application and Predetermination Discussions**

9.1 Discussions between an applicant and officers/Members prior to the submission or determination of an application can be of considerable benefit to all parties. However, it can be easily interpreted that such discussions can be seen (especially by objectors) as part of the lobbying process.

9.2 In order to avoid such problems, any discussions should take place within the guidelines below:-

- Members should discuss with officers whether it will be necessary to have an officer present at a meeting with a potential applicant or agent and a record of the meeting must be taken.
- It must always be made clear at the outset that the discussions will not bind a Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.
- Advice must be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies between planning officers.
- A written note must be made of all such meetings and telephone calls, particularly where these of a potentially contentious nature. Where material has

been left with the Council, confirmation or its receipt should be given in a follow up letter.

9.3 Generally it is preferable that Members do not take part in pre-application discussions so as to maintain impartiality. Where Members do become involved in such discussions, including meetings on a site, and the matter is contentious or potentially contentious; they should seek advice of a Planning Officer.

9.4 When attending public meetings and site visits, Members must take great care to maintain their impartial role as Members, listen to all the points of view expressed by the speakers and public, and not state a conclusive opinion on any pre-application proposals and submitted planning applications. Members should not become drawn into any negotiations, which should be undertaken by officers so as to ensure that the authority's position is co-ordinated.

9.5 The Localism Act 2011 specifically provides that Members should avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application. Members of the Planning Regulatory Board will not be taken to have had a closed mind when making a decision just because:- (i) they had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and (ii) the matter was relevant to the decision.

9.6 A "legitimate predisposition" is acceptable and occurs where a Member has certain relevant views on a matter but retains an open mind when it comes to making the determination. Even if a Member has campaigned on a planning application or made public an initial view on how they would vote in respect of the application, they will still be able to participate in a discussion on that application and vote in it, so long as they retain an open mind. A Member may be predisposed on a matter before it comes to Planning Regulatory Board, providing they remain open to listening to all of the arguments and changing their mind in view of any information or representations made at the committee. Nevertheless, a Member in this position will always be judged against an objective test as to whether the reasonable onlooker with knowledge of the relevant facts would consider that the Member was biased.

9.7 Nevertheless, a "predetermination" is not acceptable and occurs where a Member has fixed views on a matter and retains a mind which is closed to the acceptance of a different view when it comes to making the determination. This state of mind can impair the legal validity of any decision taken by the committee of which the Member is a part.

9.8 Members have a duty to act in accordance with "natural justice" and must act with fairness to the applicant and interested parties. Members need to avoid any appearance of bias and should have regard to whether a fair minded observer knowing the background consider that there was a real possibility of bias arising from a decision in respect of a particular Member. The bias of a single Member in respect of a planning application



determined at Planning Regulatory Board may vitiate a decision and render it susceptible to challenge by Judicial Review.

#### 10. **Officer Reports**

It is particularly important that full and consistent reports are presented to the Planning Regulatory Board on planning applications with clear officer recommendations, not only as a matter of good practice, but because failure may constitute maladministration, and/or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the Development Plan and section 38(6) of the Planning and Compulsory Purchase Act 2004.

- Reports must be accurate and cover, among other things, the substance of objections and the views of people who have been consulted, as recommended by the Ombudsman.
- Relevant points will include a clear explanation of the development plan, site of related history and any other material considerations.
- Reports must have written recommendations of action; oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

If a Member wishes to introduce additional information that has not been referenced within the officer's report in connection with an application before Planning Regulatory Board, they must ensure that the additional factual evidence is supported by a verifiable evidential background so as to enable it to be substantiated as a material consideration.

#### 11. **Decisions contrary to Officer Recommendation and/or the Development Plan**

11.1 Where a decision to grant or refuse permission contrary to the officer recommendation occurs the reasons for such a decision taken by the Board must be clearly minuted. The courts have expressed the view that such reasons should be clear and convincing. The Planning Officer should also be given the opportunity to explain the implications of the contrary decision. The personal circumstances of an applicant will rarely provide such grounds.

11.2 Prior to the Planning Regulatory Board taking a decision which is contrary to the Officers recommendation they shall first give an opportunity to the Planning Officer, or where appropriate the Legal Officer, to explain the implications of the contrary decision.

11.3 Having had regard to all material considerations, including the verbal advice of the officers regarding the implications of a contrary decision, if the Board is minded to make a decision contrary to the officers recommendation the Chair shall ask the Members moving and seconding the contrary motion to given an explanation of their reasons for considering that a contrary decision is appropriate. Members should ensure that their reasons are clear-cut planning reasons that can be substantiated by reference to either established policy or verifiable evidence. Officers will not be expected to draft and prepare detailed reasons at the Board itself and instead the detailed wording for the reasons for refusal will ordinarily be delegated to officers in consultation with the Chair.

11.4 The vote taken in respect of an application approved or refused contrary to the recommendation of the Head of Planning and Building Control or their representative shall be recorded by roll call.

11.5 A detailed minute of the Board's reasons for taking a contrary decision as expressed by the Members moving and seconding the contrary motion shall be kept and a copy placed on the planning application file. Any Member may also wish to vote against the contrary motion for reasons other than those contained in that motion. In such circumstances Members must make that clear before the vote is taken.

11.6 In the event that the Board wish to approve an application which had otherwise been recommended for refusal, the Board should delegate to the Head of Planning and Building Control in consultation with the Chair and Vice Chair, such planning conditions as are considered necessary to control and regulate the development and comply with statutory requirements.

## 12. Site Visits

12.1 The Planning Regulatory Board should only visit a site for one of more of the following reasons:-

(a) The application raises issues which are likely to require detailed first-hand knowledge of the site and its surroundings to enable a well informed decision to be taken.

(b) The application involves major development which if approved could change the character of the local area considerably and detailed knowledge of the site and surroundings would be needed to assist in decision making.

(c) A proposal generates substantial local opposition or support and the views expressed by local residents are in conflict with the recommendation of the Officers on the application.

12.2 The request for a site visit, justified by reference to one of the reasons given above, can be made by any Member in the following ways:-

(a) To the Head of Planning and Building Control or any officer nominated to act on his/her behalf before the application has been referred to Board. The Head of Planning and Building Control shall then advise the Board of the request and the reason for it when the application is placed before them for decision.

(b) At the Board meeting at which the application is to be determined.

12.3 The request for a site visit by a member of the public, the applicant or any other interested person or group can be made in the following ways:-

(a) To the Economic Regeneration Service in writing. The Head of Planning and Building Control will then advise the Board for the request and any reason given for it when the application is placed before them for decision.

(b) To any local Member in writing who will then raise it in accordance with the procedures set out above.

12.4 It shall be the responsibility of the Planning Regulatory Board to decide whether the request for a site visit made by a Member, applicant or any other third party is granted and in reaching their decision they shall have regard only to the criteria set out in paragraph 12.1.

12.5 In circumstances where an urgent decision is needed but, in the opinion of the Head of Planning and Building Control, the application is of a nature that would require a site visit and an unacceptable delay would occur if the request for a visit was referred to the Planning Regulatory Board in the normal manner, the application can be added to the list of site visits without reference to the Planning Regulatory Board, subject to the agreement of the Chair to such action.

### 13.0 **Procedure on Site Visits**

13.1 The purpose of the site visit is to inform Members of the content of the application, and how the development will relate to the site and surroundings, whilst paying particular attention to site specific issues. The site does not constitute a statutory decision making meeting, and there is no debate of decision making. It is, however, quite acceptable for Members to ask questions on points of detail.

13.2 The Chair of the Board shall preside at the site visits or, in the absence of the Chair, a Member nominated at the outset of the site visits by those Members present shall preside. Site visits shall be subject to the same requirements for declaration of interest as the Regulatory Board meeting. Any Member with a disclosable pecuniary interest shall not participate in the site visit in respect of the relevant clarification.

13.3 The site visit shall consist of:-

- (a) An explanation of the application by the relevant officer(s) highlighting the issues involved.
- (b) An inspection of the site and surrounding area to the extent considered necessary to inform the decision making process.
- (c) Members raise questions on matters of fact for clarification.

13.4 During the site visit, as far as it is practicable to do so, the visiting Board shall keep the applicants and any other third parties at arm's length. It shall be responsibility of the attending officer(s), together with the Chair, to explain to those present on site that for reasons for impartiality and fairness the Board will not receive verbal representation nor debate the application during the site visit.

13.5 It shall be the responsibility of the applicant or appointed agent to ensure that adequate access to the site is available. At the commencement of each site visit, particularly where access to private land is needed, the attending officer(s) and Chair shall identify the visiting Regulatory Board to the site occupier/owner and explain the purpose of the visit.

13.6 A Member who is not a member of the Planning Regulatory Board must not attend site visits undertaken by the Board.

#### **14.0 Member Participation at Meetings of the Planning Regulatory Board**

14.1 The Council's Standing Orders prohibit the Chair from inviting any Member who is not a Member of the Planning Regulatory Board to attend and address the meeting on a specific item.

14.2 Attendance at meetings of the Planning Regulatory Board of Members, other than those appointed by the Council to the Board, can give rise to confusion in the eyes of the public as to who is responsible and accountable for making decisions on planning applications. Participation of Members at meetings of the Board who are not appointed by the Council to the Board may also cause the impression to arise that such Members are able to disproportionately influence the Planning Regulatory Board in its determination of the merits of any particular application. The following principles must therefore be applied:

- (i) A Member who is not a member of the Planning Regulatory Board must not be allowed to address the Board.
- (ii) A Member who is not a member of the Planning Regulatory Board must not substitute for a member of the Board.

14.3 Members who are not appointed by the Council to the Planning Regulatory Board have the right to make representations in writing in their capacity as Ward Members for or against applications to be considered by the Board. However, the restriction of a general right to address meetings, or to substitute for a Member of the Planning Regulatory Board, will avoid any confusion as to which Members are responsible and accountable for making planning decisions. This is

consistent with the promoting of high ethical standards in the determination of planning applications.

## **15. Disclosure of Information**

15.1 Members will sometimes be given information or assurances by Applicants that are not part of the formal application or be given information by objectors which is misleading, untrue or irrelevant. This may cause problems if officers are unaware of any such submissions and are unable to advise the Planning Regulatory Board of their relevance or enforceability.

(a) Any Member receiving a letter for or on behalf of an Applicant or third party in connection with an application before Planning Regulatory Board should establish whether the letter has been submitted to the Council via the Planning Officer and, if not, declare the receipt of the letter prior to the decision being taken.

(b) A Member must not circulate any documents of information to Planning Regulatory Board unless that information has been first submitted to the Planning Officer and forms part of the application of background papers.

## **16. Political Group Meetings**

16.1 There are occasions when planning matters will be discussed prior to being determined at Planning Regulatory Board by informal meetings/briefings involving Members and/or by the Chair the Board either with or without officer attendance. These meetings are informal opportunities for Members to consider various aspects of planning matters before taking a decision at Planning Regulatory Board. For more complex planning proposals these informal meetings may be essential to the understanding of proposals and could lead to the request for more information or consultation on a proposal. As long as the decision on the planning matter is taken when all issues and materials are before Members at Planning Regulatory Board and in public reports, advance informal discussion may, on occasion, be beneficial to the decision making process.

16.2 Elected Members have an overriding duty to the whole local community and, although they may be strongly influenced by the views of others and particularly their political group, it is their responsibility alone to decide what view to take on any matters before the Board.

(a) Although it is accepted that political groups may have a policy on particular types of development or on a major schemes, group meetings prior to the Board Meeting must not be used to decide how members vote. Political whips should not be used to influence the determination of planning applications.

(b) Members must consider all applications in the light of the Development Plan and decide on the applications merits taking into account only material planning considerations. The appearance of bias or predetermination can lead to a decision being quashed and costs awarded against the Council.

## 17.0 Sanctions

17.1 A failure to adhere to the Code gives rise to a range of potential consequences to the Council, and individual Members, especially if this gives rise to inconsistency. The normal sanction of the democratic process is through the ballot box. Members may make a reputation in their community not only for their beliefs but also for their general conduct. Consistency and fairness are important qualities in the public eye and they are vital to the conduct of the Planning Regulatory Board. Beyond the normal democratic process a number of specific consequences can be identified.

### 17.2 The Local Government Ombudsman

Although the Local Government Ombudsman will not investigate the merits of any planning decision, she/he may agree to investigate a planning complaint if it concerns the manner in which a decision was taken. If it is found that injustice has been caused by maladministration in the light of statutory or established Council procedures she/he will recommend redress which may take the form of compensation. Where the Local Government Ombudsman makes a finding of maladministration and considers that the Member may have acted in breach of the Member Code of Conduct, then the report may name the individual Member and give particulars of the breach. In such cases the Council is required to assist the Ombudsman in making publicly available details of the report and the Ombudsman findings. The Local Government Ombudsman can recommend that the Council pay compensation to the aggrieved complainant and may be more inclined to do so where there has been a breach of the Member Code of Conduct.

### 17.3 The Appeals, Awards and Standards Regulatory Board

This is the Council's own standards committee which will investigate and deal with complaints in respect of breaches of the Member Code of Conduct. It is also the body within the Council that would deal with any issues of non-compliance with this Local Code of Planning and Conduct Guidance.

The Member Code of Conduct provides guidance on arrangements for handling ethical standards complaints by the Council. The Code states that the Council's Director of Legal and Governance will initially consider any complaint received and determine whether the complaint warrants any specific considerations by Members. Where it is considered that the complaint warrants further consideration by Members, the Director of Legal and Governance shall arrange for an officer or some other person if appropriate to carry out a further investigation and to produce a report of their findings. The Director of Legal and Governance shall inform the Member that is the subject of the complaint of the nature of the complaint and that it is subject to investigation. That report shall be considered by a panel of three Members selected from the membership of the Appeals and Awards Regulatory Board by the Director of Legal and Governance in consultation with the Chair of the Board. The Panel shall consider the report and determine whether any further action is appropriate.

17.4 Section 34 of the Localism Act 2011 makes it a criminal offence if a Member or co-opted Member fails without reasonable excuse, to comply with requirements under Section 30 or 31 to register or declare disclosable pecuniary interests, or takes part in council business at meetings or takes any steps in relation to a matter in which the Member has a pecuniary interest when discharging a function of the authority as a Member acting alone. If convicted of an offence in

contravention of this section of the Act, a magistrates' court is empowered to impose a fine of up to level 5 and an order disqualifying the person from being a member of a relevant authority for up to five years.

#### 17.5 Appeals to the Secretary of State

An applicant who has been refused planning permission or a person served with an enforcement notice etc. have a right to appeal to the secretary of State. If an appeal is successful and it is shown that the Council's Conduct in dealing with the matter was unreasonable, the appellant's costs may be awarded against the Council. This may also result in the Council's External Auditor issuing a Public Interest report which the Council would be required to publish criticising the members concerned for failing to act properly in their stewardship of public funds.

#### 17.6 Judicial Review

If objectors are convinced that the Council, in determining to grant an application, did not observe their statutory obligations to carry out all necessary procedures, based on their decision on the Development Plan and take into account all representations, they may apply for judicial review of the decision, which might result in it being quashed. In such circumstances it would be normal for the costs of an applicant to be awarded against the Council.

#### 17.7 Powers of the Secretary State

The Secretary of State possesses a range of powers which could be exercised where a local planning authority appears to be making inconsistent decisions, or decisions which are seriously in conflict with national and development plan policies. This could involve a greater use of the power to "call in" applications, whereby an application would be determined by him following a public inquiry. Where permission has already been granted by the Council, powers exist to revoke or modify permissions, or to require discontinuance of a land use, which if exercised would give rise to a liability to compensate on the part of the Council. The amount of compensation may be considerable.

17.8 The Growth and Infrastructure Act 2013 has also provided the Secretary of State with powers to designate local planning authorities as underperforming, if it is considered that their performance in handling major applications has fallen below an acceptable standard. Where authorities are designated in this way, the Act gives applicants for major development proposals the right to apply for planning permission directly to the Secretary of State.

#### 18.0 **Complaints and record keeping**

18.1 Every planning application file will contain an accurate account of events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached. Applications determined under officers' delegated powers, where there is no committee report, will be as well documented and recorded as those taken by Members at Planning Regulatory Board; these principles apply equally to enforcement.

18.2 Whatever procedures a Council operates, it is likely that complaints will still be made. However, the adoption of the advice in this code should greatly reduce the occasions on which complaints are justified. It should also provide fewer reasons for people to complain in the first place. When such

complaints come forward they will be treated as any other made to the Council and considered under the complaints procedures.



# Item 27

## Report Ref No:

Report of the Head of  
Community Safety &  
Enforcement & the Head of  
Planning & Building Control to  
the Planning & Regulatory  
Board on 23<sup>rd</sup> February 2016

### PLANNING COMPLIANCE POLICY

1. **Purpose of report**

This report seeks approval to adopt a Planning Compliance Policy.

2. **Recommendation**

**That Planning Regulatory Board approves the Planning Compliance Policy for recommendation to the Council.**

3. **Background**

The effective and proper enforcement of planning control is essential to protect the local environment and the interests of residents, visitors and businesses in the borough from the harmful effects of unauthorised development.

The planning system seeks to regulate the development and use of land in the public interest.

It is recognised that there is a need for a Planning Compliance Policy in order to enable officers to make decisions about planning issues in a consistent and informed manner and to enable a more structured approach to the process. The attached policy has been formulated in conjunction with the Development Management Services and Legal Services.

The policy sets out the council's policy for the enforcement of planning control within the borough and has been informally approved by Cabinet on 13<sup>th</sup> January 2016.

4. **Proposal and justification**

The proposal is to implement the Planning Compliance Policy as soon possible in order to give guidance and direction to employees that deal with planning enforcement work.

5. **Implications for local people / service users**

The Policy will provide information for local people and service users with respect to how planning control issues raised with the council will be prioritised and addressed.

**6. Financial implications**

There are no financial implications.

**7. Employee implications**

Employees who deal with planning enforcement issues will be better informed and directed as to how to address planning enforcement issues.

**8. Compatibility with the European Convention on Human Rights**

The proposals in this report are compatible with Convention Rights.

**9. List of appendices**

Appendix 1 – Planning Compliance Policy

**Office Contact: Joe Jenkinson**

**Tel: 01226 772588**

**Date: 27<sup>th</sup> January 2016**

**BARNSLEY METROPOLITAN BOROUGH COUNCIL**  
**PLANNING COMPLIANCE POLICY**



**Barnsley Metropolitan Borough Council**

**Community Safety and Enforcement Service**  
**Development Management Service**  
**Legal Services**

## **1. INTRODUCTION**

The purpose of this policy is to set out the council's approach to planning compliance and the delivery of planning enforcement functions.

Planning law is intended to control the development and use of land and buildings in the public interest. The council's assessment of 'harm' cannot include private interests, such as potential loss of value to a property, commercial competition, loss of view, trespass or breach of covenant.

The need to secure planning compliance or to subsequently take enforcement action can only be considered where the 'Building Works' or 'Material Change of Use' being undertaken require planning permission.

The Planning and Compensation Act 1991 introduced time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limits are:

- Four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially complete.
- Four years for the change of use of a building, or part of a building to use as a single dwelling. Enforcement action cannot be taken once the unauthorised use has continued for four years without any enforcement action being taken.
- Ten years for all other development. The ten year period runs from the date the breach of planning control occurred.

Carrying out works or changing the use of land or buildings without planning permission is not an offence. The council has discretionary powers to take action. In most cases people will be given the opportunity to apply for retrospective planning permission. However, where serious harm is being caused to the way that people live, the council will take robust enforcement action with a view to alleviating the harm.

The council must operate its enforcement activities in accordance with Government guidelines, council policy and procedures, the Enforcement Concordat, and the Regulators' Compliance code.

- The council must consider if the breach of control unacceptably affects public amenity and/or the existing use of land or buildings meriting protection in the public interest.
- Enforcement action is discretionary and so the council is not required to take action in every instance, however the particular circumstances of each case will always be considered.

- The council will not normally take formal action for minor breaches that cause no real harm.

## **2. COMPLAINTS**

Complaints about alleged breaches of planning control will be accepted by letter, email, via the council's web site, or by telephone. In order for officers to effectively investigate complaints, certain information is required. Complainants will therefore be asked to provide specific details of their complaint on a 'planning request service form' (Appendix 1).

If on initial receipt of a complaint it is obvious that the complaint is not a planning matter or there is deemed to be no breach of planning control, the complainant will be notified. If the reported breach relates to a function or activity enforced by another council service the complaint will be forwarded to the relevant department.

Anonymous complaints may not be considered, as it is often not possible to investigate these due to lack of witnesses or evidence and the harm is difficult to determine. However, each complaint will be assessed and depending on the circumstance there may be occasions when anonymous complaints will be investigated.

## **3. ENFORCEMENT PRIORITIES**

The council receives approximately 700 planning enforcement complaints each year.

In light of the often lengthy and complex nature of planning enforcement investigations, and to make the best use of limited resources, it is necessary to give priority to those cases where the greatest harm is being caused. Priorities are directed by the significance and impact of the breach, the level of harm caused and the need to react expediently.

The following sets out the council's priorities for investigating alleged breaches of planning control. The enforcement process is closely regulated by legal procedures, planning legislation and government guidance. This provides the framework for council's enforcement priorities.

As an investigation of a particular case proceeds it may become necessary to change the priority level.

### **PRIORITY 1**

- Unauthorised activity to listed buildings (demolition/alteration/disrepair)
- Unauthorised demolition in a conservation area
- Unauthorised development in the green belt

- Works to trees covered by a Tree Preservation Order or in a Conservation Area
- Development causing immediate/irreparable harm to protected ecology or causing serious danger to the public

### **PRIORITY 2**

- Operational development already in progress
- Development which is potentially immune from enforcement within 6 months
- Development causing serious harm to amenity
- Breaches of condition/non compliance with approved plans causing serious harm

### **PRIORITY 3**

- Other operational development which is complete
- Changes of use resulting in some harm to amenity
- Breaches of condition/non compliance with approved plans causing no serious harm to amenity

### **PRIORITY 4**

- Advertisements
- Changes of use, resulting in little or no harm to amenity
- Untidy land resulting in little or no harm to amenity
- A trivial or technical breach of control, which causes little or no harm to amenity or the environment

## **4. ENFORCEMENT OPTIONS**

Powers to enforce planning controls are contained within the Town and Country Planning Act (as amended), the Planning and Compensation Act 1991 and the Control of Advertisements Act 1969 (as amended).

In deciding whether to take enforcement action the council will have regard to the development plan and any other material considerations including national policies on planning and enforcement as expressed through the National Planning Policy Framework and National Planning Practice Guidance.

The council will only take enforcement action when it is considered expedient to do so (having regard to the provisions of the development plan and any other material considerations) and where such action is considered necessary in the public interest. In taking enforcement action the council will act in a proportionate way and be prepared to use all of the enforcement powers available commensurate with the severity of the breach.

The European Convention of Human Rights confers rights that are embodied in the Human Rights Act 1998. It would be unlawful for the council to act in a way that is incompatible with a Convention right.

### **Option 1 - No further action**

The council may, following initial investigation decide that there has been no breach of planning control, or that the breach is minor or insignificant in nature, or that there is insufficient evidence, or that it is not in the public interest or expedient to pursue the matter.

The council would refrain from initiating enforcement action where the development is considered acceptable on its own planning merits and where formal action would solely regularise the development.

### **Option 2 - Further investigation required**

It may be necessary to carry out further investigations from the initial site inspection to determine whether a breach of planning control has occurred. This may involve additional site inspections, research, seeking advice from other services or agencies or further information from the complainant, site owner or other parties.

In certain cases, the council may request the person reporting the suspected breach of planning control to assist with the investigation by providing a written log detailing the dates, times, duration and nature of the suspected breach. If the person reporting the suspected breach of planning control is unwilling to assist, they will be advised that this may result in the council not being able to pursue the investigation due to insufficient evidence being available.

### **Option 3- Negotiate a solution**

In situations where it has been established that a breach of planning control has occurred but that the harm can potentially be mitigated, the council will normally attempt to negotiate an acceptable solution to regularise the breach of planning control without recourse to formal enforcement action.

Such negotiations may involve the reduction or cessation of an unauthorised use of activity, or the modification or removal of unauthorised operational development. However, these negotiations will not be allowed to hamper or delay the consideration of enforcement action where the breach of control causes serious harm to amenity. Where the council is unable to negotiate an acceptable solution within a reasonable timescale, the council's Development Management Service will consider whether or not it is expedient to take formal enforcement action.

#### **Option 4 - Retrospective application for planning permission**

Where a breach of planning control has occurred, but no harm is being caused, or any harm might be removed or alleviated by the imposition of conditions on a planning permission, the person(s) responsible will be invited to submit a retrospective planning application within a specified time scale. In such cases, the application is made without prejudice to any final decision the council may take in the matter. If such an application is not submitted, the council will consider whether or not it is expedient to take formal enforcement action.

In accordance with the letter to Chief Planning Officers, dated 31<sup>st</sup> August 2015, which sets out changes to national planning policy, where a retrospective application is submitted for what is considered to be intentional unauthorised development, the intentional unauthorised development will be treated as a material consideration that would be weighed in the determination of the retrospective application. This will be particularly so for intentional inappropriate development in the Green Belt where there is no opportunity to appropriately limit or mitigate the harm that has already taken place.

#### **Option 5- Formal enforcement action**

Where it has been established that a breach of planning control has occurred and it does not appear the harm can be mitigated by negotiations with the landowner and/or a retrospective planning application, the council will consider using its statutory powers to take action to remedy the breach. The use of these powers (listed below) is discretionary and will be used when it is considered expedient to do so, having regard to the development plan and any other material considerations. Any action taken must be proportionate to the breach of planning control.

### **5. FORMAL ENFORCEMENT ACTION**

#### **Planning Contravention Notice**

This is a legal notice which brings any breach to the attention of the owner or occupier, and will require the alleged offender to provide such information as to:

- (a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land; and
- (b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted, as may be specified in the notice.

The planning contravention notice will require that the information is provided within 21 days from the date that the notice is served.

#### **Enforcement Notice**



Enforcement Notices should only be served where it is expedient to do so, and all reasonable efforts to resolve the breach through negotiation have failed.

Enforcement Notices are formal legal documents served by local planning authorities that require the owner/s and/or occupier/s to undertake specific steps to remediate breaches of planning control by a set date. Enforcement Notices will generally require the removal/demolition of unauthorised operational development on land and/or the cessation of the unauthorised use of land. If the notice is not complied with by the date the requirements of the notice take effect, the breach will become a criminal offence and the landowner and/or occupier can be prosecuted in the criminal courts.

The notice may be appealed to an independent government planning inspector, who can decide to uphold, amend or quash the notice.

### **Breach of Condition Notice**

A Breach of Condition Notice can be served where the breach of planning control relates to non-compliance with a condition on a planning permission. Service of a Breach of Condition Notice provides a mechanism for the summary enforcement of a breach of condition or a limitation subject to which a planning permission has been granted.

The Breach of Condition Notice will specify the steps required to comply with the condition(s) or limitation(s), the date that it takes effect and the time period for compliance.

### **Section 215 Notice (Untidy Land Notice)**

A Section 215 Notice can be served in cases where the amenity of an area is adversely affected by the condition of land or buildings.

The Notice will specify the steps required to be taken to remedy the condition of the land or buildings, the time period within which the steps must be taken and the date that it takes effect.

### **Prosecution**

In most cases it will not be possible to prosecute unless a legal notice been served in respect of the planning breach and any requirements of the notices are outstanding after the deadline for compliance.

Before commencing any legal proceedings the council must be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest.

### **Stop Notice**

A Stop Notice can be served with an Enforcement Notice or afterwards, where it is considered expedient that the breach of planning control shall cease before the expiry of the period of or compliance specified in the Enforcement Notice. The failure to comply with a Stop Notice is itself a criminal offence.

A landowner or occupier may be entitled to compensation in respect of loss or damage caused by the stop notice procedure in situations where the appropriate enforcement notice is quashed, varied or withdrawn.

### **Court Injunctions**

The council can consider submitting an application for an injunction in situations, where a breach of planning control is causing very serious harm to public amenity and the environment and in cases where urgent action is necessary to bring about the immediate cessation of a relevant activity.

Such action will only normally be considered if the breach is particularly serious and there are strong grounds for take such action.

### **Temporary Stop Notice**

This differs from the normal Stop Notice powers because the Temporary Stop Notice does not have to wait for an Enforcement Notice to be issued. In addition the effect of a temporary stop notice will be immediate and the notice will cease to have effect at the end of the period of 28 days after which the notice is displayed. A Temporary Stop Notice cannot be used to prevent the use of a building as a dwelling that the council thinks is a breach of planning control. It will also set out the council's reasons for issuing the Temporary Stop Notice.

### **Direct Action**

Where any steps required by an Enforcement Notice have not been taken within the compliance period (other than the discontinuance of the use of land), or where any steps required as part of a Section 215 (Untidy Land) notice have not been taken within the prescribed timescales, the Council will consider whether it is expedient to exercise its power under Sections 178 and 219 of the Town and Country Planning Act 1990 (as amended) to:

- (a) enter the land and take the steps; and
- (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

## **6. SERVICE APPROACH**

Complaints will initially be referred for investigation to the Community Safety and Enforcement Service where officers will consider the issues raised.

Where planning applications are under consideration with the council, have recently been approved, or are subject to discharge of condition applications, complaints and issues relating to the development at the site will be taken up by the relevant planning officer with the developer or agent responsible for the scheme. This approach is intended to resolve issues with the development at the earliest opportunity. Developers and agents are expected to work with the council to ensure, wherever possible, issues about development are addressed in a timely manner.

Occasionally complaints can relate to more complex matters where it is necessary to obtain specialist input from planning officers and or other officers within the council to seek the best solution to the issues raised. In these cases the appropriate planning officer will direct the enforcement officers as to the most appropriate course of action. These will include:

- unauthorised works to listed buildings
- trees covered by Tree Preservation Orders
- demolition within a Conservation Area
- mineral and waste operations

Officers from the Community Safety and Enforcement Service will undertake an investigation into the complaint to gather any necessary information and evidence. The council's Development Management Service operates in connection with the council's statutory role as the Local Planning Authority. It may therefore be necessary for enforcement officers to consult with qualified planning officers to obtain an expert judgement and decision as to the course of action to follow.

## **7. SERVICE COMMITMENTS**

Complaints will normally be acknowledged within 3 working days of receipt. Each case will be individually assessed. Complaints will be dealt with in accordance to priority, although every effort will be made to deal with complaints as quickly as possible.

It is not possible to give a standard time for dealing with a planning complaint, as investigation and enforcement can be a lengthy and complex process. Complainants will be informed of the status of the case throughout the investigation.

Every effort will be taken to ensure that those being regulated fully understand what action is being taken, the steps that are required to remedy the breach, and the possible implications should they fail to comply with the requirements of that action.

When the council decides not to take formal enforcement action the complainant will be notified of the reason for the council's decision.

NOVEMBER 2015

# Item 28

## BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Service Director  
Culture, Housing and  
Regulation and Director of  
Legal and Governance to the  
General and Statutory  
Licensing Regulatory Boards  
on 24<sup>th</sup> February, 2016**

### **Terms of Reference of General and Statutory Licensing Regulatory Boards - Update**

**1. Purpose of report**

To consider recommending to Council proposed amendments to the Terms of Reference of the General and Statutory Licensing Regulatory Boards following an Internal Audit Report into Taxi and Premises Licensing.

**2. Recommendation to Council**

**That the Terms of Reference of the General and Statutory Licensing Regulatory Boards be amended as detailed within Appendix 1 to this report.**

**3. Introduction and background**

Following the corporate inspection of Rotherham Metropolitan Borough Council and the publication of the Casey Report on the 4th February, 2015, the Council's Senior Management Team commissioned a programme of activity aimed at ensuring that all Council Services with a stake in protecting children from harm and exploitation were compliant with this responsibility, statutory regulations and best practice.

The outcome of these reviews was to provide the necessary assurances that the Council's systems and procedures were such that the risk of serious service failure in respect of safeguarding was minimised and well managed.

The taxi licensing function was identified as an area warranting such a review and, therefore, formed part of the agreed programme of audit work relating to 2015/16.

The scope of the Internal Audit review was to provide assurance regarding the effectiveness and rigour of licensing procedures to ensure the appropriate issue and regulation of licensed taxis and premises and that effective mitigations were in place to protect young and vulnerable people in respect of the Authority's role in licensing.

In preparing for the review Internal Audit took account of various specific risks detailed within the Strategic Risk Register and the Regulatory Services Risk Register and specifically the following:

- Strategic Risk 3025 – Failure to Safeguard Vulnerable Service Users; and
- Regulatory Service Risk 2642 – Failure to effectively regulatory specific activities (as prescribed by law) needing licenses to protect the public.

The review was undertaken between the 20<sup>th</sup> August and 11<sup>th</sup> December, 2015.

One of the control adequacy issues identified as a result of this audit, and hence the purpose of this report was that the Terms of Reference of the General Licensing Regulatory Board did not include reference to the role of Members in relation to safeguarding and, consequently, that Members may not be fully aware of their Safeguarding responsibilities. Internal Audit recommended, therefore, that a review of the Terms of Reference should be undertaken to ensure that those roles and responsibilities was explicit.

#### **4. Proposal and justification**

A review of the Terms of Reference has, therefore, been undertaken within the context of the findings of the Internal Audit Review, the Casey Report and the Safeguarding Framework (approved by Council in November 2015).

The opportunity has been taken to amend the Terms of Reference of both the General and Statutory Licensing Regulatory Board and to make minor drafting amendments to ensure they remain fit for purpose.

It should be noted that the Terms of Reference are about functions and powers and not about how those functions are applied. The proposed revised Terms of Reference are attached to this report as Appendix 1.

Other key issues arising from the Internal Audit review relate to the absence of an effective programme of safeguarding training in order to ensure that service users, Members and officers can recognise the signs of Child Sexual Exploitation and be aware of how to report concerns. Many of these issues were identified within the Safeguarding Framework report submitted to Council on the 26<sup>th</sup> November, 2015 and all have been addressed or are in the process of being addressed.

#### **5. Implications for local people / service users**

The amendment to the Terms of Reference will ensure that proper procedures and practices are in place when the Regulatory Boards are exercising their functions and will ensure that only those entitled receive the appropriate licences.

#### **6. Financial implications**

There are no financial implications arising from this proposal

**7. Employee implications**

There are no employee implications arising from this proposal

**8. Consultations**

Consultation has taken place with officers within the Licensing Service, the Governance Unit of the Legal and Governance Department and with Internal Audit. All comments received have been incorporated within the proposed amendments to the Terms of Reference.

Consultation has also taken place with the Democratic Services Section of Rotherham Metropolitan Borough Council.

**9. Risk management issues**

The amendment to the Terms of Reference will ensure that the control adequacy issue identified by Internal Audit is addressed.

**10. Compatibility with the European Convention on Human Rights**

The Terms of Reference, as amended, are compatible with the rights and freedoms under the European Convention of Human Rights.

The decisions of the Regulatory Boards in relation to the granting of licences amount to a determination of the civil rights of applicants; therefore, as far as it is possible to do so, the Boards must comply with the requirements of Article 6 (the right to a fair trial). The amendment to the Terms of Reference will ensure that all applicants are afforded that opportunity and that decisions are made properly and responsibly in the light of all the necessary evidence.

**11. Reduction of crime and disorder**

The amended Terms of Reference ensure that the decisions are made appropriately and that Members take account of and recognise the signs of Child Sexual exploitation.

**12. List of appendices**

Appendix 1 – Terms of reference of the General and Statutory Licensing Regulatory Boards.

**13. Background papers**

1. Report of Inspection of Rotherham Metropolitan Borough Council – the Casey Report – February, 2015
2. Place – Taxi & Premises Licensing Draft Internal Audit Report – December, 2015
3. Report to Cabinet 4.11.2015 – Barnsley Framework for Safeguarding Children and Adults

**General Licensing Regulatory Board**

Subject to:

- the overall policy framework of the Council; and
- having regard to the Council's safeguarding arrangements and duties and particularly in relation to the prevention of Child Sexual Exploitation

to exercise the functions of the Council in relation to:-

1. In respect of hackney carriage and private hire licences:-
  - a. To determine licence applications which have not been determined by the Director of Legal & Governance and the Service Director Culture, Housing & Regulation pursuant to their delegated powers, where consideration by the Sub-Committee is not appropriate.
  - b. To receive reports for information on the suspension and revocation of licences and also to suspend and/or revoke licences where adverse reports have been received in those instances where Service Director Culture, Housing & Regulation has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate.
  - c. To receive, at regular intervals, a report of all licences issued, renewed, or refused.
  - d. To receive an annual report of all hackney carriage and private hire licences issued or renewed where the vehicle in question is over the age of five years.
  - e. To receive periodic reports of the Service Director Culture, Housing & Regulation on random inspections carried out.
  - f. To vary, amend or revoke the standard conditions of hackney carriage or private hire operators, vehicle and drivers' licences.
  - g. To determine the fees payable for the issue and renewal of hackney carriage and private hire licences (including inspections), subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate.
  - h. To determine the hackney carriage tariff from time to time, subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate.
  - i. After consultation with the Head of Highways, Engineering & Transportation to approve the siting or relocation or removal of hackney carriage ranks and to authorize the appropriate statutory notices.
2. In relation to amusements with prizes permits and licences, betting track licences, sex establishments and house to house collections etc:-
  - a. To grant and renew licences and permits on recommendations from the appropriate officers and outside bodies and to impose conditions, except for



the renewal of Sex Shop licences where officers have delegated powers in the circumstances referred to at 2(h) below.

- b. To vary the conditions attached to an existing licence.
  - c. To determine the licence fee payable in respect of sex establishments.
  - d. To vary, amend or revoke the standard conditions imposed upon the grant of amusements with prizes permits and licences.
  - e. To receive reports on applications for permits for small lotteries where adverse comments have been received from the police and to determine the application.
3. To determine, where there is discretion, the amount to be charged for such approvals, licences, permits or registrations falling within the remit of the Board, subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate.
  4. To receive reports on applications for permits for house to house collections and street collections where adverse reports are received and to determine the application.
  5. To determine appeals received in respect of the refusal of applications for the registration of premises for civil marriages.

### **General Licensing Panel**

1. To determine hackney carriage and private hire licence applications which have not been determined by the Director of Legal & Governance and the Service Director Culture, Housing & Regulation pursuant to their delegated powers.
2. To suspend and / or revoke hackney carriage and private hire licences where adverse reports have been received in those instances where the Service Director Culture, Housing & Regulation has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate.
3. To determine appeals against the suspension or revocation of hackney carriage or private hire operators, vehicle and drivers' licences.
4. To determine applications for or suspension / revocation of licences or appeals against suspension or revocation of licenses falling within the remit of the General Licensing Regulatory Board when referred to it for a decision by the Service Director Culture, Housing & Regulation.

**The General Licensing Panel is comprised of any 3 Members of the General Licensing Regulatory Board**

## **Delegations to Officers from the General Licensing Regulatory Board**

### **1. Director of Legal & Governance**

- (a) To receive and administer the registration of charities including those under the War Charities Act 1940 and the National Assistance Act 1948.

### **2. Service Director Customer Services**

- (a) As Proper Officer for Registration, to approve those applications for approval of premises for civil marriages which comply with the standard conditions and to refuse those which do not, and to determine as to whether or not premises are seemly and dignified.

### **3. Service Director Culture, Housing & Regulation**

- (a) To exercise the Council's powers in relation to the Licensing aspects of the following legislation:
- Caravan Sites and Control of Development Act 1960
  - Celluloid and Cinematograph Act 1922
  - Children and Young Persons Act 1933
  - Food Safety Act 1990
  - Housing Act 1985 (Parts 9 and 10 - Slum Clearance and Overcrowding)
  - Housing Act 2004 (Part 1 [Housing Conditions], Part 2 [Licensing of houses in multiple occupation], Part 3 [Selective licensing areas], Part 4 [management orders], Section 216 [overcrowding], Part 7 [supplementary provisions] insofar as it relates to any of these functions, Section 232 (maintenance of register of licences and management orders))
  - Local Government Miscellaneous Provisions Acts 1976 and 1982
  - Local Government Act 2003, Section 120 (insofar as it amends Section 15 of the Local Government (Miscellaneous Provisions) Act to add the regulation of cosmetic piercing and semi-permanent skin colouring businesses)
  - Noise and Statutory Nuisance Act 1993
  - Nurses Agencies Act 1957
  - Performing Animals (Regulations) Act 1925
  - Pet Animals Act 1951
  - Poisons Act 1972
  - Public Health Acts 1936-1961
  - Scrap Metal Dealers Act 1964
  - Scrap Metal Dealers Act 2013 (when legislation allows)
  - Slaughterhouses Act 1974
  - Town Police Clauses Act 1847
  - Zoo Licensing Act 1981

And, notwithstanding the generality of the above:

- (b) Under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 to:
- (i) issue hackney carriage licences and private hire licences, when he / she is satisfied that the application fulfils the statutory

requirements and any criteria or policies of the Council for the time being in force;

(ii) in consultation with the Chairperson of the Licensing Regulatory Board, refuse applications for hackney carriage and private hire licences where he is not satisfied that the application fulfils the statutory requirements and any criteria or policies of the Council for the time being in force, subject to any such decisions being reported for information to the next meeting of the Licensing Regulatory Board;

(iii) to suspend Hackney Carriage and Private Hire Vehicle Licences on vehicle defects being found.

(iv) to suspend or revoke licences in other circumstances those at (iii) above, and to report the action to a subsequent meeting of the General Licensing Regulatory Board or Sub-Committee.

- (c) To grant, vary, transfer and revoke licences in respect of cinemas and theatres after consultation with the appropriate officers and outside bodies.
- (d) To issue permits in respect of house to house collections, street collections, and to receive returns in respect of the same and where adverse reports are received to refer the matter to the General Licensing Regulatory Board for determination.
- (e) To issue permits in respect of small lotteries after consultation with the police and where adverse reports are received to refer the matter to the General Licensing Regulatory Board or Sub-Committee for determination.
- (f) To determine applications for minibus permits of those vehicles under the control of the Council.
- (g) To receive and administer applications for the registration of motor salvage operators under the Vehicles (Crime) Act 2001 (Motor Salvage Operators Regulations 2002), to approve applications for registration where statutory consultation with the Police reveals no contrary indications and to maintain a register which shall be available for public inspection;
- (h) To determine, following consultation with the Chairperson of the General Licensing Regulatory Board, applications for the renewal of Sex Shop premises Licences where no adverse comments have been received to the statutory consultation process and where there are no concerns or substantial changes made regarding the operation of the premises.

## **Statutory Licensing Regulatory Board**

Subject to:

- the overall policy framework of the Council; and
- having regard to the Council's safeguarding arrangements and duties and particularly in relation to the prevention of Child Sexual Exploitation

to exercise the functions of the Council in relation to the Licensing Act 2003 and the Gambling Act 2005:-

1. To monitor the operation of the Council's Licensing Policy Statement
2. To monitor the operation and performance of the Sub Committees (comprising three Members each) established to determine applications for and reviews of licences.
3. To determine the procedure/protocol to be adopted by the Sub Committees in dealing matters referred to them.

### **Statutory Licensing Sub Committees**

To determine, in accordance with the procedure/protocol agreed by the Statutory Licensing Regulatory Board, applications for and reviews of Licences and/or permits made under the provisions of the Licensing Act 2003 and Gambling Act 2005 where adverse comments have been received and not withdrawn.

### **Delegations to Officers from the Statutory Licensing Board**

1. **Service Director Culture, Housing & Regulation**
  - (a) To exercise the Council's powers in relation to the Licensing aspects of the Licensing Act 2003 and Gambling Act 2005.
  - (b) To exercise powers under the Criminal Justice Act 2001 to close premises that are in breach of the conditions of licences granted under the Licensing Act 2003 and Gambling Act 2005.

# Item 29

## BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report  
of the Director of  
Human Resources, Performance &  
Communications

### Implementation of the 2016/17 Pay Policy Statement

#### 1. Purpose of Report

The purpose of this report is to seek approval to implement the council's 2016/17 Pay Policy Statement in accordance with section 38 to 43 of the Localism Act 2011.

#### 2. Recommendations

**That approval is given to implement the 2016/17 Pay Policy Statement contained at Appendix B with effect from 1<sup>st</sup> April 2016.**

#### 3. Introduction

- 3.1 Local Authorities are required under section 38(1) of the Localism Act 2011 (the Act) to prepare a Pay Policy Statement. The statement must articulate the council's policy towards the pay of the workforce, particularly senior staff and lowest paid employees.
- 3.2 The Act requires that Pay Policy Statements are produced annually, are considered by full council and are published on the council's website.

#### 4. Proposal and Justification

- 4.1 The 2016/17 Pay Policy Statement has been reviewed in accordance with the Act and has been updated to reflect the updated School Teachers Pay and Conditions Document 2015 and to reflect the implementation of the protocol which allows changes to working practices.

#### 5. Consideration of Alternative Approaches

- 5.1 An alternative option would be to not produce a Pay Policy Statement. However this would contravene section 38(1) of the Localism Act 2011. Consequently this is not a realistic option.

#### 6. Delivering Sustainable Community Strategy Ambitions and Local Area Agreement Outcomes

- 6.1 None directly arising from this report.

#### 7. Compatibility with European Convention on Human Rights

- 7.1 This proposal is compatible with the European Convention of Human Rights Act Article 14: Prohibition of Discrimination in the Enjoyment of Convention Rights.

**8. Promoting Equality and Diversity and Social Inclusion**

8.1 The implementation of this policy will ensure that any issues relating to pay are applied fairly and consistently.

**9. Risk Management Issues, including Health and Safety**

9.1 The recommended policy provides information on how the council remunerates its employees and as such provides a standard framework to be applied to employee remuneration therefore reduces the risk of inconsistencies in this area.

**10. Financial Implications**

10.1 None arising from this report.

**11. Employee Implications**

11.1 The proposed Pay Policy Statement applies to all employees except those employed in locally managed schools and brings together a number of existing policies and local agreements in one document.

11.2 The Trade Unions have been informed about the updated Pay Policy Statement.

**12. Legal Implications**

The Pay Policy consolidates a number of existing policies that have previously been reviewed by Legal Services.

**13. Glossary**

DCLG – Department for Communities and Local Government.

**14. List of Appendices**

Appendix B – 2016/17 Pay Policy Statement.

**15. Background Papers**

15.1 DCLG Guidance: Openness and Accountability in Local Pay February 2012.

15.2 DCLG Guidance: Openness and Accountability in Local Pay Supplementary Guidance February 2013.

15.3 DCLG Local Government Transparency Code 2014.

These documents are contained in working files in Human Resources and are available for inspection.

Officer Contact: Alison Brown

Telephone No: 773674

Date: 25 November 2015

**PAY POLICY STATEMENT FOR THE PERIOD 1 APRIL 2016 TO 31 MARCH 2017****Contents**

<b>Section 1.0</b>	<b>Introduction</b>	<b>Page 2</b>
<b>Section 2.0</b>	<b>Determination of Pay</b>	<b>Page 2</b>
<b>Section 3.0</b>	<b>Changes to Terms and Conditions</b>	<b>Page 8</b>
<b>Section 4.0</b>	<b>Lowest Paid Salary</b>	<b>Page 9</b>
<b>Section 5.0</b>	<b>Highest Paid Salary</b>	<b>Page 9</b>
<b>Section 6.0</b>	<b>Other Pay Related Policies</b>	<b>Page 9</b>
<b>Section 7.0</b>	<b>Professional Subscriptions</b>	<b>Page 11</b>
<b>Section 8.0</b>	<b>Remuneration Committees</b>	<b>Page 11</b>
<b>Section 9.0</b>	<b>Selective Voluntary Early Retirement/ Voluntary Severance Policy</b>	<b>Page 12</b>
<b>Section 10.0</b>	<b>Employment of Persons in Receipt of a Pension or Redundancy/ Severance Payment</b>	<b>Page 12</b>
<b>Section 11.0</b>	<b>Pension Schemes</b>	<b>Page 13</b>
<b>Section 12.0</b>	<b>Amendments to the Policy</b>	<b>Page 14</b>
<b>Section 13.0</b>	<b>Policy for Future Years</b>	<b>Page 14</b>
<b>Section 14.0</b>	<b>Equality and Diversity</b>	<b>Page 14</b>
<b>Section 15.0</b>	<b>Income Tax and National Insurance</b>	<b>Page 14</b>
<b>Annex A</b>	<b>Chief Officer Remuneration</b>	<b>Page 15</b>

---

**PAY POLICY FOR THE PERIOD 1 APRIL 2016 TO 31 MARCH 2017**

---

**1.0 INTRODUCTION AND SCOPE**

- 1.1 Section 38 - 43 of the Localism Act 2011 (as supplemented) requires Barnsley Metropolitan Borough Council (referred to as the Council) to produce a policy statement that covers a number of matters concerning the pay of the Council's employees. This Policy sets out the arrangements for salary and related allowances paid to employees of Barnsley Metropolitan Borough Council. It details the arrangements for the determination of salary, how salary levels are determined, the method for pay progression (where applicable) and the payment of allowances. It should be noted that the Policy does not apply to employees within locally managed schools.

---

**2.0 DETERMINATION OF PAY****2.1 Chief Officers**

The Council's policy on remunerating Chief Officers is set out below and in Annex A. For the purpose of the policy a Chief Officer is defined as the Chief Executive, Executive Directors and Directors. The terms and conditions of employment for such Chief Officers are as specified in the Joint National Committee for Chief Officers for Local Authorities as supplemented by Local Agreements.

**2.1.1 Salary on Appointment**

The post will be advertised and appointed to at the agreed approved salary unless there is good evidence that a successful appointment of a person with the required skills, knowledge, experience, abilities and qualities cannot be made without varying the remuneration package. In such circumstances a variation to the remuneration package is appropriate under the Council's policy and any variation will be approved through the agreed decision making process i.e. Council approval

**2.1.2 Pay Progression/Increases**

The Council will apply any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations. The Council will also apply any pay increases that are as a result of authority decisions to significantly increase the duties and responsibilities of the post in question beyond the normal flexing of duties and responsibilities that are expected in senior posts. Beyond this the Council would not make additional payments outside those specified in the contract of employment.

**2.2 NJC Grades 1 to 17**

The Council uses the National Joint Council (NJC) Job Evaluation Scheme and has a pay structure consisting of 17 Grades which can be found in the link below.

[17 Grade Pay Structure](#)

The grading structure covers all staff on NJC terms and conditions up to and including Service Director level.



The pay grades for positions on NJC terms and conditions are determined utilising the NJC Job Evaluation scheme which is implemented jointly with the respective Trade Unions.

### 2.2.1 Salary on Appointment

Employees appointed to positions on NJC Grades 1 to 17 will normally be placed on the first point of the grade for the post. However, managers, in consultation with the Director – Human Resources, Performance and Communications have the discretion to award higher starting points within the grade of the post in order to salary match or if justified by the skills and experience of the candidate.

### 2.2.2 Salary on Promotion/Secondment

On promotion or secondment employees should normally be placed on the first point of the grade for the post. However, managers, in consultation with the Director – Human Resources, Performance and Communications have the discretion to award higher starting points within the grade of the post in order to salary match or if justified by the skills and experience of the candidate.

### 2.2.3 Pay Progression

Pay progression for employees on NJC Grades 1 to 17 is as outlined in the Incremental Pay Progression Guidance attached in the link below.

[Pay Progression](#)

The pay grades for positions on NJC terms and conditions are determined utilising the NJC Job Evaluation scheme which is implemented jointly with the respective Trade Unions.

## 2.3 Soulbury Officers

### 2.3.1 Salary on Appointment

The Soulbury Committee provides a voluntary collective bargaining machinery in respect of the salaries and service conditions of the following categories:-

- a) Educational Improvement Professionals
- b) Educational Psychologists
- c) Young People's/Community Service Managers

An employee appointed to one of these positions for the first time shall be placed at the minimum of the scale deemed appropriate by the Council. Where the employee has had previous experience which the authority considers should be regarded as equivalent value to service, the Council shall determine a higher incremental point up to the maximum.

### Educational Improvement Professionals

A salary scale for Educational Improvement Professionals should consist of no more than 4 points (subject to additional points needed to accommodate discretionary scale extensions or SPA points).

Educational Improvement Professionals undertaking the full range of duties would usually be appointed on a minimum point of 8.

Senior Educational Improvement Professionals undertaking the full range of duties would usually be appointed on a minimum point of 13

Leading Educational Improvement Professionals undertaking the full range of duties would usually be appointed on a minimum point of 20.

### Educational Psychologists

Trainee Educational Psychologists in their second and third year of training should be paid on a point selected from the 6 point Trainee Educational Psychologist pay scale. While Trainee Educational Psychologists will be employed on the basis that they will be available for work for 3 days per week in the second year and 4 days per week in the third year of training, it is not intended that their pay rates should be applied on any pro rata basis

Assistant Educational Psychologists are paid on the Assistant Educational Psychologist pay scale and should not remain on this scale for more than 4 years. Educational Psychologists would usually be appointed on an individual 6 point pay range on Scale A which will be 1-6, 2-7 or 3-8 based on an assessment of recruitment and retention and other local factors. Managers have the discretion to appoint above the minimum of the selected scale.

Senior Educational Psychologists would usually be appointed on a 4 point pay range on Scale B

Principal Educational Psychologists would usually be appointed on a 4 point pay range on Scale B with a minimum starting point of point 4.

Educational Psychologists paid on Scales A/B are also eligible for up to 3 Structured Professional Assessment (SPA) points

### Young People's/Community Service Managers

- Salary scales should consist of not more than four consecutive points from the range
- The differential between the salary of the Young Peoples/Community Service Manager and the salary of the highest paid practitioner being managed by the YPCSM shall be the equivalent of a minimum of one Soulbury salary increment.
- Senior Officers are usually on a minimum of point 4
- Principal Officers are usually on a minimum of point 7

#### 2.3.2 Salary on Promotion/Secondment

On promotion or secondment employees should normally be placed on the first point of the range for the post. However, managers, in consultation with the Director – Human Resources, Performance and Communications have the discretion to award higher starting points within the grade of the post in order to salary match or if justified by the skills and experience of the candidate.

(The Council should provide a career structure for Educational Psychologists and further details can be obtained from The Report of the Committee on Salary Scales and Service Conditions of Inspectors and Advisory Officers of Local Education Authorities).

### 2.3.3 Incremental Pay Progression

The pay awards for Advisors, Inspectors and Psychologists are effective from 1<sup>st</sup> September each year subject to six months service in the post, until the maximum of the grade is reached.

The pay awards for Youth and Community Service Officers are effective from 1<sup>st</sup> April each year subject to six months service in the post, until the maximum of the grade is reached.

Soulbury staff also have the opportunity to apply for up to 3 further points on the salary scale (in addition to their 4 point range) and these are called Structured Professional Assessment points (SPA's). A copy of the application for Structured Professional Assessment Points Guidance notes can be found in the link below:-

[Structured Professional Assessment Guidance](#)

## 2.4 Centrally Employed Teachers

2.4.1 The pay policy for Centrally Employed Teachers falls under the terms of the School Teachers Pay and Conditions Document (referred to as the Document).

[School Teachers Pay and Conditions 2015](#)

2.4.2 The Document was significantly changed in September 2014 and again in 2015. A summary of the main changes can be found in the link below.

[Implementing schools approach to pay](#)

2.4.3 The Council will review every qualified teacher's salary with effect from 1 September each year. Reviews may take place at other times of the year to reflect any changes in circumstances or job descriptions that will affect pay.

2.4.4 The statutory pay arrangements give significant discretion over the awarding of allowances and the criteria used by the Council to determine the application of the discretionary elements. Decisions on the way these discretions will be used are the responsibility of the Executive Director, People.

## 2.5 Adult Education Tutors

2.5.1 Following the cessation of the (Silver Book) a Local Agreement for Adult Education Lecturers was agreed and implemented in September 2002. The Agreement covers staff employed as Lecturers (Qualified and Unqualified), Curriculum Co-ordinators, Lead Tutors, Curriculum Support and Information Officers Learning /Project Co-ordinators.

### 2.5.2 Salary on Appointment

A new employee to the Service would normally be appointed at the bottom of the relevant pay scale although additional increments may be considered for previous relevant experience or continuous service in establishments recognised under the Redundancy Payments (Modification) Order 1999.

### 2.5.3 Pay Progression

The pay awards for employees covered by the Local Agreement for Adult Education Lecturers 2008 are based upon the percentage pay increase awarded to JNC Youth and Community Workers. Any such awards are effective from 1<sup>st</sup> September each year.

During employment annual increments shall be awarded on 1<sup>st</sup> September each year subject to six months service in the post, until the maximum of the grade is reached.

## 2.6 Youth Workers

### Salary on Appointment

There are two salary ranges available for Youth and Community Workers, the Youth and Community Support Worker range (which is divided into Levels 1 and 2 and the Professional Range.

#### 2.6.1 Youth and Community Support Worker Range:-

**First Level** – This is for employees who undertake duties under direction.

**Second Level** – This is for employees who have operational youth work responsibility for a local youth club or project-wide responsibility for an area of curriculum of service development. Employees will be line managed by professional youth and community workers.

**Professional Range** – This provides the salary grades for professional youth and community workers who carry strategic and operational responsibilities at a senior level for service delivery and development.

Employees shall be placed in a salary scale of not more than 4 points from within the range.

The determination of the appropriate salary scale shall be based on the employee's previous service and qualifications.

#### 2.6.2 Salary on Promotion

On appointment or promotion to another post with a higher salary maximum a youth and community worker shall be placed on the new scale at a point no less than one incremental point higher than that which they were receiving on the day of appointment or promotion.

### 2.6.3 Pay Progression

Annual increments are payable on 1<sup>st</sup> April each year, or on 1<sup>st</sup> September each year in the case of staff who moves from teaching in maintained school, further education establishment or service under the Soulbury Report. Increments are paid each year until the maximum of the scale is reached

## 2.7 Agenda For Change

The Agenda for Change pay structure is applicable to staff within the extended remit of the NHS Pay Review Body (NHSPRB). The pay spine is divided into 9 pay bands (pay band 8 is subdivided into 4 ranges) and positions were assigned to a pay band in accordance with the NHS Job Evaluation Scheme.

### 2.7.1 Salary on Appointment

Upon commencement to a post staff were normally appointed to the lowest pay point of the agreed band with the exception of staff appointed on Band 5 who have accelerated progression through the first two pay points in six monthly steps providing management are satisfied that they meet the required 'standard of practice'. This 12 month period is known as the 'Preceptorship'. Employees affected by the TUPE transferred on the same terms and conditions applicable pre-transfer. The Council reserves the right to evaluate and appoint to all new posts in accordance with the NJC terms and conditions for Local Government Employees

### 2.7.2 Salary on Promotion

Pay on promotion should be set either at the minimum of the new pay band or, if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay. However, as stated in 2.8.1, the Council reserves the right to evaluate and appoint to all posts, including promotion opportunities, in accordance with the NJC terms and conditions for Local Government Employees

### 2.7.3 Pay Progression

Progression through the individual pay bands is by annual increments on the anniversary of appointment to the post. This progression is dependent upon satisfactory performance in the role and demonstration of the agreed knowledge and skills appropriate to that part of the pay band as detailed in the NHS Knowledge and Skills Framework.

## 2.8 Consultants (Medical)

TUPE'd employees are remunerated in line with the remit of the Review Body on Doctors' and Dentists' Remuneration. The pay spine for this employee group has 8 individual pay thresholds. Schedule 13 of the Consultant Terms and Conditions of Employment applies to Consultants appointed before 31 October 2003 and Schedule 14 applies to those appointed after 31 October 2003.

### 2.8.1 Salary on Appointment

On commencement basic salary and payments for any additional Programmed Activities will be set at the first of the pay thresholds. The salary will reflect any

approved consultant-level experience already gained. Referred to terms and conditions are paid in accordance with the pay system which has two pay spines or series of pay bands: pay spine one for staff within the remit of the Doctors' and Dentists' Review Body and pay spine two for staff within the extended remit of the NHS Pay Review Body (NHSPRB). The Council reserves the right to appoint to any new or vacated existing posts in accordance with the NJC terms and conditions for Local Government Employees

#### 2.8.2 Pay Uplifts

Increases to pay threshold values may be determined from time to time following recommendations of the Review Body on Doctors' and Dentists' Review Body.

#### 2.8.3 Pay Progression

Consultants will be eligible for progression through the first 5 pay thresholds subject to the criteria set out in Schedule 15 of the Consultants Terms and Conditions. This will be paid on the anniversary of appointment to the post of Consultant. Eligibility for progression through the next three thresholds shall occur at five yearly intervals.

---

### **3.0 CHANGES TO TERMS AND CONDITIONS**

#### 3.1 Permanent Changes to Terms and Conditions

3.1.1 The Council has implemented a number of changes to terms and conditions of employment which form part of a package of measures which are necessary to address the budget deficit arising out of an unprecedented cut in funding following the Governments Comprehensive Spending Review.

3.1.2 The changes to terms and conditions in respect of employee remuneration are summarised below and relevant policies and procedures updated to reflect the changes:

- Premium Payments – harmonisation of all premium payments to a consistent rate. This does not apply to payments for working on a statutory holiday which remain unchanged.
- Shift Allowance – harmonisation of all shift pay to one consistent rate.
- Standby Payments – standardisation of standby payments and the introduction of a minimum payment for active time (except Winter Maintenance).
- Redeployed Travel Expenses – introduction of revised criteria in respect of the payment of redeployed travel expenses.
- Protection of Earnings – implementation of a revised protection of earnings policy relating to loss of contractual earnings.

3.1.3 The Council has a protocol which allows changes to working practices to be agreed and implemented. As a consequence the agreements relating to premium payments, shift allowances and standby payments may have been varied from the standard agreement.

---

### **4.0 LOWEST PAID SALARY**

4.1 The lowest pay point in this Council is Grade 1 point 6 which equates to an annual

salary of £13,614 and can be expressed as an hourly rate of pay of £7.06. This is increased to £8.25 per hour as the Council pays a low pay supplement equivalent to the Living Wage on top of grade 1 hourly rates up to and including spinal column point 10.

- 4.2 The pay rate is increased in accordance with any pay settlements which are reached through the National Joint Council for Local Government Services and through increases to the Living Wage as advised by the Living Wage Foundation.

---

## 5.0 **HIGHEST PAID SALARY**

- 5.1 The highest paid salary in this council is currently £153,285 which is paid to the Chief Executive. The median average salary in this council (not including schools) is £22,212. The ratio between the two salaries, the 'pay multiple' is 7:1. The authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the Council and as such the Council takes the view that the pay multiple acts as a control element which will be monitored and reported annually as part of the review of this Pay Policy.
- 5.2 The Council is required to publish Chief Officer salaries on an annual basis as part of the Statement of Accounts. Details can be found at:

[Statement of Accounts 2014 15](#)

---

## 6.0 **OTHER PAY RELATED POLICIES**

A number of other pay related policies are outlined below which are applicable to all employees except centrally employed school teachers, whose statutory pay and conditions of service fall under the terms of the School Teachers Pay and Conditions Document (Refer to Annex 2). The information contained below provides a summary of allowances and must be read in conjunction with the relevant 'Conditions of Service' document/Local Agreement.

### 6.1 **Nationally Agreed Allowances**

#### 6.1.1 **Bank Holiday Working**

- Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:
  - Time worked less than half the normal working hours on that day - half day
  - Time worked more than half the normal working hours on that day - full day

### 6.2 **Locally Agreed Allowances**

Please refer to Section 3 for further guidance regarding changes to terms and

conditions of employment and changes to working practices.

#### 6.2.1 Overtime/Additional Hours

- Overtime rates – Employees who are required to work overtime/additional hours beyond their working week are entitled to receive enhancements on the following basis
  - Monday to Sunday - time and half

The Council has a Planned Overtime Policy which applies to employees of Grade 7 and above who undertake overtime. Full details of the provision can be found at: [Planned Overtime Policy](#)

- Part-time employees will only be paid overtime rates in circumstances where an equivalent full time employee would receive them e.g. for a part-time employee who normally works Monday to Friday, work up to 37 hours per week will be paid at plain time, thereafter and at weekends overtime rates will be payable.

#### 6.2.2 Weekend Working

- Employees who are required to work on Saturday and/or Sunday as part of their normal working week are entitled to the following enhancements:
  - Monday to Sunday - time and half

#### 6.2.3 Night work

Employees who work at night as part of their normal working week are entitled to receive an enhancement of time and half for all hours worked between 10pm and 6am, Monday to Sunday i.e. no additional enhancement is payable for weekend working.

The night rate shall be payable in addition to the enhanced rates of pay for additional hours (overtime) worked on a Monday to Sunday night between the hours of 10pm and 6am e.g. an employee working Saturday night as overtime will receive time and half for hours worked Saturday plus an additional 50% of the hourly rate due to working at night (between 10pm and 6am).

#### 6.2.4 Alternating Shifts

- An enhancement of 10% will be payable to employees working alternating shifts providing all of the following criteria are met:
  - The total period covered by the shifts is 11 hours or more
  - There are at least 4 hours between the starting time and the earliest and latest shift

#### 6.2.5 Rotating Shifts

- An enhancement equivalent to:
  - 10% of salary for three shifts on a rota basis including a night shift over 5 or 6 days, or



- 10% of salary for three shifts on a rota basis including a night shift over 7 days will be payable to employees working rotating shifts providing all of the following criteria are met:
  - ◆ The total period covered by the shifts is 18 hours or more
  - ◆ At least 4 hours worked between 7pm and 7am.

6.2.6 In addition to the above mentioned the Council has a number of local agreements covering areas such as:

- Car Mileage Allowance - employees who use their private car whilst undertaking official business in the course of their employment, mileage will be reimbursed at the Approved Mileage Allowance Payments (AMAP) rates as specified by HM Revenue and Customs.
- Recruitment and Retention Procedure - provides a series of payment options to assist with recruitment and retention issues.
- Deprivation of Liberty Safeguards Payments - The Council has a statutory duty to undertake assessments under Deprivation of Liberty Safeguards (DOLS). A payment will be made in accordance with the local agreement.
- Laundry Allowance - additional payment to recompense employees for cleaning allocated uniforms.
- Stand by/Call out - An employee who is contractually required or volunteers to be available on a standby/call out basis will be recompensed by payment of an amount determined locally.
- Approved Mental Health Professionals (AMHP) allowance - Is an annual allowance paid over 12 equal monthly instalments to AMHP's who undertake this role in addition to their post.

The above is not an exhaustive list of local agreements.

---

## 7.0 **PROFESSIONAL SUBSCRIPTIONS**

This payment of fees currently applies only to employees of Legal Services who are Solicitors and are required to hold a practising certificate and for Social Care Workers who are required to be registered by the Health and Care Professionals Council (HCPC).

Payment will not be made for membership of any other professional organisation, whether or not membership is a requirement of the appointment. Full details of the Council's Policy can be found at:

### [Reimbursement of Professional Fees](#)

---

## 8.0 **REMUNERATION COMMITTEES**

8.1 The Council does not utilise a Remuneration Committee to determine grading of posts. The evaluation of posts is a complex issue requiring use of specialised trained panels to recommend grades for posts as determined by the appropriate evaluation process. Recommended grades are subject to approval by the agreed Council decision making process i.e. Delegated/Cabinet Reports.

## **9.0 SELECTIVE VOLUNTARY EARLY RETIREMENT/VOLUNTARY SEVERANCE POLICY**

9.1 The Selective Voluntary Early Retirement and Voluntary Severance schemes enable the Council to reduce the size of its workforce in line with prevailing economic conditions, whilst at the same time compensating eligible employees by either immediate payment of pension benefits and/or a redundancy payment. The Council's Policy relating to all employees who are members of the Local Government Pension Scheme can be found at:

[SVER and VS Policy](#)

9.2 The Policy covering employees who are members of the Teachers Pension Scheme is available at:

[Redundancy SVER Teachers](#)

9.3 Where the level of severance pay/redundancy pay is calculated in accordance with the Councils policy and the resultant payment is more than £100,000 then approval must be sought by Council prior to agreement to release the payment.

---

## **10.0 EMPLOYMENT OF PERSONS IN RECEIPT OF A PENSION OR REDUNDANCY/ SEVERANCE PAYMENT**

10.1 The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The authority will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post.

10.2 If a candidate is an employee in receipt of a pension (this includes ill health pensions) from a public sector organisation including local government, civil service, teachers pensions, police (Civil or Warranted Officers), armed forces, or any other covered by the Modification Order or a redundancy/ severance payment as a result of being made compulsory redundant this will not rule them out from being employed by the authority.

10.3 The re-engagement of public sector employees can, in some circumstances, provide practical solutions to specific workload/project staffing needs due to their previous knowledge and experience.

10.4 A balanced judgement is therefore needed, taking all of these issues into account along with the fact that the post must have been advertised and no other suitable candidates identified. HR approval must be sought by managers in all cases prior to entering into discussions with individuals in receipt of a pension or redundancy/severance payment regarding any opportunity for employment. Any such arrangements will be considered on a case by case basis and must be cost effective and provide best value in the use of Council resources.

10.5 The authority will apply the provisions of the Statutory Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant and appropriate. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service.

---

**11.0 PENSION SCHEMES****11.1 Local Government Pension Scheme**

Eligible employees automatically become a member of the Local Government Pension Scheme (LGPS) if they have a contract of employment for at least three months. Where the employee has a contract for less than three months, the employee may elect to join the scheme. However, LGPS scheme regulations are superseded by pension's auto-enrolment legislation which requires all employees to automatically pay pension contributions where the earnings level is above the threshold. Employees may choose to opt out of auto-enrolment. The LGPS is a tax approved, defined benefit occupational pension scheme set up under the Superannuation Act 1972. The benefits under the Scheme are based on the length of membership and the final salary. The contribution rate depends on the level of earnings but it will be between 5.5% and 12.5% of pensionable pay.

The Council pays the balance of the cost of providing benefits in the LGPS currently 23.25%. Every three years an independent review is undertaken to calculate how much the employer should contribute to the Scheme. Increases or decreases in the cost of providing the scheme may, in future, need to be shared between members and employers, in accordance with government guidance.

Full details of the LGPS can be found at:

[South Yorkshire Pensions Authority - Homepage](#)

**11.2 Teachers Pensions Scheme**

For Centrally employed teachers or posts that the Council decides are eligible for membership of the Teacher's Pension Scheme (TPS) new appointees will automatically become scheme members.

The TPS is a contributory scheme administered by Teachers' Pensions (TP) on behalf of the Department for Education (DfE). It is a defined benefit 'final salary' scheme providing a lump sum and pension after retirement. Members of the TPS contributions rates range from 6.4% to 12.4% depending on the level of earnings. The Council pays a further 16.48%. The Scheme Actuary reviews these rates at regular intervals.

Information relating to the TPS can be found at:

[Teachers Pension Scheme](#)

**11.3 NHS Pension Scheme**

Some employees in Public Health roles have pension protections and continue to contribute to the NHS Pension scheme.

Information relating to the scheme can be found at:

[NHS Pension Scheme](#)

---

**12.0** **AMENDMENTS TO THE POLICY**

- 12.1 It is anticipated that this policy will not need to be amended further during the period it covers i.e. 1 April 2016 to 31 March 2017, however if circumstances dictate that a change of policy is considered to be appropriate during the year then a revised draft will be presented to full Council for consideration.

---

**13.0** **POLICY FOR FUTURE YEARS**

- 13.1 The policy will be reviewed each year and will be presented to full Council each year for consideration in order to ensure that a policy is in place for the Council prior to the start of each financial year.

---

**14.0** **EQUALITY AND DIVERSITY**

- 14.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact your Directorate Human Resources Advisor who will if necessary ensure the policy is reviewed.

---

**15.0** **INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS**

- 15.1 Sections 682-702 of the Income Tax (Earnings and Pensions) Act 2003 (ITEPA) impose a duty on an employer to account for PAYE on employment income paid to employees. PAYE applies to all payments of income within the charge to tax under ITEPA 2003.
- 15.2 There are three classes of national insurance contributions (NICs) which are payable by or in respect of employees:
- Class 1 contributions, which are earnings related. Primary contributions are paid by “employed earners” secondary contributions are paid by employers.
- Class 1A contributions, which are payable annually by secondary contributors only, based upon taxable value of benefits reported on forms P11D.
- Class 1B contributions, which are payable annually by secondary contributors only, based on the tax borne under a PAYE Settlement Agreement (PSA).

---

© Barnsley Metropolitan Borough Council.

The right of Barnsley Metropolitan Borough Council to be identified as Author of this Work has been asserted by it in accordance with the Copyright, Designs and Patents Act 1988. No part of this publication may be reproduced in any material form, including photocopying or storing it in any electronic medium without the written permission of the copyright owner except in accordance with the provisions of the Copyright, Designs and Patents Act 1988. Applications for the copyright owner's permission to reproduce any part of this publication must be addressed to the Director Human Resources, Performance, and Communications, Barnsley Metropolitan Borough Council, Human Resources, PO Box 680, Barnsley, S70 9JF.

**Annex A**

<b>Aspect of Chief Officer Remuneration</b>	<b>BMBC Policy</b>
Recruitment	The post will be advertised and appointed to at the appropriate approved salary for the post in question unless there is good evidence that a successful appointment of a person with the required skills, knowledge, experience, abilities and qualities cannot be made without varying the remuneration package. In such circumstances a variation to the remuneration package is appropriate under the Council's policy and any variation will be approved through the appropriate decision making process.
Pay Increases	The Council will apply any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations. The Council will also apply any pay increases that are as a result of authority decisions to significantly increase the duties and responsibilities of the post in question beyond the normal flexing of duties and responsibilities that are expected in senior posts subject to approval by the appropriate decision making process.
Additions To Pay	The Council would not make additional payments beyond those specified in the contract of employment.
Performance Related Pay	The Council does not operate a performance related pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed in accordance with Council Policy.
Earn-Back ( Withholding an element of base pay related to performance)	The authority does not operate an earn-back pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.
Bonuses	The Council does not pay bonus payments to employees.
Termination Payments	The Council applies its normal redundancy payments arrangements to senior officers and does not have separate provisions for senior officers. The Council also applies the appropriate Pensions regulations when they apply. The Council has agreed policies in place on how it will apply any discretionary powers it has under Pensions regulations. Any costs that are incurred regarding senior officers are published in the Council's accounts as required under the Accounts and Audit (England) Regulations 2011.
Transparency	The Council meets its requirements under the Localism Act, the Code of Practice on Data Transparency and the Accounts and Audit Regulations in order to ensure that it is open and transparent regarding senior officer remuneration.
Employment of persons in receipt of a pension or redundancy/severance payment	Refer to Section 10

This page is intentionally left blank

# Item 30

## BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Director of Finance, Assets and Information Services

### **REVIEW OF POLICY FOR THE COUNCIL'S 2015/16 MINIMUM REVENUE PROVISION**

#### **1. Purpose of Report**

- 1.1 The Council must determine its Minimum Revenue Provision (MRP) policy on an annual basis. The purpose of the report is to propose a revised Minimum Revenue Provision Policy Statement for 2015/16.

#### **2. Recommendation**

- 2.1 **It is recommended that the Council revise the 2015/16 MRP policy in accordance with the recommendations at section 4 of this report and detailed at Appendix A;**
- 2.2 **It is also recommended that the Council review MRP on an annual basis to take account of the Council's changing requirements, particularly in relation to its financial position. The revised MRP policy has already been agreed by Cabinet for 2016/17 as part of approving the overall 2016/17 Treasury Management Strategy.**

#### **3. Background/ Introduction**

- 3.1 Minimum Revenue Provision (MRP) is a charge to the Council's revenue account to make a provision for the repayment of the Council's outstanding capital debt liabilities.
- 3.2 The Council is required by law to annually "determine for the current financial year an amount of minimum revenue provision which it considers to be prudent". The Secretary of State has issued statutory guidance ("the guidance") to guide local authorities in determining the "prudent" level of MRP. The guidance is not prescriptive: local authorities must have regard to the guidance, but must make their own judgement about what is prudent provision.
- 3.3 The MRP Statement must, by law, be approved by the Council. The statutory basis for MRP is provided in more detail at Appendix B.

## **4. Proposals**

- 4.1 The Council's MRP policy was created in 2007 at the start of the new MRP system. There are four options for calculating MRP:-

Option 1: Regulatory Method  
Option 2: Capital Financing Requirement (CFR) Method  
Option 3: Asset Life Method  
Option 4: Depreciation Method

However, these are by no means prescriptive, providing that the Authority has regard to the guidance and complies with the statutory duty to make prudent provision. Barnsley MBC's existing MRP policy follows Option 1, the Regulatory Method for Government supported expenditure and Option 3, Asset Life Method, for non-government supported expenditure.

- 4.2 The Council is facing significant budgetary reductions over the next few years and needs to ensure a stable and deliverable financial transition over this period. As such, Finance Officers have carried out a more fundamental review of its MRP policy to ensure it is appropriate in the context of its financial backdrop. Since 2007, there have only been relatively minor changes to the policy so this represents the first major review.

- 4.3 The review covers the 4 proposals outlined as follows:-

### **Proposal 1: Use of Regulatory Method**

- 4.4 The "Regulatory Method" is one of the four MRP options exemplified in the Guidance (paragraph 7) and further described in DCLG's commentary (paragraphs 15 to 19). The guidance proposes that this method is relevant to providing for repayment of debt outstanding from before 1 April 2007 and that the borrowing supported by Government Revenue Support Grant be repaid over a period "reasonably commensurate with the period implicit in the determination of that grant". The Regulatory Method continues the arrangements set out in former Regulations, under which non-housing debt was repaid at 4% of the balance outstanding at each year and, after deducting an amount referred to as "Adjustment A" which was introduced by the Government at the start of the prudential system in 2004.
- 4.5 As the local government finance system has evolved, it has become increasingly difficult to relate the Revenue Support Grant received to any particular level of annual debt repayment. Since the business rates reform in 2013/14, there is no component of grant determining an implicit level of support for debt repayment. In addition, total grant is controlled to national totals which have been reduced substantially in recent years, irrespective of the level of "supported" borrowing outstanding. A review undertaken by SIGOMA calculates that, on the assumption that interest costs are fully funded within revenue grant, by 2015/16 the Government is only funding around 45% of the 4% MRP – i.e. implied grant support for MRP at 1.8% rather than 4%.



- 4.6 It is therefore proposed that it would be appropriate, affordable and reasonable that the Council's MRP policy will adapt the Regulatory Method by paying this debt over a term of 50 years, on an annuity basis. This 50 year repayment period is considered a reasonable average assumption for the lives of the assets funded by this expenditure.
- 4.7 In the initial years, this element of the MRP charge is lower than the 4% reducing balance calculation, but it does, however, fully repay the remaining balance of pre-2007/08 debt, including Adjustment A, by the end of 50 years. A repayment term of 50 years is arguably significantly more prudent than a method which never pays off the whole debt.
- 4.8 Although the Council's proposed 50 year annuity method initially has a lower debt repayment than the 4% reducing balance method, it is better aligned to Government Grant arrangements, is reasonable in regard to the average lives of the assets involved, recognises the Council's financial transition pressures in the coming few years, and in the longer term is more consistent with the aims of the guidance. It is therefore considered that it would be appropriate, affordable and reasonable for the Council to move to such a provision for 2015/16 onwards.

***Recommendation: To adopt a modified approach to the Regulatory Method to apply a 50 year term to all Government funded borrowing and to adopt the annuity method for calculating debt repayments.***

#### Proposal 2: Assessment of Asset Life

- 4.9 At present, the Authority has two options with regards the calculation of MRP in respect of capital expenditure that is funded through prudential borrowing i.e. not supported from the Government within the Capital Finance and Accounting Regulations.
- 4.10 The first of the two options prescribed is the 'Asset Life' option which is based on repayment akin to the useful life of the assets that the charge relates. This itself has two methods of calculation which are the 'Annuity Method' which applies an implicit interest rate to the debt outstanding over time resulting in a repayment 'curve' increasing over time and the 'Equal Instalment Method' which sets equal MRP charges across the life of the asset.
- 4.11 The second option prescribed is the 'Depreciation' option which matches the MRP charge to the economic consumption of the assets involved. The guidance explicitly states that this includes depreciation and impairment of the assets.
- 4.12 Currently, the Authority only uses the Asset Life option and predominately uses the equal instalment method to do so but does also utilise the annuity method for major schemes, for example, BSF and the purchase of Gateway.
- 4.13 It is proposed to revisit the asset lives that the MRP is calculated on to bring them in line with the repayment periods discussed in proposal 1. The asset lives proposed to be used on all non-school assets is a 50 year period, calculated on an annuity basis (see PFI below for school assets).

- 4.14 The Authority considers this prudent and recognises that the Authority's maintenance programme enhances the useful lives of such assets by maintaining them in a condition that ensures that the economic benefit derived from those assets lasts for longer. Moreover, the useful life for buildings and equipment is widespread and difficult to determine for each asset so a 50 year average for assets is a justifiable compromise and one which the Council's valuers support.
- 4.15 It is also proposed to exclusively calculate MRP on an annuity basis rather than an EIP basis. This will ensure a consistent approach as the Council currently uses both methods but in addition, the annuity method recognises the time value of money and therefore spreads the real cost over all generations of taxpayer. By contrast, EIP is a flat cost and as such penalises today's tax payer who in real terms, pays more for an asset than future generations.

***Recommendation: Apply a 50 year term to all non-school assets, unless a more appropriate period is identified and adopt the annuity method for calculating debt repayments.***

### Proposal 3: PFI Schemes

- 4.16 At present, MRP in relation to PFI schemes is charged in line with CIPFA's Accounting Code of Practice which adopts an implicit interest rate that is applied to the PFI debt to give a notional debt repayment charge each year, which is part of the unitary charge. However, there is no requirement for MRP to match the contract term or the financing arrangements of such deals. That would be equivalent to saying that MRP in relation to conventional borrowing should be over the life of the PWLB loans taken rather than over the life of the assets. It is proposed to treat it consistently with the Council's general MRP policy. Currently all non PFI school assets are based on a 60 year repayment term and it is intended to apply a 60 years repayment period on an annuity basis, in line with Proposal 2 above. Moving to a 60 year repayment period results in significant changes in the MRP charge, predominantly due to the PFI contracts being on a significantly shorter period, at 25 years, than the proposed 60 year repayment period.
- 4.17 At present, there's a degree of inconsistency around the MRP applied to PFI funded and the Authority's Design and Build schools, which both sit under the same BSF project umbrella. The MRP charged on both the design and build contributions and the capital contributions made in respect of the PFI schools to reduce the unitary charge are currently based on 50 years. To ensure consistency as outlined at 4.16 above, it is intended to apply a 60 year repayment term to all PFI and non PFI school assets.
- 4.18 The MRP charged in respect of the liability embedded within the unitary charge payments are over the duration of 25 years i.e. the life of the PFI contract. This review will seek to bring the two methods together, based on the useful asset lives of the assets involved.

4.19 It should be noted that since the PFI arrangements were entered into, 8 of the 21 schools covered under the schools PFIs will have become academies as at 31 March 2015. Other authorities who have used this new proposed approach to MRP will have faced a similar situation in respect of academies. Furthermore, the assets (schools) concerned are of continuing economic benefit to the Borough even though they are no longer on the Council's balance sheet.

***Recommendation: Apply a 60 year term to all BSF/PFI and other school assets and adopt the annuity method for calculating debt repayments.***

#### Proposal 4: Treatment of Pre 2015/16 Debt

4.20 The guidance also allows a review of previous MRP charged against the General Fund and allows restatement prospectively from that date, on the basis that it has been under or over provided in the past.

4.21 This backdated element (pre-2015/16) represents a significant sum as the early years' MRP provision is substantially more than the 2% proposed charge as result of this review. The view of the Authority is that the debt has already been written down under the current MRP provision and at this stage there are no plans to backdate its MRP policy for pre 2015/16 debt.

4.22 This is unlike some other authorities that have had audit agreement to create a retrospective useable reserve from the backdated change of MRP policy (pre-2015/16). The Authority's proposal in terms of the backdated element again reflects the prudent nature of Barnsley's proposal. No adjustment of this retrospective element is planned for 2015/16 but it is recommended that this proposal is kept under review for any future changes to the MRP policy.

***Recommendation: To only apply the revised MRP policy from 2015/16 onwards and not backdate it to apply to any pre-2015/16 debt. This recommendation is to be reviewed on an annual basis.***

#### 5. Justification

5.1 The Council's current MRP policy uses both annuity and equal instalment methods to repay debt. The Council is seeking to revise its MRP policy to solely adopt the annuity method, only repaying debt over a standard 50 year repayment period, unless a more appropriate timescale is suitable. The proposed changes can also be justified on a prudent basis taking into account the following:-

- Adopting a single method (i.e. annuity) ensures that the Council adopts a consistent approach to the way it treats its debt going forward;
- Adoption of the annuity method recognises the time value of money i.e. a £1 being worth more today than in 22 years' time, whereas the equal instalment basis unduly penalises the current tax payer in comparison to the future tax payer. This is fundamental to the change in policy as it equitably spreads the true cost of capital across all generations of Council Tax payer;

- Adopting a 50 years average repayment period for non-school assets is a reasonable and prudent average. This is in line with the methodology adopted by other authorities and which is supported by our professional valuers;
- Using a 60 year average life for school assets (as now) is equally prudent. Many of the Authority's schools are part of PFI/BSF programmes with the purpose of maintaining them in day 1 condition at the end of the 25 year programme; and
- The policy is affordable in 'cash' terms because the Council will free up a General Fund budget that currently supports the BSF programme. It is estimated that this will increase to £10M by the end of the 25 year programme (on a prudent estimate of future indexation which is required regardless to pay the contractor) and this will be used to offset the 'cash' increase in capital financing costs.

5.2 The proposals above demonstrate that the policy is consistent, affordable over the longer term and ensures a more equitable spread of debt repayment costs across all generations of taxpayer. They take into account the Council's strict and cautious approach to MRP to date as well as the Council's future financial circumstances.

5.3 The Council will continue to periodically review its MRP policy to ensure that it consistently follows the above principles in the future. Following the approval of these proposals, more detailed work will be undertaken to review the proposed changes and their financial implications.

## **6. Consideration of Options**

6.1 The Council has the following options:-

- Do not change the existing policy;
- Do all four proposals including back dating;
- Do a selection (proposals 1-4) of the options outlined above;
- Adopt the recommended policy changes (proposals 1-3) as outlined at Appendix A.

6.2 It is recommended that the Council adopts the revised MRP policy as outlined at Appendix A (Proposals 1-3) for the reasons outlined at para 5.1 above.

## **7 Implications for Local People and Service Users**

7.1 None.

## **8. Financial Implications**

- 8.1 There are likely to be significant savings resulting from the implementation of the change to the Council's MRP policy. However this is a complex, technical area of work that will be reviewed over the next 6-8 weeks in order to produce a final figure for the 2015/16 statement of accounts. It is intended to outline the final position within the final 2015/16 outturn report due to Cabinet in July.
- 8.2 It should be noted that the Council's external auditor has been consulted on the initial draft of these proposals and will continue to be consulted as the policy is firmed up. Auditor comments on other authorities undertaking similar review exercises have confirmed that it is a matter for the individual Council to determine what is prudent with consideration given to the statutory guidance provided.

## **9. Employee Implications**

- 9.1 None

## **10. Communications Implications**

- 10.1 None

## **11. Consultations**

- 11.1 Consultation has been carried out with the Council's Treasury Management advisers, the Council's appointed external auditor and other local authorities.

## **12. Tackling Health Inequalities**

- 12.1 None

## **13. Climate Change and Sustainable Energy Act (2006)**

- 13.1 None

## **14. Consideration of Risks**

- 14.1 None.

## **15. Health and Safety Implications**

- 15.1 None

## **16. Compatibility with the European Convention on Human Rights (ECHR)**

- 16.1 The contents of this report have no implications for compatibility with ECHR.

## **17. Promoting Equality, Diversity and Inclusion**

- 17.1 None.

**18. Reduction of Crime and Disorder**

18.1 No impact.

**19. Conservation of Biodiversity**

19.1 No impact on biodiversity

**20. List of Appendices**

Appendix A – Revised MRP policy

Appendix B – Statutory Requirement for MRP

**21. Details of Background Papers**

21.1 Officer Contact: Neil Copley

**REVISED 2015/16 MRP STATEMENT**

The Council is required to make a prudent provision for debt redemption known as the Minimum Revenue Provision (MRP). Guidance on MRP has been issued by the Secretary of State and local authorities are required to “have regard” to such Guidance under section 21(1A) of the Local Government Act 2003.

The four MRP options available are:

- Option 1: Regulatory Method
- Option 2: CFR Method
- Option 3: Asset Life Method
- Option 4: Depreciation Method

*NB This does not preclude other prudent methods.*

MRP in 2015/16: Options 1 and 2 may be used only for General Fund supported expenditure. Methods of making prudent provision for General Fund self-financed expenditure include Options 3 and 4 (which may also be used for supported expenditure if the Council chooses). **There is no requirement to charge MRP in respect of HRA capital expenditure funded from borrowing.**

The MRP Statement is required to be submitted to Council before the start of the 2015/16 financial year for approval. Any revision of which must be submitted to Council for approval.

The Council is recommended to approve the following statement:

- **For capital expenditure incurred before 1<sup>st</sup> April 2008, and for supported capital expenditure incurred on or after that date, MRP will be determined in accordance with Option 3;**
- **For non-supported (prudentially borrowed) capital expenditure incurred after 1<sup>st</sup> April 2008, MRP will be determined in accordance with Option 3;**
- **MRP in respect of Private Finance Initiatives (PFI) brought on balance sheet under the International Financial Reporting Standard Code of Practice will be determined in accordance with Option 3;**
- **Within Option 3, MRP is permitted to be calculated in one of two ways – equal instalments or on an annuity basis. The Council has chosen to calculate MRP on an annuity basis;**
- **MRP will normally commence in the financial year following the one in which expenditure is incurred. However, MRP Guidance permits authorities to defer MRP until the financial year following the one in which the asset becomes operational. The Council has chosen to employ this “MRP holiday” on the significant qualifying projects such as the Building Schools for the Future programme.**

MRP in respect of leases brought on balance sheet under the International Financial Reporting Standard Code of Practice will match the annual principal repayment for the associated deferred liability. This approach will produce an MRP charge comparable to that under Option 3 in that it will run over the life of the lease term.

**STATUTORY BASIS OF MRP**

Regulations 27 and 28 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 require that a local authority “shall determine for the current financial year an amount of minimum revenue provision which it considers to be prudent”. MRP is a charge to the revenue account in relation to capital expenditure financed from borrowing (or credit arrangements), and is sometimes referred to as a provision for “debt repayment”.

The Secretary of State has issued statutory guidance on determining the “prudent” level of MRP, to which authorities are required to have regard. The guidance states that:

*“the broad aim of prudent provision is to ensure that debt is repaid over a period that is either reasonably commensurate with that over which the capital expenditure provides benefits, or, in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of that grant”*

This general aim does not stipulate a minimum amount of provision to be made in any particular year, providing that the debt is wholly repaid within the period in which the capital investment provides benefits, or which relates to the associated grant. Indeed, the guidance exemplifies four different annual repayment profiles and encourages authorities to consider their own repayment profiles.

A full explanation is provided in the DCLG Commentary which accompanies the guidance notes that there are four options for calculating MRP but these are by no means prescriptive, providing that the Authority has regard to the guidance and complies with the statutory duty to make prudent provision.



# Item 31



<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 27 January 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard and Platts

**Members in Attendance:** Councillors Cherryholme, Clements Franklin and Sheard

### 173. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

### 174. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 13<sup>th</sup> January, 2016 had been called in.

### 175. Minutes of the previous meeting held on 13th January, 2016 (Cab.27.1.2016/3)

The minutes of the meeting held on 13<sup>th</sup> January, 2016 were taken as read and signed by the Chair as a correct record.

### 176. Decisions of Cabinet Spokespersons (Cab.27.1.2016/4)

There were no Records of Decisions by Cabinet Spokespersons under delegated powers to report.

### 177. Petitions received under Standing Order 44 (Cab.27.1.2016/5)

It was reported that no petitions had been received under Standing Order 44.

### Corporate Services Spokesperson

### 178. Implementation of Pay Policy Statement 2016/17 (Cab.27.1.2016/6)

**RESOLVED** that approval be given to implement the 2016/17 Pay Policy Statement, as detailed at Appendix B of the report now submitted, with effect from 1<sup>st</sup> April, 2016.

### 179. Equal Pay Review 2014/15 (Cab.27.1.2016/7)

#### **RESOLVED:-**

- (i) that the findings of the Equal Pay Review 2014/15, as set out in the report now submitted, be received and it be noted that there were no significant equal pay gaps identified within any individual grade in relation to gender, age, disability, ethnicity and religion across the Council;

- (ii) that the Key Findings at Section 5 of the report, be noted; and
- (iii) that the action plan attached at Appendix B of the report, be noted.

**180. Revision of the Council's Discretionary Housing Payments Policy (DHP) and Council Tax Discretionary Relief Policy from April 2016 (Cab.27.1.2016/8)**

**RESOLVED:-**

- (i) that the Council Tax Discretionary Relief Policy, as detailed at Appendix A of the report now submitted, be approved; and
- (ii) that the Discretionary Housing Payments Policy (DHP), attached as Appendix B to the report, be approved.

**181. Discretionary Rate Reliefs for Non Domestic Rates effective from April 2016 (Cab.27.1.2016/9)**

**RESOLVED** that the Discretionary Rate Relief Policy, detailed at Appendix A of the report now submitted, be approved.

**Cabinet Spokesperson without Portfolio for Place Spokesperson**

**182. Better Barnsley Town Centre Regeneration Update (Cab.27.1.2016/10)**

**RESOLVED:-**

- (i) that the progress made in the delivery of the Better Barnsley project and details of the associated budget, as set out in the report now submitted, be noted;
- (ii) that agreement be given to the detailed budgets for the elements of the scheme as identified in Appendix A of the report and the approved capital programme be amended to reflect the revised spending plans;
- (iii) that approval be given to release the 2016/17 earmarked reserves/prudential borrowing (£16.55m) previously allocated to the Better Barnsley Scheme and it be noted that the release of 2017/18 earmarkings will be subject to a further report in 2016;
- (iv) that the Director of Finance, Assets and Information Services in consultation with the Cabinet Spokespersons for Place and Corporate Services be authorised to accept the tender for the appointment of the main contractor to deliver the scheme;
- (v) that the Director of Legal and Governance be authorised to appoint the main contractor to deliver the scheme and enter into contract documentation;
- (vi) that the Director of Place be requested to bring forward business cases for the future use/benefit maximisation of the Metropolitan Centre, Public Realm and Town Square and Car Parking; and

- (vii) that the Interim Executive Director of Communities be requested to bring forward a business case for the future use/benefit maximisation of the Library.

### **183. Jobs and Business Plan Update (Cab.27.1.2016/11)**

#### **RESOLVED:-**

- (i) that the progress made in the delivery of the Jobs and Business Plan and the details of the the associated budget, as detailed in the report now submitted, be noted;
- (ii) that agreement be given to the detailed budgets for the elements of the scheme as identified in Appendix A of the report and the approved capital programme be amended to reflect the revised spending plans; and
- (iii) that approval be given to the release of the 2016-17 earmarked reserves/prudential borrowing (£5.801m) previously allocated to the Jobs and Business Plan, and it be noted that the release of 2017-18 earmarkings will be subject to a further report in 2016.

#### **People (Safeguarding) Spokesperson**

### **184. Restructure of Children's Social Care and Safeguarding (Cab.27.1.2016/12)**

#### **RESOLVED:-**

- (i) that the proposed restructure of the Children's Social Care and Safeguarding Service, as detailed in the report now submitted, be agreed; and
- (ii) that the employee implications, as set out at Appendix B of the report, be approved.

### **185. Adult Learning Disabilities Transformation Phase 2 Commissioning (Cab.27.1.2016/13)**

#### **RESOLVED:-**

- (i) that agreement be given to the procurement of a new model of learning disability accommodation and support services to meet the need of existing and future service users, to be funded by existing adult social care purchasing budget resources, as detailed in the report now submitted;
- (ii) that, taking account of the options detailed in Section 5 of the report and the Contract Procedure Rules referred to in Section 12.6, agreement be given to Option 5 (Section 5.6) that commissioners will tender for all service elements (as described in Section 4.5), allowing BMBC in-house services to put forward bids for the elements of service they believe they can deliver.
- (iii) that, it be noted that commissioners will then judge all bidders fairly against the same criteria, ensuring that the procurement framework is in place to support

the transformation agenda and achieve a personalised approach to supporting people with learning disabilities live in their own tenancies with support;

- (iv) that it be noted that the proposals outlined in the report submitted will not result in the release of cashable savings as they are being done in the context of historical and projected budget pressures, however the approach being adopted will ensure that Barnsley has the right services, at the right scale and at the right price in order to constrain the predicted rising costs; and
- (v) that the need to ensure the proper consultation and engagement with service users during the process of change, ensuring continuity of provision, be acknowledged.

### **Communities Spokesperson**

#### **186. Potential Partnership with Yorkshire Wildlife Trust (Cab.27.1.2016/14)**

##### **RESOLVED:-**

- (i) that the Director of Finance, Assets and Information Services be authorised to agree terms for a Management Agreement with Yorkshire Wildlife Trust for the management of the sites identified in paragraph 1.1 of the report now submitted, with the Council's and Yorkshire Wildlife Trust's respective obligations set out in detail;
- (ii) that the Director of Legal and Governance be authorised to complete a Management Agreement based on those terms agreed; and
- (iii) that delegated approval be granted to the Director of Finance, Assets and Information Services for any future land amendments or additions under the Agreement.

.....  
Chair

# Item 32



<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 10 February 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cherryholme (for Cheetham), Gardiner, Howard, Miller and Platts

**Members in Attendance:** Councillors Franklin, Griffin, Mitchell, Morgan and Shepherd

### 187. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

### 188. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 27<sup>th</sup> January, 2016 had been called in.

### 189. Minutes of the previous meeting held on 27th January, 2016 (Cab.10.2.2016/3)

The minutes of the meeting held on 27<sup>th</sup> January, 2016 were taken as read and signed by the Chair as a correct record.

### 190. Decisions of Cabinet Spokespersons (Cab.10.2.2016/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 29<sup>th</sup> January, 2016 were noted.

### 191. Petitions received under Standing Order 44 (Cab.10.2.2016/5)

**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 166 signatures of people from the Royston area, in respect of a request for the installation of Pelican Crossings and Speed Cameras on Midland Road, Royston due to road safety concerns.

It is recommended that the Service Director, Environment and Transport write to the lead petitioner to discuss the concerns of the petitioners, clarify their precise requests regarding locations for the pelican crossings and speed cameras. Subsequently carry out an investigation and produce a report which addresses the concerns raised.

The report will consider factors such as:-

- Traffic flows

- Traffic composition
- Road use, site characteristics
- Surrounding environment
- Collision history.

Feedback will be provided to the lead petitioner and the Royston Ward Members in due course.

- (b) Containing 35 signatures, in respect of a request for Residential Parking Permits for the Residents of Cresswell Street, Pogmoor.

It is recommended that the Service Director, Environment and Transport write to the lead petitioner to explain that as part of the 2011/12 budget review the funding for residents only parking schemes was withdrawn. The provision of residents' only parking is not a statutory duty that the Council has to provide. Therefore it will not be possible to agree to this request.

**Cabinet Support Member for People (Achieving Potential) Spokesperson**

**192. Admission Arrangements for Community and Voluntary Controlled Schools in Barnsley 2017/18 (Cab.10.2.2016/6)**

**RESOLVED** that the proposed admission arrangements for community and voluntary controlled primary and secondary schools for the 2017-2018 school year, as detailed in the report now submitted, be approved.

**193. Coordinated Scheme for Admissions to Local Authority maintained Primary and Secondary Schools 2017/18 (Cab.10.2.2016/7)**

**RESOLVED** that the proposed scheme for co-ordinating the admission arrangements for primary and secondary schools for the 2017-2018 school year, as detailed in the report now submitted, be approved.

**People (Safeguarding) Spokesperson**

**194. Cabinet Takeover**

The People (Safeguarding) Spokesperson referred to arrangements for the National Takeover Challenge for young people including those in care, and that accordingly Lorraine Simpson and Patryk Pawlewicz were attending this meeting. Lorraine and Patryk would assist in presenting items at Minutes 195 and 196 respectively.

**RESOLVED** that Lorraine and Patryk be welcomed to the meeting.

**195. Review of the Council's Pledge to Children in Care (Cab.10.2.2016/8)**

**RESOLVED** that the revised Barnsley 'Pledge' to children in care and care leavers, attached at Appendix 1 of the report now submitted, be approved.

**196. Information Sharing Arrangements for Supporting Young People Leaving Care and At Risk of Homelessness (Cab.10.2.2016/9)**

**RESOLVED:-**

- (i) that the proposal to review accommodation provision for young people aged 16, including care leavers, as part of demonstrating the Authority's commitment towards taking action to meet the various needs of service users be noted and supported; and
- (ii) that a follow-up report on the outcomes of the review and proposed recommendations, including the effectiveness of the Market Position Statement, be submitted for consideration in due course.

#### **Corporate Services Spokesperson**

### **197. Service and Financial Planning 2016/17 - Revenue Budget, Capital Programme and Council Tax (Cab.10.2.2016/10)**

#### **RECOMMENDED TO COUNCIL ON 25<sup>TH</sup> FEBRUARY, 2016:-**

- (i) that the budget proposals for all services in 2016/17, as detailed in Sections 4 and 5 of the report of the Director of Finance, Assets and Information Services now submitted, be approved;
- (ii) that the following specific items incorporated within Section 2i of the report (Medium Term Financial Forecast) including for 2016/17 be noted:-
  - (a) Provision for an average 1.2% pay award in 2016/17;
  - (b) Provision for inflation in relation to external providers;
  - (c) An adjustment of £500,000 to reflect the provision required for the anticipated revenue costs of existing and new borrowing;
  - (d) The savings previously agreed as part of the 2 year Plan (minute 148 of Council on 26<sup>th</sup> February 2015).
- (iii) that the total additional funded 2016/17 capital investment of £3.348m (£9.099m is already approved) as outlined at Section 6 of the report be included within the capital programme and funding be released subject to further detailed reports on the proposals for its use;
- (iv) that the detailed proposals for increases in fees and charges as set out in Section 7 of the report be agreed;
- (v) that the position on Reserves, Provisions and Balances as set out in Section 9 of the report be noted and the proposal to use £5m of available resources to increase the Minimum Working Balance to £15m be agreed, and the remaining £10m be earmarked for future pressures/investments;
- (vi) that the report of the Director of Finance, Assets and Information Services, under Section 25 of the Local Government Act 2003, at Section 1 of the report be noted and the 2016/17 budget proposals be agreed on the basis that the Chief Executive, in liaison with the Director of Finance, Assets and Information Services and in consultation with the Senior Management Team (SMT), submits for early consideration a four year revenue and capital plan from the

ongoing activity in order that the potential budget gaps in 2017/18 and the longer term be closed;

- (vii) that the Council be recommended to approve cash limited budgets for each service with overall net expenditure for 2016/17 of £168.282m (see Section 4);
- (viii) that the Budget Overview report (Section 2) and forecast budget positions for 2016/17 to 2020/21 contained in Section 2i of the report (Medium Term Financial Forecast) be noted and monitored as part of the arrangements for the delivery of the Future Council;
- (ix) that the Director of Finance, Assets and Information Services, in liaison with the Chief Executive and SMT as appropriate, be required to submit reports into Cabinet, as a matter of urgency, in relation to the detailed General Fund Revenue Budget for 2016/17, including recommendations on any action further to that set out above required to achieve an appropriately balanced budget for that financial year;
- (x) that the Chief Executive, Director of Finance, Assets and Information Services and SMT be responsible for managing within their respective budgets including ensuring the implementation of savings proposals;
- (xi) that the Authority's Senior Management Team be charged with ensuring that the budget remains in balance and report regularly into Cabinet on budget/savings monitoring including any action required;
- (xii) that the Cabinet be authorised to make any necessary technical adjustments to form the 2016/17 budget;
- (xiii) that appropriate consultation on the agreed budget proposals takes place with the Trade Unions and representatives of Non Domestic Ratepayers and that the views of consultees be considered by Cabinet and the Council; and
- (xiv) that the budget papers be submitted for the consideration of the whole Council.

**(B) Council Tax 2015/16**

**RECOMMENDED TO COUNCIL ON 25<sup>TH</sup> FEBRUARY, 2016:-**

- (i) that the contents of Section 8 of the report (2016/17 Council Tax calculation) of the Director of Finance, Assets and Information Services now submitted, be noted;
- (ii) that the Council Tax Collection Fund net surplus as at 31st March 2015 relating to BMBC of £1.615M be used to reduce the 2016/17 Council Tax requirement, in line with statute;
- (iii) that the 2016/17 Band D Council Tax increase for Barnsley MBC's services be set at 3.9% (1.9% for Barnsley MBC services and an additional 2% for the Chancellor's Adult Social Care levy);



- (iv) that the Band D Council Tax for Barnsley MBC's areas be determined following confirmation of the South Yorkshire Police Authority and South Yorkshire Fire Authority precepts for 2016/17; and
- (v) that the Band D Council Tax for areas of the Borough with Parish/Town Councils be determined following confirmation of individual parish precepts for 2016/17.

**(C) Fees and Charges 2016/17**

**RECOMMENDED TO COUNCIL ON 25<sup>TH</sup> FEBRUARY, 2016:-**

- (i) that the fees and charges set out in Appendix 1 of Section 7 of the report be approved from 1<sup>st</sup> April 2016 or later in 2016/18 as applicable; and
- (ii) that additional reports be submitted throughout the course of the year, as and when future amendments to existing fees and charges have been finalised as part of the development of Business Unit plans.

**198. Redundancy Compensation and Procedures 2016/17 (Cab.10.2.2016/11)**

**RECOMMENDED TO COUNCIL ON 25<sup>TH</sup> FEBRUARY, 2016:-**

- (i) that for the purpose of the 2016/2017 budgetary procedures, payments in accordance with the Discretionary Compensation Regulations 2006 be up to a maximum of 30 weeks actual pay based on the Statutory Redundancy Scheme; and
- (ii) that any employee (excluding Teachers) declared redundant be afforded the maximum of 12 weeks notice of termination of employment.

**199. 2016/17 Treasury Management Policy and Strategy Statement (Cab.10.2.2016/12)**

**RECOMMENDED TO COUNCIL ON 25<sup>TH</sup> FEBRUARY, 2016:-**

- (i) that the main treasury management policies, as outlined in the Treasury Policy Statement (Annex A of the report now submitted), be noted;
- (ii) that the attached Treasury Management Strategy Statement for 2016/17 (Annex B of the report) be approved, including:-
  - a) The revised Minimum Revenue Provision (MPR) Statement at Appendix E, and
  - b) The Annual Investment Strategy for 2016/17.

**200. Prudential Indicators 2016/17 (Cab.10.2.2016/13)**

**RECOMMENDED TO COUNCIL ON 25<sup>TH</sup> FEBRUARY, 2016:-**

- (i) that approval be given to the Prudential Indicators, set out at Appendix B of the report now submitted, for the financial year 2016/17 to 2018/19; and
- (ii) that further monitoring reports be submitted on the indicators during the year as necessary.

**201. Strategic Risk Register (Cab.10.2.2016/14)**

**RESOLVED:-**

- (i) that the significant risks detailed in the report now submitted, be noted;
- (ii) that the high level strategic risks articulated within the Strategic Risk Register, set out at Section 5.2 of the report now submitted, fully reflect the current position of the Council be confirmed; and
- (iii) that the content of the report be noted and Cabinet reaffirm its continued commitment to support the Corporate Risk Management process and the embedding of a Risk Management culture within the organisation.

**202. Quarterly Analysis of Selective Voluntary Early Retirement and Voluntary Severance October - December 2015 (Cab.10.2.2016/15)**

**RESOLVED** that the Quarterly Analysis of Selective Voluntary Early Retirement and Voluntary Severance from October to December 2015, as detailed in the report now submitted, be noted.

**203. Implementation of a Revised Expense Claims Procedure (Cab.10.2.2016/16)**

**RESOLVED** that the revised Expense Claims Procedure, as detailed in the report now submitted, be approved for implementation from 1<sup>st</sup> April, 2016.

**Communities Spokesperson**

**204. Public Space Protection Order (PSPO) Consultation Feedback (Cab.10.2.2016/17)**

**RESOLVED:-**

- (i) that the introduction and implementation of the Public Spaces Protection Order (PSPO) in the proposed designated areas, set out in the report now submitted, and within the terms proposed, effective from 1<sup>st</sup> March, 2016 be approved;
- (ii) that the principles and approach proposed in the enforcement plan ensuring resilience in the administration of the order be endorsed;
- (iii) that a formal evaluation and review of the effectiveness of the Public Spaces Protection Order be conducted during 2016/2017; and
- (iv) that approval be given for the Director of Communities to authorise appropriate personnel to enforce the order after implementation, with these levels of resources to be maintained until after the conclusion of the review after 12 weeks operation.

**205. Anti-Poverty Delivery Plan (Cab.10.2.2016/18)**

**RESOLVED** that the Anti-Poverty Action Plan, set out in Appendix 1 of the report now submitted, be approved.

**206. Early Help Peer Review (Cab.10.2.2016/19)**

**RESOLVED** that the outcomes of the Barnsley Early Help Peer Review and the steps to be taken to instigate further improvement, as detailed in the report now submitted, be noted.

.....  
Chair

This page is intentionally left blank

# Item 33



<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 24 February 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Miller and Platts

**Members in Attendance:** Councillors Cherryholme, Franklin, Mitchell, Sheard and Shepherd

### 207. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

### 208. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 10<sup>th</sup> February, 2016 had been called in.

### 209. Minutes of the previous meeting held on 10th February, 2016 (Cab.24.2.2016/3)

The minutes of the meeting held on 10<sup>th</sup> February, 2016 were taken as read and signed by the Chair as a correct record.

### 210. Decisions of Cabinet Spokespersons (Cab.24.2.2016/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 12<sup>th</sup> February, 2016 were noted.

### 211. Petitions received under Standing Order 44 (Cab.24.2.2016/5)

It was reported that no petitions had been received under Standing Order 44.

### Corporate Services Spokesperson

### 212. Corporate Plan Performance Report Quarter 3 (September - December) 2015/16 (Cab.24.2.2016/6)

#### RESOLVED:-

- (i) that the comments of Members on the contents of the Corporate Plan Performance Report for Quarter 3 (September to December) 2015/16 now submitted be noted together with action to take forward the delivery of the Corporate Plan priorities and challenges;
- (ii) that Cabinet receives follow-up reports arising from the Quarter 3 report on:-

- Improving Employment Opportunities for those who are most vulnerable (Learning Disabilities)
  - Permanent admissions to care for over 65s
  - Barnsley Safeguarding and Looked After Children – Continuous Service Improvement Plan
  - Better Care Fund; and
- (iii) that the report be presented to the Overview and Scrutiny Committee to inform and support their ongoing work programme.

**213. Capital Programme Performance - Quarter Ending 31st December, 2015  
(Cab.24.2.2016/7)**

**RESOLVED:-**

- (i) that the 2015/16 and overall five year Capital Programme positions as described in the Capital Programme Performance for Quarter 3 ending 31<sup>st</sup> December, 2015 now submitted, be noted;
- (ii) that approval be given to the 2015/16 scheme slippage totalling -£10.207m and scheme re-phasing totalling -£0.686m (paragraphs 4.4 and 4.5 and Appendix B of the report submitted);
- (iii) that the reduction in scheme costs in 2015/16 of -£0.353m, the reduction in scheme costs in future years of -£0.311m (paragraphs 4.6 and 4.7 and Appendix B of the report) and the adjustments to the Capital Programme plans to reflect this change be approved;
- (iv) that approval be given to the uncommitted resources currently identified during the quarter totalling £0.138m (as set out in paragraph 4.8) be retained corporately for consideration as part of the overall Reserves Strategy; and
- (v) that the Academy Infrastructure IT project as outlined at paragraph 4.9 to be funded from the Information Services' 2015/16 revenue budget be approved.

**214. Corporate Financial Performance - Quarter Ending 31st December, 2015  
(Cab.24.2.2016/8)**

**RESOLVED:-**

- (i) that, where appropriate, the Executive Directors/Directors bring back further reports on how their forecast overspends will be brought back into line with existing budgets on a recurrent basis;
- (ii) that approval be given to write off £1.341m of historical bad debts as shown at paragraph 6;
- (iii) that approval be given for the budget virements at Appendix 1 of the report now submitted;

- (iv) that the potential impact of the December monitoring position on the Council's Medium Term Financial Strategy (MTFS) at paragraph 7 of the report be noted; and
- (v) that the updated Revenue Reserves position as outlined at paragraph 8 of the report and the intention to report a fully updated Reserves Strategy to Cabinet as part of a revised Medium Term Financial Strategy (MTFS) be noted.

**215. Treasury Management Activities and Investment Performance - Quarter Ending 31st December, 2015 (Cab.24.2.2016/9)**

**RESOLVED:-**

- (i) that the Treasury Management activities undertaken and compliance with the Prudential Indicators during the quarter ending 31<sup>st</sup> December, 2015 as set out in the report now submitted, be noted;
- (ii) that the Authority's capital programme funding position be noted; and
- (iii) that the performance of the Authority's investments for the reported quarter be noted.

**216. Review of Policy for Minimum Revenue Position (Cab.24.2.2016/10)**

**RECOMMENDED TO COUNCIL ON 31<sup>ST</sup> MARCH, 2016:-**

- (i) that the revised Policy for the Council's 2015/16 Minimum Revenue Provision (MRP) now submitted be approved noting that the MRP for 2016/17 was agreed by Cabinet as part of approving the overall 2016/17 Treasury Management Strategy; and
- (ii) that the Council review the MRP on an annual basis to take account of the Council's changing requirements, particularly in relation to its financial position.

.....  
Chair

This page is intentionally left blank



<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 9 March 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cherryholme (for Cheetham), Gardiner, Howard, Miller and Platts

**Members in Attendance:** Councillors Franklin, Griffin, Hand-Davis, Johnson, Sheard, Shepherd and Sixsmith

### 217. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

### 218. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 24<sup>th</sup> February, 2016 had been called in.

### 219. Minutes of the previous meeting held on 24th February, 2016 (Cab.9.30.2016/3)

The minutes of the meeting held on 24<sup>th</sup> February, 2016 were taken as read and signed by the Chair as a correct record.

### 220. Decisions of Cabinet Spokespersons (Cab.9.3.2016/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 26<sup>th</sup> February, 2016 were noted.

### 221. Action Taken Under Paragraph B6 of the Responsibility for Executive Functions - Officer Delegations Contained in the Council Constitution (Cab.9.3.2016/5)

#### RESOLVED:-

that the action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained with the Appendix attached to the report now submitted and detailed below, be noted;

- (i) approving the appointment of Turner and Townsend, and associated partners, as the Council's Development Management Organisation, together with a revised budget of £2.479m required as a result of the increased cost; and
- (ii) authorising the Director of Legal and Governance to complete any necessary contract documentation relating to the appointment of Turner and Townsend and the resulting funding partner.

## **222. Petitions received under Standing Order 44 (Cab.9.3.2016/6)**

**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 289 signatures, in respect of a request for:-
- The 'give way' sign on Staincross Common/Greenside to be changed to a 'Stop' sign; and
  - The Pedestrian Crossing points at the junction to be changed to Zebra Crossings.

In recent weeks the lead petitioner has been involved in extensive dialogue with the Council regarding this request. The reasons for being unable to deliver have been fully explained in lengthy telephone conversations, namely:-

- The provision of a stop sign is governed by the requirements of the Traffic Signs Regulations and General Directions and requires authorisation from the Secretary of State- This site does not meet the criteria. Therefore, will not receive approval.
- The provision of a zebra crossing is governed by various Department for Transport design guides and advice notes. – This site does not meet requirements or design criteria for the provision of zebra crossings.

It is recommended that the Service Director, Environment and Transport write to the lead petitioner to remind him of his previous dialogue with the Council regarding this matter and the reasons for not being able to accede to this request.

## **223. Task and Finish Group - Fly Tipping (Cab.9.3.2016/7)**

Councillor Johnson attended the meeting to present the Fly Tipping Task and Finish Group report regarding what is being done to resolve the high instances of fly tipping in the Borough.

**RESOLVED** that the report be received and the Executive Director of Place be requested to co-ordinate, with the Interim Executive Director Communities, a response to the recommendations in the report within 28 days.

## **224. Task and Finish Group - Work Readiness - Adults (Cab.9.3.2016/8)**

Councillor Hand-Davis, Chair of the Work Readiness – Adults Task and Finish Group, attended the meeting to present the Group's report regarding what the barriers are to being 'work ready' and gain employment, and what is being done to help adults in Barnsley overcome these.

**RESOLVED** that that the report received and the Executive Director of Place be requested to co-ordinate a response to the recommendations in the report within 28 days.

**225. Task and Finish Group - Customer Services Strategy 2015-18 (Cab.9.3.2016/9)**

Councillor Sixsmith, Chair of the Customer Services Strategy 2015-2018 Task and Finish Group, attended the meeting to present the Group's report regarding a review of the Strategy and the work being carried out.

**RESOLVED** that the report be received and the Interim Executive Director of Communities be requested to co-ordinate a response to the recommendations in the report within 28 days.

**People (Achieving Potential) Spokesperson**

**226. Children's Centres: Major Restructure in Relation to Developing a Model of Early Help for Families (Cab.9.3.2016/10)**

**RESOLVED:-**

- (i) further to the decision of Cabinet on 23<sup>rd</sup> September, 2015 approving a new service delivery model based on family centre main, approval be given to delete all existing posts which are currently within People Directorate/Early Start and Families/Children's Centre Programme, as detailed in the report now submitted; and
- (ii) that authorisation be given to create the new staffing structure based on Family Centre main, linked and outreach sites, as detailed in the report.

**227. School Term Times and Holiday Dates for Community and Voluntary Controlled Primary and Secondary Schools (Cab.9.3.2016/11)**

**RESOLVED** that the proposed term times and holiday dates for community and voluntary controlled schools for the period 2017-18, as set out in option 2 detailed in Annex 1b, be approved.

**Place Spokesperson**

**228. Enterprising Barnsley - Start-up Project (Cab.9.3.2016/12)**

**RESOLVED:-**

- (i) that approval be given for the Executive Director Place to authorise the contracts with the SCR Combined Authority and DCLG to deliver the new start-up programme on behalf of the Council, as set out in the report now submitted;
- (ii) that approval be given for the Director of Finance, Assets and Information Services to amend revenue budgets in accordance with the financial implications and Appendix A of the report;
- (iii) that approval be given for the Executive Director Place in consultation with the Director of Human Resources, Performance and Communications to implement the revised staffing structure for Economic Development as shown at Appendix D of the report;

- (iv) that approval be given for the Executive Director Place, in consultation with the Director of Legal and Governance, to contract with the programme partners at Sheffield, Rotherham, Doncaster, Derbyshire Dales and Bassetlaw Councils plus the Prince's Trust; and
- (v) that approval be given for the Council to act as Accountable body for the New Start Up Business programme.

### **People (Safeguarding) Spokesperson**

#### **229. Older People's Residential and Nursing Care Fees Review (Cab.9.3.2016/13)**

##### **RESOLVED:-**

- (i) that the position regarding the state of the Residential and Nursing care market for Older People across Barnsley, as detailed in the report now submitted, be noted;
- (ii) that approval be given to an uplift of 6.45% on current residential and nursing fee levels for 2016/17 to take account of the Fair Fee exercise undertaken in 2014 and the impact of National Living Wage on Older People Residential and Nursing Care Homes in Barnsley;
- (iii) that consideration be given to the need to further progress to an increased fair fee level in line with work undertaken on behalf of the Council from 2017/18; and
- (iv) that the partnership work with Barnsley CCG in developing a fee setting and uplift agreement for Older People's Residential and Nursing Care Homes be recognised.

#### **230. Domiciliary Care Procurement Contract (Support to Live at Home) (Cab.9.3.2016/14)**

##### **RESOLVED:-**

- (i) that approval be given to a domiciliary care (both standard and urgent) service for the Borough through a competitive tender process to assure both quality and a best value price and the contract period be for 3 years with an option to extend for up to 2 further years;
- (ii) that the proposed service model be geographic – based on the area council structure – with a Prime Provider in each area and; with a number of assured Providers having the ability to undertake work (having successfully been through an assurance process) should service users wish to exercise their right to choice through the utilisation of a direct payment;
- (iii) that an interim uplift of 2% on current fee levels be offered to cover the period between April 2016 and the completion of the new contracts; and

- (iv) that officers be authorised to negotiate on a case by case basis with providers who can demonstrate they are unable to absorb cost pressures within the 2% uplift.

### **231. Exclusion of 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>
232.	Paragraph 3

#### **Corporate Services Spokesperson**

### **232. NPS Ltd and Barnsley Norse Business Plans 2016/17 (Cab.9.3.2016/16)**

**RESOLVED:-**

- (i) that the NPS Barnsley Business Plan (at Appendix B of the report now submitted) be approved, subject to consultations with Scrutiny and other stakeholders;
- (ii) that the Barnsley Norse Business Plan (at Appendix C of the report) be approved subject to consultations with Scrutiny and other stakeholders;
- (iii) that the Service Director Assets, in consultation with the Cabinet Spokesperson for Corporate Services 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; and
- (iv) that the Service Director Assets undertake a best value review of the contract over the next 6 months to ensure that these arrangements meet the Council's future requirements.

.....  
Chair

This page is intentionally left blank

## Declarations of Interest contained within the Minute Book

The following Members declared an interest in the minutes indicated:-

<u>Councillor</u>	<u>Minute No.</u>	<u>Subject</u>	<u>Interest</u>
<u>South Yorkshire Fire and Rescue Authority</u>			
Cllrs Andrews and Cave	14	Service Level Agreement (SLA) with Barnsley MBC	Non-Pecuniary – Members of Barnsley MBC
<u>Planning Regulatory Board</u>			
Cllr Stowe	3	Planning Application No. 2013/0233 – Extraction of coal ash and subsequent restoration of land, Hill Street, Elsecar	Non-Pecuniary – Local Ward Member for the Area
Cllr Hayward	3	Planning Application No. 2015/1070 – Residential development of 278 dwellings with public open space and landscaping, land off Summerdale Drive and Carrs Lane, Cudworth	Non-Pecuniary – Local Ward Member for the Area
Cllr Stowe	46	Planning Application No. 2015/1302 – Residential development of 43 dwellings with associated works at former Highfield Grange Care Home, Blythe Street, Wombwell	Non-Pecuniary – Local Resident
Cllr Hayward	47	Boulder Bridge Report – Application for a certificate of appropriate alternative development	Non-Pecuniary – Member of Boulder Bridge Community Group
<u>Health and Wellbeing Board</u>			
Cllr Platts	38	Better Care Fund – Plan for 2016/17	Non-Pecuniary – Member of the Barnsley Hospital NHS Foundation Trust Governing Body
	43	Barnsley Health and Social Care System Financial and Economic Modelling	Non-Pecuniary – Member of the Barnsley Hospital NHS Foundation Trust Governing Body

<b><u>Councillor</u></b>	<b><u>Minute No.</u></b>	<b><u>Subject</u></b>	<b><u>Interest</u></b>
<u>Overview and Scrutiny Committee</u>			
Cllrs Ennis, Makinson and Pourali	26	Berneslai Homes Annual Report 2014-15	Non-Pecuniary – Members of Berneslai Homes Board
Cllrs G. Carr, Sixsmith MBE, Tattersall, Unsworth and Worton	27	Draft Corporate Parenting Panel Annual Report 2014-15	Non-Pecuniary – Members of the Corporate Parenting Panel and Virtual School Governance Group
<u>North East Area Council</u>			
Cllr Hayward	48	North East Area Council Apprenticeships and Employability Study Programme	Non-Pecuniary – Chair of Barnsley Community Build – Cllr Hayward left the meeting during the discussion and voting on that item
<u>South Area Council</u>			
Cllrs Franklin, Lamb and Shepherd	41	South Area Council Performance Report	Non-Pecuniary – Directors of Forge Community Partnership
	42	South Area Council Update on Re-Commissioning of Existing Commissioned Projects during 2016/17	Non-Pecuniary – Directors of Forge Community Partnership
	44	Social Return on Investment	Non-Pecuniary – Directors of Forge Community Partnership