

Public Document Pack



MEETING:	Cabinet
DATE:	Wednesday, 22 February 2017
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

Minutes

3. Minutes of the previous meeting held on 8th February 2017 (Cab.22.2.2017/3)
(Pages 3 - 8)

Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.22.2.2017/4)

Petitions

5. Petitions received under Standing Order 44 (Cab.22.2.2017/5)

Items for Decision/Recommendation to Council

Corporate Services Spokesperson

6. 2017/18 Pay Policy Statement (Cab.22.2.2017/6) (Pages 9 - 26)

Place Spokesperson

7. Arrangements for Sustainable Drainage Systems (SuDS) Associated with new Major Developments (Cab.22.2.2017/7) (Pages 27 - 38)
8. Chapel Field Lane and High Street Area, Penistone - Proposed Waiting Restrictions (Cab.22.2.2017/8) (Pages 39 - 50)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Miller and Platts

Cabinet Support Members:

Councillors Cherryholme, Franklin, Frost, David Griffin, Lamb and Saunders

Chair of Overview and Scrutiny Committee
Chair of Audit Committee

Diana Terris, Chief Executive

Rachel Dickinson, Executive Director People
Matt Gladstone, Executive Director Place
Wendy Lowder, Executive Director Communities
Julia Burrows, Director Public Health
Frances Foster, Director Finance, Assets and Information Services
Andrew Frosdick, Director Legal and Governance
Alison Brown, Service Director Human Resources
Katie Rogers, Communications and Marketing Business Partner
Anna Morley, Scrutiny Officer
Ian Turner, Service Director, Council Governance

Corporate Communications and Marketing
Labour Group Room – 1 copy

Please contact Ian Turner on 01226 773421 or email governance@barnsley.gov.uk

Tuesday, 14 February 2017



MEETING:	Cabinet
DATE:	Wednesday, 8 February 2017
TIME:	10.00 am
VENUE:	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, Frost, David Griffin, Saunders and Sheard

178. Declaration of pecuniary and non-pecuniary interests

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

179. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 25th January, 2017 had been called in.

180. Minutes of the previous meeting held on 25th January, 2017 (Cab.8.2.2017/3)

The minutes of the meeting held on 25th January, 2017 were taken as read and signed by the Chair as a correct record.

181. Minutes of the BDR Joint Waste Board held on 30th September, 2016 (Cab.8.2.2017/4)

The minutes of the BDR Joint Waste Board meeting held on 30th September, 2016 were noted.

182. Decisions of Cabinet Spokespersons (Cab.8.2.2017/5)

There were no Records of Decisions by Cabinet Spokespersons under delegated powers to report.

183. Petitions received under Standing Order 44 (Cab.8.2.2017/6)

It was reported that no petitions had been received under Standing Order 44.

Corporate Services Spokesperson

184. Service and Financial Planning 2017/18 - Revenue Budget, Capital Programme and Council Tax (Cab.8.2.2017/7)

RECOMMENDED TO COUNCIL ON 23RD FEBRUARY, 2017:-

- (i) that the report of the Director of Finance, Assets and Information Services under Section 25 of the Local Government Act 2003 at Section 1 be noted and that the 2017/18 budget proposals be agreed on the basis that the Chief Executive and Senior Management Team (SMT), in consultation with Cabinet Spokespersons, submit for early consideration detailed proposals from the ongoing activity in order that the potential budget gaps in 2018/19 and the longer term be closed;
- (ii) that the Overview of Financial Planning for 2020 report and forecast budget positions for 2017/18 to 2019/20 contained in Section 2 be noted and monitored as part of the arrangements for the delivery of the Future Council 2020;
- (iii) that the budget proposals for all services for 2017/18 – 2019/20, as detailed in Sections 4 and 5 of the report submitted, be approved, subject to the submission of detailed implementation reports, as appropriate;
- (iv) that the 2020 Directorate spending plans outlined in Section 6 be noted;
- (v) that the proposed savings in 2018/19 and 2019/20 be agreed subject to further consideration in future budget processes taking account of any further Equality Impact Assessments;
- (vi) that the total additional specific funded capital investment of £23.1m as outlined at Section 7 be included within the capital programme and released subject to further detailed reports on the proposals for its use;
- (vii) that the future Council Investment requirements as outlined in Table 1 at Section 7 be agreed to progress to full business cases and be considered by Cabinet on a case by case basis. At this stage approval up to the resources currently available of £31.7m be considered;
- (viii) that the fees and charges set out in Appendix 1 of Section 8 of the report be approved from 1st April, 2017 or later in 2017/18 as applicable;
- (ix) that Section 10 (Position on Reserves, Provisions and Balances) be noted;
- (x) that the Aggregated Equality Impact Assessment at Section 11 of the proposals be noted and the proposed mitigation actions in the report be approved;
- (xi) that the cash limited budgets for each service with overall net expenditure for 2017/18 of £166.201m, as detailed at Section 4, be approved;
- (xii) that the Chief Executive and SMT, in consultation with the Cabinet Spokespersons as appropriate, be required to submit reports into Cabinet as a matter of urgency, in relation to the detailed General Fund Revenue Budget for 2017/18 including recommendations on any action further to that set out above required to achieve an appropriately balanced budget for that financial year;
- (xiii) that the Chief Executive and SMT be responsible for managing their respective budgets including ensuring the implementation of savings proposals;

- (xiv) that the Chief Executive and SMT, in consultation with the appropriate Cabinet Spokesperson, be required to submit regular reports as necessary on the implementation of proposals into Cabinet as a matter of urgency to resolve any outstanding issues in relation to their budgets and deal with any consequential effects;
- (xv) that the Authority's SMT be charged with ensuring that the budget remains in balance and report regularly into Cabinet on budget/savings monitoring including any action required;
- (xvi) that Cabinet be authorised to make any necessary technical adjustments to form the 2017/18 budget; and
- (xvii) 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.

(B) Council Tax 2017/18

RECOMMENDED TO COUNCIL ON 23RD FEBRUARY, 2017:-

- (i) that the contents of Section 9 of the report (2017/18 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 2016 relating to BMBC of £1.615M be used to reduce the 2017/18 Council Tax requirement, in line with statute;
- (iii) that the 2017/18 Band D Council Tax increase for Barnsley MBC's services be set at 4.9% (1.9% for Barnsley MBC services and an additional 3% 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 2017/18; 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 2017/18.

185. 2017/18 Treasury Management Policy and Strategy Statement (Cab.8.2.2017/8)

RECOMMENDED TO FULL COUNCIL ON 23RD FEBRUARY, 2017:-

- (i) that the main Treasury Management Policies, as outlined in the Treasury Policy Statement at Annex A of the report now submitted, be noted; and
- (ii) that the Treasury Management Strategy Statement for 2017/18, as detailed at Annex B of the report, be approved, including:-

- The revised Minimum Revenue Position (MRP) Statement at Appendix E; and
- The Annual Investment Strategy for 2017/18 at Section 4 of the Treasury Management Strategy Statement.

186. Prudential Indicators 2017/18 (Cab.8.2.2017/9)

RECOMMENDED TO FULL COUNCIL ON 23RD FEBRUARY, 2017:-

- that the Prudential Indicators for the financial year 2017/18 to 2019/20, as set out at Appendix B of the report now submitted, be approved; and
- that further monitoring reports be submitted on the indicators during the year as necessary.

187. Redundancy Compensation and Procedures 2017/18 (Cab.8.2.2017/10)

RECOMMENDED TO FULL COUNCIL ON 23RD FEBRUARY, 2017:-

- that for the purpose of the 2017/18 budget 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
- that any employee (excluding Teachers) declared redundant be afforded the maximum of 12 weeks' notice of termination of employment.

188. Census 2021 - Trialling of Questions in Barnsley (Cab.8.2.2017/11)

RESOLVED that the mandatory Census Test be supported and residents be encouraged to complete the Census Test questionnaire and return it to the Office for National Statistics (ONS).

Place Spokesperson

189. Sports Facilities and Playing Pitch Strategy (Cab.8.2.2017/12)

RESOLVED:-

- that the Playing Pitch and Sports Facility Strategy 2016-2019 be adopted; and
- that the Strategy be updated every 3-5 years to comply with Planning Policy reviews.

People (Achieving Potential) Spokesperson

190. Proposed School Term and Holiday Dates 2018-19 (Cab.8.2.2017/13)

RESOLVED:-

- (i) that the continuation of the current 'traditional' pattern of school term and holiday dates of a long summer be adopted for the academic year 2018-2019, as detailed at Option 2 in Appendix 2 of the report now submitted; and
- (ii) that the balanced view of parents/carers regarding the change to the long summer break be noted and the Executive Director People challenge schools to consider alternative approaches to address issues of attendance, attainment and behaviour, if the traditional school holiday pattern is to be retained.

Communities Spokesperson

191. Unauthorised and Illegal Encampment Protocol (Cab.8.2.2017/14)

RESOLVED that the Unauthorised and Illegal Encampment Protocol, detailed at Appendix 1 of the report now submitted, be approved.

192. 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>
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193	Paragraph 3
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Corporate Services Spokesperson

193. Building Schools for the Future Re-Financing Position (Cab.8.2.2017/16)

RESOLVED:-

- (i) that the terms for refinancing the Phase 2 PFI Project Agreement in respect of the Building Schools for the Future Programme, as outlined in paragraph 3.3 of the report now submitted, be noted and approved;
- (ii) that the Change in Law terms as outlined at paragraphs 3.7 – 3.16 of the report submitted be noted and approved;
- (iii) that the Directors of Finance, Assets and Information Services and Legal and Governance, or their authorised representatives, be authorised to finalise the Project Documents and any ancillary documents to ensure that financial close on the refinancing and the amendment to the Change in Law risk be reached on behalf of the Council;

- (iv) that the Director of Legal and Governance or his representative be authorised to execute the Project Documents and any ancillary documents to which the Council is a party for the purposes set out at (iii) above;
- (v) that Cabinet receive further updates on the refinancing/amendment to the Change in Law risk, where necessary; and
- (vi) that Cabinet receive reports on the Phase 1 PFI project agreement and Phase 3 PFI project agreement refinancings in due course.

(Note:

- (a) In accordance with Part 2, Paragraph 5(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chair of the Overview and Scrutiny Committee had given approval for the above item to be considered at a private meeting of Cabinet where it had not been possible to give 28 days' notice; and
- (b) In accordance with the Call-in procedures set out in the Council's Constitution the Chair of the Overview and Scrutiny Committee had been consulted and given his agreement to the request to waive the Call-in provision in respect of this matter on urgency grounds).

.....
Chair

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 Service Director
Human Resources & Business Support

Implementation of the 2017/18 Pay Policy Statement

1. Purpose of Report

The purpose of this report is to seek approval to implement the council's 2017/18 Pay Policy Statement in accordance with section 38 to 43 of the Localism Act 2011.

2. Recommendations

That approval is given to implement the 2017/18 Pay Policy Statement contained at Appendix B with effect from 1st April 2017.

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 Chief Officers 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 2017/18 Pay Policy Statement has been reviewed in accordance with the Act and has been updated with the following:
 - Removal of reference to Youth and Community Workers and Medical Consultants as the council no longer employs staff on these terms and conditions.
 - To reflect the protocol which allows changes to working practices to be agreed and implemented.
 - To reflect the updated School Teachers Pay and Conditions Document 2016.

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 it's 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 1 – 2017/18 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.
- 15.4 Localism Act 2011

These documents are contained in working files in Human Resources and are available for inspection.

Officer Contact: Alison Brown

Telephone No: 773674

Date: 19 January 2017

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PAY POLICY STATEMENT FOR THE PERIOD 1 APRIL 2017 TO 31 MARCH 2018**Contents**

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PAY POLICY FOR THE PERIOD 1 APRIL 2017 TO 31 MARCH 2018

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.
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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 and Executive Directors. The terms and conditions of employment for such Chief Officers are as specified in the Joint National Committee for Chief Executives and Joint National Committee for Chief Officers 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. Full 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 their Service Director 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 their Service Director 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](#)

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

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.

2.3.2 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.

2.3.3 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

2.3.4 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 their Service Director 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).

2.3.5 Incremental Pay Progression

The pay awards for Advisors, Inspectors and Psychologists are effective from 1st September 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

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 2016](#)

The Document was changed in September 2016. A summary of the main changes can be found in the link below.

[Implementing schools approach to pay](#)

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.

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 1st September each year.

During employment annual increments shall be awarded on 1st September each year subject to six months service in the post, until the maximum of the grade is reached.

2.6 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.

2.6.1 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.

2.6.2 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.

2.6.3 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.

3.0 LOWEST PAID SALARY

3.1 The lowest pay point in this Council is Grade 1 point 6 which equates to an annual salary of £15,014 and can be expressed as an hourly rate of pay of £7.78. This is increased to £8.45 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 12.

3.2 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.

4.0 HIGHEST PAID SALARY

4.1 The highest paid salary in this council is currently £154,818 which is paid to the Chief

Executive. The median average salary in this council (not including schools) is £22,574. The ratio between the two salaries, the 'pay multiple' is 6.8:1. 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.

- 4.2 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 2015 16](#)

5.0 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.

The Council also 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.

5.1 Allowances

5.1.1 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

5.1.2 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.

5.1.3 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

5.1.4 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).

5.1.5 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

5.1.6 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.

5.1.7 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.

6.0 PROFESSIONAL SUBSCRIPTIONS

- 6.1 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](#)

7.0 REMUNERATION COMMITTEES

- 7.1 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.

8.0 SELECTIVE VOLUNTARY EARLY RETIREMENT/VOLUNTARY SEVERANCE POLICY

- 8.1 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

- 8.2 The Policy covering employees who are members of the Teachers Pension Scheme is available at:

Redundancy SVER Teachers

- 8.3 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.

9.0 EMPLOYMENT OF PERSONS IN RECEIPT OF A PENSION OR REDUNDANCY/ SEVERANCE PAYMENT

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.

10.0 PENSION SCHEMES

10.1 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 23.75%. 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](#)

10.2 **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](#)

10.3 **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](#)

11.0 **AMENDMENTS TO THE POLICY**

- 11.1 It is anticipated that this policy will not need to be amended further during the period it covers i.e. 1 April 2017 to 31 March 2018, 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.

12.0 **POLICY FOR FUTURE YEARS**

- 12.1 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.
-

13.0 **EQUALITY AND DIVERSITY**

- 13.1 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.
-

14.0 **INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS**

- 14.1 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.
- 14.2 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).
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Annex A Chief Officer Remuneration

Aspect of Chief Officer Remuneration	BMC Policy
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

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BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR – PLACE

**Protocol for Arrangements to Deal with Sustainable Drainage Systems
Used on New Major Developments**

1. PURPOSE OF REPORT

- 1.1. To inform the Council of appropriate arrangements required for the management of surface water using Sustainable Drainage System (SuDS) in new major developments pursuant to the Flood and Water Management Act 2010 and the National Planning Policy Guidance. These arrangements will form the protocol for Council officers to use and formulate relevant procedures for SuDS, as part of the planning consent arrangement. This protocol cannot be applied to existing developments or those that have already been through the planning process but not yet commenced on site.
- 1.2. The protocol will apply to future new, major developments where SuDS form the surface water management system, with the exception of any SuDS that form part of the highway drainage system and that can be adopted as part of the highway adoption process, pursuant to the Highways Act 1980.
- 1.3. This protocol applies only to SuDS that serve the properties on a development, for example, a dry pond in public open space. It is not intended to apply to a SuDS feature that is within the boundary of an individual property on a development.

2. RECOMMENDATIONS

- 2.1. **To endorse the principle that the Council does not adopt and therefore will not undertake the liability for maintenance of SuDS for new major developments within the Borough, immediately following their construction. The exception to this is any SuDS required to be adopted as part of the formal highway adoption process.**
- 2.2. **Where, as part of a planning application, there is a proposal to provide a SuDS solution to serve properties (i.e. not a SuDS within a property's boundary), that the responsibility for the long term maintenance of the SuDS should remain with the landowner. This responsibility may be discharged directly by the landowner (initially likely to be the developer) or transferred to a 3rd party, such as a Management Company. Should the maintenance responsibilities fail to be performed, the ultimate responsibility will still remain with the landowner, on which the SuDS is located.**
- 2.3. **In order to safeguard the on-going maintenance of the SuDS, in the event that the established maintenance regime fails, the Director of Legal and Governance will seek to secure the longer term maintenance of SUDS by**

agreeing appropriate clauses within a s106 agreement pursuant to the Town and Country Planning Act 1990. Upon failure of the established maintenance regime, the Council will seek to ensure it has the power to undertake maintenance of the SuDS directly, with the costs of this undertaking being funded by property owners on the development which the SuDS serves making periodic payments.

- 2.4. That the Director of Finance, Assets and Information Services be authorised to collect and process any periodic charges that arise through implementation of any s106 agreement.**
- 2.5. That the Service Directors of Environment & Transport and Economic Regeneration be authorised to create a Guidance Document for SuDS for developers of new major developments. Upon adoption of the Local Plan, a formal Supplementary Planning Document will be produced to replace the Guidance Document.**

3. INTRODUCTION

- 3.1. A SuDS is a drainage system designed to deal with surface water from a development in such a way as to mimic the natural drainage of the site. For example, this could be by capturing surface water and allowing it to soak into the ground naturally or to discharge into a watercourse at a rate to mimic natural run-off. This is an alternative to taking a more conventional approach of dealing with surface water by discharging it into underground piped systems.
- 3.2 Changes to planning policy have led to the strengthening National Planning Policy Guidance which now places a requirement for SuDS to be considered as a mechanism to control surface water run-off on new major developments through the planning process. A “major development” means development involving any one or more of the following:
 - (a) the winning and working of minerals or the use of land for mineral-working deposits;
 - (b) waste development;
 - (c) the provision of dwellinghouses where:
 - (i) the number of dwellinghouses to be provided is 10 or more;
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
 - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
 - (e) development carried out on a site having an area of 1 hectare or more.
- 3.3 A SuDS solution to controlling surface water run-off has the benefit of not taking up vital available capacity in underground piped systems, adds aesthetic and environmental value to developments and enhances biodiversity.

- 3.4. On development sites, the following hierarchy of drainage solutions are used for controlling discharge surface water run-off:
1. Infiltration into the ground;
 2. Discharging into a surface water body such as a water course;
 3. Discharging into an underground piped system;
- 3.5. For all new major developments, a SUDS solution will not always possible and a conventional underground piped system may be a more appropriate solution. Where a SuDS solution is proposed, the Local Planning Authority (LPA) is required to provide approval for the SuDS.
- 3.6. The absence of national SuDS guidance requires each local authority to determine and implement their own minimum standards for SuDS. In order to provide a consistent approach to SuDS locally, consultations have been undertaken with neighbouring authorities and the local water company and statutory undertaker, Yorkshire Water plc (YW).
- 3.7. Examples of SuDS are:
- Above Ground – detention basins, retention basis (ponds), swales and filter strips;
 - Below Ground – geo-cellular structures and permeable paving.
- 3.8. All SuDS require periodic maintenance, the frequency of which will vary and depend on the particular SuDS. At the design stage, the developer is required to consider the arrangements for the maintenance of all the features within the SuDS system.
- 3.9. In order to advise prospective developers of the Council's requirements in relation to SuDS for new major developments, a Guidance Document for SuDS will be produced. Upon adoption of the Local Plan, a formal Supplementary Planning Document will be produced to replace the Guidance Document. This approach will allow clear SuDS guidance to be issued to developers enabling proposals for new developments to continue to come forward and progress without unnecessary delay.
- 3.10. As a local water company and statutory undertaker, YW has indicated a willingness to adopt certain types of SuDS. In order to mitigate the risk of maintenance regime failure by the land owner or 3rd party management company, it is proposed to promote to developers the opportunity to discharge responsibility for any SuDS maintenance to YW. Consequently, it is proposed that the Guidance Document for SuDS is based on the YW requirements for SuDS adoption.

4. PROPOSAL AND JUSTIFICATION

- 4.1. It is proposed that the Council does not adopt and therefore will not undertake the liability for maintenance of SuDS for new major developments within the Borough, immediately following their construction. The exception to this is any SuDS required to be adopted as part of the formal highway adoption process.
- 4.2. It is the liability for the maintenance of SuDS that is key to the recommendation for the Council not to adopt any SuDS serving a development. The responsibility and liabilities associated with adopting SuDS as additional drainage assets is impractical in terms of resources and financially prohibitive, in terms of securing commuted

sums which could be of such magnitude, given the longevity of any maintenance regime, to jeopardise the financial viability of the development.

- 4.3. Where there is a proposal to provide a SuDS solution to serve properties (i.e. not a SuDS within a property's boundary), the responsibility for the long term maintenance of the SuDS should remain with the landowner. This responsibility may be discharged directly by the landowner (initially likely to be the developer) or transferred to a 3rd party, such as a Management Company. Should the maintenance responsibilities fail to be performed, the ultimate responsibility will still remain with the landowner, on which the SuDS is located.
- 4.4. Some developments have only a small number of properties, such as in commercial or industrial developments, so the responsibility the management and maintenance of the SuDS will be clear as the beneficiaries can be easily identified. It is feasible that the beneficiaries could collaborate to create a new maintenance regime through a legal arrangement, to reduce the flood risk to their properties.
- 4.5. On residential developments, the flood risk through failure of the maintenance regime will be increased and apply to a large number of property owners. It is possible that the property owners could put in place a mechanism to fund and operate the continued maintenance of the SuDS, although 100% agreement could be unlikely.
- 4.6. Through social responsibility, following the failure of the established maintenance regime and any alternative being put in place by the property owners, the Council could safeguard the on-going maintenance of the SuDS, by using appropriate clauses within a s106 agreement pursuant to the Town and Country Planning Act 1990. The failure of the established maintenance regime would trigger the Council ultimately having the power to undertake maintenance of the SuDS directly, with the costs of this undertaking being funded by periodic payments by the property owners on the development which the SuDS serves.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1. **Council Adoption of SuDS:** This requires the Council to adopt SuDS which are constructed as part of new major developments. This means that the Council will take on all maintenance responsibilities for the drainage asset once it is constructed and adopted.
- 5.2. In order to ensure the cost does not become a burden to the Council finances, the developer will have to pay a commuted sum to the Council, to cover all costs associated with the anticipated future maintenance of SuDS. The value of the commuted sum would be based on the approved SuDS design, the management plan and maintenance schedule and would be calculated for the lifetime of the development; circa 100 years equivalent to the life of a residential development.
- 5.3. The responsibility and liabilities associated with adopting SuDS as additional drainage assets is impractical in terms of resources and financially prohibitive, in terms of securing commuted sums which could be of such magnitude, given the longevity of any maintenance regime, to jeopardise the financial viability of the development, for example: £5k/annum for 100 years would be £500k and could significantly affect the viability of the development. This may discourage developers from operating within the Borough, although it does mean that the Council can be sure that the SuDS are properly maintained.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1. Where SuDS fail to perform, there is a risk that property-level flooding may occur both within the development and also in areas outside of the site boundary. The impact of flooding to property will inevitably be disruptive and may mean that property owners are unable to occupy their property for many months whilst repairs works are completed.
- 6.2. The effects of flooding caused by the failure of SuDS through lack of maintenance could impact on local infrastructure such as roads in the area, causing disruption to highway users.
- 6.3. A further unintended consequence would be the reputational damage to the Council which would be adversely affected as the incorrect perception would be that the responsibility for the upkeep and maintenance of the SuDS drainage systems rests with the Council.

7. FINANCIAL IMPLICATIONS

- 7.1. Consultations on the financial implications have taken place with representatives of the Director of Finance, Assets & IT.
- 7.2. If the recommended option for non- adoption of SuDs is approved, there will be no immediate financial implications for the Authority.
- 7.3. However, if the Council has to step in to undertake the duties which should be carried out by a 3rd party management company during a flooding emergency, or because of the failure, bankruptcy or dissolution of the responsible maintenance body, this may create a financial implication for the Authority.
- 7.4. As a minimum, the costs incurred for this type of retrospective intervention would include staff costs to manage any reactive works required, along with the costs associated with the engagement of a geotechnical specialist to assess any damage that may have been caused.
- 7.5. It is unclear at this stage what the precise financial impact on the Council may be, but there is the potential for the costs to include the following;
 - **Emergency Remediation Works to Repair the SuDS** – The cost associated with any work that is required to return the SuDS asset back to an adequate working condition e.g., clearing blockages, de-weeding of ponds, dredging works, reconstruction of the storage tanks/system etc.,
 - **Funding the Council Emergency Response** – The temporary accommodation for those residents of the homes which have been flooded as a consequence of the failure of the SuDS asset.
 - **Ongoing Maintenance** – To ensure the SuDS assets remains in a functioning condition whilst permanent arrangements can be made with the responsible parties i.e., the properties or beneficiaries of the SuDS for them to resume their maintenance activities.
- 7.6. The cost implication also has the potential to be multiplied many times to reflect the number of sites which may be affected as more and more SuDS systems are constructed in order to fulfil the Authority's declared planning obligations.
- 7.7. To mitigate any cost implication for the Council therefore it is proposed to place a S106 charge on property owners to cover the costs of ongoing maintenance and administrative costs similar to where a management company is used. The charge

to property owners will vary between developments, depending on the different scale and type of SuDS implemented. Although it is difficult to predict in advance, a typical example of the charge through a s106 agreement could be in the region of £30 per house per annum, collected once every 5 years, i.e. £150 per property, to ensure a nil cost to the Council for that development.

- 7.8. It in order to minimise these risks it is essential that the Highways and Planning Departments liaise closely with developers at an early stage to ensure the correct advice is given accordingly.

8. EMPLOYEE IMPLICATIONS

- 8.1. The design, evaluation, construction and inspection of SuDS systems is a specialised activity and the existing resource may need to be supplemented with additional information or resources. It is anticipated that these will be funded through additional developer contributions.

9. COMMUNICATIONS IMPLICATIONS

- 9.1. The LPA, in consultation with Highways, Engineering and Transportation Service, will develop a Guidance Document for SuDS to be used by developers, architects and other professional partners when making planning submissions for new major developments.
- 9.2. The guidance will be sufficiently robust to positively promote the Council's position of 'not adopting' SuDS, whilst continuing to attract development into the borough.
- 9.3. Upon adoption of the Local Plan, a formal Supplementary Planning Document will be produced to replace the Guidance Document.

10. CONSULTATIONS

- 10.1. **BMBC:** Internal services were consulted on the proposal for this protocol. These included service leads from the Highway Authority, the Planning Authority, Asset Management and Legal Services. The outcome of these discussions has been used to formulate the proposal contained in this report.
- 10.2. **Yorkshire Water:** YW have been consulted in their capacity as the local water company and statutory undertaker. YW have advised that they intend to introduce revised arrangements for surface water attenuation systems in the near future.
- 10.3. Any planning submission will have to comply with the Council's Guidance Document, which will be based on YW's detailed construction specifications for SuDS.
- 10.4. Where a developer opts to use YW to discharge the maintenance liability for a SuDS, a separate agreement between the two parties will support the formal adoption arrangements.
- 10.5. **Local Authority SuDS Review:** A survey was conducted of all local Authorities within the Yorkshire & Humber Region's Flood Risk Managers Group, to understand the current approaches which are being employed by each authority. The results, shown below, confirmed that the neighbouring authorities have yet to formally establish a defined SuDS procedure for their area, although 'informal' working arrangements are in place for SuDS.

Authority	Policy (Yes /No)	Adoption of Highway SuDS (Yes /No)	Adoption of Non-Highway SuDS (Yes /No)	Comments
Barnsley	NO	YES*	NO	* Adoption of h/way SuDS with a commuted sum
Doncaster	NO	YES*	NO	* Adoption of h/way SuDS with a commuted sum
Rotherham	NO	YES*	NO	Evolving arrangements are in place * Adoption of h/way SuDS with a commuted sum
Sheffield	NO	YES*	NO	SCC are adopting non-h/way SuDS that are within the city Council-owned land * Adoption of h/way SuDS with a commuted sum
Derbyshire CC	NO	YES*	N/A	Some of the district authorities with the county are adopting SuDS but as DCC are not the planning authority they have no intention to adopt non-h/way SuDS * Adoption of h/way SuDS with a commuted sum

10.6 Most authorities in the Yorkshire & Humber region have put in place informal 'working arrangements' as an interim measure in lieu of a formal procedure to manage SuDS requests from developers. A summary of this survey is in Appendix 1.

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 11.1. The provision and management of SuDS will assist the delivery of the Council's economic objectives by attracting business to Barnsley as detailed in the Corporate Plan. Effective management of these drainage assets will ensure that the employment opportunities created on new major development are sustained through this period of development.
- 11.2. SuDS have the opportunity to enhance the borough's 'green' infrastructure footprint whilst also creating additional 'blue' infrastructure e.g. wet pond areas which act as local drainage features whilst providing environmental, ecological, educational and amenity benefits that enhance local areas across the Borough.
- 11.3. There is a potential to use these SuDS feature to link these drainage assets to existing features with Barnsley such as the Trans-Pennine trail to further enhance

them and also to provide public health benefits to complement the social and demographic aspirations in the Corporate Plan.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1. Future development within the borough should be done in a manner which will ensure the effective management of drainage aspects to minimise the risk of flooding and the inevitable consequences that are brought about by flooding events.
- 12.2. Effective water management on major developments can be used to ensure surface water runoff is managed within the development and also does not exacerbate flooding elsewhere in areas away from the development site.
- 12.3. The impact of flooding will be felt by all those within the inundation area as flooding events have no respect for demographics on grounds of equality, diversity or economic status. SuDS has the ability to effectively reduce the risk of flooding but this will only be achieved if the maintenance of all SuDS assets are effectively maintained and managed throughout its lifetime.

13. TACKLING THE IMPACT OF POVERTY

- 13.1 This report has no impact on poverty.

14. TACKLING HEALTH INEQUALITIES

- 14.1. The impact on health and wellbeing that a well-designed SuDS has, particularly those that are visible at ground level, should not be underestimated as they also provide an attractive amenity which has an educational value to a wide range of members in the community.
- 14.2. Conversely the impact of flooding in a community can have devastating health impacts ranging from stress issues, insomnia along with respiratory and other physical medical issues associated with the long-term effects of flooding.
- 14.3. These effects have a long-term impact well after the flood waters have receded and can affect all members of the families including young children who often are fearful of rain events as they associate heavy rain with flooding and the devastation which it causes to the family home and also the family unit.
- 14.4. The most effective way of addressing this is to mitigate the risk of flooding by ensuring measures are in place to ensure continued maintenance of SuDS to ensure that the SuDS remain functioning effectively and fit for purpose.

15. REDUCTION OF CRIME AND DISORDER

- 15.1. The SuDS assets, particularly wet ponds and detention basins will naturally attract interest from all members of the community it is hope that these will provide an amenity and educational benefit the local area.
- 15.2. It is envisaged that the awareness and understanding of the SuDS will be clearly understood by all local users and this will minimise any anticipated crime, disorder and anti-social activities which may affect its function and performance.

16. RISK MANAGEMENT ISSUES

- 16.1. This is a relatively new area that the Council has to undertake and there currently minimal resources to carryout enforcement, design checks, approval, inspection enforcement activities related during the construction of SuDS.
- 16.2. Complex legal arrangements associated with the management and maintenance of SuDS may lead to developers going elsewhere within the immediate sub-region and wider Yorkshire and Humberside region to promote their projects in areas which have 'less difficult' SuDS arrangements. However, the requirement for SuDS considerations will be pertinent to all qualifying developments in all regions, irrespective if their geographical location.

17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

- 17.1. Developers intending to utilise SuDS to manage surface water run-off from their sites in Barnsley will be required to comply with design principles and methods to minimise the safety risks with regard to children accessing ponds and presence of water that are required for SuDS.
- 17.2. This will include the gradients of banking, and the volume of water to be held during rain events of detention features (a pond that fills up and then empties) or of a retention features (a permanent 'wet' pond). The bank gradients will enable reasonable access and egress to a wet pond and will also incorporate plateaus to act as points of refuge around the pond perimeter.
- 17.3. Other additional measures may include the erection of fences, guard rails and also the inclusion of life belts. However these may detract from its visual impact as well-designed SuDS should incorporate effective health and safety features as an integral part of its design.

18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- 18.1 This report has no implication on the European Convention on Human Rights.

19. CONSERVATION OF BIODIVERSITY

- 19.1. Consideration to bio-diversity, environment and ecological issues are currently an integral component of the planning process and there is no intention or requirement to change this process to accommodate the introduction of new procedures for SuDS.
- 19.2. The preparation of relevant management and maintenance plans for SuDS should take account of any bio-diversity issues for the SuDS and these should be factored in the maintenance arrangements from the outset at the design stage.

20. GLOSSARY

SuDS	Sustainable Drainage Systems
YW	Yorkshire Water plc
SPD	Supplementary Planning Document

21. LIST OF APPENDICES

- Appendix 1: SuDS Policy - Y & H Local Authority Arrangements.

22. BACKGROUND PAPERS

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Officer Contact: Derek Bell **Tel. No:** 787654 **Date:** 10th February 2016

Financial Implications/Consultation

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*(To be signed by senior Financial Services officer where
no financial implications)*

Appendix 1

SuDS Policy -Y & H Local Authority Arrangements

Authority	SuDS Adoption	Comments
South Yorkshire		
Barnsley MBC	X	No agreed SuDS Policy in place.
Doncaster MBC	X	Not actively seeking to adopt SuDS at the present time
Rotherham MBC	X	No policy decision has been taken yet
Sheffield CC	✓	SuDS are being adopted in schemes where the land is owned by SCC and loans have been obtained for the construction of regional SuDS. Permeable paving on some sites also being adopted in Sheffield. Cost recovery is via increased land values and s106 agreements using the 'Durham Model' to recover costs via a rental charge for each property served by SuDS. SCC is currently developing a strategic policy for SuDS to formalise this approach.
West Yorkshire		
Bradford CC	X	No formal SuDS policy with but would consider adoption with a commuted sum based on 100 yrs.
Calderdale	N/A	No details available due to recent staff changes.
Leeds CC	X	No defined SuDS policy; therefore each site is determined on its merits but the commuted sum would be for the lifetime of the development (100 yrs.).
Kirklees Council	X	No defined policy but are not adopting SuDS assets but Flood Risk Manager would prefer to adopt. No process to establish maintenance plans with 3rd party managers. So, the SuDS are privately owned and 3.
Wakefield MDC	✓	YES – Adoption of SuDS with a commuted sum based on 100 yrs. Currently revenue expenditure is £80k-£100k per annum on SuDS maintenance. SuDS policy yet to be formalised.
North Yorkshire		
North Yorks CC	X	NYCC is not the Planning Authority therefore they have provided guidance to the LPAs on SuDS but not on adoption. This is to be determined by each of the 9 LPAs within the County Council. NYCC is not intending to become a SuDS adopting authority.
York CC	X	Not adopting and not promoting adopting due to resource implications. Developers are required to agree with other RMA's such as YW and the IDB
East Ridings		
East Riding Yorks Council	X	No defined SuDS policy but the ERYC have issue interim advice for SuDS for the lifetime of the development (100 yrs.). Separate s106 agreements and relevant commuted would be agreed under non-statutory agreements.
Hull CC	✓	Yes – Providing that the developer pays the pre-requisite commuted sum for the lifetime of the development (100 yrs.). The developer then prefers to meet YW standards for s104 agreements for 25 years.

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Barnsley 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 Executive Director,
Place

CHAPEL FIELD LANE AND HIGH STREET AREA, PENISTONE

PROPOSED WAITING RESTRICTIONS

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections received to the proposal to introduce a Traffic Regulation Order (TRO) necessary to implement a prohibition of waiting at any time at Chapel Field Lane, High Street, Green Road and the associated side streets, as detailed in appendix 1.
- 1.2 To seek approval to implement the proposals originally advertised, as shown in Appendix 1.

2. Recommendation

It is recommended that:

- 2.1 **The objections received to the proposals are overruled and the objectors informed accordingly.**
- 2.2 **The Head of Highways, Engineering and Transportation and the Director of Legal and Governance be authorised to make and implement the Traffic Regulation Order.**

3. Introduction/Background

- 3.1 Chapel Field Lane, Penistone currently forms part of the 21 and 21a bus route from Penistone to Barnsley. It has been observed that this service is regularly unable to pass along Chapel Field Lane due to parked vehicles. During school opening and closing times, it has been observed that indiscriminate parking causes road safety problems for parents/carers and children travelling to and from St. John the Baptist primary school.
- 3.2 At the junction of High Street and Green Road, the redevelopment of the old saw mill has led to junction improvements to improve road safety. Unfortunately, vehicles park in the sight lines which, combined with the steep gradient of Green Road, makes the existing junction difficult to negotiate.

- 3.3 At school opening and closing times it has been observed that visibility at the junction of Clarel Street / High Street is impaired, and the free flow of traffic on Broomfield Walk is restricted by indiscriminate parking.
- 3.4 Following a site survey and discussions with Penistone West Ward Members, it has been identified that junction protection is required at the above locations. Additionally, it was agreed that further junction protection to Ward Street and Unwin Street would increase visibility and improve road safety in the vicinity of St. John the Baptist Junior School on High Street.
- 3.5 A scheme to introduce waiting restrictions has been designed in consultation with the Penistone West Ward Members, which will take into account the future expansion of the school.
- 3.6 A Traffic Regulation Order (TRO) to introduce the proposed waiting restrictions received officer delegated approval on 19/09/16 and was advertised between 21/10/16 and 14/11/16.

4. Consideration of Alternative Proposals

- 4.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1 (**recommended option**).
- 4.2 Option 2 – Amend the proposals to accommodate the objections. This option is not recommended as it will cause the cost of the proposed TRO to escalate and exceed the allotted budget.

5. Proposal and Justification

It is proposed:

- 5.2 To introduce a 'prohibition of waiting at any time' to the junction of Chapel Field Lane/Broomfield Walk, Chapel Field Lane/Clarel Street, Clarel Street/High Street, Green Road/High Street, Unwin Street/High Street and Ward Street/High Street to enable the free flow of traffic and protect junction visibility sightlines.
- 5.3 To introduce a 'prohibition of waiting at any time' between Ward Street and Unwin Street to improve the free flow of traffic.
- 5.4 To introduce a 'prohibition of waiting at any time' to the south eastern kerb line of Broomfield Walk to enable the free flow of traffic.

6.0 Objections

- 6.1 As a result of advertising the proposals, 13 objections were received. The main issue raised was obstructive vehicles parked at the exits of The Green, which lie outside the scope of the proposed works. The objections are detailed at appendix 2.

7.0 Impact on Local People

7.1 A small number of residents may be affected by not being able to park directly outside their property. However, there is no legal right to be able to park on the public highway, and alternative on-street parking is available elsewhere.

8.0 Compatibility with European Convention on Human Rights

8.1 There is not considered to be any potential interference with European Convention on Human Rights as the proposals aim to create a safer environment and prevent indiscriminate parking.

9.0 Promoting Equality, Diversity and Social Inclusion

9.1 There are no equality, diversity or social inclusion issues associated with the proposals.

10.0 Reduction of Crime and Disorder

10.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.

10.2 There are no crime and disorder implications associated with the proposals.

11 Road Traffic Regulation Act (1984)

11.1 Due regard has been given to the duty imposed on the Council to exercise the functions conferred on it by the Road Traffic Regulation Act (1984) so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984).

12.0 Conservation of Biodiversity

12.1 There are no conservation of biodiversity issues associated with the proposals.

13.0 Risk Management Issues including Health and Safety

13.1

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 8 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Director of Legal and Governance has developed a sequential test to consider	Medium

	the effects of the Human Rights Act which are followed.	
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the publication and making of TRO's are set down in statute, which provides a 6 week period following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Medium
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence. The proposals have been designed to improve road safety by protecting junction visibility sight lines for traffic emerging from side roads and improve visibility for and of pedestrians crossing Chapel Field Lane, High Street, Green Road and the associated side streets.	Low

14.0 Financial Implications

- 14.1** There are no new financial implications associated with the objection report. The costs of advertising, legal fees, road markings and signs in connection with the TRO are estimated at £4000 and are being funded by the Penistone West Ward Members.

15.0 Employee Implications

- 15.1** Existing employees in the Highways, Engineering and Transportation Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

16.0 Glossary

- TRO – Traffic Regulation Order

17.0 List of Appendices

- Appendix 1 – Plan showing the proposals - TR/3863/Appendix 1
- Appendix 2 – Summary of Objections to the Proposals
- Appendix 3 – Plan showing bus turning manoeuvres – TR/3863/Appendix3A and TR/3683/AppendixB

18.0 Background Papers

Officer Contact: Adam Davis **Telephone No:** 787635 **Date:** January 2017

Annex A

CHAPEL FIELD LANE AND HIGH STREET AREA, PENISTONE **PROPOSED WAITING RESTRICTIONS**

a. Financial Implications

The financial Implications for the proposals are detailed in Paragraph 14.

b. Employee Implications

Employees in the Highways, Engineering and Transportation Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to, as detailed in Paragraph 13.

d. Policy Implications

The proposal promotes the Council's policies in respect of road safety and danger reduction.

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

Consultations took place with the Penistone West Ward Members and no adverse comments were received. Additionally, a meeting was held with Penistone West and East Ward Members following the objection period at which the preferred course of action was agreed.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

There are no significant implications for other BMBC services arising from the recommendations in the report. The Director of Legal and Governance will

undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

There are no service user implication issues associated with the proposals.

k. Communications Implications

There are no communications implication issues associated with the proposals.

CHAPEL FIELD LANE AND HIGH STREET AREA, PENISTONE

PROPOSED WAITING RESTRICTIONS

OBJECTION REPORT

Appendix 2

Summary of Objections

Nature of Objection

9 number residents objected to the scheme as a whole, as they requested the scope of works be extended to include the junctions of The Green / Mortimer Road and Green Road / The Green, to alleviate an existing parking issue.

BMBC Response:

1. The aforementioned junctions lie outside the scope of works for this project.
2. The scheme is being funded by the Penistone West ward members from their devolved ward budget. Additional funding to accommodate the extra works is not available.
3. The Penistone West ward members have agreed that if the junctions continue to be a cause of concern for residents, they will consider this as a future ward priority scheme.

Nature of Objection

2 number residents objected to the restrictions on High Street, which terminate in front of 97 High Street. They feel that the reduction in on street parking will adversely affect their properties.

BMBC Response:

1. The opportunity to park has been removed from areas which may impact on large vehicles entering/exiting the junction of Clarel Street/High Street, as shown at Appendix 3. As such, the proposed restrictions are necessary for vehicle movement.
2. The restrictions are not directly outside the properties of the objectors, and the amount of displaced traffic will number only a small number of vehicles.

Nature of Objection

1 number resident objected to the scheme on the basis that the lines opposite the junction of Chapel Field Lane / Clarel Street were unnecessary, and would impact on her property by preventing trades people and delivery drivers from parking. Objector requested time limited restrictions.

BMBC Response:

1. Loading would still be permitted outside the objector's residence. The property of the objector has off street parking, and additional on street parking is available nearby.
2. Time limited waiting restrictions were not considered as this is a junction, and removing parking at all times was the principal aim of these restrictions.
3. The restrictions were necessary to allow the bus service to safely negotiate the junction.

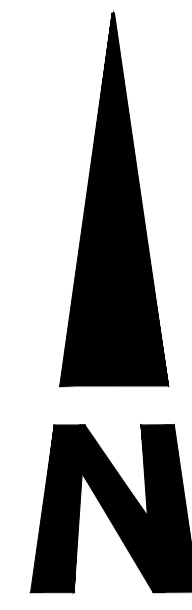
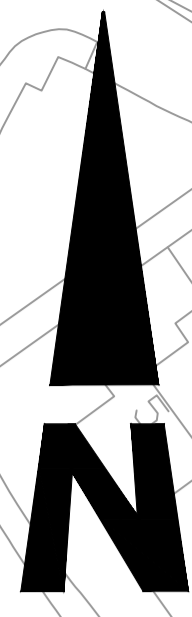
Nature of Objection

1 number resident objected to the scheme on the basis that additional waiting restrictions should be placed on Chapel Field Lane, outside properties 21, 23 and 25, as their driveways are often blocked by vehicles at school opening and closing times.

BMBC Response:

1. The complaint appears to be one of obstruction, which can be dealt with by the use of an 'H marking', or by contacting South Yorkshire Police.
2. During the design of the scheme, the displacement of parked vehicles was considered, and such a length of restrictions would displace a large number of vehicles, which could cause issues further along Chapel Field Lane.
3. The scheme is being funded by the Penistone West ward members from their devolved ward budget. Additional funding to accommodate the extra works is not available.

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BOGGARD LANE

St John
the Baptist
(VC) Info

Church

WARD STREET

Penistone
Youth
Centre

UNWIN STREET

CHapel Field Walk

CHapel Field Lane

Broomfield Walk

CLAREL STREET

CLAREL CLDSE

ST JOHN'S CLDSE

Rotherwood

Walmar

Northfield
House

GREEN ROAD

THE GREEN

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Rev.	By	Amendments	Date



**Chapel Field Lane
Penistone**

**Proposed
Traffic Restrictions**

Scale 1:500	Drawn AD	Checked	Date 24/06/16
Drawing No. TR/3863/Appendix1			File 3863

Paul Castle
Service Director, Environment & Transport.
Place Directorate.
Westgate Plaza, Barnsley, S70 2DR.
Tel. (01226) 773555 Fax. (01226) 772110

Key:

- Existing School Zig Zag markings
- Proposed Prohibition of Waiting at Any Time

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