

MEETING:	Full Council
DATE:	Thursday 30 March 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

AGENDA

1. Retiring Councillors

To pay tribute to the following Members, who are not seeking re-election at the forthcoming Municipal Elections, for their hard work and contribution to the Council and the local community they represent:-

Councillor Danforth
Councillor M Dyson
Councillor Felton
Councillor Gillis
Councillor Hand-Davis
Councillor Lamb
Councillor Platts
Councillor Wraith MBE

2. Declarations of Interests

To receive any declarations of interest of a pecuniary or non-pecuniary nature from Members in respect of the items on this agenda.

3. Minutes (Pages 5 - 30)

To approve as a correct record the minutes of the meetings of the Council held on 2 February and 23 February 2023.

4. Communications

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

Recommendations to Council

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.

5. Lettings Policy 2023 (Cab.8.2.2023/8) (Pages 31 - 148)

RECOMMENDED TO COUNCIL:-

- i) That the areas of significant change be noted and supported, and that the Letting Policy be approved, with any minor amends delegated to the Service Director Regeneration and Culture in consultation with the Cabinet Portfolio Holder for Regeneration and Culture; and
- ii) That the Implementation Plan and timescales for the adoption of the

new Lettings Policy from 1 December 2023 be noted and supported.

6. Statement of Gambling Policy Review Consultation 2022/23 (Cab.22.3.2023/9) (Pages 149 - 222)

RECOMMENDED TO COUNCIL:-

That the Statement of Gambling Policy appended to the report (Appendix 1) be published in accordance with the statutory requirements and adopted by the Council.

7. Implementation of the 2023/24 Pay Policy Statement (Cab.22.3.2023/10) (Pages 223 - 240)

RECOMMENDED TO COUNCIL:-

That the 2023/24 Pay Policy Statement, contained at Appendix 1, be approved.

Substantive Items

8. Appointment to Outside Bodies

South Yorkshire Mayoral Combined Authority Transport and the Environment Board

Proposed to –

Remove - Cabinet Spokesperson Regeneration and Culture

Appoint - Cabinet Spokesperson Environment and Highways

Transport for the North Scrutiny Committee

Proposed to –

Remove - Cabinet Spokesperson Regeneration and Culture

Appoint - Cabinet Spokesperson Environment and Highways

Minutes of the Regulatory Boards

9. Planning Regulatory Board - 24 January 2023 (Pages 241 - 244)
10. Planning Regulatory Board - 14 February 2023 (Pages 245 - 248)
11. Audit and Governance Committee - 18 January 2023 (Pages 249 - 260)
12. General Licensing Regulatory Board - 15 February 2023 (Pages 261 - 262)
13. General Licensing Panel - Various (Pages 263 - 264)
14. Statutory Licensing Board Sub Committee - Various (Pages 265 - 268)
15. Appeals, Awards and Standards - Various (Pages 269 - 270)
16. Appointment Panel - Executive Director Core Services - 24 January 2023 (Pages

271 - 272)

17. Appointment Panel - Executive Director Core Services - 27 January 2023 (Pages 273 - 274)

Minutes of the Health and Wellbeing Board

18. Health and Wellbeing Board - 2 February 2023 (Pages 275 - 280)

Minutes of the Scrutiny Committees

19. Overview and Scrutiny Committee (Sustainable Barnsley Workstream) - 7 February 2023 (Pages 281 - 286)
20. Overview and Scrutiny Committee (Growing Barnsley Workstream) - 7 March 2023 (Pages 287 - 292)

Minutes of the Area Councils

21. North East Area Council - 26 January 2023 (Pages 293 - 296)
22. Central Area Council - 1 February 2023 (Pages 297 - 302)
23. Penistone Area Council - 9 February 2023 (Pages 303 - 308)
24. South Area Council - 17 February 2023 (Pages 309 - 316)

Minutes of the Cabinet Meetings

25. Cabinet Meeting - 25 January 2023 (Pages 317 - 318)
26. Cabinet Meeting - 8 February 2023 (Pages 319 - 324)
27. Cabinet Meeting - 22 February 2023 (Pages 325 - 326)
28. Cabinet Meeting - 8 March 2023 (Pages 327 - 330)

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

29. 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, South Yorkshire Mayoral 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.

30. South Yorkshire Pensions Authority - 8 December 2022 (*Pages 331 - 340*)
31. South Yorkshire Pensions Authority - 9 February 2023 (*Pages 341 - 350*)
32. South Yorkshire Fire and Rescue Authority - 9 January 2023 (*Pages 351 - 362*)
33. South Yorkshire Fire and Rescue Authority (Draft) - 20 February 2023 (*Pages 363 - 370*)
34. South Yorkshire Mayoral Combined Authority Board - 16 January 2023 (*Pages 371 - 376*)
35. South Yorkshire Mayoral Combined Authority Board (Draft) - 6 March 2023 (*Pages 377 - 384*)
36. South Yorkshire Police and Crime Panel (Draft) - 3 February 2023 (*Pages 385 - 396*)
37. 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. 11.



Sarah Norman
Chief Executive

Wednesday 22 March 2023

MEETING:	Full Council
DATE:	Thursday 2 February 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

	The Mayor (Councillor Tattersall)
Central Ward	- Councillors M. Dyson and Moyes
Cudworth Ward	- Councillors Hayward and Houghton CBE
Darfield Ward	- Councillors Markham, Osborne and Smith
Darton East Ward	- Councillors Crisp, Denton and Hunt
Darton West Ward	- Councillors A. Cave, T. Cave and Howard
Dearne North Ward	- Councillors Bellamy and Cain
Dearne South Ward	- Councillors Bowler, Coates and Danforth
Dodworth Ward	- Councillors P. Fielding, W. Fielding and Wray
Hoyland Milton Ward	- Councillors Franklin, Shepherd and Stowe
Kingstone Ward	- Councillors Mitchell and Williams
Monk Bretton Ward	- Councillors Green and Richardson
North East Ward	- Councillors Cherryholme, Ennis OBE and Peace
Old Town Ward	- No Councillors were present
Penistone East Ward	- Councillors Barnard, Hand-Davis and Wilson
Penistone West Ward	- Councillors Kitching and Lowe-Flello
Rockingham Ward	- Councillors Lamb and Sumner
Royston Ward	- Councillors Makinson, McCarthy and Webster
St. Helen's Ward	- Councillors Leech and Platts
Stairfoot Ward	- Councillors K. Dyson, Gillis and Shirt
Wombwell Ward	- Councillors Eastwood, Frost and Higginbottom
Worsbrough Ward	- Councillors Bowser, Clarke and Lodge

133. Appreciation - Shokat Lal

The Mayor, on behalf of the Council, offered thanks to Shokat Lal, Executive Director of Core Services, who was leaving the Council to take up the role of Chief Executive of Sandwell Metropolitan Borough Council.

Congratulations were offered, and appreciation for the hard work and dedication given to Barnsley over the past three years.

A number of other Councillors gave praise for the work of Shokat whilst in Barnsley and congratulated him on his appointment.

134. Declarations of Interests

Councillor Osborne and Tattersall (The Mayor) both declared non-pecuniary interests in any item on the agenda insofar as it related to their positions on Berneslai Homes Board.

135. Minutes

The minutes of the meeting held on 24 November 2022 were taken as read and signed by the Chair as a correct record.

136. Communications

- (a) Barnsley Council's Arts and Events Team - Best Council Events Team at the National Outdoor Events Association awards

The Chief Executive announced that Barnsley Council's Arts and Events Team had been recognised as the Best Council Events Team at the National Outdoor Events Association awards.

This followed a fantastic year of free events for all the family in Barnsley, which had brought in over 4.5 million people into Barnsley town centre from May-November 2022.

People enjoyed incredible events such as the Flavours Food Festival, Twisted Festival of Natural Art, Big Weekend, Bright Nights and many more fun, entertaining, cultural events. Thanks were given to Matt Mitchell, Mark Swanwick, Josh Rae, Matthew McGlone and the rest of the Culture and Visitor Economy team who help to make all Council events a success.

Councillor Frost, Cabinet Spokesperson for Regeneration and Culture, added his congratulations, noting that the award was well deserved for the Council's hard working, innovative events team, which helped to draw people from all over the region.

Councillor Sir Stephen Houghton CBE, Council Leader, added that a hugely important part of the success of the Glass Works were the events that took place. These created interest in the town and led to increased footfall. The award was a remarkable achievements and thanks were again provided to all involved.

- (b) Barnsley Libraries funding offered through the National Portfolio Organisation scheme

The Chief Executive made all Members in chamber aware of Barnsley's offer of funding from Arts Council England through the National Portfolio Organisation scheme.

She said that the investment supported the importance of culture, particularly in tough economic times, when arts, museums and libraries offered comfort, distraction and everyday wonders to communities. Investing in creative talent and organisations would drive growth in world-leading creative industries.

It recognised the excellent work of all organisations in developing high-quality and accessible cultural programmes.

Barnsley Libraries had been awarded £587,000 to support community engagement programmes. For the first time, they were joined by organisations Gary Clarke Company and Lung Productions as funding recipients.

There were also existing NPOs who had kept and, in some instances, increased their funding. The Council's own NPO organisation Barnsley Museums had been awarded almost £1.5 million over the next three years to continue our outstanding work supporting residents, sharing collections, and showcasing the fascinating history of Barnsley's past.

Other successful organisations included The Civic Barnsley and The Invisible Flock Company.

Brass Band England and The Culture, Health and Wellbeing Alliance, both based in Barnsley, were also awarded money by Arts Council.

The combined total funding into the borough from the scheme was almost £2.3 million each year. Members noted that a formal acceptance of the funding was due to be discussed at cabinet on the 8 February, and congratulations were given to all the organisations involved.

Councillor Makinson, Cabinet Spokesperson for Public Health and Communities, added her congratulations to Barnsley Museums for their award of finance and to Barnsley Libraries for being awarded NPO status. Thanks were provided to all staff involved.

Councillor Frost, Cabinet Spokesperson for Regeneration and Culture said it was a great day for culture in Barnsley, with the impact of the investment being felt across the borough and beyond. Jon Finch and Lynne Dunning from the Cultural team were thanked.

Councillor Lamb, Deputy Leader, mentioned that the award of funding represented the value for money, and impact the Arts Council would see from investing in the borough.

137. Safer Barnsley Partnership Plan (Cab.30.11.2022/7)

Moved by Councillor Makinson – Seconded by Councillor Cain; and

RESOLVED:- that the Safer Barnsley Partnership Plan be adopted.

138. Library Strategy 2022 - 2025 (Cab.14.12.2022/6)

Moved by Councillor Makinson – Seconded by Councillor Cain; and

RESOLVED:- That the Library Strategy 2022-2025 be adopted.

139. Health and Wellbeing Board: Updated Terms of Reference (Cab.11.1.2023/6)

Moved by Councillor Makinson – Seconded by Councillor Platts; and

RESOLVED:- That the Health and Wellbeing Board Terms of Reference be approved.

140. Appointment to Committees and Outside Bodies

Moved by Councillor Howard – Seconded by Councillor Cherryholme; and

RESOLVED:- that the following changes to the representation on Committees and Outside bodies be approved;

Council Committees

Cabinet

To note the following appointments:-

Cabinet Spokesperson for Core Services – Councillor Franklin

Cabinet Support Member for Core Services – Councillor Bowser

Appeals, Awards and Standards

Remove – Councillor Barnard and Franklin

Appoint – Councillor White and 1x Labour Vacancy

Planning Regulatory Board

Remove – Councillor White

Appoint – Councillor Wilson

General Licensing Regulatory Board

Remove – Councillor Franklin

Appoint – 1x Labour Vacancy

Outside Bodies

SY Leaders' Meeting

Appoint Councillor Franklin (Substitute Member)

YPO Management Committee

Appoint Councillor Franklin

YPO Procurement Holdings Ltd
Appoint Councillor Franklin

YPO Audit and Governance Sub Committee
Appoint Councillor Franklin

141. Local Government Act 1972: Section 85: Absence from Meetings of the Authority; Councillor Risebury

Moved by Councillor Sir Steve Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED that in accordance with Section 85 of the Local Government Act 1972 the absence from meetings of the Authority on behalf of Councillor Risebury be approved on the grounds of ill health pending the receipt of medical certification that she is fit to resume her duties.

142. General Licensing Regulatory Board - 21 December 2022

Moved by Councillor Green – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board meeting held on the 21 December 2022 be received.

143. General Licensing Regulatory Board Panel - 10 January 2023

Moved by Councillor Green – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board Panel held on 10 January 2023 be received.

144. Statutory Licensing Regulatory Board - 21 December 2022

Moved by Councillor Green – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Statutory Licensing Regulatory Board held on 21 December 2022 be received.

145. Appeals, Awards and Standards - Various

Moved by Councillor Shepherd – Seconded by Councillor Bowler; 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.

146. Overview and Scrutiny Committee (Healthy Barnsley Workstream) - 29 November 2022

Moved by Councillor Ennis OBE – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee (Healthy Barnsley Workstream) held on 29 November 2022 be received.

147. Overview and Scrutiny Committee - 10 January 2023

Moved by Councillor Ennis OBE – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Safeguarding Scrutiny Committee held on 10 January 2023 be received.

148. Central Area Council - 9 November 2022

Moved by Councillor Williams - Seconded by Councillor Bowser; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 9 November 2022 be received.

149. North Area Council - 14 November 2022

Moved by Councillor Leech - Seconded by Councillor T Cave; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North Area Council held on 14 November 2022 be received.

150. North East Area Council - 24 November 2022

Moved by Councillor Hayward – Seconded by Councillor McCarthy; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on 24 November 2022 be received.

151. Dearne Area Council - 5 December 2022

Moved by Councillor Coates - Seconded by Councillor Cain; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on 5 December 2022 be received.

152. Penistone Area Council - 1 December 2022

Moved by Councillor Barnard - Seconded by Councillor Wilson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 1 December 2022 be received.

153. South Area Council - 16 December 2022

Moved by Councillor Markham - Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on 16 December 2022 be received.

154. Cabinet - 16 November 2022

Moved by Councillor Sir Stephen Houghton CBE - Seconded by Councillor Lamb;
and

RESOLVED that the minutes as printed and now submitted of the proceedings of Cabinet held on 16 November 2022 be received.

155. Cabinet - 30 November 2022

Moved by Councillor Sir Stephen Houghton CBE - Seconded by Councillor Lamb;
and

RESOLVED that the minutes as printed and now submitted of the proceedings of Cabinet held on 30 November 2022 be received.

156. Cabinet - 14 December 2022

Moved by Councillor Sir Stephen Houghton CBE - Seconded by Councillor Lamb;
and

RESOLVED that the minutes as printed and now submitted of the proceedings of Cabinet held on 14 December 2022 be received.

157. Cabinet - 11 January 2023

Moved by Councillor Sir Stephen Houghton CBE - Seconded by Councillor Lamb;
and

RESOLVED that the minutes as printed and now submitted of the proceedings of Cabinet held on 11 January 2023 be received.

158. 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.

159. South Yorkshire Pensions Authority - 8 September 2022

RESOLVED that the minutes be noted.

160. South Yorkshire Pensions Authority (Draft) - 5 December 2022

RESOLVED that the minutes be noted.

161. South Yorkshire Mayoral Combined Authority Board - 14 November 2022

RESOLVED that the minutes be noted.

162. South Yorkshire Fire and Rescue Authority - 21 November 2022

RESOLVED that the minutes be noted.

163. Police and Crime Panel (Draft) - 5 December 2022

RESOLVED that the minutes be noted.

164. Questions by Elected Members

The Chief Executive reported that she had received the following questions from Elected Members in accordance with Standing Order No. 11.

a) Councillor Wilson

Following the government's recent announcement on house building targets. What will the impact be on the Council's area and local plans?

Councillor Frost, Cabinet Spokesperson for Regeneration and Culture, replied by stating that the announcement did not appear to change anything compared with the existing situation.

The reports merely related to the content of the Levelling Up and Regeneration Bill and until it became an Act of Parliament, it had no bearing on how things work. Even if it was enacted, it is likely that secondary legislation would be needed to set out how things will work in practice.

By way of supplementary question, Councillor Wilson asked how many properties were unoccupied in the borough attracting the council tax surcharge.

Councillor Frost, Cabinet Spokesperson for Regeneration and Culture, responded by saying that the information was not readily available but would be provided following the meeting.

b) Councillor P Fielding

As the number of looked after children in Barnsley continues to increase above the national average, all Councillors, as corporate parents, will wish to know about the placements of these children.

Can the Cabinet Member please say approximately how many looked after children are currently accommodated in each type of placement setting, and what the typical cost per child is to the Council for a place in each setting including;

- *Residential homes*
- *Foster Care*
- *Out of district accommodation*
- *Temporary B&B/hotel accommodation and other unregulated or unregistered settings*

Councillor Cave, Cabinet Spokesperson for Children's Services made Members aware that Looked After Children numbers were increasing in line with the national trend. However, Barnsley remained around the national average with 70 children per 10,000 and was not, an outlier.

Almost half of the children and young people were in Barnsley Council foster care, which was a strong position, but there were increasing numbers of children and

young people going into private placements, including independent foster agencies and residential provision. This was placing pressure on the placements budget.

The Council was developing a local sufficiency strategy that would focus on increasing local placements for children and young people.

Alongside this, investments were being made in more creative edge-of-care solutions to ensure that only those children and young people that needed to come into care did so.

The current position was as follows:

There were 149 in foster care with 128 of those in the borough, with 1 out of the borough, at an average cost of £415 per week. With reference to those in independent foster care, there was a total of 74, of which 32 were in the borough with 42 out of the borough, at an average cost of £892 per week. There were 24 in supported or semi-supported living, of which 6 were inside the borough and 18 out of the borough, at an average cost of £1,029 per week. 29 were in residential care, of which 7 were in the borough and 22 out of the borough, at a cost of £5,796 on average per week.

With regards to those in temporary B&B/hotel accommodation and other unregulated or unregistered settings, there were currently none in that position.

Councillor P Fielding asked a supplementary question whether all vulnerable children in Barnsley were identified as looked after children, given that Barnsley was in line with the national average which obviously included more prosperous authorities. Given we had lower numbers of looked after children than our statistical neighbours, did this indicate that Barnsley had children who had not been identified but should be looked after?

Councillor T Cave responded that this information was not currently available, but a written response would be provided.

c) Councillor Lodge

Despite numerous interventions, residents in Berneslai Homes managed Independent Living Schemes in the Worsborough Ward have been plagued by faults and failures with their heating systems, with the most recent issue being, accounts wiped of credit. At what point will there be a final resolution to this matter and should residents receive suitable compensation?

Councillor Frost, Cabinet Spokesperson for Regeneration and Culture, replied that there had been a number of issues throughout December with the district heating plant at two schemes in the Worsborough Ward. The schemes at Elm Court and Maltas Court had been experiencing heating outages intermittently throughout the period, affecting the homes connected to the system.

It had been agreed that while the issues with the heating plant were being resolved, the tenants would not be charged for their heating. Both systems were now working, and tenants' heating charges had restarted.

He added that the district heating plant had been replaced at Elm Court, and the district heating plant at Maltas Court was due to be replaced in the summer of 2023.

Switch 2, the Council's heat metering and billing provider, had confirmed that as of 25th January 2023, all credit balances at the time of pausing the charges had now been added back onto people's payment meters.

Councillor Lodge asked a supplementary question: whether the faults and failures could have been fixed sooner in a more timely process for the residents of Maltas and Elm Court.

Councillor Frost responded by saying they were fixed to the best of the Council's ability, as quickly as possible. Letters were sent to residents with updates on the situation, and temporary electrical heaters were also supplied during the period. Repairs were completed as quick as possible, and hopefully the situation had been rectified.

d) Councillor Denton

As part of its' Small Grants Programme, the government has announced that, from March 28th 2023 money will be made available to fund innovative local road safety projects, subject to successful application.

Is the Council intending to take advantage of this and what direction would the Cabinet Member give to other elected members wishing to put forward initiatives for their wards?

Councillor Higginbottom, Cabinet Spokesperson for Highways and Transportation, responded saying that the next round of the Small Grants Programme opened for application on 28 March 2023 and closed on May 4 2023.

The Council would assess the eligibility criteria and determine if any of the Council's existing or future road safety intervention schemes met the necessary grant criteria and would take these forward as part of business as usual.

If members had any suggested initiatives, it was recommended that they should get in touch with the Highways Service in the first instance.

By way of supplementary question Councillor Denton asked whether once the route forward had been identified, guidelines would be issued to Councillors to work with communities and groups to engage council resources, and whether council resources would be available to collaborate on putting together bids. A suggestion was made that learning from the process undertaken with regards to Levelling Up Bids, and what contributed to making a successful bid, be used as part of this process.

Councillor Higginbottom, Cabinet Spokesperson for Environment and Transportation, responded by saying that when the eligibility guidelines were published these would be available for all Members to review and consult. He reiterated that any schemes Members had in mind should be brought to the attention of The Highways Service.

e) Councillor P Fielding

Since the adoption of the Council's Advertising and Sponsorship Policy in 2019 how many potential advertisers or sponsors have been turned down because of the restricted criteria? Please break the numbers down by each of the restricted criteria.

Councillor Franklin, Cabinet Spokesperson for Core Services responded by stating that, since the policy was approved at Full Council in September 2019, there had been two recorded instances where potential advertisers or sponsors had not been able to proceed under the criteria of "affects public support for a political party, a person identified with such a party, or a point of view or question of political controversy."

There had been no other instances where the Council needed to apply the restricted criteria.

The policy was rebranded in 2022 with B2030 branding, with links to the new Council Plan and the High Fat, Salt and Sugar Policy guidance, though the criteria remained the same.

Councillor P Fielding in asking a supplementary question, noted that policy did restrict the advertising of high fat, salt and sugar foods and also applied to the sponsoring of hanging baskets for example. He posed the question that, if Nandos or a unit in Market Kitchen selling deserts, or a market stall selling sweets, would be allowed to sponsor a hanging basket?

Councillor Franklin, Cabinet Spokesperson for Core Services, responded by stating that Elected Members could not sponsor hanging baskets and wherever there was a potential issue regarding food outlets sponsoring them, this would not be allowed to go ahead. If there were instances where this had happened, these would be addressed.

165. Questions received from members of the public

The Council received five questions from members of the public, together with responses provided by the relevant Cabinet Spokespersons.

RESOLVED that the questions and responses be noted.

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Chair

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MEETING:	Full Council
DATE:	Thursday 23 February 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

The Mayor (Councillor Tattersall)

- Central Ward - Councillors Moyes
- Cudworth Ward - Councillors Hayward and Houghton CBE
- Darfield Ward - Councillors Markham, Osborne and Smith
- Darton East Ward - Councillors Crisp, Denton and Hunt
- Darton West Ward - Councillors T. Cave and Howard
- Dearne North Ward - Councillors Bellamy and Cain
- Dearne South Ward - Councillors Bowler, Coates and Danforth
- Dodworth Ward - Councillors P. Fielding, W. Fielding and Wray
- Hoyland Milton Ward - Councillors Franklin, Shepherd and Stowe
- Kingstone Ward - Councillors Mitchell and Williams
- Monk Bretton Ward - Councillors Green and Richardson
- North East Ward - Councillors Cherryholme, Ennis OBE and Peace
- Old Town Ward - No Councillors were present
- Penistone East Ward - Councillors Barnard and Wilson
- Penistone West Ward - Councillors Greenhough, Kitching and Lowe-Flello
- Rockingham Ward - Councillors Lamb
- Royston Ward - Councillors Makinson, McCarthy and Webster
- St. Helen's Ward - Councillors Leech and Platts
- Stairfoot Ward - Councillors K. Dyson and Shirt
- Wombwell Ward - Councillors Eastwood, Frost and Higginbottom
- Worsbrough Ward - Councillors Bowser, Clarke and Lodge

166. Declarations of Interests

Councillor Osborne declared a non-pecuniary interest in minute numbers 168 and 169 due to his position on Berneslai Homes Board.

The Mayor, Councillor Tattersall, declared a non-pecuniary interest in minute numbers 168 and 169 due to her position on Berneslai Homes Board.

Councillor Howard declared a non-pecuniary interest in minutes 168 and 168 due to her employment by Department for Work and Pensions.

Councillor Peace declared a non-pecuniary interest in minutes 168 and 169 due to his employment by Department for Work and Pensions.

Councillor Lodge declared a non-pecuniary interest in minutes 168 and 169 due to him being a tenant of Berneslai Homes.

Councillor Shepherd declared a non-pecuniary interest in minute 169 due to his and his wife's sponsorship of Barnsley Youth Choir.

167. Suspension of Standing Orders

Moved by Councillor Sir Steve Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED that Standing Order No 13 (5) of the Council be suspended in respect of the consideration of the Housing Revenue Account and Medium Term Financial Strategy items insofar as it relates to restrictions on Members speaking more than once.

168. Housing Revenue Account - 2023/24 Budget and Investment Proposals 2023-28 (Cab.8.2.2023/7)

Moved by Councillor Franklin – Seconded by Councillor Bowser; and

RESOLVED that:-

- a) the cost pressures on the HRA and efficiencies being proposed to mitigate these to support the longer-term investment needs of the housing stock be noted;
- b) the HRA Medium Term Financial Strategy (MTFS) as set out in paragraphs 2.20 be approved
- c) the Housing Revenue Account Draft Budget for 2023/24, as outlined in paragraph 2.22 and detailed in Appendix 1, including the proposed revenue investments totalling £1.1M, [Appendix 2, paragraph 2B refers], be approved, with any final amendments being delegated to the Cabinet Spokesperson for Regeneration & Culture and the Executive Director for Growth & Sustainability in consultation with the Cabinet Spokesperson for Core Services and the Service Director - Finance (S151);
- d) the acceleration of EPC and stock condition survey works to complete fully during 2023/24 be noted;
- e) a rent increase of 6.5%, which is under the Government's Rent Cap of 7% be approved;
- f) a non-dwelling rent increase in line with CPI be approved;

- g) both service charges and district heating charges will be subject to a separate review during 2023/24 be noted;
- h) the 2023/24 Berneslai Homes Management Fee totalling £15.453M [Appendix 2, paragraph 2C refers] be approved, with any final amendments delegated to the Cabinet Spokesperson for Regeneration & Culture and the Service Director, Regeneration & Culture in consultation with the Cabinet Spokesperson for Core Services and the Service Director -Finance (S151);
- i) the 2023/24 Berneslai Homes Management Fee for both Gypsy Sites, and the European Social Fund (ESF) Grant totalling £0.216M, both of which are charged to the Authority's General Fund [Appendix 2, paragraph 2D refers] be approved;
- j) the Core Housing Capital Investment programme for 2023/24 totalling £20.394M [£14.849M to maintain decency and £5.545M supplementary works] be approved, and the indicative programme for 2024/25 through 2027/28, outlined in paragraphs 2.24 – 2.25 be noted;
- k) the proposed capital schemes totalling £42.330M, subject to individual reports as appropriate, in line with the Council's governance arrangements [paragraphs 2.26 – 2.29 refer] be approved in principle.

169. Medium Term Financial Strategy 2023-26 (Cab.8.2.2023/6)

The 2023/24 Budget Proposals, and Council Tax Recommendations 2023/24 were moved by Councillor Franklin – Seconded by Councillor Bowser.

The following amendment was received in accordance with Standing Order No 8 was moved by Councillor Kitching – Seconded by Councillor Denton:

The Liberal Democrat group acknowledges with thanks the hard work of the finance team in again bringing forward a balanced budget, despite the ongoing challenges to funding imposed on local authorities by the government, and by global challenges including the current energy crisis.

As in previous years we recognise that this is a financially well managed council and that prudent decisions made by the finance team continue to allow the Council to remain in good financial shape.

Our amendment therefore does not seek to undermine the budget as a whole, but to bring an exciting and innovative solution to a key area of concern that we – and the communities we serve - believe requires more investment and prioritisation going forward.

We seek to tackle the borough's crumbling roads by improving the capacity, capability and quality of the pothole repairs programme.

We note:

- i. The current high reporting rate of potholes across the borough's roads is generating a great deal of work for the Highways team.
- ii. These traditional repair methods often leads to a need for frequent re-repairs, which is costly and inefficient as the temporary repair often washes out quickly, leaving the road in a worse state than before with additional loose debris.

- iii. The borough's roads need an extensive re-surfacing programme but this is not possible within the current financial envelope and cost of borrowing.
- iv. This leaves the council chasing its tail repeatedly trying to patch crumbling roads and falling behind schedule, as well incurring additional costs in insurance claims.

We further note:

- v. The recent innovation by Stoke on Trent City Council, who invested in a JCB Pothole pro at a cost of approximately £165-185k.
- vi. That this has allowed Stoke on Trent City Council, which in 2021 had the longest pothole repair times in the country – to permanently repair 3 years of potholes in just 4 months.

We therefore propose:

- a. That the council use some of this year's £2m Highways spend to purchase a JCB Pothole Pro machine or equivalent appropriate machine.
- b. The cost of additional materials needed for the significant increase in the number of potholes being repaired can be met from the efficiency savings this method brings as well as from existing highways budgets.
- c. That budget document recommendation p) is amended to include the phrase "but will prioritise purchase of, training on and maintenance of a JCB Pothole Pro or equivalent".
- d. That the Council's communications team run an online contest to name the Pothole Pro, similar to the recent popular gritting machine naming contest.

After a lengthy and full and frank discussion the Amendment was put to the vote and was lost.

In favour of the amendment, present at the time of voting

Councillors Crisp, Denton, P Fielding, W Fielding, Greenhough, Hunt, Kitching, Lodge, Lowe-Fiello and Wray.

Against the amendment, present at the time of voting

Councillors Bellamy, Bowler, Bowser, Cain, T Cave, Cherryholme, Clarke, Coates, Danforth, K Dyson, Eastwood, Ennis OBE, Franklin, Frost, Green, Hayward, Higginbottom, Sir Steve Houghton CBE, Howard, Lamb, Leech, Makinson, Markham, McCarthy, Mitchell, Moyes, Osborne, Peace, Platts, Richardson, Shepherd, Shirt, Smith, Stowe, Tattersall, Webster and Williams

Abstentions

Councillors Barnard and Wilson

The original motion was then put as the substantive motion and

1. 2023/24 Budget Proposals

RESOLVED:-

That the contents of the updated Medium Term Financial Strategy 2023-2026 be noted and:-

- a) that the report of the Service Director Finance (S151 Officer), under Section 25 of the Local Government Act 2003 at **Section 1** be noted, that the 2023/24 budget proposals be agreed and that the Chief Executive and Senior Management Team (SMT), in consultation with Cabinet Spokespersons, submit, for early consideration, detailed plans that ensure the Council's ongoing financial sustainability in 23/24 and beyond.
 - b) that the revised Medium Term Financial Strategy (MTFS) and Budget Forecast for 23/24 to 25/26 contained in the budget pack attached at **Section 2** (supported by the suite of background papers in **Sections 2a – 2d**) be noted and that these are monitored as part of the arrangements for the delivery of the MTFS.
 - c) that provision of **£35.4M** to cover anticipated demographic and other cost pressures in 23/24:
 - Pay (£9.0M),
 - Energy (£5.3M),
 - Children's Social Care including the development plan costs (£7.0M),
 - Adult Social Care including hospital discharges (£6.5M),
 - Homes to School Transport (£1.2M),
 - Waste Services (£0.9M),
 - Inflation on major contracts e.g., PFI (£3.1M),
 - Funding borrowing costs (£0.6M),
 - Investment in legal resource (£0.5M),
 - Investment in car parking (£0.5M),
 - Youth zone running costs (£0.8M).
- be approved for inclusion in the budget as identified at **Section 2**.
- d) that the budgetary provisions previously set aside in the 22/23 budget for demography, demand and energy costs totalling **£9.2M** be approved to be released to mitigate the above pressures.
 - e) that the specific Adult Social Care grant of **£2.1M** received in the 2022 Local Government Finance Settlement be used to contribute to the funding of inflationary pressures in the care sector.
 - f) that the increase in the Better Care Fund of **£1.9M** received in the 2022 Local Government Finance Settlement be used to fund the cost of hospital discharges.
 - g) that **£7.5M** of additional general social care funding received in the 2022 Local Government Finance Settlement be set aside pending further assessment of the emerging financial risks relating to Childrens and Adults Social Care.

- h) that reserves totalling **£5.5M** be used to further mitigate the pressures above, strictly on the basis of this being a temporary bridging strategy to permanently aligning ongoing spend and income over the MTFS planning period.
- i) that the proposed efficiency savings in 23/24 highlighted in **Section 2** and detailed at **Section 4a – 4e** be approved for implementation and that Members also note the development of a transformation programme to help deliver balanced budget positions over the medium term (24/25 – 25/26).
- j) that the Council's reserves strategy and updated reserves position at **Section 2b** be noted.
- k) that the proposed changes to the 23/24 fees and charges policy and accompanying schedule of charges set out at **Section 2d** be approved.
- l) that the cash limited budgets for each Service with overall net expenditure for 23/24 of **£230.4M** as highlighted in **Section 5a** be approved.
- m) that the 23/24 – 25/26 budget proposals presented at **Sections 5a – 5c**, be approved, subject to Cabinet receiving detailed implementation reports where appropriate.
- n) that the changes to the schools funding formula including the transfer of funding from the schools' block to the high needs block and the proposed 23/24 schools block budget as set out at **Section 5d** be approved.
- o) that the capital investment schemes totalling £12.4M (**Section 6 Appendix 1**), be included within the capital programme and released subject to receiving further detailed business cases where appropriate.
- p) that £2M is provisionally set aside for additional investment in repairing the borough's highways (principal roads / side streets) and released subject to receiving a further detailed report on plans for its use.
- q) that the Chief Executive and SMT, in consultation with Cabinet Spokespersons, be required to submit reports into Cabinet, as a matter of urgency, in relation to the detailed General Fund Revenue Budget for 23/24 on any further action required to achieve an appropriately balanced budget in addition to those proposals set out above.
- r) that the Chief Executive and SMT be responsible for managing their respective budgets including ensuring the implementation of all approved saving proposals.
- s) 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.
- t) that Cabinet and the Section 151 Officer be authorised to make any necessary technical adjustments to form the 23/24 budget.

- u) that appropriate consultation on the 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.

2. Council Tax 2023/24

RESOLVED that Council note the contents of Section 2a (23/24 Council Tax options) and approves that:-

- (i) in respect of the Council Tax 2023/24 calculations:
- (a) that the Council Tax Collection Fund surplus relating to Barnsley M.B.C. of £3.572M be used to reduce the Council Tax Requirement for 2023/24;
- (b) that the Band D Council Tax for Barnsley M.B.C.'s services be set at £1,705.57 which includes the cumulative special precept earmarked specifically for Adult Social Care of £222.81; and
- (c) that the Band D Council Tax for Barnsley M.B.C.'s area be set at £2,026.19 including the Police and Fire precepts* as set out in (ii)(c).
- (ii) that, in respect of the Council Tax 2023/24 declaration:
- (a) that it be noted that at its meeting of its Cabinet on the 11th January 2023 the Council made the following calculations for the year 2023/24 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 66,446.80 (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:-

TABLE 1				
Column	A	B	C	D = C / B
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	96.200	91.390	1,518.00	16.61
Cawthorne	605.900	575.605	24,320.00	42.25
Dunford	256.800	243.960	8,536.16	34.99
Great Houghton	654.400	621.680	27,669.00	44.51
Gunthwaite and Ingbirchworth	308.600	293.170	6,500.00	22.17
High Hoyland	68.900	65.455	-	-
Hunshelf	167.700	159.315	4,958.04	31.12

Langsett	106.400	101.080	3,964.38	39.22
Little Houghton	176.700	167.865	4,013.77	23.91
Oxspring	473.300	449.635	21,190.00	47.13
Penistone	4,471.100	4,247.545	196,789.00	46.33
Shafton	929.700	883.215	38,509.41	43.60
Silkstone	1,218.100	1,157.195	76,800.00	66.37
Stainborough	160.500	152.475	5,093.03	33.40
Tankersley	740.100	703.095	21,705.00	30.87
Thurgoland	799.100	759.145	12,600.00	16.60
Wortley	311.000	295.450	8,196.00	27.74
Barnsley and Other Non-Parish Areas	58,399.500	55,479.525		
Total	69,944.000	66,446.800	462,361.79	

(b) that the following amounts be now calculated by the Council for the year 2023/24 in accordance with Sections 31-36 of the “the Act”:-

- (1) £230,884,361.79 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) £113,520,000 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) £3,572,000 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) £113,792,061.79 being the amount by which the amount at (ii)(b) (1) above exceeds the aggregate of amounts at (ii)(b) (2) and (ii)(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) £1,712.53 calculated by the Council as being the amount at (ii)(b) (4) above (Item R in the formula in Section 31B (3)); all divided by the Council Tax base as highlighted in (ii) (a) (1) above (Item T in the formula in Section 31B (1) of the Act);
- (6) £462,361.79 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 (ii)(a) (2) above;
- (7) £1,705.57 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 (ii)(b) (5) above less the result given by dividing the amount at (ii)(b) (6) above divided by the amount at (ii)(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:-

TABLE 2	
Section 34(3) Calculation :	
Part of the Council's Area	
Parish of :-	£
Billingley	1,722.18
Cawthorne	1,747.82
Dunford	1,740.56
Great Houghton	1,750.08
Gunthwaite & Ingbirchworth	1,727.74
High Hoyland	1,705.57
Hunshelf	1,736.69
Langsett	1,744.79
Little Houghton	1,729.48
Oxspring	1,752.70
Penistone	1,751.90
Shafton	1,749.17
Silkstone	1,771.94
Stainborough	1,738.97
Tankersley	1,736.44
Thurgoland	1,722.17
Wortley	1,733.31
This table represents the Council Tax for Barnsley MBC plus Local Parishes for Band D only	

being the amounts given by adding to the amount at (ii)(b) (7) above the amount of the special items in (ii)(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.

TABLE 3

Section 36(1) Calculation :
Part of the Council's Area

Parish of :-	A-	A	B	C	D	E	F	G	H
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	£	£	£	£	£	£	£	£	£
Billingley	956.77	1,148.12	1,339.48	1,530.82	1,722.18	2,104.89	2,487.59	2,870.30	3,444.36
Cawthorne	971.01	1,165.22	1,359.42	1,553.62	1,747.82	2,136.23	2,524.63	2,913.04	3,495.64
Dunford	966.98	1,160.38	1,353.77	1,547.16	1,740.56	2,127.36	2,514.14	2,900.94	3,481.12
Great Houghton	972.27	1,166.72	1,361.18	1,555.62	1,750.08	2,138.99	2,527.89	2,916.80	3,500.16
Gunthwaite & Ingbirchworth	959.86	1,151.83	1,343.80	1,535.77	1,727.74	2,111.69	2,495.62	2,879.57	3,455.48
High Hoyland	947.54	1,137.05	1,326.56	1,516.06	1,705.57	2,084.59	2,463.60	2,842.62	3,411.14
Hunshelf	964.83	1,157.80	1,350.76	1,543.72	1,736.69	2,122.63	2,508.55	2,894.49	3,473.38
Langsett	969.33	1,163.20	1,357.06	1,550.92	1,744.79	2,132.53	2,520.25	2,907.99	3,489.58
Little Houghton	960.82	1,152.99	1,345.16	1,537.31	1,729.48	2,113.81	2,498.14	2,882.47	3,458.96
Oxspring	973.72	1,168.47	1,363.22	1,557.95	1,752.70	2,142.19	2,531.68	2,921.17	3,505.40
Penistone	973.28	1,167.94	1,362.59	1,557.24	1,751.90	2,141.22	2,530.52	2,919.84	3,503.80
Shafton	971.76	1,166.12	1,360.47	1,554.82	1,749.17	2,137.88	2,526.58	2,915.29	3,498.34
Silkstone	984.41	1,181.30	1,378.18	1,575.06	1,771.94	2,165.71	2,559.47	2,953.24	3,543.88
Stainborough	966.10	1,159.32	1,352.54	1,545.75	1,738.97	2,125.41	2,511.84	2,898.29	3,477.94
Tannersley	964.69	1,157.63	1,350.57	1,543.50	1,736.44	2,122.32	2,508.19	2,894.07	3,472.88
Thurgoland	956.76	1,148.12	1,339.47	1,530.82	1,722.17	2,104.88	2,487.58	2,870.29	3,444.34
Wortley	962.95	1,155.54	1,348.14	1,540.72	1,733.31	2,118.49	2,503.67	2,888.85	3,466.62
Barnsley and Other Non-Parish Areas	947.54	1,137.05	1,326.56	1,516.06	1,705.57	2,084.59	2,463.60	2,842.62	3,411.14

This table shows the total Council Tax for Barnsley MBC and local parishes (excluding Police and Fire Precepts). The charge for individual valuation bands is calculated as a proportion of a Band D property, as per Section 5 of the Local Government Finance Act 1992.

being the amounts given by multiplying the amount at (ii)(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 2023/24 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:-

	Total Precept	TABLE 4								
		Valuation Bands								
		A-	A	B	C	D	E	F	G	H
Precepting Authority:	£	£	£	£	£	£	£	£	£	£
South Yorkshire Fire Authority*	5,487,177	45.88	55.05	64.23	73.40	82.58	100.93	119.28	137.63	165.16
South Yorkshire Police Authority*	15,816,996	132.24	158.69	185.14	211.59	238.04	290.94	343.84	396.73	476.08

* subject to confirmation

- (d) that having calculated the aggregate in each case of the amounts at (ii)(b) (9) and (ii)(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 2023/24 for each of the categories of dwellings shown below:-

Section 30(2) Calculation :

TABLE 5
Valuation Bands

Part of the Council's Area

Parish of :-	A-	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£	£
Billingley	1,134.90	1,361.87	1,588.85	1,815.81	2,042.80	2,496.76	2,950.70	3,404.66	4,085.60
Cawthorne	1,149.14	1,378.97	1,608.79	1,838.61	2,068.44	2,528.10	2,987.74	3,447.40	4,136.88
Dunford	1,145.11	1,374.13	1,603.14	1,832.15	2,061.18	2,519.23	2,977.25	3,435.30	4,122.36
Great Houghton	1,150.40	1,380.47	1,610.55	1,840.61	2,070.70	2,530.86	2,991.00	3,451.16	4,141.40
Gunthwaite & Ingbirchworth	1,137.99	1,365.58	1,593.17	1,820.76	2,048.36	2,503.56	2,958.73	3,413.93	4,096.72
High Hoyland	1,125.66	1,350.79	1,575.93	1,801.05	2,026.19	2,476.46	2,926.72	3,376.98	4,052.38
Hunshelf	1,142.96	1,371.55	1,600.13	1,828.71	2,057.31	2,514.50	2,971.66	3,428.85	4,114.62
Langsett	1,147.46	1,376.95	1,606.43	1,835.91	2,065.41	2,524.40	2,983.36	3,442.35	4,130.82
Little Houghton	1,138.95	1,366.74	1,594.53	1,822.30	2,050.10	2,505.68	2,961.25	3,416.83	4,100.20
Oxspring	1,151.85	1,382.22	1,612.59	1,842.94	2,073.32	2,534.06	2,994.79	3,455.53	4,146.64
Penistone	1,151.41	1,381.69	1,611.96	1,842.23	2,072.52	2,533.09	2,993.63	3,454.20	4,145.04
Shafton	1,149.89	1,379.87	1,609.84	1,839.81	2,069.79	2,529.75	2,989.69	3,449.65	4,139.58
Silkstone	1,162.54	1,395.05	1,627.55	1,860.05	2,092.56	2,557.58	3,022.58	3,487.60	4,185.12
Stainborough	1,144.23	1,373.07	1,601.91	1,830.74	2,059.59	2,517.28	2,974.95	3,432.65	4,119.18
Tankersley	1,142.82	1,371.38	1,599.94	1,828.49	2,057.06	2,514.19	2,971.30	3,428.43	4,114.12
Thurgoland	1,134.89	1,361.87	1,588.84	1,815.81	2,042.79	2,496.75	2,950.69	3,404.65	4,085.58
Wortley	1,141.08	1,369.29	1,597.51	1,825.71	2,053.93	2,510.36	2,966.78	3,423.21	4,107.86
Barnsley and Other Non-Parish Areas	1,125.66	1,350.79	1,575.93	1,801.05	2,026.19	2,476.46	2,926.72	3,376.98	4,052.38
This table shows the total Council Tax for Barnsley MBC, local parishes and the Police & Fire Precepts									
The table is the sum of the total Council Tax for Barnsley MBC and local parishes (Table 3) and the precept amounts for the Police and Fire Authorities respectively (Table 4).									

- (e) that the Director of Finance (S151 Officer) 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 (S151 Officer) 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 2023/24, that Barnsley Metropolitan Borough Council's relevant basic amount of Council Tax for the year 2023/24 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.

- iii) additional one off cost of living support be provided to all eligible working age local council tax support claimants in Band 1 of the scheme, equivalent to an amount that reduces those claimant's council tax bills to zero for the 23/24 financial year.
- iv) additional one off cost of living support be provided to all eligible working age local council tax support claimants in Bands 2,3 & 4 of the scheme, equivalent to mitigating the full impact of the proposed 3.9% increase for 23/24 plus an additional £50 discount to further reduce the bills for all those eligible claimants.
- v) additional one off cost of living support equivalent to the 3.9% increase be provided to all eligible pensioners in receipt of council tax support, for the 23/24 financial year.

In favour of the motion, present at the time of votinbg

Councillors Barnard, Bellamy, Bowler Bowser, Cain, To Cave, Cherryholme, Clarke, Coates, Danforth, K Dyson, Eastwood, Ennis OBE, Franklin, Frost, Green, Hayward, Higginbottom, Sir Steve Houghton CBE, Howard, Lamb, Leech, Makinson, Markham, McCarthy, Mitchell, Moyes, Osborne, Peace, Platts, Richardson, Shepherd, Shirt, Smith, Stowe, Tattersall, Williams and Wilson.

Against the motion, present at the time of voting

Councillors Crisp, Denton, P Fielding, W Fielding, Greenhough, Hunt, Kitching, Lodge, Lowe-Flello and Wray.

There were no abstentions

3. Treasury Management Strategy & Policy Statement 2023/24

Proposed by Councillor Franklin – Seconded by Councillor Bowser; and

RESOLVED:- that Council approves the 23/24 Treasury Management Strategy and Policy Statement (included in the main papers at **Section 2c**) and specifically;

- a) approves the 23/24 Treasury Management Policy Statement (**Section 2c Appendix A**)
- b) approves the 23/24 Minimum Revenue Provision (MRP) Statement (**Section 2c Appendix B**)
- c) approves the 23/24 Borrowing Strategy at **Section 2c** including the full suite of Prudential and Treasury Indicators (**Section 2c Appendix C**).
- d) approves the 23/24 Annual Investment Strategy at **Section 2c**.

170. Distinguished Service Award for Elected Members

Moved by Councillor Lamb – Seconded by Councillor Howard; and

RESOLVED that:-

- a) the introduction of an elected Member Distinguished Service Award be approved;
- b) the proposed criteria for receipt be approved, namely:-
 - i. A currently serving Councillor with 30 years or more service as an elected Member of Barnsley Metropolitan Borough Council; and
 - ii. Who has made a notable contribution to the Borough over a sustained period of time;
- c) approval be given for the recognition of a presentation gift at a meeting of Full Council and invitation to attend the Annual General Meeting as an honorary attendee upon standing down as an elected Member

.....
Chair

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BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR OF GROWTH & SUSTAINABILITY

TITLE: LETTINGS POLICY 2023

REPORT TO:	Cabinet
Date of Meeting	8 February 2023
Cabinet Member Portfolio	Regeneration and Culture
Key Decision	Yes
Public or Private	Public

Purpose of report

This report presents the final draft of the new Barnsley Council Lettings Policy to be implemented in 2023/24. The new policy has been produced following an independent review by the Northern Housing Consortium and Campbell Tickell, development of the draft policy by the Lettings Policy Review Board and a full consultation process involving Members, Stakeholder Partners, and Service Users.

Council Plan priority

Healthy, Growing, Learning, Sustainable and Enabling Barnsley.

Recommendations

That Cabinet -

1. Endorse the final draft Lettings Policy, noting and supporting the areas of significant change, and resolves to recommend to Full Council with any minor amends to be delegated to the Service Director for Regeneration and Culture in consultation with the Portfolio Holder for Growth and Sustainability.
2. Notes and supports the Implementation Plan and Timescales for the adoption of the new Lettings Policy from 1st December 2023.

1. INTRODUCTION

- 1.1 The purpose of the Lettings Policy (in line with the Housing Act 1996 Part V1 (as amended by the homelessness Act 2012 and Localism Act 2011) is to set out clear guidelines to ensure that the Council's social housing stock and

nominations to Registered Providers is allocated fairly, according to housing needs of waiting list applicants and to meet the priorities of the Council. The implementation of the Council's Lettings Policy, and the assessment and lettings functions, are delegated to Berneslai Homes as the Arm's Length Management Organisation responsible for the management of the Council's housing stock.

- 1.2 The Council's Lettings Policy was last updated and adopted in November 2018. This was a light-touch refresh responding, in the main, to the Homeless Reduction Act 2017.
- 1.3 In March 2021, Cabinet endorsed a full review of the Council's Lettings Policy to be undertaken. This was in response to:
 - An increasing number of applicants joining the Housing Waiting List
 - A reducing number of properties available to let (turnover reduced by 25%).
 - An opportunity to generate efficiencies in service provision and improve the customer journey, responding to the Charter for Social Housing.
 - Increased waiting periods for applicants to be re-housed – across all priority bands.
 - Member requests to review the Policy considering the commencement of a new contract period (Service Agreement) with Berneslai Homes.
- 1.4 An independent review of the current policy was undertaken between April and September 2021 by the Northern Housing Consortium and Campbell Tickell. The review highlighted several recommendations to amend the existing policy to ensure that it better meets the needs of the residents of our borough. Cabinet Members were briefed on 17th November 2021; seeking support for the recommendations to be used as the basis to produce an updated Policy (and Implementation Plan) to enable further consultation with Tenants, Members and Partners in advance of adoption.
- 1.5 The key areas for review included:
 - Banding - reducing the number of bands, the priority groups within them (particularly who gets the most priority) and how non-bidding is dealt with.
 - A review of how the Council deals with under-occupation
 - A review of how the Council prioritises applicants under its Homeless Relief and Prevention duties
 - A review of access to the waiting list for those who can address their own housing need and those with no connection to the borough
- 1.6 In advance of presenting the outcome of the review to Cabinet, 3x All Member Briefing sessions were held in October 2021 to explain the areas that the review would further explore.
- 1.7 Cabinet endorsed the recommended areas for review and the establishment of the Lettings Policy Review Board to be chaired by the Portfolio Holder for Growth and Sustainability alongside his deputy and the portfolio Holder and

deputy for Communities (Cllr Jenny Platts and Cllr Brenda Eastwood - now Health and Adult Services).

1.8 The Review Board has met 3-weekly over the last 9 months, to review each key area and to inform the new policy. A copy of the draft policy document is attached at Appendix 1. In summary, the key amendments to the new policy include:

Key principle	Key amendment
Balance Supply and Demand	<ul style="list-style-type: none"> • Tighter qualification: <ul style="list-style-type: none"> • Limit access to owners, those with high income. • Must live in or have connection to qualify. • Annual lettings plan
Rehouse those in most need	<ul style="list-style-type: none"> • Reduced bands. • Priority award only where rehousing will have positive impact. • Highest need and no composite assessments. • Band 1 – limited to emergency only. • Reduced priority for those who can resolve needs. • Remove the 10% of lettings to waiting time only. • Applicants must proactively bid to remain on the list.
Make better use of stock	<ul style="list-style-type: none"> • Property matching – no spare bedrooms in family homes. • Single and couples can have 2 beds but only flats and bungalows. • Direct lets criteria enhanced – increased flexibility. • Bypass rules enhanced – ensure best use of stock and balance needs of applicant and existing communities
Quality advice and support	<ul style="list-style-type: none"> • Pre-application - Market place model to manage expectations. • Affordability assessments. • Tenancy ready advice and support plans - monitored.
Positive housing register management	<ul style="list-style-type: none"> • Reduced preference - in band demotions and priority discharge - manage those applicants not proactively managing their rehousing and “clogging” system. • Reduced preference – inactive bidding for those applicants not ready to move or incentivise positive behaviour change those previously suspended or excluded. • Limits on reasonable offers and unreasonable refusals. • More frequent reviews of priority cases • Tighter qualification rules and pre-registration checks
Transparency	<ul style="list-style-type: none"> • Enhanced publishing of data • BMBC assurance framework • Strengthened appeals, reviews, and complaints

1.9 Following the development of the draft Policy document, a robust consultation process has been held with Members, key stakeholders, and service users. A summary of how Berneslai Homes and the Council has met our legal and regulatory duties in relation to the consultation process, and summary of the consultations, is included at Appendix 2.

2. PROPOSAL

2.1 It is proposed that Cabinet endorse the final draft of the Lettings Policy, noting and supporting the areas of significant change, and resolves to recommend approval to Full Council. Further to the consultation noted in Appendix 2.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

3.1.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

3.1.2 This report seeks approval from Cabinet to endorse the final draft Lettings Policy which is, together with the associated functions, administered and delivered on the Council’s behalf, by Berneslai Homes.

3.1.3 The new policy will allow Berneslai Homes to better deploy its housing property resources by fundamentally reviewing the key drivers that allocate properties to residents and implement the necessary changes. Upon conclusion of the review, the associated policies in place for the following areas: eligibility bandings, under occupations, transfers, and allocations policy, will be updated accordingly.

3.1.4 The required resources for the implementation were identified as a priority investment and duly set aside through the 2022/23 Housing Revenue Account budget process. The resources detailed below have been paid to Berneslai Homes as part of the 2022/23 Management Fee.

<u>Investment & Other Policy Decisions</u>	2022/23 £
Lettings Policy Implementation	66,000
Income Services Modernisation	155,000
	221,000

3.1.5 Therefore, there are no direct financial implications as a result of this report.

3.2 Legal

3.2.1 Section 166A Housing Act 1996 requires that the Council must have a scheme (their “allocation scheme”) for determining housing accommodation priorities, and as to the procedure to be followed, in allocating housing accommodation.

3.2.2 In making a variation to that scheme the Council must have regard to their

current homelessness strategy and tenancy strategy; have regard to any Secretary of State guidance and comply with any regulations; and before adopting have sent copies to relevant registered social providers and registered social landlords

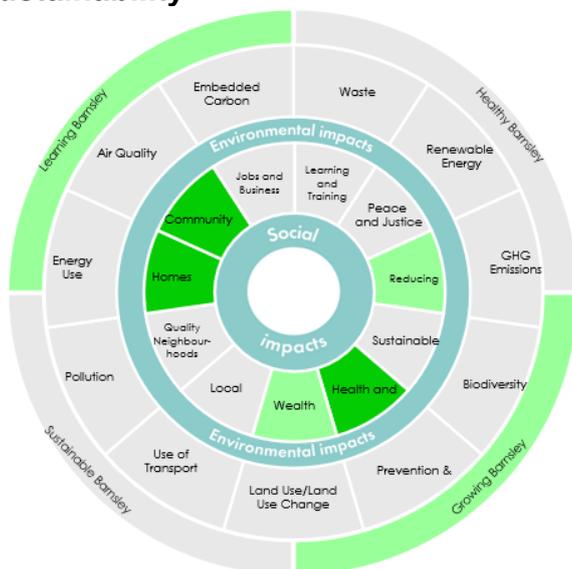
3.2.3 Appendix 3 sets out the legal and regulatory duties of the Council in consulting on changes to the Policy and the steps that both Berneslai Homes and the Council has taken to meet these.

3.3 Equality

3.3.1 The Equality Impacts have been highlighted and considered as an integral part of the policy development workshops. Given the importance of the Homeseeker Scheme, it was agreed by the Lettings Policy Review Board that an independent group of officers and involved tenants would undertake a full Equality Impact Assessment (EIA). A copy of the completed EIA is included at Appendix 4 and recommends that the policy is adopted. Key equality issues have focussed on the changes to the policy and only a light touch review of the technical equality impacts of customers accessing and using the Homeseeker Services as these equality issues have been subject to several Equality Impact Assessments with the most recent being in 2018. The main focus of the EIA has been:

- Impact of tighter restrictions for owner occupiers and those with higher incomes and those out of district without a local connection.
- Impact of changes to the bedroom and property matching rules.
- Pre assessment checks, verification and requirement for positive participation in a support and tenancy ready plan.
- Changes to a more proactive housing register management.
- Removal of the 10% waiting time only lettings.
- Changes to the review, appeals and complaints aspect.
- Impact of the enhanced direct lettings rules.

3.4 Sustainability



3.4.1 Whilst there are minimal direct environmental impacts in implementing the new policy, creating sustainable neighbourhoods which have good levels of community cohesion and resident pride reduces instances of fly-tipping, ASB and void turnover (which creates waste) and increases opportunities to make the best use of shared greenspaces, improve biodiversity and reduce waste. There are significant social impacts to adopting a new policy which makes the best use of properties to meet housing need and offers affordable accommodation to those that are unable to access housing on the open market. In turn, quality housing which best meets need requirements improves health and well-being.

3.5 Employee

3.5.1 There are no direct employee implications arising from this report. The additional resource required for the implementation of the new policy has been funded from the HRA and is referenced in the HRA Budget report 2023/24.

3.6 Communications

3.6.1 There have been no formal communications in relation to the new policy to date, outside of the consultation processes. A full comms plan will be produced jointly between the Council and Berneslai Homes relating to the implementation process. Officers are working closely with the Comms Team to ensure that we can respond positively to comms requests and media enquiries as well as to individuals, should Cabinet/Full Council agree to the adoption of the new strategy.

4. CONSULTATION

4.1 In advance of this report being submitted for Cabinet approval, 3x All Member Briefing sessions were held with Members to gauge their views on the proposed changes. A summary of comments/concerns was collated and has been re-circulated to Members alongside some frequently asked questions. Officers presented the Draft Policy and report to SMT and provided cabinet with a short presentation on the emerging policy. Appendix 3 details the full consultation process which includes sessions with our housing association partners and Tenant Voice Panel.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Do Nothing: This is not an option. Whilst the 2018 policy complies with legislative requirements, as a minimum, there are several amendments required to the layout and narrative (within document itself) that will strengthen the policy, improve transparency, and ensure that it remains fit for purpose.

5.2 'Light Touch' Review: Whilst it is possible to address the content and layout of the 2018 policy without making any significant changes to the policy itself, the review has identified a number of areas in which the Council can significantly improve how it allocates council stock within the borough to better meet housing need, meet the expectations of applicants and make the best use of administrative resources. Whilst this may impact on the eligibility/priority of

individual applicants, a policy review will ensure that the council is doing all it can to address the housing need of applicants; helping those in priority need to be adequately housed. All changes will be subject to a full Equality Impact Assessment.

6. REASONS FOR RECOMMENDATIONS

- 6.1 This report details the full review process that officers have undertaken and recommends that Cabinet endorse the final draft version of the policy and its progression to Full Council for approval.

7. LIST OF APPENDICES

Appendix 1: Final DRAFT Lettings Policy 2023
Appendix 2: Implementation Plan
Appendix 3: Consultation Summary (Appendix 3a summary of survey results)
Appendix 4: EIA

8. BACKGROUND PAPERS

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

9. REPORT SIGN OFF

Financial consultation & sign off	P DANFORTH 14/12/22
Legal consultation & sign off	Jason Field 12/12/2022

Report Author: Sarah Cartwright
Post: HOS Housing, Sustainability and Climate Change
Date:04/12/2022

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APPENDIX 1 – FINAL DRAFT LETTINGS POLICY 2023

Title	<i>The Barnsley Homeseeker Scheme</i>
Responsible Officer	<i>Sarah Cartwright, Head of Housing Sustainability and Climate Change</i>
Author	<i>Sarah Barnes, Head of Customer Services, Berneslai Homes</i>
Subject	<i>The Barnsley Homeseeker Scheme is a BMBC policy which sets out the rules for managing the Homeseeker Scheme and allocating council houses.</i>
Information Asset Owner	<i>The data is managed by Berneslai Homes and the IAO is Liam Davies, Lettings Manager</i>
Approved by	<i>BMBC Full Council</i>
Approved date	<i>XX/XX/XX</i>
Review date	<i>One year post approval date</i>
Review responsibility	<i>Liam Davies, Lettings Manager</i>
Applicable to	<i>All people applying to be rehoused by BMBC</i>
DPIA Completion Date	<i>Insert the Data Protection Impact Assessment completion date</i>
EIA Completion Date	<i>Insert the Equality Impact Analysis completion date</i>
Regulatory Framework	<i>Insert the regulation that applies to this policy</i>

Document Control

Revision History

Date	Version	Author	Comments
02/12/22	0.1	Sarah Barnes	<i>Draft version for consultation</i>
	1.0		<i>1.0 Date that the document was approved</i>
	1.1		<i>1.1, 1.2 and so on are any versions after approval that are consulted or draft reviews</i>
	2.0		<i>2.0 is the approval of the reviewed document.</i>

Consultation and distribution

Type	Details
Consultation	<i>Who has the policy been consulted with prior to approval</i>
Distribution	<i>Who should the policy be distributed to</i>

Part 1	Introduction	Page
1.1	The Barnsley Homeseeker Scheme	6
1.2	The Legal Framework	7
1.3	Right to Move	8
1.4	Allocation of a Tenancy	8
1.5	Data Protection	9
1.5.1	Right to Confidentiality	9
1.5.2	Right to Information	9
1.6	Equalities, Access, and Monitoring	10
1.7	Delays or interruptions to the scheme	10
1.8	Changes to the Allocation Scheme	11
1.9	Role of Elected Members	11
1.9.1	Formation, Development and Review of the Lettings' Policy	12
1.9.2	Sharing Local Knowledge	12
1.9.3	Representing the Interest of the Electorate and their Communities	12
1.9.4	Elected Members Role in Appeals and Reviews	13
1.9.5	Elected Members Role in Monitoring the Homeseeker Scheme	13
1.9.6	Information Provided to Elected Members	13
1.10	Statement on Choice	14
Part 2	The Barnsley Homeseeker Service	Page
2.1	Offering housing options and managing expectations	15
2.2	Using the Homeseeker Scheme	15
2.3	Preventing and managing crisis	16
2.4	Support to maintain a tenancy	16
2.5	Barnsley Registered Providers Framework	17
Part 3	Eligibility and Qualification	Page
3.1	Eligibility and Qualification	18
3.1.1	Special Arrangements for 16-18-year-olds	18
3.1.2	Non Eligible People from Abroad	18
3.2	Non-Qualifying Applicants	19
3.2.1	People who DO NOT Qualify to Appear on the Barnsley Homeseeker Scheme	19
3.2.2	Local Connection to the Borough	21
3.3	Exceptional or Mitigating Circumstances	21
3.4	Reassessment of Applicants who have not Qualified	22
3.5	Armed Forces Covenant	23

3.6	Safe Surrender Agreements	24
Part 4	Applications and Assessments	Page
4.1	The Application Process	25
4.2	Submission	25
4.2.1	Applicants without a fixed address	25
4.2.2	Joint Applicants	26
4.3	Verification	26
4.3.1	Proof Required	27
4.3.2	Household Splits	28
4.3.3	False Information	28
4.4	Assessment	28
4.4.1	Assessment of Housing Need	29
4.4.2	Homeless Assessments	29
4.4.3	Reduced Preference	30
4.4.4	Transfer Assessments	34
4.4.5	Child of Tenant	34
4.4.6	Priority on Health Grounds	34
4.4.7	Priority on overcrowding grounds	35
4.4.8	Carers	35
4.4.9	Care Leavers	36
4.4.10	Move On	36
4.4.11	Elected Members or Employees	36
4.4.12	Pitches for Gypsies and Travellers	37
4.4.13	Housing Priority Bands	37
4.4.14	Determination of Effective Band Date	39
4.4.15	Household Type and Property Size Allowed	40
4.5	Notification	45
4.6	Cancellation of Applications	45
4.7	Change in Circumstance	46
4.8	Deliberate or Worsening Circumstances	46
Part 5	Allocations and Lettings	Page
5.1	The Allocation Process	48
5.1.1	Types of Allocation Under this Allocation Scheme	48
5.1.2	Annual Lettings Plan	48
5.1.3	Supply and Demand Modelling	48
5.2	Property Identification	49
5.2.1	Direct Lets	49
5.2.2	Choice Based Lettings	50
5.2.3	Advertising the Property	50
5.2.4	Property Description	51
5.2.5	Local Letting Provision	52
5.2.6	Hard to Lets	52
5.2.7	Sensitive Lets	53
5.2.8	Housing with Support and Care	53

5.3	Expressions of Interest	53
5.3.1	Bidding for a Property	54
5.3.2	Assisted Bidding (Auto Bidding)	54
5.3.3	Grouped Bids	54
5.3.4	Retrospective Bids	55
5.3.5	Shortlisting	55
5.3.6	Direct Offers	57
5.4	Lettings	57
5.4.1	Offer of Accommodation	57
5.4.2	Withdrawing offers	58
5.4.3	Limited Offers	59
5.4.4	Reasonable offers and reasonable refusals	60
5.4.5	Viewing	61
5.4.6	Recording the Outcome of an Offer or Viewing	62
5.4.7	Publicising Lettings	63
5.5	Tenancy Sustainment	64
Part 6	Decisions, Reviews, Appeals and Complaints	Page
6.1	Decisions we make	66
6.1.1	How we inform applicants of decisions	66
6.2	Reviews	66
6.3	Homeseeker Scheme review	68
6.3.1	How often we review applications	68
6.3.2	How we manage the periodic review of applications	68
6.4	Statutory right to review	69
6.4.1	How to request a statutory review (Barnsley Homeseeker Scheme Reviews)	70
6.4.2	How we complete Barnsley Homeseeker Scheme reviews	70
6.4.3	What decisions can be made after a review	71
6.4.4	Informing an applicant of the decision after a review	71
6.5	Appeals and Judicial Review	72
6.6	Spontaneous review	72
6.7	Complaints	72
6.7.1	How to make a complaint	73
6.7.2	How we handle complaints	73
6.7.3	What happens during the investigation	73
6.7.4	Complaint resolution	73
6.7.5	Housing or Local Government Ombudsman	73
Appendices	Title	Page
A1	Barnsley Homeseeker Review Procedure	74
A2	RSL list	74
A3	List of Policies linking to the Barnsley Homeseeker Scheme	74

Part 1 - Introduction

A home is central to good health, wellbeing, educational opportunities, economic and social prosperity and developing strong family and community networks. Finding an affordable, safe, secure, and well-maintained home is essential for individuals and their families.

With limited availability of council housing in the Borough, and a high demand from people in housing need this Barnsley Homeseeker Scheme was approved by Barnsley Council on XX/XX/XX and is delivered on our behalf by Berneslai Homes.

The scheme sets out how we let council homes, allocate priority, and work with partners to deliver the following objectives.

- To adhere to relevant legislative and regulatory framework.
- To respond to housing need in the borough by making the best use of council housing and other available social housing.
- To give reasonable preference to meet the housing needs of those households in greatest need and prevent hardship to themselves or others.
- To support individuals in getting onto the Homeseeker Scheme and offer a pathway to successfully manage a social housing tenancy.
- To offer opportunity, give support, manage expectations, and give advice about other housing options to all applicants, but in particular to those households with lower needs and who are less likely to get a council house
- To work with other registered social housing providers in the borough, making best use of our nomination agreements and increasing access to registered providers waiting lists.
- To contribute to the development of balanced and sustainable communities.
- To create and, wherever possible, maximise choice for housing applicants.
- To provide flexible and affordable housing options which meet needs and expectations.
- To promote social inclusion.
- To minimise relet void periods.
- To minimise the incidence of difficult to let property.
- To promote and achieve equality of opportunity.
- To let council homes fairly in an open and transparent way.
- To assist Barnsley Council in meeting its other statutory and corporate responsibilities towards Barnsley residents.

1.1 The Barnsley Homeseeker Scheme

The Barnsley Homeseeker Scheme sets out the following.

- How the Barnsley Homeseeker Scheme works.
- How we assess customers' housing needs.
- How we offer choice and let our homes.
- How we nominate people to registered providers with homes in the borough.

A comprehensive and transparent Code of Guidance and easy to understand information supports the scheme.

All lettings of council homes and nominations to Registered Social Landlords with homes in the Borough(RSLs) (2.2) will be made in accordance with this scheme.

1.2 The Legal Framework

The Barnsley Homeseeker Scheme is consistent with legislative requirements as follows:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- The Statutory Code of Guidance on the Allocation of Accommodation June 2012.
- The Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1869).
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294, and all subsequent amendments
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 SI 2019/861’
- Equality Act 2010.
- Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
- Care Act 2014
- Human Rights Act 1998
- Domestic Abuse Act 2021
- Any other relevant legislation and government guidance.

The Barnsley Allocation Scheme supports the Council’s corporate objectives, Tenancy Strategy and Tenancy Policy.

The scheme is supported by a range of procedures which give more detailed guidance to staff on the application of the scheme.

The scheme has links to other Barnsley Homes Policies as referred to within this scheme and listed in Appendix 3

1.3 The Right to Move

To meet the requirements of the Right to Move statutory guidance (The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967)) we aim to let no more than 1% of our available homes to social housing tenants from outside the Barnsley borough who need to move for employment purposes.

We will publish performance against this requirement on Berneslai Homes website.

1.4 Allocation of a tenancy

An allocation of a tenancy will be made under the terms of this scheme in the following ways:

- When we select a person from the Homeseeker Register to be a secure, flexible, or introductory tenant for a Barnsley Council home.
- When we transfer an existing Barnsley Council tenant on the Homeseeker Register to a different Barnsley Council home.
- When we nominate a person to be an assured or assured shorthold tenant of a housing association or other private registered provider of social housing in the borough. This includes tenancies let at an affordable rent.

In certain situations, the rules of the Barnsley Homeseeker Scheme do not apply and lettings will be made outside of the scheme. These are summarised below:

- A person succeeds in law to the tenancy on the death of the secure, flexible, or introductory tenant.
- A person is assigned the tenancy or the tenancy is transferred in a mutual exchange.
- A secure, flexible, or introductory tenant assigns the tenancy to someone who would be qualified to succeed on death.
- A non-statutory succession is granted following the death of the tenant.
- A property adjustment order is made in matrimonial proceedings or under the Children's Act 1989.
- A joint tenancy is ended and it is fair and reasonable to create a sole tenancy (See our joint to single policy).
- An introductory tenant is granted a secure or flexible tenancy following the end of their introductory tenancy.
- A secure tenancy is granted at the end of a flexible tenancy (See our flexible tenancy policy).
- A person is provided suitable alternative accommodation under section 39 of the Land Compensation Act 1973.
- A former owner-occupier or tenant of a defective dwelling that Barnsley Council has repurchased is offered a secure tenancy.
- A tenancy is offered to a family intervention tenant.

1.5 Data Protection

In delivering the Barnsley Homeseeker Scheme we will meet the requirements of the Data Protection Act 2018.

The information of all new, current, housed or otherwise former applicants will be:

- processed in a fair and transparent manner;
- stored safely;
- collected only for specific and legitimate for the purpose;
- kept up to date and disposed of in line with our retention policy; and
- shared only with other organisations for legitimate processing, the prevention of fraud or with the applicant's explicit consent.

An applicant's permission to share their personal information is a qualification condition of being accepted onto the Homeseeker Scheme.

The privacy notice in respect of the Barnsley Homeseeker Scheme is developed by Berneslai Homes and is available on their website:

<https://www.berneslaihomes.co.uk/information-and-privacy/>

1.5.1 Right to Confidentiality

With the exception of lawful sharing of data under the terms of the Barnsley Homeseeker Scheme, we will not divulge (without their consent) information about a housing applicant. This includes the fact that they are an applicant.

1.5.2 Right to Information

An applicant has the right to see information held about them in respect of any application they have made under the Barnsley Homeseeker Scheme. We will provide this information within 30 calendar days of their request and it will be free of charge.

Where we make a decision about an applicant, we will tell them in writing within 10 working days of making the decision. We will explain the basis for the decision, what this means for them and how they can ask for a review of any decisions. (See Part 6)

We will provide a range of freely available and easy to understand information on Berneslai Homes website to help applicants make informed choices about the housing. This includes:

- The types and number of properties we own in the Borough.
- The rules around who is eligible for these homes.
- A summary of the lettings made by priority bands.
- A summary of lettings made outside of the Barnsley Homeseeker Scheme.
- A summary of the nominations we have made.

Where an applicant cannot easily and reasonably use the website, we will offer this information in alternative formats.

1.6 Equalities, Access, and Monitoring

The Barnsley Homeseeker Scheme recognises, respects, and responds to the needs of

diverse individuals and communities and ensures all applicants can easily access the scheme, in particular those with vulnerabilities or other specific needs.

The scheme is fully compliant with equality laws and was subject to an equality analysis before it was implemented. We will continue to monitor the equality impact of the scheme and if we find evidence of discrimination, we will review and change the allocation scheme (see section 1.8).

By equality laws, we mean those covering people with the following protected characteristics.

- Age
- Disability
- Gender
- Gender identity
- Marriage and Civil Partnerships
- Pregnancy and maternity
- Race, colour, and national and ethnic origin
- Religion and belief
- Sexual orientation

To identify and assess the needs of our applicants, our application process asks specific questions relating to protected characteristics. We use this information to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments.

The Barnsley Homeseeker Scheme enables all eligible applicants to access the Homeseeker Register. It ensures we assess all applicants for housing on the basis of their individual needs. In addition, our assessment will identify any special requirements, so that we can remove potential barriers. For example, language barriers, barriers in making bids for vacant homes due to learning difficulties, visual impairments, mental health issues, or any other reason.

Where, in this policy, we refer to advising applicants 'in writing', we will ensure that, wherever possible, we use an alternative or preferred method to remove communication barriers. This could include large print, telephone, or face to face interpreting (including British Sign language), email and verbal communication.

1.7 Delays or interruptions to the scheme

We will not be liable for any delay or interruption in meeting our obligations under The Barnsley Homeseeker Scheme where circumstances beyond our control prevent us from doing so. This includes but is not limited to strikes or other industrial disputes, adverse weather, pandemic, epidemic, act of terrorism, war, riot, civil commotion, malicious accident, breakdown of plant or machinery, fire, flood, storm or other adverse weather conditions or default of third parties.

Where such events occur, we will provide reasonable action and notification to customers.

1.8 Changes to the Allocation Scheme

We reserve the right to change Barnsley Homeseeker Scheme in the following circumstances.

- Where there is new legislation.
- Where there are new working arrangements within the council or Berneslai Homes.
- Where equality monitoring highlights negative impacts.
- Where there is a need to expand or change the scheme to meet changes in housing need or stock availability.
- Where there are other significant changes within the borough which is affected by this scheme or which affects this scheme.
- Where there has been judicial review which affects the legality of any aspect of the scheme.

The table below sets out the approval route we will follow when we need to make changes.

Dependent upon the scope and impact of the changes this may also require partner and public consultation as dictated by law and direct contact with affected applicants.

Type of change	Approval route
Major change	Full Council
Minor change/limited impact	BMBC Cabinet
Minor Change/high impact	Full Council
Local Lettings Plan	BMBC Cabinet and Local Ward involvement
Process change	BMBC Communities DMT

In all instances of change we will undertake the following:

- Equality Impact Assessment
- Data Protection Impact Assessment
- Legal assessment
- Regulatory assessment

We will publicise changes to the scheme on Berneslai Homes' website and where relevant direct to applicants. Where required under law we will complete relevant consultation and inform applicants of the changes and how they affect them.

1.9 Role of Elected Members

Elected Members have the following role to play in the letting of council homes.

- Forming, developing, and continually reviewing the Homeseeker Scheme (1.9.1).
- Sharing local knowledge. (1.9.2)
- Representing the interests of the electorate and their communities. (1.9.3)
- Assisting applicants who have exercised their right to a review. (1.9.4)
- Monitoring performance. (1.9.5)

1.9.1 Formation, Development and Review of the Lettings' Policy

To ensure this role is effective, the following activity will take place.

- Where requested, a senior designated officer of Berneslai Homes or Barnsley Council will attend meetings with Elected Members to discuss general issues around the management of the Homeseeker Scheme.
- Where, there is a need to make a very sensitive letting where designated senior officers in Berneslai Homes and BMBC cannot reach a decision on the allocation, Berneslai Homes may consult the Cabinet Spokesperson responsible for housing to request they contribute to the decision.
- Where there is a need to amend the property-matching rules substantially and permanently, for either an individual property or range of properties. Berneslai Homes will consult local ward councillors before asking for approval from BMBC (1.8)

1.9.2 Sharing local knowledge

It is important that local knowledge is shared to ensure that the Barnsley Homeseeker Scheme meets its aim of supporting sustainability and balance within our communities. Elected Members have good local knowledge and an obligation to support both the individual and collective needs of their community.

Members may share information and raise concerns about a location or particular vacancy, where doing so will ensure that sustainability and balance of communities.

Members may advise officers of any substantive and supported information about a member of the public who they believe may be on the Homeseeker Register.

Where Members raise concerns, officers will investigate this information in line with Berneslai Homes Elected Member Enquiry Protocol and the Homeseeker Scheme.

Members have the right to raise issues about the management of new tenancies and the management of the Homeseeker Scheme. Performance information, as outlined in 1.9.5, will assist members in monitoring the effectiveness of the policy and will allow members to raise concerns.

1.9.3 Representing the interest of the electorate and their communities

Elected Members have an important role within the community. Elected Members have good local knowledge and an obligation to support the individual and collective needs of their community.

The public may approach their Elected Members for advice in getting on the Homeseeker Register and/or to ask for assistance in respect of their housing application.

Officers will respond to any member referrals in accordance with the standard protocols, and by following the terms of the Barnsley Homeseeker Scheme.

- If asked to do so by the applicant, an Elected Member can advise Berneslai Homes Officers about an applicant's interest in a vacant property. The interest will be actioned by staff in line with the policy. If the applicant is successful, we will contact the applicant in the same way as if they had made direct contact.

- Elected Members may make referrals on behalf of a client regarding their status or priority on the register. Officers will respond direct to the applicant and (with the applicant's permission) will copy the response to the elected member.

Officers will consider any referrals made by Members the in line with the terms of the Homeseeker Scheme.

1.9.4 Elected Members Role in appeals and reviews

Elected Members have no decision-making role in the Appeal and Review Process (Part 6) They can, however, provide information to support the customer and/or represent customers at review meetings.

1.9.5 Elected Members Role in monitoring the Homeseeker Scheme

Elected Members as part of their local electorate duties, do not receive nor are actively involved in monitoring performance or impact of the scheme. They can ask Berneslai Homes to supply local performance information to help them fulfil their roles. Information provided would not be at an individual address level, but would summarise overall performance in line with the Homeseeker Scheme. We aim to provide this information within 10 working days.

Elected Members may receive periodic updates from BMBC on the impact of the Homeseeker Scheme in meeting its objectives.

Cabinet Members with portfolio responsibilities will be more routinely and actively involved in monitoring the impact of the scheme and supporting any necessary scheme reviews and amendments.

1.9.6 Information provided to Elected Members

Elected Members have access to the online weekly vacancy advert and on request they can be included in any general lettings e-bulletins sent to applicants.

Elected Members have access to all publicly available information regarding lettings made and stock owned via Berneslai Homes' website, this includes the interactive supply and demand tool.

1.10 Statement on Choice

The Barnsley Homeseeker Scheme is a fully choice based lettings scheme which means applicants can choose where and what property types to apply for. Vacant homes are advertised on Berneslai Homes' website.

To make the best use of our stock we have rules around the type of property an applicant is eligible for and this includes property type and bedroom numbers (see Part 4.4.15) We advise applicants of their property eligibility when they join the register and at such times as there are changes to their application or the scheme rules. We also advise applicants of the impact of limiting their property type and areas of choice and that unrealistic limiting can have an impact on their priority banding.

We may reduce an applicant's choice of property type and area to reduce risk to them or the community (5.2.1)

Applicants not making bids for or refusing suitable vacancies may have their rehousing preference reduced (4.4.3). Whilst this does not remove their choice, it will give them less preference for any vacancies they apply for.

We may reduce choice for high priority applicants by making a direct offer (5.2.1).

We may also reduce choice for applicants owed a homeless duty under Part 7 of the Housing Act 1996 and BMBC Housing Options may make them a direct offer of suitable accommodation to discharge our duties (5.2.1).

In some instances, we may not advertise a vacancy and make a direct let to a specific applicant. (5.2.1)

Part 2 – The Barnsley Homeseeker Service

The Barnsley Homeseeker Scheme sets out rules about how we allocate council housing and nominate to RSLs. However, we recognise that we cannot meet the needs of every applicant with the timely allocation of a council or RSL home, and not every applicant will be eligible for and/or qualify for inclusion on the Homeseeker Register.

This Homeseeker Scheme is supported by a front- end Homeseeker service which offers the right advice and support to applicants in finding their long-term home. This is our service offer:

- Applicants are aware of their housing options at the earliest opportunity and we manage their expectations.
- Applicants know how to use the service and we support those having difficulties.
- Applicants are connected with other agencies to prevent and respond to crisis.
- Applicants in need of support to maintain a tenancy are identified and a tailored support package is developed to ensure that they have the best possible chance of managing a successful tenancy.

The following outlines the service offer which supports the Barnsley Homeseeker Scheme.

2.1 Offering housing options and managing expectations

With reduced supply of council homes and increased demand from those in need, council housing isn't a realistic option for many residents wanting a home. The following is our commitment to raise awareness of all housing options and manage the expectations of those wanting council housing.

- We will promote and signpost people wanting housing to Berneslai Homes' website which provides a gateway to information about a range of housing options within the borough including council housing, RSL homes, private landlords and low-cost home ownership schemes. We will do this using a range of media.
- Before completing an application for the Homeseeker Scheme, we will encourage applicants to use our interactive Supply and Demand tool which provides information about the number and type of homes we manage, how often they become available and the estimated wait time for applicants by type and priority band.
- We will offer a telephone interview with a Homeseeker Assistant for any applicant thinking of applying to the Barnsley Homeseeker Scheme and who needs advice or guidance.
- When Berneslai Homes receive an application to join the Homeseeker register, they will make contact with the applicant to discuss and manage their expectations and the other options available to them.

2.2 Using the Homeseeker Service

- The Homeseeker service is an online service where applicants can search and apply for vacancies and keep their application up to date.
- We will give assistance to those who find the self-service portal difficult to use.
- Any member of the public can create an account to view available properties on our online portal. Only applicants accepted onto the register can bid.

2.3 Preventing and managing crisis

BMBC Housing Options are responsible for the assessment and discharge of duties to homeless or potentially homeless persons under part 7 of the Housing Act 1996. This can be (but is not always) achieved through an allocation under the Barnsley Homeseeker Scheme.

[Barnsley Council's Homeless and Rough Sleeping Strategy](#) sets out how they support those facing or in crisis. Information about the Housing Options Service is available on [BMBC's Website](#) and this includes:

- How they prevent homelessness
- How they assess and fulfil their duties under Part 7 of the Housing Act 1996
- How they support people with excellent quality Temporary Accommodation that meets the applicant's needs and minimises the use of Bed and Breakfast accommodation.
- How they support people to help find a longer-term home
- How they offer wraparound support for those who need more than just a roof

We recognise that people facing crisis may not always know which service to contact and so BMBC Housing Options and Berneslai Homes are committed to working together to ensure that those who are homeless or facing homelessness have easy access to support and advice, whichever service they access first.

This is Berneslai Homes commitment under the Barnsley Homeseeker Scheme to support homeless people owed a duty under Part 7 of the 1996 Housing Act:

- Berneslai Homes will make referrals to BMBC Housing Options where they are approached by a person who they believe are owed duties under part 7 of the Housing Act 1996 and who has not already been assessed by Housing Options.
- Berneslai Homes will prioritise the assessment and registration of applicants onto the Barnsley Homeseeker Register who are owed duties under part 7 of the Housing Act 1996.
- Berneslai Homes will involve BMBC Housing Options in any decision where they are minded to reject an application to the Homeseeker Scheme on the grounds that they do not qualify.
- Berneslai Homes will keep in regular contact with BMBC Housing Options in respect of any applicant on the Homeseeker register who is owed duties under part 7 of the Housing Act 1996 – this includes sharing information about bidding, refusing, and accepting offers or any information which may affect the discharge of duties, and also those applicants in the reduced preference category.

2.4 Support to maintain a tenancy

Not every applicant will be ready for rehousing when they first apply to join the Homeseeker Scheme and we are committed to making sure applicants are ready for rehousing by supporting them to build resilience and tenancy management skills.

Berneslai Homes will assess an applicant's ability to maintain a tenancy at the initial application stage. Where there are concerns the Homeseeker Service will work with the

applicant and other support agencies to put in place a rehousing support plan. It may be that the applicant is placed in an inactive bidding category (4.4.3) until such time as they are ready to maintain a tenancy.

Those applicants who need continued support will be rehoused with a personalised rehousing support plan.

2.5 Barnsley Registered Providers Framework

We have negotiated nomination agreements with Registered Social Landlords (RSLs) that have accommodation for rent in the borough. The RSLs we work with are listed in Appendix 2.

This works as follows:

- Step 1** The RSL lets us know they have a vacancy.
- Step 2** We advertise the vacancy.
- Step 3** Applicants on our Homeseeker Register apply in the same way as they do a council home.
- Step 4** We nominate interested applicants who match the property and in priority order.
- Step 5** The RSL decides about the letting and any offer will be subject to the individual provider's policies and procedures.
- Step 6** The RSL advises us of the outcome of the nomination.

In general terms we have 100% nomination right for any new developments an RSL builds and then 50% for any subsequent vacancy the RSL has.

The Homeseeker Scheme refusal rules (part 5.4.4) applies to registered provider's nominations.

Where an applicant successfully obtains a home from a registered provider through the nomination process, we will cancel their housing application (4.6).

Barneslai Homes website provides up to date information about RSL homes in the borough and also information about how to apply to join their own rehousing register.

Part 3 – Eligibility and Qualification

3.1 Eligibility and Qualification

The Barnsley Homeseeker Register is a list of applicants who have a right to apply for social housing and are either residents in the borough or who reside outside the borough and are eligible through a local connection for inclusion on the register. It includes general applicants (those not currently a Barnsley Council Tenant) and transfer applicants (those currently a Barnsley Council tenant).

However, there are two categories of applicant who we **do not** allow onto the Homeseeker Scheme:

- People from abroad who are not legally eligible to apply for social housing (see 3.1.2).
- People we class as non-qualifying (see 3.2).

3.1.1 Special Arrangements for 16-18-year-olds

The minimum age for inclusion on Barnsley Homeseeker Register is 16. However, people under 18 cannot legally hold a tenancy.

We will only allocate a tenancy to an applicant under 18 where they are in a priority need category (**bands 1 and 2**) and where they have been assessed as being able to maintain a tenancy with or without support. The decision to grant a tenancy to a person under 18 must be authorised by a Barnsley Homes Head of Service or Executive Director.

- If an applicant is owed a duty in the Children Act, Children's Services will act as a guarantor and a tenancy will be held in trust by them until they reach 18. This will be subject to an applicant being able to live independently and manage their tenancy. Children's services will need to provide a support package to prevent the risk of losing the tenancy.
- If an applicant is not owed a duty under the Children Act, we may still offer a tenancy, but only where they can provide a suitable person to act as a guarantor such as a parent, legal guardian or relative. The guarantor accepts responsibility for the tenancy whilst the tenancy is held in trust until the applicant reaches 18.

3.1.2 Non eligible people from abroad

Section 160ZA of the Housing Act 1996 sets out the following category of applicant who are not eligible for social housing. The following category are not eligible:

- People who are subject to immigration control within the meaning of the Asylum & Immigration Act 1996 or any subsequent Immigration legislation.
- People from outside the United Kingdom who fail the habitual residence test.
- People who do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man, or the Republic of Ireland).
- People who do not have the right to live in the UK.
- People from outside the United Kingdom who are in breach of, or whose residence does not comply with, European Union Rights of Residence Directive and Statutory Instruments.

- People from abroad who the Secretary of State determines are ineligible.

If we receive applications from people in the above categories we will inform them, in writing, that they are not eligible to appear on the Homeseeker Scheme. We will do this within 10 working days of the decision being made and they have the right to ask for a review of that decision (See Part 6).

3.2 Non qualifying applicants

Once a person can demonstrate that they are eligible for social housing, we have the right under section 160ZA (7) of the Housing Act 1996 to determine rules of other categories of applicants who qualify or do not qualify to appear on the Barnsley Homeseeker Register.

The following section outlines those rules.

3.2.1 People who DO NOT qualify to appear on the Barnsley Homeseeker Scheme.

These are the following **key principles** that we have considered when setting out who we do not allow onto our Homeseeker Scheme:

- Social housing should be allocated in the first instance to those people who cannot afford housing in the private sector or who do not have the financial means or ability otherwise to resolve their housing needs.
- Social housing in Barnsley is in high demand and should be for those people living in or with a connection to the borough (as set out in 3.2.2) unless we have any other statutory duty to secure their housing.
- Social housing tenants should be able to successfully maintain a tenancy (with or without support) and should be able to live harmoniously and make a positive contribution to their communities.

The following applicants, subject to an assessment of exceptional and mitigating circumstances (see 3.3) will **not** be allowed onto the Barnsley Council Homeseeker Scheme:

1. An applicant who has held their current social housing tenancy for less than 12 months unless their circumstances have changed since their tenancy started and the home is no longer suitable.
2. An applicant or a member of their household who have the independent financial means to purchase another home which meets their needs.

Independent financial means includes the following:

- Income from employment and/or pensions.
- Savings.
- Equity in a property they own or part own. We take into account any equity from property gifted by the applicant or a member of their household in the last 7 years.
- Other assets or investments (even if they are not immediately available to the applicant).

We do not allow homeowners onto the register unless they have insufficient financial means to purchase a home that we determine meets their needs or the ability adapt their home (with or without grants) to meet their needs.

We will make exceptions where the application is for housing in Independent Living Schemes (see section 5.2.8) and some housing for older people and they will benefit from this type of accommodation, or where the property is advertised under our low demand direct let scheme.

Where we accept an owner occupier or applicant with high income, assets, or savings onto the register and we determine that they can meet their rehousing need in other ways, we will place them in Band 4.

We disregard any lump sum received by a member of the armed forces as compensation for an injury or disability on active service.

3. An applicant from outside of Barnsley without a local connection as set out in 3.2.2 (unless we owe them homeless duties under Part 7 Housing Act 1996 or they are moving to work in the borough who are applying under the Right to Move Scheme).
4. An applicant under 18 not in priority need and who does not have a guarantor and cannot show they will be supported in a tenancy where we assess that support is needed to sustain a tenancy.
5. An applicant, or a member of their household, who have been evicted for rent or mortgage arrears and have not had a settled period of a minimum of six months nor met the criteria for reassessment.
6. An applicant, or a member of their household who cannot demonstrate that they have a rent or mortgage account which is less than 4 months in arrears. This is irrelevant of whether they pay their rent or mortgage in full, are on partial housing benefit or the housing element of Universal Credit. We will make exceptions in respect of housing benefit/ housing element of Universal Credit an exception may be made if they have provided the information required and their claim is being assessed. Where an applicant has arrears, we will consider whether there are any reasonable circumstances beyond their control which have resulted in those arrears.
7. An applicant or a member of their household has made a fraudulent claim for housing and/or housing benefit or committed social housing fraud in the last 5 years or longer where they have not repaid the fraudulently obtained funds or have any related unspent convictions.
8. An applicant, or a member of their household, has caused damage to a property and been charged for damages and/or recharges and/or court costs of over £1000.
9. An applicant, or a member of their household, or has been evicted for anti-social behaviour or unacceptable behaviour and there has been no demonstrable evidence of behaviour change in settled accommodation.
10. An applicant, or a member of their household or visitors are causing anti-social behaviour in their home or neighbourhood, and they are subject to breach of tenancy action by their landlord or where they are not tenants are subject to other forms of legal action by the Council or police because of that behaviour.
11. An applicant, or a member of their household, have unspent criminal convictions

which would make them unsuitable to be a tenant.

12. An applicant who is currently in the process of exercising their Right to Buy of their existing social housing property.
13. An applicant whose application we have cancelled in the last 2 years as a result of them:
 - not bidding (4.6)
 - unreasonably refusing more than the allowed number of reasonable offers (5.4.4); or (where they were in the inactive bidding category)
 - failing to take the necessary action to become an active applicant (see 4.6).

3.2.2 Local Connection to the Borough

A person has a local connection in the following circumstances.

- They have lived for 3 out of the last 5 years in Barnsley or have lived in Barnsley for 6 months out of the last 12 months.
- They are currently employed in the Barnsley area.
- They have close family who have lived in Barnsley for 3 out of the last 5 years or have lived in Barnsley for 6 months out of the last 12 months. Close family are parents, grandparents, sons and daughters and siblings
- Members of the Armed Forces and former service personnel, where the application is made within five years of discharge from HM Forces.
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or civil partner
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partly attributable to their military service.
- They have other special circumstances that connect them to Barnsley.
- They have been deemed to have a local connection under current homelessness law.

If a person has a local connection they are assessed as if they lived within the borough and as such can be awarded priority in Bands 1 to 4. Applicants awarded priority under Homelessness Duties (Part 7) by another local authority will not benefit from priority for the same reasons on the Barnsley Homeseeker Scheme.

3.3 Exceptional or Mitigating Circumstances

We assess each application individually when deciding whether they qualify to join the Homeseeker Scheme and we can use our discretion where there are exceptional or mitigating circumstances which will put the applicant or their household at risk or hardship should they not have the opportunity to join the Homeseeker Scheme. This only applies where the applicant is likely to be in priority bands 1, 2 or 3.

In some instances, we would allow the applicant to qualify for and join the register but we may place them in a reduced preference category (inactive bidding) for an agreed period of time and subject to meeting a set of conditions (for example a repayment plan, housing coach support). Or we may allow them to join the register but restrict their choice on property types and areas.

The exceptional or mitigating factors we consider are (not exhaustively):

- Any physical disability
- Mental illness and/or severe depression
- Physical illness or frailty
- Special educational needs
- Learning disabilities
- Financial resources or substantial debt problems
- Low income/benefit
- Support or floating support needs
- Rooflessness/homelessness
- Inability to find alternative accommodation
- Size of family (including young children)
- Known forms of violence have occurred including domestic abuse and neighbour disputes.

When advising an applicant that they do not qualify to join the register, we will explain our decision and outline what action they need to take to enable them to reapply.

An applicant has the right to request a review of the decision that they do not qualify to join the Homeseeker Scheme. See Part 6.

3.4 Reassessment of Applicants who have not qualified

Applicants who do not qualify to join the Homeseeker Scheme for one or more of the reasons listed in 3.2.1 can reapply to join the register if they can supply evidence that their circumstances have changed and they now believe they qualify for the register.

If we agree that they now qualify we may still treat their application as one of the two categories of reduced preference (inactive bidding or lowest preference band) as set out in section 4.4.3.

The table below sets out the type of evidence an applicant must supply before we will accept and consider another application from them. This is not a comprehensive list and it may differ from applicant to applicant, dependent upon their circumstances and what we had agreed with them when we initially advised them that they did not qualify. If an applicant does not supply the required evidence, then we will automatically reject their new application.

Reason for non-qualification	Evidence needed before applicant can reapply
Eviction from a tenancy for rent arrears (excluding no fault eviction)	Minimum six month settled accommodation with up-to-date rent account. Repayment plan in place and adhered to for a minimum of six months
Eviction from a property for mortgage arrears	Minimum six month settled accommodation with up-to-date rent account. Repayment plan in place and adhered to for a minimum of six months
Rent or mortgage arrears of greater than 4 months	Up to date rent or mortgage account (where relevant) or repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments, whichever is sooner. Confirmation of information provided for a housing benefit claim to be assessed.
Damage to a property and been charged for damages and/or recharges and/or court costs of over £1000	Repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments whichever is sooner
Eviction from a tenancy for anti-social behaviour	Minimum six month settled accommodation with no complaints relating to behaviour.
They are breaching the terms of their existing tenancy and we have commenced formal action or ASB action in other tenures.	Breach is remedied and they have a six-month settled period where the breach does not reoccur

3.5 Armed Forces Covenant

In March 2020 Barnsley Council and local representatives of charitable, voluntary, health, housing, education, and business sectors resigned the Armed Forces Covenant to demonstrate that communities across the borough recognise and remember the sacrifices faced by the armed forces community. This covenant is refreshed and formally signed again every 5 years. The agreement sets out the working partnership to ensure that those who serve or have served in the armed forces, and their families, are not disadvantaged in accessing services across all sectors.

The Barnsley Council Allocation scheme does not disadvantage current or former members of the armed forces and specifically:

- offers reasonable preference;
- removes the local connection criteria (see 3.2.1); and
- disregards ongoing or lump sum injury or disability payment when assessing priority.

More information about support available for the armed forces community can be found at

www.barnsley.gov.uk/services/community-and-volunteering/armed-forces/armed-forces-covenant/

3.6 Safe Surrender Agreements

A Safe Surrender Agreement is an agreement for a tenant to give up their existing failing tenancy by mutual agreement in the knowledge that it will not negatively affect an application for rehousing made before the tenancy comes to an end. A Safe Surrender Agreement is considered both a prevention and stabilisation action which enables the surrender of the tenancy before the situation escalates to a crisis and/or eviction. It shows the tenant is being responsible and taking the necessary action and has taken the time to negotiate safeguards.

The agreement is between Landlord, Tenant, and Barnsley Council (if they are not the current landlord) and if agreed the conditions are:

- The tenant will give usual 28-day notice.
- The landlord may agree a shorter notice period at their discretion.
- The tenant must be unable to manage the tenancy due to illness and/or other support needs which cannot be met at that time.
- The property is in danger of deterioration but substantial deterioration has not yet occurred and does not occur before vacant possession is given.
- The tenant is struggling to pay the rent, but the rent account is not yet more than 8 weeks in arrears (net) and does not become so before vacant possession is given.
- The tenant is in breach of other terms of the tenancy, but this has not yet reached the level where they would not qualify for the Homeseeker Scheme or be in a reduced preference category.
- Applications submitted under a Safe Surrender Agreement, will not be placed in a reduced preference category provided no further issues become known subsequent to the agreement.
- The applicant's priority will be assessed according to current need and circumstances. If a subsequent homelessness application is made, the existence of a safe surrender agreement will allow the BMBC Housing Options to take this into account when making their decision.

Part 4 Applications and Assessments

4.1 The Application Process

There are four stages in the application process

Submission – The applicants complete and submit an application

Verification – The applicants supply all the evidence needed to assess the application

Assessment – We assess the eligibility, qualification, and priority of the application

Notification – We notify the applicant of the assessment and their status on the register.

4.2 Submission

The application to join the Homeseeker Scheme is online via Berneslai Homes (<https://www.berneslaihomes.co.uk/looking-for-a-home/how-to-make-an-application/>) website.

We provide alternative contact and support methods for those unable to access the internet or in need of additional support.

When the form has been submitted, we give the applicant a unique identification number, which acts as a receipt for the form.

We will contact the applicant within 10 working days and provide them with a list of evidence we need in order to verify the application.

Once we have received all of the required information, the applicant will only receive their Homeseeker reference number once we have accepted their application onto the Homeseeker Register.

The Berneslai Homeseeker Team are responsible for the following service offer.

- Providing the advice via a web chat (where available), over the phone or in person
- Assisting applicants in using the Homeseeker site.
- Agreeing stabilisation plans.
- Processing applications to join the register.
- Providing applicants with information about alternative housing options and information to manage their expectations

More information about the Homeseeker Service is set out in 2.1 of the Homeseeker Scheme.

4.2.1 Applicants without a fixed address

Applicants without a fixed address can ask for their correspondence to be sent to a different “care of” address. If no other address is available Berneslai Homes will take reasonable steps to contact the applicant by phone and/or e-mail and will agree a way of sharing correspondence.

4.2.2 Joint Applicants

We accept joint applications from people who want to become joint tenants. This includes applications from married and co-habiting couples or civil partners. We consider joint applications from other relatives and friends who have a long-term commitment to living together. We do not allow carers to be a joint applicant unless they are a permanent member of the applicant's family.

When we receive a joint application, it is treated as one application and can be cancelled by any one party in the application. If it is cancelled by one party, we will confirm this in writing to both the current applicants. Should any of the joint applicants still want to be on the register after their joint application has ended, they will need to complete a new application and be reassessed. In all instances where a new application is made after a joint application ends, a full reassessment of priority need will take place. If a new application is made within 3 months of the joint application being cancelled, we may (subject to priority being the same for the single applicant and not deliberately worsening of circumstances) award the initial priority banding date. Any new application will not automatically benefit from previous waiting time; however, we make exceptions where the joint application changed because of the death of a joint applicant or for the victim of domestic abuse.

4.3 Verification

We have a duty to collect and check information to assess:

- a person's eligibility for social housing;
- whether they qualify to appear on the register;
- their priority need; and
- whether there are any other factors or requirements that we need to consider.

It is an applicant's responsibility to provide the information we ask for and do this by the date we request it.

It is our responsibility to ask the applicant for consent to undertake checks with partner agencies to establish suitability to be a tenant and also request ID verification and credit checks via Credit Reference Agencies.

Throughout the lifecycle of an application, we may ask for updates on information previously supplied or new information where this is relevant. The following are the main times when we will ask for information

1. When a new application is made.
2. When we review an application on a periodic basis (priority band or annual review).
3. Where there is a change of circumstances.
4. Where we are offering a property if either the last review was over 6 months since or new circumstances come to light.

Where an applicant does not on request supply evidence or refuses consent for checks to be made by us, we will investigate their reasons and we may refuse to process the application, place the application in an inactive category, make or withdraw offers or cancel their application. The applicant will have the right to request a review of this decision (see Part 6).

4.3.1 Proof Required

Proof of identity

For the applicant and any joint applicant, we must see two of the following forms of identity with at least one being a photo ID

- Birth certificate
- Marriage certificate
- Driving licence
- National insurance card (where still held)
- Passport

Proof of eligibility, qualification, and housing priority assessment

To assess whether the applicant qualifies for the register (including confirming their current and former addresses) and to assess priority we will also ask for various information which can include any of the following where relevant:

- Council tax bill
- Housing Benefit or Universal credit letter
- Health or social services letter
- Wage slips or other proof of income
- Utility bill
- Bank statement
- Rent or mortgage statement
- Relationship to and between all those named on the application
- Immigration status
- Information about where they currently live, the home occupation status and how long they have lived there.
- Previous homes in the last 5 years and reasons for moving
- Their local connection with Barnsley
- Formal evidence proving separation and relationship breakdown
- Details of savings held including stocks and shares
- The title deeds of any properties owned and/or mortgage details
- Information from schools
- Details of any residence order
- Other relevant court orders
- Evidence of medical conditions and how it is impacted by your housing
- Evidence of mobility or physical disability and how it is impacted by your housing
- MATB1 as evidence of a pregnancy
- Notice to Quit where notice has been served
- Evidence to support welfare or social reasons for moving
- Evidence of unspent criminal convictions which are relevant when assessing suitability as a tenant. Where we have concerns, we may ask an applicant to undertake a Disclosure and Barring Service (DBS) check and provide a copy to us.

The above list is not exhaustive and we may ask for other forms of evidence or conduct an identity and credit check with the consent of the applicant.

Where there is a mobility or physical disability, we may use an approved Occupational Therapist to make an assessment.

4.3.2 Household Splits

We accept applications from split households (where children live with one person but they stay with another person some of the time). This can be evidenced by either a residence order, or other evidence from the main carer which explains the care arrangements.

The children of separated or divorced parents can be included in an application of either parent as long as we receive evidence that they stay with the second parent at least 2 nights per week.

However, the children are only taken into account for priority purposes where the applicant is the main carer.

4.3.3 False Information

Under the terms of the Housing Act 1996 and the Homelessness Act 2002, it is a criminal offence to knowingly provide false information or to withhold relevant information if reasonably requested to provide, on any matter relating to the housing application.

Where there is any reason to suspect that an applicant has done this, until investigations are completed, we will do the following:

- For new applicants, we will not process their application further.
- For existing applicants, we will place them in an inactive bidding category.

The investigations will be carried out by Berneslai Homes or the council.

If this investigation does not prove that the applicant has provided false information, has withheld or failed to supply information, the application will be processed with the original date of application, or for existing applications having bidding restrictions lifted.

If the investigation proves the applicant has provided false information, withheld information, or failed to supply relevant information when reasonably requested we will inform them that they have committed Social Housing Fraud and we will advise them of the consequences.

Depending on the circumstances this could include us making them ineligible to appear on the Homeseeker Scheme, change the level or date of priority that we previously awarded based on the false information that was provided or withdrawing any outstanding offers. In addition, if an applicant has been successful in obtaining a social housing tenancy by knowingly or recklessly making a false statement then the landlord has a right to seek possession of the property and may result in prosecution leading to a fine and/or imprisonment.

4.4 Assessment

If an applicant is eligible and qualifies to appear on the register, we will then complete a full assessment of their housing need.

4.4.1 Assessment of Housing Need

The Barnsley Homeseeker Scheme through its banding scheme gives reasonable

preference to the following categories of applicant:

- People who are homeless within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act. (See 4.4.2)
- People who are owed a duty by a housing authority under relevant housing and homelessness legislation.
- People occupying unsanitary (unhealthy) or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to a disability.
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).
- People covered under our Armed Forces Covenant. (See Part 3.5)
- Certain groups of people being allocated properties under Local Lettings Provisions (5.2.5)

When awarding priority, we take into account the following:

- How rehousing will reduce or eliminate the applicant's needs or risk in their current home
- The reason for their current housing situation.
- Whether a person can resolve their own housing situation. This includes:
 - the financial resources available to a person to meet their housing needs:
 - whether they can be provided with equipment or their home can be adapted; or
 - whether other care arrangements can be made.
- Their support needs and willingness to engage with any services who can offer support to meet their needs in their current home.

4.4.2 Homeless Assessments

Berneslai Homes only award priority and process applications for those applicants who do not present as homeless, within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2018.

If an applicant advises Berneslai Homes that they are homeless, they will need a homeless assessment which will be completed by BMBC Housing Options.

This assessment will consider the following:

- a) Whether the applicant is homeless or threatened with homelessness within the legal definition.
- b) Whether an applicant is homeless or threatened with homelessness within the legal definition whether a prevention or relief duty is owed.
- c) Whether homeless prevention measures can keep the applicant in their home.
- d) If prevention and / or relief activity is unsuccessful, whether the applicant is owed a main housing duty. Any applicants who are not owed a main housing duty (those not in priority need or those who are intentionally homeless) will have their priority reduced to Band 3 (reasonable preference)
- e) Whether a Safe Surrender Agreement prior to the tenancy surrender prevented imminent homelessness.

BMBC Housing Options will complete the homeless assessment. If the applicant is eligible

and qualifies to appear on the register, they will then be placed in the relevant priority band (see part 4.4.2).

For more information about the Homeless Assessment see <https://www.barnsley.gov.uk/services/housing/homeless-and-housing-advice/>

4.4.3 Reduced preference

What is reduced preference

Reduced preference is where an applicant is eligible for the register, is awarded priority banding and generates waiting time in the priority band, but is either:

- made inactive for bidding;
- demoted to the bottom of their relevant priority band; or
- demoted to Band 4.

Why we reduce preference.

We reduce preference for the following reasons:

Category of reduced preference	Reason	Length of time in reduced preference
Inactive bidding (See 4.4.3a)	Making an application inactive for bidding allows time for an applicant to demonstrate either a period of stabilisation or of their ability to meet tenancy conditions in the future.	Minimum of 6 months or sooner if circumstances have changed significantly and we are confident on tenancy conditions being met.
	Making an application inactive for bidding offers applicants who are not yet ready to start bidding for properties, an opportunity to build up priority waiting time until such time as they are ready to bid. For example, a care leaver who is not yet ready to move into independent accommodation.	Variable and agreed with the applicant and their support worker.
Demotion within band (See 4.4.3b)	Demotion within their relevant priority band is as a consequence of an applicant failing to bid for suitable vacancies. If an applicant continues not bidding, at the next review we will review their priority and this could result in them being demoted to band 4.	The demoted band date remains. If an applicant in Band 4 does not place a bid in 12 months we will cancel their application.

	<p>Applicants in Band 1 failing to bid, may receive a direct offer (see 5.2.1) before we consider demotion.</p> <p>Applicants in Bands 2 and 3 can only be demoted once within their relevant priority band. Subsequent reviews may result in them being demoted to Band 4.</p> <p>Applicants in Band 4, following one demotion and who do not place a subsequent bid in the 12 months following their review will no longer qualify to be on the Register and we will cancel their application.</p>	
	<p>Demotion within band 2 - 4 is as a consequence of an applicant refusing one reasonable offer.</p> <p>If an applicant in band 2 to 3 refuses a subsequent reasonable offers we will demote them to band 4.</p> <p>If an applicant in band 4 refuses 3 reasonable offers (including any refusals from time spent in other bands) we will cancel their application. They will not qualify to reapply to join the register for a period of 2 years unless there is a material change in their circumstances.</p>	<p>The demoted band date remains.</p>
<p>Demotion to Band 4</p>	<p>Applicants in Band 1 who have unreasonably refused one reasonable offer will be demoted to Band 4.</p> <p>Applicants in Band 2 and 3 who have been demoted within their band once will be demoted to Band 4 if they</p>	

	unreasonably refuse a second reasonable offer and/or at their next scheduled review have continued to fail to bid.	
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4.4.3a Inactive bidding category

Applicants placed in this category will have the relevant priority awarded, generate waiting time but are unable to bid for vacancies for a set period of time. The decision to place a Band 1 applicant in this category will be approved by a Berneslai Homes Senior Designated Officer.

Their status will be reviewed at the end of the set period or sooner if there is substantial change in their circumstances and/or they have completed the required actions or they are deemed ready to sustain a tenancy. The set period will be a minimum of three months and a maximum of 12 months. Where at the end of a 12-month period their circumstances are such that they would remain in the inactive bidding category, they become ineligible to appear on the Homeseeker Scheme for a minimum period of 2 years and their application will be cancelled (section 4.6).

When is an applicant placed in an inactive bidding category:

There are 2 reasons:

1. Concerns about ability to manage a tenancy

An applicant may be placed in this category where they are eligible to join the Homeseeker Scheme, but where we have concerns about their ability to manage a council tenancy. It also includes those applicants who have previously been ineligible (excluded) and they have reapplied as their circumstances have changed and we have subsequently allowed them to appear on the register subject to them resolving certain issues as set out below:

- Reducing by agreement or clearing current or former housing related debt.
- Addressing current tenancy management issues including property condition, anti-social behaviour to our or their current landlord's satisfaction.
- Demonstrating a settled period in their current accommodation where tenancy management issues occurred in a former tenancy.
- Completion of our tenancy ready course where it has been identified as part of their application assessment that they need to understand the obligations of holding a tenancy.

2. Applicant not yet ready to bid

Applicants who are not yet ready to start bidding for properties. For example, a care leaver who is not yet ready to move into independent accommodation, or someone moving out of supported living and subject to a personal rehousing plan.

The decision to apply an inactive bidding status will be made either at the initial application stage or at such time as circumstances change or information is made available as set out above.

A right the request a review on all of these decisions applies (Part 6)

4.4.3b Demotion within band

Demotion within band is where an applicant is on the register but they are moved to the bottom of their relevant priority band.

Why we demote within band?

We demote applicants within their band as a sanction where they refuse a reasonable offer or fail to bid for suitable vacancies. This is to ensure that applicants consider their rehousing needs seriously and their actions do not penalise other applicants.

- An applicant from **all** bands may be demoted within their band where they have refused a reasonable offer of accommodation. We do not apply these sanctions without due and fair consideration and always after discussion with the applicant. If they unreasonably refuse a subsequent reasonable offer, we will reassess their priority.
- An applicant from band 1 to 3 may be demoted within their band if they have failed to make bids for suitable vacancies within the relevant review period (6.3). At their subsequent review if they have failed to make bids for suitable vacancies, we may reassess their application and place them in band 4.
- An applicant from Band 4 will have their application cancelled if they fail to make a bid within their review period of 12 months.

When we demote an applicant within their band their new band date will be the date the decision is made to demote them. In essence their waiting time in the band is reduced and so they move further down the priority band.

The decision to demote an applicant within their priority band will be made following either a refusal of a property or when the application priority banding is reviewed (See 6.3).

Where an applicant in bands 1 to 3 has been demoted once, at their next review we may decide to remove priority and place them in band 4. When an applicant is moved to band 4, the date will be their original application date.

Where an applicant in band 4 has been demoted once we, at their next review we may decide to make them non qualifying and cancel their application if they have not made any bids.

A right to request a review on all of these decisions applies (see part 6).

4.4.4 Transfer Assessments

Barnsley Council tenants of more than one year in their current home are automatically eligible to appear on the Homeseeker Scheme as they have a current council tenancy. We then assess whether they qualify to be on the register (Part 3.2) and assess their housing priority in the same way as all other applicants

4.4.5 Child of Tenant

This is a scheme to help reduce overcrowding by awarding priority to both an existing transfer applicant and to that of an adult child over 18 where they have also applied to be rehoused to alleviate overcrowding.

The following rules apply:

- The main household already has overcrowding priority.
- The application of the 18-year-old+ would have the same overcrowding priority as the main household.
- Rehousing must reduce overcrowding by at least one bedroom.
- Where one party is rehoused, we will review of the other application and if overcrowding was the only reason for rehousing, then we will cancel the application. If there are other priority reasons for rehousing then we will reassess their application.

4.4.6 Priority on health grounds

We will only apply priority on health grounds where **all** of the following applies:

- The applicant or a member of their household have a severe long-term illness or permanent and substantial disability.
- Their health or quality of life is affected by the home they live in and this includes access to safe garden space.
- Their existing home cannot reasonably be adapted or equipment provided to remove or alleviate some of the health impacts or risks.
- The property types or areas being requested by an applicant will resolve or alleviate the health impacts or risks.
- The applicant or a member of their household cannot reasonably reduce risk and/or alleviate health impacts by purchasing another home to meet their needs.
- The applicant or a member of their household cannot reasonably receive any necessary and assessed care provision from their current home which will reduce risk and/or alleviate health impacts.

4.4.7 Priority on overcrowding grounds

We will assess priority on overcrowding grounds where the following applies and where the overcrowding has resulted from **unavoidable** factors and/or has not occurred due to the applicant deliberately worsening their circumstances.

A bedroom is defined under the legislation as:

The Room Standard:

The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of

opposite sexes who are not living together as partners must sleep in the same room. Children under the age of ten are excluded from this definition. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

The Space Standard:

The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation. A child under the age of 1 year and a child aged 1 year or over but under ten shall be assessed as one-half of a unit. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

We take no account (for the purposes of either standard) of a room having a floor area of less than 50 square feet.

Floor Area of Room (square feet)	Number of Persons
110 or more	2
90 or more but less than 110	1.5
70 or more but less than 90	1
50 or more but less than 70	0.5

4.4.8 Carers

Applicants may need to be rehoused to a property which can accommodate carers. We will include carers in the household size if they provide approved overnight care more than twice per week.

We only award priority to the main carers (family or friend) who need to move closer to provide approved care in the following situation:

- Where they provide care more than twice per week and the distance travelled to provide the care is more than 5 miles or a bus journey of more than 60 minutes.

Where there is shared care of a relative, we will only award priority for one carer.

We do not award priority for employed carers who want to move nearer to those they are being paid to care for.

4.4.9 Care Leavers

Applicants in local authority care or foster care are more likely to have vulnerabilities and complex needs and so is essential that we agree a rehousing plan for all applicants leaving the care system. We will agree jointly with Berneslai Homes and Children's Services a housing solution and support plan for young people moving out of local authority care or foster care. This will include all the tenancy preparation and support measures to help them sustain a tenancy. This will be no sooner than 6 months before they reach 18. If their application qualifies for inclusion on the register, we will award the relevant priority. If they are not yet ready for move on accommodation, we will place them in the inactive bidding category until they are ready to move.

We may occasionally accept an application from a young person leaving care in a different local authority area and without a local connection to the Borough. This is part of a reciprocal arrangement with other councils' Children's Services and is to offer the best opportunity and reduce risk for care leavers. The decision to accept this type of application will be made by a Berneslai Homes Senior Designated Officer.

4.4.10 Move On

Applicants living in supported accommodation with a specialist provider are more likely to have vulnerabilities and complex needs and so it is essential that we agree a rehousing plan for all applicants living in supported housing. This plan will be developed jointly with the applicant, the specialist provider, Berneslai Homes and where necessary the council.

If their application qualifies for inclusion on the register, we will award the relevant priority. If they are not yet ready for move on accommodation, we will place them in the inactive bidding category until they are stable and ready to move.

4.4.11 Elected Members or Employees

Applications for rehousing can be made from Barnsley Council Elected Members and employees of Berneslai Homes or the council and their close relatives (includes children, siblings, parents, grandparents). Applicants are asked to declare this interest on the application form. To ensure transparency and accountability additional audit and authorisation is given to decisions made about these applications as follows:

Applicant Type	At application/change of circumstances	At allocation
Elected Member	Berneslai Homes Head of Service or above	BMBC – Head of Housing, Sustainability and Climate Change or Executive Director
Employee of Berneslai Homes or BMBC	Berneslai Homes Head of Service or above	Berneslai Homes Head of Service or above
Relative of Elected Member	Berneslai Homes Head of Service or above	Berneslai Homes Head of Service or above
Relative of Berneslai Homes or BMBC Employee	Berneslai Homes Head of Service or above	Berneslai Homes Head of Service or above

4.4.12 Pitches for Gypsies and Travellers

The allocation of pitches for gypsies and travellers at the BMBC owned and Berneslai Homes managed traveller site are allocated in accordance with the Gypsy and Traveller Lettings Policy ([Insert link](#))

4.4.13 Housing Priority Bands

Our Homeseeker Register has **four** priority bands and we assess each application to determine the level of priority.

Awarding of priority

The following tables set out the category of applicants who will be awarded the relevant priority band. We consider other factors (set out within this scheme) when we award priority and this may affect the priority we award. These factors are:

- A person's ability to resolve their housing needs in different ways (i.e., affordability, adaptation, support service and so on).
- Whether rehousing will resolve their housing need or reduce risk.
- A person's distance from support, work, education, and their ability to travel.
- Whether the applicant has intentionally made their circumstances worse.

Multiple housing needs

We do not operate a system where we increase priority if an applicant has multiple housing needs. We award priority based on their **highest need** to place them in the correct band.

Time Waited

We place applicants in the priority band from the date of assessment and those who waited the longest will be highest in the band (unless they have had their preference reduced see 4.4.3). At the point of shortlisting, we also refine our selection by following our bedroom and property type allocation rules (see 4.4.15)

Band 1	
Who is awarded this priority	Who awards priority
People whose home has been destroyed by a disaster.	Berneslai Homes
People being discharged from hospital who cannot return to their existing home on a permanent basis.	Berneslai Homes
People awarded Health Priority 1 with an emergency medical need and who have high risk of significant and immediate harm in their existing home and which cannot be managed.	Berneslai Homes
People who are homeless and who are owed a duty under section 189 (relief duty) or section 193 (full duty) of the Housing Act 1996.	BMBC Housing Options
People who are owed a Homeless Prevention Duty and are subject to an outright possession order and BMBC Housing Options are satisfied that there is no further prevention activity to help keep the applicant in their home	BMBC Housing Options
Young people leaving care or in danger of going into care.	Berneslai Homes
Existing BMBC tenants who we have identified as having an emergency need for an adapted property.	Berneslai Homes
Current tenants in a BMBC adapted property they no longer need and which is required by us/	Berneslai Homes

Existing BMBC tenants freeing up a property type and area needed for another priority applicant.	Berneslai Homes
People leaving the armed forces (without accommodation to occupy)	Berneslai Homes
People needing rehousing due to Witness Protection	Berneslai Homes

Band 2	
Who is awarded this priority	Who awards priority
People who are owed the Homeless Prevention Duty	BMBC Housing Options
People awarded Health Priority 2	Berneslai Homes
People awarded high social and welfare priority	Berneslai Homes
People living in homes with significant disrepair (Unsafe Home/lacking essential services)	Berneslai Homes
People who are overcrowded by 2 or more bedrooms (Statutory Overcrowding bedroom test)	Berneslai Homes
People needing an adapted property and which cannot reasonably be made to their existing home.	Berneslai Homes
Former armed forces personnel (including surviving partner) in need of social housing.	Berneslai Homes
People under occupying by more than 2 bedrooms and downsizing (rented accommodation).	Berneslai Homes

Band 3	
Who is awarded this priority	Who awards priority
People with minor health issues affected by their current living arrangements	Berneslai Homes
People with low level overcrowding	Berneslai Homes
People under occupying by one bedroom and downsizing (Rented accommodation)	Berneslai Homes
People living in upper flats (without lifts) with children under 5.	Berneslai Homes
People who want independent accommodation	Berneslai Homes
People moving to be near schools, work, or other local amenities.	Berneslai Homes
People moving to give support	Berneslai Homes
People with low level social and welfare needs	Berneslai Homes

Two social rented tenants moving into one property	Berneslai Homes
People who are not in priority need and those that are intentionally homeless (Part 7 Housing Act 1996)	BMBC Housing Options

Band 4	
Who is awarded this priority	Who awards priority
People who are suitably housed	Berneslai Homes
People previously awarded priority bands 1 to 3 who following review we determine have failed to proactively resolve their housing need by bidding and/or accepting reasonable offers.	Berneslai Homes and/or BMBC Housing Options
People who can resolve their own housing needs.	Berneslai Homes
People with health issues but where rehousing would not alleviate or reduce their risk	Berneslai Homes

4.4.14 Determination of Effective Band Date

In order to determine the effective band date, we use the following rules. This is subject to us receiving all the information we asked for.

Application Assessment	Band Date determined
First assessment	Date the application was submitted or date we received all the evidence if longer than 4 weeks from the date we received the application.
Change of circumstances leading to higher priority band	Date we received a change or circumstances or date we received all the evidence if longer than 4 weeks.
Change of circumstances leading to lower priority band	<ul style="list-style-type: none"> • Date they had in the band they are moving from; or • If they are moving to a band they have previously been in; the date they formerly had in that band; or • If they are moving to band 4 (their application date) <p>All subject to us receiving all the required evidence.</p>
Applications awarded priority under Homeless Legislation	The date the council accepted the duty under the homeless legislation.

In the unlikely event more than one applicant bids for the same property and they have the same effective band date, we will consider the type of priority awarded and the urgency of the priority to determine who will be allocated the property.

4.4.15 Household Type and Property Size Allowed

When we assess an application, we also assess the type of property and bedroom numbers needed by the household. We advise applicants of the property types they can bid for when we register their application. They have a right to request a review of this decision (See Part 6)

The rules we follow when allocating a property under the Barnsley Homeseeker Scheme ensure all of the following:

- The type of property must match the household's requirements
- The size of the property must be suitable for the household need
- The property must be affordable for the applicant it is allocated to
- It should be possible for the applicant to sustain their tenancy if the property is allocated
- The household's circumstances must be fully considered
- The allocation makes the best use of our stock

We will only adapt a property for an applicant to move into where this has been agreed prior to them being offered the property and where there is limited other opportunity to resolve their housing needs. When agreeing to adapt a property we follow the terms of our Equipment and Adaptation policy.

4.4.15a Property type matching

We have a wide variety of accommodation across the borough and there are a number of circumstances where we restrict access to the property type, based on factors such as age, disabilities, pets, household size and so on.

The main restrictions are in ground floor flats, independent living schemes, bungalows or adapted properties where, in most cases, we restrict access to people over 60 or who have disabilities that require a certain type of accommodation or facility, although we may also apply restrictions on an individual basis.

Where there are restrictions, the property advert will reflect the criteria so that applicants are fully aware of their eligibility.

If there are any non-routine restrictions, a nominated senior officer in Barnsley Homes must approve any amendments before we advertise the vacancy.

Where we have vacancies in properties with restrictions, we will only consider those applicants meeting the matching rule for that particular vacancy. This means that we may bypass a higher priority applicant if they do not match the property-matching rules.

Details of any household/property type matching rules will be included in the property advertisements. For example, we may say "you have to be 60 or over or have medical or disability need for this type of property to apply for this vacancy".

The rules are set out below.

Age restrictions on flats and bungalows

Some accommodation has restrictions on eligibility based on age and/or disability. Where such restrictions exist, details of any household/property type matching rules will be

included in the property advertisements.

Larger Homes

On occasions, to make the best use of our stock, there may be a need to restrict access to larger properties to those requiring the specific number of bedrooms. This restriction will take account of turnover of stock in the area and demand from priority applicants needing larger homes. For example, if an applicant matches a three and a four bedroom, we may bypass them for another priority applicant who **only** matches 4 bedrooms.

Low demand areas

In some areas the property-matching rules may be relaxed due to low demand, property differences or the needs of the community.

Barnsley Extra–Care Housing Schemes

These schemes rely upon having a balance of tenants needing varying levels of care and support. For vacant properties in these schemes, we will work with Adult Services and other Support Providers to ensure that allocations are made with the relevant criteria. Generally, support needs, and not housing needs, criteria will determine a particular allocation. Allocation of extra care housing accommodation will be in accordance with the rules of the RSL and not the standard Barnsley Homeseeker Scheme criteria

No pets

There are restrictions on most flats with shared entrances. Pets, such as dogs (other than assistance dogs) and cats, are not allowed. The property advertisement will include details where pets are not allowed. Applicants will be advised when they register of limitations if they have pets.

Disabled persons and adapted properties

We may place restrictions on properties which have been purpose built or adapted for the needs of a disabled persons. Details will be contained in the property advertisement.

Details of any specific allocation criteria will be contained within the individual property advertisement.

4.4.15b – Bedroom entitlement

The table below sets out the rules in terms of bedroom entitlement. For further clarification and definition of the room and space standards see 4.4.7

Household Type	Property Size	Conditions
Couple	Any bedsit, 1 bed property or 2 bed flat	We only let a 2-bed subject to affordability and sustainability. Some 2 bed flats have restrictions in terms of age and medical factors.
Carer	We allocate a bedroom if the carer needs to reside in the property and is not already part of the permanent household	Subject to an agreed medical need for a Carer. Evidence of Housing Benefit and/or Disability Living Allowance will need to be at enhanced levels. Young carers treated as if they are 16+ and are entitled to their own bedroom
Medical	We allocate a bedroom if recommended as part of the medical need	Subject to an agreed medical need where the extra room may be needed to accommodate large equipment or there are serious mobility issues.
Child Residency	We allocate a bedroom allocated for a child who resides as part of the household 3 nights per week or more and we have evidence they are part of the applicant's household	Subject to evidence such as Child Benefit and/or Custody Order.
Unborn Child	We take account of an unborn child in terms of bedroom requirements provided we have evidence	Subject to evidence of a MATB1 issued by NHS confirming the pregnancy. The unborn child will be treated as same sex. Any overcrowding priority will not be awarded until the child is born and a certificate has been provided. The applicant will be able to bid without the overcrowding award. The date of birth will be used to determine the effective band date.
16+	Own Bedroom	The child is deemed in need of their own personal space.
Children of opposite sex	Children of the opposite sex will only be considered for overcrowding purposes when they are 10 years or older. However, for the purpose of matching we count each child as requiring their own room	We only let properties subject to affordability and sustainability.

Students	Living away from home will be treated as part of the main household	Where a household normally includes a family member who currently lives away from home studying at college or university that family member may be considered part of the household for the duration of the initial course. This will usually be up to 3 years. Evidence of the end date of the course must be provided and a reassessment will be made following the end of the course.
Foster carer awaiting placement	Foster children awaiting placement will be counted as part of the household.	Subject to confirmation from Children's Services

The table below highlights bedroom matching rules for typical household types:

Household	Bedsit *	1 bed *	2 bed flat and bungalow*	2 bed house	3 bed**	4 bed**	5+bed**
Single person	✓	✓	✓				
Couple	✓	✓	✓				
2 Adults (not couple)			✓	✓			
1 Adult/couple plus 1 other			✓	✓			
1 Adult/couple plus 2 others			✓	✓	✓		
1 Adult/couple plus 3 others					✓	✓	
1 Adult/couple plus 4 or more other					✓	✓	✓

* Some bedsits, flats and bungalows have age and/or disability restrictions. This will be outlined in the advert and may exclude some applicants (see section 5.2.3)

** We may bypass applications for some of our larger houses, flats, and bungalows to those who match the space and room standard requirements (see 4.4.7).

4.5 Notification

Once we have assessed an application, we will contact the applicant and confirm the following. This confirmation will be in writing either by letter or email.

- Their application and bidding reference
- The band they are assessed for and the priority date.
- The size and type of property they qualify for and need to bid for.
- Any restrictions to the areas they can bid for and the areas they need to bid for.
- Whether they qualify for assisted bidding.
- Whether they have restricted bidding, the reasons for this, what they need to do and the reassessment process.
- Information about the scheme (this will be a link to the website)
- Their right of review of their band and property size/type and area eligibility.
- When we will review their application.

4.6 Cancellation of Applications

We will cancel applications for one or more of the following reasons:

Cancellation reason	How we inform applicants	Can the applicant reapply
a) The applicant requests cancellation.	In writing by e-mail, SMS or letter	Yes, and priority position retained if reapply within 28 days of cancellation
b) The applicant's circumstances change, and they are no longer eligible or no longer qualify.	In writing by e-mail or letter	Subject to the reasons in the cancellation letter
c) The applicant has not responded to a review of their application within 28 days of us asking.	By pre warning applicants in the review e-mail, letter, and form. No further notification is given.	Yes, and priority position retained if reapply within 28 days of cancellation
d) We find that the applicant has made a false or deliberately misleading statement, or to have withheld information in connection with their application.	In writing by e-mail or letter	No unless there is a significant change in their circumstances and we will reassess.
e) Applicant in band 4 have not placed a bid for 12 months	In writing by e-mail or letter	Yes, after a 12-month elapse since the cancellation unless there is a change in their

		circumstances and we will reassess.
f) The applicant has not responded to contact from us within 28 days of us requesting it.	By pre warning applicants in the contact e-mail or letter. No further notification is given.	Yes, and priority position retained if they reapply within 28 days of cancellation
g) The applicant has failed to provide the evidence required to assess their application within 28 days of us requesting it.	By pre warning applicants in the evidence request e-mail or letter. No further notification is given.	Yes, and priority position retained if reapply within 28 days of cancellation

Applicants have the right to request a review of us cancelling their application (See Part 6)

4.7 Change in Circumstance

An applicant must advise us immediately of any change in their circumstances as we will need to reassess their priority based on their new circumstances. We will assess the impact of the change once we receive all the evidence we ask for or need.

Applicants can do this using the online form or where they receive support to bid, by contacting us in the previously agreed way.

If an applicant has a change of circumstances and their priority band is increased, we will use the date we awarded the new priority was awarded.

If an applicant has a change of circumstances and their priority band is decreased, we will use the same effective band date they had in their original higher band, their previous date in the band they are moving back into (if they have been in their band before), or their initial application date if they are placed in band 4 (See 4.4.14).

4.8 Deliberate or Worsening Circumstances

An applicant will not benefit from higher priority if they have knowingly and deliberately made their housing situation worse.

Where we find that an applicant has done this, we will assess their priority need based on the circumstances before their situation changed through their actions to deliberately worsen their circumstances.

Some of the examples are listed below:

- Applicants who have created overcrowding by allowing family members or others to move into their property, and who previously had suitable accommodation or the financial means to secure their own accommodation.
- Applicants who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.

- Homeowners who have transferred their property to another family member within the last 7 years from the date they make their application to the Homeseeker Register.
- Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- Applicants who have requested or colluded with a landlord or family member to issue them with a Notice to Quit.

Part 5 Allocations and Lettings

5.1 The Allocation Process

5.1.1 Types of Allocation under this Allocation

The Barnsley Homeseeker Scheme includes two types of allocation:

- Choice Based Allocation
- Direct Allocation

The majority of allocations are **Choice Based** with properties being advertised and applicants bidding through the online system or by assisted bidding for applicants unable to bid themselves. Once the advert closes, we produced a shortlist and we will offer the property to the highest priority applicant, provided there are no issues which would result in us bypassing this applicant. (5.3.5). Where the property is being advertised on behalf of a Registered Social Landlord, we share the shortlist with them and they make the letting (2.5).

There are occasions where a property is not advertised and it is matched directly to an applicant. We use direct lets to manage the most urgent, sensitive, or specialised cases (5.2.1)

5.1.2 Annual Lettings Plan

Each April we produce a plan which reflects on trends from previous years and predicts what properties we expect to come empty and be relet throughout the year. This includes property types and areas and also includes partner Housing Association properties which we nominate.

This plan enables us to do the following:

- Keep track our ability to meet the needs of applicants on the Homeseeker Scheme.
- Provide information to applicants about what we expect to come empty over the year.
- Influence any local lettings plans we may have in place or need to develop.
- Review the effectiveness of the Barnsley Homeseeker Scheme and make any recommended changes.

5.1.3 Supply and demand modelling

Each April we also produce a supply and demand plan which considers the numbers and types of properties we need to meet the needs and demands of applicants on the Homeseeker Scheme. The purpose of this plan is to influence the strategic development of social housing in the borough.

The plan considers the following:

- The number of applicants on the register and the size, type, and location of property they need.
- The vacancy rate by property type and area.
- The average bids for vacancies by property types, area, and priority band.

- Refusal rates.
- The average waiting time for rehousing.

5.2 Property Identification

We identify properties for including in the Barnsley Homeseeker Scheme in three ways:

- When we receive a notice to end a tenancy from the current tenant.
- When we receive a nomination request from a partner Registered Social Landlord.
- When we are advised of a completion for any newly acquired or built homes.

We aim to start the letting of most properties as soon as they become available under the scheme. In the following circumstances we will not be able to let the vacancy straightaway or we may choose not to relet at all:

- Where the property needs major works or remodelling.
- Where the property is required for temporary accommodation.
- Where we plan to dispose of the property.

When the property is available for reletting, we first of all decide if it will be a Direct let (5.2.1) or a Choice Based Let (5.2.2)

5.2.1 Direct Lets

A direct let is an allocation made under the Barnsley Homeseeker Scheme where the property is not advertised but matched directly to an applicant. We use direct lets to manage the most urgent, sensitive, or specialised cases.

These are the key principles for our approach to Direct Lets under this scheme.

- They enable us to make the best use of our stock and minimise public spending through direct matching of applicants to voids and in particular voids of a specific type (adapted, larger properties).
- They enable us to fast-track priority households with specific needs where Choice Based Lettings wouldn't meet their needs.
- They enable us to support community cohesion through sensitive lettings which would not be possible via Choice Based Lettings.
- They enable us to meet our wider legal duties, where Choice Based Lettings would negatively affect our ability to meet these duties (for example demolition, safeguarding).
- They enable us to minimise void rent loss through open advertising of selected lower demand vacancies on a first come first basis to suitable and qualifying persons.

We do not set a target for direct lettings however we typically do not expect them to account for more than 5% of allocations in each year.

Barneslai Homes monitors and reports to the council on direct lettings once a quarter and we have a decision process which ensures transparency and accountability in the use of Direct Lets.

The following table outlines the types of allocations which **may** qualify for a direct letting.

Direct Letting Category	Approval Process
Emergency rehousing (temporary or permanent) rehousing due to fire, flood.	Berneslai Homes Senior Officer
Rehousing to ensure community cohesion or to resolve tenancy related issues (management moves)	Berneslai Homes Senior Officer and Barnsley MBC Communities Directorate Senior Officer.
Multi-Agency Public Protection Arrangement (MAPPA)	Choice Based Lettings generally but in exceptional cases direct offer: Berneslai Homes Senior Officer
Those needing an adapted property A specifically adapted property Larger level access properties	Berneslai Homes Senior Officer
Those releasing an adapted property	Berneslai Homes Senior Officer
Social Care prevention • Hospital leavers • Care leavers • Foster care	Choice Based Lettings generally but exceptional cases direct offer: Berneslai Homes Senior Officer
Witness protection	Berneslai Homes Senior Officer and where relevant Barnsley MBC Communities Directorate Senior Officer.
Domestic Abuse - Rehouse Victim and/or perpetrator	Choice Based Lettings generally but exceptional cases direct offer: Berneslai Homes Senior Officer
Domestic Abuse – Rehouse Perpetrator	Berneslai Homes Senior Officer
Open Market advert for low demand property	Berneslai Homes Senior Officer
Extra Care Schemes - separate list maintained	Berneslai Homes Senior Officer
Offer to discharge duty to priority applicants who have refused a reasonable offer or who have failed to bid.	Berneslai Homes Senior Officer and/or BMBC Housing Options for those owed duties under Part 7 Housing Act 1996
Non statutory succession	Berneslai Homes Senior Officer
Joint to single tenancy amendment	Berneslai Homes Senior Officer

5.2.2 Choice Based Lettings

The majority of vacancies and allocations and are via choice-based lettings. These properties are advertised on Berneslai Homes website and applicants can bid directly or where they qualify for assisted bidding, an officer will bid on their behalf.

- Applicants can only bid for the property type and size they are allowed. (4.4.13).
- The advert will advise of any other restrictions that may apply.
- They can bid for a maximum of three properties each cycle.
- They will not be able to bid if they are under offer for another vacancy.

5.2.3 Advertising the Property

Properties included in Choice Based Lettings will be advertised on Berneslai Homes website on a weekly cycle which opens Friday morning (00:01 hours) and closes Tuesday

at 12:00 noon. The cycle may be adjusted in the following circumstances:

- Where there is planned maintenance to the online system.
- Where there is an extended service closure (Christmas and New year or other bank holidays).
- Where there is any other situation which arises which affects our ability to advertise and let vacancies.

5.2.4 Property Description

The property advert will contain the following information

Type of information	Detail
Photographs	Where possible it will be an actual shot of the home
Rent	This will detail the weekly amount and whether it is social rent, affordable rent or market rent
Service Charge	This includes the weekly amount and the list of services included.
Landlord	This will highlight the landlord and the tenancy type
Property Type	This includes house, flat, bungalow, bedsit, and maisonette
Number of bedrooms and minimum/maximum occupancy and whether underoccupancy is allowed	This will detail how many rooms are available to use as a bedroom, and occupancy requirements.
Location	The area of Barnsley – town or village name
Accessibility	Whether there are steps or ramps, level access or communal entrance or any specific adaptations which will tighten eligibility.
Age and medical need restrictions	The minimum age an applicant must be to apply or whether we will allow applications from people under a certain age but who have medical needs for this property type (typically one level). For example: <ul style="list-style-type: none"> • Some properties are reserved for people over 60. • Some properties are reserved for people over 60 or with medical conditions. • Some properties are reserved for people over 40 and/or with medical conditions.
Heating type	The type of heating
Pet policy	Whether pets are allowed
Outside space	Whether there is an enclosed, open plan, shared or no garden
Specific matching rules	This includes any unique factors which will

	tighten eligibility. For example: Whether we undertake additional checks to ensure community cohesion.
Any special local information	This is generally a link to online local community information.

5.2.5 Local Letting Provision

Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Sometimes we will agree and publish different local lettings schemes for new or existing communities. These schemes will differ in criteria and how long they run for.

The following are the three main types of Local Letting Schemes.

Type of scheme	Definition
Local Letting Scheme	A local Lettings scheme will include criteria additional to the Barnsley Homeseeker Scheme and will be used to achieve a wide variety of housing management or policy objectives, generally where we need to alter the balance of an existing community or create a balance when there are new developments. We could use these for a full or part estates or for particular schemes within an estate, for example an Independent Living Scheme.
Rural Lettings Schemes	We may develop rural lettings schemes for our more rural communities. Typically, these may give additional preference to those people with a strong connection to the rural area.
Section 106 Agreements or new build sites	We may develop a Section 106 lettings schemes for the first lettings of any new developments.

5.2.5 (a) Process for approving Local Letting Schemes

Where a local letting scheme is proposed it is subject to approvals by BMBC as set out in 1.8. This will include the relevant consultation and publishing of the scheme using varied forms of media.

Where we agree a local letting scheme, we will publish it on Berneslai Homes website.

5.2.7 Hard to Lets

Whilst we have high demand for most of our homes, we have some properties which we find harder to let for a number of reasons including, location, floor level, property type and facilities. We always try to let our properties through the Choice Based lettings scheme or through direct lettings. However, where we have not let the property after two cycles of advert, we will advertise on the open market. We will continue to include on the Choice Based Lettings advert concurrently.

If we receive interest from the open market, the person must meet all the criteria for joining the register.

If we receive applications from existing applicants through the routine Choice Based Lettings advert or direct let, these applicants will take priority. If there is no interest from the existing register applicants, we will register any applications made from the open market and make a direct offer of the property to the applicant who has the most need and who matches the property type best.

5.2.7 Sensitive Lets

Sensitive lets are rare and likely to be due to three main reasons:

1. Where we have to extra care towards the applicant or a member of their household due a traumatic incident, personal issue, or risk to them. We need to consider the location of the property or even the type of the property to ensure that the accommodation would not expose them to undue stress. In these cases, we will undertake a sensitive let as a direct offer.
2. Where we have to be careful in placing the applicant or member of their household in a particular location or property type because of a risk to the community or public protection. We will undertake this type of sensitive let as a direct offer and it will be subject to a full risk assessment.
3. Where the property and/or community has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases, we may have a targeted advert as a choice-based letting or we will make a direct offer. A target advert may restrict bids to transfer applicants or applicants who are prepared to undergo additional checks to ensure their suitability for an area.

In all three cases the priority order and time waited will be preserved. We will however use additional selection criteria to manage the letting sensitively. All sensitive lettings will be approved in line with the direct letting rules (5.2.1) unless they are part of a wider published Local Lettings Scheme.

Where the vacancy belongs to a Register Social Landlord, we will liaise with them before making the relevant nomination.

5.2.8 Housing with Support and Care

We have some Independent Living Schemes which have a range of communal and social facilities, and homes in these schemes are generally advertised with the advert outlining any specific requirement or restrictions for these schemes.

We also have nomination agreements in place for Extra Care Schemes and we maintain a separate waiting list for those applicants who are interested in this type of scheme.

See Berneslai Homes website for more information.

5.3 Expression of Interest

5.3.1 Bidding for a Property

Once we have assessed an application, and they are eligible and qualify for the Homeseeker Scheme, they will be active for bidding and will receive information to help them understand how the system works and what they can bid for.

Some applicants are inactive and some applicants with reduced preference can bid but they are at the bottom of their relative priority band (4.4.3).

An applicant can bid for up to three properties while each advert cycle is open.

The online system confirms if their bid has been accepted and where it isn't accepted, the reason for this. The system also advises them what position they are in at the point of bidding, anytime during the open bidding cycle and again once the advert has closed.

Bids can be made in the following ways:

- Online
- By phone
- By a Berneslai Homes or BMBC officer where the applicant qualifies for assisted bidding or where other contact prompts the bid on their behalf.
- By BMBC where they are bidding on behalf of or to discharge duty to a homeless applicant.
- By a Berneslai Homes officer where they are bidding for priority applicant who is not actively bidding.
- By an applicant's representative.

5.3.2 Assisted Bidding (Auto Bidding)

We will agree to bid on behalf of applicants for the following reasons:

- Where the applicant isn't online, is unable to make bids using a public PC at a local library and has no third-party support
- Where an applicant is vulnerable, unable to bid themselves and has no third party to bid for them.
- BMBC Housing Options will make bids on behalf of any applicant subject to a prevention, relief, or full housing duty where the applicant has failed to utilise all three bids available to them and there are suitable properties available.
- Berneslai Homes will make bids on behalf of any applicant in priority band 1 and 2 who is failing to make bids and there are suitable vacancies available.

5.3.3 Grouped Bids

Occasionally, we will advertise a group of similar properties in one single advert. For example, if we have two flats in the same complex or we have the same type of new build properties.

Where we group an advert, any bid by one applicant will be considered for all properties within that group.

5.3.4 Retrospective Bids

We will only accept bids for a vacancy once an advert has closed in the following

circumstances:

- Where the bidding system was unavailable for 30 minutes or more during the advertisement period **and** there was less than one 24- hour period to run on the advert cycle. This does not include the system being unavailable due to issues with the applicant's internet accessibility or ability to use the system.
- Where extreme and unusual circumstances prevented an applicant in Band 1 from bidding. We will only accept these bids if a request is made no later than the close of business on the Wednesday after the advert has closed.

If any retrospective bids are accepted and the shortlist has already been run but the property not offered, we will rerun the shortlist. If an offer has already been made to another applicant when the request for a retrospective bid has been made, the bid will be registered but we will only rerun the shortlist if the property is subsequently refused.

If the property is a Registered Social Landlord and the nomination information has already been shared with them, we will not accept a retrospective bid.

5.3.5 Shortlisting

We will produce a shortlist of applicants who bid for a property within 3 working days of the advert closing. The shortlist contains those applicants whose bids were accepted as they matched the requirements in the advert including:

- Age requirement
- Disability/medical requirement indicator
- Bedroom matching rules
- Any other requirement advertised (for example if it is part of a local letting scheme)

The shortlist is then ordered by the highest priority band and date of priority band award.

We may withdraw a vacancy from Choice Based Lettings even after the advert has closed and the shortlist has been run in the following circumstances:

- The property is no longer available for letting
- The property is needed for an emergency reason.

Once the shortlist has been considered we undertake final checks before the property is offered, and these checks include the following:

Check	What we check
Applicant has up to date verification and qualification for the allocation	Any relevant reference including rent balances, tenancy management issues where these checks were last performed more than 1 month since. Applicant current circumstances where there has been no contact in the last 6 months.

Applicant's suitability for the property	<p>Whether there are any specific issues which would prevent an allocation to the applicant.</p> <p>Whether they can afford the property.</p> <p>Where a medical need matches the property features.</p> <p>Whether it is suitable for adaptation if we have approved or are likely to approve an adaptation (see Equipment and Adaptation policy).</p> <p>Whether there are any social/community factors we needed to consider.</p> <p>Whether they meet the requirements of any local lettings plan.</p>
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5.3.5a Bypassing applicants

There are occasions where we bypass an applicant as follows:

- The bid was placed before a change of circumstance was requested and now, they no longer match or have changed priority.
- They have a failed tenancy reference (arrears, ASB) or, for other reasons we are reviewing whether they still qualify to appear on the register or whether they should be placed in the inactive category.
- The applicant cannot afford the property.
- The applicant is on offer, to be on offer or has accepted an offer for another property
- The property does not meet their needs.
- The applicant has not responded to a request for contact within three working days.
- The applicant has asked for bid to be withdrawn.

To ensure decisions are fair and transparent we record the reason that we bypass an applicant on our system and this is recorded on an applicant's history. We advise an applicant that we have bypassed their application. They have a right to request a review of the decision to bypass them, however we will not hold the vacancy whilst the review is completed (see part 6).

Where we cannot select an applicant from the matched shortlist, we can take various action:

- Advertise the property again.
- Look at the bids from those whose bids were initially rejected (for not matching – i.e., where they are a couple and it is a 2-bedroom house). We will consider their suitability for the property before we make an offer and we aim to make the best use of stock.
- Consider a direct offer to a priority applicant where they match and we want to

discharge a duty.

- Run a direct match report for those applicants in the inactive bidding category. In this instance we review and risk assess the applications and consider them in priority order. If we feel they are suitable for the vacancy or if inactive that they could now sustain a tenancy then we will select them for a direct offer (see 5.2.1)

Where we cannot match after all these steps have been taken, we may advertise the vacancy under Hard to Let rules (5.2.6)

5.3.6 Direct Offers

Where we have selected a property or an applicant for a direct let (See 5.2.1) we will assess whether the property is suitable for the applicant using the same criteria to the shortlisting process we use for choice- based lettings.

Where it is the property based direct let, we will produce a matching report of all applicants who match this type of property and who have indicated their interest in this area.

Once we have produced a direct let matching list, we will assess suitability of the applicants and record bypass reasons in the same way as they are for a shortlist. Offers and nominations are made and recorded in the same way as a shortlist offer.

Where it is a specific applicant based direct let, we will still produce a matching report of all applicants who match this type of property and who have indicated their interest in this area. The purpose of this matching report is to ensure that in making the decision to offer direct to an applicant, we consider other priority applicants who may be significantly affected by the direct letting to another individual.

5.4 Lettings

5.4.1 Offer of Accommodation

We make all offers of accommodation by letter to ensure that there is a formal and auditable record of the offer. However, to ensure we let our vacancies quickly, we will attempt to notify the applicant of the offer by phone, e-mail or other digital means and follow this up with a confirmation letter.

We have 2 categories of offer:

Provisional – this is where we inform the applicant that the property is being reserved for them but is not yet available. This will progress to a full offer once the property is ready to let. We may also make this type of offer if we have some additional verifications we need to undertake of the applicant.

Full Offer – This is where the keys are available and the tenancy will commence once the offer is accepted.

When we make an offer, it is subject to the following conditions:

- There has been no change in circumstances or information which comes to light which would affect the applicant's priority, suitability for the vacancy, or eligibility or

qualification for inclusion on the Homeseeker Scheme. It is an applicant's responsibility to inform us of any changes or circumstances which affect their right to a council property. We will withdraw an offer if we learn of such changes or information. Where a tenancy has commenced, we may deem the act a tenancy fraud and we may take action to end the tenancy.

- The applicant meets any specific suitability criteria and/or they can afford the property. We will undertake checks at the point of shortlisting. Where these checks highlight concerns, we may withdraw the offer if it has already been made. We will advise the applicant of the reasons for the offer being withdrawn. They have a right to request a review of the decision but we do not hold the vacancy pending the review. See section 6.
- We allow applicants 2 working days to respond to an offer made verbally, by email or other digital methods. Where we have only made contact by post we allow 3 working days from the date of the offer letter.
- If the applicant does not respond within the time we state, we will result the offer as "Failed to respond" We will write to the applicant to advise that we will cancel their application if they do not make contact within the next 7 days. We do not hold the offer for them during this period and we will make the offer to the next suitable applicant on the shortlist.
- The offer is subject to viewing. If an applicant rejects an offer without viewing, this may be deemed an unreasonable refusal (see 5.4.4).

Where a formal offer has been made an applicant is still able to bid for other vacancies until such times as the offer has been accepted by them.

Applicants being offered a property following a priority awarded by BMBC Housing Options Team will receive further notification from a BMBC Housing Officer

5.4.2 Withdrawing offers

We reserve the right to withdraw offers in the following circumstances:-

- Where we have reason to believe the applicant has given false information.
- Where the applicant's circumstances have changed and this alters priority and/or makes them ineligible for the property or makes them ineligible to appear on the Homeseeker Register.
- Where we require the property for another emergency.
- Where we have made the offer in error.
- Where information has come to light that would make the offer unsuitable.
- Where we ask for further information from the applicant and the information has not been provided within the timescales given.

We will advise applicants that we are withdrawing the offer and we will give them the reasons for doing so. This is most likely verbal but will be followed up in writing either by e-mail or letter.

Applicants have the right to make a formal complaint if they believe we have not followed the terms of this scheme when withdrawing the offer or they believe they are being treated unfairly. They also have a right to request a review of any other decision we make as a result of withdrawing an offer. See Part 6.

However, in these circumstances, we do not hold a vacancy pending the outcome of the

review or complaint.

5.4.3 Limited Offers

We do not limit the number of offers an applicant can receive but we do limit the number of unreasonable refusals an applicant may have before we review their priority and whether they qualify to appear on the Homeseeker Scheme.

Band 1

We allow one reasonable offer which if unreasonably refused will lead to us considering whether to reduce preference to Band 4 (See 4.4.3) on the basis that they have made their circumstances worse.

Band 2 to 3

We will allow one reasonable offer, which if unreasonably refused will lead to us considering whether to reduce their preference within their band (See 4.4.3).

We will only allow two reasonable offers for applicants in Bands 1 to 3 before we determine that they have made their circumstances worse by unreasonably refusing two offers. After this we will place them in Band 4.

Band 4

We will only make three reasonable offers to applicants in Band 4 before we determine that they have made their circumstances worse by unreasonably refusing the offers. After this we will cancel their application as they no longer qualify to appear on the register. This offer limit includes any offers made to the same applicant whilst in other priority bands.

We will demote an applicant within Band 4 after one reasonable offer has been unreasonably refused (see 4.4.3).

All Bands

We do not include reasonable refusals or withdrawn offers in this count (see 5.4.4).

Homeless Assessments

Where the applicant has been awarded priority banding because they are subject to a duty under Homeless Legislation (Part 7 Housing Act 1996) only one suitable offer will be made in order to discharge the Council's duties. The suitability of any offer will be considered in line with the [Homelessness Code of Guidance for Local Authorities](#)

The Council's Housing Options Service will make this offer, formally discharge and duty and reduce the applicant priority to Band 4. Berneslai Homes will then reassess the application to determine the appropriate priority banding for the applicant's circumstances.

The applicant has the right to request a review of any decision (see part 6)

5.4.4 Reasonable offers and reasonable refusals

5.4.4(a) Reasonable offers

An offer is deemed to be reasonable if it matches the following:

- It is in the area requested by the applicant and/or agreed with them as part of their assessment.
- The bedroom allocation meets the assessed needs of the applicant.
- The property type meets the applicant's assessed needs.
- The accessibility and facilities within the property and garden area meets the applicant's assessed needs. This also includes properties which may be offered with a commitment to undertake adaptations.
- The property considers the needs of young children.
- The property and its location do not pose any risk to the applicant or their household.
- The property is in reasonable distance for facilities required to meet the applicant's needs. For example, schools, work, and other essential support.
- The property is affordable.
- The property is in a good state or repair and decoration or where decoration is not to a good standard, we have offered a decoration allowance.

5.4.4(b) Reasonable refusal

Where an offer is reasonable (as set out in 5.4.4(a)above), there may still be circumstances where a refusal is deemed as reasonable. These reasons are set out below and would be subject to evidence-based assessment.

- There are new circumstances or a change in circumstances which would result in a reassessment of the applicant's needs, their property type eligibility and or their ability to move at the time of the offer. These circumstances should not be trivial.
- The applicant is experiencing a crisis, emergency or has personal reasons which we were not previously aware of and which affects their ability to move or accept an offer in this area or property type. For example, a loss of a family member, a significant worsening of health issues.
- The applicant cannot afford the property rent and/or service charge.
- Even with a decoration allowance/package the applicant is unable to decorate the property to a reasonable standard.
- The applicant has a pet which we were unaware of and which is not allowed in the property offered.
- The applicant highlights a risk to them, their household or the community should they accept this property.
- The property cannot be adapted to meet the needs of the applicant and/or we do not agree to provide those adaptations.

5.4.4 (c) Action after refusals

Where an applicant refuses a property and we agree that it was not a reasonable offer we will withdraw the offer (5.4.6).

Where an applicant refuses a reasonable offer and they can demonstrate reasonable refusal reasons we will record a reasonable refusal. This will not be counted as an unreasonable refusal (5.4.6).

Where an applicant refuses a reasonable offer and their reasons are not reasonable, we will apply sanctions as outlined in 5.4.6.

More detail on what happens after a property is refused is set out in 5.4.6.

This section does not apply to those who have been awarded priority because they are subject to a duty under the Part 7 of the Housing Act 1996. BMBC's Housing Options team will consider offers and refusals in line with Part VII Housing Act 1996 and the Homelessness Code of Guidance.

5.4.5 Viewing

We encourage applicants to view the property before accepting or refusing an offer. This includes viewing any property offered as a result of a nomination to a partner Registered Social Landlord (RSL).

We (or the RSL) will contact the applicant to arrange a viewing when the property is safe for viewing. We will meet the applicant at the property and we expect the applicant to accept or refuse the property within 24 hours following the viewing.

The applicant may be accompanied on a viewing by an advocate, support worker or occupational therapist who will determine if the property is suitable and/or whether there are any adaptations required.

Where the applicant is unable to make a viewing or cannot enter the property due to accessibility issues, we will share photos or videos of the property and its facilities.

There are two types of viewings for BMBC properties. RSLs may have their own offer and viewing arrangements and this will be made clear to applicants by the RSL:

Single Viewing: One applicant, their household, or advocates etc, view the property at any one time with a Housing Officer present.

Multiple Viewing: More than one applicant will view the property either at the same time or by pre-arranged appointment slot on the same day. We will have verified all the applicants and their suitability and we will advise them that they are viewing the property only. Once the multiple viewing is complete and we have a list of applicants who are interested in the vacancy, we will formally offer the property to the highest priority applicant. If this person refuses, we will move down the list in priority order. Once the offer has been accepted, we will withdraw the multiple viewing invite. There are no penalties for withdrawing multiple viewings.

We may consider reducing preference if an applicant refuses a multiple viewing offer (see 5.4.6)

5.4.6 Recording the outcome of an offer or viewing

We record the outcome of any viewing or offer against the individual applicant and the vacancy. The reasons below outline our basis for recording this information.

- To ensure the applicant's offer history is up to date and provide evidence that we have handled their application in line with the rules of the Barnsley Homeseeker Scheme.

- To provide evidence that we are managing the allocation of council housing and/or our arrangements with RSLs in line with the rules of the Barnsley Homeseeker Scheme.
- To meet the legal duties underpinning the rules of the Barnsley Homeseeker Scheme.

Outcome of offer/viewing	Reason for outcome	Impact of applicant
Withdrawn after multiple viewing	<ul style="list-style-type: none"> • Property formally offered to another applicant 	<ul style="list-style-type: none"> • No penalty • Offer history recorded
Withdrawn – offer not reasonable	<ul style="list-style-type: none"> • Offer not deemed reasonable by Berneslai Homes, BMBC or partner RSL. • 	<ul style="list-style-type: none"> • No penalty • Offer history recorded
Withdrawn – new information	<ul style="list-style-type: none"> • New information which requires assessment 	<ul style="list-style-type: none"> • May result in investigation or reassessment and change in priority or future matching. • Applicant may be made inactive to bid while investigations are being completed. •
Withdrawn – property no longer available	<ul style="list-style-type: none"> • Property may be needed for other emergency reason • Property may require major works. • Notice from outgoing tenant may be revoked 	<ul style="list-style-type: none"> • No penalty • May agree to re-offer when property is ready. • May make a direct offer of another suitable vacancy
Refused - Reasonable	<ul style="list-style-type: none"> • Refusal by applicant is deemed reasonable by Berneslai Homes, BMBC or partner RSL. 	<ul style="list-style-type: none"> • No penalty
Accepted	<ul style="list-style-type: none"> • Property accepted by applicant 	<ul style="list-style-type: none"> • Tenancy start date agreed and documents signed. • Applicant no longer active for bidding • Application status changed to Rehoused
Refused – Homeless Duty	<ul style="list-style-type: none"> • Offer deemed reasonable and refusal unreasonable 	<ul style="list-style-type: none"> • Offer history recorded • Discharge of Duty by BMBC. • Applicant may have priority reduced within band. • Applicant may be demoted to band 4 (Berneslai Homes will

		reassess).
Refused - Band 1 (non homeless)	<ul style="list-style-type: none"> • Offer deemed reasonable and refusal unreasonable 	<ul style="list-style-type: none"> • Offer history recorded • Review of applicant's priority. • Applicant may have priority reduced within band. • Applicant may be demoted to band 4.
Refused – Other bands (non homeless)	<ul style="list-style-type: none"> • Offer deemed reasonable and refusal unreasonable 	<ul style="list-style-type: none"> • Offer history recorded • Review of applicant's priority may result in demotion within band • If refusal of second offer applicant may be demoted to band 4. • If Band 4 and three unreasonable refusals the applicant may no longer qualify to be on the register

5.4.7 Publicising Lettings

We publish our performance and information about lettings on the Find a Home Page of Berneslai Homes' website.

Our interactive supply and demand tool is updated routinely with lettings made in each area.

This may change when interactive tool goes live....

Each week we also update the "What we've let" information and this will show for the last three months

- The areas where properties were let
- Number of bids each property had
- Band and effective band date of the successful applicant came from for each property

We do not disclose personal information within these reports.

Once a month we update the "What we have" information which shows the number and type of properties we manage and how many have been let in the last year.

The website is always under review and we may change how we publish this information.

Once a year in April we publish annual performance on lettings along with our annual lettings plan (see section 5.1.2)

5.5 Tenancy Sustainment

The Barnsley Homeseeker Scheme is designed to deliver longer-term solutions for people, and to make it possible for them to find and stay in a home which meets their need.

This scheme ensures that at each of the key stages of an application we will do everything practically possible to promote tenancy sustainment.

The table below describes how we work with an applicant and relevant support partners to achieve tenancy sustainment.

Stage	Action by Berneslai Homes	Result for Applicant
New Application/review of application	<ul style="list-style-type: none"> • Assessment to identify: <ul style="list-style-type: none"> ○ support needs, ○ affordability, ○ risk to applicant; ○ risk to others • Applicant advised of action needed by them and support plan being offered. • Regular review of progress against agreed plan. • 	<ul style="list-style-type: none"> • Support plan agreed and this can include: <ul style="list-style-type: none"> ○ Tenancy Ready Course ○ Housing Coach or Partner referral made ○ Support finding employment, developing living skills ○ Social care referral ○ Education support referral
Offer	<ul style="list-style-type: none"> • Assessment to identify: <ul style="list-style-type: none"> ○ Suitability of offer including affordability; ○ Support needs; ○ risk to applicant; or ○ risk to others. • Decision made about whether to progress with offer including any ongoing support to be given. 	<ul style="list-style-type: none"> • Applicant has best possible chance to sustain tenancy • Applicant aware of actions required by them before tenancy signed • Applicant aware of support plans in place with Berneslai Homes or other support agencies
Sign up	New tenancy support plan agreed with tenant.	<ul style="list-style-type: none"> • Applicant has best possible chance to sustain tenancy • Applicant aware of actions required by them before tenancy signed • Applicant aware of support plans in place with

		Berneslai Homes or other support agencies
Post tenancy	Housing Management Officer and/or Tenant First Team keeps in regular contact with tenant as per the agreed support plan.	Nominated support officer, agreed support plan and routine visits gives new tenant the best possible chance to sustain tenancy.

This section explains the following.

- What decisions are made under the Barnsley Homeseeker Scheme.
- How and when we inform applicants of decisions made about them.
- The different types of review.
- An applicant's right to request a review and how we handle reviews.
- An applicant's right to request a judicial review of any decision.
- An applicant's right to complain and how we handle complaints.

6.1 Decisions we make

These are the key decisions we will make about an application.

- The decision about whether an applicant is eligible to join the register (section 3.1)
- The decision about whether an applicant qualifies to join the register (See 3.2)
- The decision that awards priority banding (Part 4)
- The decision to reassess an application as reduced preference. (4.4.3)
- The decision about the type of property and/or area an applicant can apply for (4.4) .
- The decision to reassess priority banding following a change of circumstance. (4.7)
- The decision to cancel an application. (4.6)
- The decision following a review, appeal, or complaint (Part 6)
- The decision to deny a request for a review (Part 6)
- The decision that deems a refusal of a property as unreasonable. (5.4.2)
- The decisions to refuse a duty under the homeless legislation. (4.4.2)

6.1.1 How we inform applicants of decisions

We will inform an applicant of any decisions in writing and within 10 working days of making the decision using the applicant's preferred method which can be:

- Letter
- E-mail
- The applicant's online account.

Any written decisions will outline how an applicant can request a review of the decision (6.2)

If an applicant disagrees with a decision we make about their application, they have a right to request a review.

If an applicant disagrees with a decision in relation to their application, they have the right to request a review.

6.2 Reviews

There are several types of review

Review Type	Review Description	Initiated by
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<p>Reduced Preference Review (inactive bidding)</p>	<p>We review those applicants who have reduced preference (inactive bidding status) and who have completed a period of stabilisation and/or where the agreed review period has been reached. The review will assess their ability to sustain a tenancy. If the period of stabilisation has not been successful, their period of stabilisation may be extended or we may determine that they do not qualify to be on the register (3.2). If we determine they are able to sustain a tenancy, we will allow them to bid in the awarded band.</p>	<p>Berneslai Homes or the applicant</p>
<p>Homeseeker Register Review</p>	<p>Berneslai Homes initiate this review to keep the Homeseeker Scheme up to date and ensure that the priority awarded is still relevant (see 6.3)</p>	<p>Berneslai Homes</p>
<p>Spontaneous application review</p>	<p>This takes place when information is supplied by another agency or at the point of allocation (see 6.6) .</p>	<p>Berneslai Homes</p>
<p>Statutory Right of Review</p>	<p>This is the right of review requested by the applicant because of a decision made under part 6 of the Housing Act 1996 in relation to the application. See 6.4 Any reviews in respect of Homeless Duties under Part 7 or the Housing Act 1996 are made to and considered by BMBC Housing Options. Applicants will receive separate notification from BMBC Housing Options team as to the review process for any decisions made by them</p>	<p>Applicant</p>
<p>Judicial Review</p>	<p>This a review undertaken by the Courts because an applicant or their legal representative feel that the Barnsley Homeseeker Scheme is unfairly prejudicial or their case has been dealt with in a prejudicial way. (6.5)</p>	<p>Applicant or their legal representative.</p>

6.3 Homeseeker Scheme Review

We review applications on a periodic basis to:

- confirm that there have been no changes in the applicant's circumstances which will affect any decisions we have previously made about their application;
- check that they still qualify to be on the register; and
- check that they still want to be on the register.

6.3.1 How often we review applications

- Band 1 every 6 weeks
- Band 2 every 6 months
- Band 3 and 4 every 12 months

6.3.2 How we manage the periodic review of applications

We manage the process differently dependent upon the priority band awarded.

Band 1 applicants – We will contact applicants every 6 weeks or sooner if they refuse an offer. We give applicants 10 working days to respond to our request for contact. If no contact is made within this time, we will contact the applicant and advise them that their application will be removed from the register.

Band 2 applicants – We will contact applicants in band 2 every 6 months or sooner if they refuse an offer. We give applicants 10 working days to respond to our request for contact. If no contact is made within this time, we will contact the applicant and advise them that their application will be removed from the register.

What the band 1 and 2 review considers

Where we have awarded priority bands 1,2 the review requires a conversation to take place with the applicant and considers whether the applicant has been actively bidding for suitable vacancies as well as any changes in their circumstances.

These conversations allow us to provide advice to applicants and ensure they are aware of the sanctions that could be applied under the terms of this policy if they are not actively bidding for suitable vacancies. The result of these reviews could be as follows:

- Priority remains (actively bidding)
- Demotion in band
- Reassessment and lowering priority.

Band 3 applicants - We will contact applicants in band 3 every 12 months or sooner if they refuse an offer.

Where an applicant in band 3 has been actively bidding, we will contact the applicant by e-mail or letter and ask them to confirm that their circumstances are the same and that they want to remain in the register.

Where an applicant in band 3 hasn't bid in the last 12 months for suitable vacancies we will automatically demote them within band 3 and we will write to confirm this. We will also ask them to complete a review form confirming that their circumstances are the same and that they want to remain in the register. Applicants can request a review of this decision.

We give applicants 28 working days to respond to our request for review information and we advise that if no contact is made within this time, we will cancel their application and remove it from the register. We do not advise them that we have cancelled their application.

Band 4 applicants - We contact applicants in band 4 every 12 months or sooner if they refuse an offer.

The review letter or e-mail will ask the applicant to complete a form confirming that their circumstances are the same and that they want to remain in the register. The letter advises they have 28 days to respond and if no response is received they are cancelled from the register.

If we do not receive a response within 28 days, we will cancel their application will be removed from the register. We do not advise them that we have cancelled their application.

We will inform an applicant if we change any previous decisions we have made about their application (see 6.1.1). These changes could be a reassessment of priority or demotion within band.

Where an applicant's circumstances change before their review date, they have a responsibility to inform us of the changes as soon as possible so that we can reassess their application.

6.4 Statutory Right of Review

An applicant has the right to request a review of the following decisions made about their application under Part 6 of the Housing Act 1996.

- Whether they are eligible for an allocation of accommodation.
- Whether they qualify to join the Homeseeker Scheme.
- Their priority on the Homeseeker Scheme (including factors considered when determining priority or decisions to reduce preference).
- The type of property and area they can apply for.
- Restrictions on members of their household to be rehoused with them
- The type of tenancy to be offered under the terms of our tenancy policy.

Where an applicant is requesting a review of a decision made in respect of Homelessness under part 7 of the Housing Act 1996, these reviews are considered by BMBC Housing Options. Applicants will receive notification as to BMBC Housing Options review procedures as part of their homeless application.

6.4.1 How to request a statutory review (Barnsley Homeseeker Scheme Reviews)

An applicant must request a review of any decision within 21 days of being informed of the decision. Requests made outside of this time will only be considered where the applicant can tell us of any special circumstances that prevented them from requesting the review earlier.

They can request a review in various ways including by phone, to an officer, in writing, by e-mail, online or via a nominated third party.

- The online review form is www.berneslaihomes.co.uk/registerreview
- The postal address for reviews is PO Box 627, Barnsley, S70 9FZ

Any requests must include the reasons why the applicant does not agree with the decision made by us. An applicant can provide any information which they feel will inform the review.

Where an applicant provides information about their application which was not previously considered by us, we determine that this is a request for reassessment. We will reassess the application using the new information, inform the applicant of the decision and this will give right to another right to request a review.

6.4.2 How we complete Barnsley Homeseeker Scheme reviews

We will complete the review within 6 weeks of the review being requested and this includes informing the applicant of the outcome of the review.

The majority of reviews will be considered by either a Berneslai Homes or a BMBC officer who is senior to the person who made the original decision and who has not previously been involved in the case.

In the following circumstances it may be more appropriate for a review to be considered by a panel of officers (The Barnsley Homeseeker Panel). This panel will be made up of two or three officers and will include officers from both Berneslai Homes and/or Barnsley Council.

Where this approach is necessary, the applicant will be informed of this and the reasons why.

The types of case generally considered by the panel are set out in the table below, however we reserve the right to include other cases. An applicant **not** in the circumstances outlined in the table below do not have the right to request a panel review. An applicant in the circumstances below can request a review by the Barnsley Homeseeker Panel. Where a decision for these applicants is made, the decision letter will outline the right of review and whether it will be a panel or individual officer review.

Reviews completed by the Barnsley Homeseeker Panel
Band 1 application which does not qualify to join the Barnsley Homeseeker Scheme, which is placed in the inactive bidding category or which has been cancelled due to inactive bidding or unreasonable refusals.
Any band application where there is a public protection or risk issue.
Any band application where there are other BMBC legal duties owed to the applicant.

An applicant and/or their representative can make either verbal or written representations. Where they choose to make verbal representations, they can do this by either attending one of our offices or other mutually agreeable venue, over the phone, or via an online meeting.

Appendix 1 sets out our Homeseeker review process in more detail.

6.4.3 What decisions can be made after a review

There are a number of decisions which can be made.

Agreed

We will change the decision we originally made and where relevant back date to the date of the original decision.

Not Agreed

We will not change the original decision.

Rejected (no grounds)

We will not review an application and we will explain why they have no grounds to request a review.

Reassessment

We will reassess an application as the applicant has provided new information not previously supplied.

Out of time

An applicant asked for a review outside of the 21-daytime scale and they have no valid reason for the delay in asking for a review.

Withdrawn

An applicant asks for their review to be withdrawn.

6.4.4 Informing an applicant of the decision after a review

We will inform an applicant of the outcome of their review in writing and within 10 working days of the review being completed and no later than 6 weeks from the review being requested.

The information provided with the decision will enable the applicant to know why they have won or lost their review. It will include:

- who completed the review;
- the information they considered (written and verbal);
- others involved in the review and their contribution;
- the decision and our basis for reaching that decision.

Once the review has been completed the applicant does not have a right to another review on the same decision. If there is a subsequent change in their circumstances or new information not previously considered they have a duty to inform us and we will reassess their application.

An applicant can register a complaint if they are unhappy with how we have completed their review (6.7).

6.5 Appeals and Judicial Review

There is no right to appeal to the county court against any decision we make following a review of an application under section 6.4 of this Barnsley Homeseeker Scheme.

If an applicant believes they have a right of appeal to a county court regarding any duty owed to them relating to homelessness decision (Part 7 Housing Act 1996), this should be discussed with Barnsley MBC Housing Options Team who will advise the applicant of their rights.

If an applicant believes that they have adequate right to challenge any breach in our legal duties in dealing with their housing application they could take legal advice and consider a judicial review.

6.6 Spontaneous reviews

If information comes to light when dealing with an applicant or if we are alerted (by another agency or third party) of information which affects previous decisions we made about an applicant, then we will review the application. We may make the application inactive while we undertake the review. We may withdraw any offers whilst the review is being completed and we are under no obligation to reoffer the property once the review has been completed. We will complete spontaneous reviews within 10 working days of the information coming to light or the alert being received. We will advise an applicant that we are reviewing their application and whether their application is affected while the review is ongoing.

6.7 Complaints

An applicant can make a complaint about how we have handled their application, how we have followed our lettings policy, or the service we have given them in respect of their application. We have a separate complaints policy called "Your Comments Count" which explains in detail how to make a complaint and how we handle them. This policy is available on Berneslai Homes website.

Complaints about housing applications or lettings can include (but is not exhaustive):

- How we handled their application or treated them
- Rejecting a bid for a property type and area they are eligible for
- Bypassing of their application
- Withdrawing an offer
- The content of advert

- Decision not to bid on their behalf
- Giving incorrect or unclear information
- Not meeting timescales
- Not following our policy
- How we have handled their request for a review
- How we have a let a vacancy

The complaints procedure should **not** be followed where the applicant has a right to request a review which is covered in section 6.4 of this policy.

6.7.1 How to make a complaint

Complaints can be made in various ways including

- Online
- By phone
- By letter
- By e-mail
- Using a third party

6.7.2 How we handle complaints

We would always try to resolve a complaint quickly and informally. If this does not resolve the matter, we have 2 formal stages to our complaint process.

Stage 1 The complaint is investigated by the Lettings Service or other independent officer (where necessary) and a written response provided within 10 working days

Stage 2 If the applicant is still not satisfied the complaint will be reviewed by the Customer Services Team on behalf of the relevant Head of Service and a written response provided in 20 working days.

6.7.3 What happens during the investigation

We would contact the applicant, gather relevant information from them and explain how we would handle their application during the investigation period. For example, where a complaint involves a property which has been advertised or which they have bid on and were bypassed for we not normally hold, stop making or withdraw offers while the investigation is completed.

6.7.4 Complaint resolutions

The response to a complaint will respond to all points raised and the reasons for our decision.

Where a complaint investigation finds a negative impact for an applicant, we would address this as part of the resolution. This could include (but not exhaustive):

- Apology
- Explanation

- Promise of service improvement or review
- Backdating of priority
- Considering a direct offer (where they would have been rehoused sooner)
- Compensation

6.7.5 Housing or Local Government Ombudsman

If the complaint is still unresolved, we will advise the applicant which Ombudsman they need to contact.

The Local Government Ombudsman can be contacted as follows:

**Local Government Ombudsman PO Box 4771
Coventry CV4 0EH Tel: 0300 061 0614
Website: www.lgo.org.uk**

The Housing Ombudsman can be contacted as follows:

**Housing Ombudsman Service Exchange Tower
Harbour Exchange Square London
Tel: 0300 111 3000
E mail: info@housing-ombudsman.org.uk**

Appendices

- A1 Barnsley Homeseeker Review Procedure**
- A2 RSL List**
- A3 List of Policies linking to the Barnsley Homeseeker Scheme**

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Barnsley Homeseeker Reviews

Procedure

This procedure sets out how Barnsley Homes deals with reviews of decisions made about housing applications.

1. What is a Homeseeker Review?

A Homeseeker Review is a review of decisions made about an applicant under the terms of the Homeseeker Scheme.

Applicants have a legal right to ask for a review of a decision made in respect of their housing application under Part 6 of the Housing Act 1996.

The core purpose of the review is to ensure we have made decisions about an applicant in line with our legal duties and the Homeseeker Scheme.

There are three types of decision an applicant can request a review of, which are set out below.

1.1 Reviews regarding the status of an application

Under the terms of the Barnsley Homeseeker Scheme, an applicant has the right to request a review of the following decisions made about their status on the register:

1. That an application does not qualify to be on the Housing Register (Section 3.1.2).
2. That an application qualifies to be on the register but is placed in an inactive bidding status for a period of time (Section 4.4.3a)
3. That an applicant is on the register but we place restrictions on the area or property types an applicant can apply for (Section 3.3).

1.2 Reviews regarding the priority awarded to an application

Section 4.4.13 of the Barnsley Homeseeker scheme details the priority categories. An applicant can request a review of this if they have reason or evidence to support that our decision has not been made in line with the Homeseeker Scheme.

1.3 Reviews regarding the removal of priority awarded to an application

Under the terms of the Homeseeker Scheme, we may remove priority in the following circumstances.

- Where an applicant unreasonably refuses a reasonable offer. This is covered in section 5.4.4 of The Homeseeker Scheme.
- Where an applicant is not reasonably applying for suitable vacancies. This is covered in section 4.4.3b of The Homeseeker Scheme.

An applicant has a right to request a review if they have reason or evidence to determine that we have not made the decision in line with the Homeseeker Scheme.

2. How does an applicant request a review of these decisions?

An applicant has six weeks after a decision is made to request a review. They can do this online using the eform, by e-mail, over the phone, face to face via a nominated representative or in writing.

3. Who considers the review?

There is only one review allowed under the terms of the Barnsley Homeseeker Scheme.

Most reviews are completed by one officer, who is competent in understanding the terms of the Homeseeker Scheme. They can consider a review as long as they have not been involved in the original decision and are more senior than the officer making the decision. Typically, but not exhaustively, the review officer can be any one of the following roles:

- Lettings Team Leader
- Assessment Team Leader
- Lettings Manager
- Homeseeker Team Leader
- Customer Services Manager
- Neighbourhood Services Team Leader
- Income Manager
- Head of Customer Services
- Head of Estate Services

However, there are occasions, as set out in section 6.4.2 of the Barnsley Homeseeker Scheme, where the review will be considered by The Barnsley Homeseeker Panel.

4. How is the Homeseeker panel made up?

Any case being considered by panel will be sensitive or involve a Band 1 applicant. The panel is made up of two or three officers from Berneslai Homes and/or Barnsley Council.

Berneslai Homes Officers

There will always be at least one senior officer from Berneslai Homes and this can be any of the following:

- Lettings Manager
- Head of Customer Services
- Tenant First Service Manager
- Neighbourhood Services Manager
- Head of Estate Services
- Income Manager

Barnsley Council Officers

Representatives from BMBC can include various senior officer roles.

5. What process does the reviewing officer or Homeseeker Panel follow?

The process followed for either a single officer review or panel is the same.

Within 5 working days of the review being requested, The Homeseeker Team will confirm with the applicant whether the review will be an officer review or a panel review. They will ask whether the applicant wishes to attend the review and if so whether this is in person or via a Teams meeting.

Once this has been confirmed a date for the review will be set and the applicant will be given 5 working days' notice of this date.

The officer making the original decision will complete the standard review template and share this with the reviewing officer, panel **and** applicant at least 5 working days before the date that the review is being considered.

This template includes the applicant's reasons for requesting a review, any evidence used by the officer making the original decision and how the policy has been applied.

In all cases, the officer making the original decision will be asked to attend the review meeting.

6. Does the applicant attend the review meeting?

They have three options.

- They can attend with or without representation.
- They can send a nominated representative.
- They can choose not to attend.

7. What happens at the review meeting?

There is a formal process that is followed in **all** review cases, irrelevant of whether the applicant attends or whether it is a panel or single officer review.

The process followed at a review meeting is set out below and ensures that even if the applicant doesn't attend that the officer or panel considering the review will follow the same process,

- The officer leading the review will welcome attendees and will take from them any additional written evidence they have brought. This will be copied and distributed to all other attendees.
- The officer leading the review will ask the officers to present their case.
- The officer leading the review will ask the applicant or their representative to present their reasons for requesting a review. If the appellant is not present, the officer presenting the original decision will read out the applicant's reasons for requesting a review.
- The officer leading the review will give the officers an opportunity to ask the applicant or their representative any questions.
- The officer leading the review will give the applicant or the representative an opportunity to question the officer/s in attendance.
- The officer leading the review and any panel members will question the officers.
- The officer leading the review and any panel members will ask the applicant or their representative any questions.
- The officer leading the review will ask the officers to summarise.
- The officer leading the review will ask the applicant or their representatives to summarise their case.
- The officer leading the review will ask everyone to leave the room (or Teams meeting) for the decision to be made. This is with the exception of the panel.
- The officer leading the review and/or panel will consider the review and make their decision.
- The officer leading the review will ask everyone to return to the room and they will deliver their decision.
- The decision of the officer leading the review and/or collective panel will be based upon factual evidence and will comply with the Barnsley Homeseeker Scheme.

A record of the review meeting will be taken by either an audio recording, which is transcribed, or by notes made by an attending officer. Any notes will be shared with the applicant following the review meeting, and any personal sensitive data redacted.

8. What decisions can be made following a review?

One of three decisions can be made.

Agree with the applicant

The applicant will either be:

- reinstated on the register and reassessed in line with the Homeseeker Scheme rules;
- have their priority increased and backdated to the date we awarded lower priority (unless in the interim period their circumstances have altered or they have provided new evidence); or
- reinstate their priority back to the date it was awarded (unless in the interim period their circumstances have altered or they have provided new evidence).

Disagree with the applicant

The officer recommendation stands and the applicant has no further right of review.

Defer the decision whilst further investigations or actions take place

Once this has taken place the applicant will be informed of the outcome of the reassessment and they then have a further right to request a review.

How are decisions confirmed?

The decision will be confirmed in writing within 5 working days of the review being completed. Applicants will be informed of their right to seek judicial review (Section 6.5) and their right to make a complaint under Berneslai Homes Your Comments Count Policy if they do not believe the review process has been followed.

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Appendix 2 – Registered Social Landlord List

The below list shows, as of the 25th of January 2023, the Registered Social Landlords that own housing stock within Barnsley and undertake nominations across the borough. Nominations are made in line with the Barnsley Homeseeker Scheme.

RSL	Website	Phone number
Acis Group Acis House, 57 Bridge Street, Gainsborough, DN21 1GG	https://www.acisgroup.co.uk/	0800 027 2057
Anchor Hanover (merged 2018) The Heal's Building, Suites A&B, 3 rd Floor, 22-24 Torrington Pl, London, WC1E 7HJ	https://www.anchor.org.uk/	0800 731 2020
Auxesia Homes Booths Hall, Chelford Road, Knutsford, WA16 8QZ	https://www.auxesiahomes.co.uk/	01565 648284
Centrepoint Services Quarry View Smithies, Barnsley, S71 1NL	https://centrepoint.org.uk/	0800 587 5158
Great Places Housing Group (Merged with Equity April 20) 99 Parkway Ave, Sheffield, S9 4WG	https://www.greatplaces.org.uk/	0300 123 1966
Guinness Northern Counties H.A. The Guinness Partnership, 20 Westfield Terrace, Sheffield, S1 4GH	https://www.guinnesspartnership.com/	0303 123 1890

Habinteg Housing Association Chapman House Unit 1, Adwalton Business Park 132 Wakefield Road, Drighlington Bradford, BD11 1DR	https://www.habinteg.org.uk/	0300 365 3100
Heylo (shared ownership specialists) Level 2, 46 Park Place, Leeds, LS1 2RY	https://heylohousing.com/	020 3744 0415
Home Group 2 Gosforth Park Way, Newcastle Upon Tyne, Tyne and Wear, NE12 8ET	https://www.homegroup.org.uk/	0345 141 4663
Leeds & Yorkshire HA 3rd Floor, White Rose House, 8 Otley Rd, Headingley, Leeds LS6 2AD	https://www.lyha.co.uk/	0113 2783335
Park Properties Housing Association Ltd 31 Ardwick green North Manchester, M12 6PN	http://www.parkpropertieshousing.co.uk/	0161 820 6559
Places for People The White House 10 Clifton York Yorkshire YO30 6AE	https://www.placesforpeople.co.uk/	01772 667002
Riverside Housing Group	https://www.riverside.org.uk/	0345 111 0000

The Riverside Group, 170 Plymouth Grove, Manchester M13 0AF		
Sanctuary Housing Chamber Court, Castle Street, Worcester, Worcestershire, WR1 3ZQ	https://www.sanctuary.co.uk/	0800 131 3348
South Yorkshire H.A. 152 Rockingham Street Sheffield South Yorkshire S1 4EB	https://www.syha.co.uk/	0114 2900 200
Together Housing Association Ltd 2 Carbrook St, Sheffield, S9 2JE	https://www.togetherhousing.co.uk/	0300 555 5560
Synergy Housing Solutions Ltd (A Member of the Together Housing Group)	No website – A Member of the Together Housing Group. https://www.togetherhousing.co.uk/	01924 290949
Wakefield and District Housing Limited Merefield House, Whistler Dr, Castleford, WF10 5HX	https://www.wdh.co.uk/	0345 8 507 507
Yorkshire Housing The Place, 2 Central Place, Leeds, LS10 1FB	https://www.yorkshirehousing.co.uk/	0345 366 4404

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Appendix 3 – Links to other Policies and Procedures

Policy/Process Title	Linkages to the Homeseeker Scheme
Adaptation Policy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • Assessing priority where a BMBC property cannot be adapted. • Assessing priority where a BMBC property can be adapted but it does not meet the needs of the tenant. • An applicant is freeing up an adapted property required by us for another priority household. • When assessing suitability of a property for an applicant. • In deciding whether a property can be adapted and it is likely they will be feasible and approved to make it suitable for a priority applicant.
Anti-Social Behaviour Policy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • Assessing whether applicants are ineligible to join the Homeseeker Scheme due to ASB in previous tenancies. • Assessing whether an applicant may be bypassed for a property due to the applicant having a failed tenancy reference (arrears, ASB). • To make a decision regarding whether an applicant should be put into an inactive bidding category due to concerns about them managing their tenancy. These concerns may be triggered by evidence of previous ASB.
BMBC Homeless Strategy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • To make informed decisions on whether an applicant should be referred to BMBC Housing Options as a homeless person. • To assess the priority of the person who has been referred by BMBC Housing Options. • To support those who are homeless to find longer-term housing. • To offer wrap-around support for people that need more than just a

	roof.
BMBC Tenancy Policy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • To determine how the Homeseeker Scheme allocates tenancies. • To decide which type of tenancy is allocated (secure, flexible). • To outline the appeals and review processes with regards to tenancies ending. • To outline the requirements for a succession.
Data Protection	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • Ensuring the data that is processed through the Homeseeker Scheme will be handled in accordance with the Data protection procedures. • Confirming that an applicant's permission to share their personal information is a qualification condition of being accepted onto the Homeseeker Scheme.
Decant Policy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • Where an existing BMBC tenant needs temporary accommodation due to major works being required at their home.
Domestic Abuse Policy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • Assessing priority for victims of domestic abuse. • Accepting domestic abuse as an exceptional circumstance when a tenancy has changed from joint to single. • Assessing whether a Direct Let is appropriate for either the victim or the perpetrator of domestic abuse.
Flexible Tenancy Review Process	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • To assess whether an introductory tenant should be granted a secure or flexible tenancy following the end of their introductory tenancy. • To assess whether a secure tenancy should be granted at the end of a flexible tenancy.
Introductory Tenancies Policy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> • To assess whether the allocation of

	<p>a tenancy should be classed as introductory.</p> <ul style="list-style-type: none"> To assess whether an introductory tenant should be granted a secure or flexible tenancy following the end of their introductory tenancy.
Joint Tenancy Guidance	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> To assess whether tenants qualify to become joint tenants. Assessing whether the appropriate evidence has been provided in order for a joint tenancy to be created. To assess if it is fair and reasonable to create a sole tenancy when a joint tenancy has ended.
Mutual Exchange	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> To determine whether an applicant is eligible for a mutual exchange. To confirm a person's tenancy is transferred in a mutual exchange.
Succession	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> To determine whether an applicant or tenant qualifies for a statutory succession. To assess whether a non-statutory succession should be granted following the death of a tenant. To assess whether a non-statutory succession is appropriate for a Direct Let.
Vulnerability Strategy	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> To ensure fairness and transparency within the Homeseeker Scheme so all applicants can easily access the scheme, in particular those with vulnerabilities or other specific needs. To ensure rehousing plans are in place for care leavers or those in supported living as they may have complex cases or vulnerabilities. To assess whether an applicant qualifies for assisted bidding due to their needs or vulnerabilities.
Your Comments Count	<p>We make reference to this policy in certain circumstances as outlined:</p> <ul style="list-style-type: none"> To outline the process of making a

	<p>complaint for applicants or tenants.</p> <ul style="list-style-type: none">• To outline the process of how we handle complaints.• To outline our complaint resolutions.• To outline the process of contacting the Housing or Local Government Ombudsman.
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The Barnsley Homeseeker Scheme is connected to a range of Berneslai Homes policies, which are listed above.

Where these policies are published on Berneslai Homes website, this document provides links to them. Where they are not published on the website the policies can be made available on request to customerservices@berneslaihomes.co.uk

Appendix 2 - Homeseeker Scheme 2023 Implementation Plan

Activity	Date	Comment
BMBC DMT Approval	12/12/2022	
Cabinet	08/02/2023	
Berneslai Homes Internal Review of Process and Process and Procedure Development – including service restructure	August 2022 – January 2023	Development of internal process to meet the broad themes of the policy review and / or align with best practice. Service restructure completed with go live Jan 2023 Can be completed prior to consultation and sign off of policy and adapted agile to meet any specific needs
IT System Changes	January 2023 – May 2023	System amends and building in test before creating new lists in live.
Communication Plan development and roll out	January 2023 – March 2023	Development of comms plan to commence after full council approval of policy
Soft review of existing applications in line with proposed new policy criteria	May 2023 – June 2023	No communication to customers at this point but will prepare groundwork for comms immediate post sign off subject to broad agreement with proposal
Customer Contact and comms. Band affected customers, advise of new and old bands and advice around rehousing	July 2023 – August 2023	At this point applicants will also be advised of the right of appeal against the new assessment in line with the 2023 Lettings Policy
Appeal Process – Band effected customers	July 2023 – August 2023	Timeframe will be determined from point decision communicated in line with policy criteria
Dual Assessment of New Housing Applications and Changes of Circumstance to Existing Applications	From Policy Sign off to Policy Go Live (assumed March – December 2023)	All new applicants assessed against the 2018 and 2023 policy criteria, advised of processes and date of any banding change (if applicable)
Band affected applicants – Mid implementation review	3 Months after initial rebranding decision made and 1 month before changes	Further contact with customers to remind of date banding change will occur and encourage them to actively look for rehousing before that time

Berneslai Homes Website Redesign	October 2022 – March 2023	Redesign of BH “front door” website to deliver information and functionality required to deliver on policy ambitions. Majority of work policy agnostic so can be completed prior to sign off
Assurance Framework development	March 2023 – June 2023	Development of assurance framework and policy success measures
Implementation go live	1 st December	
Implementation review	6 months and 12 months after go live	

Appendix 3:

Consultation

The information below summarises the legal and regulatory duties to consult in respect of changes to the lettings policy and sets out completed and planned activities to ensure we meet those duties.

Legal Duties

1. Under Part 6 of the Housing Act 1996 there is only one specific duty to consult on changes to an authority's lettings scheme:

Before the Council adopts a new lettings scheme, we have a duty to share a copy of it with those RSL's with whom we have nomination agreements and give them a reasonable time to comment on the proposals contained within the draft scheme.

This duty has been met through the workshop sessions and the subsequent sharing of the draft policy and an invite to complete a survey.

2. Under section 105 of the Housing Act 1985, the Council has a duty to ensure that secure tenants, who are likely to be **substantially** affected by a change in a housing management policy or practice, are informed of the proposed changes, have an opportunity to make their views known and to consider those views before making the changes.

Our view is that changing the lettings policy will not substantially affect secure tenants as the changes proposed will benefit those tenants in priority need who are applying to transfer, will reduce lettings to those outside of Barnsley and will enhance community stability through the enhanced service offer and tenancy ready support.

This duty will be met through Berneslai Homes' current tenant engagement processes via direct dialogue with the Tenant Voice Panel and other engaged tenants. The focus will be on involving tenants in the production of communications to applicants as part of the implementation phase and the development and testing of the service model.

3. Under Part 6 of the Housing Act 1996, the Council has a legal duty to take reasonable steps (and in good time) to **inform** those affected by a change in the letting scheme, of the changes and what impact they have on them.

This duty will be met once the policy has been approved and a date set for its implementation. However, Berneslai Homes has committed to consult with a random sample of existing applicants and tenants not on the transfer list through three workshops. The aim of these workshops

is to establish the likely response to the changes and so support the development of effective communications on the run up to the changes.

Regulatory Duties

4. Under the Regulator of Social Housing’s Involvement and Empowerment Standard we have a regulatory duty to give tenants a wide range of opportunities to influence and be involved in the formulation of their landlord’s housing-related policies and strategic priorities and the making of decisions about how housing-related services are delivered, including the setting of service standards.

This duty will be met through Berneslai Homes’ current tenant engagement processes via direct dialogue with the Tenant Voice Panel and other engaged tenants. The focus will be on involving tenants in the production of communications to applicants as part of the implementation phase and the development of the service model and IT solutions.

The table below sets out both completed and planned activities to ensure we have fully met those duties as we develop and implement the new lettings policy. The table also contains a summary of the views received.

Completed Consultation

Consultation Activity	Date/s	Summary of feedback
Elected Members	Oct 21 14 th & 18 th Oct and 3 rd Nov 22	<p>General support for all principles, rules and revised service model.</p> <p>Acknowledgement that we have a duty to house those in most need and with limited options.</p> <p><u>Main asks</u></p> <ul style="list-style-type: none"> • Support existing applicants to understand the changes in good time. • Be clear, fair, thorough and consistent in assessing those who can resolve their own housing needs. • Make sure allocations are supportive of the existing community needs. <p>There was also an informal cabinet briefing on 5th October at which the Leader and Members were concerned that access to the waiting list would be restricted to those who owned their own homes or who had significant savings and the 10% lettings to waiting time ONLY amendment. Officers advised that there would be a clear and transparent process for this and that individual circumstances would always be considered – particularly where a need couldn’t be met</p>

		elsewhere (e.g., a medical need for certain accommodation/adaptation).
Berneslai Homes Tenant Voice and Involved tenants	23/5 & 30/11	Supportive of all proposals and the service model. <ul style="list-style-type: none"> • Like the closing of list to those outside Barnsley and with no connection. • With increasing demand from those in need understanding of need to offer on needs based and not waiting time. • Positive feedback about the online search and apply tool <u>Main asks</u> Involve tenants as the policy is implemented to ensure any comms are customer focussed. Involve tenants in testing any system developments
RSLs	17th and 22nd Nov	Supportive of proposals and service model. Bedroom and matching rules more closely align to their policies. <u>Main asks</u> Improved networking between BH and RSL Improved nomination detail Review of web content
Partners	17 th and 22 nd Nov	Supportive of proposals and service model, in particular the move towards lettings on need first and the service model which supports tenancy ready. <u>Main asks</u> Involve wider community as the policy is implemented – to improve accessibility

Consultation Activity	Date
Elected Members – sharing of key principles presentation slides and band rules followed by an online survey	2nd Dec
RSLs – sharing of policy draft followed by an online survey	2nd Dec
Partners – sharing of key principles presentation slides and band rules followed by an online survey	2nd Dec
Public – a small random sample of the housing register and existing tenants to attend a presentation on the key principles and service model	15 th /16 th Dec Online (Zoom) max 50 attendees each session 19th Dec 2pm-4pm Barnsley Library max 30 attendees Followed by a survey with deadline 13 th Jan 2023. A copy of the survey results summary is located at appendix B1.

Berneslai Homes Involved Tenants Consultation on implementation with a practical focus on communications and system usage.	Post White Cabinet Approval

Appendix 3a - Draft Lettings Policy Survey Overview

1.0 Introduction

The Draft Lettings Policy survey was sent out to a range of BMBC stakeholders following consultation sessions, including Registered Social Landlords, Barnsley Council and Berneslai Homes employees, Councillors, and the Tenant Voice Panel. The survey link was sent out to stakeholders via email, with the presentation attached so they could refer to it when completing their answers.

In total, the survey was sent to 117 stakeholders. 19 people completed the survey, resulting in a 16.24% response rate. Of the 19 respondents, 16 were Berneslai Homes staff, two were Registered Social Landlords and one worked for BMBC as a nurse.

2.0 Results

2.1 Principle one: Balance Supply & Demand

Strongly agree or agree were the majority responses to all questions asked in relation to Principle One. A common theme within the qualitative answers was that those most in need of housing should have priority over those that don't, thus supporting the draft lettings policy on Principle One.

2.2 Principle Two: Rehouse the most in need first

Strongly agree or agree were the majority responses to all questions asked in relation to Principle Two. The common theme within the qualitative answers is that most would like to see a smaller Band One so high priority cases can be better managed.

2.3 Principle Three: Make better use of stock

Strongly agree or agree were the majority responses to all questions asked in relation to Principle Three. The majority of qualitative responses agreed that underoccupancy should not be allowed in homes, with one person stating it is a much fairer system. However, some respondents stated that spare bedrooms are useful when family visit or families expand.

2.4 Principle Four: Quality advice and support

Strongly agree or agree were the majority responses to all questions asked in relation to Principle Four, no one disagreed to any of the questions stated. Respondents agreed that affordability assessments are vital to maintain successful tenancies, however one person highlighted that some applicants that do not meet affordability requirements may have no other housing options if they are turned away.

2.5 Principle five: Positive housing register management

Strongly agree or agree were the majority responses to all questions asked in relation to Principle Five. The common theme of the qualitative responses is that extenuating circumstances should be taken into account during assessments, and HMT should be included in these decisions.

2.6 Principle Six: Transparency

Strongly agree or agree were the majority responses to all questions asked in relation to Principle Six. The majority of respondents agree that it is best to manage expectations through transparency.

2.7 Mixed question depending on their role.

2.7.1 Is there anything else you would like us to consider including in the policy to improve working processes between Registered Social Landlords and Berneslai Homes?

One respondent answered: 'contact details for priority officers where an applicant with priority has indicated they would like to refuse potential offer'.

2.7.2 Please tell us how the draft policy will affect the services within your team or any other comments you may have (Berneslai Homes employees).

Overall, the qualitative comments stated they were pleased with the survey and believe it will benefit Berneslai Homes staff and the applicants. It was also stated that the policy will help applicants become tenancy ready, however some respondents have concerns on how the people that are excluded from the waiting list will find alternate accommodation.

3.0 Conclusion

Overall, the reaction the draft policy has been positive, with most respondents supporting each principle. There has been valuable qualitative feedback provided with each question, and this should be considered when implementing any changes to the policy.

The most disagreed to questions were 'The policy will not allow a spare bedroom in family homes', 'The policy will limit access to the list to owners & those with high incomes' and 'The policy removes the 10% of lettings to waiting time only and lets on highest needs first.' These questions had two people disagree with them, which could show that these points may raise the greatest concerns from service users when moving forward with the policy. Therefore, special attention should be paid to these points when communicating them to the public.

A full copy of the survey results with associated comments is available upon request.

Equality Analysis

What is an Equality Analysis and why do we need to complete one?

It is designed to ensure that an organisation's policies, practices, events, projects, activities and decisions are fair and do not present barriers to protected characteristic groups. This covers both strategic and operational activities.

The EA will help to ensure that:

- we understand the potential effects of the policy or activity by assessing the impacts on different groups.
- any adverse impacts are identified, and actions identified to remove or mitigate them.
- decisions are transparent and based on evidence with clear reasoning.

Please complete the form below followed by the checklist to help you decide whether a full Equality Analysis is required.

Step 1

1. Person responsible for this assessment

Name:	Lynne Horton
Job Title:	OD Manager
Directorate:	Corporate Services
Service / Team:	HR/OD Team
Date of Assessment:	4 November 2022

2. Names of any others involved in carrying out the assessment

Name:	Cheryl Hodkinson	Job Title:	Housing Management Team Leader
Name:	Alison Dalton	Job Title:	BMBC Group Leader Strategic Housing
bm	Rachel Burgon	Job Title:	BMBC Senior Housing Advisor
Name:	Julie Walker	Job Title:	Senior Housing Assessment Officer

3. Description of Strategy, Policy, Service, Project, Activity or Decision

Title:	Lettings Policy
---------------	-----------------

Is it new? Yes No

Is it a review of existing? Yes No

Aims and Objectives

When completing this section please consider:

What you are doing?

Why you are doing it?

Who will benefit?

<p>Revision of Lettings Policy to ensure:</p> <ul style="list-style-type: none">Balance of supply and demandRehousing of those in most needMake better use of stockQuality advice and supportPositive housing register managementTransparancy <p>Those in most housing need should benefit from these changes.</p>

4. Who is affected?

Please give details of which groups or individuals are affected.

For example, tenants, employees, contractors, partner organisations, wider community, others

<p>Housing register applicants, tenants, employees within the service, council, partners, councillors, other registered providers.</p>
--

Are there any known inequalities? (Give a brief description)

Some people with various protected characteristics may not be able to access the housing register. There will be more restrictions to access the register to balance supply and demand ensuring those in most housing need have the best opportunity of being rehoused. Whilst this will have a negative impact on some protected characteristic groups, the options of choice in other housing tenures are open to them. Each individual accessing the register will be assessed on their needs therefore reducing any negative impact.

5. Equality Act 2010 Public Sector Equality Duty

- The Equality Act 2010 aims to achieve equal opportunities in the workplace and wider society. It gives protection to people with a protected characteristic. These are:
 - Age,
 - disability,
 - gender'
 - gender reassignment,
 - marriage and civil partnership,
 - pregnancy and maternity,
 - race, colour, ethnic and national origin
 - religion or belief, sex and
 - sexual orientation.
- The public sector equality duty requires all public bodies, including local authorities, to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

How is the public sector equality duty met?

Eliminate unlawful discrimination (including harassment, victimisation and other prohibited conduct)

The Lettings Policy aims to operate fairly giving regard to those in most housing need to address supply and demand. It is transparent and enhancements through the interactive tool will mean people can make informed choices regarding their housing options.

Advance equality of opportunity (between people who share a protected characteristic and people who do not share it)

The support on offer to housing applicants and tenants within the community aims to assist people to manage their tenancy and sustain healthy relations within the community. It is important that area profiling data is utilised to manage and maintain community cohesion.

Foster good relations (between people who share a protected characteristic and people who do not share it) Could it have an adverse impact on relations between different diverse groups?

Support is in place to assist individuals and a front line housing management presence exists within communities. It will mean that those in most housing need are being rehoused and enhanced support will be in place to assist those who require it.

Equality Analysis

Checklist

The following questions will help you identify whether a full Equality Analysis is required.

Please answer all the questions with reference to the protected characteristics; age, disability, gender, gender reassignment, marriage and civil marriage / partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

Please Note. For significant policy/procedure/service changes, please go straight to page 6 as a full EA is always required.

Question 1	Yes	No
Are there any groups who may have trouble accessing this service?	x	
Please provide comments:		

Those not on line and those with communication access issues may find the service more difficult. This is addressed through the mediated assisted application and bidding service.

Question 2	Yes	No
Does your information suggest that some groups of people are less satisfied than others?	x	
Please provide comments: Younger people are less satisfied as there is a lower availability of family homes and smaller accommodation with no age restrictions.		
Question 3	Yes	No
Will this service have a significant impact on any of our tenants?		x
Please provide comments: The policy only applies to those tenants wanting to move. The rules are being changed to ensure we allocate homes fairly and to those in most need first. The impact is therefore positive.		
Question 4	Yes	No
Do you have any evidence that discrimination, harassment and/or victimisation could occur as part of this service?		x
Please provide comments:		
Question 5	Yes	No
Do you think the service will enable communication and improve good relations between the organisation and its employees, residents, contractors or anyone else?	x	
Please provide comments: The changes to the policy will increase the number of homes available for needs based lettings.		
Question 6	Yes	No
Does this service need to improve the way in which it is communicated to people who have literacy, numeracy or any other access needs?		x
Please provide comments: We have an assisted application and bidding service for applicants with literacy, numeracy and other access needs.		
Question 7	Yes	No

Does consultation need to be carried out? If the consultation is with customers, contact customerengagement@berneslaihomes.co.uk	X	
Please provide comments: Consultation to be carried out with applicants and BH Tenant Voice Panel (Oct-Dec 2022) Consultation to focus on impact of changes and developing effective communications.		

Please use the table below to assess the priority.
 Add up how many questions you answered 'Yes' to and follow the appropriate action.

Priority	Number of questions answered 'Yes'	Action
High	3 or more	A full assessment is required, please continue to 'Step 2 – Full Equality Analysis'
Medium	1 to 2	No further action is required. Please sign the 'Declaration Section at the end of the form
Low	0	No further action is required. Please sign the 'Declaration Section at the end of the form

Step 2 – Full Equality Analysis

The full analysis explores ways to reduce or eliminate barriers and/or negative impacts.

When completing the next section think about whether the strategy, policy, service, project, activity or decision could have a negative, positive or neutral effect of groups or individuals. It's important to make use of in-house and published data, for example reports from Northgate.

Please consider:

What you are doing ?

Why you are doing it?

How you are doing it?

Who can access the service easily and who may not be able to access the service and why?

Protected Characteristics	Negative	Positive	Neutral	Recommendations: Consider any barriers which will have negative impact and/or good practices giving positive impact
Consider: The way younger and older people access services may be different <ul style="list-style-type: none"> • Use of technology • Child care / care of other dependant • Timings / Flexibility, such as work patterns • Transport arrangements • Venue location 			✓	Interactive tool will assist people to make informed choices. People who don't have access to technology will need assistance. We need to ensure staff are able to assist when taking calls on the interactive tool. Tenancy ready – present a range of options to ensure everyone can access the service ie. Online and out of hours. Locations also need to be considered to ensure this is easily accessible. Ensuring communications - consider access and communication needs of individuals. Single people and couple are more likely to be younger. Could this have an impact on the type of accommodation, implications on RTB etc Care leavers – automatically assigned a housing coach

<p>Disability (includes physical, learning, sensory (deaf / blind), mental health)</p> <p>Consider:</p> <ul style="list-style-type: none"> • Communication methods • Accessibility – venue, location, transport • Range of support needed to participate • Hearing loops / interpreters • Disability awareness training for employees 			✓	<p>Support required for people who can't access online or those who require additional support.</p> <p>Ensure transparency around minor and major adaptations.</p> <p>Is there an opportunity through tenancy ready to link in with other service areas eg. support, grant funding, more money in your pocket.</p> <p>There is a positive impact if direct lets can be matched to the stock and specific needs.</p> <p>Early engagement with registered providers delivering small schemes to ensure match with people on the waiting list with specialist needs.</p> <p>We need to be aware of any support requirements before we are considering down banding people.</p> <p>AAG translation need to be briefed at an high level in relation to sensitive conversations.</p> <p>What impact disability income has in relation to the income qualifications?</p>
<p>Race (includes gypsy, travelling, refugee and migrant communities)</p> <p>Consider:</p> <ul style="list-style-type: none"> • The size of the BAME communities that your service / project affect • Language (s) spoken / understood • Culture, such as hygiene, clothing, physical activities, mixed gender activities • What access support can you offer? 				<p>Consider our tenant profile – what does it tell us in relation to areas? Are there any cluster areas?</p> <p>Have we done any consultation with equality groups?</p> <p>What groups should we consult with? Migrant Support Network and Barnsley Together forum.</p> <p>Be aware of community tensions.</p>
<p>Protected Characteristics</p>	<p>Negative</p>	<p>Positive</p>	<p>Neutral</p>	<p>Recommendations:</p> <p>Consider any barriers which will have negative impact and/or good practices giving positive impact</p>

<p>Religion, Faith or Belief</p> <p>Consider:</p> <ul style="list-style-type: none"> • The diversity within the communities that your service / project affect • Prayer times, meal times, food (some religions do not eat meat), cultural habit or belief, religious holidays such as Ramadan • Awareness training for employees 			✓	<p>Greater knowledge and understanding around refugee numbers to be more proactive. This will enable better planning of provision eg. larger accommodation. Knowledge of religious holidays is required so that we know for when we're making offers. When running live sessions, be mindful of times and days to plan for inclusive events or offer choice.</p>
<p>Pregnancy and Maternity</p> <p>Consider:</p> <ul style="list-style-type: none"> • Flexible hours of the service / project • Is there access to private area for breastfeeding mothers? 			✓	<p>MATB1 required currently – is this going to be the same and if not what implications will this have? Income and affordability – any implications?</p>
<p>Gender</p> <p>Consider</p> <ul style="list-style-type: none"> • The impact on men and women • Child care / Care of other dependant • Mixed / single gender groups / activities • Timing of services / Projects 			✓	<p>Dependent or working age children Split households – children 3 or more nights per week – generalised statement that children may be with mum. It can impact either gender</p>
<p>Sexual orientation (includes Lesbian, Gay and Bisexual (LGBTQ+))</p> <p>Consider</p> <ul style="list-style-type: none"> • LGBTQ+ people should feel safe to disclose their sexual orientation without fear of prejudice • Make it clear you recognised civil marriage and partnerships • Awareness training for employees 			✓	<p>Any community tensions in certain areas? Separation issues – children (same as above)</p>
<p>Transgender</p>			✓	<p>Be aware of community tensions</p>

<p>Consider:</p> <ul style="list-style-type: none"> • Trans people should be able to disclose their gender identify without fear of prejudice • Making it clear you have a Transgender policy and process • Awareness training for employees 				Staff sensitivity – ensure transgender policy is complied with.
<p>Marriage and civil marriage / partnership</p> <p>Consider</p> <ul style="list-style-type: none"> • All couples or partners, regardless of gender, should be able to access services 			✓	

Summary of recommendations			
	Actions	Officer	Date
1	Ensure equality monitoring takes place – annual lettings plan. Monitor equality data on exclusions from register – any trends?	Lettings Manager	Annual April 2023 Qtrly trend monitor April 2023
2	Training on the interactive property tool for staff required and ensure staff are able to support applicants	Lettings Manager	Jan 2023
3	Ensure tenancy ready workshops are accessible – present various options.	Assessment Team Leader	May 2023
4	Communication plan required re: consultation and then implementation and long term delivery.	Lettings Policy Project Officer	Jan 2023

5	Consult equality groups, MSN, Barnsley Together re changes.	Lettings Policy Project Officer	Jan 2023 on policy scheme and May – June 2023 on service model
6	Clarity on the definition of minor and major adaptations and ensure clear communication to public.	Lettings Manager	March 2023 (for final policy)
7	Ensure signpost and link to other support services through tenancy ready	Assessment Team Leader	May 2023 develop model for go live
8	Ensure engagement with registered providers delivering small schemes to ensure match with people on the waiting list with specialist needs	Lettings Team Leader	Jan – Mar 2023 – develop revised RSL partnership meetings and pro forma for nominations
9	Ensure we are aware of any support requirements before we are considering down banding people.	Assessment Team leader	May 2023 – establish process
10	AAG translation need to be briefed at an high level in relation to sensitive conversations	Lettings Manager	Jan 2023
11	Consider our tenant profile – what does it tell us in relation to areas? Are there any cluster areas?	Lettings Manager	Link to action 1
12	Greater knowledge and understanding around refugee numbers to be more proactive Knowledge of religious holidays is required so that we know for when we're making offers.	Lettings Manager	Link to action 1
13	When running live sessions, be mindful of times and days to plan for inclusive events or offer choice	Lettings Policy Project Officer	December 22 to Jan 23 (consultation window) Service development (Mar 23 to Aug 23)

Review date for the Policy / Service:

Post public consultation – please advise of an appropriate date

Declaration

Please tick the appropriate action:

	I can confirm that step 1 of the process has been completed and can conclude that a full Equality Analysis is not required.
✓	I can confirm that a full Equality Analysis has been completed

Signature of person undertaking the assessment:	<i>L. Horton</i>		
Print name:	L Horton	Date:	4/11/22

Please email your completed EA to equalityanalysis@berneslaihomes.co.uk

BARNSELY METROPOLITAN BOROUGH COUNCIL**REPORT OF: THE EXECUTIVE DIRECTOR CORE SERVICES****TITLE: Statement of Gambling Policy Review consultation 2022/23**

REPORT TO:	CABINET
Date of Meeting	22nd March 2023
Cabinet Member Portfolio	Core Services
Key Decision	Yes
Public or Private	Public

Purpose of report

As a licensing authority we must determine and publish a Statement of Gambling Policy at least once every three years, in line with statutory guidelines. The Council's current Gambling Policy came into effect in December 2019, therefore was due for review by December 2022.

In readiness for the review Officers produced our new Statement of Gambling Policy and carried out a statutory consultation from the 28th of October 2022 until the 6th of January 2023 to seek the views and opinions of all interested parties. The consultation period is now concluded, and the responses received have been considered by the Licensing Service, SMT and the GLRB.

Council Plan priority

Healthy Barnsley

Recommendations

That Cabinet recommends to the Full Council that: -

The Statement of Gambling Policy appended to the report (Appendix 1) be published in accordance with the statutory requirements and adopted by the Council.

1. INTRODUCTION

- 1.1 The Gambling Act 2005 requires the Council to have a “Statement of Gambling Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Gambling Act 2005 has three licensing objectives that a licensing authority must incorporate into any strategy. These are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable people from being harmed or exploited by gambling.
- 1.3 The attached draft Statement of Gambling Policy complies with the statutory guidance, whilst reflecting local circumstances and responses received to the public consultation conducted prior to the final policy being determined.

2. PROPOSAL

- 2.1 We have a statutory duty to review and publish our Statement of Gambling Policy at least once every three years with the focus being to promote the licensing objectives.
- 2.2 The policy sets out the requirements and standards that licence holders are expected to meet when applying for a licence to operate premises within the borough.
- 2.3 Changes have been made to our existing policy to detail our Local Area Profile and ensure applicants and licence holders appreciate the expectations of the council when applying standards in relation to premises that require permissions under the Gambling Act 2005.
- 2.4 The proposed key changes to current policies and procedures are: -
 - to set out the Local Area Profile and stress the weight of consideration it should be given when making an application under the Gambling Act 2005
 - Link the Local Area Profile to local risk assessments by applicants and licensees
 - Differentiate the mandatory, default and locally imposed conditions
 - Identify better the enforcement and compliance role of the LA
 - Additional information in relation to the registration of small lotteries
 - Advice and suggestions in relation to Public Health concerns with problem gambling

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

There are no direct financial implications arising from the approval of this policy.

3.2 Legal

The policy has been drafted to reflect current legislative requirements and statutory guidance. Adoption of the policy will meet the Council's obligations under the statutory guidance which must be taken into consideration when making decisions in respect of matters relating to the Gambling Act 2005.

Failure to properly consider the policy could result in the Council not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions pertaining to gambling are fair, consistent and comply with the legislation.

3.3 Equality

Full Equality Impact Assessment completed.
Key points addressed around outcome of consultation and consideration of local area profiles in decision criteria.

3.4 Sustainability

Decision-making wheel not completed as it was deemed unnecessary for this statutory policy review.

3.5 Employee

There are no specific employee implications in approving this policy.

3.6 Communications

The draft policy has been subject to a 10-week public consultation period and all stakeholders received notification of the consultation.

Once adopted the Policy will be published on the Councils website and will therefore be available to all interested parties.

4. CONSULTATION

In determining this policy statement, the Council has consulted with the following: -

- The Police
- Responsible Authorities
- Elected members

- The Local Safeguarding Board
- Persons involved in Gambling within the borough i.e., licence holders (or their representatives)
- Representatives of local businesses and residents' organisations
- Person likely to be affected by Gambling within the borough (or their representatives/support groups/charitable organisations)
- Local Chamber of Commerce / BID
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

The policy consultation ran for 10 weeks commencing on the 28th of October 2022 until the 6th of January 2023

A report on the results of the consultations can be found at Appendix 2. Three responses were received in total. The views of all consultees were duly considered and given proper weight including being:

- Considered by SMT on the 14th of February 2023
- The General Licensing Regulatory Board on the 15th of February 2023 for consideration and referral to Cabinet and Council for approval.

As the responses received were all administrative, the wording of the proposed new Policy has been amended to reflect the suggestions from the consultation.

There is no reason from the consultation process and responses received not to recommend the adoption of the new Policy.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The purpose of the Gambling Policy is to:

- Prevent gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensure that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Ensure local area issues are taken into account by licensed operators through risk assessments.
- Support the wider Barnsley 2030 strategy.

5.2 Whilst the Council could decide not to adopt a policy that complies with the statutory requirements, it would be failing to implement measures considered to provide the public with the best level of protection and would leave itself open to potential legal challenge.

6. REASONS FOR RECOMMENDATIONS

6.1 Failure to have cohesive policy standards could result in legal challenges to the council's decisions

7. GLOSSARY

None

8. LIST OF APPENDICES

Appendix 1: The proposed new policy "Statement of Gambling Policy"

Appendix 2: Report on the Consultation Responses

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date Vanessa Hunter 13.02.2023
Legal consultation & sign off	Legal Services officer consulted and date Sajeda Khalifa (TEAM LEADER) 28.02.2023

Report Author: Debbie Bailey
Post: Senior Licensing Officer
Date: 22.03.23

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BARNSLEY
Metropolitan Borough Council

Gambling Act 2005 Statement of Licensing Policy 2022 – 2025

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Contents

Statement of Licensing Policy	6
Section 1 - General	6
1.01 Glossary of Terms	6
1.02 The Borough of Barnsley.....	8
1.03 The Gambling Commission	8
1.04 General Principles	9
1.05 Statement of Principles	9
1.06 Consultation.....	10
1.07 Scope of Licensing Policy	10
1.08 The Licensing Objectives.....	10
1.09 Responsible Authorities.....	11
1.10 Interested Parties	12
1.11 Premises Licences	13
1.12 Definition of “premises”	13
1.13 Location of premises.....	14
1.14 Local Area Profile	15
1.15 Local Risk Assessments	15
1.16 Licensing Objectives.....	16
1.161 Licensing Objective 1	16
Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	16
1.162 Licensing Objective 2	17
Ensuring that gambling is conducted in a fair and open way	17
1.163 Licensing Objective 3	17
Protecting children and other vulnerable persons from being harmed or exploited by gambling	17
1.17 What is meant by the term ‘vulnerable persons’	17
Section 2 - Types of Premises Licence	18
2.01 Adult Gaming Centres.....	18
2.02 Licensing Family Entertainment Centres	18
2.03 Casinos.....	19
2.04 Bingo Premises	19
2.05 Betting Premises	20
2.051 Betting Machines	20
2.052 Credit	20

2.053 Betting Shops	20
2.06 Betting Tracks	21
2.061 Betting Machines used on Tracks	21
2.062 Condition on rules being displayed.....	21
2.063 Applications and Plans	21
2.07 Provisional Statements	22
2.08 Reviews and Representations.....	22
2.09 Decision-making	23
2.10 Conditions of Licence.....	24
2.101 Mandatory conditions	25
2.102 Default conditions	25
2.103 Conditions imposed by the Licensing Authority	25
2.10 Conditions of Licence (continued)	26
2.11 Other Control Measures	26
2.111 Codes of Practice	27
2.11 Other Control Measures (continued)	27
Section 3 - Permits and Notices.....	27
3.01 Unlicensed family entertainment centre (FEC) gaming machine permits	27
3.02 Gaming machines in alcohol-licensed premises	29
3.021 Automatic entitlement	29
3.022 Permit required for more than 2 gaming machines	29
3.03 Prize gaming permits	29
3.04 Club Gaming and Club Machine Permits	30
3.05 Exempt gaming	31
3.06 Temporary use notices (TUNs)	32
3.07 Occasional use notices (OUNs)	33
3.08 Small society lottery licences.....	33
3.081 Introduction	33
3.082 Registration applications	34
3.083 Promotion of small society lotteries once registered.....	35
3.084 Financial returns	36
3.085 Revocation of a registration	37
3.09 Travelling Fairs	37
Section 4 – Inspection, Enforcement and Compliance	38
4.01 General information	38
4.02 Departure from Policy	39

4.03 Duplication with other regulatory regimes	39
4.04 Exchange of information.....	39
Section 5 – Legislation, Policies and Strategies	40
5.02 Local strategies and policies	41
5.03 Integrating strategies.....	41
5.04 Equality, diversity and inclusion	42
5.05 Ongoing responsibilities of premises licence holders.....	42
Section 6 – Problem gambling and gambling-related harms.....	43
6.01 Gambling-related harms.....	43
6.02 Supporting information and data	44
6.021 Deprivation	44
6.012 Mental health	44
6.013 Unemployment.....	45
6.014 Children and young people.....	45
6.02 Safeguarding.....	45
6.021 Public health and gambling.....	45
6.022 Commercial determinants	45
6.022 Protection of vulnerable people	46
6.023 Local Risk Assessment.....	49
6.024 Support for problem gamblers	50
Appendix A – Delegations of Licensing Functions	51
Appendix B – Definition of Gaming Machines.....	53
Based on Gambling Commissions’ guidance to Licensing Authorities.....	53
Categories of gaming machines.....	53
Appendix C – Map of Barnsley Metropolitan Borough.....	54
Appendix D – Legal Services Enforcement Policy	55
1. Enforcement Policy Statement	55
2. Introduction	55
3. Enforcement Options.....	56
a) No Action	56
b) Informal Action.....	56
c) Statutory notices, Seizing Equipment, Closing Premises	57
d) Refusal/Revocation of Licence/Approval/Permit	57
e) Works in Default.....	57
f) Injunctions.....	58
g) Enterprise Act Actions	58

h) Fixed Penalty Notices	58
i) Simple Cautions	58
j) Prosecution.....	58
4. References	59
Appendix E – Index of Multiple Deprivation Data and Map of the Wards of Barnsley	60
Appendix F – Table of Vulnerable Groups	61
Appendix G – Responsible Authorities	62
The Licensing Authority	62
South Yorkshire Police	62
South Yorkshire Fire Service	62
Health protection service	62
The planning authority	62
Environmental protection service	62
Barnsley Safeguarding Children Partnership	62
Gambling Commission	62
HM Revenue and Customs	62
Further Information.....	63
Notes	64

Statement of Licensing Policy

Section 1 - General

1.01 Glossary of Terms

Withing this Statement of Policy, the following words and terms are defined as stated:

Licensing objectives

- As defined in section 1.16 below

The Council

- Barnsley Metropolitan Borough Council. The area of South Yorkshire administered by Barnsley Metropolitan Borough Council (map appended at Appendix A)

Licences

- As specified in section 3 below.

Applications

- Applications for licences and permits as defined in section 3 below

Notifications

- Means notification of temporary and occasional use notices

The Act

- The Gambling Act 2005

Regulations

- Regulations made under the Gambling Act 2005

Premises

- Any place, including a vehicle, vessel or moveable structure

Code of Practice

- Means any relevant code of practice under section 24 of the Gambling Act 2005

Mandatory Condition

- Means a specified condition provided by regulations to be attached to a licence

Default Condition

- Means a specified condition provided by regulations to be attached to a licence, unless excluded by Barnsley Metropolitan Borough Council

Local Authority Condition

- A condition imposed by the Council itself

Interested party

- For the purposes of this Act, a person is an interested party in relation to a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:
 - a) Lives sufficiently closed to the premises to be likely to be affected by the authorised activities;
 - b) Has business interests that might be affected by the authorised activities;
 - c) Represents persons who satisfy a) or b) above.

Responsible authority

- For the purposes of this act, those listed in section 1.09 of this Policy are responsible authorities in relation to premises.

The Commission

- The Gambling Commission

The Policy

- Refers to this Statement of Principles (policy) as required under section 349(1) of the Gambling Act 2005

The Licensing Authority

- Barnsley Metropolitan Borough Council, which carries out its functions as the Licensing Authority under the Gambling Act 2005 within the borough boundary

Gambling-related harm

- Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society

Problem gamblers

- Those who gamble to a degree that compromises, disrupts or damages family, personal or recreational pursuits

Child

- Person under the age of 16 years

Young Person

- Person under the age of 18 years

1.02 The Borough of Barnsley

Future Council ambitions, together with the Barnsley 2030 strategy, sets out the Council's long-term vision for Barnsley and how the Council will work with the people of Barnsley together to achieve it.

The Barnsley 2030 strategy is about celebrating and championing the borough. The Council has identified 2030 as it feels this will give the Council enough time to make defined progress in achieving its stated ambitions.

The Council's strategic partnership defines an achievable vision of a future in which Barnsley is an innovative and vibrant 21st century market town, at the centre of a modern, dynamic economy and a "great place to live". Priorities within the Council's plan to transform the borough include bringing about a step-change in its approach to provision of regeneration in the borough, ensuring that it achieves a new and sustainable economic future in the community.

The urban core of Barnsley is home to approximately 82,000 people. The Glass Works is the name given to the new town centre redevelopment project and is the focus for the borough's main retail, restaurants, cafes and leisure facilities. It includes a modern, landscaped public square where routes into the town centre converge. The square, looking into the indoor market, can hold market stalls and public events.

Barnsley has been long-famous for its market and more recently has become noted for its club scene and nightlife. To the west of the urban core is the lightly populated and attractive hilly country centred on the market town of Penistone. To the south and east there are a number of dispersed towns and villages, separated by open land of the former coalfield, which are home to some 95,000 people.

The Council is the Licensing Authority under the Gambling Act 2005 and is responsible for granting premises licences, permits and other permissions under the Act within the Metropolitan Borough of Barnsley.

The Council's main functions under the Act are to:

- Licence premises for gambling activities, including the issue of provisional statements;
- Regulate and grant permits for gambling and gaming machines in clubs, including commercial clubs;
- Regulate gaming and gaming machines in alcohol-licensed premises;
- Grant permits to family entertainment centres for the use of certain lower-stake gaming machines;
- Grant permits for prize gaming;
- Receive and endorse notices given for the temporary use notices;
- Receive occasional use notices for betting at tracks;
- Register small societies' lotteries;
- Maintain public registers, and
- Provide information to the Gambling Commission on issued licences.

NB. The Council will not become involved in the licensing of remote gambling at all. This will, instead, be the responsibility of the Gambling Commission.

1.03 The Gambling Commission

Under the Act, the Gambling Commission jointly regulates the gambling industry with licensing authorities. In short, the Commission sets the overall direction at a national level, whereas licensing authorities lead locally, but with the appropriate support from the Commission.

The Commission is solely responsible for regulating remote gambling and also issues personal and operating licences for premises.

The “National Lottery” is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

The Gambling Commission regulated gambling in the public interest. It does so by: keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly, and by protecting children and vulnerable persons.

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under section 25 of the Act, detailing how local authorities should exercise their licensing functions.

In addition, the Commission’s role is to issue Codes of Practice under section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

The Council periodically completes reports for the Gambling Commission.

1.04 General Principles

In accordance with section 153 of the Act, in exercising its licensing functions under the 2005 act, the Council must aim to permit the use of premises for gambling insofar as it considers it to be:

- In accordance with any relevant codes of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives;
- In accordance with this Policy.
-

1.05 Statement of Principles

The Act requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Policy lasts for a maximum of three years but can be reviewed and revised by the Council at any time.

The Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

The Council will not seek to use the Act to resolve matters that would be more appropriately resolved under other legislation. Licensing is not the primary mechanism for the general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.

The Council will ensure that in dealing with applications under the Act that it follows the required procedures and only takes into account issues that are relevant. Specifically, it will not have regard to “demand” when considering applications for gambling premises, nor will it consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission).

Applications to provide gambling facilities will not be rejected on moral grounds. If an application is rejected, full and details reasons will be given for doing so.

The Policy will be made available on the Council’s website.

The Policy will come into effect on *.

1.06 Consultation

The Council is committed to consulting as widely as possible with regards to this Policy.

Under section 349(3) of the Act, the Council must in any case consult with:

- The Chief Officer of Police for the Licensing Authority’s area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the Gambling Act 2005.

A list of all those consulted is attached as Appendix G

1.07 Scope of Licensing Policy

The purpose of the Licensing Policy is to:

- Provide applicants with a clear, consistent basis for submitting applications and notices;
- Provide a clear, consistent basis for determining licence applications in Barnsley;
- Ensure the relevant views of those affected by licensed premises are taken into consideration;
- Ensure local area issues are taken into account by licensed operators through risk assessments;
- Protect children and other vulnerable person from being harmed or exploited by gambling;
- Support the wider Barnsley 2030 strategy.

1.08 The Licensing Objectives

The Council will carry out its functions under the Act with the aim of permitting the use of premises for gambling insofar as it is reasonably consistent with the three licensing objectives set out in the Act.

The licensing objectives are:

- a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is carried out in a fair and open way;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.09 Responsible Authorities

Responsible authorities are public bodies that must be notified of applications, they are entitled to make representations to the Council in relation to applications for, and in relation to, premises licences. Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:

- A Licensing Authority in England and Wales in whose area the premises are wholly or partly situated;
- The Gambling Commission;
- The chief officer of police for a police area in which the premises are wholly or partly situated;
- The fire and rescue authority for an area in which the premises are wholly or partly situated;
- The local planning authority;
- Any authority which has functions in relation to pollution to the environment or harm to human health;
- HM Revenue and Customs;
- A body, designated in writing by the Licensing Authority as competent to advise about the protection of children from harm (see below).

Contact details for the above relevant to Barnsley can be found in Appendix G.

NB. The Council is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act, and in accordance with guidance issued by the Gambling Commission, to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. These principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area;
- The need for the body to be answerable to democratically-elected persons, rather than any particular vested-interest group.

The Council has designated the **Local Safeguarding Childrens Board** for this purpose.

The list of responsible authorities also includes navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any water where it is proposed to be navigated at a time when it is used for licensable activities. This would include:

- Environment Agency;
- British Waterways Board;
- The relevant Secretary of State (note: in practice, the Secretary of State responsible for transport who acts through the Maritime and Coastguard Agency).

1.10 Interested Parties

The Council is required to determine whether a person is an interest party in relation to a premises licence, or in relation to an application for, or in respect of, a premises licence.

Section 158 of the Act defines an interested party as a person whom, in the Council's opinion:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities; or,
- c) Represents persons who satisfy paragraph a) or b)

When deciding whether a person is an interested party for the purposes of the Act, each case will be considered on its own individual merits.

In considering whether a person lives sufficiently close to a premises (to be considered to be an interest party), the following matters will be taken into account:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the usual residence or workplace of the person making the representation;
- The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises);
- The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.

When deciding whether a person or organisation "has business interests" the Council will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.

Trade associations, trades unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, will be regarded as capable of representing interested parties in cases where the interested party has asked for representation. Representative bodies will only be regarded as interested parties in their own right if they have a member who is an interested party.

An interested party is allowed to be represented by anyone of their choosing as long as there is some evidence that the person/body in question (for example, an advocate or relative) genuinely 'represents' the interested party. If persons representing interest parties are Councillors or Members of Parliament, then the Council will not ask for specific evidence as long as they represent the relevant area.

If individuals wish to approach Councillors to ask them to represent their views, then those Councillors will not be able to sit on a Board or sub-committee, which is charged with determining an application.

1.11 Premises Licences

Nothing in this Policy will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have their application considered on its individual merits;
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The Council has a statutory duty to aim to permit gambling.

All applicants for premises licences will be required to set out how they will promote the licensing objectives, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a premises licence or review a premises licence, consideration will be given to the location of the proposed premises, for example its proximity to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children (see section 1.13). Each case will be decided on its own individual merits.

1.12 Definition of “premises”

A premises licence can authorise the provision of facilities at the following:

- Casino premises
- Bingo premises
- Betting premises (including betting tracks)
- Adult gaming centres
- Family entertainment centres

Premises can be ‘any place’ but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate premises.

This will allow large multiple-unit premises such as tracks, shopping centres or service stations to obtain discrete premises licences with appropriate safeguards in place. The Council will pay particular attention if there are issues about sub-divisions of a single building or plot and whether mandatory conditions relating to access between premises are going to be observed. The Council does not consider that areas of a building that are artificially or temporarily separated – for example, by ropes or moveable partition – can properly be regarded as ‘different’ premises. Whether different parts of a building can properly be regarded as being separate premises will always depend on the individual circumstances of the case.

A particular requirement could be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable, so that the separation of the premises is not compromised and people are not allowed to ‘drift’ accidentally into a gambling area. It should normally be possible to access any premises providing gambling facilities without going through

another licensed premises or, perhaps, a premises with a permit authorising gambling facilities. The Council will expect customers to be able to participate in the gambling activity authorised by the premises licence.

Other than an application for a track betting premises licence, the Council is not able to issue a premises licence unless the applicant holds a relevant operating licence from the Gambling Commission.

When considering applications for premises licences, the Council will not take into account any expected 'demand' for gambling facilities, or the likelihood of planning permission or building regulation approval being granted, as well as any 'moral' objections to gambling generally. Equally, the grant of a premises licence will not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.

In accordance with the Act and guidance issued by the Gambling Commission, a premises licence can only be granted and, therefore, have effect if the Council is satisfied that the premises is ready to be used for gambling. In cases where the construction of a premises is not yet complete, or if the premises requires alteration, or in cases where the applicant for a licence does not yet have a right to occupy them, an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a premises licence application.

The Council will apply a two-stage consideration process if there is outstanding construction or alteration works ongoing at the premises, i.e.

- Should the premises be permitted to be used for gambling?
- Can appropriate conditions be imposed in order to address the fact that the premises is not yet in a state to allow gambling facilities to be provided?

The Council will maintain a public register of premises licence applications which may be viewed by contacting the Licensing Section via licensing@barnsley.gov.uk.

1.13 Location of premises

It is the Council's policy, upon receipt of any relevant representations, to consider specific location issues, including the possible impact that a gambling premise may have on:

- Organisations for children and young people, i.e., educational establishments
- Residential areas where there may be a high concentration of families with children
- Organisations for vulnerable adults i.e., centres dealing with substance use or organisations for those who are unemployed, i.e. job centres or food banks
- Organisations providing instant access to money i.e., payday loans
- An area of particularly high deprivation
- Any area where evidence suggests that a gambling premise would be harmful to the health and wellbeing of residents
- The size of the premises and the nature of the activities taking place
- Any levels of organised crime in the area

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.

Currently there are no identified areas of the borough in which a concentration of licensed premises exist that are leading to problems concerning the licensing objectives. Should any specific policy be decided upon with regards to areas where gambling premises should not be located, this Policy will be updated, and each application will be considered on its own individual merits.

1.14 Local Area Profile

The Council's Local Area Profile is an assessment of the local environment and identifies the key characteristics of the borough. It is the Council's intention that the Local Area Profile will provide operators, the various departments of the Council, and the public with a better understanding and awareness of the gambling-related risks in the borough. In this context, risk includes actual and potential risk, taking into account any future or emerging risks.

The Local Area Profile takes account of a wide number and range of factors and information. It enables the Council to better serve its local communities by providing clarity for operators as to the relevant factors likely to be of consideration in the decision-making process. It also enables the Council to make evidence-based decisions from a clear and published set of factors and risks.

It is expected that the Local Area Profile will lead to improved premises licence applications and that operators will be able to incorporate controls and measures within their applications to mitigate risk. Through this proactive approach to risk, the Council is aiming to reduce the need for compliance and enforcement action.

The Council's Local Area Profile can be accessed via the Council's website:

<https://www.barnsley.gov.uk/media/17269/our-borough-profile-20190724.pdf>

[accessed 13th October 2022]

1.15 Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice that applicants and licensees are required to assess any local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and other control measures in place to mitigate those risks.

Licensees must review and update their local risk assessments in line with the Council's Local Area Profile (see section 1.14):

- When applying for a variation of a premises licence;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- To take account of significant changes in local circumstances, including those identified in this policy;
- In all cases, undertake a local risk assessment when applying for a new premises licence.

As a minimum, the Council expects applicants to consider the following in their local risk assessments:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of residents in the area;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.

The Council will in particular consider the following factors when deciding if an application is appropriate in a particular location:

- The possible impact that a gambling premises may have on any premises that provide services to children, young people and vulnerable persons, such as a place of education, play, recreation, treatment or vulnerable adult centres in the area (and any mitigating factors put in place by the applicant to reduce risks);
- The possible impact that a gambling premises may have on residential areas where there may be a high concentration of families with children (and any mitigation factors put in place by the applicant to reduce risks);
- The size of the premises and the nature of the activities taking place;
- The appropriate level of staff and suitable supervision procedures;
- Levels of crime in the area and any impact of the granting of the licence;
- Whether the applicant has offered any conditions to mitigate any risks and promote the licensing objectives;
- Details of how the premises will operate to restrict access to children, young people and vulnerable persons;
- Details of any partnership working arrangements the operator has in place with Police, social care or similar agencies.

The Policy does not preclude an application being made but each application will be decided on its own individual merits, with the onus being upon the applicant to show how the concerns identified above can be overcome.

1.16 Licensing Objectives

The Council's role will be to ensure that the granting of a premises licence is reasonably consistent with the licensing objectives. With regard to the licensing objectives, the Council will have regard to the Act and guidance issued by the Gambling Commission.

Applicants are encouraged to discuss any necessary crime prevention procedures with South Yorkshire Police before making a formal application.

1.161 Licensing Objective 1

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime the Council, in conjunction with

the Police, and via its Local Area Profile, will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance is required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Act's provisions.

Specific considerations for the Council to consider when determining whether the grant of a premises licence would be appropriate include:

- The location of the premises;
- Whether the premises has a history of crime and disorder, or has been associated with crime and/or disorder and whether there are any potential future risks of this occurring (including violence, public nuisance, public order or other crimes and policing problems);
- Whether the premises has been designed, laid out and fitted to minimise conflict and opportunities for crime and disorder (e.g., physical security features, position of cash tills, CCTV);
- What management measures are proposed to promote this licensing objective?
- Have local supporting strategies, schemes and plans been assessed and included in the risk assessments to promote this licensing objective?

1.162 Licensing Objective 2

Ensuring that gambling is conducted in a fair and open way

The Council recognises that the Gambling Commission does not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to betting tracks.

When determining an application, the following issues and other relevant factors should be considered in the applicant's local risk assessment:

- Whether sufficient management measures are proposed, e.g. is the management and operation of the premises open and transparent?
- Evidence of compliance with the Gambling Commissions Codes of Practice, co-operation with enforcement agencies and relevant protocols and procedures are in place;
- The design, layout, fitting and lighting of the premises.

1.163 Licensing Objective 3

Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Council, in having regard to the Commission's guidance recognises that this objective is largely about restricting access to gambling facilities, particularly in the case of premises which have an age restriction on entry to those premises.

The Commission's Codes of Practice set out the good practice examples in terms of access to gambling facilities alongside proper supervision of those areas within the premises where gambling takes place.

1.17 What is meant by the term ‘vulnerable persons’

The Commission’s guidance specifies the following who might be included in the description ‘vulnerable person’:

- Those who gamble more than they want to;
- Those who gamble beyond their means;
- Those who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs.

Section 2 - Types of Premises Licence

2.01 Adult Gaming Centres

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect an applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that young people under 18 do not have access to the premises.

The Council will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures or potential licence conditions may cover among other things, issues including:

- Proof of age schemes
- Staff training
- Record-keeping
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices / signage - and the consideration of providing these in a variety of languages
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for gambling-related organisations such as the NHS resource for addiction support at <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>
- Local area profiling

2.02 Family Entertainment Centres

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gaming and will expect applicants to satisfy the authority, for example,

that there will be sufficient measures to ensure that young people under 18 do not have access to adult-only gaming machine areas.

Applicants will be expected to address the following:

- Promotion of the licensing objectives and the Council's requirements under the Policy and also the Council's Local Area Profile;
- Measures and procedures in place for any staff supervision requirements;
- The suitability of the location through the applicant's local area risk assessment (including proximity to residential areas, shopping centres, places of education, play or recreation, specialist services for children/vulnerable adults and/or community buildings, etc.).

The Council will expect applicants to offer their own measures to meet the licensing objectives and appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage- and the consideration of providing these in a variety of languages
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for gambling-related organisations such as the NHS resource for addiction support at <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>
- Measures / training for staff on how to deal with suspected truant schoolchildren on the premises
- The suitability of the location for the premises through the applicant's local area risk assessment

The Council will have a particular regard to guidance issued by the Gambling Commission, and their Licensing Conditions and Codes of Practice to be mindful of any conditions or codes which might apply to operating licences covering the way in which areas containing category C machines should be delineated.

2.03 Casinos

There are currently no casinos within the Metropolitan Borough of Barnsley.

The Act prevents the Council from accepting any applications for new casino premises licences.

The Council was not named as an authority that could issue small or large casino premises licences under the Act.

2.04 Bingo Premises

Bingo is not given a statutory definition in the Act, although there are two main types:

- Cash bingo, where the stakes paid make up the cash prizes that are won
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid

The Council acknowledges the Gambling Commission’s guidance to local authorities in connection with bingo premises. In particular, paragraph 18.7 of the guidance states:

- “Children and young people are allowed into bingo premises; however they are not permitted to participate in games of bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that ‘licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises’ in order to prevent underage gambling.”

When determining an application for a bingo licence, the Council will require an applicant to demonstrate:

- The promotion of the licensing objectives;
- Local area profiling via the risk assessment in respect of the location and situation of the premises;
- The suitability and layout of the premises.

2.05 Betting Premises

There are different types of premises, licensed under a single class of licence for betting. These are off-course betting, on-course betting for tracks, betting machines and different categories of gaming machines (B2, B3, B4, C and D).

2.051 Betting Machines

Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (as it is an offence for those under 18 to bet) or by vulnerable persons. Where it can be accommodated, we will also encourage the separate siting of betting machines.

2.052 Credit

Section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines. The Council will also take note of any restrictions and requirements on the operating licences for betting premises as regards credit.

It will normally be a requirement that any ATM should be sited away from the betting machines and in such a position that a customer has to cease betting, albeit temporarily, in order to use the ATM.

2.053 Betting Shops

Off-course betting is betting that takes place other than at a track, e.g., a betting shop. When determining an application, the Council will particularly take into account the following:

- The licensing objectives and relevant issues as listed in the Policy;
- Local area profiling via the applicant's risk assessment;
- The location of the premises;
- Procedures in place to prevent access to young people under the age of 18;
- Suitability and layout of the premises;
- Size of the premises in relation to the number of betting machines;
- Ability of staff to monitor use / abuse of machines;
- Self-exclusion systems;
- Staff training in relation to responding to vulnerable or underage persons.

2.06 Betting Tracks

A track is defined in the Act as a "horse racecourse, greyhound track or other premises of which a race or other sporting event takes place or is intended to take place".

The Council is aware that tracks may be subject to individual or multiple premises licences, as long as each licence relates to a different specified area of the track. In accordance with the Gambling Commission's guidance, the Council will consider the impact upon the third licensing objective (the protection of children and vulnerable persons from being harmed or exploited by gambling – see section 1.163 above) and the need to ensure that entrances to each type of premises are distinct and that proper supervision is in place in order to ensure that children are excluded from gambling areas where they are not permitted to enter.

The Council will expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horseracing takes place, but that they are still prevented from entering areas where gaming machines (other than category C and D machines) are provided.

The Council will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures or licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage- and the consideration of providing these in a variety of languages
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for gambling-related organisations such as the NHS resource for addiction support at <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>
- Customer charter to promote responsible behaviour and the supervision of children

2.061 Betting Machines used on Tracks

The Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (as it is an offence for those under 18 to bet) or by vulnerable persons, when considering the number, nature or circumstances of any betting machines an operator wants to make available for gambling purposes. It also supports the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

2.062 Condition on rules being displayed

The Gambling Commission's guidance advises that licensing authorities should consider attaching a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.

2.063 Applications and Plans

All applications must be made in accordance with the appropriate regulations for premises licences and in accordance with the Gambling Commission's suggested guidance. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Council accepts the Gambling Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on a track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

2.07 Provisional Statements

Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that they:

- Expect to be constructed
- Expect to be altered
- Expect to acquire a right to occupy

Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land, in order to judge more accurately whether a development is worth taking forward in light of the need to obtain a premises licence.

The Council notes the guidance issued by the Gambling Commission on this issue. It is a question of fact whether premises are finished to a standard or degree that they can be considered suitable for a premises licence. Requiring the building to be completed also ensures that the Council and others have the chance to inspect it fully before gambling facilities are provided.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) Which could not have been raised by objectors at the provisional licence stage; or,
- b) Which is in the authority's opinion reflect a change in the operator's circumstances.

The Council recognises that, as a licensing authority, it should not take into account irrelevant matters. An example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal as the Act itself prevents any consideration of planning issues when considering an application under the Act.

2.08 Reviews and Representations

The Council will hold a hearing to carry out a review of a premises licence where it has received a formal review application which is relevant to one or more of the licensing objectives.

Representations may include issues relating to the following:

- Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drug-related crimes;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Use of licensed premises as a base for organised crime activity;
- Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- Use of licensed premises for the sale of smuggled tobacco or goods;
- Use of licensed premises for the sale of stolen goods;
- Children and/or vulnerable persons being put at risk.

Representations should include as much detail and evidence as possible.

Due consideration will be given to all relevant representations unless:

- The grounds are frivolous;
- The grounds are vexatious;
- The grounds are irrelevant;
- The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- The grounds are substantially the same as the grounds cited in a previous application relating to the same premises;
- The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

As the Licensing Authority itself, the Council can also initiate a review of a licence.

Representations made outside the statutory period for making such representations, or those which are not about the effect of the gambling facilities on the promotion of the licensing objectives, will not be taken into consideration.

Where valid representations are received, the Licensing Authority will normally hold a hearing.

2.09 Decision-making

The Council has a wide range of licensing functions and has established a Statutory Licensing Board to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Board has delegated certain decisions and functions, and has established a Sub-Committee to deal with them.

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties or responsible authorities. Ward Councillors will not be allowed to sit on a Sub-Committee involving an application within their ward.

The Statutory Licensing Board will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Act.

Where a Councillor who is a member of the Statutory Licensing Board is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance, they will disqualify themselves from any involvement in the decision-making process involving the licence in question.

The Sub-Committee will also refer to the Statutory Licensing Board any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Statutory Licensing Board or a Sub-Committee be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Licensing Officers have the delegated authority to deal with all other licensing applications or matters where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Statutory Licensing Board or Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that a representation is not admissible.

The table shown at Appendix A sets out the agreed delegation of decisions and functions to Statutory Licensing Board, Sub-Committee and Officers.

The form of delegation is without prejudice to Officers being able to refer any matter to a Sub-Committee or Statutory Licensing Board if it is considered appropriate in the circumstances of any particular case.

An applicant or person making representations will have a right of appeal to the Magistrates' Court if they are aggrieved by any decision made by the Council.

2.10 Conditions of Licence

The starting point for determining applications will be to grant the application without additional conditions in line with the Council's statutory duty to aim to permit gambling. The Council will only consider imposing conditions of its own where they are necessary to meet the requirements of the licensing objectives. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will be considered unnecessary if they are already adequately covered by other legislation.

Conditions can be attached to licences in three different ways:

2.101 Mandatory conditions

Mandatory conditions are imposed directly under the Act and it is intended that no further regulation in the areas covered by the conditions should be necessary. It is extremely unlikely that the Council would impose conditions of its own which would affect matters already covered by the mandatory conditions. To do so, and in accordance with the Commission's guidance, any regulatory concerns would have to be of an 'exceptional' nature.

2.102 Default conditions

Default conditions are also automatically applied to premises licences by Regulations under the Act and they reflect the gambling industry's normal working/operating practices. The Council does have some flexibility in relation to a default condition, as it is able to 'exclude' such a condition or, in certain circumstances, impose a condition of its own.

2.103 Conditions imposed by the Licensing Authority

Conditions imposed by the Licensing Authority may be necessary where there are specific risks or problems associated with a particular locality or premises.

The Council cannot attach the following types of condition to a premises licence:

- Any condition that makes it impossible to comply with a condition on the operating licence;
- Conditions relating to gambling machines categories, numbers or method of operation;
- Conditions which provide that membership of a club or body be required;
- Conditions in relation to stakes, fees, winnings or prizes.

Any conditions the Council decides to attach to premises licences will be proportionate to the circumstances which they seek to address, and will be:

- Relevant to the need to make the proposed building or place suitable as a gambling facility;
- Directly related to the premises and type of licence applied for;
- Fairly and reasonable related to the scale and type of premises;
- Reasonable in all other respects.

The Council's Local Area Profile may identify specific risks or problems associated with a particular locality, specific premises or a class of premises. The Council will determine those matters on a case-by-case basis to assess whether individual conditions may be necessary depending on the circumstances of each case to address any risks or problems.

The Council may also exclude any default conditions where it is appropriate to do so.

Conditions will not be imposed if they duplicate or conflict with:

- Statutory requirements or conditions attached to a premises licence under the Act;
- The Gambling Commission's Codes of Practice;
- Conditions attached to an operator's licence or personal licence by the Gambling Commission.

The following are some, but not all, matters that operators may be required to comply with by virtue of the Act, Regulations, mandatory or default conditions, or Codes of Practice:

- Proof of age schemes
- CCTV
- Supervision of entrances and machine areas
- Physical separation of areas
- Whether the premises may hold a licence to provide alcohol
- Location of entry to the premises
- Notices and signage about persons under 18 years of age not entering the premises
- Opening hours
- Self-barring schemes
- Provision of information leaflets / helpline number of gambling self-help organisations- and the consideration of providing these in a variety of languages

The Council will normally only consider attaching conditions of its own in circumstances not covered by other requirements mentioned above, and only where it is considered necessary to do so.

2.10 Conditions of Licence (continued)

The Council may identify specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children, and the supervision of gaming machines in non-adult gambling-specific premises in order to pursue the licensing objectives. All matters will be in accordance with guidance issued by the Gambling Commission.

In accordance with the relevant codes of practice, the Council will ensure that where category C or above machines are on offer in premises to which children are admitted that:

- All such machines are located in an area of the premises that is separated from the remainder of the premises by a physical barrier that is effective to prevent access other than through a designated entrance;
- Where possible, only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised at all times;
- The area where the machines are located is arranged so that it can be observed by the staff or the licence holder at all times.

The above considerations will apply to premises including buildings where multiple premises licences are applicable.

The Council is aware that tracks may be subject to one or more than one type of premises licence, provided each licence relates to specified area of track. The Council will consider the impact upon the licensing objectives, in particular the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Commission's guidance advises licensing authorities to consider whether there is a need for door supervisors in order to ensure the protection of children and vulnerable persons from being harmed or exploited by gambling, and in terms of preventing premises becoming a source of crime. The Council will consider the need for door supervisors on a case-by-case basis.

2.11 Other Control Measures

2.111 Codes of Practice

The Council will expect gambling operators to comply with the Commission's Licensing Conditions and Codes of Practice, especially in the case of access to premises by children and vulnerable persons, and supervision of the gambling facilities being provided.

The Code of Practice on equal chance gaming may be accessed here:

<https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-b-equal-chance-gaming-in-clubs-and-premises-with-an-alcohol-licence>

[accessed 13th October 2022]

The Code of Practice on gaming machines in alcohol-licensed premises may be accessed here:

<https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence>

[accessed 13th October 2022]

2.11 Other Control Measures (continued)

The Council recognises that there are other mechanisms for addressing issues of concern that can occur in connection with licensing gambling premises, including:

- Planning controls
- Ongoing measures to create a safe and clean environment, in partnership with local businesses, transport operators and other departments of the Council;
- Regular liaison with the police on law enforcement issues regarding disorder and anti-social behaviour;
- The power of the police, other responsible authorities or local residents and businesses to seek a review of the licence.

Any person making a representation in respect of a licence application will be required to relate their representation to one or more of the licensing objectives before the Council will be able to consider it.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different ethnic and minority groups.

Section 3 - Permits and Notices

3.01 Unlicensed family entertainment centre (FEC) gaming machine permits

Where a premises does not hold a premises licence but wishes to provide category D gaming machines only, it may apply to the Council for this permit. Applicants must show that premises will be wholly or mainly used for making gaming machines available for use.

Typically, it is not possible for a permit to apply to premises such as a whole shopping centre or motorway service station. Instead, a permit will only normally be issued in respect of a designated enclosed area of such premises.

The Gambling Commission's guidance advises licensing authorities to include in its Policy a statement of the principles it proposes to apply when exercising its functions in considering applications for permits under the Act. In particular, this should include the matters that it will take into account in determining the suitability of an applicant.

Given that these premises are likely to appeal particularly to children and young persons, licensing authorities are advised to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.

An application for a permit may be granted only if the Council is satisfied that the premises will be used wholly or mainly as an unlicensed family entertainment centre (FEC), and if the chief officer of police has been consulted on the application. In addition, the Council will require applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- A risk management plan is in place in relation to protecting children and vulnerable persons;
- The police and Local Safeguarding Childrens Board have been consulted on the application;
- That the applicant has no 'relevant' convictions as set out in the Act;
- That staff are trained to have a full understanding of the maximum stakes and prizes, and all other relevant issues;
- That the applicant is over 18 years of age;
- That proper and appropriate procedures are in place to protect children and vulnerable persons from harm;
- That there are measures set out to promote the licensing objectives;
- The location of the premises;
- Local area profiling via the risk assessment;
- That a member of staff is designated with lead responsibility for safeguarding children and other vulnerable persons;
- That there are policies and training available for safeguarding children and vulnerable persons;
- Provide details of the supplier of the machines and the licence number;

- Provide a plan of the premises.

The Council cannot attach conditions to this type of permit.

In addition to the police, the Local Safeguarding Childrens Board and the Council's Public Health department will also be consulted on the application. The Council will expect applicants to show that there are policies and procedures in place to protect children from harm.

Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

3.02 Gaming machines in alcohol-licensed premises

3.021 Automatic entitlement

There is an automatic provision in the Act for premises licensed to sell alcohol for consumption on the premises to have up to two gaming machines of categories C and/or D. Premises merely need to notify the Licensing Authority that they intend to take advantage of this automatic provision. The Council can remove the automatic authorisation in respect of any particular premises at any time if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises in breach of the relevant code of practice issued by the Gambling Commission concerning the location, operation and/or supervision of gaming machines on the premises;
- The premises are mainly used for gaming;
- An offence under the Act has been committed on the premises.

3.022 Permit required for more than 2 gaming machines

If a premises wishes to have more than two gaming machines, a permit is needed. Under the Act, and in accordance with the Commission's guidance, the Council can consider "such matters as they think relevant" when deciding whether to grant a permit or not. The Council's key consideration will be about the need to comply with the relevant codes of practice in relation to location and supervision of gaming machines in alcohol-licensed premises.

The overall aim of the Council is to protect children and vulnerable persons from harm or being exploited by gambling, and applicants are expected to satisfy the Council that there will be sufficient measures in place to ensure that those under 18 do not have access to any adult-only gaming machines.

Measures could include siting any gaming machines in direct sight of the bar, or at least within the sight of staff who would be able to monitor the use of those machines to ensure that they are not being used by anyone under 18 years of age.

Notices and appropriate signage may also help.

If the Council has concerns about the siting or supervision of any machines, they may still decide to grant the application but with a reduced number of machines.

The Council cannot attach conditions to a permit of this type.

Permit holders must comply with any codes of practice issued by the Gambling Commission that relate to the location, supervision and/or operation of gaming machines.

3.03 Prize gaming permits

The Council requires applicants for a prize gaming permit to set out the types of gaming that they intend to offer and must be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- That any gaming offered is within the law.

To assist the Council in making its decision on an application for a permit, applicants may be requested to demonstrate the following:

- The type(s) of gaming intended to be offered;
- That the applicant is over 18 years of age;
- That proper and appropriate procedures are in place to protect children and vulnerable persons from harm;
- That all staff have been fully trained in all the relevant issues;
- That the applicant has no 'relevant' convictions;
- That there are measures in place to promote the licensing objectives;
- The location of premises in relation to the Council's Local Area Profile;
- That a member of staff is designated with lead responsibility for safeguarding children and vulnerable persons;
- There are policies available for safeguarding children and vulnerable persons;
- That the application has been copied to the police and the Local Safeguarding Children Board.

The Council cannot attach conditions to a permit but all permits will be granted subject to restrictions set out in the Act itself that provide for:

- Limits on participation fees, as set out in Regulations;
- All chances to participate in the gaming must be allocated on the premises in which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated, and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in Regulations (if a money prize), or the prescribed value (if non-monetary prize);
- Participation in the gaming must not entitle the player to take part in any other gambling.

3.04 Club Gaming and Club Machine Permits

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and be controlled by all its members equally. Examples include working men's clubs, branches of the Royal British Legion, and clubs with political affiliations.

The Council may grant members' clubs and miners' welfare institutes (but not commercial clubs) **club gaming permits**, which authorise club premises to provide gaming machines, equal chance

gaming (without having to abide by the stake and prize limits that would apply to exempt gaming in the absence of a permit), and games of chance as prescribed in Regulations, specifically games of pontoon and *chemin de fer*. This is in addition to the exempt gaming authorisation detailed above.

Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D, but only one B3A machine can be sited as part of this entitlement.

Where a club has gaming machines, the Council expects the club to comply with the Gambling Commission's Codes of Practice for gaming machines in clubs and premises with an alcohol licence.

If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Council for a club machine permit under section 273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C or D.

Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.

Where a club has gaming machines, the Licensing Authority expects the club to comply with the Gambling Commission's Codes of Practice for gaming machines in clubs and premises with an alcohol licence.

The Council may refuse an application on the following grounds:

- The applicant does not fulfil the requirements for a member's or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and/or young persons;
- An offence under the Act of a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years;
- An objection has been lodged by the Commission or the police.

There is a 'fast-track' procedure available under the Gambling Act 2005 for premises that hold a club premises certificate under the Licensing Act 2003. Under the 'fast-track' procedure, there is no opportunity for objections to be made by either the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced. The grounds on which an application under the 'fast-track' procedure may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Gambling Act 2005;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of the Codes of Practice covering the location, supervision and/or operation of gaming machines.

3.05 Exempt gaming

Exempt gaming is generally permissible in any relevant alcohol-licensed premises. Such gaming must be equal chance gaming and must be **ancillary** to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by Regulations.

Equal chance gaming is gaming that does not involve staking against a bank, and the chances of winning are equally favourable to all participants. It includes games such as backgammon, Mahjong, rummy, Kalooki, dominoes, cribbage, bingo and poker.

Regulations set daily and weekly prize limits for exempt gaming in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.

The Council expects exempt gaming in alcohol-licensed premises to comply with the Commission's Codes of Practice on equal chance gaming in clubs and premises with an alcohol licence.

The Council has the power to remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order section 284 of the Act if:

- Provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 279 of the Act, for example the gaming does not abide by the prescribed limits for stakes and prizes; a participation fee is charged for the gaming, or an amount is deducted or levied from the sums staked or won;
- The premises are mainly used for gaming;
- An offence under the Act has been committed on the premises.

Before making such an order, the Council will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Council will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in Regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Council must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court against a decision of the Council.

3.06 Temporary use notices (TUNs)

Temporary use notices (TUNs) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN could include hotels, conference centres or sporting venues. The Council can only grant a TUN to a person or company holding a relevant operating licence issued by the Gambling Commission.

Regulations determine what form of gambling can be authorised by a TUN, and the Council will always have regard to any relevant regulations. Currently, TUNs can only be used to permit the provision of facilities or equal chance gaming where the gaming is intended to produce a single winner. It is common knowledge that TUNs will mostly (but not always) be used to run poker tournaments.

Operators should note the following:

- A TUN can only be used to provide facilities for equal chance gaming that must be intended to produce a single, overall winner;
- Cash games are not permitted;
- The licensed operator who gives the TUN bears full responsibility for compliance with the Act and any relevant Codes of Practice;
- All existing operator licence conditions apply equally to the TUN.

In considering a TUN, the Council will consider the following:

- Promotion of the licensing objectives;
- Suitability of the premises;
- Suitability of the location;
- Measures put in place for safeguarding;
- Any guidance issued by the Gambling Commission or relevant authorities.

3.07 Occasional use notices (OUNs)

Occasional use notice (OUN) permits betting on a sporting event or race at a track on eight days or fewer in a calendar year without the need for a full premises licence. It therefore allows occasional and infrequent events such as point-to-point racing and for bets to be taken on the outcome.

The Council has little discretion in relation to OUNs apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Council will check to confirm that the person who gives the OUN is licensed as a betting operator and has the appropriate permission from the Gambling Commission to use tracks for conducting betting.

The Council will also decide what constitutes a track, sporting event or race on a case-by-case basis and in doing so will follow guidance issued by the Gambling Commission in relation to tracks and OUNs.

3.08 Small society lottery licences

3.081 Introduction

A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery under section 14 of the Act.

An arrangement is a simple lottery if:

- Persons are required to pay to participate;
- One or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a process that relies wholly on chance.

An arrangement is a complex lottery if:

- Persons are required to pay to participate;
- One or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes;
- The first of those processes relies wholly on chance.

The Act provides that promoting or facilitating a lottery is illegal unless it falls into one of two category of permitted lottery, namely:

- **Licensed lotteries** – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- **Exempt lotteries** – there are four types of exempt lottery that are expressly permitted under schedule 11 of the Act, including the small society lottery.

The Council is responsible for registration of societies for the purposes of carrying on small society lotteries. Information on other forms of exempt lotteries is available from the Gambling Commission’s website.

The Act defines ‘society’ as the society, or any separate branch thereof, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

Section 19 of the Act defines a society as such if it is established and conducted:

- For charitable purposes, as defined in section 2 of the Charities Act 2006;
- For the purposes of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- For any other non-commercial purposes other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Gambling Act 2005, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purposes is to facilitate lotteries.

3.082 Registration applications

The Council with whom a small society lottery is required to register must be in the same area where the principal office of the society is located. If the Council believes that a society’s principal office is situated in another area, it will inform the society and the relevant Licensing Authority as soon as possible.

Applications for small society lottery registrations must be in the form prescribed by Regulations and be accompanied by both the required registration fee and all necessary documents required by the Council to assess the application. The types of evidence that may be required include, but are not restricted to:

- A list of the members of the society;
- The society’s constitution or a similar document setting out the aims and objectives of the society and its governance arrangements;
- A written declaration from the applicant stating that they represent a *bona fide* non-commercial society.

The Council shall refuse an application for registration if in the period of five years ending with the date of the application:

- An operating licence held by the application for registration has been revoked under section 119(1) of the Act; or,
- An application for an operating licence made by the applicant for registration has been refused.

The Council may refuse an application for registration if they think that:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or,
- Information provided in or with the applicant for registration is false or misleading.

The Council may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Council is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act;
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives;
- Whether allowing the registration of the society would be consistent with any relevant Codes of Practice issued by the Gambling Commission.

3.083 Promotion of small society lotteries once registered

Participation in a lottery is a form of gambling and as such the Council requires societies to conduct their lotteries in a socially responsible manner and in accordance with the Act.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

As the minimum age for participation in a lottery is 16, the Council expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- Checking the age of apparently underage purchasers of lottery tickets;
- Taking action where there are unlawful attempts to purchase tickets;

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- The name of the promoting society;
- The price of the ticket, which must be the same for all tickets;
- The name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM);
- The date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

The Council expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

With regards to where small society lottery tickets may be sold, the Council applies the following criteria to all small society lottery operators:

- Lottery tickets must not be sold to a person in any street;
 - o For these purposes, 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls), whether a thoroughfare or not;
- Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand;
- Tickets may also be sold door-to-door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence, if necessary.

This approach is consistent with the operating licence conditions imposed upon operators, large society lotteries and local authority lotteries.

3.084 Financial returns

As the purpose of permitting lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits, it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- At least 20% of the lottery proceeds must be applied to the purposes of the society;
- No single prize may be worth more than £25,000;
- Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000;
- Every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed.

The Act sets out the information that the promoting society of a small society lottery must send as returns to the Council with which it is registered, following each lottery held. This information allows the Council to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purposes.

The following information must be submitted on the return:

- The arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- The total proceeds of the lottery;
- The amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- The amounts deducted by the promoters of the lottery in respect of the costs incurred in organising the lottery;
- The amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of expenses and the sources from which they were paid.

The Act also requires that returns must:

- Be sent to the Council no later than three months after the date of the lottery draw or, in the case of 'instant lotteries' (scratch cards), within three months of the last date on which tickets were on sale;
- Be signed (electronic signatures are acceptable if the return is submitted electronically) by two members of the society, who must be:
 - o Aged 18 or older;
 - o Are appointed for the purpose in writing by the society or, if it has one, its governing body;
 - o Be accompanied by a copy of their letter or letters of appointment.

The Council allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Council's website.

Where societies run more than one lottery in a calendar year, the Council will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

The Council will notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible and such notifications will be copied to the society in question.

3.085 Revocation of a registration

The Council may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Council will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society to continue would be consistent with the Act;
- Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives;
- Whether allowing the registration of the society to continue would be consistent with any relevant Codes of Practice issued by the Gambling Commission.

3.09 Travelling Fairs

Where any category D machines and/or equal chance prize gaming is to be made available for use at a travelling fair without a permit, the Council will ensure that any facilities for gambling amount to

no more than an **ancillary** amusement to the fair and not a reason in itself, i.e., for people to come to the fair for the purpose of gambling.

There is a 27-day statutory maximum for land being used as a fair per calendar year. This limit applies to the piece of land on which the fairs are held, regardless of whether it is the same or a different travelling fair that happens to occupy the land. The Council will work with neighbouring authorities to ensure that land crossing Council boundaries is monitored, to ensure that statutory limits are not exceeded.

Section 4 – Inspection, Enforcement and Compliance

4.01 General information

The main enforcement and compliance role for the Council under the Act will be to ensure compliance with the premises licences, permits and other permissions that it authorises and any local issues that arise in relation to the provision of gambling facilities.

The Gambling Commission will be the enforcement and compliance body for operator and personal licences and will also take the lead role on issues that have implications nationally in relation to the provision of gambling facilities.

The Act requires licensing authorities to state the principles to be applied when exercising its functions under part 15 of the Act, with respect to the inspection of premises, and the powers under section 346 of the Act to instigate criminal proceedings in respect of specified offences.

To that end, the Council will have regard to the Regulator’s Code and will follow the principles set out in it. The Code is based around the principles of consistency, proportionality and accountability. Regulation will be targeted where appropriate.

The Council’s Legal Services has adopted, and will have regard to, the principles set out in its Enforcement Policy (see Appendix D), which follows the principles of the Regulator’s Code.

The Regulator’s Code and Legal Services’ Enforcement Policy provide for a graduated response to be taken where breaches of the Act occur, or in cases where licence conditions may be contravened. An isolated offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee, the issue of a Formal Caution or, in some cases, a referral for prosecution.

The Council will use a risk-based inspection programme, based on compliance with:

- The licensing objectives
- The relevant Codes of Practice
- Guidance issued by the Gambling Commission
- The principles set out in this Policy

Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules; in compliance with the requirements of the Act, and in compliance with any licence conditions. It will also be important to monitor the borough for unlicensed premises.

The Council will work actively with the police, where appropriate, in enforcing licensing legislation and has established protocols with South Yorkshire Police, the Council’s Trading Standards

department and South Yorkshire Fire and Rescue on enforcement issues to ensure an efficient deployment of police and council officers.

Similarly, the Council will work closely with the Gambling Commission through its regional Compliance Officers and, where appropriate, will undertake joint visits, inspections and/or enforcement action to ensure compliance with the Act and Regulations.

Premises that have a history of complaints or previous enforcement action are likely to be classed as 'high risk' for enforcement purposes. Lower-risk premises will generally require a lighter touch so that resources are effectively concentrated on problem premises.

In accordance with guidance issued by the Gambling Commission, the Council will endeavour to avoid duplication with other regulatory regimes so far as is reasonably possible.

The main enforcement and compliance role for the Council in terms of the Act will be to ensure compliance with the premises licences and the other permissions it authorises. It will also investigate complaints about unlicensed premises where appropriate. Enforcement action will largely be concentrated on compliance with the licensing objective that protects children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Commission will be the enforcement body for the operating licences and personal licences it issues. The Council will not deal with concerns about manufacture, supply or repair of gaming machines. The Council will, however, notify the Commission of any significant issues relating to operator licences, personal licences and the manufacture, supply or repair of gaming machines that may arise.

4.02 Departure from Policy

The Council may choose to depart from this Policy if the individual circumstances of a case warrant such a departure in the interests of fairness, and it is relevant to matters listed below:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the licensing objectives;
- In accordance with the Council's policy statement.

In such an event, the Council will give full reasons for its decision to depart from the Policy.

Each case will always be dealt with on its own individual merits and circumstances.

4.03 Duplication with other regulatory regimes

In carrying out its functions under the Act, the Council will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. Section 210 of the Act specifically states that the Council when considering an application cannot consider whether the premises that is the subject of the application is likely to be awarded planning permission or building regulations' approval.

In other words, planning and licensing remain two separate regulatory regimes and the Council's Statutory Licensing Board cannot be bound by a decision of the Council's Planning Committee, or vice versa.

4.04 Exchange of information

The Council is required to set out the principles it will apply when exchanging information with the Gambling Commission and other persons or bodies.

The Commission can require the Council to provide specific information if it forms part of the licensing register or if it is held in connection with the exercise of the Council's licensing functions under the Act. Currently, the Commission requires the Council to submit a return at the end of each financial year, which is subsequently included in the Department for Communities and Local Government Single Data List. The Council will therefore continue to provide the following details to the Commission:

- Permits issued
- Temporary use notices issued
- Occasional use notices issued
- Premises inspections conducted
- Reasons for – and outcomes of – reviews

Any exchange of information with the Commission and other persons or bodies will be in accordance with the provisions of both the Gambling Act 2005 and the Data Protection Act 1998. The Council will have regard to any guidance or advice issued by the Gambling Commission or the Information Commissioner, and any relevant Regulations under the Gambling Act 2005.

The Council may also exchange information with other persons or bodies listed below for use in the exercise of functions under the Act, i.e.:

- A constable or police force;
- An enforcement officer;
- Another Licensing Authority;
- HM Revenue and Customs;
- The Secretary of State.

If protocols are established with any of these bodies relating to the exchange of information, the Council will make them available on the Council's website.

NB. Unless specifically restricted by the Act, details about applications, licences and representations will be made available in the Council's public register.

Details of any persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being required, will form part of a public document. Anyone making representations or applying for a review of a premises licence will be informed that their details will be disclosed. This is primarily done to ensure a fair hearing for all parties.

Section 5 – Legislation, Policies and Strategies

5.01 Legislation

In exercising its licensing functions under the Gambling Act 2005, the Council will have regard to its commitments under other relevant legislation, including:

- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998;
- Health and Safety at Work Act 1974;
- Environmental Protection Act 1990;
- The Anti-Social Behaviour Act 2003;
- The Race Relations Act 1976 (as amended).

5.02 Local strategies and policies

Where appropriate, the Council will carry out its functions with regard to other relevant local strategies and policies, including:

- The Council's Corporate Strategy and Priorities
- The Community Safety Strategy
- Legal Services Enforcement Policy
- Safer and Sustainable Communities Plan
- Barnsley 2030 Strategy

5.03 Integrating strategies

The Council recognises in particular the importance of the co-ordination and integration of its Policy with other plans aimed at the management of town centres and the night-time economy. These include:

- **Crime and Disorder Strategy** – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and other permissions will reflect local crime prevention strategies;
- **Local Transport Plan** – The Council aims to work with the local transport authority and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises;
- **Racial Equality** – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups;
- **Human Rights** – The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the ECHR:
 - Article 1 – every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, the possessions of a licence;
 - Article 6 – in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 – everyone has the right to respect for his/her home and private and family life;

- **Planning** – The Council’s Statutory Licensing Board will provide reports, when appropriate, to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling-related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions;
- **Tourism and Town Centre Management** – The Council aims to promote a high-quality, thriving night-time economy;
 - o The Council will ensure that the Statutory Licensing Board receives reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations;
- **Economic Strategies** – The Council will ensure that the Statutory Licensing Board is appraised of the employment situation in the area and the need for new investment and employment where appropriate;
- **Enforcement Policy** – All licensing enforcement will be conducted in accordance with the National Regulator’s Code and the Council’s Legal Services Enforcement Policy.

5.04 Equality, diversity and inclusion

Barnsley is a multiracial, multicultural and multifaith borough. The Council values and celebrates the diversity that exists amongst the residents of Barnsley, and those who choose to visit or work in our borough. The Council aims to ensure that every individual can fully participate in the social, cultural, political and economic life of Barnsley.

As such, applicants and licensees are reminded of their duties under the Equality Act 2010, the Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005), the Race Relations Act 1976 (as amended by the Race Relations Amendment Act 2003), the Sex Discrimination Act 1975 (as amended) and the Gender Equality Act 2006. Accordingly, the Council will ensure that it has due regard to the above at all times.

The Council, in undertaking its licensing functions, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

5.05 Ongoing responsibilities of premises licence holders

The responsibility to promote the licensing objectives does not end when a licence is granted. Operators must continue to promote the licensing objectives and tackle any risks associated with the activities they provide.

All customer-facing and management staff in licensed premises are expected to have sufficient knowledge and training to promote responsible gambling and to address risks associated with gambling. Where appropriate, this should include:

- The importance of social responsibility
- Staff being familiar with partnership agencies, having relevant contact details and knowing how to report any concerns;
- The causes and consequences of problem gambling;
- Identifying and communication with vulnerable persons, including primary intervention and escalation;

- How to deal with problem gamblers, including exclusion (mandatory and voluntary) and escalating for advice and/or treatment;
- Being made aware of contacts for gambling-related organisations such as the NHS resource for addiction support at <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>
- The importance of maintaining records (such as refusals, self-exclusions, incident logs, age challenges);
- Refusal of entry (alcohol and drugs);
- Age verification procedures and the need to return stakes/withdraw winnings if underage persons are found gambling;
- The importance and enforcement of both time and spend limits;
- Licence conditions;
- Offences under the Act;
- Categories of gaming machines and the stakes and odds associated with each machine;
- Types of gaming and the stakes and odds associated with each;
- Staff exclusions from gambling at the premises where they are employed and the reasons for that restriction;
- The ability to signpost customers to support services with respect to problem gambling, financial management, debt advice, etc.;
- Safe cash handling and the payment of winnings;
- How to identify and report forged ID, and knowledge of procedures in relation to the offender (such as reporting to the police and/or barring offenders from the premises);
- Knowledge of a problem gambling helpline number;
- The importance of not encouraging customers to:
 - o Increase the amount of money they have decided to gamble;
 - o Enter into continuous gambling for a prolonged period;
 - o Continue gambling when they have expressed a desire to stop;
 - o Re-gamble any winnings or chase losses.

Section 6 – Problem gambling and gambling-related harms

6.01 Gambling-related harms

The Council acknowledges its statutory duty under the Act to aim to permit gambling, but it is also aware that gambling is becoming increasingly recognised as a public health issue, contributing to ongoing health inequalities, the experience of physical and mental health (including suicide), and poor wellbeing.

Gambling-related harms are often not recognised and require greater attention. The legislative framework for gambling recognises it as a legitimate leisure activity that many people enjoy. It generates income, employment and tax revenue. Set against this, it also generates significant disadvantages, such as working days lost through disordered gambling, or the cost of treatment for ill-health caused by stress related to gambling debt. There are also less-easily measured, though potentially very significant impacts, such as the negative effects of gambling on family relationships, and the psychological and social development of children.

There is growing evidence that the prevalence of problem gambling or the vulnerability to developing a problem with gambling may be higher within certain groups within the general population, particularly:

- Younger people, especially men;
- Those with other addictions, such as drugs, alcohol or nicotine;
- Those with mental health issues;
- Those who are unemployed, economically inactive or from a low socio-economic status or deprived background;
- Some ethnic groups, e.g., new migrants;
- Children of problem gamblers;
- Repeat offenders, or those recently released from prison.

Gambling related harms are associated with the wider determinants of health; particularly; deprivation, substance misuse, poor mental health and low levels of education and income. Problem gambling widens health inequalities and disproportionately affects those with lower socio-economic status. The impacts are not just experienced by gamblers, but their children, partners, families, and employers. These may include the breakdown in relationships, unemployment, descent into debt and associated crime. There is the concept of “intergenerational” harms, for example, if a parent loses the family home due to gambling debts, this affects the children of the problem gambler, currently and into their adult life. For these children, their life chances can be significantly affected by parental choices.

6.02 Supporting information and data

The Gambling Behaviour in GB report (2015) indicates that there are over 430,000 problem gamblers in Great Britain, and it is estimated that there are 2 million at risk and 4.2 million affected others.

The lack of local screening for gambling issues means that the extent of the problem is largely unknown within a specific authority. However, Barnsley public health data can provide a degree of insight into the individuals and subregions that will be most vulnerable to problem gambling, and how they and the wider population of the borough are impacted.

6.021 Deprivation

Gambling-related harms are strongly associated with deprivation. According to the Indices of Multiple Deprivation, Barnsley is ranked 39th out of 326 local authorities in England. However, 21.8% of Barnsley Lower Super Output Areas (LSOA) were in the 10% most-deprived areas in the country. This indicates very high levels of deprivation within the town alongside high levels of inequality. Figures relating to income deprivation affecting children are also significantly higher in Barnsley than the England average. Data from 2019 states that 22.5% of Barnsley residents have income deprivation affecting children compared to 17.1% of England.

See Appendix E for a breakdown of the IMD score for the borough and accompanying map.

6.012 Mental health

The Gambling Commission states that “self-reported anxiety and depression is higher in problem gamblers, as is a mental health disorder”. Barnsley’s recorded prevalence of depression in persons aged 18 or over are higher than the Yorkshire and Humber average: for the years 2020/21, Barnsley’s recorded prevalence of depression was 13.7%, compared to the Yorkshire and Humber average of 12.3%.

The most significant adverse effect of gambling is its contribution to suicide. One UK study found that 4% of suicides amongst 20–24-year-olds were related to gambling. The suicide rates in Barnsley are significantly higher than the England average: 10.4 per 100,000 people in England compared to 14.8 per 100,000 in Barnsley in the period 2019-21.

6.013 Unemployment

Gambling-related harms are strongly associated with unemployment. Barnsley's percentage of people in employment has been lower than the England average: for 2020/21, 72.5% of Barnsley residents were in employment, compared to the England average of 75.1% of people.

6.014 Children and young people

Hospital admissions due to substance abuse for young people in the age group 15-24 in Barnsley has been significantly higher than the average across England. The average across England was 81.2 per 100,000, whereas the same statistics for Barnsley were 144.3 per 100,000. As individuals with a history of substance abuse are a group vulnerable to problem gambling, this data highlights the above-average danger of younger people in the borough becoming affected by problem gambling, either directly or indirectly.

6.02 Safeguarding

6.021 Public health and gambling

The Council agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are, however, significant numbers of people who do experience substantial harm as result of their gambling.

For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.

There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.

6.022 Commercial determinants

It is important to note that gambling and gambling-related harms are considered a commercial determinant of health, much like tobacco, alcohol and high fat sugar and salt foods (HFSS). As such, the influence of industry at all levels of practice needs careful and continuous consideration when decision-making. There is ongoing regional and national work to address this influence and it is vital that the Council remains apprised of any developments to protect the borough's population from potential harms.

Therefore, the Council considers that its Public Health department, whilst not a responsible authority under the Act, should still play a leading role in assisting the Council to address gambling-

related harms in its area. The Public Health department will play an important part in developing the Policy as well as the Council's Local Area Profile.

It is planned that the Public Health department will be able to help the Licensing Authority:

- Identify and interpret health data and evidence to inform the review of the Policy and develop tailored Local Area Profiles;
- Make decisions that benefit and protect the health and wellbeing of local communities;
- Be clear on issues that the Council can have regard to when deciding on licences for a wide range of gambling activities;
- Conduct a health-impact assessment of gambling in the local area or assess any existing information.

6.022 Protection of vulnerable people

The Council is aware of the difficulty in defining the term "vulnerable person". In recent literature it is not a term that is widely used, with the term "adults at risk of abuse or neglect" or "adults at risk" being preferred. See Appendix F for a table breakdown of groups identified as vulnerable.

The Gambling Commission, in its guidance to local authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes, assume that this group includes people: "who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs."

The Care Act 2014 imposes a requirement on a local authority to "make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it".

The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this part or otherwise) and, if so, what action and by whom. "Abuse" includes financial abuse; and for that purpose "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

In 2016, Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling in Leeds (Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016). This research looked specifically at identifying groups of society that could be considered vulnerable to problem gambling.

- **Young people** – Rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox: whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015);
 - o Licensing objective 3 of the act exists specifically to protect children and vulnerable persons from being harmed or exploited by gambling. People who are vulnerable to gambling-related harm may risk becoming problem gamblers, where problem gambling is defined as an individual's gambling that disrupts or damages personal,

- family or recreational pursuits. The social, economic and health impacts of problem gambling are well documented. In a severe form it becomes an addiction which is recognised as a clinical psychiatric diagnosis;
- The 2012 Health Survey for England found that in the previous year 68% of men and 61% of women had gambled, and that problem gambling rates were 0.8% for men and 0.2% for women;
 - **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015);
 - **Unemployed and those of constrained economic circumstance** – Generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower-income households to protect themselves from financial instability (Brown et al, 2011);
 - There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at-risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off one is compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment;
 - **Area deprivation** – There are several British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly similar levels of past-year gambling participation to those who live in less deprived areas;
 - Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high-density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016);
 - **Homelessness** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups are higher than the general population, but given associations with other mental health conditions, homeless people should be considered a vulnerable group;
 - **Mental health issues** – There is a strong association between mental ill health and problem gambling, in addition to suicide. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall, three-quarters of problem gamblers seeking treatment also experience comorbid mental health disorders;
 - Being a problem or at-risk gambler is associated with later onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental

disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at-risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical;

- **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time;
- **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control, are well-established risk factors for problem gambling (Johansson et al, 2009). However, little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors;
- **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015);

Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1%, there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. The Council works with many of these groups, however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.

In the case of premises licences, the Council is aware of the extensive requirements set out for operators in the Gambling Commission's Licensing Conditions and Codes of Practice regarding social responsibility. In this document the Gambling Commission clearly sets out the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young people
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young people

All applicants should familiarise themselves with the operator licence conditions and Codes of Practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.

All applicants should also familiarise themselves with the Local Area Profile (see section 1.14 above).

Applicants should consider the following proposed measures for protecting and supporting vulnerable people:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets;
- Training for staff members that focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable;
- Trained personnel for the purpose of identifying and providing support to vulnerable people;
- Self-exclusion schemes;
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- The NHS website link <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/> displayed in prominent locations;
- Windows, entrances and advertisements to be positioned or designed not to entice children or vulnerable persons.

Some of the above measures already form part of the mandatory conditions placed on premises licences. The Council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by the mandatory conditions, default conditions or matters proposed by the applicant.

6.023 Local Risk Assessment

The following must be included in any risk assessment:

- The location of the premises (e.g., close to premises frequented by children or other vulnerable persons);
- Whether any promotional material/advertising associated with the premises might encourage use of the premises by children or vulnerable persons;
- Whether there are management measures in place to ensure adequate staff training is in place to protect children, young persons and vulnerable persons who could be harmed or exploited by gambling. Staff should receive refresher and induction training in relation to the procedures and operating systems for the protection of children and young people;
 - o Staff training records should be kept and made available to the Licensing Authority on request. Self-testing procedures should be in place to identify staff training needs and staff competence in relation to age verification;
- A member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons;
- A recognised Proof of Age scheme shall be operated in all areas of the premises where alcohol is on sale and at entrances to areas of the premises which give access to adult gambling facilities;
- A written record shall be maintained of all staff interventions that are made with customers for the protection of children and other vulnerable persons (e.g. refusals of service or admission, the provision of self-help information, membership records for the self-exclusion scheme including photographic ID, records of interventions with parents/carers who fail to behave responsibly;
- A risk assessment for safeguarding children and vulnerable persons at gambling premises, the outcome of which should be used to inform staff training and operating policy.

- There is sufficient evidence of links between suicide and problem gambling that risk assessments for suicide should be offered to individuals identified to be at-risk of problem gambling as a suicide prevention intervention.

6.024 Support for problem gamblers

6.0241 NHS

The Council recommends that all licence and permit holders recognise the importance of partnership working with organisations such as the NHS resource for addiction support at <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/> to increase awareness of issues around problem gambling.

Operators should be expected to work in partnership with local health/vulnerable people/welfare services and be clearly stated e.g. that we would expect screening for problem gambling using reliable tools, signposting and referral to national and local services, and support to self-exclude. Where someone has mental capacity but is a vulnerable person and displaying problem gambling behaviours then the operator should work in partnership with their key worker to manage the risk of harm.

6.0242 Self-exclusion scheme

The Council expects all premises to operate a voluntary self-exclusion scheme, meaning that whenever a customer voluntarily requests to be excluded from the premises, they are excluded for an agreed timeframe, taking into account the Gambling Commissions Licence Conditions and Codes of Practice minimum requirements

A self-exclusion policy should be supported by a written agreement drawn up in accordance with the relevant Codes of Practice and trade association advice.

Appendix A – Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	Yes		
Policy not to permit casinos	Yes		
Fee Setting - when appropriate			Yes (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		Yes	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		Yes	
Applications for other permits			Yes
Cancellation of licensed premises gaming machine permits			Yes
Consideration of temporary use notice			Yes

Decision to give a counter notice to a temporary use notice		Yes	
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Appendix B – Definition of Gaming Machines

Based on Gambling Commissions' guidance to Licensing Authorities

Section 235 of the Act defines a "gaming machine" as; "a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes)". This definition is wider than those included in previous gaming legislation and covers all types of gambling activity that can take place on a machine, including betting on virtual events. However, the following should be noted:

- There remains a distinction between skill machines and gaming machines. Skill machines are unregulated; and,
- Section 235 contains important exemptions for equipment that is not to be considered a gaming machine, even when gambling can be performed on it. For example, a home PC is not to be classed as a gaming machine, even though someone can access remote gambling on it.

Categories of gaming machines

The maximum stakes and prizes for certain gaming machines were updated by the Gambling Commission in June 2009.

A breakdown of categories of gaming machines, along with their maximum stakes, maximum prizes and site locations, can be accessed on the Gambling Commission's website via the link below:

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

[accessed 13th October 2022]



BARNSLEY
Metropolitan Borough Council

LEGAL SERVICES ENFORCEMENT POLICY

Signed:

Name: Sukdave S. Ghuman – Service Director, Law & Governance

Date: 26th January 2023

1. Enforcement Policy Statement

The purpose of this Policy is to set out the general principles of enforcement to be followed by officers in Legal Services, in order to ensure that enforcement decisions are consistent, appropriate, balanced, fair, targeted, accountable, transparent and proportionate.

2. Introduction

Legal Services is a public authority for the purposes of the Human Rights Act 1988. Officers in Legal Services will apply the principles of the European Convention on Human Rights in accordance with the Act. The Service will follow the provisions of the Regulators' Code in its regulatory activities, taking a supportive, risk-based approach to businesses. It will provide clear information and guidance on compliance and will act with fairness and transparency. Formal enforcement action will normally be a last resort, but where it is deemed appropriate, this Policy will be applied.

This policy sets out the general regulatory options available to Legal Services Officers to ensure compliance with relevant legislation. Officers will be suitably trained, qualified and experienced, as set out in their job profiles, and they will be familiar with, and follow, the provisions of this Policy.

Each case is unique and must be judged on its own merits. However, there are general principles that apply in the way each situation must be approached. This document sets out the factors to be taken into account when considering appropriate

enforcement action to be taken. Officers will follow this Policy, except in exceptional circumstances.

Where the Service becomes aware of a situation for which it is not the enforcing authority, it will contact the relevant enforcement agency. Where there is a shared role with another enforcement agency, officers shall liaise accordingly with that agency.

Legal Services enforce a wide variety of legislation and use powers that enable officers to issue verbal advice, send letters, serve formal notices, issue simple cautions, and prosecute in the courts. This list is not exhaustive and other enforcement options are available, as detailed later in this document. The officer will choose the most appropriate method of achieving compliance from the range of actions available.

The aims of the Service in taking action are:

- To protect the public and business from offenders;
- To change the behaviour of the offender;
- To eliminate any financial gain or benefit from non-compliance;
- To restore the harm caused by regulatory non-compliance in appropriate cases;

3. Enforcement Options

There are a number of options available when legal contraventions are found:

a) No Action

In exceptional circumstances contraventions may not warrant any action. This could be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal action is inappropriate, e.g., the offender is elderly and frail. A decision to take no action must be recorded in writing and must take account of health, safety, environmental and nuisance implications of the contravention. A decision to take no action does not preclude further investigation or review of the case at a later date, or when there is material change in the circumstances.

b) Informal Action

Informal action to secure compliance with the legislation includes offering advice, issuing warnings and requests for action. It may be appropriate to use informal action in the following circumstances:

- The act or omission is not serious enough to warrant formal action;
- From the individual's/organisations past history it can be reasonably expected that informal action will achieve compliance;

- Where the original approach is from person(s) seeking advice or assistance – although if serious breaches are found, formal action may be appropriate;

When an informal approach is used to secure compliance, this may be verbal or written. Any written documentation sent to individuals or businesses must include:

- All the information necessary to understand what action is required and why;
- The legislation being contravened and measures which will achieve compliance;
- Clear distinction between legal requirements and recommendations;

c) Statutory notices, Seizing Equipment, Closing Premises

Notice can be served to require persons to cease contravening activities, give offenders reasonable time to rectify a contravention or require people to provide information. Notices may require contravening activities to cease immediately where circumstances relating to health, safety, environmental damage, or nuisance demands. In other circumstances, the time allowed must be reasonable, but must also take account of the implications of the contravention.

Specific guidance is available on circumstances under which notices shall be served, equipment seized or premises closed, and this varies according to the legislation and type of notice.

The use of statutory notices may take place in conjunction with other enforcement options set out in this policy.

d) Refusal/Revocation of Licence/Approval/Permit

Licences, Approvals and Permits are issued under specific legislation and the circumstances that allow refusal or revocation of a licence etc. shall be taken into account in accordance with the specific legislation and relevant Codes of Practice. In order to justify such an action, the applicant/licence/approval/permit holder must meet one or more of the following criteria:

- Engage in fraudulent activity;
- Deliberately or persistently breach legal obligations;
- Deliberately or persistently ignore warnings or formal notices;
- Endanger, to a serious degree, the health, safety or wellbeing of people, animals or the environment;
- Fail to pay renewal fees.

In relation to licensing matters, cases may also be referred to the General Licensing Sub-Committee.

e) Works in Default

Where provided for under the legislation, work may be carried out in default. Such action will be dependent upon public risk and strategic considerations.

f) Injunctions

In exceptional cases, it may be considered that an injunction is the best course of action to remedy contraventions or dangerous circumstances. For example, where there is an immediate risk to public health, or where there is an extraordinary statutory nuisance.

g) Enterprise Act Actions

The Enterprise Act 2002 gives some officers in the Service the authority to seek civil remedies for certain breaches of legislation. Officers will consider these remedies, such as undertakings and injunctions, where they are the most appropriate course of action.

h) Fixed Penalty Notices

Fixed Penalty notices will be issued under certain legislation. If a fixed penalty is not paid within the prescribed period, legal proceedings shall be instituted.

i) Simple Cautions

In some cases, Simple Cautions may be used as an alternative to prosecution. In order to offer a Simple Caution, there must be enough evidence for the matter to proceed to Court by way of prosecution, and the offender must admit guilt.

j) Prosecution

Without prejudicing the right of the Council to prosecute for any offence within its jurisdiction, prosecution will be considered in the case of serious offences, matters of significant public concern, failure to comply with a statutory notice, and repeated infringements.

Particular circumstances in which prosecution will also be considered include:

- The contravention involved fraud;
- The contravention involved deliberate or persistent breach of legal responsibility;
- The contravention was through gross negligence or carelessness and caused, or was likely to cause, significant loss or prejudice to another individual;
- The contravention led to, or contributed to, the health safety or well-being of people, animals or the environment being seriously compromised, or contributed to damage to the reputation or economic well-being of the Borough;
- The contravention involved the obstruction of an authorised officer in carrying out his or her duties, or violence or aggressive behaviour towards them;
- The contravention was an absolute offence under the legislation;
- The matter relating to the offence is widespread throughout the borough.

Cases will only be submitted for prosecution when it is considered that the sufficiency of evidence and the public interest requirement fall within the guidelines as laid down by the Attorney General and Crown Prosecution Service Code of Crown Prosecutors. Before deciding whether or not to prosecute, consideration will also be given to the following:

- The calibre and reliability of witnesses;
- The probable public benefit of a prosecution and the importance of the case – e.g., the possibility of establishing legal precedent;
- The contravention is trivial;
- Whether a Simple Caution would be more appropriate or effective;
- Cost effectiveness – a need to balance likely overall cost against the ‘value’ of the likely outcome;

4. References

The Code for Crown Prosecutors

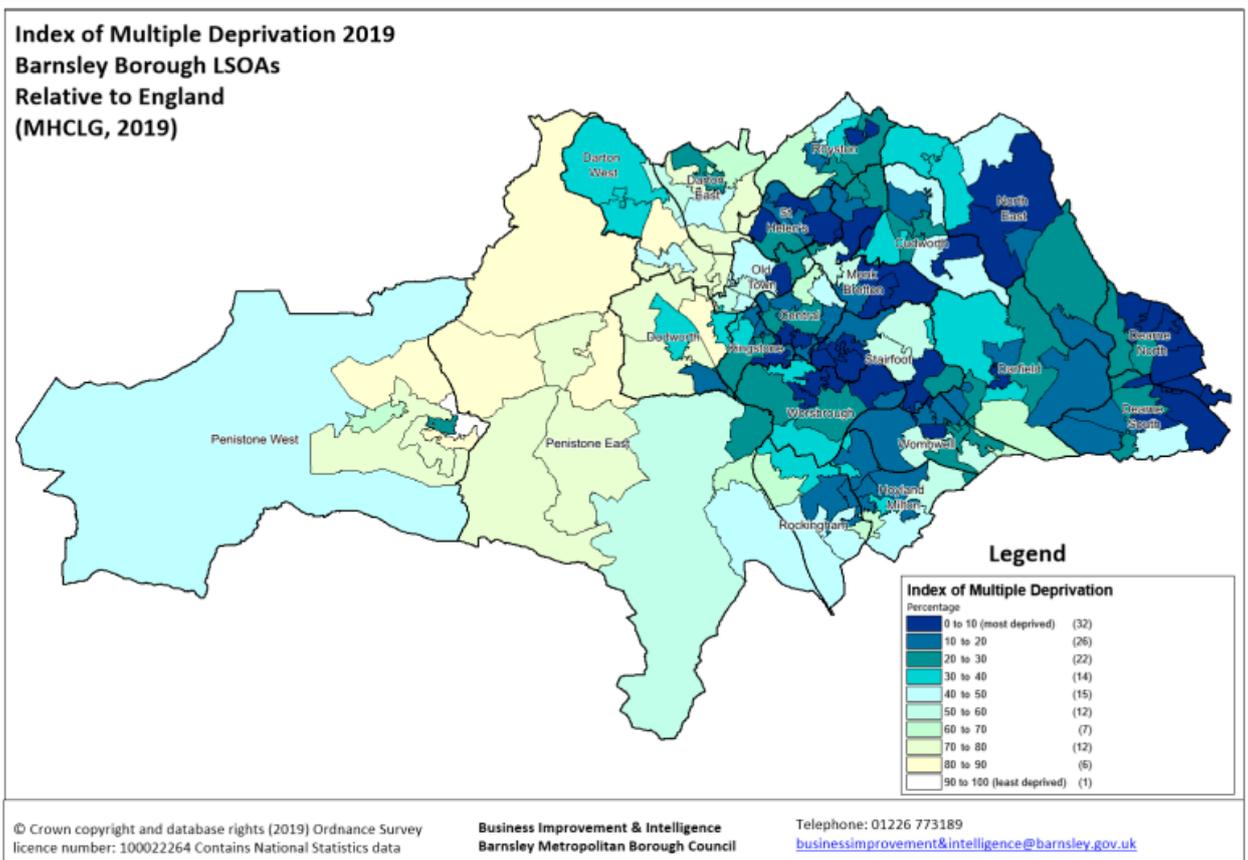
http://www.cps.gov.uk/publications/code_for_crown_prosecutors/

Regulators Code <https://www.gov.uk/government/publications/regulators-code>

Simple Cautions <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-andprosecutors>

Appendix E – Index of Multiple Deprivation Data and Map of the Wards of Barnsley

Area ▲▼	Recent Trend	Count ▲▼	Value ▲▼	95% Lower CI	95% Upper CI
England	-	-	21.7	-	-
Barnsley	-	-	29.9	-	-
Dearne North	-	-	50.1	-	-
St Helens	-	-	44.6	-	-
Worsbrough	-	-	42.2	-	-
Stairfoot	-	-	39.7	-	-
Monk Bretton	-	-	38.5	-	-
Kingstone	-	-	36.2	-	-
Central	-	-	35.5	-	-
Dearne South	-	-	35.3	-	-
North East	-	-	33.6	-	-
Wombwell	-	-	31.6	-	-
Darfield	-	-	30.1	-	-
Cudworth	-	-	29.8	-	-
Royston	-	-	29.2	-	-
Hoyland Milton	-	-	26.5	-	-
Rockingham	-	-	26.2	-	-
Old Town	-	-	22.3	-	-
Darton East	-	-	18.3	-	-
Dodworth	-	-	17.1	-	-
Darton West	-	-	15.1	-	-
Penistone West	-	-	12.1	-	-
Penistone East	-	-	10.8	-	-



Vulnerable Groups (Geofutures, 2015)

Key: Supported by evidence Emerging evidence No/conflicting evidence

Demographic	Socio-economic	Poor judgement/impairment	Other
Youth	Unemployment	Low educational attainment	Poor mental health
Older people	Low income	Low IQ	SMS/alcohol
Women	Deprived	Under influence of drugs/alcohol	Problem gamblers
Ethnic groups	Financial difficulties/debt	Learning disability	
	Homeless	Personal traits	
	Migrants		
	Prisoners/probation		

Appendix G – Responsible Authorities

The Licensing Authority

Barnsley Metropolitan Borough Council, Licensing, Legal Services, PO Box 634, Barnsley, S70 9GG
Telephone: (01226) 773555

South Yorkshire Police

South Yorkshire Police Licensing Department, Force Headquarters, Carbrook House, Carbrook Hall Road, Sheffield, S9 2EH
Telephone: (01226) 726154

South Yorkshire Fire Service

The Chief Fire Officer, South Yorkshire Fire and Rescue Services, Dearne District Fire Safety, Broadway, Barnsley, S70 6RA
Telephone: (01226) 282222

Health protection service

Director of Public Health, PO Box 634, Barnsley, S70 9GG
Telephone: (01226) 773555

The planning authority

Barnsley Metropolitan Borough Council, Planning and Transportation/Building Control, PO Box 604, Barnsley, S70 9FE
Telephone: (01226) 770770

Environmental protection service

Barnsley Metropolitan Borough Council, Regulatory Services, PO Box 604, Barnsley, S70 9FB
Telephone: (01226) 773555

Barnsley Safeguarding Children Partnership

Safeguarding Children Unit, PO Box 634, Barnsley, S70 9GG
Email: safeguardingchildrenboard@barnsley.gov.uk

Gambling Commission

Victoria Square House, Victoria Square, Birmingham, B2 4BP
Telephone: (0121) 230 6697
Email: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

HM Revenue and Customs

Excise Processing Teams, BX9 1GL
Telephone: 0300 322 7072 (Option 7)

Further Information

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:

Licensing
Legal Services
PO Box 634
Barnsley
S70 9GG

Tel: 01226 773843

Email: licensing@barnsley.gov.uk

Website: www.barnsley.gov.uk

Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Telephone: (0121) 230 6697

Email: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Notes

Amendments may have been made to relevant parts of this document and/or its appendices to correct any grammatical or spelling errors, provide clarity where required, meet government digital accessibility standards, or for other reasons to facilitate understanding.

Statement of Gambling Policy Consultation Responses

The statutory consultation ran for 10 weeks from the 28th of October 2022 until the 6th of January 2023 and the following three responses were received: -

1) Very comprehensive. Thank you to Officers for their work.

2) Please can more information be added to the section around risks, including the below: -

Barnsley Council will assess each application relating to a premise that is: -

- Close to an educational establishment, including colleges**
- Close to any centre dealing with addictions**
- Situated in an area of high deprivation**
- Close to locations that are visited by those who are unemployed such as job centres or food banks**
- Close to the location of businesses providing instant access to money such as payday**

Officer response –

The draft policy has been amended to include the following at 1.13 -

It is the Council's policy, upon receipt of any relevant representations, to consider specific location issues, including the possible impact that a gambling premise may have on:

- Organisations for children and young people, i.e., educational establishments.
- Residential areas where there may be a high concentration of families with children.
- Organisations for vulnerable adults i.e., centres dealing with substance use or organisations for those who are unemployed i.e., job centres or food banks
- Organisations providing instant access to money i.e., payday loans
- An area of particularly high deprivation
- Any area where evidence suggests that a gambling premise would be harmful to the health and wellbeing of residents
- The size of the premises and the nature of the activities taking place.
- Any levels of organised crime in the area.

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.

Currently there are no identified areas of the borough in which a concentration of licensed premises exist that are leading to problems concerning the licensing

objectives. Should any specific policy be decided upon with regards to areas where gambling premises should not be located, this Policy will be updated, and each application will be considered on its own individual merits.

3) I've read the policy and it looks really good. The stuff in there about vulnerable people and gambling harms I think really adds to the level of information given and the quality of the policy.

I have a few questions regarding the OSC recommendations. I'm not sure if they're appropriate for inclusion in the policy or if they sit somewhere else.

- **Placement of Cat D machines in pairs**
- **Can we change the wording of consulting with public health colleagues to consulting with the Director of Public Health please?**
- **In terms of protecting vulnerable people, I think the recommendation for providing support material in other languages would fit with this**

In terms of the recommendations for signposting. As per the cabinet recommendations, we would be recommend the NHS resources, not gamcare/gambleaware due to their ties with industry.

<https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>

Officer response –

- i) The draft policy has been amended at 2.051 to include the wording: -

2.051 Betting Machines

Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (as it is an offence for those under 18 to bet) or by vulnerable persons. ***Where it can be accommodated, we will also encourage the separate siting of betting machines.***

- ii) The Head of Public Health has confirmed that changing the Policy to state “The Director of Public Health” as opposed to “colleagues in Public Health” has no impact on the working practises in terms of considering applications received and so this will remain the same.

- iii) The draft policy has also been amended at 2.01, 2.02, 2.06, 2.103 and 2.022 to inform applicants that they should consider making any supporting material available in a variety of languages.

- iv) The draft policy has also been amended at 2.01, 2.02, 2.06, 5.05, 6022 and 6.0241 to recommend and signpost the NHS resource for addiction support, providing the link <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>

A copy of the draft Statement of Gambling Policy which has been updated to reflect the amended wording and points referred to above has been included in this report at Appendix 1.

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BARNSELEY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR, CORE SERVICES

TITLE: Implementation of the 2023/24 Pay Policy Statement

REPORT TO:	Cabinet
Date of Meeting	22 March 2023
Cabinet Member Portfolio	Core Services
Key Decision	Yes
Public or Private	Public

Purpose of report

The purpose of this report is to seek approval to implement the council's 2023/24 Pay Policy Statement in accordance with section 38 to 43 of the Localism Act 2011.

Council Plan priority

The Pay Policy Statement contributes to the following council's strategic priorities:

- Healthy Barnsley
- Learning Barnsley
- Enabling Barnsley

Recommendations

For council to approve the 2023/24 Pay Policy statement contained at Appendix 1.

1. INTRODUCTION

- 1.1 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.
- 1.2 The Act requires that Pay Policy Statements are produced annually, are considered by full council and are published on the council's website.

2. PROPOSAL

2.1 The 2023/24 Pay Policy Statement has been reviewed in accordance with the Act and has been updated as follows.

New addition:

- Section 9 has been updated to incorporate the addition of the approvals process in relation the Special Severance Payments Statutory Code of Practice.

Updates:

- All paragraphs containing council links to internal documents have been updated to reflect the latest versions sat within SharePoint.
- Paragraph 2.5 has been updated to reflect the current and retitled School Teachers' Pay and Conditions Document 2022 and guidance on School Teachers' Pay and Conditions
- Paragraph 3.1 has been updated to reflect the latest salaries and hourly rate of pay.
- Paragraph 4.1 has been updated with the latest salaries, median average and pay multiple.
- Paragraph 4.2 has been updated to reflect the statement of accounts for 2021/22.
- Paragraph 8.2 removed as now falls under Section 9 relating to Special Severance Payments Statutory Code of Practice.
- Previous sections 9-12 have been renumbered to 10-13.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

There are no direct financial implications for the council as a result of this report.

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.

3.2 Legal

The Pay Policy consolidates a number of existing policies that have previously been reviewed by Legal Services.

3.3 Equality

Equality Impact Assessment Pre-screening completed determining full EIA not required.

3.4 Sustainability

Decision-making wheel not completed as not considered relevant for this report.

3.5 Employee

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.

3.6 Communications

To comply with mandatory requirements the Pay Policy will be published on the council's website.

4. CONSULTATION

4.1 The Senior Management Team has been consulted.

4.2 The Communications and Marketing Team has been consulted.

4.3 The Trade Unions have been informed.

5. ALTERNATIVE OPTIONS CONSIDERED

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 viable option.

6. REASONS FOR RECOMMENDATIONS

6.1 For council to approve the 2023/24 Pay Policy statement contained at Appendix 1.

7. GLOSSARY

DCLG – Department for Communities and Local Government.

8. LIST OF APPENDICES

Appendix 1 – 2023/24 Pay Policy Statement.

9. BACKGROUND PAPERS

9.1 DCLG Guidance: Openness and Accountability in Local Pay February 2012.

9.2 DCLG Guidance: Openness and Accountability in Local Pay Supplementary Guidance February 2013.

9.3 DCLG Local Government Transparency Code 2014.

9.4 Localism Act 2011

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

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date Vanessa Hunter 22.12.2022
Legal consultation & sign off	Legal Services officer consulted and date Jason Field 22/12/22

Report Author: Anne Marie Tolan
Post: Reward and HR Systems Manager
Date: 22 December 2022

PAY POLICY STATEMENT FOR THE PERIOD 1 APRIL 2023 TO 31 MARCH 2024**Contents**

Section 1.0	<u>Introduction and Scope</u>	Page 2
Section 2.0	<u>Determination of Pay</u>	Page 2
Section 3.0	<u>Lowest Paid Salary</u>	Page 7
Section 4.0	<u>Highest Paid Salary</u>	Page 7
Section 5.0	<u>Other Pay Related Policies</u>	Page 7
Section 6.0	<u>Professional Subscriptions</u>	Page 9
Section 7.0	<u>Remuneration Committees</u>	Page 10
Section 8.0	<u>Selective Voluntary Early Retirement/ Voluntary Severance</u>	Page 10
Section 9.0	<u>Special Severance Payments</u>	Page 10
Section 10.0	<u>Employment in Receipt of a Pension/Redundancy/Severance</u>	Page 10
Section 11.0	<u>Pension Schemes</u>	Page 11
Section 12.0	<u>Amendments to the Policy</u>	Page 12
Section 13.0	<u>Policy for Future Years</u>	Page 12
Section 14.0	<u>Equality and Diversity</u>	Page 12
Section 15.0	<u>Income Tax and National Insurance</u>	Page 12
Annex A	<u>Chief Officer Remuneration</u>	Page 14

PAY POLICY FOR THE PERIOD 1 APRIL 2023 TO 31 MARCH 2024

1.0 INTRODUCTION AND SCOPE

- 1.1 At Barnsley Council we value diversity and are committed to equality within our workforce. Our ambition for Barnsley Council is to be a place where everyone is valued, respected, treated fairly and with dignity. The approach we take to equality and diversity is informed by our Vision and Values and seeks to address the challenges we face, and to learn from the progress and achievements we have made so far.
- 1.2 Pay fairness is an important part of this commitment and as well as defining our policy on pay and related allowances, as a council, we are working on actions identified to tackle our gender pay gap.
- 1.3 In addition, 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.
- 1.4 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 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 appropriate decision making process.

2.1.2 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. 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 currently covers all staff on NJC terms and conditions up to Heads of Service 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 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.

2.2.4 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 Service Directors

Service Directors will be paid on the same fixed salary determined through pay benchmarking.

2.3.1 Salary on Appointment

Appointments will be to the agreed fixed salary for Service Directors 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.

2.3.2 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. Beyond this the Council would not make additional payments outside those specified in the contract of employment.

2.4 Soulbury Officers

2.4.1 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.

2.4.2 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.

[Educational Improvement Professionals pay scale](#)

2.4.3 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

[Educational Psychologists Pay Scale](#)

2.4.4 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).

2.4.5 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](#)

2.5 Centrally Employed Teachers

The pay policy for Centrally Employed Teachers falls under the terms of the School Teachers Pay and Conditions and guidance on School Teachers' Pay and Conditions Document (referred to as the Document).

[School Teachers' Pay and Conditions Document 2022 and guidance on School Teachers' Pay and Conditions](#)

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, Children's Services.

2.6 Adult Education Tutors

2.6.1 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.

[Adult Education Tutors Pay Scales](#)

2.6.2 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.

2.6.3 Pay Progression

The pay awards for employees covered by the Local Agreement for Adult Education Lecturers 2008 are based upon the 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.

2.7 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 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 2.7.1, 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.

3.0

LOWEST PAID SALARY

3.1

The lowest pay point in this Council is Grade 1 point 1 which equates to an annual salary of £20,441 and can be expressed as an hourly rate of pay of £10.60.

3.2

The Council is committed to tackling low pay and has pledged to pay a low pay supplement equivalent to the Foundation Living Wage rate.

3.3

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 £184,884 which is paid to the Chief Executive. The median average salary in this council (not including schools) is £30,151. The ratio between the two salaries, the 'pay multiple' is 6.13:1. 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 2021/22](#)

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. 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.
- Standby/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 British Association of Social Workers (BASW) Payment will not be made for membership of any other professional organisation, whether or not membership is a requirement of the appointment.

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](#)

9.0 **SPECIAL SEVERANCE PAYMENTS**

9.1 A special severance payment can be made to employees outside of statutory contractual or other requirements when leaving employment. The council may consider making such a payment in exceptional circumstances. The rationale for making a Special Severance payment will be particular to the circumstances and the type of special severance payment will vary accordingly. Further examples of these are covered in the Government guidance below.

[Special Severance Payments Guidance](#)

9.2 Where the level of payment is £100,000 and above, then approval must be sought from full council.

9.3 Where the level of payment is £20,000 and above, but below £100,000 then approval must be sought by the Head of Paid Service (delegated to SD's and S151 Officer), with a clear record of the Leader's approval and that of any others who have signed off the payment.

9.4 Where the level of payment is below £20,000, then approval must be sought in accordance with the councils' scheme of delegation.

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 redundant this will not rule them out from being employed by the authority.
- 10.3 The re-engagement of public sector employees can, provide practical solutions to specific workload/project staffing needs due to their previous knowledge and experience.
- 10.4 The authority will consider applications from persons in receipt of pensions and there is no barrier to such a person being appointed. Pensions Regulations have provisions to reduce pension payments in certain circumstances of those who return to work within local government service. Should an applicant in receipt of a pension be successful, they should be advised that commencing employment with the authority may affect their pension entitlements and they should therefore seek advice from the relevant Pensions Authority
- 10.5 The authority will also apply the provisions of the Statutory Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant and appropriate.

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 occupational pension scheme set up under the Superannuation Act 1972. The contribution rate depends on the level of earnings but is currently between 5.5% and 12.5% of pensionable pay.

The Council pays the balance of the cost of providing benefits in the LGPS currently 16.3%. 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 7.4% to 11.7% depending on the level of earnings. The Council pays a further 23.68%.

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 2023 to 31 March 2024, 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 Business Partner 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).
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Annex A Chief Officer Remuneration

Aspect of Chief Officer Remuneration	BMBC 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 9.

MEETING:	Planning Regulatory Board
DATE:	Tuesday 24 January 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Bellamy, Bowler, Cain, Coates, Crisp, Danforth, Eastwood, P. Fielding, Gillis, Hayward, Leech, Mitchell, Moyes, Peace, Smith, Tattersall, White and Wray

In attendance

41. Declarations of Interest

Councillor Gillis declared a Non-Pecuniary interest in **Planning Application No 2021/1282** - Outline planning permission for the erection of c. 19,147m² (206,100 sq ft) flexible employment space (Class E, B2 and B8) including ancillary car parking and landscaping. All matters reserved with the exception of access at Land at Houghton Main, Park Spring Road, Little Houghton, Barnsley, S72 0HR as he is a local ward member.

Councillor Peace declared a Non-Pecuniary interest on any agenda item in relation to his position of Cabinet Support Member - Environment and Highways.

42. Minutes

The minutes of the meeting held on 25 October 2022 were taken as read and signed by the Chair as a correct record.

43. Land at Houghton Main, Park Spring Road, Little Houghton, Barnsley, S72 0HR - 2021/1282 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/1282** - Outline planning permission for the erection of c. 19,147m² (206,100 sq ft) flexible employment space (Class E, B2 and B8) including ancillary car parking and landscaping. All matters reserved with the exception of access at Land at Houghton Main, Park Spring Road, Little Houghton, Barnsley, S72 0HR.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to signing of a Section 106 Agreement, with an additional condition asking for details of the positioning, location and maintenance of the miners memorial and bus turning circle to be submitted at reserved matters stage. An informative also added to recommend that the developer liaises with the Parish Council on miners memorial.

44. Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA - 2021/0668 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0668** - Reserved matters (layout, scale, appearance and landscaping) pursuant to outline planning permission 2017/0753 for the residential development for approximately 250 dwellings, means of access and associated works (Amended Plans and Supporting Documents proposing a development of 238 dwellings) at Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA.

RESOLVED that the application be granted in accordance with the Officer recommended subject to signing of a S106 Agreement in accordance with the terms set out in the report, with delegated powers given to officers to negotiate the inclusion of accessible housing within the on-site affordable housing provision.

45. Land at Dearne Valley Parkway, Hoyland, Barnsley, S74 0QA - 2021/0479 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0479** - Erection of 3no industrial/warehouse units (Use classes B2 and B8 and E(g(ii) and Eg(iii))) totalling 11,585 sqm floorspace and associated works including provision of access, parking and landscaping at Land at Dearne Valley Parkway, Hoyland, Barnsley S74 0QA.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to signing of a S106 Agreement in accordance with the terms set out in the report.

46. Planning Enforcement Report Quarter 2 2022/23

The Head of Planning and Building Control submitted a report which provided the Board with an update on Planning Enforcement Service activity covering Quarter 2 2022/23. The report included a breakdown of the requests for service received together with the details of key actions and enforcement case outcomes during the quarter.

Following the Government's latest publication of the planning enforcement statistics in November 2022 for the year to the end of June 2022, Barnsley was ranked joint 13th nationally and joint 4th outside of London for the number of enforcement notices served.

The Service had issued 44 enforcement notices for 2022/23 (year to date), of which 23 enforcement notices had been complied with during the period.

RESOLVED that the report be noted.

47. Planning Appeals - October 2022

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that 5 appeals had been received in October 2022. No appeals had been withdrawn and 3 appeals had been determined. Of the 3 appeals determined in December 2022, 2 had been dismissed and 1 had been allowed.

The report also gave the details of cumulative appeals totals for the whole of 2022/23 which indicated that 19 appeals had been decided since 1 April 2022. Of those, 14 appeals (74%) had been dismissed and 5 appeals (26%) had been allowed.

RESOLVED that the update be noted.

48. Planning Appeals - November 2022

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that 4 appeals had been received in November 2022. No appeals had been withdrawn and 1 appeal had been determined. The 1 appeal determined in December 2022 had been dismissed.

The report also gave the details of cumulative appeals totals for the whole of 2022/23 which indicated that 20 appeals had been decided since 1 April 2022. Of those, 15 appeals (75%) had been dismissed and 5 appeals (25%) had been allowed.

RESOLVED that the update be noted.

49. Planning Appeals - December 2022

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that 2 appeals had been received in December 2022. No appeals had been withdrawn and 2 appeals had been determined. Of the 2 appeals determined in December 2022, both had been dismissed.

The report also gave the details of cumulative appeals totals for the whole of 2022/23 which indicated that 22 appeals had been decided since 1 April 2022. Of those, 17 appeals (77%) had been dismissed and 5 appeals (23%) had been allowed.

RESOLVED that the update be noted.

50. Member Consultation Report - October 2022

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in October 2022.

RESOLVED that the report be noted.

51. Member Consultation Report - November 2022

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in November 2022.

RESOLVED that the report be noted.

Chair

MEETING:	Planning Regulatory Board
DATE:	Tuesday 14 February 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Bellamy, Bowler, Cain, Coates, Danforth, M. Dyson, Eastwood, Gillis, Greenhough, Hayward, Leech, Lofts, Moyes, Peace, Smith, Tattersall and Wray

In Attendance – Councillor Osborne
(Cabinet Support Member)

52. Declarations of Interest

There were no declarations of Pecuniary or Non-Pecuniary interest from Members in respect of items on the agenda.

53. Minutes

The minutes of the meeting held on 24 January 2023 were taken as read and signed by the Chair as a correct record.

54. Land off Schwabisch Gmud Way, Barnsley, S71 1AY - 2022/0434 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2022/0434** - Hybrid planning application seeking a) full planning permission for the erection of a two storey Youth Zone building with floodlit kick pitch on the roof, roof top plant, service yard with bin store, minibus and blue badge parking and associated landscaping; and b) outline permission for the erection of a club house café and the formation of an associated activity park (all matters reserved apart from means of access) at land off Schwabisch Gmud Way, Barnsley, S71 1AY.

RESOLVED that the application be granted in accordance with the Officer recommendation.

55. Land south of Hay Green Lane, Birdwell, Barnsley - 2022/0680 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2022/0680** – Residential development of 113no. dwellings, associated infrastructure and public open space (reserved matters of outline planning permission 2020/0577 seeking approval of the details of scale, appearance, landscaping and layout) at land south of Hay Green Lane, Birdwell, Barnsley.

RESOLVED that the application be granted in accordance with the Officer recommendation.

56. Woolley Colliery Road, Darton, Barnsley, S75 5HQ - 2022/0619 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2022/0619** – Outline planning application for the erection of up to 115 houses with all matters reserved except for access at Woolley Colliery Road, Darton, Barnsley, S75 5HQ.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to the signing of a S106 Agreement.

57. Planning Appeals - January 2023

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that 2 appeals had been received in January 2023. No appeals had been withdrawn and 3 appeals had been determined. All 3 of the appeals determined in January 2023 had been dismissed.

The report also gave the details of cumulative appeal totals for the whole of 2022/23 which indicated that 25 appeals had been decided since 1 April 2022. Of those, 20 appeals (80%) had been dismissed and 5 appeals (20%) had been allowed.

RESOLVED that the update be noted.

58. Planning Enforcement Report Quarter 3 2022/23

The Head of Planning and Building Control submitted a report which provided the Board with an update on Planning Enforcement Service activity covering Quarter 3 2022/23. The report included a breakdown of the requests for service received together with the details of key actions and enforcement case outcomes during the quarter.

The Service had issued 44 enforcement notices for 2022/23 (year to date), of which 23 enforcement notices had been complied with during the period.

RESOLVED that the report be noted.

59. Member Consultation Report - December 2022

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in December 2022.

RESOLVED that the report be noted.

60. Member Consultation Report - January 2023

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in January 2023.

RESOLVED that the report be noted.

Chair

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MEETING:	Audit and Governance Committee
DATE:	Wednesday 18 January 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Barnard, Hunt and Richardson together with Independent Members - Ms K Armitage, Mr G Bandy, Mr S Gill (Vice-Chair, in the Chair), Mr P Johnson and Mr S Wragg

59. DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of interest from Members in respect of items on the agenda.

60. MINUTES

The minutes of the meeting held on 16 November 2022 were taken as read and signed by the Chair as a correct record.

In relation to Minute 58 'Glassworks Update', the Head of Internal Audit, Anti-Fraud and Assurance informed the Committee that he would obtain updates for Members following today's meeting with regards to the Alhambra Centre and current voids in the Town Centre.

61. LOCAL CODE OF CORPORATE GOVERNANCE

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report on the Local Code of Corporate Governance, a copy of which was detailed within Appendix 1, which had been substantially updated in 2020 and had been approved by the Audit and Governance Committee in July 2020.

The Code had been reviewed and, except for a few minor amendments to reflect a number of name / description changes, continued to reflect the corporate position.

The report, if accepted, would then be published on the Council's website as part of the Council's governance framework.

RESOLVED that the Local Code of Corporate Governance as detailed within Appendix 1 to the report now submitted be approved and published on the Council's website.

62. ANNUAL GOVERNANCE REVIEW PROCESS 2022/23

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report to provide the Committee with an update regarding the Annual Governance Review (AGR) process that had been determined and used to influence and assist in the preparation of the Council's Statutory Annual Governance Statement (AGS) for 2022/23.

It was noted that the Governance and Assurance Framework and the preparation of the AGS were key responsibilities of this Committee and the proposed timescales for the Annual Governance Review Process were outlined within the report.

The timescale for the publication of the Statutory Accounts and the AGS had reverted to the timescales used pre-pandemic with final versions of both documents to be approved and published on the Council's website by the end of September 2023.

RESOLVED:

- i) That the Annual Governance Review Process for 2022/23 be noted.
- ii) That further reports be submitted relating to the Annual Governance Review Process for 2022/23 and on how the Review would be used to inform the development of the Annual Governance Statement.

63. ANNUAL GOVERNANCE STATEMENT - ACTION PLAN UPDATE

A report of the Head of Internal Audit, Anti-Fraud and Assurance was submitted which contained issues identified following the Annual Governance Statement Review (AGR) for 2021/22 and actions carried forward from the previous year's Annual Governance Statement (AGS).

A copy of the Annual Governance Statement Action Plan was attached as Appendix 1 to the report, which had been approved alongside the Annual Governance Statement by the Audit and Governance Committee and Full Council in November 2022.

The Action Plan was used to track the progress of the actions identified as necessary to deal with the issues raised through the AGR process. The Action Plan also provided details of the action required, the lead officer / action officer, anticipated timescales to deliver the actions and the latest update on progress against the actions.

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

- In relation to the 'Partnership, Relationship and Collaboration Governance (2020/21)' issue, it was confirmed that the Service Director for Finance was the Corporate Lead for Partnerships and Collaborations. The Corporate Lead was supported by the Monitoring Officer and fellow colleagues.
- The Committee requested that a review takes place to update the status of the timescales contained in the Action Plan and revisions presented at a future Audit and Governance Committee meeting.

RESOLVED

- i) That the report and progress made against each item listed in the Annual Governance Statement Action Plan be noted.

- ii) That the timescales set out in the Annual Governance Statement Action Plan be reviewed and revisions presented at a future meeting of the Audit and Governance Committee.

64. STRATEGIC CONCERNS/RISK REGISTER

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report that introduced the next scheduled strategic risks for the Audit and Governance Committee meeting.

It was noted that the Strategic Risk Register was reviewed by the Senior Management Team (SMT) on 22 November 2022 and continued to contain 15 risks. 5 risks were classified as high (red response rating), 10 risks were classified as medium (amber rating). No risks were classified as low (green rating).

One risk was regraded from high to medium at the SMT risk review meeting in November 2022. This was in relation to the strategic risk regarding Meeting our Statutory Responsibilities under the Care Act 2014.

The Executive Director Place Health and Adult Social Care attended the meeting to provide the Committee with a review of the strategic risk in relation to Meeting our Statutory Responsibilities under the Care Act 2014.

The Executive Director Place Health and Adult Social Care made particular reference to the following:

- Pressures continue for Adult Social Care, both financially and in relation to increased demand and complexity of needs.
- There had been an increase in discharges from hospitals, with high levels of need to be met.
- Actions 1,2, 4 and 5 were RAG rated 'Green' on the Strategic Risk Register and were currently on track due to collaborating and influencing taking place both locally and regionally.
- Actions 6, 7 and 8 were RAG rated 'Amber' on the Strategic Risk Register.
- In relation to Action 6 'Design and development of the right size and quality Care Market in Barnsley', there is currently an overprovision of residential care beds in Barnsley. The Adult Social Care Market Position Statement (available at www.barnsley.gov.uk) describes the priorities to reshape the market and tackle quality.
- With regards to Action 7 'Workforce Capacity' and Action 8 'Development of a Workforce Plan', it was noted that work was taking place jointly with the LGA, Adult Social Care and HR to develop a workforce plan. In addition, there was a Health and Care Workforce Group that brings together the shared priorities for the workforce. The membership of the Group was currently being refreshed.
- In terms of workforce capacity, it was highlighted that this was a current pressure point regarding the availability of the workforce.
- In respect of pay for care staff, the Team are in the process of setting fees for residential care and home care, and they continue to look for pay parity with Band 3 in the NHS for care workers.

- There was currently a large focus from the Homecare Association regarding the level of pay for the care home workforce, due to vast competition in the marketplace for the same workforce. The Committee were keen to understand why this may be.
- In response, it was explained that there were a number of factors, for example, increased economic development and lack of career options. However, pay was still a primary factor.
- Work was taking place to build an alliance of partners to look at recruitment and retention of the workforce. In addition, work had also taken place with the NHS, Job Centres and other parts of the Council to promote jobs in health and social care. Regionally, Barnsley had set the trend to pay above the national minimum wage.
- Assurances were provided to the Committee that there was a strong health and social care system in Barnsley. Relationships had been built with partners to tackle problems with a shared vigour. Nationally, Barnsley is seen as a high performing system on discharges from hospital. There was currently a high level of need when patients were leaving hospital, placing pressure on intermediate Care and Adult Social Care.

Nina Sleight, Service Director Education, Early Start and Prevention, was welcomed to the meeting to discuss the strategic risk relating to Educational Outcomes Progress.

Members were reminded that there had been a significant impact on all aspects of educational delivery due to the Covid 19 pandemic and changes which had taken place over the last 3 years around assessing progress. 2023 was an important year in terms of GCSE examinations and Early Years Foundation Stage assessments.

Congratulations were expressed to the workforce for working together during challenging times when remote learning had taken place. It was noted that Barnsley children had been adversely impacted by the Covid 19 pandemic with regards to their mental health and dealing with bereavements.

Members were informed that Barnsley was above the national average in relation to the Early Years Foundation Stage Phonics assessment. Improvements had been seen across all schools in Barnsley in terms of GCSE results. There was a relenting ambition for schools now and in the future to increase those outcomes.

Via the Barnsley Alliance, all schools in Barnsley were very much focused on pupils and this had continued through the challenges of the pandemic. The Authority were aware where schools need to improve and through the Barnsley Alliance underperformance would be addressed through the structures and frameworks in place.

Focus had been given to developing an overarching SEND Strategy Action Plan and strong governance arrangements were now in place to support this.

There was now a focus on improving children's reading, to which, a programme had been developed to support libraries and family hubs.

In response to a question, assurances were provided that if the Authority had concerns with a school or Academy Trust, then they would be raised with the school and governing body and escalated as required.

RESOLVED that Strategic Risk Register report be noted.

65. REVISION OF CONTRACT PROCEDURAL RULES

The Committee received a report of the Head of Strategic Procurement and Contract Management outlining proposed changes to the Contract Procedure Rules which were unable to be completed in the last revision in 2019 and changes required to ensure compliance with a Procurement Audit of 2020.

The revised Contract Procedure Rules (CPR's), which were appended to the report had been amended to reflect the growing remit and development of procurement within the Council including innovation performed by the Strategic Procurement and Contract Management Team and recommendations in the 2020 Procurement Audit.

The revisions made to the CPR's were detailed in Section 3 of the report. A number of strategic recommendations in key areas were also summarised within the report.

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

- A review was currently being undertaken in relation to procurement cards to look at how transactions are being controlled. Reports were now issued to Heads of Service to show spends and to remind directorates that controls needed to be adhered to and complied with. The Procurement Team would continue to track spends and increase reporting in this area.
- Assurances were provided that controls were in place regarding the ability to vary contracts and approvals were sought to increase spends in line with procurement legislation. Any variation to contract would be risk assessed by the Procurement Team.
- In relation to external grant funded procurements, it was confirmed that procurement rules had changed following Brexit. There was still a requirement to undertake certain action when procuring goods and services in the EU market. Assurances were provided that UK Procurement Rules were adhered to when procurements were being led by the Council's Category Managers.
- The Committee noted that phase 3 of the Procurement Team's development work was to establish a methodology, policy and guidance note to support the Contract Procedure Rules. In view of this, the Committee agreed to defer the report to the March meeting to allow officers to undertake further work in this area.
- The Committee asked that the Zero Carbon reduction target for Barnsley be amended in the report.

RESOLVED

- i) That the report be deferred to the March meeting to allow officers to develop a methodology, policy and guidance note to support the Contract Procedure Rules.

- ii) That the Zero Carbon reduction target for Barnsley be amended in the Contract Procedure Rules.

66. BARNSELY COUNCIL'S EMPLOYEE SICKNESS ABSENCE AND PERFORMANCE MANAGEMENT FOR 2021 - 2022

The Service Director – Business Improvement, Human Resources and Communications submitted a report to provide the Committee with an update on the Council's sickness absence and performance management for the financial year 2021 – 2022 and to provide a comparison to the financial year 2020 - 2021.

Furthermore, the report also provided assurance to the Committee that the Council's mitigating actions and improvements are either in place or being developed to support the health and wellbeing of its employees, reduce sickness absence levels and support effective performance management.

The key highlights of the report were noted as:

- The Council's performance target for 2021- 2022 was an average of no more than 7.5 days sickness absence per employee, per year.
- In the financial year 2021-2022, the average total days lost per employee was 10.24 days. This was an increase of 2.74 days lost per employee from 2020 – 2021 (7.77). This figure included absences due to Covid-19, which, along with Mental Health were the two main reasons for absence in 2021- 2022.
- The Council's performance target for the completion of Performance and Development Reviews (PDR) for 2021-2022 was 95%. As at the end of the 2021-2022 year, the completion rate was 84.7%, an increase of 2.2% compared to the previous year (82.5%).

The report then went on to outline:

- The ways in which the Council are managing sickness absence via the use of absence management dashboards.
- The way in which managers can refer employees to the Occupational Health Unit for support if they are absent to due mental health reasons from day one of their absence rather than waiting for four weeks.
- The support available to employees' wellbeing via the Employee Assistance Programme.
- Details in relation to changing the culture of the organisation following people's working practices and the impact of working from home during the pandemic.
- The various health and wellbeing initiatives being implemented to support employees.
- The Council's future plans to continue to identify and implement actions that support employee health and wellbeing.

The following discussion ensued:

- The Committee queried why sickness absence rates for public sector workers had been consistently higher than those for private-sector workers.

- In response, it was highlighted that sickness absence rates did vary across sectors and the public sector was generally higher, than the private sector. The Council's policy was around early intervention, especially in relation to mental health issues to help employees. Prompt action was also being taken by Managers and HR Business Partners to address long-term sicknesses absences with absence management a priority in directorate management meetings.
- Concerns were expressed by the Committee in relation to the number of mental health related absences and queried what action was being taken to help address this.
- It was confirmed that support and direct intervention was available for managers from HR Business Partners and Mental Health First Aiders around mental health issues.
- The Committee received assurances that the Occupational Health Unit had the capacity to be able to deal with any mental health referrals quickly and sufficiently.
- The Committee noted that there could potentially be under reporting of sickness absences due to the ability of employees being able to work from home when they have symptoms of colds or coughs. Managers were reminded to accurately and quickly report sickness absences to ensure the data remains accurate.
- In response to a request for information, Phil Quinn, Head of Service HR and OD, agreed to provide the Committee with the Council's sickness absence rate for the last 9 months.
- It was questioned why the Children's directorate had the greatest number of sickness absences during the financial year 2021/22.
- In response, it was noted that the Council had been unable to fill vacant Social Work posts, which had led to higher caseloads for existing Social Workers, which had impacted upon existing staff. A range of recruitment and retention interventions were now in place and continue to be worked on to help address this issue.
- In relation to the financial cost of sickness absences, it was confirmed that costs were calculated on average salaries across the Council.

RESOLVED

- i) That the report be received.
- ii) That the Committee be provided with the Council's sickness absence rate for the last 9 months.

67. CIVIL CONTINGENCIES 2021/22

The Committee received a report, presented by Simon Dobby, Head of Corporate Health, Safety and Emergency Resilience, which provided an overview of the emergency response undertaken by Council during 2021/22 as required by the Civil Contingencies Act 2004.

RESOLVED that the report be received.

68. BUSINESS IMPROVEMENT, HUMAN RESOURCES AND COMMUNICATIONS UPDATE REPORT FOR PERFORMANCE MANAGEMENT AND EQUALITY AND INCLUSION

The Service Director Business Improvement, Human Resources and Communications submitted a report giving an overview of the functions of the Business Improvement, Human Resources and Communications Business Unit.

The report also provided an update regarding progress made against the assurance programme in the areas of Performance Management and Equality and Inclusion.

Shokat Lal, Executive Director – Core Services, provided the Committee with an overview of the Performance Management arrangements in place across the organisation. In summary, the Committee noted that the Council's Performance report was produced on a quarterly basis to provide an overview of the Council's latest performance, from information available for each quarter and to illustrate progress achieved in delivering the priorities and outcomes of the Corporate Plan 2021-24.

Assurances were provided to the Committee that the Plan was scrutinised at directorate management meetings and by the Council's Senior Management Team prior to it being shared with Cabinet and then publicly released.

In addition, Directorate Performance Frameworks were also developed and monitored to track progress against the Council Plan priorities at a service level and shared with the respective Cabinet Member.

Phil Quinn, Head of Service HR and OD, then provided the Committee with a progress update regarding Equality and Inclusion to demonstrate the Council's compliance with the public sector Equality Duty (section 149 of the Equality Act 2010).

The key highlights of the report were noted as:

- During 2021/22, the Equality and Inclusion Team had supported 241 full Equality Impact Assessments (EIA's) and EIA screening across all directorates.
- In 2021, new Equality Objectives were set, and some examples were detailed within the report to demonstrate how the Council were meeting the objectives. The Equality Objectives were based on five of the outcomes within the Council Plan 2021-24.
- A wellbeing calendar had recently been developed to enable the Authority to celebrate key equality, diversity, and inclusion events throughout the year to promote inclusion and raise awareness of key issues with the workforce and with members of the community.

RESOLVED that the report be received.

69. EXTERNAL AUDIT PROGRESS REPORT UPDATE

Gareth Mills (representing the External Auditor) was welcomed to the meeting virtually, and made particular reference to the following:

- The ISA 260 Report had been issued and presented to Full Council on 24 November 2022.
- The Audit of the 2021/22 Accounts had now been completed with the exception of a national issue regarding Accounting for Infrastructure Assets.
- A Statutory Instrument on Accounting for Infrastructure Assets had been issued as a final document on 25 December 2022.
- During early January, External Audit colleagues had been finalising work on this area with the Council's Finance Team, with the expectation that the External Auditor would be signing off the Audit Opinion on the 2021/22 Accounts by 20 January 2022.
- Thanks were extended to the Service Director Finance and his Team for their commitment and engagement in the process.
- Work was currently underway in relation to the Value for Money Auditor's Annual Report, which was expected to be completed in February. The findings would be presented at the meeting on 15 March 2022.

In the ensuing discussion particular reference was made to the following points:

- Confirmation was received that no changes had been made to the value of the Infrastructure Assets in the Council's balance sheet, following the publication of the Statutory Instrument on Accounting for Infrastructure Assets. There would be some changes made to the Fixed Asset Disclosure Note set out in the Accounts. There was no impact to key primary documents.
- Following a request from the Committee, Steve Loach, Head of Corporate Finance and Business Partnering agreed to provide the Committee with a copy of the Fixed Asset Disclosure Note, following today's meeting setting out the changes made.
- Confirmation was received that the 2022/23 Audit would be the final year of the existing PSAA (Public Sector Audit Appointments) contract for Grant Thornton. Furthermore, as required by the Ethical Standards for Auditors it would be Gareth Mill's fifth and final year for him to act as the Engagement Lead for the Authority. A process to identify a new Audit Engagement Lead for the Council would be held towards the end of 2023.

RESOLVED

- i) That the verbal update be noted.
- ii) That the Committee be provided with a copy of the Fixed Asset Disclosure Note setting out the changes made.

70. REVISED CIPFA GUIDANCE FOR AUDIT COMMITTEES IN LOCAL GOVERNMENT

The Head of Internal Audit, Anti-Fraud and Assurance introduced a report which informed the Committee that the Chartered Institute of Public Finance and Accountancy (CIPFA) had recently published their updated guidance for Audit Committees in Local Government.

The Committee noted that it was therefore appropriate to re-assess the Council's arrangements against the revised guidance to identify and consider if any changes or improvements are appropriate.

A self-assessment had been undertaken to identify areas for change and/or improvement. Section 4 of the report detailed the key issues arising from the self-assessment. It was confirmed that the Council's arrangements were significantly aligned and meet the revised guidance and, in some areas, exceed it.

The Committee were invited to consider the guidance and discuss areas of possible improvement or change. Any suggested changes that would impact on the Committee's terms of reference would be considered at the next meeting in March for referral to the Annual Full Council in May.

The Head of Internal Audit, Anti-Fraud and Assurance thanked Mr Johnson for the suggestions he had submitted by email. It was noted that consideration would be given to the suggestions in relation to obtaining assurances around the work being undertaken by the Overview and Scrutiny Committee.

The Committee supported the proposals outlined in section 4 of the report and noted that a further update on the proposed changes would be presented at the March meeting.

RESOLVED:

- i) That the Committee considered the revised CIPFA Guidance, the initial self-assessment and agreed where the Council's Audit Committee arrangements should be reviewed.
- ii) That the Committee agreed to receive proposals for any changes at the next meeting.

71. WORK PROGRAMME AND WORK PROGRAMME REPORT

The Corporate Governance and Assurance Manager submitted a report which detailed the updates to the 2022-23 work programme, with the work programme appended.

The Committee were informed that the 26th April 2023 meeting had now been re-scheduled to 31st May 2023 to accommodate the new timetable for consideration of the draft Accounts and draft Annual Governance Statement for 2022/23.

Steve Loach, Head of Corporate Finance and Business Partnering advised the Committee that a consultation was currently on-going in respect of the statutory audit deadlines for the 2022/23 Accounts. He agreed to provide a further update at the March meeting regarding the timetable for the External Audit of the Council's 2022/23 Accounts.

It was noted that the Financial Regulations had been deferred to the next meeting – 15th March 2023.

RESOLVED

- i) That the updated work plan be noted.
- ii) That an update be provided at the March meeting in relation to the timetable for the External Audit of the Council's 2022/23 Accounts.

72. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during the consideration of the following item because of the likely disclosure of exempt information as defined by Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

73. INTERNAL AUDIT PLANNING CONSULTATION REPORT FOR 2023/24

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report outlining the annual audit planning process and to consult the Committee with regard to potential projects for inclusion in the draft Internal Audit Plan for 2023/24.

A key part of the audit planning process was to ensure sufficient overall coverage was provided across the Council to enable the Head of Internal Audit to give an annual opinion on the effectiveness of the Council's control, risk and governance arrangements. In addition, and where possible, capacity would be provided for advisory support to management. A detailed 5-year Plan was used for the discussions with Business Units and SMT, covering work undertaken in 2020/21 and 2021/22, the work currently included in the 2022/23 Plan and a look ahead at potential coverage for 2023/24 and 2024/25 to assist in the consideration of possible areas for audit coverage.

The Committee were invited to forward any further nominations for potential inclusion in the 2023/24 Internal Audit Plan to the Head of Internal Audit, Anti-Fraud and Assurance at their earliest opportunity.

RESOLVED:

- i) That Members noted the report and considered potential projects for consideration in the Internal Audit Plan for 2023/24.
- ii) That Members of the Committee pass any further nominations for inclusion in the 2023/24 Internal Audit Plan to the Head of Internal Audit, Anti-Fraud and Assurance.
- iii) That the Committee is satisfied that the planning process is sufficiently robust that it will determine a value-adding Audit Plan, informed by risk and through consultation with appropriate senior management.
- iv) That the professional responsibility of the Head of Internal Audit to ultimately determine the Plan of audit work be acknowledged.

.....
Chair

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday 15 February 2023
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors Green (Chair), Bowser, Cherryholme, Clarke, Danforth, K. Dyson, Lodge, Markham, Osborne, Shepherd, White and Williams

11 Declaration of Interests

Councillor Shepherd declared a non-pecuniary interest in respect of the items on the agenda.

12 Minutes

RESOLVED that the minutes of the General Licensing Regulatory Board meeting held on 21 December 2022 be approved as a true and correct record.

13 Statement of Gambling Policy Review Consultation 2022/23

A report of the Service Director Law and Governance was submitted which informed Members of the Statement of Gambling Policy Review Consultation responses and sought the views and recommendations in relation to the same for Cabinet and Full Council.

Members recalled that as a Licensing Authority, a Statement of Gambling Policy must be determined and published at least once every 3 years.

The statutory consultation for the Statement of Gambling Policy had ran for 10 weeks from 28 October 2022 until 6 January 2023, and a total of 3 responses had been received.

The Senior Licensing Officer provided a series of comprehensive responses to the questions raised by Members.

RESOLVED that:-

- i) Members considered the draft Statement of Gambling Policy and the consultation responses received and contained within the body of the report.
- ii) The draft Statement of Gambling Policy be submitted for consideration and approval to Cabinet and Full Council.

14 Licensing and Enforcement Update

Members were provided with an overview of the enforcement work that had recently been undertaken by Licensing Officers, which was presented by the Senior Licensing Officer.

Members were advised that on 24 January 2023 Licensing Enforcement Officers had taken part in a daytime operation which had focused on Private Hire drivers and vehicles that worked in the day time economy. A total of 21 licensed vehicles and drivers had been inspected on the day, the results of which were detailed below:-

- 7 vehicles were suspended for failing to display the required door signage.
- 1 vehicle was suspended for an inoperative front offside side light.
- 1 vehicle was suspended for failing to display the required front private hire licence plate.
- 3 written warnings were issued to drivers for failing to carry out their daily vehicle inspection checks.
- 6 drivers were also spoken to about the signage on the vehicles and reminded of the required standard.

Following a request made by Members at the last General Licensing Regulatory Board meeting held on 21 December 2022, paper copies of the daily vehicle inspection check booklets were circulated for Members' perusal.

RESOLVED that Members noted the update.

Chair

Item 13

NOTES OF GENERAL LICENSING REGULATORY BOARD PANELS

7th February 2023

Present: Councillors Green (Chair), Clarke and Markham together with Councillor Hunt (Reserve Member)

Members of the Public and Press were excluded from this meeting.

1. **Hackney Carriage and Private Hire Driver Licence – Application – Mr M S**

The Panel was asked to consider an application for a Hackney Carriage and Private Hire Driver Licence by Mr M S.

Mr M S was in attendance at the meeting. After considering all the evidence presented together with the information provided, the Panel determined that the application for a Hackney Carriage and Private Hire Driver Licence be refused on the following grounds:-

- Whilst the applicant was naturalized in 2016 and therefore has the right to both live and work in the UK, there was a lack of evidence confirming whether or not he has any known convictions, cautions or warnings recorded against him. The Home Office was unable to confirm his conduct or character during his time spent as a resident in Iran, as such information requests were forbidden in respect of those claiming asylum, due to the nature of their circumstances.
- The Panel had concerns in relation to his English language skills and his ability to understand and communicate with customers as a licensed driver.

The decision of the Panel was unanimous.

15th March 2023

Present: Councillors Green (Chair), Markham and Osborne together with Councillor Bowser (Reserve Member)

Members of the Public and Press were excluded from this meeting.

1. Hackney Carriage and Private Hire Driver Licence – Determination – Mr Z W

The Panel was asked to determine the Hackney Carriage and Private Hire Driver Licence held by Mr Z W.

Mr Z W was in attendance at the meeting. After considering all the evidence presented together with the information provided, the Panel determined that Mr Z W's Hackney Carriage and Private Hire Driver Licence be revoked on the following grounds:-

- His actions had been contrary to the Taxi and Private Hire Licensing Policy 2022 with particular regard to charging excessive amounts for journeys, both before the journey starts and during the journey when the passengers were in a vulnerable state under the effects of alcohol.
- The Panel was particularly concerned with a member of the public having being asked to leave the vehicle and being left in Fitzwilliam in a vulnerable position which the Panel considered a serious safeguarding issue.
- Officers had also received complaints in relation to Mr Z W's behaviour and conduct when dealing with passengers and the subsequent issues that this causes within the taxi rank queue.
- The number and severity of the allegations and the pattern of behaviour which fell short of the required fit and proper standards.
- His lack of remorse shown, or inability to provide a sufficient explanation of his behaviour.

The decision of the Panel was unanimous.

Item 14

NOTES OF MEETINGS OF THE STATUTORY LICENSING REGULATORY BOARD SUB COMMITTEE

19 December 2022

Present: Councillors Clarke (Chair), Bowser and Danforth together with Councillor Shepherd (Reserve Member)

1. **Declarations of Interests**

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

2. **Application for a Review of the Premises Licence – Sugar Club, 7 Pitt Street, Barnsley**

The Sub Committee considered a report on an application received from South Yorkshire Police for a review of the Premises Licence in respect of Sugar Club, 7 Pitt Street, Barnsley under the provisions of Section 51 of the Licensing Act 2003.

The Sole Director and Licensee together with the Designated Premises Supervisor were in attendance at the meeting.

After considering all the evidence presented by all parties present, the Sub Committee determined that the Licence in respect of Sugar Club, 7 Pitt Street, Barnsley be revoked on the following grounds:-

- The Sub Committee had to be satisfied that the Licensing Objectives were being maintained. It heard evidence relating to the 'Protection of Children from Harm' and the 'Prevention of Crime and Disorder' as outlined in detail within the appendices to the report.
- Evidence showed that in May 2022, conditions, which were agreed by all parties, were added to the licence in order to promote and maintain the two licensing objectives. Prior to that agreement, the South Yorkshire Police had identified several infringements of the Licensing Act 2003 but the parties entered into an agreement in May 2022 to add conditions to the Sugar Club Licence. The Sugar Club Owner and Licensee accepted that he was in receipt of legal advice in respect of the agreement for additional conditions to be imposed on the licence.
- There had been meetings between the South Yorkshire Police and Sugar Club, which included the Designated Premises Supervisor, during which an Action Plan had been agreed, and details of South Yorkshire Police Officers were given to Sugar Club in the event that Police support and guidance was required.
- Despite the above, there had been several breaches of the licensing conditions since May 2022 and this demonstrated that the management and owner of the venue were not promoting and maintaining those Licencing Objectives.

- The following breaches had occurred:-
 - o On several occasions, during visits by the Police, the ID Scanner had not been working and the Violent Incident Protocol was not displayed when the premises were open to the public.
 - o On at least one occasion there had only been one security guard on duty where there should have been two.
 - o On more than one occasion, security staff working at the venue had not been equipped or wearing Body Worn Video whilst the premises were open to the public.
 - o On at least one occasion the town link radio used to communicate between venues, and was linked to the CCTV Control Room, was switched off and not charged.
- In relation to the evidence submitted by the Environmental Health Officer and the Health and Safety Concerns outlined within the scope of the two licensing objectives:-
 - o There had been an unsecured cellar hatch in a corner of the public area, unsecured carbon dioxide cylinders and electrical cables that were clearly unsafe. In relation to the cellar hatch, a prohibition notice had been issued to prohibit its use during opening hours.
 - o The rear yard was uneven with poor drainage which created a tripping and slipping hazard for customers. In addition, the external beer drop in this area was not locked and could have been accessed by anyone.
 - o There were concerns about the potentially unsafe means of escape in the event of fire and these had been referred to the South Yorkshire Fire and Rescue Service.
 - o Whilst work had been undertaken to the cellar trap doors to remove the immediate risk, further work was still needed and a verbal assurance had been given that these would be completed. Despite these assurances, some four months after the initial visit, it was noted that tripping hazards still remained and electrical cables had not been secured and were still vulnerable to damage.
 - o The Environmental Health Officer had also discussed the risk of injury that had not been identified by the company because the management had carried out no effective risk assessments. In October 2022, a further visit revealed that some electrical alterations had been carried out, but no electrical report had been provided to demonstrate that the system and appliances were safe.
- There was no evidence that all 6 items required to be undertaken in the original report relating to public safety had been completed. There were concerns in relation to the systems of management and the practices of managers of the venue as the Environmental Health Officer had found them to be resistant to regulation, to be reactive rather than proactive about matters affecting public safety and generally dismissive of the role of all regulators. There had been a pattern of promises not kept, partial solutions to concerns raised, of assurances that works had been completed when they had clearly not been and the contesting of the necessity of control measures without precautionary action to protect the public.

- The Sub Committee, in considering the evidence submitted by Mr Stockton, supported by Mrs Harper (DPS):-
 - o noted that in many instances they countered and refuted the very detailed evidence presented by the Police and indicated that the required work had been undertaken.
 - o heard evidence to suggest that Sugar Club had put in place the necessary arrangements to address the concerns raised and to comply fully with the Licensing Objectives. The Sub Committee was of the view, however, that these initiatives should have been in existence from the very onset.
- The Sub Committee took a very serious view towards the failure to promote the Licensing Objectives and towards the failure to take the concerns of the Police and Environmental Health Officers seriously.
- The Sub Committee, having listened to all the representations made and the responses to questions, noted that whilst Mr Stockton disputed some of the Police and Environmental Health Officers evidence, he did accept that Sugar Club had breached some of the licensing conditions but there were reasons for the breaches which were explained. The Sub Committee then evaluated the reasons for the breaches in the context of the Licensing Objectives, and the history of the Sugar Club. It took the view that, on the balance of probabilities, the evidence demonstrated that the breaches undermined the Licensing Objectives of 'Protection of Children from Harm' and 'Prevention of Crime and Disorder'.
- The Sub Committee was not convinced that arrangements were in place to ensure that the ID Scanner would be fully operational to establish the ages of clients and visitors to the Sugar Club. It was not convinced that the number of accredited door staff would be employed to adhere with the licensing conditions. It took the view that Sugar Club had been given ample opportunity to comply with the conditions which it agreed to with the benefit of legal advice.
- The Sub Committee was also concerned that since the commencement of these proceedings, there had been further breaches of the conditions as recently as December 2022, namely, days before the hearing.
- The Sub Committee felt that the representatives of Sugar Club were defensive and evasive in their answers to questions and considered that the management could not manage the Club effectively, to promote and maintain the Licensing Objectives. The Sub Committee, therefore, felt that the best course of action was to revoke the licence.

As a result of the above decision, the application by Sugar Club for a variation of the Premises Licence stood dismissed.

The decision of the Sub Committee was not unanimous.

10 March 2023

Present: Councillors Green (Chair), Osborne and Markham together with Councillor Greenhough (Reserve Member)

1. Declarations of Interests

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

2. Application for an Expedited Review – Premises Licence – Interim Hearing

The Sub Committee considered a report on a request for an interim steps review of the Premises Licence in respect of Sugar Club, 7 Pitt Street, Barnsley in accordance with Section 53A of the Licensing Act 2003 (Summary Review of a Premise Licence) inserted by the Violent Crime Regulation Act 2006 which came into force on 1 October 2007.

On 19 December 2022, a Statutory Licensing Regulatory Board Sub-Committee had made the decision to revoke the licence of Sugar Club following representation from South Yorkshire Police, based upon concerns around the prevention of crime and disorder, the protection of children from harm and public safety. Following which, an appeal had been logged within the 21 day appeal process and the venue had therefore been allowed to remain open and trade pending the outcome of the appeal.

Following which, a serious crime and incident of violence had occurred on 5 March 2023, in addition to disorder on 12 February 2023.

After considering all the evidence presented, the Sub Committee determined that the Licence in respect of Sugar Club, 7 Pitt Street, Barnsley be suspended and that the interim step would be implemented to take immediate effect. There would be no right to appeal the decision of the Statutory Licensing Regulatory Board Sub Committee at the Magistrates Court in the interim stage. The premises licence holder may make representations against the interim steps taken by the licensing authority.

The decision of the Statutory Licensing Regulatory Board Sub-Committee was unanimous.

Item 15

APPEALS, AWARDS AND STANDARDS REGULATORY BOARD

(a) School Admission Appeals Panel – 27th January, 2023

Kirk Balk	2 Refused
Outwood Academy Shafton	1 Allowed 2 Refused

(b) School Admission Appeals Panel – 31st January, 2023

Holy Trinity	1 Allowed 3 Withdrawn
Outwood Academy Carlton	1 Allowed 1 Withdrawn

(c) School Admission Appeals Panel – 2nd February, 2023

Barnsley Academy	1 Refused
Joseph Locke	2 Allowed
Queens Road	1 Refused

(d) School Admission Appeals Panel – 23rd February, 2023

Horizon Community College	1 Withdrawn
Penistone Grammar School ALC	1 Refused
Shawlands Primary School	2 Refused 2 Withdrawn

(e) School Admission Appeals Panel – 24th February, 2023

Joseph Locke Primary	1 Withdrawn
Kirk Balk Academy	2 Allowed
Oakwell Rise Primary	1 Refused
Outwood Academy Carlton	1 Refused
Worsbrough Common Primary School	1 Refused

(f) School Admission Appeals Panel – 28th February, 2023

High View Primary 2 Refused

Kings Oak Primary 2 Refused

Park Street Primary 2 Refused

(g) School Admission Appeals Panel – 3rd March 2023

Summer Lane Primary 1 Refused

Trinity Academy St Edwards 1 Withdrawn

(h) School Admission Appeals Panel – 8th March 2023

Horizon 1 Withdrawn

Penistone Grammar School 1 Refused

(i) School Admission Appeals Panel – 16th March, 2023

Highgate Primary Academy 2 Allowed

Trinity Academy St Edwards 1 Refused

(j) School Admission Appeals Panel – 21st March, 2023

Darton Academy 1 Refused

Kirk Balk 2 Allowed

Shawlands Primary 1 Allowed

Appeals withdrawn prior to the allocation of a date

Oakwell Rise 1 Withdrawn

Trinity Academy St Edwards 1 Withdrawn

MEETING:	Appointment Panel
DATE:	Tuesday 24 January 2023
TIME:	10.00 am
VENUE:	Meeting Room 3, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), Franklin, Bowser, Ennis OBE, Howard, Kitching, Platts and Wilson

1 APPOINTMENT OF CHAIR

Resolved that Councillor Sir Steve Houghton CBE be appointed as Chair for the purposes of this meeting only.

2 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

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

3 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during the consideration of the following items in view of the likely disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

4 APPOINTMENT OF EXECUTIVE DIRECTOR CORE SERVICES

The Panel was informed of the recruitment process that had been undertaken for the post of Executive Director Core Services.

There had been a total of 18 applicants from which 7 were longlisted for technical interviews, of which 3 had then been put forward for further consideration. Those three candidates had then been invited for informal meetings with both the Executive Director Core Services and the Executive Director Growth and Sustainability and also with the Leader, Deputy Leader and Cabinet Member Core Services. Following that process, two applicants had been shortlisted. These candidates have then undertaken psychometric testing and stakeholder interviews to inform the final appointments panel.

A brief update was then provided of the two shortlisted candidates background and performance during the technical assessment, psychometric testing and subsequent discussions with Stakeholder Panels (both internal and external).

The Appointment Panel then gave further consideration to the two applicants put forward for interview for this post together with the arrangements for those interviews.

RESOLVED that the interviews for the two applicants now detailed be held on Friday 27th January, 2023.

5 DATE OF FUTURE MEETING

It was noted that the interviews for this post would be held on Friday 27th January, 2023 commencing at 9.45 am.

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Chair

MEETING:	Appointment Panel
DATE:	Friday 27 January 2023
TIME:	9.45 am
VENUE:	Westgate, Level 4, Room 2

MINUTES

Present

Councillors Franklin (Chair), Bowser, Ennis OBE, Houghton CBE, Howard, Kitching, Platts and Wilson

1 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

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

2 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during the consideration of the following items in view of the likely disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

3 APPOINTMENT OF EXECUTIVE DIRECTOR CORE SERVICES

The Panel interviewed two candidates for this post.

RESOLVED that Ms W Popplewell be appointed to the position of Executive Director Core Services on the terms and conditions as advertised, subject to the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001.

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Chair

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MEETING:	Health and Wellbeing Board
DATE:	Thursday 2 February 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillor Trevor Cave, Cabinet Spokesperson - Childrens Services
 Councillor Caroline Makinson, Cabinet Spokesperson - Public Health and Communities (Chair)
 Councillor Jenny Platts, Cabinet Spokesperson - Place Health and Adult Social Care
 Julia Burrows, Executive Director Public Health and Communities
 Kathy McArdle, Service Director Regeneration and Culture
 Wendy Lowder, NHS South Yorkshire, Executive Place Director (Barnsley)
 Adrian England, HealthWatch Barnsley
 Jane Holliday, Project Manager, Barnsley CVS
 Bob Kirton, Chief Delivery Officer and Deputy Chief Executive, Barnsley Hospital NHS Foundation Trust
 Simon Wanless, Chief Superintendent
 Diane Lee, Head of Public Health
 Ben Brannan, Senior Public Health Officer
 Julie Tolhurst, Public Health Principal - Place
 Sue Barton, South West Yorkshire Partnership NHS Foundation Trust

1 **Declarations of Pecuniary and Non-Pecuniary Interests**

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

2 **Minutes of the Board Meeting held on 6 October 2022 (HWBB.02.02.2023/2)**

The meeting considered the minutes of the previous meeting held on 6 October 2023.

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

3 **Barnsley Health and Wellbeing Board Draft Terms of Reference (HWBB.02.02.2023/3)**

The Health and Wellbeing Board's updated Terms of Reference were presented for information, following ratification at Full Council held on the morning of 2 February 2023.

The Board noted that the Terms of Reference had been updated to ensure that the Council is continuing to meet its statutory requirements under the Health and Social Care Act 2012, the Health and Care Act 2022 and associated guidance.

Members noted that the refreshed Terms of Reference reduced the meeting frequency from bi-monthly to quarterly, alternating between public meetings and private workshops.

A Board Co-Chair would be appointed, following the receipt of a nomination for a Primary Care Trust representative to serve on the Board.

RESOLVED that the Board's revised Terms of Reference be noted.

4 South Yorkshire Integrated Care Strategy (HWBB.02.02.2023/4)

Wendy Lowder, Executive Director Place Health and Adult Social Care introduced a report setting out the South Yorkshire Integrated Care Strategy, a copy of the Executive Summary was included within Appendix 1, which had been produced by the South Yorkshire Integrated Care Partnership.

The report provided the Board with an update on the development of the initial Integrated Care Strategy for South Yorkshire and summarised the next steps in relation to the Strategy's approval.

The Board noted that, in developing the Integrated Care Strategy for South Yorkshire, the Integrated Care Partnership had been mindful of each of the four Health and Wellbeing Strategies across South Yorkshire, to ensure alignment between them.

The initial Integrated Care Strategy for South Yorkshire had been developed at pace between September and December 2022 and had been informed by a refresh of the South Yorkshire Health Needs Assessment, gathering insights from existing engagement and involvement work by ICP partners, together with a campaign survey aimed at seeking views from the population of South Yorkshire by asking 'What matters to you about your health and wellbeing'. Work had also taken place on building on all of the existing strategies and plans.

The Board noted that the Strategy covered the years up to 2030 and set out a commitment to work together, taking actions to address health inequalities and improve healthy life expectancy in South Yorkshire. The working vision was for 'everyone in our diverse communities lives a happy, healthier life for longer'.

The Board noted that work would take place during February to finalise the initial Strategy. It was expected that the final Strategy would be considered at Barnsley's Cabinet meeting on 8 March 2023.

The Board noted that conversations were currently taking place with partners and the South Yorkshire Mayor around a centralised launch of the Strategy from 20-24 March 2023. It was noted that the South Yorkshire Mayor would be undertaking specific engagement around a 'Happier, Healthy Yorkshire'. It had also been suggested that the Mayor writes to all voluntary and community partners to ask them to mark the launch of the Strategy.

The Board expressed its support for the Strategy and were pleased to note that the Strategy contained a number of shared outcomes, bold ambitions and joint commitments. It was questioned if detailed actions plans would be developed setting

out how these would be achieved and if it would be appropriate for the Board to measure their impact.

In response, it was confirmed that conversations were currently taking place and early work had been undertaken to develop a performance framework to measure success.

The Board asked if a further update report could be provided at the next meeting.

On a separate matter, the Board highlighted that work needed to take place around publicising and celebrating health and care success stories. In response, it was noted that work was currently taking place to explore how publicity could be more effective.

RESOLVED that Health and Wellbeing Board Members:

- i) Considered and approved the contents of the South Yorkshire Integrated Care Strategy.
- ii) Noted the next steps in terms of the development of the South Yorkshire Integrated Care Strategy.

5 Barnsley 2030 - Healthy Barnsley Thematic Update (HWBB.02.02.2023/5)

The Board received a report, presented by Bob Kirton, Chief Delivery Officer and Deputy Chief Executive BHNFT, which set out the work of the Barnsley 2030 Board to date, particularly in relation to the Healthy Barnsley theme.

The report also explored the interconnectivity between the Barnsley 2030 Board to enable a discussion to take place around the strategic links between the two forums.

The Board was informed that a key piece of work had emanated from the discussions held at the Barnsley 2030 Board around the 'Every Child Active' project and schemes to create opportunities for children and young people to enjoy physical activity (particularly cycling) in a fun, engaging and safe way. In addition, there had also been a session on the cost-of-living crisis.

There would be a session at the March Barnsley 2030 Board meeting to focus on individuals who were not working due to long term ill-health and initiatives to support them back to work.

The Board were asked to consider future reporting mechanisms between the Barnsley 2030 Board and the Health and Wellbeing Board and how they could take forward matters for discussion.

Due to the large number of ambitions, strategies and projects in place, the Board was keen to ensure that there were no duplications. The Board requested that circular conversations take place to ensure that directorates and Members are aware of projects taking place.

The Board agreed that it could help to shape, forward ideas and proposals to the Barnsley 2030 Board and request them to provide reports back on those discussions.

The Board requested that arrangements be made for the Barnsley 2030 Board to provide a presentation at a future Health and Wellbeing Board meeting to provide information on the membership of the Barnsley 2030 Board, together with an overview of the work and role of the Barnsley 2030 Board.

The Board agreed that Barnsley 2030 should be a standing item on future Health and Wellbeing Board agendas.

RESOLVED that Health and Wellbeing Board Members:

- i) Considered the future reporting mechanisms between the Barnsley 2030 Board (particularly the Healthy Barnsley theme) and the Health and Wellbeing Board.
- ii) Noted the contents of this report and discussed how the Health and Wellbeing Board could continue to play a role in terms of discharging some of the key actions arising from the Barnsley 2030 Board.
- iii) Discussed how, by working collectively, the Barnsley 2030 Board and the Health and Wellbeing Board can continue to add value to the system.
- iv) Agreed to having a Barnsley 2030 item as a standing agenda item at future Health and Wellbeing Boards.

6 Creativity and Wellbeing Update & planning for Creativity and Wellbeing week 2023 (HWBB.02.02.2023/6)

Julie Tolhurst, Public Health Principal, delivered a report and accompanying presentation to provide the Board with a progress update in relation to the key actions from the 2022 Creativity and Wellbeing week and next steps in developing a Creativity and Wellbeing programme for Barnsley and to seek the Board's endorsement for the next phase of delivery.

The Board noted that the Creativity and Wellbeing week for 2023 would be held from 21 May with a series of workshops taking place to demonstrate creativity and wellbeing by sharing people's lived experiences. A Cultural Strategy would be developed, and approvals gained for a citizen led approach.

It was noted that the target audiences for the workshops included decision makers, commissioners and practitioners. Work was currently taking place to develop a coherent programme.

The Board suggested that the workshops could focus on people's lived experience with regards to mental health, learning disability and autism.

The Board welcomed the development of a citizen led Cultural Strategy. It was suggested that engagement takes place with the Ward Alliances, Areas Councils, Youth Council, Care Council and Youth Engagement Teams.

RESOLVED that Health and Wellbeing Board Members:

- i) Noted the contents of the presentation.
- ii) Agreed to promote key messages via existing channels.
- iii) Endorsed the next phase of delivery for Barnsley's Creativity and Wellbeing programme.

7 Better Care Fund Report (HWBB.02.02.2023/7)

A report was received to confirm that the South Yorkshire Integrated Care Board (Barnsley Place) and Barnsley Metropolitan Borough Council (BMBC) had jointly agreed to spending plans on the funding allocation from the Adult Social Care Discharge Fund 2022/23, which reflects local need and priorities.

The report highlighted that, in September 2022, the Government had announced a commitment of £500 million to support timely and safe discharge from hospital into the community by reducing the number of people delayed in hospital awaiting social care over the winter period.

On 18th November 2022, the Government had confirmed that a total allocation of £8.346 million had been provided to NHS South Yorkshire ICB and Barnsley Place would receive £1.520 million.

Barnsley Council had also been allocated £1.032 million of the fund. The total amount of funding for Barnsley Place partners amounted to £2.552 million for the remainder of 2022/23. It was noted that the fund would be pooled into local Better Care Fund (BCF) plans and Section 75 agreements for 2022/23.

Paragraph 5 of the report summarised the main areas of focus where the funding would be prioritised through interventions that best engage the discharge of patients from hospital to the most appropriate location for their ongoing care.

Detailed proposals were set out in paragraph 6 of the report where grant expenditure would be deployed, in compliance with the Government's conditions on the use of the funding.

RESOLVED that the Health and Wellbeing Board noted the requirement for the Section 75 agreements to include the ASC discharge funding in addition to schemes already agreed by the Board as part of the 2022/23 Better Care Fund Plan. This had been drafted to include all the schemes included in this paper and would be signed off through the usual ICB and BMBC governance processes.

8 Any other Business

The Board noted that Barnsley Hospice had recently been awarded an overall 'Outstanding' rating following their latest Care Quality Commission inspection.

It was agreed that a letter of congratulations be sent on behalf of the Board to Barnsley Hospice.

Chair

MEETING:	Overview and Scrutiny Committee - Sustainable Barnsley Workstream
DATE:	Tuesday 7 February 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Ennis OBE (Chair), Bellamy, Bowser, Cain, Clarke, Denton, Eastwood, P. Fielding, W. Fielding, Green, Hayward, Lodge, McCarthy, Mitchell, Moyes, Osborne, Richardson and Webster together with co-opted member and

42 Apologies for Absence - Parent Governor Representatives

No apologies for absence were received in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

43 Declarations of Pecuniary and Non-Pecuniary Interest

Councillor Osborne declared a non pecuniary interest as he is a member of the Berneslai Homes Board.

Councillor Moyes declared a non pecuniary interest as she is a member of the Police and Schools Panel and works for the GMB Trade Union.

44 Minutes of the Previous Meeting

The minutes of the meeting held on 10th January 2023 were received.

45 Highways Peer Challenge - Outcomes & Actions Report

The following witnesses were welcomed to the meeting:

Paul Castle – Service Director, Environment & Transport, Growth & Sustainability Directorate, BMBC

Matthew Bell – Head of Highways & Engineering, Growth & Sustainability Directorate, BMBC

Ian Wilson – Service Manager Highway Delivery, Growth & Sustainability Directorate, BMBC

Cllr James Higginbottom, Cabinet Spokesperson for Environment & Highways

Councillor Higginbottom informed members of the committee that the Highways Peer Review Challenge had been an effective and well regarded process. In September 2022 Highways and Engineering had invited the Peers to conduct a 3 day review of

the Service and through open and honest conversations, they had accumulated 50 hours of discussions of areas of strength and consideration.

Councillor Higginbottom passed on his own personal thanks to the team that work within the service, who always strived for continuous development and improvement. The Review had demonstrated that the highways service does a good job with the budget and its reduced resources, due to budget cuts over the years, in its service to the residents of the Borough.

Matthew Bell provided members with an overview of the LGA Peer Review. In doing so members heard how the Peer Review was not an inspection but that the Peer team had been invited to look into specific elements of the Highway Service and act as a critical friend. Information collected for the feedback had been gathered from various individuals which gained credibility that it was honest and fair and gathered from a variety of sources to give a well-rounded review.

The Peer Challenge Team consisted of 5 members from a variety of backgrounds and with a great depth of experience and knowledge. The feedback is set out in a standard format across all peer reviews to contrast with other similar local authorities in order to pool the learning. The 4 core components of feedback were:

- Context and priority setting
- Planning and performance
- Enablers
- Delivery

Members were informed that due to the Highways department being too broad to be considered in its entirety over three days, four areas of focus had been chosen and members were provided with an overview of each Area which included:

- Financial Aspects
- Customer Aspects
- Process Aspects
- People Aspects

Following the feedback session, five key areas had been highlighted for improvement:

- Review of the Structural alignment of highway related services specifically related to a number of historical pressures which resulted in services being moved to different parts of the organisation. Members were informed this is already underway with the re-location of the Strategic Transport function from Regeneration & Culture (BU4) to Environment & Transport (BU6).
- Better utilisation of external benchmarking datasets. Although internal performance monitoring and measurement was considered a strength by the Peer Review team, the use of external benchmarking metrics is not well developed. The service was judged to be light in what it did with information comparing to other Local Authorities and national indicator sets and benchmarking routes. The submitted return for this year placed Barnsley's

Highways Service into a group with local authorities of a similar size and demographic for a round and fair assessment.

- Long term programming of capital investment – members heard how the Council had not been given long term annual funding assurances from central government for the past 7 years so was unable to plan past a 12 month programme. However, a 5 year settlement had been agreed through the Mayoral Combined Authority (MCA) ensuring a degree of certainty as to what the funding horizon now looked like. It had enabled a more transparent view as opportunities present themselves for one off projects over the next 5 years enabling a realistic and true look at capital investments.
- Communication with the frontline remained a shortcoming as the frontline staff do not have regular access to the Council's network in order to check on corporate updates in the usual manner. Improvements had been made by installing big screens at Smithies Depot, notice boards and takeaway materials in order to pass on key messages.
- Strengthening the relationship between the service and elected members – this had highlighted how communications flow between the service and elected members and elected members understanding of where the services responsibilities sit. Specific feedback indicated that there was a difference when officers defined highways compared to the elected members definition. A lot of work was undertaken to post queries into the right department. In order to tackle these issue highways had commenced sending out weekly emails containing the highways programme of works and roadworks in the Borough. The emails also contained contact details of a 'one stop shop' to help the service in replying to members as quickly as possible.

Members heard how the key was not to focus solely on what needed to be changed, but to also recognise and preserve what the service already does well. It was acknowledged that Barnsley had a lot of experienced and competent middle managers that made important decisions which is not always the case when compared to other Local Authorities. In terms of Barnsley's identity there was a distinct pride of working for the Borough as most staff members also lived in the Town. There was a strong relationship with the MCA and the service had complete backing from SMT to deliver its strategy and vision for Barnsley. Recognition schemes for staff were in place such as Thank you letters and Shout Outs. There was an initiative to invest in apprenticeships with a view to once qualified, they would be moved around the service to gain further experience.

All feedback, actions and areas for consideration and strengths are being developed into a detailed action plan which was reviewed on 14th December 2023. Following this the service had started to deliver some changes and address some gaps detailed within the plan.

In the ensuing discussion and in response to detailed questioning and challenge the following matters were highlighted:

Following the peer review, it was highlighted that Highways had an extensive set of performance indicators to highlight progress made and that feedback from the public

and elected members was also taken on board. Attention going forward would be focused on gaps that they were already aware of and to give credibility and space to think how to tackle the next problems.

When asked what service leaders considered the greatest positives from the peer review, their response included recognition of the experience, professionalism, loyalty and pro-active culture of the Highway's staff, the return on investment of the apprenticeship programme, the leadership qualities of service managers and the high workmanship standards of front line teams.

In terms of funding, the Mayoral Combined Authority had been successful in securing a City Region Sustainable Transport Settlement of around £400M. Of which £5M would be allocated to Barnsley for Highway improvement activities per year for 5 years. This would be broken down to £4M for maintenance and £1M for highway improvements. The total budget would be around £15M which also incorporated capital revenue of £3.3M, any finances brought forward from the previous financial years and a further £2M, subject to agreement at full council, from the Council's budget for highways improvements and road safety improvements.

A key priority was that improvements needed to be made in terms of communications with elected members and members of the public. In order to address these issues, there was ongoing work to update and improve content on the highways website to make it easier to navigate and contain more useful information which would enable members of the public to self-serve and elected members would be able to better and direct answers to questions.

A cross party working group would be established to look into the members enquiry process and a large piece of work was being undertaken in collaboration with IT ensure that the enquiry system will be as efficient and effective as it could be. This would ensure members were better informed and able to communicate between services in the authority and members of the public.

Members were informed that positive transformation work was being undertaken centred around geographic processes such as reporting potholes. Whilst this was not expected to be a quick fix with a timescale of around 12 to 18 months, new technology would be utilised to update customers experience in reporting and being kept informed.

In terms of comparison of services with neighbouring authorities, it was identified that some were further forward in their IT development but that on a whole, Barnsley was in a strong position in the upper percentile of the quality of service it delivers for the lower quartile of what funding is available and ensuring good value for money for the residents of the Borough.

It was acknowledged that more than ever was being done in terms of support for the physical and mental wellbeing of employees with a variety of services on offer including a health and wellbeing pop up event that was held at Smithies Depot which was well received by all and welcomed as an annual event. Notice boards and takeaway leaflets were available for frontline staff unable to access the network to signpost them to various avenues of support alongside the GMB Union who could also refer people to the relevant help required.

In terms of the action plan targets timescales and measuring success, a full action plan had been established identifying what needs doing and the resources required to complete it. A full project plan will be created to sit behind each action and once completed this would be circulated to all members.

Members asked what the critical success factors were to delivering the action plan. In response, Areas of the emerging Action Plan which are critical to it's success included;

- Continued support from senior leaders and elected members
- Project resourcing
- Retention of key members of the Highway's team
- Clear and timely communication of progress, successes and challenges

Members enquired as to what information could be taken back to residents in what they could expect from the service in the next 3 months. In response they were informed that work would commence on the proposed website changes and that the system around pothole reporting would not change significantly but the way in which it is communicated to residents would be. The 12 month programme maintenance and schedule of work report, which included planned works on the roads, footways and drainage system around the Borough was already being made available to Members on a weekly basis and can be shared with residents.

In terms of service standards in responding to enquiries, it was recognised that the members enquiries inbox was not achieving the standard members required. Improvements identified were around communication and feedback to members in what and when something has been done in order for members to feed back to residents. Work was being undertaken in collaboration with the Digital Team and colleagues in the Digital Transformation Team look into what could be done. Members were informed that phone lines were still in use for those who did not want to or were unable to go online. The corporate service standards timeframe are set at 5 days for a response, whilst this could be achieved for a bin enquiry, the more complex issues received such as investigations into speed restrictions or requests for double yellow lines take more time to look into resulting in timescales being missed.

Members enquired as to whether the Peer Review Team had been to look around the Borough to look at the infrastructure and whether they had any comments. In response it was noted that on this occasion this was not a key focus of the review and that this visit was more for a review of the internal setting of the Service.

A possible solution to recruitment issues was raised around the recruitment of ex service personnel and whether this avenue had been explored. In response members were informed that the Local Authority had a good relationship with the forces recruitment service and there were a number of ex forces personnel working for the Service already. However, it was recognised that the problems surrounding the recruitment of bridge, traffic and civil engineers is in part due to the competitiveness of the Council's pay and reward package, Market supplements and other incentives, have and are being explored for future, it was not on a par with national salaries being offered.

Members requested that member visits be reinstated as before the pandemic so they could visit Smithies Depot and speak with members of staff. It was agreed that this would be arranged.

In summary it was acknowledged that the service was only as good as the recognition it received from the public and that one of the main priorities going forward would be the improvement of communications which would then enable the continued service improvement. Thanks were given from members of the committee and the Senior Management to all employees within the Highways department for their continued hard work and dedication.

RESOLVED:-

- (i) that witnesses be thanked for their attendance and contribution;
- (ii) that the report presented be noted.

Chair

MEETING:	Overview and Scrutiny Committee - Growing Barnsley Workstream
DATE:	Tuesday 7 March 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Ennis OBE (Chair), Bellamy, Bowler, Bowser, Cain, Denton, Eastwood, P. Fielding, W. Fielding, Green, Hayward, Lodge, Mitchell, Osborne, Smith, Webster and Williams.

46 Apologies for Absence - Parent Governor Representatives

No apologies for absence were received in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

47 Declarations of Pecuniary and Non-Pecuniary Interest

Councillor Bowser declared a non-pecuniary interest as the Cabinet Support Member for Core Services.

Councillor Osborne declared a non-pecuniary interest as a Board Member at Berneslai Homes and as the Cabinet Support Member for Regeneration and Culture.

48 Minutes of the Previous Meeting

The minutes of the meeting held on 07 February 2023 were received.

49 Draft Communications & Marketing Strategy 2023 - 2025

The following witnesses were welcomed to the meeting:

Michael Potter – Service Director, Business Improvement, HR and Communications, Barnsley Council

Katie Rogers – Head of Communications and Marketing, Barnsley Council

Alison Dixon – Communications and Marketing Manager, Barnsley Council

Cllr Robin Franklin – Cabinet Member for Core Services

Councillor Franklin introduced members of the committee to the draft communications and marketing strategy 2023-2025. The strategy set out service aims, ambitions and approach in addition to new priority criteria that was planned to help manage service capacity.

Members noted that the draft strategy emphasised use of digital technology and questioned what was being done to ensure that those without digital access were not

left behind. The environmental impact of printed material was acknowledged however it was queried as to whether this was still used to reach vulnerable communities.

Members were advised that the Communications and Marketing service took a multi-channel approach in a field that is in continuous development, with exploration given to sharing information on new platforms where they had gained popularity, for example TikTok. In terms of accessibility, media was published with subtitles and translation options (including British Sign Language) wherever possible, and work took place with graphic designers to ensure documents were accessible to all. Additionally, the Communicating and Marketing service was working with Council services to look at producing interactive and understandable content, as opposed to traditional documents that were text heavy. Social media was identified as the most widespread source and the source where audience engagement was highest.

Paper-based content was still produced for some campaigns, however it was explained to Members that information that was identified as frequently changing was not suitable for print. Improved data optimisation now meant that vulnerable groups could be targeted better and paper literature distributed where required. The Communications and Marketing service were working with services to have a physical presence out and about in the borough as a means of providing in-person information, advice and guidance and signposting to other services. Officers also advised they had good working relationships with the Barnsley Chronicle as a mechanism for getting information out in physical print.

Members questioned how success was measured for the Communications and Marketing service, given there was less tangible evidence available than some other services. Officers advised that without financial targets or metrics, a different approach was taken. Success was measured in terms of outcomes for services, that people have all the information the needed to engage with campaigns, take up offers and make positive changes in their lives. The *How's Thi Ticker* campaign was given as an example, with a large uptake of residents having their blood pressure checked being deemed a campaign success. All campaigns were evaluated against Communications and Marketing aims, service priorities and Council-wide priorities. Members were advised there were some tangible measures of evaluation including Google analytics and social media analytics, which revealed customer journeys and identified where links had been accessed.

Members raised concerns over the use of certain platforms being unsafe and questioned what safeguarding measures were in place. Officers advised that safeguarding practices were in place for all social media channels used. The Council approach had been cautious in uploading to newer platforms such as TikTok, posting was infrequent, and officers were given training. TikTok was used predominantly at that time for town centre economy and events campaigns, with monitoring ongoing and posting access limited to the Communications and Marketing service. In terms of some longer-established platforms such as Twitter, Members were advised that industry discussion was taking place as to how safe it was to use at present. Facebook was identified as a particularly strong channel that had stood the test of time through adapting and there were fewer concerns here.

Members questioned how much the demographic of a target audience influenced the channel of promotion used and were advised that this was taken into consideration.

Facebook typically had a 30-45 age range audience, with TikTok reaching a younger cohort. It was also advised that the concept that the older demographic did not have access to digital channels had changed since the Covid-19 pandemic had made them more digitally engaged. Members were advised that demographics of social media post reach could be pulled off and analysed on platforms such as Facebook.

It was queried by Members as to whether QR codes were deemed to be a successful tool in campaigns. Officers advised that since the Covid-19 pandemic, they had become more commonplace and therefore were good to include in campaigns at that present time. It was additionally explained that QR codes provided clear analytics as to where people were accessing material from.

Members sought clarification as to what the politically restricted nature of the Communications and Marketing Officers' roles meant in practice. It was advised that in their personal and professional lives, Officers were not to affiliate or actively participate with a political party.

Officers were questioned as to what criteria was used to monitor comments made by those engaging on the Council's social media channels, including whether any element of filtering or editing took place. It was advised that an acceptable use policy appeared on all social media channels and that although comments both agreeing and disagreeing with content were welcomed, there was a scale as to what was deemed appropriate. Abusive language, hate crime and slander would result in the Communications and Marketing service stepping in, firstly through private messaging posters to delete or amend their comment. If this proved unsuccessful, the comment would be deleted, and the poster dealt with offline with support from legal colleagues and the Police where appropriate. In rare extreme cases of less than a handful per year, individuals may have access revoked. The service was encouraging other Council officers to fill in violence and aggression forms where they had suffered online abuse.

Members questioned how the service dealt with the spread of misinformation online. Covid-19 conspiracy theories was used as an example of where the Council deleted comments of this nature, as they could be damaging to the health of residents. Although the Council did not have control of community social media pages, relationships were established which meant that Officers could approach page owners to take action.

It was queried as to how staff were protected online. Members were advised that updated social media guidance had been issued, including strengthened steps staff and managers needed to take. Officers subject to online abuse would be provided with HR support and given guidance on securing and protecting their own social media channels. The Communications and Marketing service would also work with legal colleagues and the Police where required. Staff were being advised to view online abuse in the same way as verbal abuse and reporting was encouraged.

Members enquired as to how the Communications and Marketing service went about advertising and what budget they had available to spend. It was advised that budgets came directly from services and that there was no specific Communications budget. The service instead looked at key campaigns and worked with services on tactics and deliverables. Online digital advertising was frequently used, and this provided

good value for money and good analytics. Billboards and press campaigns were used less frequently but were used on key campaigns where their widespread impact was essential to campaign success. Facebook advertising was identified as the main advertising channel the service used – posts could be targeted through determiners such as postcode and demographic, costs could be monitored, and audience amended as a campaign ran. Members were also informed that other advertising opportunities were being explored such as podcasts and streaming services and that the service were open to new and innovative options that did not incur a high cost. It was questioned by Members as to whether the lack of a core budget for the Communications and Marketing service was a disadvantage. Officers advised that the current arrangements were working well and that there were rarely issues with services allocating budget for their key campaigns.

Members queried the impartiality of the Communications and Marketing service in promoting specific businesses as part of developments in the town centre. It was advised that tenants of The Glass Works development did pay a service charge for marketing, explaining the prominence of these businesses in campaigns. All businesses across the town centre and in the borough were supported and stories would be included in campaigns where relevant. A query was additionally raised on the use of an external PR agency for the launch of Cineworld at The Glass Works, with Members advised this was part of a contract to market tenants in The Glass Works centre.

The content of promotions being verified for accuracy was challenged by Members, with the potential for misreporting successes being identified as a concern. Officers advised that expert colleagues were worked with as sources of data and insight, such as those in Public Health. There was a level of trust between professionals that the information was accurate and campaigns were appropriate for Barnsley.

Officers were questioned as to how they were promoting the night-time economy, with concerns raised over fear that residents of the borough may be priced out of some of the more expensive town centre premises. It was questioned whether promotions were extending far and wide. Members were updated on the launch of the Barnsley Town Centre brand which hoped to challenge some preconceptions about the town and bring in new patrons. The campaign would showcase restaurants, pubs and leisure activities and look at targeting a midweek audience in addition to the weekend, working with businesses such as theatres. The Purple Flag Status of the town would also be used in promotions, which identified it as a safe place to come at night. It was explained that some of the campaign work centred around the night-time economy was influenced through social listening, with people visiting from outside the Barnsley borough area. In this particular area, a recent story on night-time safety initiatives had been picked up through broadcast news outlets such as ITV Calendar, BBC Look North and BBC Radio Sheffield.

In addition to the promotion of the town centre economy, Members also suggested the promotion of local economies across the borough, with an example being given of the Trans Pennine Trail promoting cafes along the trail. Officers agreed that this was a good idea where more work could be done and signposted Members to the work around Principal Towns where Communications and Marketing were working closely with the Area Council teams to spread the word about the work of businesses and organisations in their localities. An equal balance of promotion across the

geography of the borough was strived for with Members asked to provide information that could contribute to positive stories in their ward and provide a good promotion opportunity for local organisations.

Members questioned whether the social media audience over 75 years of age had lessened since the end of the height of the Covid-19 Pandemic and how this could be detrimental to lonely and isolated people. Officers advised that the data was unavailable locally but anecdotally there did not appear to be a drop-off in engagement. A strong partnership had been developed between Council Digital Champions and colleagues at Age UK to combat digital exclusion in the elderly population.

Members shared their frustrations in the role of the Ward Alliances message being one that was difficult to get out – this resulted in a lack of engagement and bidding for available funding. It was questioned as to how the service could assist. Officers advised that the brand for Area Councils and Ward Alliances was being explored again after a hiatus due to the Covid-19 Pandemic. It was hoped this work would break down barriers where the public was confused as to what services and opportunities were available. In addition, tools were being given to the Area Council teams so they could promote activity in their area day-to-day without the constant support of the Communications and Marketing service. A 10-year anniversary celebration of the Area Councils and associated marketing had recently taken place with a presence at Barnsley Markets arranged for the weeks ahead.

Members put forward the challenge as to whether management of the Council's website would be better placed with the Communications and Marketing service as opposed to its current place in the Digital team under Customer Services. It was agreed this would be explored.

RESOLVED:-

- (i) That the Communications and Marketing service should look at additional ways in which local economies and businesses outside the town centre are promoted to increase footfall and support thriving communities; and
- (ii) That Members should share case studies of any local businesses that align with the Council's sustainability agenda or 2030 priorities of Healthy Barnsley, Growing Barnsley, Sustainable Barnsley, Learning Barnsley, Enabling Barnsley; and
- (iii) That the Communications and Marketing service should look at what more can be done to reach people over the age of 75 to support a reduction in isolation and loneliness; and
- (iv) That the Communications and Marketing service should look at additional ways in which Ward Alliances could be promoted to increase reach; and
- (v) That the Council should consider whether it is more appropriate for the management of the Council's website to sit within the Communications and Marketing service as opposed to the existing location within the Council structure.

Chair

MEETING:	North East Area Council
DATE:	Thursday 26 January 2023
TIME:	2.00 pm
VENUE:	Meeting Room 1 - Barnsley Town Hall

MINUTES

Present Councillors Hayward (Chair), Cherryholme, Ennis OBE, Green, Peace, Richardson and Webster

34 Declarations of Pecuniary and Non-Pecuniary Interests

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

35 Minutes of the Previous Meeting of North East Area Council held on 24th November, 2022 (Neac.26.1.2023/2)

The meeting considered the minutes from the previous meeting of the North East Area Council held on 24 November 2022.

RESOLVED that the minutes of the North East Area Council held on 24 November 2022 be approved as a true and correct record.

36 Private Sector Housing Officer Update - Gail Hancock

Gail Hancock, Senior Private Sector Housing Management Officer was welcomed to the meeting to provide Members with an overview of how damp and mould issues were being addressed by the Council in private rented homes.

Members heard that issues of damp and mould in social and private rented housing had had been immensely publicised in the media throughout 2022.

Following this media coverage, the Council expected there to be an influx of complaints received. However, there had only been a small increase in the number of complaints received around damp and mould issues in private rented housing.

Members received assurances that all reports of damp and mould were fully investigated. The Team made appointments to visit a property to look at potential causes and also to check the fabric of a property, for example, damaged brickwork and mortar, poor fitting windows/doors, roof damage, poor ventilation or lack of central heating.

Members heard that government guidance states 'in order to abate damp and mould issues, it was important to adequately ventilate and heat a property'. Due to the current cost-of-living crisis, tenants were worrying about heating and ventilating their properties.

Where the tenant was deemed to be contributing towards the presence of damp or mould, then advice would be provided. Where the responsibility lies with the

Landlord, around the fabric of the property, the Council would issue a Housing Act Notice, and this prevented the landlord from issuing a (Section 8) or section 21 (accelerated) possession proceedings. Where a notice has been served on the landlord – failure to comply could lead to court action, if no action had been taken to address problems with the fabric of a property.

In the ensuing discussions it was noted that:

- Vulnerable people living in private rented housing may be scared to complain about their property due to possible reprisals. In response, it was noted that the Private Sector Housing Team and Area Council staff had reviewed all reports received from private rentals in the last 2 years where issues of damp and mould and the fabric of a property had been previously reported for reinspection.
- The Team were currently revisiting these properties and others where there was a likelihood that it may be an issue relating to damp and mould. The Team would issue a Section 239 Housing Act Notice to the Landlord giving them notice that a property would be inspected. An advisory letter would also be issued to the Landlord and contact made with the tenant to ascertain if work had been undertaken by the Landlord. Where appropriate enforcement action would also be undertaken either via civil penalties or Court action.
- Where there was evidence of a high risk and vulnerable tenant living in a cold, un-heated property. The council assess all properties using the HHSRS guidance (a risk-based assessment). When necessary, the Council will serve an emergency remedial action notice using the Housing Act or issue a Building Act Order where the boiler is not working to address the cold issues. The Building Act could be used for action to be taken in 9 days. Failing that the Council can / will intervene.
- Referrals are made to the Warm Homes Team for them to provide help and advice to tenants around keeping safe and warm in their homes.
- In relation to Housing Associations in the Barnsley area, it was noted that the Housing Associations set their budgets a year in advance where they look to see what improvements can be made to a property. Complaints were often received around electric heating installed in their properties. When necessary, the Council could serve a Notice on a Housing Association. All private rented properties including Housing Association properties are required to have an Energy Performance Certificate (EPC) prior to renting out a property.
- It was confirmed that 6 Area Council staff and a team of private enforcement staff were available to deal with complaints.
- Members expressed their thanks to Chris Platts, Private Sector Housing Management Officer for the valuable work he has done, and continues to do, in the community.

The Chair thanked Gail Hancock for attending today's meeting and for answering Members questions.

RESOLVED that the update be noted.

37 Procurement and Financial Update (Neac.26.1.2023/4)

Lisa Phelan, Area Council Manager, submitted a report providing Members with an up-to-date overview of the Area Council's current priorities. It provided an overview of all current contracts, contract extensions, Service Level Agreements and Grant Funded Projects together with the associated timescales.

It outlined the financial position to date for 2022-23 and gave details of the projected expenditure, including future proposals to 2023-2024 as outlined in Appendices 1 and 2 of the report.

Members were informed that the Youth Development Fund Panel had agreed the guidance and commissioning documents for Youth Development Fund – Detached Youth Work. The fund was now open for applications and would close on 31 January 2023.

The Panel would then consider all applications and moderation would take place at a Funding Panel meeting scheduled for 14 February 2023. A further update would be presented at the Area Council meeting on 23 March 2023.

Members were informed that a small grants fund would become available for the financial year 2023/24. Documentation to support the grants fund had now been updated.

RESOLVED:

- i) That the current priorities and overview of all current contracts, contract extensions, Service Level Agreements and Grant fund projects, together with the associated timescales, be noted.
- ii) That the financial position to date for 2022-23 and the projected expenditure, including future proposals to 2023-24 as outlined in Appendices 1 and 2 of the report be noted.

38 Notes of the Following Ward Alliances with Feedback from each Ward Alliance Chair (Neac.26.1.2023/5)

The meeting received notes from the Monk Bretton and Royston Ward Alliances held throughout December 2022. The following updates were noted:-

Cudworth – Members were reminded that a storage container located in Pocket Park had been broken into last year causing significant damage to the gazebos stored in the container. With a full summer programme scheduled for 2023, Councillor Hayward stated that it would be important to purchase new gazebos.

It was suggested that other Ward Alliances may wish to contribute towards the purchase of new gazebos for future use at events in their Wards.

On behalf of the North East Ward Alliance, Councillor Peace stated that the Ward Alliance would be interested in making a contribution.

In relation to the summer events programme, Senior Officers were being asked to complete a schedule sheet which would allow the Ward Alliance to consider which events it would support.

Lisa Phelan, informed Members that all Area Teams are considering procurement options for the purchase of hanging baskets (collectively) to meet the requirement for procurement threshold rules from the financial year starting April 2024. A discussion took place around the sponsorship of hanging baskets, noting that the Council's Advertising and Sponsorship Policy guidelines must be adhered to.

Members were informed that Joanne Smith, the new Community Development Officer, would be commencing in post shortly. Joanne would be working part-time at Bow Street, Cudworth. It was suggested that Members could meet with Joanne on 9 February, if she was available.

Monk Bretton – The Christmas events held at St Paul's Church and at Carlton Church had been very well attended.

'More Money in Your Pocket' events had been held today (26 January 2023) at Burton Grange Community Centre and on 25 January 2023 at Monk Bretton WMC.

The Ward Alliance had agreed a programme of activity for the year.

North East – A meeting was scheduled to be held during week commencing 30 January 2023.

Royston – The Christmas tree lights switch on and Christmas Carol Service at St John the Baptist Church, Royston had been well attended.

The Ward Alliance had developed a summer 2023 activity list and were reviewing events which had taken place in 2022 to see where improvements could be made in 2023.

RESOLVED that the notes from the Ward Alliances be received.

39 Report on the Use of Ward Alliance Funds (Neac.26.1.2023/6)

Lisa Phelan, Area Council Manager, submitted a report which outlined the funding that remained for each of the Ward Alliances.

RESOLVED that the report on the use of Ward Alliance Funds be noted.

Chair

MEETING:	Central Area Council
DATE:	Wednesday 1 February 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Williams (Chair), Bowser, Clarke, K. Dyson, M. Dyson, W. Fielding, Gillis, Lodge, Moyes and Shirt

26 Declaration of Pecuniary and Non-Pecuniary Interests

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

27 Minutes of the Previous Meeting of Central Area Council held on 9 November 2022 (Cen.01.02.2023/2)

The meeting received the minutes from the previous meeting of Central Area Council held on 9 November 2022.

With regards to the overall budgets for Area Councils, it was noted that this subject was due to be discussed at the next meeting of the Area Chairs.

In reference to any future delegation of funds to Ward Alliances, Members were made aware that an additional £3,000 per Ward Alliance had been attained from external sources and that any allocation to Ward Alliances would have a corresponding impact on the availability of future finance available for distribution by the Area Council. It was suggested that this subject be considered at the next meeting of the Area Council.

RESOLVED that the minutes of the Central Area Council held on 9 November 2022 be approved as a true and correct record.

28 Section 106 - Laura Sharman (Cen.01.02.2023/3)

Laura Sharman, Section 106 Programme Manager, was welcomed to the meeting. Members were reminded of the purpose of planning obligations, known as Section 106 agreements, which prescribed the nature of development, compensated for losses, and mitigated the impact of the development.

Section 106 agreements encompassed areas such as Affordable Housing, Education, Public Open Space, Highways/Sustainable Transport, and Biodiversity.

Members were made aware of the process for monitoring Section 106 agreements and associated expenditure.

Monies received and their potential use within the Central Area was discussed, together with future monies expected. Members were made aware that there was a

requirement to produce and publish an Annual Infrastructure Funding Statement, which described the use of Section 106 funding throughout the Borough for the previous financial year.

Questions were received relating to the composition of the Section 106 Panel, and Member involvement. It was noted that the Cabinet Spokespersons for Regeneration and Culture and for Core Services were both on the panel.

With regards to distance from site in which monies were required to be used, it was noted that this varied, and was dependent on the agreement itself.

Members questioned how they could put forward suggested schemes to utilise finance and were advised to contact the relevant Council department in order to discuss this.

Members also discussed the process of negotiation with developers around Section 106 agreements in line with Supplementary Planning Documents, which led to finance becoming available.

RESOLVED that thanks be given for the presentation, and attending to answer the questions of Members.

29 Procurement and Financial Update (Cen.01.02.2023/4)

The Area Council Managers spoke to the report, previously circulated. Members noted the current position with regards to all the services and projects funded by the Area Council, along with the financial position of the Area Council.

Members were reminded that a decision had been taken at a previous meeting for the £50,000 which had been allocated to environment education to be returned to the main Area Council budget. This was due to the need for this being surpassed by work on the boroughwide Litter and Envirocrime Strategy.

The attention of Members was drawn to the update within the report regarding the Supporting Vulnerable People Fund. The deadline for the first tranche of funding, which focused on providing welfare advice, was on 10th February, 2023, with that for the second tranche being 10th March, 2023. It was noted that the second tranche was broader in scope.

Members also noted that the contract to provide a service to build emotional resilience in children and young people had been awarded to Barnsley YMCA.

RESOLVED:-

- (i) That Members noted the overview of Central Area Council's current priorities, and overview of all current contract, contract extensions, Service Level Agreements, and Well-being Fund projects, with associated timescales;

- (ii) That members note the actual financial position to date for 2022-23 and the projected expenditure, including future proposals, to 2023-24, as outlined in Appendices 1 & 2 of the report.

30 Celebrating the work of the Ward Alliances (Cen.01.02.2023/5)

Dawn Grayton, Community Development Officer, was welcomed to highlight the work of the Central and Dodworth Ward Alliances over the past year.

Central Ward Alliance had experienced number of recent changes including to the Chair, and Community Development Officer. Since April, the Ward Alliance had stabilised, and encouraged applications to the Ward Alliance Fund focused on the priorities of the Ward Alliance, Area Council and Council. The focus had also been on the positives within the community, as opposed to negatives.

At the start of the financial year the Ward Alliance had around £20,000 within the Ward Alliance Fund, and Members noted the variety of projects funded, and it was acknowledged that non-financial support was also provided to many groups.

Three projects were highlighted, the first being Information Boards from Barnsley Main Heritage Group where £1800 had been funded to provide information boards on the site using a local contractor, which had been designed and developed by the group. Members were also made aware of the Jubilee Celebrations, with a number funded in the ward and which helped to bring communities and neighbourhoods together to interact. A third project was also mentioned; Defibrillator Training by the Full House Pub Community Group. The Ward Alliance had matched funding raised by the group itself for a cabinet and training, which had provided essential as the device was used shortly after installation.

Dodworth Ward Alliance had started the financial year with around £21,000, and Members noted the variety of projects funded. Also noted was the work to support warm hubs in the area. Three projects receiving funding were highlighted. The first related to a Christmas events using £150 of small sparks funding to match funds raised by the Dodworth Church group. This included a free visit to Father Christmas, a present and a warm meal. The second involved providing costs to Dodworth Mother, Carers and Toddlers Group, to restart after Covid. 13 volunteers were involved in setting up, supervising and clearing down activity sessions, and finance was used for new toys and equipment.

The third project highlighted was Gawber Celebrates Christmas. This was a partnership between the Ward Alliance, St Thomas' Church Action Group and Love Gawber. This created a Christmas project at the community centre, with festive music provided, Gawber Primary School Choir in attendance, a donated tree in the community centre grounds and refreshments.

Craig Aubrey Community Development Officer supporting Kingstone and Stairfoot Ward Alliances was then welcomed to provide an update on their work.

Kingstone Ward Alliance had approximately £22,300 at the start of the financial year.

At this point in the proceedings the meeting became inquorate.

Noted were the projects funded by the Ward Alliance, and it was acknowledged that projects had also received support other than financial, for example the development of a newsletter which had just required volunteer time.

The attention of Members was drawn to the Kingstone Artwork Project, where Creative Recovery worked with volunteers and a local artist to create designs around Barnsley 2030 for street furniture, which aimed to reduce the prevalence of graffiti.

Members were also made aware of the funding provided to Locke Parke Bowling Club for a professional sprayer, to allow volunteers to work more effectively. It was noted that the group was open all day, every day and supports the reduction of loneliness. The group was considering a development in increase volunteers, in particular younger volunteers.

Also highlighted was the support provided to Educational Learning Support Hub (ELSH) for their International Food Festival. The event, hosted each year, celebrated the volunteers and students, and the diversity of those involved at ELSH.

With regards to the Stairfoot Ward Alliance, nearly £27,000 was available at the beginning of the financial year. The variety of projects receiving support, financial or otherwise, was acknowledged. This included Junior Wardens, Christmas Hampers, and Christmas concerts.

Attention was drawn to the Defibrillator Project. An incident had occurred in Kendray which led to the mapping of defibrillator provision in the area. This, together with relevant data, led to the selection of new sites for defibrillators, with fundraising matched to install a unit in the ward. It was noted that the project will aim to raise awareness and stimulate volunteers, working with local business to ensure the upkeep of the units. Work was set to continue to further improve defibrillator coverage within the ward.

Also mentioned was the Warm Space project in Christ Church, Ardsley which aimed to support people who may have difficulties due to the increasing costs of utilities. The facility had refreshments and wifi so people were able to use it as a base for work. The church provided the heating costs, which were matched by the Ward Alliance.

Members also heard about the Environment Project at the Swanee, which was just outside the Ward. The project developed from a single active volunteer, and subsequently there had been a number of clean ups, and Twiggs had support volunteers to reinstate paths. The project more recently engaged the museums service to consider the history of the area, and schools and the community were set to be involved.

Michelle Toone was welcomed to discuss the work of Worsbrough Ward Alliance. Members noted the broad priorities, with the Ward Alliance focusing on one or two over the course of 6-12 months. Noted was the breadth of projects supported, including those led by the Alliance, and those led by community groups.

Members heard of the Bottles for Benches initiative, which developed from the Ward Alliance Environmental Working group. The initiative engaged schools to support increased recycling, with BMBC Neighbourhood Services taking part; collecting

recycled bottles, and chatting about the impact of recycling. Schools taking part were then rewarded with a bench made from recycled bottles. It was noted that aside from the environmental impact, positive relationships with the local schools had been developed, with the ability to work more closely together in the future.

Also mentioned was the support to the Worsbrough Community Pantry. The Ward Alliance provided monies for refurbishment, which aided the pantry to continue its work, and to grow, enabling to support low-income households with financial pressures.

Members also were made aware of Worsbrough Local History Day, which had been developed by the Worsbrough Industrial and Social Heritage Group with the Ward Alliance. This has resulted in a two-day local history event, with the unveiling of a new mining memorial. Over 300 had attended over the course of the two days, with only £19.99 of Ward Alliance investment. It was noted that the group continued to meet to make the event an annual occurrence.

Many Councillors provided their thanks for the continued hard work of all of the Area Team, especially the work of the Community Development Officers, who were integral to the success of the Ward Alliances.

31 Notes of the Ward Alliances (Cen.01.02.2023/6)

The meeting received the notes of the meetings of the following Ward Alliances within the Central Area:-

Central Ward Alliance, held on 23 November 2022;
Dodworth Ward Alliance, held on 6 December 2022;
Kingstone Ward Alliance, held on 16 November 2022;
Stairfoot Ward Alliance, held on 14 November and 12 December 2022;
Worsbrough Ward Alliance held on 20 October and 24 November 2022 along with
Worsbrough Ward Alliance Environmental Working Group held on 16 November and 18 November 2022.

32 Report on the Use of Ward Alliance Funds (Cen.01.02.2023/7)

The report on the use of Ward Alliance Funds was received for information.

Chair

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MEETING:	Penistone Area Council
DATE:	Thursday 9 February 2023
TIME:	10.00 am
VENUE:	Council Chamber, Penistone Town Hall

MINUTES

Present Councillors Barnard (Chair), Greenhough, Hand-Davis, Kitching and Lowe-Flello

29 Declarations of pecuniary and non-pecuniary interests

No Members declared an interest in any item on the agenda.

30 Minutes of the Penistone Area Council meeting held on 1st December, 2022 (Pac.09.02.2023/2)

The Area Council received the minutes of the previous meeting held on 1st December, 2022.

RESOLVED that the minutes of the Penistone Area Council meeting held on 1st December, 2022 be approved as a true and correct record.

31 Notes from the Penistone Ward Alliance held on 12th January, 2022 (Pac.09.02.2023/3)

The meeting received the notes from the Penistone Ward Alliance meeting held on 12th January, 2023.

RESOLVED that the notes from the Penistone Ward Alliance meeting held on 12th January, 2023 be received.

32 CAB Update Presentation

David Andy from Barnsley's Citizen's Advice Bureau was welcomed to the meeting and provided members with a comparison of work carried out pre pandemic, currently and what the future is expected to entail.

Members were reminded that prior to the pandemic, face to face appointments had been held on the second and fourth Wednesday of every month with a steady stream of clients wishing for help and advice for a range of issues including law, benefits, debts, employment, relationships, education and housing plus anything else they wished to discuss.

Once the pandemic had commenced in March 2020, everything had switched to remote working by delivering the advice service via telephone and online, which is how it remains to operate post pandemic. There were three channels that clients could use in order to contact an adviser. The first being telephone, if there is a high

volume of calls then they are redirected to the national citizens advice call centre to pick up. If it is deemed that the local office needs to deal with the issue then it is referred back. The benefits of the phone line were that whilst there could be a delay to being answered, everyone would eventually be answered.

The secondary channel that the service provided was email advice, on the webpage there is a contact us section for clients to fill in which then automatically generated an email to CAB and clients would be responded to within 48 hours. This provision provided those with out of operational hours jobs the ability to contact someone about an issue. Members were informed that if further information was required then the Advisor would call the client or email back, depending on the contact information they had provided, in order to ensure the client is fully supported.

The third channel was via the CAB website which contained an advice section covering a variety of issues and links to other trusted agencies and websites. These advice pages were updated on a monthly basis in order to ensure information was always correct.

Members were provided with a number of statistics comparing the 9 months prior to lockdown and the 9 months from April to December 2022, in order to show the vast increase in clients assisted but to also to show that the amount of Debt managed and Benefit gain had decreased. It was felt that the offer of telephone, email and the website was required and had been a success but it was acknowledged that there was a need for a blended service going forward with the additional offer of face to face appointments, particularly to aid people in filling in forms.

Members were provided with a number of case studies to demonstrate the types of issues being dealt with and their positive outcomes.

Members were informed that a mixture of paid and volunteer advisers were used within the service who were all trained to resolve clients' issues. There were a number of benefits to using volunteers as more clients were able to be attended to and it also gave the individual volunteer the confidence to then go back into paid employment and further education, over 50% of volunteers had left to gain employment.

There were added values of the CAB Service in that it was part of the Barnsley Food Bank Partnership and a referral agency for food parcels. The service also had access to the fuel vouchers scheme so could help people struggling on a pre-payment metre. A recent funding pot from Barnsley Council had been received in order to hand out shopping vouchers, for a wide range of shops, where these were deemed a better fit for the client, as opposed to food parcels, after being seen by an adviser. Food vouchers enabled the client to buy anything they wished including dog food and fuel logs, but it was noted that there were restrictions on the vouchers being used for alcohol, gambling and tobacco.

Members enquired as to how the fuel vouchers were distributed to clients. In response, members were informed that a code would be generated for the client to use for a pre-payment metre and that these could not be used for someone who pays by direct debit.

The future forecast was that the service would see an increase in demand for help and advice due to the cost of living crisis, the economy, increase in energy costs and the possibility of businesses having to downsize or close due to those pressures, impacting on a wide range of people.

RESOLVED that thanks be given for the presentation and the hard work undertaken by the Barnsley Citizens Advice Bureau.

33 Quarter 3 Performance Report (Pac.09.02.2023/5)

The Area Council Manager provided members with an overview of performance for Quarter 3 and all contracted Services.

It was highlighted to members that following the publication of the report a number of figures in the statistics table required updating including: Activities involving Young People under the age of 18 had changed from 25 to 43, People Achieving a Qualification/Accreditation had changed from 0 to 5, this was as a result of a number of students from Angel Voices who had received The Associated Board of the Royal Schools Music (ABRSM) qualification and People Receiving Training should be 25, all of whom were from Penistone Grammar School who had put 15 students through peer support mentor training.

Twiggs Grounds Maintenance continued to meet their targets with 12 groups worked with, all of which were established, there had been 22 individual projects worked on which were either independent projects or requests from Councillors, 14 social action initiatives and 20 activities with businesses. There had been an improvement to work with schools as more were opening up to visitors following the pandemic and further work had taken place around the Take a Seat Campaign. There had been a number of staffing changes but regular meetings were being held and a fortnightly update was provided to the Area Manager.

Age UK had commenced their new contract with some new staff members and there had been 28 regular volunteers with 2 new ones being trained up. There remained a challenge with recruiting drivers for the Community Car Share Scheme, new ways to attract drivers was to be explored. Men in Sheds continued to go well with 21 regular attendees. Members heard that they were in the process of moving to a new venue near Scout Dyke.

Members were provided with a comprehensive update of all the projects and initiatives that Age UK had been and continued to be involved in around the Penistone Area. It was suggested that Age UK be invited to the Area Council Meeting to be held in April 2023 to provide members with a more detailed update of their contract.

DIAL had submitted their last report for the previous contract as they had commenced their new contract in January 2023. There had been continued face to face advice in Penistone Town Hall by appointment only, and whilst not as many clients could be seen, it was deemed as the most effective way to help people, particularly when helping to fill forms in. In comparison to quarter 1, the amount of people accessing the service had significantly reduced from 170 to 37, this was a consequence of returning to face to face appointments. However, there was a lot of

added value to the contract in that centralised funds from the Council supported the phone service which included 89 contacts from the Penistone Area for Quarter 3. DIAL were also providing additional support through energy advisers and More Money in Your Pocket events planned for the area.

The Supporting Young People Grant Fund had 4 projects being delivered. Ad Astra continued working in Penistone Grammar School delivering weekly groups and one to one sessions to support young people with emotional wellbeing, concerns from Year 7 children around transition from primary to secondary school and friendship groups amongst other things. 12 Sessions had been delivered since the project started and there were discussions with the school to look at young people from the group sessions accessing the schools peer mentoring qualification in the future.

Penistone Grammar School are going to be supporting 50 students with a level 2 qualification in peer mentoring, of which 25 students had received a one day training session with a third year medical student and workbooks had been submitted for marking with a view to gaining their qualification later in the year. A number of inspirational speakers had been invited into the School to speak about a number of issues to enhance their knowledge of the wider world.

Angel Voices had 5 pupils gain their ABRSM qualification and 6 more had been approached to audition for TV talent shows such as Britain's Got Talent and The Voice Kids. Money raised by the concerts has helped a number of charities and Cawthorne Village Hall.

Girlguiding West had commenced their Girls Going Away Badge which would enable girls to learn and prepare for being away in preparation for the proposed events at Kingswood to be held later in the year.

Members were provided with a brief overview of the work undertaken by the Area Team during Quarter 3.

RESOLVED that the report be noted.

34 Use of Ward Alliance Funds (Pac.09.02.2023/6)

Members received the report, noting its contents. The Area Council Manager drew particular attention to £9,515.23 which remained in the budget. Members were informed that there were a number of applications that had been received for approval at a future meeting of the Ward Alliance which, if approved, would leave an estimated £3,900.

RESOLVED that the report be noted.

35 Procurement and Financial Update (Pac.09.02.2023/7)

The item was introduced by the Area Council Manager who drew attention to the Age UK contract and that it was due to end it's first year of a 2 year contract in June 2023. It was recommended to members that Age UK be invited to the Penistone Area Council Meeting to be held 6 April 2023 to present an overview of outcomes for the first year of the contract.

Members attention was drawn to the Working Together Grant Fund which was low at £10,986. It was recommended that £80,000 be allocated from the Penistone Area Council budget in order to enable the Area Council to consider new innovative approaches to addressing local need emerging from the rising cost of living.

Members were informed that the Practical Support Grant monies which had been left over from covid had £13,485 remaining. Some of this money had been used to support DIAL and the remaining money would be used for the CAB contract.

It was recommended to members to hold a workshop meeting to hold further discussions to agree the outcomes for the Clean, Green and Tidy Contracts six month waiver contract, being mindful not to move too far from the contract already agreed. Members were informed that £50,000 would be allocated for this contract going forward into the 2023/2024 Penistone Area Council budget.

Members were provided with an overview of the 2022/23 budget. It was noted that, if the proposed budget allocations set out as above were approved, the remaining allocation to be carried forward into the 2023/24 financial year would be £8,059.

RESOLVED:-

- (i) that the update of the contract funded by the Supporting Isolated and Older People Grant Fund be noted;
- (ii) that the update on the current financial position of the Penistone Working Together Fund be received and noted and that the allocation of additional funds of £80,000 to the grant pot from the 2022/23 budget in order to meet agreed PAC priorities for the next financial year be agreed;
- (iii) that the update on the Supporting Young People ringfenced funds within the existing Working Together Grant Fund be received;
- (iv) that the updates on the Clean and Tidy contract, which commenced in April 2020, be noted and that further discussions to consider and agree outcomes needed for the 6 month extension to the contract be agreed;
- (v) that the update on the Ward Alliance budget be noted; and
- (vi) that the record of allocated spend from the current financial budget for 2022/23 and the projected end of year financial statement for Penistone Area Council be noted

Chair

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MEETING:	South Area Council
DATE:	Friday 17 February 2023
TIME:	10.00 am
VENUE:	Meeting Room 1 - Barnsley Town Hall

MINUTES

Present Councillors Markham (Chair), Eastwood, Franklin, Frost, Higginbottom, Lamb, Osborne, Shepherd, Smith, Stowe, Sumner and White

22 Declarations of Pecuniary and Non-Pecuniary Interests

Councillor Higginbottom declared a non-pecuniary interest in minute number 28 he is employed by Age UK and minute number 27 as the SLA mentioned in the report comes under his Cabinet Portfolio.

Councillor Frost declared a non pecuniary interest in minute number 28 as a Treasurer of Age UK.

Councillor Markham declared a non-pecuniary interest in minute number 28 due to holding a position on the Age UK Board.

Councillor Osborne declared a non-pecuniary interest in any item on the agenda insofar as discussion related to Berneslai Homes Board as he serves on the Board.

23 Minutes of the Meeting of South Area Council held on 16 December 2022 (Sac.17.02.2023/2)

The meeting considered the minutes of the South Area Council held on 16 December, 2022.

RESOLVED that the minutes of the South Area Council held on 16 December 2022 be approved as a true and correct record.

24 Notes of the Ward Alliances (Sac.17.02.2023/3)

The meeting received the noted from the following Ward Alliances:- Hoyland Milton and Rockingham held on 23 November 2023, Darfield held on 19 January, 2023 and Wombwell held on 16 January 2023.

RESOLVED that the noted from the Ward Alliances be received.

25 Bernesali Homes - Cost of living and resident support - Tracey Powers, Tenant First Service Manager (Sac.17.02.2023/4)

Tracey Powers, Tenant First Service Manager and Sharon Laister were welcomed to the meeting.

Members were provided with an overview of the work being undertaken by the Tenants First Service. A leaflet was handed to members, which was also being handed out to tenants, containing comprehensive details of the work covered by 5 specialist area teams which included:

- Family Intervention
- Financial Tenancy Support
- Housing Coaches
- Employment and Training Support
- Mental Health Housing Support

Members were informed that the Financial Tenancy Support Team had seen a significant increase in demand due to the cost of living crisis. Support for those experiencing severe financial hardship was provided through the Berneslai Homes Hardship Fund and Housing Support Grants. Letters of support had been sent out to around 1050 tenants who were already in rent arrears, to inform them of the help available in advance of the impending rent increase. Additional grant funding had been secured from the UK Shared Prosperity Fund, Poverty vs Neglect, which had aided in providing tenants with hygiene packs, white goods, Hoover and cleaning materials.

It was reported that there were 6 Tenant Support Officers that were champions in different areas in order to provide specialised support, including, Universal Credit, Energy, Yorkshire Water, Food and Clothing and Cost of Living Champions. A dedicated Citizen's Advice Bureau Adviser was also on hand to help with debt advice. The Champions were able to help with an array of issues including energy vouchers, grants to have arrears written off, lower bills for water and help to cover parts of the rent due to bedroom tax.

Members queried as to whether there was a Pension Credit Champion to encourage older people to claim as a number of tenants would be eligible and not aware they could claim it, which in turn would open up a number of other benefits. It was noted that there was not a specific Pensions Credit Champion as those roles were around information providing and not targeting specific tenants. However, members were informed that this was something that would be taken away and looked into.

Queries were raised around tenants who were using pre-payment metres and not cashing in vouchers which were expiring. In response members were informed that the Service were aware of this issue and work was being undertaken to provide some communication to support tenants around this issue.

Members were interested to hear the demographics for the South Area of the types of problems the Team encountered, what types of families or ages presented the most with specific issues and whether these were more prevalent in certain areas than others. Members were informed that there was no specific area data but that across the board single people with universal credit were the worst off as they did not have enough money to live off. It was also highlighted that single men who only saw their children on weekends were often in need as they had to deal with bedroom tax.

It was recognised that tenants of a pensionable age were the ones that would be least likely to come forward for help and assistance as opposed to those on benefits who would be the ones most likely to come forward.

Members raised concerns around the sending out of letters and leaflets and the possibility of these being ignored as opposed to going out and knocking on doors and speaking to people. In response members were informed that the leaflets had been distributed across the Borough through a number of agencies and events and also to the wider Berneslai Homes staff, in order to be proactive in handing out leaflets when visiting properties for repairs or for other business. Referrals were received from a variety of sources including Social Services, Housing Management Officers and the Benefits and Taxation Team.

Concerns were raised that the leaflets had not been seen at Community Groups within the South Area, feedback would be provided in order to rectify this issue.

RESOLVED that Tracey Powers and Sharon Laister from the Tenancy First Team be thanked for their presentation and continued hard work of all those involved in providing the service.

26 Smoking Cessation Service Update - Dayna Towns, South West Yorkshire Partnership NHS Foundation Trust (Sac.17.02.2023/5)

Dayna Towns, Community Stop Smoking Adviser (South), provided an update in relation to Yorkshire Smokefree Barnsley.

Members were informed that Dayna had been in post since August, 2021 whose main role was to promote and develop Yorkshire Smokefree Barnsley across the South Area. The role allowed for Dayna to work closely with community groups, and promote general health and wellbeing to members of the community and signpost them to relevant services.

Members noted the Key Performance Indicators and that the annual target may not be met for registrations into the service, although it was noted that some figures for the end of January were yet to be included within the forecast. However, the number of quits at 4 weeks and at 12 weeks had exceeded their targets. This information had highlighted the need for more support with referrals as once people were in the system it was a success.

Members heard of the variety of work being carried out in the South Area in order to promote the service including, face to face clinics, attending Winter Warmth and Cost of Living events. Sending promotional posters and leaflets to GP surgeries and pharmacies as well as online media posts. Training had been carried out with a number of community services in how to make referrals into the service and support was provided to Stop Smoking Advisers within GP practices in order to keep them up to date with changes in best practice.

Members were informed that targeted work to gain access to workplaces in order to set up health and wellbeing programmes remained a barrier. Members were asked if they could provide any links into these workplaces in order to help set these up.

New resources would be made available on social media platforms to promote clinics. Plans were also in place to create content around advisers by making them more personable by including pictures of who the adviser is in the clinic and what an appointment would entail. Alternative posters would be designed to be based in dental surgeries, children's centres and veterinary practices. Client stories would be shared on the South Area Council social media platform on a monthly basis.

Looking forward, future development that would be taking place would include attending more events and linking in with services such as Age UK. Training would be provided to Community Development Officers, Private Housing Officers and Family Centre Workers in how to make referrals into the system. Plus a variety of other events in the South Area.

Councillors queried as to whether it would be advantageous to promote the fact that 90% of the South Area do not smoke and whether to aim the campaign towards the younger generation. In response it was acknowledged that this would be taken on board and included in future promotional material.

It was recognised that there was a desire and a need to push for advisers to return to schools in order to aid pupils in stopping smoking. In response members were informed there were no immediate plans to liaise with schools but this would be looked into in the future.

Members raised concerns around people turning to vaping after smoking and the dangers therein. In response they were informed that guidelines stated that vaping was 95% safer than smoking but that it was clients choice whether to use one to aid stopping smoking tobacco and was not an option promoted as part of the Service.

It was reported that further work, separate to the Stopping Smoking Service, was being undertaken to tackle vaping, particularly in the younger generation. A funded incentive scheme had been set up in collaboration with Barnsley College to help stop vaping and there were plans to lobby and work with the Government and Regional Public Health Teams in order to achieve this.

Members were informed that 17% of the Barnsley population smoked and with the increased cost, it was a significant contribution to poverty. There was a fear that due to this people would turn to illicit tobacco that would be even more harmful to people's health. Smoking was the leading cause of preventable deaths which could be reduced if more people were referred into the programme.

Members enquired as to the range of reasons why people smoked and wished to quit. It was reported that reasons for quitting varied from affordability to health but, it was highlighted that smoking was an addiction and as difficult to give up as crack cocaine. There were plans to rename the service from the Stopping Smoking Service to the Tobacco Treatment Service to reflect the fact that it is an addiction that needs treating.

Routine and manual male workers were one of the highest demographic of smokers, as well as health workers. Work was being undertaken to tackle this with the health service and there were hopes of getting into more work places.

Members noted that the numbers of young people smoking had reduced significantly but there was no data to show whether they had moved onto vaping instead, as smoking was no longer socially acceptable.

Members suggested that following the success of the Smokefree zones in Hoyland Town Centre, Elsecar Park and Wombwell High Street that this be expanded to a Smokefree South Area. It was hoped word of mouth would give this plan momentum.

RESOLVED that the Chair and members thank Dayna for the presentation and continuous hard work being undertaken.

27 Procurement and Financial Update (Sac.17.02.2023/8)

The Area Council Manager introduced the item and referred members to the South Area Tidy Team Service which was due to end 31st March 2023. Members were informed that work was ongoing with various BMBC departments to facilitate the conclusion of the contract with Twiggs Grounds Maintenance.

Members attention was then brought to the District Enforcement Limited – Environment Enforcement contract, of which the South Area Council had bought in additional resources which would cease on the 31 March 2023.

A number of issues were highlighted following a Members briefing with District Enforcement held on 10 February 2023. A further workshop would be arranged by the South Area Council Manager to provide an update picture of current provision.

Members noted that there was an additional £7,000 revenue from tickets issued which could also be used to purchase more hours or, a suggestion made by a Councillor had been put forward, to purchase litter picking equipment.

The options set out in the report were reiterated to members and in the ensuing discussion the following points were raised:

- Need to look at how to maximise the number of patrol hours. Whether it would be an option to have the enforcement officers based in the LIFT Centre Hoyland in order to reduce travel time.
- A review of current patrol areas and hotspots to take place at a future workshop.
- Whether there was provision for enforcement patrols at school drop off and pick up times, Kirk Balk was highlighted as a particular hotspot.
- Consideration of additional hours for school patrols to be considered at the workshop alongside the £7,000 revenue allocation.
- The thoughts around allocating the £7,000 revenue on litter picking packs was to encourage future environmentalists and volunteers in the area.
- Members queried whether the contract was having the significant educational impact it had hoped to promote and whether it was changing behaviours of residents around parking.
- Members requested that 'drive offs' received follow up letters to their home addresses educating them on safe parking.

- Any enforcement around schools would be around being visible and educating parents as a mechanism to modify behaviours.
- A more in depth contract breakdown of performance in each area was requested in order to make a comparison of the services being delivered Borough wide.

After a full and frank discussion, members were minded to approve option B and it was proposed to continue the contract for 3 months subject to an ongoing review of the service and to address the issues raised. The decision around the £7,000 spend would also be reviewed during this time, but it was noted that there was a preference put forward to ring fence this money to provide capacity to support schools to reduce parking issues.

RESOLVED:-

- (i) that the update and current position on the South Area Tidy Team Service and new service in development be noted;
- (ii) that the proposal for the South Area Council Manager to hold a Members workshop to develop an agreed scheduled work plan from the 1 April 2023 and to discuss any unallocated Area Council funding with a view to developing future proposals be agreed;
- (iii) that the information provided on the District Enforcement Ltd additional hours, which ends on 31 March 2023 be noted;
- (iv) that Option B, to extend the purchase of additional hours with District Enforcement Ltd for a period of 3 months from 1 April 2023 to the end of June 2023, at a cost of £6,000 plus £438 for the Service Level Agreement with Barnsley MBC, be agreed;
- (v) that the District Enforcement estimated revenue of £7,000 be noted and that members review the spend allocation alongside the Additional Hours contract review.

28 Performance Report Q3 (Sac.17.02.2023/6)

The Area Council Manager presented members with the Q3 Performance report containing an update of each of the contracted services.

It was highlighted that 529 people had received access to local information and advice through Citizen’s Advice Bureau, Age UK and the Housing Enforcement Officer during Quarter 3 which was positive as the contracts had been in place for a number of years and were still in demand.

The Tidy Team contract would end on 31 Mach 2023. The South Area Council Manager was working with a number of internal officers to facilitate the end of the Tidy Team Contract and launch of the new arrangements.

Members were clear that the new arrangements needed to have a clear and transparent performance review and targets in place. In response members were informed that the Area Council Manager had met with Officers to look at the SLA.

The Age UK service had seen a number of referrals from external agencies such as GP's, social prescribing and the South Area Council Private Sector Housing Officer. There had also been an increase to self and family referrals of relatives, some of which had turned into complex cases.

The engagement of men within the service had always proved difficult but there had been success in securing the Wombwell Scout Hut for the Men's Club. It was noted that there was a desire to do something similar in each ward whilst not duplicating already established clubs.

During the period 16 new clients had been seen along with 8 known clients with the vast majority of work being benefit related enquiries. Benefit gains within the quarter were £10,317.

Members raised concerns that promotional materials from Age UK did not include details that the service was funded from the South Area Council. It was requested that the Area Council Manager remind Age UK that this must be included in all promotional materials going forward in order to publicise what the Area Council is doing for the Area.

Members were provided with a brief overview of the work being carried out by the Private Sector Housing Enforcement Officer. It was highlighted that due to the large range of issues affecting private tenants, the Housing Enforcement Officer had completed a number of training courses in order to have a wider understanding of what is available to residents.

Members queried the difference in numbers of visits in each area and why Wombwell was considerably larger. In response it was acknowledged that Wombwell had a higher number of private landlord owned properties. Members requested whether it was possible to have a breakdown of the numbers of private rented houses in each ward in order to make better comparisons of the numbers of interventions made.

Following previous concerns of CAB having enough capacity and ability to support the number of clients due to the amount of demand coming through the service, it was noted that the Welfare Rights contract currently has 73% of clients self-serving or partial self-serving by going online to fill in paperwork and carry out research. Members noted that within the quarter the service had managed £67,064 of debt and £137,097 of benefits gains.

RESOLVED:-

- (i) that the Area Council Manager be requested to contact Age UK to remind them that it is a requirement to advertise on their promotional material that the Service is funded by the South Area Council;
- (ii) that the report be noted.

29 Report on the Use of Ward Alliance Funds (Sac.17.02.2023/7)

The Area Council Manager introduced the item, noting that this would be the last report before the financial year end. Members noted that 42 projects had been

supported or delivered through the Ward Alliances with a further 8 in development by the end of March 2023.

An update on finance remaining was provided. Following potential approval for future projects Hoyland Milton and Rockingham had around £1321 remaining and Darfield would have £414 remaining and Wombwell would have used all their budget if the money is used on the proposed defibrillators project and hanging baskets.

RESOLVED that the report be noted.

Chair

Item 25



MEETING:	Cabinet
DATE:	Wednesday 25 January 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors T. Cave, Franklin, Higginbottom, Howard, Lamb (Chair), Makinson and Platts

Members in Attendance: Councillors Bowser, Cain, Cherryholme, Eastwood, Osborne and Peace

170. Declaration of pecuniary and non-pecuniary interests

Councillor Osborne declared a non-pecuniary interest as a Board Member at Berneslai Homes.

171. Leader - Call-in of Cabinet decisions

The Deputy Leader reported that no decisions from the previous meeting held on 11 January 2023 had been called in.

172. Minutes of the previous meeting held on 11 January 2023 (Cab.25.1.2023/3)

The minutes of the meeting held on 11 January 2023 were taken as read and signed by the Chair as a correct record.

173. Decisions of Cabinet Spokespersons (Cab.25.1.2023/4)

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

174. Petitions received under Standing Order 44 (Cab.25.1.2023/5)

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

175. Co-ordinated Scheme for Admission to Schools 2024-25 (Cab.25.1.2023/6)

RESOLVED that Cabinet:-

1. Approves the proposed co-ordinated scheme for admission to schools 2024-2025 to ensure compliance with school admissions legislation.

176. Admission Arrangements for Community and Voluntary Controlled Primary and Secondary Schools for the 2024-25 School Year (Cab.25.1.2023/7)

RESOLVED that Cabinet:-

1. Approves the proposed policy of admission to community and voluntary primary and secondary schools in the Borough to ensure compliance with school admissions legislation during the 2024/25 school year.

177. Post-16 Education Consultation for Young People with Education, Health and Care Plans (Cab.25.1.2023/8)

RESOLVED that Cabinet:-

1. Approves the change to practice so that the amount of education a young person with an EHCP receives in FE is based on their individual educational needs; and
2. Agrees that implementation be delayed from September 2023 until September 2024 in response to the consultation; and
3. Agrees that development of the Post-16 five-day offer, should be finalised in September 2023 and implemented for September 2024.

178. Barnsley Safer Roads Strategy 2023 - 2033 (Cab.25.1.2023/9)

RESOLVED that Cabinet:-

1. Adopts the Barnsley Safer Roads Strategy; and
2. Supports the step change in the Barnsley Council approach to road safety culture, by championing the new Safe System approach and creation of a shared responsibility and understanding required to see an improvement in road safety locally – so *Our people travel to arrive*.

.....
Chair

Item 26



MEETING:	Cabinet
DATE:	Wednesday 8 February 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), T. Cave, Franklin, Frost, Higginbottom, Howard, Lamb, Makinson and Platts

Members in Attendance: Councillors Bowser, Cain, Eastwood, Osborne and Peace

179. Declaration of pecuniary and non-pecuniary interests

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

180. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 25 January 2023 had been called in.

181. Minutes of the previous meeting held on 25 January 2023 (Cab.8.2.2023/3)

The minutes of the meeting held on 25 January 2023 were taken as read and signed by the Chair as a correct record.

182. Decisions of Cabinet Spokespersons (Cab.8.2.2023/4)

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

183. Petitions received under Standing Order 44 (Cab.8.2.2023/5)

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

184. Medium Term Financial Strategy 2023-26 (Cab.8.2.2023/6)

RECOMMENDATION TO FULL COUNCIL ON 23 FEBRUARY 2023

RESOLVED that Cabinet:-

1. Notes the contents of the updated Medium Term Financial Strategy 2023-2026; and
2. Recommends to Full Council on 23 February 2023 that the report of the Service Director Finance (S151 Officer), under Section 25 of the Local Government Act 2003 at Section 1 be noted, that the 2023/24 budget proposals be agreed and that the Chief Executive and Senior Management Team (SMT), in consultation with Cabinet Spokespersons, submit, for early

consideration, detailed plans that ensure the Council's ongoing financial sustainability in 23/24 and beyond; and

3. Recommends to Full Council on 23 February 2023 that the revised Medium Term Financial Strategy (MTFS) and Budget Forecast for 23/24 to 25/26 contained in the budget pack attached at Section 2 (supported by the suite of background papers in Sections 2a – 2d) be noted and that these are monitored as part of the arrangements for the delivery of the MTFS; and
4. Recommends to Full Council on 23 February 2023 that provision of £35.4M to cover anticipated demographic and other cost pressures in 23/24:
 - Pay (£9.0M),
 - Energy (£5.3M),
 - Children's Social Care including the development plan costs (£7.0M),
 - Adult Social Care including hospital discharges (£6.5M),
 - Homes to School Transport (£1.2M),
 - Waste Services (£0.9M),
 - Inflation on major contracts e.g., PFI (£3.1M),
 - Funding borrowing costs (£0.6M),
 - Investment in legal resource (£0.5M),
 - Investment in car parking (£0.5M),
 - Youth zone running costs (£0.8M)

be approved for inclusion in the budget as identified at Section 2; and

5. Recommends to Full Council on 23 February 2023 that the budgetary provisions previously set aside in the 22/23 budget for demography, demand and energy costs totalling £9.2M be approved to be released to mitigate the above pressures; and
6. Recommends to Full Council on 23 February 2023 that the specific Adult Social Care grant of £2.1M received in the 2022 Local Government Finance Settlement be used to contribute to the funding of inflationary pressures in the care sector; and
7. Recommends to Full Council on 23 February 2023 that the increase in the Better Care Fund of £1.9M received in the 2022 Local Government Finance Settlement be used to fund the cost of hospital discharges; and
8. Recommends to Full Council on 23 February 2023 that £7.5M of additional general social care funding received in the 2022 Local Government Finance Settlement be set aside pending further assessment of the emerging financial risks relating to Childrens and Adults Social Care; and
9. Recommends to Full Council on 23 February 2023 that reserves totalling £5.5M be used to further mitigate the pressures above, strictly on the basis of this being a temporary bridging strategy to permanently aligning ongoing spend and income over the MTFS planning period; and

10. Recommends to Full Council on 23 February 2023 that the proposed efficiency savings in 23/24 highlighted in Section 2 and detailed at Section 4a – 4e be approved for implementation and that Members also note the development of a transformation programme to help deliver balanced budget positions over the medium term (24/25 – 25/26); and
11. Recommends to Full Council on 23 February 2023 that the Council's reserves strategy and updated reserves position at Section 2b be noted; and
12. Recommends to Full Council on 23 February 2023 that the proposed changes to the 23/24 fees and charges policy and accompanying schedule of charges set out at Section 2d be approved; and
13. Recommends to Full Council on 23 February 2023 approval of the cash limited budgets for each Service with overall net expenditure for 23/24 of £230.4M as highlighted in Section 5a; and
14. Recommends to Full Council on 23 February 2023 consideration of the budgets for all services be given and to approve the 23/24 – 25/26 budget proposals presented at Sections 5a – 5c, subject to Cabinet receiving detailed implementation reports where appropriate; and
15. Recommends to Full Council on 23 February 2023 consideration and approval be given to the changes to the schools funding formula including the transfer of funding from the schools' block to the high needs block and approve the proposed 23/24 schools block budget as set out at Section 5d; and
16. Recommends to Full Council on 23 February 2023 that the capital investment schemes totalling £12.4M (Section 6 Appendix 1), be included within the capital programme and released subject to receiving further detailed business cases where appropriate; and
17. Recommends to Full Council on 23 February 2023 that £2M is provisionally set aside for additional investment in repairing the borough's highways (principal roads/side streets) and released subject to receiving a further detailed report on plans for its use; and
18. Recommends to Full Council on 23 February 2023 that the Chief Executive and SMT, in consultation with Cabinet Spokespersons, be required to submit reports into Cabinet, as a matter of urgency, in relation to the detailed General Fund Revenue Budget for 23/24 on any further action required to achieve an appropriately balanced budget in addition to those proposals set out above; and
19. Recommends to Full Council on 23 February 2023 that the Chief Executive and SMT be responsible for managing their respective budgets including ensuring the implementation of all approved saving proposals; and
20. Recommends to Full Council on 23 February 2023 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; and

21. Recommends to Full Council on 23 February 2023 that Cabinet and the Section 151 Officer be authorised to make any necessary technical adjustments to form the 23/24 budget; and
22. Recommends to Full Council on 23 February 2023 that appropriate consultation on the 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
23. Agrees that the budget papers be submitted for the consideration of the full Council.

185. Housing Revenue Account - 2023/24 Budget and Investment Proposals 2023-28 (Cab.8.2.2023/7)

RECOMMENDATION TO FULL COUNCIL ON 23 FEBRUARY 2023

RESOLVED that Cabinet:-

1. Notes the cost pressures on the HRA and efficiencies being proposed to mitigate these to support the longer-term investment needs of the housing stock; and
2. Notes the HRA Medium Term Financial Strategy (MTFS) as set out in paragraphs 2.20; and
3. Recommends to Full Council on 23 February 2023 approval of the Housing Revenue Account Draft Budget for 2023/24, as outlined in paragraph 2.22 and detailed in Appendix 1, including the proposed revenue investments totalling £1.1M, [Appendix 2, paragraph 2B refers], with any final amendments being delegated to the Cabinet Spokesperson for Growth & sustainability and the Executive Director for Growth & Sustainability in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151); and
4. Notes the acceleration of EPC and stock condition survey works to complete fully during 2023/24; and
5. Recommends to Full Council on 23 February 2023 approval of a rent increase of 6.5%, which is under the Government's Rent Cap of 7%; and
6. Recommends to Full Council on 23 February 2023 approval of a non-dwelling rent increase in line with CPI; and
7. Notes that both service charges and district heating charges will be subject to a separate review during 2023/24; and
8. Recommends to Full Council on 23 February 2023 approval of the 2023/24 Berneslai Homes Management Fee totalling £15.453M [Appendix 2, paragraph 2C refers], with any final amendments delegated to the Cabinet Spokesperson for Growth & Sustainability and the Service Director, Regeneration & Culture in consultation with the Cabinet Spokesman for Core Services and the Service Director -Finance (S151); and

9. Recommends to Full Council on 23 February 2023 approval of the 2023/24 Berneslai Homes Management Fee for both Gypsy Sites, and the European Social Fund (ESF) Grant totalling £0.216M, both of which are charged to the Authority's General Fund [Appendix 2, paragraph 2D refers]; and
10. Recommends to Full Council on 23 February 2023 approval of the Core Housing Capital Investment programme for 2023/24 totalling £20.394M [£14.849M to maintain decency and £5.545M supplementary works] and noting of the indicative programme for 2024/25 through 2027/28, outlined in paragraphs 2.24 – 2.25; and
11. Recommends to Full Council on 23 February 2023 approval in principle, of the proposed capital schemes totalling £42.330M, subject to individual reports as appropriate, in line with the Council's governance arrangements [paragraphs 2.26 – 2.29 refer]; and
12. Recommends the report to Full Council on 23 February 2023.

186. Lettings Policy 2023 (Cab.8.2.2023/8)

RECOMMENDATION TO FULL COUNCIL ON 30 MARCH 2023

RESOLVED that Cabinet:-

1. Endorses the final draft Lettings Policy, noting and supporting the areas of significant change, and resolves to recommend to Full Council with any minor amends to be delegated to the Service Director for Regeneration and Culture in consultation with the Portfolio Holder for Growth and Sustainability.
2. Notes and supports the Implementation Plan and Timescales for the adoption of the new Lettings Policy from 1st December 2023.

187. Acceptance of National Portfolio Organisation Funding from Arts Council England for Barnsley Museums (Cab.8.2.2023/9)

RESOLVED that Cabinet:-

1. Approves the funding allocation; and
2. Approves the delivery of the agreed activity.

188. 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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189. Community Energy Project: Council Homes PV Project (Cab.8.2.2023/11)

RESOLVED that Cabinet:-

1. Notes the progress made in developing the Heads of Terms for the delivery of the Council Homes PV scheme and associated business model and approves the proposed changes to the Concessions Agreement (as set out in the Heads of Terms) which seeks to strengthen the governance arrangements of the partnership and better enable future delivery of projects of this nature; and
2. Notes the role that the Council has as Custodian Trustee of Energise Barnsley and supports the nomination of the Service Director of Law and Governance to represent the Council in performing this function; and
3. Delegates approval and 'sign off' of the final variations to the Concession Agreement, which will be prepared jointly between Walker Morris, the Council's Legal Team and representatives of Energise Barnsley management company, to the Service Director of Law and Governance.

.....
Chair

Item 27



MEETING:	Cabinet
DATE:	Wednesday 22 February 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), T. Cave, Franklin, Frost, Higginbottom, Howard, Lamb, Makinson and Platts

Members in Attendance: Councillors Bowser, Cain, Cherryholme, Eastwood and Osborne

190. Declaration of pecuniary and non-pecuniary interests

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

191. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 08 February 2023 had been called in.

192. Minutes of the previous meeting held on 8 February 2023 (Cab.22.2.2023/3)

The minutes of the meeting held on 08 February 2023 were taken as read and signed by the Chair as a correct record.

193. Decisions of Cabinet Spokespersons (Cab.22.2.2023/4)

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

194. Petitions received under Standing Order 44 (Cab.22.2.2023/5)

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

195. 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>
196	Paragraph 2
197	Paragraph 3

196. Proposed Refurbishment and Reconfiguration of the Kendray Resource Centre to Accommodate Additional Provision for Pupils with Special Educational Needs (Cab.22.2.2023/7)

RESOLVED that Cabinet:-

1. Approves arrangements leading to the refurbishment and reconfiguration of the Kendray Resource Centre to increase education provision to be used exclusively by children with special educational needs as summarised in the report, with effect from the 2023/2024 school year; and
2. Approves the commissioning of up to 16 additional places for pupils with SEND including Social, Emotional and Mental Health (SEMH) needs at the Kendray Resource Centre, with provision as detailed in the report; and
3. Agrees the financial implications arising from the report, be included in the Capital Programme and released in accordance with the financial regulations code of practice C5.2(a); and
4. Approves the granting of a new lease to the Wellspring Academy Trust for up to 25 years at the Kendray Resource Centre at nil rent; and
5. Agrees that the Head of Property be authorised to finalise Heads of Terms for the new lease to the Wellspring Academy Trust; and
6. Agrees that the Service Director (Legal and Governance) be authorised to complete the new lease to the Wellspring Academy Trust.

197. Organic Waste Contract 2023 (Cab.22.2.2023/8)

RESOLVED that Cabinet approves the appointment of a new contractor for the disposal of organic waste following a new tender process, providing it could be contained within current resources.

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Chair

Item 29



MEETING:	Cabinet
DATE:	Wednesday 8 March 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), T. Cave, Franklin, Frost, Higginbottom, Howard, Makinson and Platts

Members in Attendance: Councillors Bowser, Cain, Cherryholme, Eastwood and Osborne

198. Declaration of pecuniary and non-pecuniary interests

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

199. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 22 February 2023 had been called in.

200. Minutes of the previous meeting held on 22 February 2023 (Cab.8.3.2023/3)

The minutes of the meeting held on 22 February 2023 were taken as read and signed by the Chair as a correct record.

201. Decisions of Cabinet Spokespersons (Cab.8.3.2023/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 17 February 2023 were noted.

202. Petitions received under Standing Order 44 (Cab.8.3.2023/5)

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

203. School Term and Holiday Dates (2024/25) (Cab.8.3.2023/6)

RESOLVED that Cabinet approves the draft proposed term times and holiday dates for 2024-2025.

204. Quarter 3 (2022/23) Corporate Performance Report (Cab.8.3.2023/7)

RESOLVED that Cabinet:-

1. Notes the contents of the Corporate Performance Report, reviewing, challenging and scrutinising its content in relation to the delivery of the Corporate Plan priorities and outcomes; and
2. Agrees that the Performance Report is shared with the Overview and Scrutiny Committee to inform and support their ongoing work programme.

205. Corporate Finance Performance Quarter 3 2022/23 (Cab.8.3.2023/8)

RESOLVED that Cabinet:-

1. Notes that the 22/23 financial position for the Council as at Quarter 3 is for a projected operational overspend of £12.1M; to be funded from reserves previously earmarked for this purpose as a one-off measure in this financial year only; and
2. Specifically notes the significant pressures which continue to be experienced within Children's Social Care; and
3. Authorises the S151 Officer to realign recurrent under and over-spending budgets across the Council as appropriate; and
4. Notes the current 22/23 forecast of a balanced position on the Housing Revenue Account; and
5. Approves the write-off of debt which is uneconomical to collect totalling £0.519M; and
6. Notes the forecast position and ongoing review of the Council's Capital Programme; and
7. Notes the key messages from the Council's Q3 Treasury Management update.

206. Implementation of changes to Elections Act 2022 and its impact on the 2023 Elections (Cab.8.3.2023/9)

RESOLVED that Cabinet notes the actions that were being taken to implement changes legislated in the Elections Act 2022.

207. NHS Health Checks (Cab.8.3.2023/10)

RESOLVED that Cabinet approves the procurement plans for the Barnsley NHS Health Check Service.

208. Establishment of Barnsley Place and ICB Place Committee (Cab.8.3.2023/11)

RESOLVED that Cabinet notes the new governance arrangements for Integrated Care in Barnsley.

209. 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>
210	Paragraph 2
211	Paragraph 3
212	Paragraph 3

210. Joint Council and NHS Project - New Learning Disability and Autism Supported Living Service (Cab.8.3.2023/13)

RESOLVED that Cabinet:-

1. Agrees to incur costs 'at risk' for feasibility works, tender pack preparation, legal support, professional services, and independent valuation of the site (funding covered by South Yorkshire ICB); and
2. Approves the undertaking of robust public consultation on the proposed development and provision of new play equipment; and
3. Approves the procurement and appointment of a Registered Housing Provider to prepare and submit a full business case to Learning Disability Capital Funding (NHS) Programme, progress design development, secure statutory permissions (in partnership with ICB), build out the site and maintain in perpetuity; and
4. Delegates authority to submit the full business case to the council's Section 151 Officer in consultation with the Executive Director of Growth and Sustainability and Executive Director of Place Health and Adult Services; and
5. Approves the contribution of the land value as match funding from BMBC; and
6. Acknowledges that agreement will be sought from the ICB for a financial contribution of £70,000 as match funding to support development of the proposals; and
7. Agrees that the Group Leader Estates be authorised to negotiate and finalise Heads of Terms for the proposed build lease and subsequent disposal; and
8. Agrees that the Executive Director Core Services be authorised to complete the necessary documentation for the proposed build lease and subsequent disposal; and
9. Agrees that the Executive Director Core Services be authorised to deal with the issuing of notices relating to the disposal of Public Open Space (POS) and consider any objections that may be received.

211. Investment in Strategic Asset (Cab.8.3.2023/14)

Councillors Franklin, Frost and Houghton declared non-pecuniary interests in this item due to an association with the strategic asset to be discussed.

Councillor Osborne declared a non-pecuniary interest as his daughter had an interest in use of the strategic asset.

Councillors Franklin, Frost and Houghton all departed the Council Chamber for the duration of this item.

Councillor Howard was elected by remaining Cabinet Members as Chair for this item only.

RECOMMENDATION TO FULL COUNCIL ON 23 MARCH 2023

RESOLVED that Cabinet:-

1. Considers and approves the background and options set out in the report; and
2. Approves the Officer recommendations and delegations as set out in the report.

212. Town Centre Reinvention (Cab.8.3.2023/15)

RECOMMENDATION TO FULL COUNCIL ON 23 MARCH 2023

RESOLVED that Cabinet:-

1. Notes the ongoing work to reinvigorate parts of the town centre around the Glass Works to enable the Council to meet its objective of achieving an inclusive thriving urban centre; and
2. Approves the Officer Recommendations as laid out in Section 2.10 of the report; and
3. Approves the delegations as set out in Section 2.11 of the report.

.....
Chair

SOUTH YORKSHIRE PENSIONS AUTHORITY

8 DECEMBER 2022

PRESENT: Councillor J Mounsey (Chair)

Councillors: R Bowser, S Clement-Jones, S Cox, B Curran,
A Dimond, D Fisher, D Nevett, A Sangar and M Stowe

Trade Unions: N Doolan-Hamer (Unison) and D Patterson (Unite)

Investment Advisors: A Devitt and T Castledine

Officers: J Bailey (Head of Pensions Administration), J Stone
(Corporate Manager - Governance), G Graham (Director), S Smith
(Head of Investments Strategy), G Taberner (Head of Finance and
Corporate Services) and R Green (Business Support Officer)

Jane Firth (Border to Coast Pensions Partnership Ltd)

Apologies for absence were received from Councillor M Havard,
G Warwick and G Richards

1 **APOLOGIES**

The Chair welcomed everyone to the meeting.

Apologies were noted as above.

2 **ANNOUNCEMENTS**

None

3 **URGENT ITEMS**

Two members of the public, Mr Henshaw and Mr Ashton were present to ask questions directly to the Authority. A copy of the question and the written response is available in the appendixes of the minutes.

Mr Ashton asked a supplementary question: With the Government opening a new coal mine, how can the Authority claim that engagement with companies is an effective course of action?

G. Graham replied: The Authority's Annual Report shows the progress that has been made via engaging with companies, but clearly there is more to do. In addition all of this activity has to be set in the context of the primary duty of the Authority to ensure the fund has funds available to pay pensions when due.

The Chair reiterated the Authority will ensure its voice is heard in Border to Coast discussions on these issues.

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

RESOLVED – That item 16 ‘Border to Coast Governance Review’ and item 17 ‘Debt Write Offs’ be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST

G. Graham declared an interest on behalf of J. Stone in regards to agenda item 14.

6 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

None

7 MINUTES OF THE MEETING HELD ON

RESOLVED – That the minutes of the meeting held on 8th September 2022 be agreed as a true record.

8 CORPORATE PERFORMANCE REPORT - Q2

Members considered the Corporate Performance Report for Quarter 2, 2022/23.

Headlines included:

- The fund maintained a strong funding level despite market conditions.
- Customer feedback positive review ratings have fallen below 90%.
- Costs, including pay pressure, is being maintained within budget.
- Increase in sickness levels
- Delays to a small number of Corporate Strategy projects that need to be rephased.
- The review of the Risk Register has provided assurance of mitigation actions being effective and resulted in reduced current score on some risks.

A. Dimond asked about the current funding level showing as over 150% of requirement.

G. Graham replied this was something of a statistical anomaly due to the timing of recording of the figures and the impact of gilt yields on the liability valuation, while subsequent events have reduced the level back to between 119% - 150%. The key message being that the funding level is strong

D. Nevett asked about the review of assets held in the legacy portfolio. What is the trajectory of pooling the assets?

S. Smith advised the this will be a medium-term project. The properties are projected to move over in the next couple of years. The infrastructure assets could take up to 10 years.

G. Graham added that some assets held by the fund have no pooling option and up to 5% of the total fund assets can be held outside of the pool.

9 APPROVAL OF THE LEVY

G Taberner introduced the annual report seeking approval of the Levy for 2023/24 under the Levying Bodies (General) Regulations 1992.

It was noted that the 2023/24 Levy had been calculated as £353,000 minus a forecast balance of £28,388 leaving a balance of £324,612.

D. Nevett asked if the levy had a specific end date when it would no longer be needed?

G. Taberner replied it will decrease as more members die but will obviously be a gradual process.

A. Dimond asked if the funding level was impacted the levy?

G. Graham confirmed these are unfunded legacy liabilities so are not affected by current funding levels.

RESOLVED: Approve a total levy of £324,612 for 2023/24 in accordance with The Levying Bodies (General) Regulations 1992, to be allocated to the District Councils in proportion to their approved council tax base shares.

10 ADVISERS COMMENTARY

A Devitt provided a market commentary on recent events.

Highlights since the last update included:

- **Inflation remains at the front and centre of government and household concerns**, and in September rose to a 40 year high, rising 10.1% (CPI). As levels stay around high single digits or even double digits in Europe and the US, there are nevertheless some signs of it faltering.

These are signs that the unemployment rate in the US rose slightly (although is still historically low) while supply shocks seem to have played out and there is evidence that the supply of goods is not still seeing price hikes.

- **Interest rates continued to rise**, with the US Fed raising rates for the sixth time this year (75 bps) in November while the Bank of England raised its rates to 3%, its eighth consecutive rate rise and the largest (75 bps) since 1989. As noted earlier, some central banks are “blinking” in the lights of economic strains and not raising by as much as expected.
- **UK employment figures remain robust**, with unemployment numbers at multi-decade lows and at numbers not seen since 1974. This was partially driven by a lower participation rate, particularly as older workers stayed out of the work force and students choosing not to work.

- **GDP growth in the UK has been flatlining** – falling by 0.6% in September and 1% in August but after growth of only 0.1% in July.
- **The political environment remains fraught**, although the new Conservative government seems less wracked with drama than the previous one and there is clearly a strong desire for stability, from fellow politicians, the general public and market participants.

The following would be watched in the coming months.

- **A Measure of Winter Cheer.** As we noted last quarter, it is critical to see what the winter brings in terms of energy pricing and consumer sentiment. With mortgage rates in the UK set to rise sharply, this will place extreme stress on certain consumer segments, and the pending more austere fiscal climate will also present challenges. How this translates into retail sales, real estate demand and corporate health will be critical.

Tech as a Canary in the Coal Mine? During the recent layoffs, many tech executives noted with chagrin their recent overly exuberant hiring and growth expectations. It is true that they did contribute to a particularly frothy employment climate.

It will be key to see if they have over-steered now, or only scratched the surface, and whether other industries follow suit. With the apparent shortage of labour in some areas and a challenge in hiring, how this all settles with respect to employment will be very interesting to watch.

- **The end of zero-Covid?** As we discussed in the spotlight on China section, there is so much still pending on the direction that Xi Jinping's united front of a government takes with respect to opening up China's economy and relaxing some of the zero-Covid restrictions that are incompatible with that. Visibility as to this, their position on trade and their aspirations with respect to Taiwan will be key to seeing how one of the world's largest economies plays its part in the years ahead.

The Chair thanked A Devitt for an interesting and informative report.

11 INVESTMENT PERFORMANCE REPORT - Q2

S Smith presented the Quarter One Investment Performance report.

This quarter was another difficult quarter for markets. Developed market equities, emerging market equities, credit and sovereign bonds all fell as investors priced in further interest rate rises and an increased risk of recession.

The overall total of the fund dropped below £10billion at the end of September but had recovered by the end of November.

The overweight position to listed equity holdings reduced as part of the asset rebalancing requirement.

Within the commercial property portfolio two small holdings were sold.

There was also a liquidating redemption made from the SL Retail Property Unit Trust. This was offset by drawdowns on the CBRE loans that we have and into the residential funds.

After the trades mentioned above only one category is outside its tactical range and this is private equity.

Changes in net investment for the categories were included in the report and showed that the Fund was being de-risked in line with the strategic benchmark.

For the quarter to the end of September, the Fund returned -1.1% against the expected benchmark return of -2.5%.

The report also contained details of the performance of Border to Coast funds.

The UK equity portfolio showed outperformance of its benchmark this quarter and is now achieving its target return since inception.

The Overseas Developed Market portfolio continued its steady outperformance.

The Emerging Market portfolio outperformed the benchmark this quarter by 1.4%, with all three managers outperforming their target index, but is still behind the benchmark since inception.

In respect to future outlook, risks of a global recession have intensified. High inflation and monetary tightening by central banks are leading to slowing growth.

The UK market has performed relatively better than other developed equity markets due to relatively high exposure to defensive stocks and commodities. It is accepted that we are already in recession and the fund will be looking to take profits as necessary.

For Overseas Equities, expect market conditions to remain volatile. Currently moderately overweight overseas equities although we are underweight emerging markets relative to benchmark.

Bonds are looking more attractive than in recent months. The fund has benefited from being underweight in bonds as rates have been increasing but there is now better value in them so will be rebalancing, with preference for index-linked bonds given our very underweight position.

The Chair thanked S Smith for the report.

12 RESPONSIBLE INVESTMENT UPDATE - Q2

G. Graham advised this was a much quieter quarter due to reduction of voting events at AGMs. The submitted report highlights the key votes Border to Coast have taken.

The funds property portfolio increased in rating to 3 stars on the benchmarking for Environmental Performance. This is a significant improvement.

Members sought further information on the process of engagement undertaken and how its effectiveness might be judged to which Mr Graham and Jane Firth from Border to Coast responded.

13 ANNUAL REVIEW OF BORDER TO COAST RESPONSIBLE INVESTMENT POLICIES.

Each year Border to Coast conducts a review of its Responsible Investment Policy and Voting Guidelines so that they can be updated for the following voting season. It is important to recognise these are all collective documents which represent the consensus position of the partner funds.

Inevitably, a degree of compromise is required in relation to the positions of the individual partner funds.

Jane Firth Head of Responsible Investment at Border to Coast presented the key changes to the various policies and explained the rationale for them.

Members in discussing the policies highlighted the potential issues arising from the fact that Border to Coast and the Authority have differing Net Zero goals, and the effectiveness of continued engagement with some companies. In addition the specific identification of human rights issues within the policies was welcomed.

RESOLVED:

- a) Endorse the various Border to Coast policies at Appendices A to C
- b) Note the publication by the Company of its Net Zero Road Map.

Councillor Dimond and Councillor Curran dissented and asked that this be minuted.

Chair thanked J. Firth for the work undertaken by her team in this area.

14 APPOINTMENT OF MONITORING OFFICER

A report was presented recommending an appointment to the statutory role of Monitoring Officer following the departure of the current incumbent. In addition the report recommended the designation of an officer as Secretary to the Border to Coast Joint Committee.

RESOLVED:

- a) Approve the appointment of Joanne Stone (Corporate Manager Governance) as the Authority's Monitoring Officer with effect from 1st January 2023.
- b) Approve the designation of Joanne Stone (Corporate Manager - Governance) as the Secretary to the Border to Coast Joint Committee with immediate effect.

15 GOVERNANCE UPDATE REPORT

A report for information only was presented updating members on various governance developments.

RESOLVED: The report was noted.

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.

16 BORDER TO COAST GOVERNANCE REVIEW

G. Graham presented a report to secure approval for revised governing documents for the Border to Coast Pensions Partnership following the completion of a governance review.

The proposed changes have all previously been supported by the Authority. Members to note Appendix D of the report, confirming there is no legal reason not to sign the documents.

RESOLVED:

- a) Authorise the Director to agree further amendments to the draft documents set out at appendices A to C to accommodate any further requirements of the Financial Conduct Authority or drafting issues.
- b) Subject to resolution a) above, to authorise the signing and sealing of the governance documents at appendices A to C on behalf of the Authority.

17 DEBT WRITE OFFS

G. Taberner presented a report to request the Authority's approval to write off irrecoverable debts relating to the Pension Fund's commercial property portfolio and Pension Member overpayments.

RESOLVED: Approve the write-off of debts amounting up to £52,650.03 including VAT.

Chair concluded the meeting.

18 APPENDIX A

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Pensions Authority Meeting – 8th December 2022

Public Questions –

Question 1 – Divestment from Shell

Question from Mr Sean Ashton

One of the main points stated by South Yorkshire Pension Authority (SYPA) for not divesting from fossil fuels is that selling fossil fuel investments will not affect change in the real world and that the world needs the money tied up in fossil fuel companies to transition to a world fuelled by green energy. Surely, selling those shares and investing in renewables would affect change on 2 fronts: investment in renewable energy projects would cause more renewables to be manufactured and installed; and removing the social licence of fossil fuel companies by divesting would hasten their transition to renewables if that is genuinely needed. Removing the massive subsidies paid by the government to these companies would release enough capital to transition to a green economy anyway, without bringing these companies along. When will the authority stop pretending that Shell is going to change its spots, and take a lead in acting to prevent climate change by persuading BCPP to remove Shell from its portfolio?

Response

This question goes to the heart of the debate between campaigners and the Authority and most other LGPS funds and the various pools over the effectiveness, or otherwise, of seeking to change the behaviour of companies to deliver real reductions in the level of carbon emissions into the atmosphere rather than a benefit to carbon metrics simply through the disposal of shares.

If it were possible for the Authority to dispose of the holding in Shell, which it cannot do because the stock is held in a pooled fund and the decision to buy or sell individual stocks is one for the investment manager (Border to Coast), then it might not be possible to reinvest the funds in renewable energy. This is because we have already tilted our portfolio significantly towards renewable energy and it might not be sensible in terms of concentrating our investments in a particular type of asset to increase exposure to renewables beyond what is already planned. Equally it might not be appropriate because of the need for the fund to maintain a balance between liquid and illiquid investments to move from a liquid investment (shares in Shell) to an illiquid investment (renewable energy) which tends to be invested in through closed end fund structures which are not liquid.

All of that said the Authority recognises that there is a need to up the pressure on companies to make more rapid progress with the climate transition and to this end the next revision of our Responsible Investment policies in March will look to set out a stronger position on this which we will seek to have adopted by the Border to Coast partnership. While the work on these revised policies has not been completed this is likely to include clearer definition of the point at which the process of engagement is deemed to have become exhausted, together with stricter positions on the circumstances where we will expect fund managers to use shareholder votes to oppose Director appointments and other resolutions where insufficiently robust transition plans are in place or where plans are failing to be delivered.

The key issue here is that the Authority cannot act alone and must seek to influence others. While this process is, inevitably, more time-consuming than were we able to act alone the impact will be commensurately greater through more weight of investment acting together.

SOUTH YORKSHIRE PENSIONS AUTHORITY

Authority Meeting.

9 February 2023.

PRESENT: Councillor J Mounsey (Chair).

Councillors: R Bowser, S Cox, A Dimond, D Fisher, M Havard, D Nevett, A Sangar and G Weatherall (Vice Chair).

Non-Voting Co-Opted Members: N Doolan-Hamer (Unison) and G Warwick (GMB)

Officers: W Goddard (Financial Services Manager), G Graham (Director), J Stone (Head of Governance) and G Taberner (Assistant Director – Resources)

Apologies for absence were received from Councillor B Curran, Councillor S Clement-Jones, Councillor M Stowe and D Patterson.

1 **APOLOGIES**

The Chair welcomed everyone to the meeting.

Apologies were noted as above.

2 **ANNOUNCEMENTS**

Tribute was paid and a minute's silence held for former Authority member Councillor Murphy who passed away recently.

The Director reported that at the LAPF awards held in December 2022, the Authority was successful in the "LGPS Fund of the Year over £2.5bn" category. It was also highly commended in two categories at the Pensions for Purpose awards for Impact Investing.

Chair thanked the Officers for their work in securing the awards.

3 **URGENT ITEMS**

Two members of the public, Mr Henshaw and Ms Cattell had submitted questions directly to the Authority. These were read out for Members and answered by the Director. A copy of the questions and the written responses are available in the appendixes of the minutes.

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

RESOLVED – That item 12 'Border to Coast Strategic Plan' be considered in the absence of the public and press.

5 **DECLARATIONS OF INTEREST**

None

6 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

None

7 MINUTES OF THE MEETING HELD ON

A discussion was held as to the level of detail to be included in agenda item 13.

The Director and Head of Governance will discuss this with the Local Pension Board Independent Advisor. No amendments requested at this time.

RESOLVED – That the minutes of the meeting held on 8th December 2022 be agreed as a true record.

8 CORPORATE PLAN AND MEDIUM TERM FINANCIAL STRATEGY

8a) Feb 2023 Review of the Corporate Strategy 2022/25

The Director presented the 3-year Corporate Strategy update. There had been no substantive changes although there has been a degree of slippage, some of which is beyond the Authority's control. The revised timeline for actions was shown in the report.

The staffing changes agreed at the Staffing Committee in October were designed in part to counter any future slippage of deadlines. Some positive benefits of the changes are already being seen.

Councillor Fisher asked about section 5.5 of the report. Is it expected that Fund Manager fees will reduce because of the updated investment strategy?

The Director responded that as more of the fund's investments are moved into Alternatives, we will be subject to more performance fees. The high fees indicate the fund has been successful in providing a return.

Councillor Nevett asked about the intended increase of Full Time Equivalent (FTE) employees. Does the Authority have the resilience needed to move to 115 FTE from 94 FTE in the next financial year?

The Director replied the increase is designed to add resilience to the organisation. There may be some issues around the capacity to find suitable applicants for some roles. It will be a staggered recruitment process to ease the impact on HR and 3rd party recruitment agencies are also being engaged to help with the process.

Councillor Dimond sought confirmation that Net Zero was still the goal of the Responsible Investment strategy. The Director confirmed that it is.

Councillor Dimond then questioned the strategy to engage with companies that are currently high producers of CO2 and that in his opinion are not decarbonising quickly enough to reach Net Zero by 2030.

The Director replied, engagement has been the focus of the fund's approach to dealing with this. A decision to commit to a dis-investment strategy is not one the Authority can make alone as its assets are held in pooled funds.

Councillor Dimond asked about staff appraisals. Concern that the information whether staff are receiving appraisals is not available given the importance of regular supervision.

The Assistant Director – Resources replied that currently it is not possible to produce the information in a format that would be useful to Members. The situation is monitored and reviewed and all staff do receive regular monthly meetings with Team Leaders and Managers, a half yearly review in addition to a full appraisal at year end.

Councillor Cox asked about the number of staff who currently Work from Home (WFH).

The Assistant Director – Resources replied that SYPA operates a hybrid working policy. This enables FTE staff to have 3 days per week WFH and 2 days in the office. Part Time staff can have 1 day per week WFH. Several people choose to do more than 2 days per week in the office.

Councillor Cox expressed concern around performance monitoring and data security for staff WFH.

The Assistant Director – Resources confirmed all monitoring standards around performance are maintained and regular face to face meetings are required.

In response to a further point the Director added the security risk has been reduced significantly as no paper files for scheme members are used. Equipment including additional monitors and desks are provided to help staff have a separate workspace where possible. Regular data security training and reminders are given to staff.

8b) Pensions Authority Budget 2023/24

The Assistant Director – Resources presented the operating budget proposals for 2023/24.

The overall proposed total is £6.6 million, an increase of £800k on the current year.

This includes £200k increase in general costs and £600k in the salaries budget. An analysis of the staffing cost increase can be found on page 57 of the agenda.

Page 59 of the agenda presents the detail for the other cost increases. This is subject to change due to estimates of various factors being uncertain. Office accommodation and utility cost increases forms a significant part of this.

In the current year the budget includes a Corporate Contingency budget to cover various costs that were unknown at the time in relation to the Director's review into resilience and sustainability, the pay award for 2022 and the outcome from the pay and benefits review.

These figures are now known and been included in the forecast. Work on the pay and benefits review is now likely to crossover into 2023/24. Consequently, a large underspend is expected from the contingency budget in the current year; it is therefore proposed to carry that over into an earmarked reserve specifically for that purpose. If required it could also be used to cover the costs of a pay award beyond the estimated 2% increase.

8c) Medium Term Financial Strategy 2023/24 to 2025/26

The Financial Services Manager presented the strategy.

External factors like the war in Ukraine and volatile inflation rates are impacting the ability to make accurate forecasts particularly of some of the Fund's cashflows.

The fund's total costs as a proportion of its value continue to show the Authority providing good value for money.

The permitted level of reserves has been increased to 10% as a precaution to the uncertainty noted above.

Councillor Sangar asked why the figure of 2% been used to estimate the pay award and at what point is it anticipated that the funds costs will begin to reduce as a result of pooling?

The Assistant Director – Resources replied to the pay question. 2% is the figure built into the main budget, but as reported previously, there is also the contingency fund if required. The forecast was also done before the Unions had submitted their pay claim for 2023/24.

Councillor Sangar asked if it would be better to factor in 4% and have less of a contingency?

The Assistant Director – Resources replied that historically the Authority underspends on the staff salaries budget, due to turnover of staff and delays in recruitment. It also factors in the phased recruitment of the additional FTE mentioned previously. On this basis it was felt that there were likely to be sufficient compensating savings to fund a higher pay award as had been the case in the current year.

The Director responded to the question around pooling. The Authority was starting from an unrealistically low-cost base and the move of assets away from Listed Equities into Alternatives increases costs due to Alternatives being a more expensive asset class, but one that better meets the requirements of the investment strategy.

The Director added that there is significant pressure across the LGPS that is pushing up costs and is reflected in the uprating budget. The administering of a more complex scheme naturally impacts cost. While Governance reporting requirement increases are also a factor and requires additional resources to comply with.

Councillor Nevett asked about utilities costs. Have any changes been made to the budget to factor in the rapid and continued increase?

The Assistant Director – Resources confirmed these had been factored in. Some of the increase in cost has been off-set by a reduction in the cost of the facilities management contract.

Councillor Dimond sought further clarification on the 2% amount used for staff pay award increase in the budget and whether an award at this level was the intention.

The Assistant Director – Resources indicated the inclusion in the budget was not a recommendation or endorsement of the figure; it had been concluded that 2% was the best estimated figure to include in the forecast.

Resolved: Members approved the updated Corporate Strategy (at item 8a), the 2023/24 Authority Budget (at item 8b) and Medium-Term Financial Strategy (at item 8c).

9 TREASURY MANAGEMENT STRATEGY 2023/24

The Financial Services Manager presented the annual report. It has been updated to reflect the Cipfa 2021 code and Prudential 2021 code. The appendices a to c reflect the way the Authority operates comply with the code.

No material changes to previous years strategy. Continue to maintain a relatively liquid cash.

No questions or comments from Members.

10 PAY POLICY STATEMENT

The Director presented a pro-forma report outlining the basis for setting remuneration amounts, particularly for Senior Managers. It also provides the required ratio of Senior Manager to Other staff level of pay.

It reflects the last pay award and will be updated when a new pay award is agreed and any amendments required from the pay and benefits review.

A revised statement will be brought back to members as and when required.

Councillor Sangar commented he felt significant progress has been made on the issue of pay in recent years. Do we now have the level of pay required to attract people to the various new posts?

The Director replied the evidence suggests in some technical areas; investment, finance and IT the pay scales are significantly behind the labour market. Two roles within the organisation currently receive market supplements as a result and the position is reviewed on a case-by-case basis.

A challenge to recruitment in those areas comes from the job evaluation method. It does not always account for the value the market attaches to the skills and knowledge required for certain roles.

A number of the recommendations in the pay and benefits review could be adopted to mitigate this but is unlikely to resolve the issue entirely.

In response to a request from Councillor Nevett in respect of the data in table 14.1 Employee Pension Contributions, an explanation of the 50/50 scheme was given.

Resolved: Members approved the revised Pay Policy Statement at Appendix A.

11 GOVERNANCE UPDATE

The Head of Governance delivered an update on the actions of the Governance Team since the last meeting and drew attention to the following areas

- The beginning of work by external solicitors to comprehensively review the constitution.
- The completion by all members of the required mandatory training.
- The process to procure a contract for ongoing legal advice.
- An update on a previously reported data breach where the Information Commissioner had indicated that they were content with the Authority's response

Councillor Sangar stated it was very helpful to receive regular refresher training as the duties of members is very different to the work as a Councillor.

**Resolved: Members a. Noted the current Authority governance position, including the outcome of the data breach previously reported to the ICO;
b. Welcomed the progress made on training and development of Authority and LPB members
c. Approved the 2023/24 Governance Calendar.**

12 BORDER TO COAST STRATEGIC PLAN

The Director presented a report setting out the Border to Coast operating company's Strategic Plan and Budget for the coming year. Following discussion and debate members:

**Resolved: Members a. Noted the Strategic Plan and Budget for the period 2023-2026 proposed by the Board of the Border to Coast operating company at Appendix B.
b. Authorise the casting of the Authority's vote in favour of the shareholder resolutions required to approve the Strategic Plan and Budget.**

Chair concluded the meeting.

Summary of Agreed Actions.

Agenda Item	Agreed Action	Responsible Officer
3	Issue a written response to scheme member questions	Director
7	Discussion to take place RE: future minutes structure with the LPB Independent Advisor	Director & Head of Governance

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Response to Public Question for the Pensions Authority Meeting 9th February 2023

Question from Mr G Henshaw

Mark Carney, former governor of the Bank of England has said that 'the vast majority of oil and gas reserves are unburnable if global temperature rises are to be limited to below 2degreesC.

Some insurance companies and banks have also raised the issue of oil and gas assets being stranded at some point in the near future. Is the Pension Fund recognising this in its latest Investment review?

The Strategy Review currently being carried out for the Pension Fund the results of which will be reported at the March meeting is working to a brief which includes assessing the impact of different strategy options on the likelihood of achieving the Authority's climate goals. However, it is important to recognise the distinction between the Authority's role in setting strategy and determining what proportion of the Fund should be invested in each type of asset which is the largest contributor to performance and the role of investment managers in determining which individual assets to invest in.

Question from Ms J Cattell

South Yorkshire pensions holds bonds in Bank Leumi Le Israel, Bank Hapoalim B.M. Mizrah Tefahot and Altice all companies that are named on the United Nations list of companies linked to illegal Israeli settlements. The extensive human rights impact of settlements on the human rights of Palestinians has been well documented in successive reports of the Secretary General of the United Nations The violations of human rights associated with the settlements are pervasive and devastating, reaching every facet of Palestinian life.

In your Responsible Investment Policy 2022 you state that well governed assets should show, "Respect for the human rights of the communities with which they interact and their various stakeholders"

SYPA working through Border to Coast and the Local Authority Pension Fund Forum has a policy of engagement to influence the behaviour of companies on key issues.

In view of your belief in protecting human rights I would like to know what engagement activity has taken place with the four companies named above, what progress has been made and what time scales are you working to in achieving a satisfactory response of withdrawal from Israeli Settlements in Palestine.

This question arrived at 4pm on 7th February and a full answer requires the gathering of information from Border to Coast and other sources. Therefore a full answer will be sent to the questioner and copied to Authority members after the meeting once all the information has been gathered.



Item 32

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

9 JANUARY 2023

PRESENT: Councillor C Hogarth (Chair)

Councillors: S Sansome, T Smith, B Johnson, S Ball,
D Hutchinson, A Khayum, P Turpin, A Cherryholme, S Alston
and Dr A Billings

CFO C Kirby, DCFO T Carlin, S Kelsey, S Slater, P Heffernan
and AM M Gillatt (South Yorkshire Fire & Rescue Service)

J Field, D Nuttall, S Loach, M Potter, D Thorpe and L Belli
(Barnsley MBC)

M Buttery (Office of the South Yorkshire Police and Crime
Commissioner)

IN ATTENDANCE

REMOTELY: C Winter
(South Yorkshire Fire & Rescue Service)

Apologies for absence were received from: Councillor
T Damms, Councillor S Ayris, N Copley, S Ghuman and
S Norman

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

Councillor Hogarth informed members that this would be J Field's last meeting and on behalf of the Authority and SYFR gave thanks and wished him well in the future.

3 URGENT ITEMS

Item 19 – People Director Post to be discussed in the absence of the public and press.

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

RESOLVED – That agenda item 18 entitled 'Systel Current Financial Position Update' and item 19 entitled 'People Director Post' be considered in the absence of the public and press.

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

None.

6 REPORTS BY MEMBERS

Councillor Ball informed members that he had visited Kiverton Park Fire with AM Gillatt and was pleased to inform that the fire was now extinguished. A question was raised as to what the Fire Service could do going forward to prevent further fires. In response to Cllr Ball, it was reported that meetings were to take place with the Fire Service, Local Authority and Environment Agency on how to leave the site as there was a substantial amount of waste remaining. Work was being undertaken with the site owner to advise on maintenance, responsibility and processes around the Environment Agency. An update meeting with residents had also been organised.

Councillor Sansome raised a query as to whether anything could be done to prevent or give greater control to the Environment Agency, Fire Service or Local Authority to prevent these fires from happening and to provide residents with some assurance that where they are living can be kept safe if near one of these facilities.

In response, members were informed that the current legislation does not allow the fire service to enforce the regulations around sites. However, they could take an action for discussion to the local Resilience Forum with a view to a joint letter across partner agencies, local politicians and MPs to lobby for a change in legislation. Members acknowledged that this situation was not unique to South Yorkshire and lessons learned from these incidents would be shared at a national level.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC, OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT AND AS MAY BE DEEMED EXPEDIENT

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 21 NOVEMBER 2022

CFO Kirby informed members that briefing sessions had been held, and continued to be held, with the 4 South Yorkshire Local Authority Chief Executives updating them of the situation around planned industrial strike action and where they were in the timeline and what the planned response would be to ensure continued service.

In response to the concerns Councillor Sansome raised regarding the financial settlement, S Slater responded by informing members that the settlement predicted was showing as a slightly better financial situation than had been forecast. S Loach informed members that due to the national re-evaluation of all business rates the Local Authority was unaware, at the time of the meeting, of the impact this would

have locally and on the fire authority funding. Once further details were known of more precise figures a briefing would be arranged to inform members.

CFO Kirby informed members that a Corporate Advisory Group Meeting was being held on 7th February 2023 to brief members on finance prior to a budget setting meeting to be held in at the full FRA meeting February 2023.

Councillor Hogarth queried how the settlement to the Fire Authority would be worked out given that each Authority would be eligible for different amounts from their business rates. In response, S Loach informed members that by law 1% is given to Fire Authorities from Local Authorities but that this figure was to be determined.

RESOLVED – That the minutes of the Authority meeting held on 21st November 2022 be signed by the Chair as a correct record

10 COMMUNITY RISK MANAGEMENT PLAN 2021-2024

A report of the Chief Fire Officer and Chief Executive was submitted which presented the annual review of the Community Risk Management Plan, 2021 to 2024.

An outline of the summary of updates were provided.

Councillor Sansome queried whether the evidence of findings from the period of intense weather that had been experienced in July 2022 would be integrated within the plan, and whether the findings would provide a clear picture of how to improve from the lessons learned.

With regards to the findings of the incidents faced on the 19th July 2022 and the prolonged heatwave, it had been agreed to take forward areas identified as part of the debrief process. The refresh captured updates on the wildfire programme and the successes. However, the 2024/2027 CRMP will cover in detail the Service response to likely prolonged incidents involving climate change. The Service were aware that resilience arrangements were being reviewed as part of this work.

In response Cllr Sansome asked whether all the information gathered would be integrated within the plan with a clear picture as to the findings and how improvements could be made from the lessons learnt.

In response, ACO Strelczenie commented that the next CRMP to be published for consultation in February 2024 for approval in April 2024 and would detail proposals around responses to climate change events which would include hot weather events.

Dr A Billings queried the lengthy timescale around acquiring electric vehicles and whether the strategy to install charging points would involve other bodies such as South Yorkshire Police.

ACO Strelczenie commented that 2 electric appliances were being trialled in London and Scotland and that legislation for larger vehicles would come into force in 2040. A further update would be provided in item 11 – Green Plan.

Members were provided with an update to home safety checks. They were informed that during the pandemic numbers had declined due to restrictions but that the visits were increasing and were at a similar number to pre-covid.

Dr A Billings enquired whether response times had been reviewed to attend freak fires caused by the extreme heat experienced in July 2022 and whether these fires had created a map of where fires generally happen.

In response ACO Strelczenie informed members that the weather experienced in July 2022 was unprecedented and whilst there was no freak events response times, there were stretch targets for the highest types of incidents which were monitored closely. Climate change event plans were in place and discussions were taking place for the forthcoming year should a heatwave occur. DCFO Carlin added that whilst a map of where fires had occurred had not been created, the Service did have this data and it can be turned into an incident map. In addition, data was being analysed in terms of any outliers such as a house fire in the hills. Members were informed that a community safety route would initially be taken followed by an emergency response if that proved not to be working. It was acknowledged that these events could become more frequent and the significant effects that the weather created in July 2022 highlighted that the Service did not have the level of resources on duty in normal circumstances to deal with the number of incidents. Work with the Fire Brigade Union was taking place to look at ways to stand up extra resources at short notice if required in the future. The SYFRA's ability to do this will support how the Service would deal with a high volume of calls associated with the significant weather events in July 2022.

It was highlighted by Dr Billings that efficiency savings had been omitted from the plan and concerns were raised as to whether it was intended to take future areas of growth out of the reserves.

Dr Billings was thanked for highlighting this issue and informed that the efficiencies plan would be taken away and further defined.

In response to a question received by Councillor Khayum around what the criteria is for home safety checks and how residents are chosen, AM Gillatt informed members of the various criteria. This included targeting those most vulnerable including age, number of people in the property, habits in the property such as drinking, smoking drug use, people who require oxygen tanks and with mobility issues. Work was undertaken with the Local Authority who provided data on people who have assisted bin collections or access Health and Social Care Services. Those residents visited who are deemed at very high risk can then be signposted to other agencies such as Smoking Cessation.

RESOLVED – That the contents be noted and the revised Community Risk Management Plan 2021 to 2024 (2023 refresh), be approved

11 GREEN PLAN

The Chief Fire Officer and Chief Executive submitted a report presenting members with the Green Plan, the aim of which is to address the South Yorkshire Fire and Rescue Authority's impact on the environment and climate change and committing the Authority to reduce greenhouse gas emissions to net zero carbon by 2040.

Members raised concerns as to the possible detrimental environmental impact of electric vehicles and whether hydrogen propulsion vehicles had been considered as an alternative.

Members were provided with a brief overview of the plan outlining what risks and challenges would be faced in reducing greenhouse gases. In response to councillors concerns, K Rocket informed members that for its reputation as a public sector organisation it would be expected to comply with the legislation mandated by Government. There would be a move to electric fleet vehicles by 2030 and larger vehicles by 2040. In addition to the measures outlined in the report, there would be encouragement to car share and cycle to work, manage water usage and biodiversity would be encouraged to reduce waste and recycling. It was acknowledged that there would be a need for people to understand what they are doing and why for it to work.

ACO Strelczenie informed members that 8 new diesel appliances had been ordered which were due to arrive shortly and a further 20 appliances over 4 years had been ordered all of which complied with euro compliance arrangements. It was noted that whilst London and Scotland had an electric appliance on trial with a run time of around 8 hours, their trial results would differ significantly to use in South Yorkshire as there are more rural areas. Conversations were ongoing with Fleet Managers, but electric vehicles would not be ruled out as technology would advance within the next 17 years.

Questions were raised as to what help was being given to land owners to deal with grass fires following the extreme heat in July 2022. They were informed that in collaboration with land owners, surveys were being undertaken which had shown that most fires had been caused by natural ignition. Regular patrols with landowners would be undertaken, met office monitoring and attending sites early to prevent spread. Campaigns would focus on communication and education within communities to aid prevention.

In response to a member question regarding insulation in Fire Authority buildings and whether it was up to standard, P. Fieldhouse informed members that investigations were ongoing and a report outlining the findings and solutions would be available by the end of March 2023.

Dr Billings raised concerns around the timescales of 2040 and enquired as to whether dates could be brought forward to raise ambitions. In response, ACO Strelczenie informed members that the Sustainability Committee produced and monitored the plan and that this would be raised in order to investigate reducing targets and timescales, but it was noted that a lot of dates were provided by the Government.

Councillor Ball raised the issue of the possibility of saving money and raising funds through electric vehicles' surplus electricity balance when not in use. P Fieldhouse informed members that investigations into the wiring infrastructure within SY Fire Authority buildings had been undertaken as it had been found to be deteriorating and insufficient to withstand the installation of charging points. They would be going out to tender in the near future for initial installation at South Yorkshire Fire HQ.

RESOLVED – That Members:-

- i) approve the Green Plan and associated documents;
- ii) confirm that the progress towards the Green Plan be presented at the Stakeholder Planning Board.

12 LFB INDEPENDENT CULTURE REVIEW

CFO C Kirby presented members with an Independent Culture Review commissioned by the London Fire Brigade (LFB). Members were informed that within the report were a number of proposed actions that the South Yorkshire Fire Authority Service intended to take following the review.

The review was established following the tragic death of a firefighter that had not long since passed their training who had taken their own life. The review was difficult to read and made clear that the conduct of some staff was not what was expected of a modern fire and rescue service. It was acknowledged that this would not be an isolated issue unique to London.

Members were asked to consider the report and recommendations in detail so they could be incorporated into the Service Improvement Plan which would be included in future plans in South Yorkshire. SYFRA have been asking all new starters and Senior Leadership Team to sign up to pledge to support the 3 behaviours of Honesty, Integrity and Respect. Plans to roll this out across all staff groups were in place for 2023.

Specific actions were set out within the report and included a gap analysis against 23 recommendations in the London Fire Brigade report, a staff survey to better understand employee experiences working with SYFR and the delivery of a staff communication campaign amongst other actions. A review of the current process for discipline and grievances in work would be conducted with a view to exploring work with an interdependent third party as an additional route for staff members to raise concerns about behaviours.

CFO Kirby expressed his commitment to ensure the matter would continue to receive the level of clarity it needed and was taken seriously. The members of staff who intend to go to work and harass and bully others would be dealt with consistently and are being given a simple message that this behaviour is unwelcome in the Service. The aim was to raise confidence within staff to report such behaviours and support would be sought from colleagues and Trade Unions for a unified response to this matter.

Members welcomed the report and recommended actions contained within the report. A query was raised as to what proactive measures were in place such as being able to raise issues of concern during an annual work review. They were informed that there was no specific item currently in the review but this would be looked into. Work was being undertaken around an anonymous complaints procedure to make it more accessible for staff uncomfortable raising issues direct and analysis of trends of staff movements within the service and whether there is a pattern in certain areas and finding out why.

Members raised a query as to how vexatious complaints would be dealt with and how people would be protected against a personal vendetta. They were informed that this would be a case of having a fair and robust process for dealing with both informally and formally.

In response to Dr Billings question as to whether an independent review had been considered for the South Yorkshire Fire Service, CFO C Kirby informed the Committee that within South Yorkshire they had looked internally with openness and honesty. It was acknowledged that there was still the need to look carefully at themselves as an employer and the anonymous staff survey would aid this review and that the experience of the people was more important than the reputation of the Service. If the survey reveals significant concerns a more detailed cultural review could follow.

RESOLVED – that Members approve the Services proposed actions in response to the review.

13 ANNUAL PLAN 2022/23 UPDATE

The Chief Fire Officer and Chief Executive provided members with an update of the Annual Plan 2022/23. An overview of each priority was provided and it was felt that having 8 priorities in place helped to stay on track and it was believed that positive progress was being made in all the 8 priority areas.

RESOLVED – That Members noted the progress against the Annual Plan 2022/23.

14 INDUSTRIAL ACTION UPDATE

AM Heffernan provided members with update to the possible industrial action. A ballot had opened on 5th December, 2022 which was due to close on the 30th January, 2023. Following 2 weeks' notice the first possible date for industrial action to take place would be the week commencing 13th February, 2023. If the ballot was passed then it was unknown what the strike action would look like, previously strike action had varied including 2 hour ad hoc strikes or 8 days continuous action.

The South Yorkshire Fire and Rescue Authority Industrial Action Business Continuity Plan (IABCP), which included a series of Acts and Regulations, had been reviewed and updated in August 2022 and was in place to enable the Service to deliver their statutory duties. Planning assumptions contained within the IABCP were based on Home Office expectations of for minimum service delivery. Priority

would be to maintain emergency response critical activities with impact in line with critical functions.

Contingency planning included:

- maintaining a pool of crew operatives, numbers had been bolstered in 2020 and 2022 with potential further recruitment in 2023.
- a pool of contingency crew drivers which was bolstered in 2022 with potential for recruitment in 2023
- a contract was in place with Securitas for Operational Incident Commanders for greater control
- continuous maintenance of skills training for contingency crews based on core requirements within legislation; and
- a range of deployment exercises had taken place at the training site in Handsworth with SY Fire and Rescue and contingency crews and drivers

Members heard how continued dialogue had taken place with National Resilience and the Home Office regarding industrial action preparedness from August 2022 to January 2023. Dialogue had also taken place with the military and how they could supplement what was already in place. The considered decision was that the benefits of working with the military would be minimal versus the arrangements that were already in place.

In the context of what was happening elsewhere in the Region, talks with partner Services in Yorkshire, Derbyshire and Nottinghamshire had shown a commonality approach of a robust reason for providing statutory provision with the work being undertaken already and not with military involvement. However, regular dialogue with Joint Regional Liaison Officer as to what intentions are for example if it rolls into summer, was to keep dialogue going should they be able to offer additional provision if required.

Things that had been undertaken in this period:

- Built on Industrial Action Plan Business Continuity Plan
- Intensive periods of consolidation training for contingency crew operatives and drivers
- Introduced a Governance and Support Structure
- Enacted the Business Continuity Crisis Team
- Industrial Action Planning Group
- Significant Task and Finish Groups which have tackled complex areas such as Risk Management and Insurance implications
- Recovery Group in place.

Further contingency group joint training exercise was planned for the end of January, 2023 with Fire Officers and Securitas incident commanders to explore deployment type exercises. Exercises were taking place weekly across all levels of the organisation as it had been found previously that the Corporate side steps up to deliver for a blended team approach.

Members asked in the event of a cross border incident, would these contingency plans continue and provide services across the border. In response, members were informed that Officers and Area managers would have dialogue across the region to make these decisions. Contingency crews had been trained on a number of scenarios including water rescue response.

Members queried whether the insurance paid for contingencies would cover a cross border incident. Members were informed that the insurance would be valid and that it was hoped that if a major incident occurred striking firefighters would return to work, but that this detail was still to be agreed in talks with Unions.

CFO C Kirby placed his thanks on record for the work being undertaken by the planning teams and the officers in the challenging tasks involved. It was also added that dialogue and correspondence from the Trade Unions had been excellent.

CFO C Kirby reiterated to members to members that there would be 3 key things to focus on:

- To continue to protect the South Yorkshire Community through the industrial action
- To respect the decision of members of staff no matter what they decide to do
- The recovery of relationships following periods of industrial action.

RESOLVED – That Members note the update.

15 DRAFT MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 21 NOVEMBER 2022

RESOLVED – That Members noted the draft minutes of the Audit and Governance Committee held on 21 November, 2022.

16 KEY ISSUES ARISING FROM THE PERFORMANCE AND SCRUTINY BOARD HELD ON 17 NOVEMBER 2022

RESOLVED – That Members noted the key issues arising from the Performance and Scrutiny Board Meeting held on 17 November, 2022.

17 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.

18 SYSTEL CURRENT FINANCIAL POSITION UPDATE

A report of the Chief Fire Officer and Chief Executive was submitted which provided Members with an overview of Systels current financial situation.

RESOLVED – That Members note the content of the report.

19 URGENT ITEM - PEOPLE DIRECTOR POST

A report of the Chief Fire Officer and Chief Executive was submitted which provided Members with an overview of the policies and processes for recruiting to the People Director post.

RESOLVED – That Members approve the recommendation to ring-fence the recruitment and selection process for the post of People Director to the current Head of People and OD post holder.

No.	Action	Timescale	Officer(s)	Status/Update
1	To provide Members with a copy of the briefing for the active pension members regarding their pensions benefits.	In due course	S Kelsey	
2	To request that members of the Local Resilience Forum put together a joint letter across partner agencies and local politicians and MP's to lobby government to change legislation surrounding recycling plants	In due course	C Kirby	
3	To brief members prior to budget approval	In due course	S Loach	

	of the fire precepts expected for each South Yorkshire Area			
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CHAIR

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FIRE AND RESCUE AUTHORITY

MONDAY 20 FEBRUARY 2023

Present:

Councillor Tony Damms in the Chair

Councillors C Hogarth (Vice-Chair), S Sansome, T Smith, S Ball, D Hutchinson, S Ayris, A Khayum, A Cherryholme, S Alston and Dr A Billings

Officers:

CFO C Kirby, DCFO T Carlin, ACO A Strelczenie, S Slater, S Kelsey, AM Gillet, S Loach, D Nuttall, S Ghuman, D Thorpe, C Smallman

Apologies:

Councillor B Johnson, Councillor P Turpin, N Copley and M Potter

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 24 entitled 'Review of the BMBC & SYFRA AND SYFR Service Level Agreement' be considered in the absence of the public and press.

5 Declarations of interest by individual Members in relation to any item of business on the agenda

None.

6 Reports by Members

None.

7 **Receipt of Petitions**

None.

8 **To receive any questions or communications from the public, or communications submitted by the Chair or the Clerk and to pass such resolutions thereon as the Standing Orders permit and as may be deemed expedient**

None.

9 **Minutes of the Authority meeting held on 9 January 2023**

RESOLVED – That the minutes of the Authority meeting held on 9 January 2023 be signed by the Chair as a correct record.

10 **Appointment of Monitoring Officer to the Authority**

RESOLVED – That Members agreed to appoint Sukdave Ghuman as monitoring officer.

11 **2023/24 Annual Revenue Budget and Council Tax Setting**

A report was presented to Members to approve the 2023/24 revenue budget and set the council tax and precept by the legislative deadline of 1st March each year. The report set out the implications of the Local Government Finance Settlement, the proposed 2023/24 revenue budget and an updated capital programme, including new 2023/24 capital investment schemes.

The cost of employee pay had increased to keep up with the cost of inflation, included within the 2022/23 budget was a provision of 2% for the increase in pay. Whilst support staff reached an agreement averaging 5.72%% for this year, the pay award for Operational staff (fire fighters) was an offer of 7% from 1 July 2022 and 5% from 1 July 2023. This had yet to be agreed, with industrial action a distinct possibility if no agreement was reached.

Therefore, the updated MTFP was set within the context of a number of ongoing uncertainties, risks and concerns for the Authority to consider:

- A one year only finance settlement for 2023/24, with significant uncertainty surrounding future funding.
- A council tax precept flexibility option of £5 for 2023/24.
- Future public sector funding reforms coupled with the current position of national public finances.
- Ongoing, unprecedented, negotiations with regards to employee pay awards.

- Supply chain issues and inflationary pressures, including interest rates and the impact this will have on the running of the service.

Councillor Sansome expressed that the current times are difficult but felt that the residents of South Yorkshire would understand the Council Tax rise. He asked if it was possible to have a transcript which could be passed onto residents. S Loach agreed to provide a summary for councillors to share with residents.

Both Dr Billings and Councillor Alston agreed that there seemed to be few alternatives other than to accept the proposed £5 Council Tax increase.

In response to a question raised by Councillor Alston, CFO Kirby commented that lobbying letters had been written to those that fund the fire sector and also treasury officials to increase awareness around the need for additional funding.

RESOLVED – That Members approved:

- (i) The Authority's 2023/24 Revenue Budget at Appendix A
- (ii) The Treasurer's Section 25 Statement (Section H) in support of the budget
- (iii) The Capital Investment Strategy (Appendix B) including the updated Capital Programme and new approvals as set out in Section E of the report
- (iv) The proposed approach for managing reserves as set out in Section D to this report, noting the decrease in reserves to address the funding gap in 2023/24
- (v) The Treasury Management and Investment Strategy in Section G
- (vi) The fees and charges schedule for 2023/24 in Appendix D
- (vii) The Council Tax increase of £5 for 2023/24

12 Service Plan 2023/24

ACO A Strelczenie presented the service plan for 2023/24 for members approval and it was explained that progress towards achieving this would be monitored by the corporate management board. ACO A Strelczenie provided some context around the consultation and explained it was clear staff wanted to focus on longer term priorities. Members were referred to Appendix A which highlights the new senior leadership team structure.

RESOLVED – That Members approved the Service Plan for 2023/24.

13 Financial Performance Report Quarter 3 2022/23

A report of the Chief Fire Officer, Chief Executive and Clerk and Treasurer was presented to Members in relation to Financial Performance (Quarter 3 2022/23) which outlined the likely outcomes for the year ending 31 March 2023.

Based on the latest income and expenditure forecasts the Authority projected a net operating spend of £59.379m, net contributions to reserves of £0.191m and funding of £57.877m. The forecast result was an overall operating overspend of £1.693m or 3% of the budget.

RESOLVED – That Members approved:

- (i) The estimated revenue performance which shows a potential operating overspend of £1.693m for the financial year ending 31 March 2023
- (ii) The underlying and significant financial risks and uncertainties facing the Service and Sector during the remainder of this financial year and into 2023/2024 and beyond
- (iii) The latest estimated charge in General and Earmarked Reserves as set out in Section C of the report
- (iv) The updated position of the capital programme for the financial year ending in 2022/23, which is in line with expectations.

14 Service Improvement Board Update

ACO A Strelczenie provided Members with an update on the Service Improvement Plan.

In response to a question by Dr Billings, S Kelsey highlighted the importance of ensuring that training throughout the authority is at a good level, this would be monitored by the Service Improvement Board.

There was discussion around the leadership programme, S Kelsey explained that fast-track and direct entry arrangements are being scrutinised as currently there are pilots running across the country to determine their success rates.

ACO A Strelczenie stated that a future report could be provided to Members with specific timeframes for the individual improvements for each service area.

RESOLVED – That Members approved the contents of the report and agreed to provide further scrutiny and support to enable continual service improvement.

15 SYFR HMICFRS Inspection Report

The South Yorkshire Fire & Rescue HMICFRS Inspection report was presented to Members, it provided a summary of findings relating to effectiveness, efficiency and people.

Councillor Ayris asked if the information highlighted in paragraphs 35 and 36 of page 161 was separate to that of the quarterly service review and requested that a short report be put together on the state of fire and the recommendations.

ACO A Strelczenie commented that the fire report was published after the inspection and that a report would be presented at a future FRA meeting.

RESOLVED that

- (i) That Members noted the outcome of the SYFR HMICFRS Inspection.
- (ii) That a report on the State of Fire and Rescue annual report be presented at a future FRA meeting.

16 People Board Update

S Kelsey provided Members with an update from the People Board. It was noted that the Board would be looking at Culture re. LFB and would be renamed 'People and Culture Board'.

RESOLVED – That Members noted the contents of the report and agreed to provide further scrutiny and support to enable continuing effective management of people issues.

17 Serious Violence Duty

AM Gillatt provided Members with an update on the progress of the Serious Violence Duty programme with its two core components, readiness and implementation, in mind.

In response to a question by Councillor Smith with regards to anti-social behaviour, AM Gillatt explained that the figures on page 181 may not include attacks on firefighters specifically. CFO Kirby stated that there are examples of Fire Fighters being attacked whilst on duty, often correlating to specific times of the year such as Halloween or Bonfire Night, but this issue does not relate to this new Duty with previous campaigns around the Protect the Protectors Bill specifically focussed on specific occupations being given greater protection from being attacked during the course of their work.

Councillor Smith raised the issue of justice and what measures are put in place to ensure these criminals are dealt with in a timely manner. CFO Kirby highlighted how the service would work with Police to provide any evidence that would result in people who attack fire and rescue workers to be brought to justice.

Following a query raised by Councillor Hogarth, Matt explained training could be provided for members alongside further updates.

CFO Kirby responded to a comment from Councillor Hogarth regarding the lack of trust between the public and police, CFO Kirby stated that a collaborative effort needed to be utilised to tackle serious violence, supporting young or vulnerable people is a good starting point.

Dr Billings and Councillor Alston both highlighted the importance of the fire authority and police working in collaboration to reduce violence.

RESOLVED – That Members noted the contents of the report.

18 Industrial Action Update

Members were provided with a verbal update on the current Industrial Action and business continuity planning the Service was undertaking.

CFO Kirby informed Members that himself and the Chair met with the employer's side of the NJC on 6 February to discuss an improved pay offer, and Members had been consulted on the implications of improved pay awards in the briefing held on 3 February.

Members were informed that a new and improved offer of 7% backdated to July 2022 and 5% for 2023 had been proposed, and the FBU ballot would close on 6 March 2023. The executive council of the FBU had recommended that members accept the offer, and the consensus was that local officials also agreed with this stance.

It was noted that business continuity and industrial action planning would continue at the Service until it was certain that the new pay offer had been accepted.

RESOLVED – That Members noted the update.

19 Draft Minutes of the Audit and Governance Committee held on 9 January 2023

CFO Kirby informed Members of the difference between approval and noting of the reports submitted by the Service, and that the reports that were presented for noting were usually update reports.

RESOLVED – That Members noted the draft minutes of the Audit and Governance Committee held on 9 January 2023.

20 **Draft Minutes of the Appointments Committee held on 24 January 2023**

RESOLVED – That Members noted the draft minutes of the Appointments Committee held on 24 January 2023.

21 **Draft Minutes of the Appointments Committee held on 6 February 2023**

RESOLVED – That Members noted the draft minutes of the Appointments Committee held on 6 February 2023.

22 **Draft Minutes of the Local Pension Board held on 19 January 2023**

RESOLVED – That Members noted the draft minutes of the Local Pension Board held on 19 January 2023.

23 **Items for discussion in the absence 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.

24 **Review of the BMBC & SYFRA and SYFR Service Level Agreement**

A report of the Chief Fire Officer and Chief Executive was presented to Members by DCFO T Carlin regarding the review of the current service level agreement. DCFO Carlin explained that the SLA was a long-standing arrangement, and a review was needed to ensure both parties are benefiting from the agreement.

S Ghuman commented that the review would be a beneficial exercise.

RESOLVED – That Members approved the review of the existing arrangements covered within the SLA between BMBC, SYFRA and SYFR during the 23/24 financial year.

ACTIONS TABLE

No.	Action	Timescale	Officer(s)	Status/Update
1	A report to be presented to members on the State of Fire and the recommendations	In due course	ACO A Strelczenie	
2	Training for Members on Serious Violence Duty	In due course	AM Gillatt	

Duration of the meeting: 2 hours

Chairman at the meeting on
Monday 20 February 2023

Item 34

MCA - MAYORAL COMBINED AUTHORITY BOARD

MINUTES OF THE MEETING HELD ON:

MONDAY, 16 JANUARY 2023 AT 10.00 AM

SOUTH YORKSHIRE MAYORAL COMBINED AUTHORITY, 11
BROAD STREET WEST, SHEFFIELD S1 2BQ



Present:

Mayor Oliver Coppard (Chair)	South Yorkshire Mayoral Combined Authority
Councillor Mazher Iqbal (Reserve)	Sheffield City Council
Mayor Ros Jones CBE	City of Doncaster Council
Councillor Chris Read	Rotherham MBC

In Attendance:

Martin Swales	Chief Executive and Head of Paid Services	SYMCA Executive Team
Steve Davenport	Chief Legal & Monitoring Officer	SYMCA Executive Team
Gareth Sutton	Chief Finance Officer/S73 Officer	SYMCA Executive Team
Sharon Kemp	Chief Executive, Rotherham MBC	Rotherham MBC
Matt O'Neill (Reserve)	Executive Director of Growth & Sustainability	Barnsley MBC
Andy Gates	Assistant Director - External Affairs	SYMCA Executive Team
Gabriella Kocsis	Minute Taker	SYMCA Executive Team

Apologies:

Councillor Terry Fox	Sheffield City Council
Councillor Sir Steve Houghton CBE	Barnsley MBC
Damian Allen	City of Doncaster Council
Kate Josephs	Sheffield City Council
Sarah Norman	Barnsley MBC

61 Welcome and Apologies

The Mayor welcomed everyone to the meeting and apologies were noted as above.

62 Announcements

The Mayor acknowledged the passing of Cllr Anne Murphy, former Lord Mayor, just before Christmas, following a short illness. He noted that she was one of the kindest women who was tireless in her pursuit of the people and campaigns she supported, and was fiercely passionate about fighting injustice in Sheffield and beyond.

63 **Urgent Items**

None.

64 **Items to be Considered in the Absence of Public and Press**

None.

65 **Voting Rights for Non-constituent Members**

N/A

66 **Declarations of Interest by individual Members in relation to any item of business on the agenda**

Members declared their interest in any item relating to their individual authorities.

67 **Reports from and questions by members**

None.

68 **Receipt of Petitions**

None.

69 **Public Questions**

None.

70 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held on 14 November 2022 be agreed to be a true and accurate record.

71 **Budget Revision 3**

This report provided the revised Group budget forecasts to the end of the financial year 2022/23.

RESOLVED that the MCA Board:

1. Adopted the revised budget estimates; and,
2. Approved the disbursement of Additional Restrictions Grant New Burdens to the local authorities.

72 **2023-24 Budget and Business Planning Development & Transport Levy Update**

This report provided an update on the budget and business planning processes for the forthcoming financial year. Following engagement with the South Yorkshire Leaders and Mayor, the report recommended the approval of the proposal to increase the transport levy by 2% and noted the intention not to

seek a Mayoral Precept for the coming financial year.

Cllr Read commented that the proposal to increase the transport levy during difficult times for Councils indicates how important an issue transport is for members and the motivation to improve it for the people of South Yorkshire. The Mayor echoed these comments.

RESOLVED that the MCA Board:

1. Approved the South Yorkshire Transport Levy for financial year 2023/24;
2. Approved the proposal to not set a Mayoral Precept for financial year 2023/24;
3. Noted the likely loss of Government revenue grant streams and the proposed mitigation.

73 **Programme Approvals**

This paper requested the progression of two capital schemes (subject to conditions set out in the Assurance Summaries) and the release of development funding for a further two schemes. The report sought further approval for a number of change requests and proposed the granting of flexibilities to the five authorities to allow them to better manage inflationary pressures in a timely manner.

RESOLVED that the MCA Board considered and approved:

1. The progression of 'Broom Road' Full Business Case to full approval and award of £3.6m grant to Rotherham Metropolitan Borough Council subject to the conditions set out in Appendix 1.
2. The progression of the 'National Centre for Child Health Technology' to full approval and award of £6m to the Sheffield Children's NHS Foundation Trust subject to the conditions set out in Appendix 2.
3. The progression of 'Barnsley Active Travel Hub' from Outline Business Case (OBC) to Full Business Case and release of development costs of £0.24m to Barnsley Metropolitan Borough Council subject to the conditions set out in the Assurance Summary attached at Appendix 3.
4. The progression of 'Meadowhall Mobility Hub' from Strategic Business Case (SBC) to OBC and release of development cost funding of £0.26m to South Yorkshire Mayoral Combined Authority (SYMCA) subject to the conditions set out in Assurance Summary attached at Appendix 4.
5. Transforming Cities Fund flexibility as set out in para 1.9.
6. 6 Change Requests set out in 1.8 and Appendix 5.
7. Delegated authority to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for the schemes covered above.

74 **Draft South Yorkshire Housing Framework**

This paper sought the Board's approval of the Final Draft South Yorkshire Housing Framework. The Mayor noted how proud of this framework he was and offered it his full support and approval.

RESOLVED that the Board:

1. Considered and approved the final draft South Yorkshire Housing

Framework; and

2. Delegated authority to the MCA Chief Executive in consultation with the Housing and Infrastructure Board Co-Chairs to sign off the final designed document.

75 **Appointment of SYPTE Director General**

Notwithstanding that the SYPTE will be legally dissolved on 31st March 2023, however the MCA was still required to appoint a Director General to ensure legal compliance and the good governance of the SYPTE until this date.

As the previous post holder left the role on 31st December 2022, this report recommended a new Director General until the PTE's dissolution. MCA Chief Executive noted that written permission was sought from members in December so there was no gap prior to formal approval at this meeting.

RESOLVED that the MCA Board approve the appointment of the Executive Director Infrastructure & Place, John Dowie as Director General of SYPTE until its formal dissolution.

76 **Appointment of Executive Director**

This report is sought approval to appoint Clare Monaghan as Executive Director of Policy and Strategic Development following an MCA appointment panel interview on December 22nd 2022.

RESOLVED that the Board:

1. Approved the appointment of Clare Monaghan.
2. Delegated authority to the MCA Chief Executive, as Head of Paid Service to make the necessary arrangements for the appointment.

77 **LEP Chair Report**

This report asked Board to approve the recommendation to appoint Richard Stubbs as Local Enterprise Partnership Chair, during the period of the Government and MCA-led reviews.

RESOLVED that the Board:

1. Agreed the appointment of Richard Stubbs as Chair of the Local Enterprise Partnership.
2. Thanked Lucy Nickson, for her dedication and hard work since joining the LEP and for her service as LEP Chair over the past year.

78 **Delegated Authority Report**

RESOLVED that Members noted the decisions and delegations made.

I, the undersigned, confirm that this is a true and accurate record of the meeting.

Signed _____

Name _____

Position _____

Date _____

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above.

The Mayor also welcomed Tom Bousfield, Corporate Director of Growth, Business & Skills to the MCA.

80 **Announcements**

The Mayor acknowledged that this was the final MCA Board meeting before May local elections.

81 **Urgent Items**

None.

82 **Items to be Considered in the Absence of Public and Press**

None.

83 **Voting Rights for Non-constituent Members**

None.

84 **Declarations of Interest by individual Members in relation to any item of business on the agenda**

Members declared their interest in any item relating to their individual Authorities.

85 **Reports from and questions by members**

None.

86 **Receipt of Petitions**

None.

87 **Public Questions**

None.

88 **Minutes of the previous meeting**

RESOLVED: that the minutes of the meeting held on 16 January 2023 be agreed as a true and accurate record.

89 **Annual Budget & Treasury Management Strategy**

The Annual Budget & Treasury Management Strategy was presented, which included:

- The recent increase in the Transport Levy,
- Multi-year forecasts, and capital, treasury and reserve strategies,
- Over 120 capital projects, and over 10 revenue programmes,

- Funding support for the bus network until July.

It was noted that investment income was offsetting inflationary pressures, but that consideration for future years would be needed, as well as continued levy increases.

A discussion was held on mitigating the cost exposure resulting from ownership of the tram network, and it was noted that a team had been created to manage the transfer of tram services to MCA ownership. This team would also develop a strategy for minimising cost exposure, in particular electricity costs. An action programme for management of costs would be prepared by the end of summer 2023.

The MCA was also beginning to undertake a long-term planning approach for public transport, looking towards 2030.

RESOLVED:

1. To approve the adoption of the revenue and capital budget estimates for the year.
2. To approve the Reserve Strategy.
3. To approve the Treasury Management Strategy.

90 **Dissolution of South Yorkshire Passenger Transport Executive - Constitution Changes**

Constitutional Changes resulting from the Dissolution of South Yorkshire Passenger Transport Executive (SYPTTE) were presented.

The statutory order for the dissolution of SYPTTE had now been signed into law, and therefore the South Yorkshire Passenger Transport Executive would be legally dissolved with effect from 31st March 2023, and the powers, functions and liabilities would from then be vested in the MCA.

RESOLVED: To approve the amendments to the Constitution with effect from 1st April 2023 to reflect the dissolution of SYPTTE.

91 **Assurance Framework**

A summary report of amendments proposed to the 2023 Assurance Framework was presented, noting that the Framework had been reviewed in year to address the speed and rigour of the MCA appraisal processes, and opportunities to increase efficiency had been identified.

RESOLVED:

1. To note at section 2.1 the proposed amendments to the Assurance Framework to ensure compliance with the Government's requirements and most recent issued guidance.
2. To agree the draft Assurance Framework in Appendix A for onward publication and submission to the relevant government departments.

92 **Programme Approvals**

A Programme Approvals report was presented, which included approval of:

- 12 capital programme schemes,
- Delegation of a number of decisions to the Thematic Boards to ensure decisions could be taken on other schemes before the end of the financial year,
- Distribution of transport maintenance monies,
- Allocation of Multiply monies.

The Mayor welcomed the positive impact these schemes would have in communities in South Yorkshire.

RESOLVED:

1. Approve the following schemes and grant delegated authority to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for:

a. Progression of “Rotherham Town Centre Active Travel Package – Sheffield Road Phases 1-3” Full Business Case (FBC) to full approval and award of £8.6m grant to Rotherham Metropolitan Borough Council subject to the conditions set out in Appendix A

b. Progression of “Kelham - Active Travel and Public Transport” from FBC to full approval and award of up-to £16.05m to Sheffield City Council (SCC) subject to the conditions set out in the Assurance Summary attached at Appendix B.

c. Progression of “A.631 Rotherham to Maltby Bus Corridor” from FBC to full approval and award of £2.55m to Rotherham Metropolitan Borough Council (RMBC) subject to the conditions set out in Assurance Summary attached at Appendix C.

d. Progression of “Electric Community Transport Minibus Project” from FBC to full approval and award of £1.4m to South Yorkshire Mayoral Combined Authority subject to the conditions set out in Assurance Summary attached at Appendix D.

e. Progression of “Market Gate Bridge” from FBC to full approval and award of £2.5m to Barnsley Metropolitan Borough Council subject to the conditions set out in Assurance Summary attached at Appendix E f. Progression of “AMRC-HiComms” from SBC to OBC subject to the conditions set out in Assurance Summary attached at Appendix F

2. Delegate authority for the approval of the proposals for the following schemes to the Head of Paid Services in consultation with either the relevant Thematic Board, or, in the absence of a Thematic Board due to timing, the Co-Chairs of such Board:

a. Progression of “Rotherham Markets and Libraries” from FBC to full approval and award of £3.4m to Rotherham Metropolitan Borough Council

b. Progression of “West Bar” from FBC to full approval and award of £3m to Sheffield City Council

c. Progression of “Doncaster Waterfront” from FBC to full approval and award of £6.5m to Doncaster City Council

d. Progression of “D0049” from FBC to full approval and award of £7m loan

- e. Progression of “D0060” from FBC to full approval and award of £1.5m equity funding
3. Approve the allocation of “Transport Network Asset Maintenance” and “Local and Neighbourhood Transport Complementary Programme” funding as detailed in para 2.
4. Approve the allocation of Multiply funding as detailed in para 3.

93 **Transport Update**

A Transport Update was presented, noting cost inflation faced by the Department for Transport due to increased costs in construction and the absorption of HS2. This had resulted in delays to high-speed rail and rail investment in the region.

It was noted that the MCA was continuing to lobby government on the key needs of South Yorkshire. Mayor Ros Jones also stressed the importance of the East Coast Mainline to the whole region.

RESOLVED: to note the impact of DfT funding decisions once known and take into account in progressing our transport ambitions, priorities and national engagement for a fair transport deal for South Yorkshire

94 **Active Travel Commissioner Update**

RESOLVED: to note the appointment of Ed Clancy as Active Travel Commissioner.

95 **Mayor's One Year in Office**

The Mayor presented a summary report of his first year in Office.

The Mayor noted several significant changes which had taken place in Government and the Cabinet, alongside the cost-of-living crisis and the closure of Doncaster Sheffield Airport. A discussion was held around the ‘Levelling Up’ agenda failing to make a material difference in South Yorkshire’s communities

It was also acknowledged that South Yorkshire had not been successful in a number of government funding bids. South Yorkshire was the most populous region in the country to be denied Bus Service Improvement Plan monies, and Yorkshire received the lowest share of Levelling Up Funding per capita outside of London.

The Mayor noted some key successes during the year as:

- Bringing the tram system back into public ownership,
- Moving at pace to take a decision on a bus franchising assessment,
- Working towards greater business investment in the region,
- Successfully lobbying the Government to continue the Working Win programme,
- Beginning to address the disproportionate health inequalities in the region,
- The appointment of Ed Clancy as Active Travel Commissioner

- Delivering a just climate transition,
- Doing politics differently through public engagement events and undertaking a review of the MCA.

The Executive Director of Policy & Strategic Development added:

- The investment of over £50m in skills training,
- Investment of over £50m in town centre regeneration and flood mitigation measures,
- Holding of the first South Yorkshire Tech Summit.

RESOLVED: to note the report.

96 **Health Action Advisory Panel**

A report on the formation of a Health Action Advisory Panel was presented. It noted lower life expectancy and high health inequalities in the region, and the Mayor's manifesto commitment to making South Yorkshire the healthiest region in the country.

The report proposed the formation of a Health Action Advisory Panel, comprising Directors of Public Health, academic partners, and partners from across the business and voluntary sectors.

A Task and Finish Group had been established to deliver this work, Chaired by Professor Alan Walker from the University of Sheffield, and recommendations would be brought back to the MCA Board to consider.

The Mayor noted the scale of the ambition to make South Yorkshire the healthiest region, but expressed an ambition to be able to address the worst effects of health inequalities in the region during his term in office.

RESOLVED:

1. To support the creation of the expert panel.
2. Agree to receive and engage with findings and recommendations of the panel.

97 **Appointment of Independent Member to the Audit, Standards, and Risk Committee**

A report seeking approval of the appointment of an independent member to the Audit, Standards and Risk Committee was presented.

RESOLVED: To approve the appointment of Paul Schofield as an independent member of the Audit, Standards and Risk Committee.

98 **Delegated Authority Report**

RESOLVED: to note the decisions and delegations made under delegated authority up to February 2023.

I, the undersigned, confirm that this is a true and accurate record of the meeting.

Signed _____

Name _____

Position _____

Date _____

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SOUTH YORKSHIRE POLICE AND CRIME PANEL

3 FEBRUARY 2023

PRESENT: Councillor R Haleem (Rotherham MBC) (Chair)

Councillors: R Davison (Sheffield City Council), T Baum-Dixon (Rotherham MBC), P Garbutt (Sheffield City Council), S Knowles (Doncaster MBC), J Moyes (Barnsley MBC), C Ransome (Doncaster MBC) and W Carratt (Independent Co-opted Member of the Police and Crime Panel)

Dr A Billings (South Yorkshire Police & Crime Commissioner)

S Abbott, M Buttery, K Dearnley, G Hyland and S Parkin
(Office of the South Yorkshire Police and Crime Commissioner)

L Belli, S Ghuman and A Shirt
(Barnsley MBC)

Apologies for absence were received from
Councillor C Pickering (Barnsley MBC), Councillor T Downing (Sheffield City Council), Councillor R Milsom (Sheffield City Council), Councillor K Osborne (Barnsley MBC), Councillor M Haybe (Sheffield City Council), E Eruero (Office of the South Yorkshire Police & Crime Commissioner) and F Topliss (Office of the South Yorkshire Police & Crime Commissioner)

16. WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

The Panel were introduced to Sukdave Ghuman, Service Director Legal and Governance Barnsley MBC who would be attending future meetings following the departure of J Field.

Richard Hindley and Jacqueline Griffin were also welcomed to the meeting as the proposed independent co-opted members for the public part of the meeting only.

17. APOLOGIES FOR ABSENCE

Apologies for absence were noted as above.

18. ANNOUNCEMENTS

None.

19. URGENT ITEMS

None.

20. ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That agenda item 20 ‘Appointment of Independent (Co-opted) Members of the South Yorkshire Police and Crime Panel, Item 21 ‘Attendance of a Member at Police and Crime Panel Meetings’ and Item 22 ‘PCC Resilience Arrangements’ be considered in the absence of the public and press.

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

Councillor Moyes declared a non-pecuniary interest as she is in receipt of a police pension as a former employee of West Yorkshire Police.

22. PUBLIC QUESTIONS:-

A) TO THE POLICE AND CRIME COMMISSIONER

There were no public questions to the Police and Crime Commissioner.

B) TO THE POLICE AND CRIME PANEL

There were no public questions to the Police and Crime Panel.

23. MINUTES OF THE POLICE AND CRIME PANEL MEETING HELD ON 5 DECEMBER 2022

The Panel discussed and noted progress in respect of the agreed actions captured on the Panel’s Action Log set out in Appendix A to the minutes.

RESOLVED –

i) That the minutes of the Police and Crime Panel meeting held on 5th December 2023 be agreed and signed by the Chair as a correct record.

ii) Noted that the Panel’s Action Log would be updated following discussion and agreement at today’s meeting.

24. THE PCC'S POLICE AND CRIME PLAN FOR 2022-2025

A report was submitted which provided Members with the Commissioner’s draft Police and Crime Plan (Plan) for 2023-2025.

Dr Billings commented that when he was elected in 2014 South Yorkshire Police was not in a good place due to a number of issues including child exploitation in Rotherham and the Hillsborough disaster. The HMICFRS were critical of the force and had stated it required improvement. Chief Constable S Watson was appointed

and over the 5 years in post the force had moved from 'requires improvement' to 'good' and this position had been maintained following the appointment of Chief Constable L Poultney who had the same clear visions and sense of purpose to maintain standards and also to take the force forward. The latest HMICFRS report commented that it is a good force and talked about it being ambitious and innovative.

The Commissioner informed the Panel that the latest Plan presented to members was around Working Together for a Safer South Yorkshire. It did not include revolutionary changes and he wanted the existing priorities to be maintained which had been the key to helping the force get to where it is today.

The PCC's draft plan re-stated the same overall priorities:

- Protecting Vulnerable People
- Tackling Crime and Anti-Social Behaviour
- Treating People Fairly

It was acknowledged that these priorities were against a difficult financial situation, and it would not be easy for the Force going forward. However, following consultation with members of the public regarding council tax increases and how much they would be willing to raise the precepts by for policing, it was a pleasant surprise that most were willing to pay more. This would result in the Chief Constable being able to keep their commitment to increase officer numbers.

The Commissioner reiterated to Members of the Panel that the key theme behind the plan was Working Together for a Safer South Yorkshire reflecting what had happened in the past year with the forefront concerns being around road safety and safer streets. It was recognised that the Police would not be able to carry out all duties as a single organisation, but that partnership working would be required for some priorities.

The Commissioner invited the Panel to comment on the Plan's contents and make any recommendations by 15 February 2023, to enable the Plan to be published in a timely manner.

The Panel raised the following key points:

- Mr Carratt asked whether it could be made more explicit that the Home Office sets precepts which ties the Forces hands in terms of the pay cost for police forces.
- Mr Carratt asked the Commissioner to consider the inclusion of child protection as a distinction that is broader than child exploitation.
- Mr Carratt commented that Clinical Commissioning Groups no longer existed so the wording would need updating to Integrated Care.
- Mr Carratt commented that the paragraph that speaks of the 'Operation Linden' talks about the victims feeling let down by individual officers and reflects their feelings but does not address what the PCC intends to do by it.

- Mr Carratt asked the Commissioner whether an explanation could be included in the plan as to why the funding for the Violence Reduction Unit decreases year on year.
- Mr Carratt asked the Commissioner whether it may be helpful to speak about the role of the PCC and how he is able to hold the Probation Service to account, following some recent failings.
- Mr Carratt asked that the membership of the Police and Crime Panel be updated to reflect that there will be 3 Independent (Co-opted) Members following today' meeting.
- Councillor Garbutt asked the Commissioner whether a commitment to studying what happens to victims post the reporting of domestic abuse as a lot of victims feel let down at that point.
- Councillor Garbutt asked the Commissioner whether more emphasis could be placed within the report on how rapes are dealt with and how they are carried forward.
- Councillor Moyes asked whether keeping people up to date with the progress of complaints no matter if they are the witnesses or victims, could be included.
- Councillor Baum-Dixon asked whether there could be more focus on rural crimes and their severity as there was a perception by the public that rural crimes were not taken as seriously.
- Councillor Garbutt raised a query as to whether the Road Safety Partnerships were under the four South Yorkshire districts now and not supported by the Local Authorities.

The Commissioner provided the Panel with detailed responses to the questions raised above and thanked them for their comments.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the PCC's new draft Plan.
- ii) Considered the new draft Plan and commented on the contents in a report and made recommendations.

25. PROPOSED COUNCIL TAX PRECEPT AND REVENUE BUDGET FOR 2023/24

A report of the Chief Finance Officer, OPCC was submitted to notify the Panel of the Commissioner's proposed Council Tax precept for 2023/24.

The Commissioner referred to the financially difficult year everyone would be facing. Funding for the Police came from 2 parts of government grants and council tax precepts. The expectation would be that the full council tax precept limit would

be used of £15 per Band D household as local Government's were also struggling and wouldn't be able to provide grants at inflation levels. The Government were encouraging the maximum precept amount as without the medium term period, budgets were unstable.

The Commissioner referred to the property bandings in the area, highlighting that the majority of properties in South Yorkshire were in bands A to C who would be less affected with the increase than those in Bands D and above. It was recognised that there was already a financial struggle for council tax payers but the Commissioner was mindful of the fact that most properties were below the Band D level. Following a public consultation, members were informed that most people were prepared to pay the increase, and some were prepared to pay the rate of inflation at 10% which would equate to more than £15.

Members were informed that this would be the only way to balance the books this year without looking into potential further efficiency savings from the police force and staffing. If necessary, vacancies would not be filled and they would also look towards redundancies. In addition, the force were looking at priority based budgeting in every aspect of the organisations work to see if any further efficiencies could be found as value for money was important.

S Abbott informed the Panel that a number of additional factors had affected the budget including NI contribution changes, legacy issues for historical civil claims from the Hillsborough disaster and child sex abuse cases, where provision has to be made. The balance over the next couple of years will be made from reserves with £6.2M worth of savings to be found.

The report set out a number of key risks and uncertainties, which were noted by Members

Mr Carratt asked whether a copy of the questions and answers from the Police and Crime Panel Budget Familiarisation Session could be reflected within the minutes in order to evidence the scrutiny that had taken place over the budget. It was confirmed that a redacted copy could be released into the public domain.

Councillor Baum-Dixon raised concerns around the prudent use of reserves and what level of certainty they had in reserves to be comfortable. In response S Abbott commented that whilst there was always uncertainty around interest rates and legislation changes, they were confident based on the information they have at the moment.

Councillor Baum-Dixon raised concerns as to whether the online consultation reached all demographics and everyone had a chance to have their say. In response the Commissioner informed the Panel that the survey had been held face to face and online with Engagement Officers consulting out in the Community and a market stall on Rotherham Market to capture the older population. The overall impression gathered was that people were supportive of the Police Force.

The Chair, Councillor Haleem referred to the recommendation in the report which asked the Police and Crime Panel to consider and support a proposed annual increase in the policing element of the Council Tax (the precept) for 2023/24 of

£15.00 for a Band D property, which would be an increase of 6.73%. The Panel noted that most properties in South Area are in Bands A (57%) and B (17%) and C (12%) where the increase would be A 19p per week, B 22p per week and C 26p per week.

A recorded vote was taken and recorded as follows:-

For accepting the proposed increase in the policing element of the Council Tax precept for 2023/24 - (7) Councillors Haleem, Moyes, Knowles, Ransome, Davison, Garbutt and Mr W Carratt.

Against the proposed increase (0). Abstained (0).

Councillor Baum-Dixon did not vote for the resolution.

The proposal was approved.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Voted to accept the proposed annual increase in the policing element of the Council Tax (the precept) for 2023/24 of £15 for a Band D property, which would be an increase of 6.73%.
- ii) Noted that most properties in South Yorkshire are in Bands A (57%) and B (17%) and C (12%) where the increase would be A 19p per week, B 22p per week and C 26p per week.

26. POLICE AND CRIME COMMISSIONER'S UPDATE (INCLUDING DECISIONS MADE SINCE THE LAST MEETING)

A report of the Commissioner was presented to inform Members that the Commissioner is supported by the Office of the Police and Crime Commissioner (OPCC) in delivering his Police and Crime Plan, and in effectively discharging his wide range of legal responsibilities.

The OPCC has a Delivery Plan which outlines how this is undertaken each year.

The report provided Members with an update on key PCC and OPCC activities against the new Delivery Plan since the Panel's last meeting held on 5th December 2022.

The report also provided Members with information on the decisions taken by the PCC since the Panel's last meeting.

Mr Carratt spoke of the collaborative work with the SYP and local partners in a bid to the Ministry of Justice's women's funding round and the concerns around the delayed outcome to the end of the financial year and what financial year that would need to be spent in.

In response M Buttery spoke of the frustration around the delay but that discussions were being held around the spending rules. The Commissioner commented that whilst these pots of money were very welcome, they often came with an unsatisfactory delay and the need to be spent within the financial year. He expressed that they would like to give more notice and the ability to cover the financial year but the treasury rules stopped them from doing that resulting in an unfair squeeze.

Councillor Garbutt welcomed the Scrutiny Work taking place on stop and search and requested an update of how that was progressing. In response the Commissioner informed the Panel that an Independent Methods Panel had carried out a thorough look into the area of stop and search and that those members had good interactions with SYP. A regular report is provided to the Commissioner through the Public Accountability Board and the work being undertaken was on a level with other Authorities in the Country. M Buttery informed members that an update on the stop and search levels and work from the Ethics Panel would be circulated to all Members.

Councillor Garbutt requested an update with regards to complaints against the police and how South Yorkshire were dealing with them. In response the Commissioner commented that it was a huge national issue but that all records of complaints against an officer were being looked over again. The Chief Constable had assured the Commissioner that new recruits would be vetted at the face to face interview, at the end of training and then every 5 years. There was a desire to change the culture so that if an officer witnessed anything of concern from a colleague they would report it.

A query was raised as to staff surveys and whether they were undertaken. In response M Buttery informed the Panel that they did conduct staff surveys and these were regularly followed up alongside staff focus groups.

RESOLVED – That Police and Crime Panel Members:-

- i) Noted the contents of the report.
- ii) Asked questions on the matters contained within the report, given it explains how the PCC has over this period delivered his Police and Crime Plan, discharged the wide range of his legal responsibilities, and mad decisions.
- iii) Noted that the Commissioner had agreed to circulate an update to Members on the Stop and Search work being undertaken by the Ethics Panel.

27. HIS MAJESTY'S INSPECTORATE OF CONSTABULARY, FIRE AND RESCUE SERVICES' INSPECTION OF SOUTH YORKSHIRE POLICE FOR POLICE EFFECTIVENESS, EFFICIENCY AND LEGITIMACY (PEEL)

The Commissioner provided Members with an update on the latest inspection of South Yorkshire Police (SYP) by His Majesty's Inspectorate of Constabulary, Fire

and Rescue Services (HMICFRS) for Police Effectiveness, Efficiency and Legitimacy (PEEL).

M Buttery provided members with a brief summary of the contents of the report.

Mr Carratt gave his congratulations on the outcomes that showed humility to the Commissioner and his team, the wider leadership team and the force itself. Following this it was then raised as to whether there had been any recommendations received to give consideration relating to Governance, specifically the Panel and tracking through activity.

M Buttery responded by informing the Panel that none had been received, but that they could go back and ask that question.

SYP would continue to maintain its future ambition to build on the journey of continuous improvement and invest its resources wisely to meet policing needs alongside the Government initiative to increase police officer numbers, although it was acknowledged that this would be a challenging journey against a difficult financial future.

RESOLVED – That Members of the Police and Crime Panel noted the contents of the report and commented on any matters arising.

28. REPORT BACK FROM DISTRICT COMMUNITY SAFETY PARTNERSHIPS - MEMBER REPRESENTATIVES

Due to the absence of Councillor Milsom, there were no updates from the Safer Sheffield Partnership held on 12 January 2023.

Councillor Knowles had attended the Safer and Stronger Doncaster Partnership Board held on 24 January 2023 and commented that it had been a difficult meeting to understand due to the complex language used by officers and that it was felt that the meeting was not a good use of Councillors time in attending.

Dr Billings commented that work had been undertaken with officers to write Public Accountability Board reports in a language that was easily understandable. The comment would be taken away and officers would be asked to investigate how reports are presented in future meetings.

The Safer Rotherham Partnership that was due to be held in December 2022 was cancelled, therefore no updates were provided.

RESOLVED – That Members of the Police and Crime Panel noted the feedback.

29. POLICE AND CRIME PANEL MEETING DATES 2023-24

A report was submitted to set out a schedule of meeting dates for the Police and Crime Panel in 2023/24.

RESOLVED - That Members of the Police and Crime Panel:-

i) Considered and approved the 2023/24 meeting dates set out below:-

Monday 24 April 2023 (Already Set)
Monday 12 June 2023 – Annual Meeting
Monday 17 July 2023
Monday 25 September 2023
Monday 11 December 2023
Monday 5 February 2024
Monday 29 April 2024

All Meetings will take place at 1.00pm with a pre-meeting for Members at 12.30pm and be held in Barnsley Town Hall, unless stated otherwise.

ii) Agreed to hold additional / extraordinary meetings / training events as and when appropriate / necessary.

30. COMPLAINTS UPDATE - 1 JUNE 2022 TO 31 DECEMBER 2022

Members were informed that no complaints had been received by the Panel against the PCC during the period 1 June 2022 to 31 December 2022

RESOLVED – That members noted the update.

31. LEARNING AND DEVELOPMENT UPDATE

A report was submitted to update Members on current events – national, regional and local, together with future plans in respect of learning and development for the Panel.

Suggestions for any other learning and development opportunities Members may have to support the Panel's learning and development were welcomed.

A summary of events which had taken place since the last meeting together with details of proposed future events were set out within the report for Members' information.

RESOLVED – That Members of the Police and Crime Panel:-

i) Note the update.

ii) Agreed to provide suggestions for future learning and development.

32. WORK PROGRAMME / PAB DATES

Members considered the 2023/24 work programme and were reminded that they could submit issues for the Work Programme that fall within the Panel's Statutory role in supporting and scrutinising the Commissioner.

All issues would be given full consideration by the Chair. Vice-Chair and Commissioner at the pre-agenda planning meetings.

Additionally, Members were encouraged to attend the meetings of the Commissioner's Public Accountability Board (PAB) to increase their operational knowledge.

Members were reminded that they could also submit questions for PAB through the OPCC, with 5 working days notice prior to the meeting.

RESOLVED – That Members of the Police and Crime Panel noted the contents of the 2023/24 Work Programme.

33. DATE AND TIME OF THE NEXT MEETING - MONDAY 24 APRIL 2023, 1:00 PM IN THE COUNCIL CHAMBER, TOWN HALL, CHURCH STREET, BARNSELY

RESOLVED – That the next meeting of the Police and Crime Panel be held on Monday 24 April 2023 at 1.00pm in Barnsley Town Hall.

34. 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 1 and 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.

35. APPOINTMENT OF INDEPENDENT (CO-OPTED) MEMBERS OF THE SOUTH YORKSHIRE POLICE AND CRIME PANEL

A report of the Clerk to the Panel was presented to request that members endorse the recommendations of the Recruitment and Evaluation Panel to appoint Miss J Griffin and Mr R Hindley to the vacant roles of Independent (Co-opted) Members of the Panel.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the action taken place to recruit two Independent (Co-opted) Members of the Panel.
- ii) Agreed the recommendations of the Recruitment and Evaluation Panel's decision to formally appoint Miss J Griffin and Mr R Hindley to the roles of Independent (Co-opted) Members to the Panel with effect from 3 February 2023.

36. ATTENDANCE OF A MEMBER AT POLICE AND CRIME PANEL MEETINGS

A report of the Panel's Legal Adviser and Panel's Support Officer was presented asking members to consider the non-attendance at meetings of a Member of the Panel and set out the options open to the Panel.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Considered the actions to be taken as set out in the report and agreed to approve the absence for the remaining period of the municipal year 2022/23.
- ii) That Mr W Carratt be appointed as Vice-Chair for the remaining period of the municipal year 2022/23.

37. PCC RESILIENCE ARRANGEMENTS

A report of the OPCC was presented to members setting out the existing PCC Resilience Arrangements and seeking the Panel's views on these arrangements.

RESOLVED – That Members noted and agreed the existing arrangements until the next PCC election to be held in 2024.

CHAIR

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