

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 7 September 2016
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

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

**Members in Attendance:** Councillors Cherryholme, Franklin, David Griffin, Saunders and Sheard

### 62. Declaration of pecuniary and non-pecuniary interests

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

### 63. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 24<sup>th</sup> August, 2016 had been called in.

### 64. Minutes of the previous meeting held on 24th August 2016 (Cab.7.9.2016/3)

The minutes of the meeting held on 24<sup>th</sup> August, 2016 were taken as read and signed by the Chair as a correct record.

### 65. Decisions of Cabinet Spokespersons (Cab.7.9.2016/4)

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

### 66. Petitions received under Standing Order 44 (Cab.7.9.2016/5)

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

- (a) Containing the signatures of 103 people, in respect of encouraging the enforcement of the landowners of the former Yews Hotel, Yews Lane, Worsbrough to keep the area safe using Section 106 monies.

The matter to be investigated by the Council's Enforcement Team, who will determine if the Council is in a position to take any action with respect to the concerns identified. The Enforcement Team to inform the petitioner of their findings and any actions to be taken.

## **Cabinet Spokesperson without Portfolio**

### **67. Electronic Notices for Council Meetings (Cab.7.9.2016/6)**

#### **RESOLVED:-**

- (i) that, in accordance with the Local Government (Electronic Communications) (England) Order 2015, Cabinet gives its consent for the summons and papers for its meetings, and for any other meetings attended by Cabinet Members, to be transmitted by electronic means to their barnsley.gov.uk email address; and
- (ii) that the Director of Legal and Governance be authorised to consult other Members to seek their consent for summons and papers to be issued by the same means, on the presumption that they will be transmitted electronically, subject to any specific requirements those Members may have.

## **Corporate Services Spokesperson**

### **68. Quarter 1 Performance Monitoring Report 2016/17 (Cab.7.9.2016/7)**

#### **RESOLVED:-**

- (i) that the contents of the report now submitted in relation to the delivery of the Corporate Plan priorities and outcomes be noted;
- (ii) that Cabinet receives follow-up reports arising from the Quarter 1 report on:
  - Hospital admissions for alcohol related conditions
  - Adult safeguarding
  - Place Directorate finances; and
- (iii) that this report be shared with the Overview and Scrutiny Committee to inform and support their ongoing work programme.

### **69. Quarter 1 Corporate Finance Summary 2016/17 (Cab.7.9.2016/8)**

#### **RESOLVED:-**

- (i) that Executive Directors/Directors be requested (where appropriate) to provide detailed plans on how their forecast overspends will be brought back into line with existing budgets on a recurrent basis;
- (ii) that approval be given to write off £0.997m of historical bad debts as shown at section 6 of the report now submitted;
- (iii) that the budget virements at Appendix 1 of the report be approved;
- (iv) that the potential impact of the Quarter 1 monitoring position on the Council's Medium Term Financial Strategy detailed at section 7 of the report be noted;

- (v) that the updated reserves position as outlined in section 8 of the report be noted and note that this has also been incorporated into an updated Medium Term Financial Strategy (MTFS), which will be reported separately to Cabinet in due course; and
- (vi) that the Invest to Grow schemes provided in the table at Section 8 be approved.

**70. Quarter 1 Capital Programme Update 2016/17 (Cab.7.9.2016/9)**

**RESOLVED:-**

- (i) that the position of the Capital Programme for both 2016/17 and the overall five year Programme, as detailed in the report now submitted, be noted;
- (ii) that approval be given to the 2016/17 scheme slippage totalling -£0.844m and scheme re-phasing totalling -£12.498m (paragraphs 4.4, 4.5 and Appendix B of the report refer);
- (iii) that approval be given to the decrease in scheme costs in 2016/17 of -£0.788m (paragraph 4.6 and Appendix B refer) and approve the adjustments to the Capital Programme plans to reflect this change; and
- (iv) that approval be given to the new schemes in 2016/17 of £6.695m (paragraph 4.7 and Appendix B refer) to be funded from resources previously approved and approve the adjustments to the Capital Programme plans to reflect this change.

**71. Quarter 1 Treasury Management Activities 2016/17 (Cab.7.9.2016/10)**

**RESOLVED:-**

- (i) that the Treasury Management activities undertaken and compliance with the Prudential Indicators for the quarter ending 30<sup>th</sup> June, 2016, as detailed in the report now submitted, be noted;
- (ii) that the Authority's Capital Programme Funding Position be noted; and
- (iii) that the performance of the Authority's investments for the reported quarter be noted.

**72. Enterprise Act 2016 - Repayment of Public Sector Exit Payments (Cab.7.9.2016/11)**

**RESOLVED:-**

- (i) that the contents of the Enterprise Act 2016 – Repayment of Public Sector Exit Payments report now submitted, be noted and approval in principle be given to the establishment of an internal waiver process in regard to Repayment of Exit Payments by former Council employees, as set out in the report now submitted; and

- (ii) that a further report be submitted to Cabinet should the Treasury Regulations differ from the advice received from the Local Government Association on the indicative regulations to be applied to the waiver process to ensure that the Council complies with the legislation.

**73. Proposed Sale by the Council as Trustee of the North and South Lodges at Locke Park (Cab.7.9.2016/12)**

**RECOMMENDATION TO COUNCIL ON 29<sup>TH</sup> SEPTEMBER, 2016:-**

- (i) that subject to consultation with the Charity Commission and the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of Locke Park approves the sale of the North Lodge and the South Lodge shown edged black on the plans attached to the report now submitted, subject to appropriate restrictive covenants to prevent the properties becoming Houses in Multiple Occupation;
- (ii) that the Director of Finance, Assets and Information Services on behalf of the Council as Trustee, dispose of the North Lodge and the South Lodge by most appropriate means as recommended by an independent surveyor acting on behalf of the Council as Trustee, to achieve best value;
- (iii) that the Director of Legal and Governance be authorised to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the disposal of the properties;
- (iv) that the Director of Legal and Governance be authorised to seek the consent of the Charity Commission to use the proceeds of sale in accordance with the Trust's Governing Documents with such monies being applied towards improvements for the benefit of the remainder of the park, and that until concluded that the Council as Trustee holds the capital receipt on trust; and
- (v) that, once settled and consent of the Charity Commission is obtained, the Service Director Stronger, Safer and Healthier Communities (Park Services) be authorised to use the proceeds in accordance with the requirements and any directions made by the Charity Commission.

**74. Sale of Land at King Street, Elsecar (Cab.7.9.2016/13)**

**RESOLVED:-**

- (i) that the Director of Finance, Assets and Information Services be authorised to exchange conditional contracts on the sale of land at King Street, Elsecar, Barnsley to DJ Atkinson Construction immediately, as set out in the report now submitted;
- (ii) that Head of Service, Assets be authorised to finalise the Heads of Terms and contract details for the proposed disposal; and
- (iii) that the Director of Legal and Governance be authorised to complete the sale of the site to DJ Atkinson Construction.

## **People (Safeguarding) Spokesperson**

### **75. Contracting and Partnership Arrangements - Adult Social Care and South West Yorkshire Partnership Foundation Trust (Cab.7.9.2016/14)**

#### **RESOLVED:-**

- (i) that agreement be given to the proposal to move the specified service elements (Community Equipment Service, Equipment, Adaptation and Sensory Impairment Service and Recovery College) to the Clinical Commissioning Group (CCG) – South West Yorkshire Partnership Foundation Trust (SWYPFT) contract, added to the Associate Commissioner element of that contract, as is the case with integrated and joint funded children's services; and
- (ii) that the work that has begun to review the staff management agreements and duties and outcomes expected in relation to mental health duties discharged by adult social care social workers working in integrated teams with health staff in SWYPFT be acknowledged, with the outcome of the review forming the basis of a new section 75 agreement between Barnsley MBC and SWYPFT.

## **People (Achieving Potential) Spokesperson**

### **76. Local Government Ombudsman Report with a Finding of 'Fault Causing Injustice' (Cab.7.9.2016/15)**

**RESOLVED** that the Local Government Ombudsman's report in relation to a school admission appeal be noted, together with the action taken to implement the recommendations in full, as detailed in the report now submitted.

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Chair