

MEETING:	Full Council
DATE:	Thursday, 24 September 2015
TIME:	10.30 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

The Mayor (Councillor Mathers)

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

65. Councillor A Gollick

The Mayor and Members of the Council welcomed Councillor A Gollick (Dearne North Ward) to this her first meeting of the Council following her election on the 27th August, 2015.

66. Declarations of Personal Interests

Councillors Ennis and Hampson declared a non-pecuniary interest in Minute No 92 'Brierley Town Council Abolition – Community Governance Review' being Council Tax Payers to that Council.

Councillor Williams declared a non-pecuniary interest in Minute No 9 'Central Area Council minutes of the meeting held on the 7th September, 2015' insofar as the discussion related to the YMCA as he was involved with this organisation.

67. Suspension of Standing Orders

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

RESOLVED that Standing Order 13 (5) of the Council be suspended in respect of Minute 68 only insofar as it relates to restrictions on Members speaking more than once.

68. External Annual Governance Report - Presentation

Mr J Cornett, representing KPMG, the Authority's External Auditor made a presentation on the External Audit Annual Governance Report 2014/15.

The following points were noted:

- An unqualified opinion was given on the financial statements, on the use of resources and Whole of Government Accounts.
- The Accounts and working papers had been produced to a high standard with only one significant amendment which was in connection with a reclassification and there was no impact on the reported outturn or net assets
- The Finance Team of the Authority had dealt with all queries efficiently and professionally
- All audit risks had been mitigated
- The Annual Governance Statement complied with CIPFA Guidance and was consistent with other information published
- There were no recommendations raised in prior years to address in 2014/15 and there were no new recommendations to consider
- The Value for Money Risks had been mitigated
- The Local Government Landscape was changing and the Auditor would, as part of the 2015/16 risk assessment, consider all issues arising both from a potential Financial Statement risk or Value for Money risk

Members asked to place on record their thanks and appreciation for the work of the External Auditors and also to the work of those staff within the Finance Directorate and within Internal Audit, who had contributed to the Annual Governance Report.

69. Audit Committee Minutes - 18th September, 2015

Moved by Councillor Barnard – Seconded by Councillor Clements; and

RESOLVED that the minutes not submitted of the proceedings of the Audit Committee held on the 18th September, 2015 be received.

70. External Audit Annual Governance Report 2014/15

Moved by Councillor Franklin – Seconded by Councillor Clements; and

RESOLVED

- (i) That the External Auditor's Annual Governance Report 2014/15 be approved;
- (ii) That the findings on the effectiveness of the Council's internal controls and the conclusions on the Council's arrangements for securing Value for Money be noted; and
- (iii) That the findings from the audit work in relation to the 2015/16 financial statements be noted and accordingly, the final accounts 2015/16 be approved.

71. Final Annual Governance Statement 2014/15

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

RESOLVED that the final Annual Governance Statement 2014/15 be approved and adopted.

72. Minutes

The minutes of the meeting held on 30th July, 2015 were taken as read and signed by the Chair as a correct record.

73. Communications

Yorkshire in Bloom Competition

The Director of Legal and Governance, on behalf of the Chief Executive, reported that Barnsley had topped this year's Yorkshire in Bloom Competition scooping a huge 16 awards including Category Winner for Barnsley Town Centre with other Gold Awards going to:

- Barnsley Hospice
- Elsecar Park and Nature Reserve
- Churchfields Peace Gardens
- Carlton Marsh Nature Reserve
- Friends of Locke Park
- Friends of Monk Bretton Park and
- Oxspring Primary School

It was the first time the Barnsley had won the Category Winner award, which looked at what floral and green space opportunities were in the town and cities they visited and how both the residents and business communities were getting involved to enhance and promote their town centre for its residents and visitors.

As well as praising the high standard of colour and floral quality and displays depicting local anniversaries, the judges had also noted that the town had started to promote and market its historic founders and build on local history of the area. The hard work and determination of friends and volunteer groups across the borough had also been praised.

Jo Birch, Parks Supervisor, was present in the Council Chamber this morning.

Councillor Platts, Cabinet Spokesperson for Communities also asked to place on record her thanks and appreciation for the hard work and dedication to all staff, volunteers, businesses, school children, community groups and other organisations involved in these projects and who helped in any way. Some truly spectacular presentations had been produced throughout the area and thanks were extended to all concerned but especially the Town Centre Team in achieving the Category Winner for the Town Centre. The team comprised, in addition to Jo Birch, the gardeners John Huntingdon, Sylvia Dyson and Kevin Bamforth.

Councillor Bruff, Cabinet Spokesperson for People (Safeguarding) in reiterating the comments made reference to the Churchfield Peace Gardens which were within her ward area which had not only won a Gold award this year but also one last year as well. This she felt demonstrated the exceptional work of those involved and particularly the volunteers as just prior to the judging some plants had been stolen which had required some very quick replanting.

The Mayor and Members of the Council expressed, in the usual manner, their congratulations to all involved in these excellent achievements.

74. Questions by Elected Members

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

Allegations of Bullying

'If the Authority does not record allegations of bullying amongst staff as stated by the Director of Legal and Governance, how can it claim that 'bullying does not take place' have any credibility?'

Councillor Sir Steve Houghton CBE (Leader of the Council) responded by stating that the well being of all employees was of paramount importance to all Elected Members. There were formal procedures to address concerns raised with regard to bullying which may be raised by employees of the Council and addressed through the Authority's grievance procedure and the Dignity at Work policies. Through these procedures any concerns with regard to such behaviour, which everyone recognised was unacceptable, could be properly investigated and appropriate action taken. The existence of robust and transparent procedures of this nature should provide

reassurance to Elected Members and employees alike that such concerns, should they arise, could and would be properly addressed. Employees should have no concerns in using these procedures but for additional reassurance the existence of the Council's Whistleblowing Policy offered protection as under the Public Disclosure Act 2013 any concerns raised through this procedure would qualify as protected disclosures. Employees would be protected against any adverse action taken as a result of having raised concerns with their employer.

The Leader urged that any employee who had concerns about inappropriate behaviour or bullying to raise these concerns through the proper procedures. They could be assured that these would be properly investigated. Likewise, if any Elected Member had evidence of such concerns it was both their responsibility and indeed their duty to provide this evidence to Senior Management so that appropriate could again be taken.

Councillor Davies asked, as a supplementary question, whether or not the Leader of the Council could confirm whether more than £100,000 been paid in regard to grievance procedures to staff who had left the service of the Authority.

Councillor Sir Steve Houghton CBE, in responding, stated that he was not in a position to confirm that so he would ask officers to investigate this matter and provide Councillor Davies with a direct response in due course.

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

The Director of Legal and Governance, on behalf of the Chief Executive, reported that she had received no questions from Elected Members in accordance with Standing Order No. 12.

76. Police and Crime Panel - 29th June, 2015

RESOLVED that the minutes be noted.

77. South Yorkshire Fire and Rescue Authority - 27th July, 2015

RESOLVED that the minutes be noted.

78. Sheffield City Region Combined Authority - 3rd August, 2015

RESOLVED that the minutes be noted.

79. General Licensing Panel - 21st July, 2015

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

RESOLVED that the details of the proceedings of the General Licensing Panel held on 21st July, 2015 together with its decision be received.

80. Planning Regulatory Board - 28th July, 2015

Moved by Councillor D Birkinshaw - Seconded by Councillor R Wraith; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 28th July, 2015 be received.

81. Appeals, Awards and Standards - 3rd September, 2015

Moved by Councillor Leech – Seconded by Councillor Shepherd; and

RESOLVED that the details of the Appeals, Awards and Standards Regulatory Board Panel held on the 3rd September, 2015 together with its decision be received.

82. General Licensing Regulatory Board - 9th September, 2015

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board held on the 9th September, 2015 be received.

83. Health and Wellbeing Board - 11th August, 2015

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Health and Well Being Board held on 11th August, 2015 be received.

84. Overview and Scrutiny Committee - 1st September, 2015

Moved by Councillor Ennis – Seconded by Councillor Johnson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 1st September, 2015 be received.

85. Safeguarding Scrutiny Committee - 15th September, 2015

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

RESOLVED that the minutes now submitted of the proceedings of the Children's Services Scrutiny Committee held on 15th September, 2015 be received.

86. Dearne Area Council - 27th July, 2015

Moved by Councillor Noble – Seconded by Councillor Worton; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on 27th July, 2015 be received.

87. North Area Council - 27th July, 2015

Moved by Councillor Leech – Seconded by Councillor Cherryholme; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North Area Council held on 27th July, 2015 be received.

88. North East Area Council - 30th July, 2015

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on 30th July, 2015 be received.

89. Penistone Area Council - 3rd September, 2015

Moved by Councillor Barnard – Seconded by Councillor Griffin; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 3rd September, 2015 be received.

90. South Area Council - 4th September, 2015

Moved by Councillor Stowe - Seconded by Councillor Frost; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on 4th September, 2015 be received.

91. Central Area Council - 7th September, 2015

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 7th September, 2015 be received.

92. Brierley Town Council Abolition - Community Governance Review

The joint report of the Director of Legal and Governance and Director of Finance, Assets and Information Services on the next steps in the making of an order for the abolition of Brierley Town Council was:

Moved by Councillor Franklin – Seconded by Councillor Howard; and

RESOLVED

- (i) That the Director of Legal and Governance be authorised to take the necessary steps to complete an order for the abolition of Brierley Town Council and the Civil Parish of Brierley to be effective from 1st April, 2016;
- (ii) That officers continue to work with Brierley Town Council on the transfer of assets and liabilities to Barnsley MBC in line with the timetable for abolition;
- (iii) That the continuation by Barnsley MBC of any discretionary services provided by Brierley Town Council be on the basis that this is cost neutral to Barnsley MBC; and
- (iv) That any costs that will fall to Barnsley MBC from the abolition of the Town Council that are not attributable to discretionary service provision be considered under Budgetary Procedures 2016/17

93. Appointment to Overview and Scrutiny Committee and Planning Regulatory Board

Moved by Councillor Howard – Seconded by Councillor Griffin; and

RESOLVED that Councillor Gollick be appointed to the Overview and Scrutiny Committee and to the Planning Regulatory Board.

94. Proposal to Increase Member Representation on the Member Development Working Party (Cab.29.7.2015/6)

Moved by Councillor Howard – Seconded by Councillor Griffin; and

RESOLVED

- (i) That approval be given to increase representation on the Member Development Working Party from 7 to 10 Members; and
- (ii) That the additional Members include the Cabinet Support Member without Portfolio (Councillor Griffin) and Councillors Clements and Riggs.

95. Appointment to Outside Bodies - Shaw Lands Trust (Cab.26.8.2015/6)

Moved by Councillor Howard – Seconded by Councillor Griffin; and

RESOLVED that approval be given to the appointment of Mr S Henshaw and Councillor Hayward as Trustees to the Shaw Lands Trust for a three year term.

96. Proposed Amendments to Appeals Against Dismissal (Cab.9.9.2015/10)

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

RESOLVED

- (i) That with effect from 1st October, 2015, the requirement for appeals against dismissal to be heard by a panel of Elected Members, as set out in the report submitted, be ceased;
- (ii) That with effect from 1st October, 2015, appeals against dismissal from employment should be heard by a panel of officers consisting of the Director of Legal and Governance; the Director of Human Resources, Performance and Communications; together with an Executive Director who has no prior involvement with the appeal to be considered;
- (iii) That appeals against dismissal of the Chief Executive Officer, Monitoring Officer or Section 151 Officer be dealt with in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and
- (iv) That these arrangements be reviewed after 12 months operation.

97. Cabinet Meeting - 29th July, 2015

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet held on the 29th July, 2015 be received.

98. Cabinet Meeting - 26th August, 2015

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet held on the 26th August, 2015 be received.

99. Cabinet Meeting - 9th September, 2015

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 9th September, 2015 be received.

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Chair