

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 2 December 2015
<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, Griffin (for Howard), Miller and Platts

**Members in Attendance:** Councillors Cherryholme, Franklin, Morgan and Sheard

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

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

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

The Leader reported that no decisions from the previous meeting held on 18<sup>th</sup> November, 2015 had been called in.

### 133. Minutes of the previous meeting held on 18th November, 2015 (Cab.2.12.2015/3)

The minutes of the meeting held on 18<sup>th</sup> November, 2015 were taken as read and signed by the Chair as a correct record.

### 134. Decisions of Cabinet Spokespersons (Cab.2.12.2015/4)

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

### 135. Petitions received under Standing Order 44 (Cab.2.12.2015/5)

**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 8 signatories, in respect of the request for the removal of Tree on Timothy Wood Avenue, Birdwell.

The tree has been inspected and found to be a relatively young common ash tree. It is alive and appears free of major defects or disease. It is upright and does not lean towards any nearby assets nor overhang any boundaries. It is wholly on Highways property and is not interfering with any utilities.

It has been pruned in recent years to control the lower branches of the crown so that it does not interfere with any passing pedestrians or vehicles. There are no defects in the adjacent highway or pavements that require action.

No insurance claims have been associated with this tree, and there are none that are currently in the process.

Council policy is to only remove trees that are or likely to become a Health and Safety hazard and to mitigate insurance claims. Dead and dying trees come into this category, although a flexible approach is taken where problems might occur in the future.

There is no legal requirement to remove a tree merely because it sheds leaves and seeds during the autumn. A tree owner is not expected to control where they fall or blow to.

The trees adjacent to properties on Timothy Wood Avenue are immature, in very good health and do not meet any reasonable criteria for removal. As no Health & Safety issues have been identified, and no nearby assets appear to be affected, it is recommended that no further action be taken in response to the petition.

### **136. Future Council - Achieving Excellence (Cab.2.12.2015/6)**

**RESOLVED** that the progress in taking forward the Future Council Strategy, including the recent highlights in the development of the organisation to a sustainable Future Council, as detailed in the report now submitted, be noted.

### **137. Corporate Plan Performance Report - Quarter 2 (July - September) 2015/16 (Cab.2.12.2015/7)**

#### **RESOLVED:-**

- (i) that the contents of the Quarter 2 Corporate Plan Performance Report for July to September 2015/16, as detailed in the report now submitted, be noted;
- (ii) that follow up reports arising from the Quarter 2 report be received in the future on:
  - Commercial Income Indicator (Cultural)
  - Housing Completions
  - Assistive Technology
  - Timeline of resolving complaints
  - Local Spend
  - Barnsley Alliance Education Strategy
- (iii) that this report be presented to the Overview and Scrutiny Committee to inform and support their ongoing work programme.

**138. Corporate Finance Summary - Quarter 2 Ending 30th September, 2015  
(Cab.2.12.2015/8)**

**RESOLVED:-**

- (i) that the financial performance of the Authority during the quarter ending 30th September, 2015, as detailed in the report now submitted, be noted;
- (ii) that Executive Directors/Directors (where appropriate) bring back further reports on how their forecast overspends will be brought back into line with existing budgets on a recurrent basis;
- (iii) that approval be given to write off £0.237m of historic bad debts as shown at paragraph 6;
- (v) that the budget virements set out at Appendix 1, be approved;
- (iv) that the transfer of £8.5m to strategic reserves, be approved;
- (vi) that the potential impact of the September monitoring position on the Council's Medium Term Financial Strategy, as set out in paragraph 7 be noted; and
- (vii) the updated Revenue Reserves position, as outlined in paragraph 8 of the report, and the intention to report a fully updated Reserves Strategy to Cabinet following the Chancellor's Autumn Statement in late November.

**139. Capital Programme Update - Quarter 2 Ending 30th September, 2015  
(Cab.2.12.2015/9)**

**RESOLVED:**

- (i) that the financial performance of the Council's Capital Programme during the quarter ending 30<sup>th</sup> September, 2015, as detailed in the report now submitted, be noted;
- (ii) that the 2015/16 and overall five year Capital Programme positions, as detailed in the report, be noted;
- (iii) that approval be given to the 2015/16 scheme rephrasing totalling £1.276m and scheme slippage totalling -£0.370m (paragraphs 4.3. to 4.4. and Appendix B of the report refer);
- (iv) that approval be given to the change in scheme costs in 2015/16 of -£1.038m (paragraph 4.5. and Appendix B refer) and to the adjustment to 2015/16 capital programme plans to reflect this change;
- (v) that approval be given for the uncommitted resources currently identified of £0.850m (as set out in paragraph 4.7) to be retained corporately for consideration as part of the overall reserves strategy; and

- (vi) that it be noted that the Capital Programme 'Oversight board' will undertake a further detailed review of the programme to identify any further resources that can be released, for consideration within the reserves strategy.

**140. Treasury Management Activity - Quarter 2 Ending 30th September, 2015  
(Cab.2.12.2015/10)**

**RESOLVED:-**

- (i) that Treasury Management activities undertaken for the quarter ending 30<sup>th</sup> September, 2015 and compliance with the Prudential Indicators, as detailed in the report now submitted, be noted;
- (ii) that the Authority's Capital Programme Funding position, be noted;
- (iii) that the performance of the Authority's investments for the reported quarter be noted; and
- (iv) that the changes in Credit Rating methodology, be noted.

**141. Public Space Protection Order (PSPO) (Cab.2.12.2015/11)**

**RESOLVED:-**

- (i) that based on the synopsis of findings so far Cabinet agrees it would be prudent to enter into a statutory consultation with the community with regards to the introduction of a Public Spaces Protection Order (PSPO);
- (ii) that the proposed terms of the Order, described in section 5 of the report now submitted, be agreed as the basis for the consultation and are regarded as both proportionate and necessary;
- (iii) that the proposed boundaries detailed in Appendix 3 be agreed as an appropriate area of coverage for any subsequent PSPO, based upon evidence and intelligence gathered during investigation; and
- (iv) that the outcome of the PSPO consultation be reported back to Cabinet in due course whereby a decision to proceed or not be taken.

**142. Racecommon Road, Barnsley - Objections to Introduction of No Waiting at Any Time Restrictions (Cab.2.12.2015/12)**

**RESOLVED:-**

- (i) that the objections received to the proposal to introduce No Waiting at Any Time restrictions on sections of Racecommon Road, Barnsley, as detailed in the report now submitted, be overruled in view of the wider road safety considerations and the objectors be informed accordingly; and

- (ii) that the Head of Highways, Engineering and Transport and the Director of Legal and Governance be authorised to make and implement the Traffic Regulation Order.

#### **143. LGC Awards 2016**

The Leader of the Council commented that the Council had been shortlisted in five categories in the LGC Awards for 2016.

**RESOLVED** that the position be noted and the efforts of staff in achieving the shortlists for these awards be acknowledged.

#### **144. 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>
145.	Paragraph 3
146.	Paragraph 3

#### **145. Wentworth Castle Gardens and Stainborough Park Heritage Trust (Cab.2.12.2015/14)**

**RESOLVED:-**

- (i) that, having consideration and evaluated the options presented on the future standalone viability of the Wentworth Castle Gardens and Stainborough Park Heritage Trust, approval be given to proceed with option six, set out in the report now submitted (renegotiation of loan repayment) to enable the Trust to utilise the savings of a one year “payment holiday” on the 2015/16 local repayments to create a fund for the Trust to draw against, up to 31<sup>st</sup> March, 2017, based on a demonstration of need; and
- (ii) that the conditions of this arrangement are that the Trust:
  - (a) Utilises the additional time available to explore partnerships, income generating opportunities and fundraising capacity with a realistic prospect of leading to financial sustainability.
  - (b) Ensures that the Board of Trustees focuses on the task outlined above and has sufficient expertise to do so taking steps to enhance its capacity and expertise as required.
  - (c) Does not undertake any activity that further weakens its financial position or put itself or the Council at increased risk.

**146. Market Trader Rent Review (Cab.2.12.2015/15)**

**RESOLVED:-**

- (i) that approval be given to the implementation of option 2, set out in the report now submitted, as a way of supporting market traders during the Better Barnsley redevelopment;
- (ii) that the intention to produce a three year marketing plan and to review current trader policies and procedures, be noted;
- (iii) that the Director of Finance, Assets and Information Services be authorised to re-let or amend trader lease rents for a term to be agreed during the Better Barnsley re development phase;
- (iv) that the Director of Legal and Governance be authorised to complete the leases to market traders;
- (v) that approval be given to the rent level for a unit in the new temporary covered market; and
- (vi) that the Executive Director of Place bring forward a separate report to review the current provision of Saturday car parking within the town centre.

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Chair