

MEETING:	Cabinet
DATE:	Wednesday, 19 September 2018
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

AGENDA

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

Minutes

3. Minutes of the previous meeting held on 5th September, 2018 (Cab.19.9.2018/3)
(*Pages 5 - 10*)

Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.19.9.2018/4) (*Pages 11 - 12*)

Petitions

5. Petitions received under Standing Order 44 (Cab.19.9.2018/5)

Items for Decision/Recommendation to Council

Cabinet Spokesperson without Portfolio

6. Representation on Sheffield City Region Music Board (Cab.19.9.2018/6)
(*Pages 13 - 14*)

Core Services Spokesperson

7. Selective Voluntary Early Retirement and Voluntary Severance Schemes
(Cab.19.9.2018/7) (*Pages 15 - 28*)
RECOMMENDATION TO FULL COUNCIL ON 27TH SEPTEMBER, 2018

Place and Communities Spokesperson

8. Changes to the Council's Lettings Policy 2018 (Cab.19.9.2018/8) (*Pages 29 - 42*)
RECOMMENDATION TO FULL COUNCIL ON 27TH SEPTEMBER, 2018

Place Spokesperson

9. Cundy Cross (Various Streets) - Proposed Amendment to Existing Waiting Restrictions and Installation of New Restrictions - Objections (Cab.19.9.2018/9)
(*Pages 43 - 74*)
(Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazelwood Drive)
10. Straight Lane, Goldthorpe - Introduction of Prohibition of Motor Vehicles - Objections (Cab.19.9.2018/10) (*Pages 75 - 90*)

11. Burleigh Street, Barnsley - Changes to Various Waiting/Loading Restrictions/Proposed Restrictions - Objections (Cab.19.9.2018/11)
(Pages 91 - 104)
12. Windmill Road, Wombwell - Introduction of New Waiting Restrictions - Objections
(Cab.19.9.2018/12) (Pages 105 - 118)
13. Exclusion of Public and Press
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

Place Spokesperson

14. The Glassworks Development (Cab.19.9.2018/14) (Pages 119 - 144)
RECOMMENDATION TO FULL COUNCIL ON 27TH SEPTEMBER, 2018
Reason restricted:
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)
15. Asset Management - Regeneration and Growth Programme (Cab.19.9.2018/15)
(Pages 145 - 166)
Reason restricted:
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)
16. Disposal of Trust Land Containing Park House Residence and former Brierley Town Council Maintenance Depot at Grimethorpe Welfare Park, Grimethorpe
(Cab.19.9.2018/16) (Pages 167 - 174)
RECOMMENDATION TO FULL COUNCIL ON 27TH SEPTEMBER, 2018
Reason restricted:
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)
17. Barnsley Property Investment Fund (PIF) 2 - Scheme Approval
(Cab.19.9.2018/17) (Pages 175 - 204)
Reason restricted:
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)
18. Barnsley Business and Innovation Centre - Phase 5 Report (Cab.19.9.2018/18)
(Pages 205 - 220)
Reason restricted:
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To: Chair and Members of Cabinet:-

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

Cabinet Support Members:

Councillors Franklin, Frost, Daniel Griffin, Pourali, Saunders and Tattersall

Chair of Overview and Scrutiny Committee

Chair of Audit Committee

Diana Terris, Chief Executive

Rachel Dickinson, Executive Director People

Matt Gladstone, Executive Director Place

Wendy Lowder, Executive Director Communities

Julia Burrows, Director Public Health

Andrew Frosdick, Executive Director Core Services

Alison Brown, Service Director Human Resources and Business Support

Michael Potter, Service Director Business Improvement and Communications

Neil Copley, Service Director Finance

Katie Rogers, Communications and Marketing Business Partner

Anna Marshall, Scrutiny Officer

Ian Turner, Service Director, Council Governance

Corporate Communications and Marketing

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

Tuesday, 11 September 2018

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MEETING:	Cabinet
DATE:	Wednesday, 5 September 2018
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors Andrews BEM (in the Chair), Bruff, Cheetham, Gardiner, Howard, Miller and Platts

Members in Attendance: Councillors Franklin, Frost, Daniel Griffin, Pourali, Sheard and Tattersall

63. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 25th July, 2018 had been called in.

64. Declaration of pecuniary and non-pecuniary interests

Councillor Pourali declared a non-pecuniary interest in Minute 76 in her capacity as a Berneslai Homes Board Member.

65. Minutes of the previous meeting held on 25th July, 2018 (Cab.5.9.2018/3)

The minutes of the meeting held on 25th July, 2018 were taken as read and signed by the Chair as a correct record.

66. Decisions of Cabinet Spokespersons (Cab.5.9.2018/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the weeks ending 20th July and 17th August, 2018 were noted.

67. Petitions received under Standing Order 44 (Cab.5.9.2018/5)

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

People (Safeguarding) Spokesperson

68. Annual Report of the Barnsley Local Safeguarding Adults Board 2017/18 (Cab.5.9.2018/6)

Bob Dyson, the Chair of the Barnsley Local Safeguarding Adults Board, attended the meeting to present the Board's Annual Report for 2017/18. The meeting noted the Board's priorities and achievement during the year, as set out in the report.

RESOLVED:-

- (i) that the Annual Report of the Barnsley Local Safeguarding Adults Board for 2017-18 as detailed in the report now submitted, be noted; and

- (ii) that the progress of the Board in meeting its responsibilities to keep adults in Barnsley safe, be noted.

69. Annual Report of the Barnsley Local Safeguarding Children's Board 2017/18 (Cab.5.9.2018/7)

Bob Dyson, the Chair of the Barnsley Local Safeguarding Children's Board, attended the meeting to present the Board's Annual Report for 2017/18. The meeting noted the Board's priorities and achievement during the year, as set out in the report.

RESOLVED:-

- (i) that the Annual Report of the Barnsley Local Safeguarding Children's Board for 2017-18, as detailed in the report submitted, be noted; and
- (ii) that progress made by the Board in relation to its statutory role and functions, be noted as part of Cabinet's continued consideration of the Borough's framework for safeguarding vulnerable adults and children.

70. Annual Report of the Corporate Parenting Panel 2017/18 (Cab.5.9.2018/8)

RECOMMENDATION TO FULL COUNCIL ON 27TH SEPTEMBER, 2018:-

- (i) that the Annual Report of the Barnsley Corporate Parenting Panel for 2017-18, as detailed in the report now submitted, be noted; and
- (ii) that the progress and achievements made by the Corporate Parenting Panel in supporting children and young people in care, together with care leavers, be noted.

Core Services Spokesperson

71. Corporate Plan Performance Report - Quarter 1 ending 30th June 2018 (Cab.5.9.2018/9)

RESOLVED:-

- (i) that the Corporate Plan Performance Report for Quarter 1 (April to June 2018), as detailed in the report now submitted, be noted;
- (ii) that it be noted that there are no suggested areas for improvement or achievement for follow-up at the end of Quarter 1 as initiatives are already in progress to address areas of concern; and
- (iii) that the report be shared with the Overview and Scrutiny Committee to inform and support their ongoing work programme.

**72. Corporate Financial Performance - Quarter 1 ending 30th June 2018
(Cab.5.9.2018/10)**

RESOLVED:-

- (i) that the Corporate Financial Performance Report for the Quarter Ending 30th June, 2018, as set out in the report now submitted, be noted;
- (ii) that Executive Directors/Service Directors (where appropriate) be requested to provide detailed plans on how their forecast overspends will be brought back into line with existing budgets on a recurrent basis;
- (iii) that approval be given to the write off of £1.402m historical debt as shown within the Corporate Budgets section; and
- (iv) that the budget virements detailed at Appendix 1 of the report, be approved.

**73. Capital Programme Performance - Quarter 1 ending 30th June 2018
(Cab.5.9.2018/11)**

RESOLVED:-

- (i) that the Capital Programme Performance for the Quarter Ending 30th June, 2018, as set out in the report now submitted, be noted;
- (ii) that both the 2018/19 and overall five year Capital Programme positions be noted;
- (iii) that approval be given for the 2018/19 scheme slippage totalling £6.095m (paragraphs 4.4, 4.5 and Appendix B refer);
- (iv) that the total net decrease in scheme costs for 2018/19 of £0.936m (as detailed in paragraph 4.6 and Appendix B) be approved; and
- (v) that approval be given to the net increase in scheme costs in future years totalling £0.017m (as set out in paragraph 4.7 and Appendix B).

74. Treasury Management Activities and Investment Performance - Quarter 1 ending 30th June 2018 (Cab.5.9.2018/12)

RESOLVED:-

- (i) that the Treasury Management and Leasing Activities undertaken in the Quarter Ending 30th June, 2018, as set out in the report now submitted, be noted; and
- (ii) that the Prudential and Treasury Indicators detailed in Appendix 1 of the report be noted.

75. Health, Safety and Emergency Resilience Annual Report 2018 (Cab.5.9.2018/13)

RESOLVED:-

- (i) that the 2017/18 Health and Safety Annual Report, as detailed at Appendix A of the report now submitted, be noted; and
- (ii) that the Authority's health and safety performance for 2018/18 and the continuous efforts made to improve upon performance in this area be welcomed.

Place Spokesperson

76. Barnsley Homes Standard - Elemental Heating Replacement Programme 2 (Cab.5.9.2018/14)

RESOLVED:-

- (i) that the Barnsley Home Standard – Elemental Heating Replacement Programme 2 of replacing old, inefficient and worn out systems with new gas boilers and heating installations in Council homes, as detailed in the report now submitted to the value of £850,000, be approved;
- (ii) that funding be released from the Capital Programme in accordance with Financial Regulations; and
- (iii) that Barnsley Homes be authorised to appoint a suitable contractor for the works in consultation with the Executive Director Place and following a procurement exercise and containment of cost within the approved sum.

Communities Spokesperson

77. Digital First - SAP Success Factors Business Case (Cab.5.9.2018/15)

RESOLVED:-

- (i) that funding as set out at Section 7 of the report be approved as part of the Digital First Programme to procure SAP SuccessFactors Human Capital Management (HCM) Solution, for a fixed term of 3 years, with an option to maintain the contract for a further 2+2 years, as detailed in the report submitted;
- (ii) that the scheme to the value of £258,000 be included in the Capital Programme and funding be released in accordance with Financial Regulations; and
- (iii) that a procurement process be initiated to procure a SAP implementation partner, to provide consultancy, development and support capability on behalf of the Council for the lifespan of the implementation.

78. 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>
79	Paragraph 3

Communities Spokesperson

79. Digital First - Enabling Digital Mobility Business Case (Cab.5.9.2018/17)

RESOLVED:-

- (i) that funding as set out at Section 7 of the report be approved as part of the Digital First programme to fund the replacement of the town centre network infrastructure, as detailed in the report submitted;
- (ii) that the scheme to the value of £537,606 be included in the Capital Programme and funding be released in accordance with Financial Regulations; and
- (iii) that a procurement process be initiated to award a contract to a third party supplier to provide a supported network infrastructure for a maximum five year contract term by March 2019.

Note: In accordance with Part 2, Paragraph 5(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chair of the Overview and Scrutiny Committee had given approval for the above item to be considered at a private meeting of Cabinet where it had not been possible to give 28 days' notice.

.....
Chair

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BARNSELY METROPOLITAN BOROUGH COUNCIL

CABINET SPOKESPERSONS' DECISIONS

Schedule of Decisions taken for week ending 7th September, 2018

<u>Cabinet Spokesperson</u>	<u>Item</u>	<u>Decisions</u>
1. Place	Berneslai Homes Customer Involvement Agreement 2018-21	(i) that the minor amendments to the Customer Involvement Agreement 2018-21 be noted and the Council's continued 'sign up' to be agreement be supported; and (ii) that the updated agreement be approved and the Executive Director Core Services be authorised to complete the agreement on behalf of the Council.
2. Place	Home to School Travel Assistance Policy 2018-20 – Personal Travel Budget	(i) that the rate of pay for a Personal Travel Budget be 60p per mile x two return journeys per day for the shortest distance between the pupil's normal place of residency and school; and (ii) that the above offer is piloted for the 2018/19 academic year to allow for the reviews of parent/carers to be considered and a further report brought back.

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BARNSELY METROPOLITAN BOROUGH COUNCIL

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

**REPORT OF THE
EXECUTIVE DIRECTOR CORE SERVICES
TO CABINET ON 19 SEPTEMBER 2018**

REPRESENTATIVE ON SHEFFIELD CITY REGION MUSIC BOARD

1. INTRODUCTION

- 1.1 To consider the Council's representative on the proposed Sheffield City Region Music Board.

2. RECOMMENDATIONS

- 2.1 That Councillor Howard, as Cabinet Spokesperson without Portfolio, be appointed as the Council's representative on the Sheffield City Region Music Board, with officer representation provided from within the Economic Regeneration and Property Business Unit within Place Directorate.**

3. PROPOSAL

- 3.1 The Mayor of Sheffield City Region, Dan Jarvis MP, has proposed the establishment of a Music Board under the auspices of the Combined Authority. The intention is to partner with UK Music in order to promote the City Region's music talent and venues on the national and international stage. Whilst the detailed remit of the Board would be the subject of discussion at its first meeting when established, the Mayor anticipates that this will focus on education and skills, music venues and supporting infrastructure and exploring how the City Region's strengths could be used to grow the visitor economy.
- 3.2 The constituent Councils within the Mayoral Combined Authority (Barnsley, Doncaster, Rotherham and Sheffield) and the non-constituent Councils (Bassetlaw, Bolsover, Chesterfield, Derbyshire Dales and North East Derbyshire) have been invited to nominate Councillors to serve on the Board. Each Council has also been asked to invite their local music hub lead to take a seat on the Board, and to suggest other local businesses or organisations that could usefully play a part in this work.
- 3.3 Given the nature of the Board's activities, it seems appropriate that a Cabinet Member should represent the Council. The local music hub activity is currently based within the Economic Regeneration and Property Business Unit within the Place Directorate and it is therefore proposed that an officer from that Business Unit should also take a seat on the Board.

4. LIST OF APPENDICES

None.

5. BACKGROUND PAPERS

Letter from the Sheffield City Region Mayoral Combined Authority dated 14 August 2018 to the Leader of the Council.

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

Report author: Ian Turner, Service Director Governance and Member Support

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report of the Executive Director – Core Services

**SELECTIVE VOLUNTARY EARLY RETIREMENT AND VOLUNTARY SEVERANCE
SCHEMES**

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval for amendments to the Selective Voluntary Early Retirement and Voluntary Severance Schemes.

2. Recommendations

- 2.1 **Members approve the amendments with effect from 5 September 2018.**

3. Introduction

- 3.1 The Selective Voluntary Early Retirement and Voluntary Severance Schemes form part of the Managing Change Policy and enable the Council to reduce the size of its workforce whilst at the same time compensating eligible employees by either immediate payment of pension and/or redundancy payment.
- 3.2 The Local Government Pension Scheme currently provides an entitlement for anyone over the age of 55 who is made redundant to receive early payment of their pension payments.
- 3.3. Voluntary Severance is available to employees subject to approval who are unable to access their Local Government Pension Scheme benefits either because they are under the age stipulated by the Local Government Pension Scheme (currently age 55 or over) or they are not members of the pension scheme.

Employees who take Voluntary Severance are entitled to receive a redundancy payment subject to having a minimum of two years continuous service either with the Council or with another body recognised under the Modifications Order.

- 3.4 The Selective Voluntary Early Retirement Scheme provides for two options:
- SVER resulting from a reorganisation (Proposal A)
 - SVER in the efficiency of the service (Proposal B)
- 3.5. In respect of proposal A, with the exception of compulsory redundancy, the cost of the early retirement i.e. salary savings must be equal to or greater than the costs associated with the early retirement i.e. additional pension costs (known as strain costs), redundancy payments, pay in lieu of notice. These costs are calculated over the first full 3 years following retirement.
- 3.6. In respect of proposal B, Selective Voluntary Early Retirement in the efficiency of the service is entirely different to retirement on the grounds of redundancy. Retirement on these grounds will only be granted in exceptional circumstances. Where there is a case for release in the efficiency of the service, robust evidence will need to be provided in the following areas:

- Poor health/stress which does not fall into the scope of the 3 tiers of the ill health pension scheme, or
- Breakdown in trust and confidence which falls short of a breach in contract or,
- Inability to adapt and respond effectively to the pace of change in the organisation.

In these circumstances the package does not include a redundancy payment and whilst there is no requirement to achieve the savings as in proposal A, an assessment should be made of any cashable and non-cashable savings.

4. Consideration of Alternative Approaches

4.1 Do not make amendments to the schemes

- 4.1.1 This option could result in the Council been unable to manage its workforce effectively which could impact on service delivery.

5. Proposal and Justification

- 5.1 To alter proposal B to allow the discretion to make an ex- gratia payment, not exceeding the cost of redundancy in circumstances where the proposal forms part of a wider restructure and the associated costs (known as strain costs, see 5.3.), ex-gratia payment, pay in lieu of notice will generate an overall net costs saving over the first full 3 years following retirement.

6. Implications for local people / service users

- 7.1 None arising from this report

7. Financial Implications

- 7.1 Dependant on the number of employees. Individual costs savings forms will be assessed on a case by case basis and certified by finance.

8. Employee Implications

- 8.1 The implementation of the revised schemes will affect all eligible employees in the council and employees in maintained schools.

9. Legal Implications

- 9.1 Legal services have been consulted on the changes.

10. Communications Implications

- 10.1 The revised schemes will be available on the HR intranet site.

11. Consultations

- 11.1 The Trade Unions have been consulted.
- 11.2 The Senior Management Team has been consulted and support the recommendations contained within this report.

12. Promoting Equality and Diversity and Social Inclusion

- 12.1 The Scheme applies to all employees in accordance with the Local Government Pension Scheme and Redundancy (Severance) Schemes.

13. Risk Management Issues

- 13.1 None

14. List of Appendices

Appendix 1 – Amended Selective Voluntary Early Retirement and Voluntary Severance Scheme attached.

15. Background Papers

- 15.1 All background and working papers are available for inspection in Human Resources.

Officer Contact: Alison Brown

Tel: 773674

Date: 7 August 2018

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SELECTIVE VOLUNTARY EARLY RETIREMENT AND VOLUNTARY SEVERANCE SCHEMES

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SELECTIVE VOLUNTARY EARLY RETIREMENT AND VOLUNTARY SEVERANCE SCHEMES

1.0 INTRODUCTION

- 1.1 Due to the changing nature of Local Government there will always be the need to reorganise and restructure with the consequential reduction of posts. In the event of a likely reduction in the workforce Managers should in the first instance refer to the [Managing Change Policy](#) or in the case of teachers and schools based employees the [Managing Change for Schools Policy](#).
- 1.2 Selective Voluntary Early Retirement and Voluntary Severance form part of the Managing Change Policy and the guidance detailed below provides the principles and process that should be followed when an employee takes Selective Voluntary Early Retirement or Voluntary Severance in accordance with the approved Council schemes.
- 1.3 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.
- 1.4 The Local Government Pension Scheme currently provides an entitlement for anyone over the age of 55 who is made redundant to receive early payment of their pension entitlements.
- 1.5 Employees and Managers should be aware that the following conditions will apply.
- If a candidate is an employee in receipt of a pension (this includes ill health pensions) from a public sector organisation including local government, civil service, teachers pensions, police (Civil or Warranted Officers), armed forces, or any other covered by the Modification Order or a redundancy/ severance payment as a result of being made compulsory redundant this will not rule them out from being employed by the authority. HR approval must be sought by managers in all cases prior to entering into discussions with individuals in receipt of a pension or redundancy/ severance payment regarding any opportunity for employment. Any such arrangements will be considered on a case by case basis and must be cost effective and provide best value in the use of Council resources.

2.0 WHO DOES THIS POLICY APPLY TO?

- 2.1 This policy applies to all Council employees including support staff employed in locally managed schools with the exception of 'Relief' employees. Teachers or other employees who are members of the Teachers Pension Scheme should refer to the [Redundancy \(Severance\) Payment and Selective Voluntary Early Retirement Scheme – Teaching Employees](#).

3.0 SELECTIVE VOLUNTARY EARLY RETIREMENT

- 3.1 SVER is available to employees on a voluntary basis subject to approval. An employee who is aged 55 or over and who is made redundant is allowed to access their accrued LGPS pension benefits and if eligible (i.e. two years continuous service with the Council or another

body included in the Redundancy Modifications Order) they will also receive a redundancy payment in line with current Council policy.

4.0 **VOLUNTARY SEVERANCE**

- 4.1 Voluntary Severance is available to employees subject to approval who are unable to access their Local Government Pension Scheme benefits either because they are under the age stipulated by the Local Government Pension Scheme (currently age 55 or over) or they are not members of the pension scheme.
- 4.2 Employees who take Voluntary Severance are entitled to receive a redundancy payment subject to having a minimum of two years continuous service either with the Council or with another body recognised under the Modifications Order.
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5.0 **SVER RESULTING FROM A REORGANISATION (PROPOSAL A)**

- 5.1 In order for an employee to be allowed to take SVER the policy requires that the savings made from an early retirement i.e. salary savings, are equal to or greater than the cost associated with the early retirement i.e. additional pension costs (known as **strain costs**, see 5.3), redundancy payments, pay in lieu of notice. These costs are calculated over the first full 3 years following retirement.
- In the case of a compulsory redundancy, the savings may not comply with the criteria detailed in section 5.1 but will be expected to achieve a net nil effect within a reasonable timeframe of the compulsory redundancy taking effect. In the cases of compulsory redundancy it is expected that no suitable alternative posts will be available in the structure.
- 5.2 The payment of pay in lieu of notice (PILON) should only be necessary in exceptional circumstances i.e. when it has not been possible to issue full contractual notice to the employee concerned.
- 5.3 **Strain costs** are the additional pension costs that must be met by the Council and are paid back in 3 yearly instalments.
- 5.4 It is Council policy that there is no entitlement to any pension enhancements when taking SVER e.g. added years of service.
- 5.5 In order for an employee outside the Efficiency Agenda process to be allowed to take SVER to assist in the avoidance of the compulsory redundancy of another employee, it is required that the savings made from the proposal i.e. salary savings, are equal to or greater than the cost associated with the early retirement i.e. additional pension costs (known as **strain costs**, see 5.3 above), redundancy payments, pay in lieu of notice. These costs are calculated over the first full 3 years following retirement (bumped redundancy). All associated costings must be carried out with the HR Business Partner.
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6.0 **SVER INDIVIDUAL RETIREMENT IN THE EFFICIENCY OF THE SERVICE (PROPOSAL B)**

- 6.1 Selective Voluntary Early Retirement in the efficiency of the service is entirely different to retirement on the grounds of redundancy and will be subject to a forensic examination of the circumstances before release is agreed. Retirement on these grounds will only be granted
-

in exceptional circumstances.

6.2

Where there is a case for release in the efficiency of the service, robust evidence will need to be provided in the following areas: -

- Poor health/stress which does not fall into the scope of the 3 tiers of the ill health pension scheme, or
- Breakdown in trust and confidence which falls short of a breach of contract or
- Inability to adapt and respond effectively to the pace of change in the organisation.

6.3

There must be evidence to support the fact that the application of the Council's policies as they apply to these circumstances is not appropriate i.e. Managing Attendance Policy or Improving Employee Performance Policy.

6.4

It should be noted that an SVER agreed under this method do not carry the same requirement to achieve a saving as detailed above (see 5.1) but an assessment should be made of any cashable and non-cashable savings.

6.5

Applications for retirement on these grounds should be detailed on a **Report** and will be recommended by the Executive Director with agreement by the Chief Executive and Service Director of Human Resources and Business Support, and for approval by the Leader and Cabinet Spokesperson – Corporate Services.

6.6

In these circumstances the package would not include a redundancy payment.

6.7

However, the Council has a discretion to make an ex- gratia payment, not exceeding the cost of redundancy in circumstances where the proposal forms part of a wider restructure and the associated costs (known as strain costs, see 5.3.), ex-gratia payment, pay in lieu of notice will generate an overall net costs saving over the first full 3 years following retirement. Any such proposal will require the prior approval of the Service Director – Finance and Service Director Human Resources & Business Support.

6.8

There is no entitlement to any pension enhancements e.g. added years of service under this scheme.

6.9

Pension Augmentation will only be approved in exceptional circumstances. Approval of pension augmentation must be gained from the Service Director of Human Resources and Business Support.

7.0 **REDUNDANCY PAYMENTS**

7.1

Redundancy payments are made under the Employment Rights Act 1996, Section 227 which states that a redundancy payment should be calculated subject to a weekly earnings limit. The weekly limit is reviewed periodically.

7.2

However, current Council policy states that employees who are made redundant regardless of age will receive a Redundancy Payment based on age and length of service up to a maximum of 20 years' service and the calculation will be based on their **actual** weekly salary. Maximum payment equates to 30 weeks' pay.

7.3

To qualify for a redundancy payment an employee must have a minimum of 2 years continuous service with the Council or other body contained within the [Redundancy](#)

Payments Modifications Order.

- 7.4 A **Redundancy Calculation Table** detailing the number of week's redundancy entitlement is available via the Human Resources Intranet site or by contacting the appropriate directorate Human Resources Business Partner if access to the Intranet site is not available.
-

8.0 CONSIDERATION OF AN SVER/VS

- 8.1 Prior to any request for SVER or VS is granted, the following factors will be taken into consideration: -
- Whether there is suitable alternative work available within the Council.
 - Whether there are any temporary appointments that might be offered pending the emergence of a more permanent solution.
 - Whether a cost /savings analysis has been undertaken and there are significant resultant savings. The cost/savings analysis will be considered for approval to release figures to the employee.
 - Whether the employee is already in receipt of an offer of employment from another employer, covered by the Redundancy Payments Modification Order, to start within 28 days of the termination of their current employment. If this is the case the employee will not be entitled to receive a redundancy payment.
-

9.0 ILL HEALTH RETIREMENT

- 9.1 The process for effecting ill-health retirement is well established and to all intents and purposes lies outside of the control of the Council/School, with approval to release pensions being authorised by the Medical Advisor to the South Yorkshire Pension Authority.
- 9.2 In the case of a possible ill health retirement Managers should refer to the Council's Managing Attendance Policy and seek guidance from their directorate Human Resources Business Partner.
-

10.0 PROCESS TO FOLLOW FOR AN SVER/VS

- 10.1 Managers should initially seek advice from the directorate Human Resources Business Partner when consideration is being given to allowing an employee to terminate under the SVER/VS Policy.
- 10.2 When an SVER/VS proposal is under consideration the manager should liaise with the directorate Human Resources Business Partner who will obtain the estimated pension figures from the SYPA and/or estimated redundancy figures from Financial Services.
- 10.3 These figures should only be requested if there is a clear possibility that the employee may be released for SVER/VS and that consideration has been made regarding all other options (see Section 8).
- 10.4 Employees should be made aware that any request for figures does not constitute any offer or agreement to SVER/VS.
- 10.5 When the estimated figures are received the directorate Human Resources Business
-

Partner will carry out a preliminary cost/savings calculation.

- 10.6 For **Non Schools** Service Directors will be invited to discuss their proposals with the Service Director of Human Resources and Business Support and the Service Director of Financial Services.
- 10.7 For **Schools** Headteachers will be invited to discuss their proposals with The Director of People, the Schools Financial Services Manager and the Service Director of Human Resources and Business Support.
- 10.8 The Service Director/Headteacher will be asked to discuss the full implications of the proposed release, giving full details of the following:
- Associated Costs/ Savings
 - Post Deletions
 - Transfer of posts
 - Creation of new posts
 - Re-grading of existing posts
 - Honoraria payments either existing or proposed.
 - Any other associated re structuring proposal(s).
- 10.9 Under no circumstances should information be released to the employee concerned until these discussions are concluded and it has been agreed that the employee can be released.
- 10.10 If it has been agreed the employee can be released the estimates can be forwarded to the relevant Manager who should discuss the contents of the estimate (not the cost/savings information) with the individual employee.
- 10.11 If the SVER/VS is agreed the manager should ensure that the estimate/s are signed by the employee and these should then be forwarded to the directorate Human Resources Business Partner who will prepare the final Cost/Savings Form and will circulate this in turn to all necessary signatories.
- 10.12 All SVER/VS paperwork must be authorised by the following signatories:
- Finance Manager responsible for the relevant Directorate/Service/School
Executive Director (**Non Schools**) or the Chair of Governors (**Schools**) for Schools
Service Director of Human Resources and Business Support.
Cabinet Spokesperson for Corporate Services.
- 10.13 Following approval the manager should issue the employee with the appropriate letter confirming the termination on the grounds of SVER or VS. Template letters are available from the directorate Human Resources Business Partner. The template letter contains an acceptance tear off slip which the employee must sign and return prior to any payment being processed.
- 10.14 Following completion of all necessary paperwork the directorate Human Resources Business Partner will forward all documents to the Business Support Services where any payments will be processed and documentation placed on the employee's personal file.
- 10.15 Managers must ensure that any changes made to the structure of the service as a result of the SVER/VS must be approved via a Cabinet report or Delegated Powers report if this change has not already been approved as part of a restructure.

- 10.16 Mangers must also ensure that the necessary Organisation Management Forms (**OM1/2/3**) are completed and forwarded to the Organisation Management Team to enable the SAP system to be updated with the structural changes.

11.0 **EMPLOYEES WHO ARE ABSENT FROM WORK DUE TO LONG TERM ILLNESS**

- 11.1 If an employee is absent from work due to long term illness then those employees should be allowed the same opportunity to be considered for SVER/VS as if they had been attending work. However, SVER/VS should not be used in place of the Managing Attendance Policy for employees who are on long term sick leave and advice regarding this should be sought from the directorate Human Resources Business Partner.

12.0 **EQUALITY AND DIVERSITY**

- 12.1 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 Business Partner who will if necessary ensure the policy is reviewed.

13.0 **INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS**

- 13.1 Redundancy payments that meet the definition of redundancy under Section 139 of the Employment Rights Act 1996 and any enhanced redundancy payments will be exempt from tax under Section 401 Income Tax (Earnings and Pensions) Act 2003 subject to the £30,000 limit available in respect of the exemption. No national insurance contributions are payable if the payment meets the redundancy condition even if the payments exceed the £30,000 limit.
- 13.2 Pay in Lieu of Notice (commonly known as PILON) is a complex area. Any PILON paid as a contractual entitlement should be subject to tax and national insurance contributions. HMRC also consider that in some circumstances tax and national insurance contributions are due on PILON even where there is no contractual arrangement. Therefore advice should be sought in connection within any PILON payments made.
- 13.3 Any other payments due such as holiday pay, unpaid wages etc. will be subject to tax and national insurance contributions at the appropriate rate.

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Document Control

Implementation Date	September 2018
Author	Service Director (AKB)
Revised/Updated	Updated
Brief Reason for Change	Insertion of provision for discretionary ex gratia payment under proposal B where the proposal forms part of a wider restructure

	and the associated costs will generate next costs savings over the first full 3 years.
Version Control	V1.0

Appendix 1 Service (Years)

Age (years)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
18* (1)	1																			
19	1	1.5																		
20	1	1.5	2																	
21	1	1.5	2	2.5																
22	1	1.5	2	2.5	3															
23	1.5	2	2.5	3	3.5	4														
24	2	2.5	3	3.5	4	4.5	5													
25	2	3	3.5	4	4.5	5	5.5	6												
26	2	3	4	4.5	5	5.5	6	6.5	7											
27	2	3	4	5	5.5	6	6.5	7	7.5	8										
28	2	3	4	5	6	6.5	7	7.5	8	8.5	9									
29	2	3	4	5	6	7	7.5	8	8.5	9	9.5	10								
30	2	3	4	5	6	7	8	8.5	9	9.5	10	10.5	11							
31	2	3	4	5	6	7	8	9	9.5	10	10.5	11	11.5	12						
32	2	3	4	5	6	7	8	9	10	10.5	11	11.5	12	12.5	13					
33	2	3	4	5	6	7	8	9	10	11	11.5	12	12.5	13	13.5	14				
34	2	3	4	5	6	7	8	9	10	11	12	12.5	13	13.5	14	14.5	15			
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5	14	14.5	15	15.5	16		
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5	15	15.5	16	16.5	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5	16	16.5	17	17.5	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5	17	17.5	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5	18	18.5	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19.5	
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25	
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26	
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27	
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5	
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28	
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5	
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29	
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5	
61* (2)	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
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18* (1) – It is possible that an individual could start to build up continuous service before age 16, but it is likely to be rare, and therefore this table starts at age 18.

61* (2) – The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

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BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the council's definition and has been included in the relevant Forward Plan

**Report of the Executive
Directors of PLACE &
COMMUNITIES**

Changes to the Council's Lettings Policy 2018

1. Purpose of report

- 1.1 To present the findings from the review of the Lettings Policy that was carried out in 2018.
- 1.2 To request approval for the proposed amendments to be made to the existing Lettings Policy as summarised in the report at section 3.8.

2. Recommendations

- 2.1 It is proposed that the recommendations made as a result of the review (noted at section 3.8 of this report) are supported and the proposed changes to the Lettings Policy are implemented.

3. Introduction

- 3.1 The current Lettings Policy was agreed by the Council and implemented from April 2014 (following the 2013/14 Review). Although there have been minor amendments to the Lettings Policy over the last four years, the policy is, and has remained, fit for purpose. In brief summary, the changes in the period since 2014 have included:
 - Revisions to the designated 'age restricted' properties
 - Changes in the ways in which vacant properties are advertised and the methods by which applicants are able to apply for properties following the Access to Services Review.
 - Changes required responding to Universal Credit regulations relating to housing costs for 18 to under 22 year olds.
- 3.2 On 3rd April 2018, the Homelessness Reduction Act 2017 came into force. The Act significantly reforms England's homelessness legislation by placing duties on Local Authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'.

- 3.3 In order to ensure compliance with new legislation, and as recommended in the accompanying statutory code of guidance, the Council's Lettings Policy has been reviewed jointly between BMBC, Berneslai Homes and representatives from the Tenant's Federation (the Review Panel) to give effect to the new duties set out in the 2017 Act. In reviewing the current policy documents, officers have also undertaken a more general overview of the Policy and propose a small number of other slight amendments to the wording of the Policy to ensure that it remains flexible enough to adapt to other legislative changes expected to be announced in the Secretary of State Guidance.

The changes to Homelessness Legislation:

- 3.4 Under the 2017 Act, the Council is under a duty to take reasonable steps to **prevent** homelessness where an applicant is threatened with homelessness within 56 days. Whilst the main objective is to take action to enable the applicant to remain in their current home, where remaining in the current home may not be suitable or appropriate the Council should seek to support applicants to secure suitable alternative accommodation to prevent homelessness. This is the Prevent Duty.
- 3.5 Where an applicant is homeless and eligible for assistance, the Council must take reasonable steps to **relieve** homelessness (within 56 days) by assisting the applicant to secure suitable accommodation. This duty may be brought to an end in a number of ways including making an offer of suitable accommodation. This is the Relief Duty.
- 3.6 Under both the **Prevention** and **Relief** duties there is a requirement to complete a personal housing support plan (PHSP) with customers, detailing what action is required. The actions contained within the plan should address the customer's circumstances, their housing and support needs. The actions will be identified as being actions either the Council or the customer will progress and set time scales for updates to be provided. This additional function clearly establishes an expectation that customers will take responsibility for resolving their housing issues and allows the Council to end their duties where customers do not comply with actions set out in the plan. It should be noted that the Housing Solutions Team are committed to assisting engaged customers to resolve their housing solutions either side of the 56 day period.
- 3.7 In reviewing the Lettings Policy, the Review Panel have identified a number of areas where minor changes would assist the Authority to best meet our duties under the new Act.

3.8 The recommendations contained in the sections below will help the Council to continue to meet its statutory and corporate obligations and to do so in a more effective manner:

3.81 **Banding:**

BAND	CURRENT	PROPOSAL
1	Full Duty Homeless cases ONLY (eligible, homeless, priority need, not intentional, local connection).	Keep this the same. Numbers should significantly reduce as the Prevention and Relief stages should assist. There are no proposed changes to other applicants who would currently qualify for Band 1 status.
2	Vulnerable Applicants defined as homeless under the 1996 Act but who are not owed Full Duty as they have made themselves intentionally homeless.	Band to provide reasonable preference to applicants threatened with homelessness and owed the Prevention Duty (section 195 (2)). There are no proposed changes to other applicants who would currently qualify for Band 2 status.
3	Non-Vulnerable applicants who are not owed Full Duty and who have not made themselves intentionally homeless.	Band to provide reasonable preference to applicants owed the Relief Duty (section 189B) There are no proposed changes to other applicants who would currently qualify for Band 3 status.
4	Out of district applicants with no local connection but who have emergency, very urgent or urgent re-housing needs	Reasonable preference to applicants that are threatened with homelessness (and have Prevention Duty) but who do not have a Local Connection There are no proposed changes to other applicants who would currently qualify for Band 4 status.
5	This band is for qualifying applicants who have no local connection with Barnsley and who have minor, or no, housing needs.	There are no proposed changes to other applicants who would currently qualify for Band 5 status.

A process map comparing the old legislation with the new is included at Appendix B. The proposed changes to the banding will be monitored and reviewed by the Panel at a six-monthly interval to ensure that the Council is

meeting its duties under the Act and that other applicants have not been unduly affected by the banding changes.

3.82 Section 6d - Ineligible applicants on the grounds of unreasonable behaviour:

In looking at the current policy, officers feel that the distinction between 'qualifying' and 'ineligible' applicants is not clear enough. The changes in the policy are designed to address this.

Ineligibility in the context of the policy relates to immigration control, people who have failed the habitual residence test, people from abroad determined 'ineligible' by the Secretary of State.

Qualifying people is more about our locally determined criteria taking into account Codes of Guidance, Local priorities and issues and covers things such as ASB, rent arrears.

It is proposed that section 6d should be amended to be identified as the 'qualification criteria' as it identifies those positive and negative individual circumstances that will be considered in determining the outcome.

It should be noted that there are no actual changes to the criteria on which decisions are made.

3.83 Section 7a (ii) - Local connection

It is proposed that this section of the Lettings Policy is amended to reflect the common working definition used for homelessness assessments for establishing a local connection. In short, this means changing the time that they, or a close family relative, must have spent living in the borough over the last 5 years from 2 years to 3 years. This policy change will be reviewed by the Panel at a six-monthly interval to ensure that the Council is able to best meet the needs of all applicants on the waiting list.

3.84 8g – Housing Applicants aged 18 to 21 years old

From 1st April 2017, the Government changed the benefits system; resulting in some single persons aged between 18 and under 22 years of age no longer being eligible for assistance with housing costs through Housing Benefit or Universal Credit.

As a result of these changes, the council reviewed the Lettings Policy and from 28th September 2017, any housing applicant aged between 18 and under 22 years of age, coming up for an offer of accommodation, was subject

to a financial assessment to ascertain if they were able to afford a tenancy. Where the assessment determined that a tenancy was unaffordable, the offer was withdrawn and further offers would not be made until the applicants circumstances changed.

On 29th March 2018, the Secretary of State announced that the Government were changing the benefits system and effectively reversed their decision to withdraw assistance with housing costs for some 18-under 22 year olds. The suggested change in the Lettings Policy is to reflect these changes in the welfare benefit system and withdraw the need for financial assessments for applicants in this age group. In short, this means removing paragraph 8g.

At the time of writing this report, the date the Government intends to change the welfare benefits system for this age group is not yet known. The suggested change in the Lettings Policy is in anticipation of these changes.

3.85 9a – what type of tenancy to be offered

The change basically strips out the existing definitions of secure, introductory and flexible tenancies and replaces them with simplified wording which states that the allocation of tenancies will be in accordance with the law at the time of allocation. This simplified wording prevents a further amendment should the Government take the decision to enact proposals in the Housing and Planning Act 2016, ending automatic lifetime tenancies, at some point in the future.

The primary tenancy offer remains as a secure lifetime tenancy, following the 12 month Introductory Tenancy period.

3.86 Lettings' Policy - Appendix 1 - Exclusion and Suspension Statement

1. Background

It is proposed that this section of the policy is amended with the term 'qualification criteria' for the reasons highlighted above at 3.82.

2. Exclusion - General principles

It is proposed that this section of the policy is amended to include the conditions where the council considers a Housing Register applicant to be ineligible for the allocation of accommodation, and sets out the three-stage test of 'suitability'. The examples of behaviour /conduct have also had slight amendment.

- 3.9 The current lettings policy has been re-drafted taking into consideration the recommendations set out in this report and a number of minor corrections to details and syntax have also been incorporated.

4. Consideration of alternative approaches

- 4.1 There are no other alternative approaches. In order to ensure compliance with new legislation, and as recommended in the accompanying statutory code of guidance, the Council's Lettings Policy has been reviewed jointly between BMBC and Berneslai Homes to respond to the new duties set out in the 2017 Homeless Reduction Act.
- 4.2 In reviewing the current policy documents, officers have also undertaken a more general overview of the Policy and have proposed a small number of other amendments to the wording of the Policy to ensure that it remains flexible enough to adapt to other legislative changes, as required.
- 4.3 The review panel agreed that the recommendations reflect the best opportunity to allow the Council to meet both our duties under the Homeless Reduction Act (prevent and relief) and our commitment to offer affordable accommodation to other qualifying applicants on the Housing Waiting List.

5. Proposal and justification

- 5.1 To approve the proposed changes to the Lettings Policy as identified at Section 3.8 of this report.
- 5.2 The review has taken into consideration compliance with current legislation and the most recent guidance. It is a key principle that allocations policies are seen to be fair and can be justified. It also acknowledges that there is a balance to be struck between the competing priorities of meeting the needs of applicants and developing balanced and sustainable communities.
- 5.3 Should the recommendations outlined in this report be approved, it is proposed that the changes are implemented and publicised at the earliest opportunity following approval via Full Council.

6. Implications for local people / service users

- 6.1 It is anticipated that that the proposed recommendations will enhance the existing policy and help the Council to maintain and improve the well-being and quality of life of people in Barnsley. This contributes to the Council's corporate priorities, in particular, assisting people to achieve their potential and the development of strong and resilient communities.

7. Financial implications

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 There are no financial implications arising from this report.

8. Employee implications

- 8.1 There are no implications arising from this report.

9. Communications implications

- 9.1 All documentation will be updated to incorporate the approved recommendations. This will be published on the Berneslai Homes web-site (with links to the BMBC website) and will be available on request.

10. Consultations

- 10.1 Following the completion of the Housing Services Review, a strand of which reviewed the relationship between Berneslai Homes and the Council in the delivery of Community Safety and Allocations related services, a Review Panel (task and finish group) was established in late 2017 to review the existing Lettings Policy and code of guidance.
- 10.2 The Panel consisted of officers across Place and Communities directorates, Berneslai Homes (Rents and Lettings) and representatives from the Tenant's Federation who are supportive of the recommended changes to the policy. The Portfolio Holders for Place and Communities have also been consulted as part of review. A full member briefing will be held in advance of submission to White Cabinet.
- 10.3 As part of the consultation process, the report has been considered by officers from all three directorates and is presented to Cabinet as a joint report between PLACE and Communities.

11. Tackling Health Inequalities

- 11.1 Revisions to the Lettings Policy allow the Council to ensure that it fully complies with its legislative requirements and makes best use of its stock to ensure that residents in the borough are appropriately housed. As the proposed changes amend banding eligibility, a review will be undertaken at six-monthly intervals to ensure that applicants have not been unduly affected by the amendments to respond to the Homeless Reduction Act. The policy makes no changes to the eligibility criteria for those applicants who require specific accommodation due to their age/health

12. Climate Change & Sustainable Energy Act 2006

- 12.1 None.

13. Risk Management Issues

- 13.1 The recommendations are required to ensure that the Council meets its legislative duties. The impact of the proposed changes to accommodate the relief/prevent duties under the Homeless Reduction Act will be monitored at a six-monthly interval to ensure that banding/timescales etc. are addressing the aims of the Act and not unduly impacting upon other applicants/allocations.

14. Health & Safety Issues

- 14.1 None.

15. Compatibility with the European Convention on Human Rights

- 15.1 None. The changes respond to government legislation which is considered to be fair and justified.

16. Promoting Equality & Diversity and Social Inclusion

- 16.1 The recommendations have been fully assessed and comply with Equality and Diversity issues. An Equalities Impact Assessment was jointly produced by Berneslai Homes and the Council in August 2018 which considers the proposed changes to the Lettings Policy in light of the Homeless Reduction Act.

17. Reduction of Crime & Disorder

- 17.1 Within the existing and DRAFT policy, safeguards are in place to reduce ASB in new tenancies.

18. Conservation of Biodiversity

- 18.1 None.

19. List of Appendices

- 19.1 Appendix A- Financial Imps
Appendix B- Process Map

20. Background Papers

Lettings Policy 2018 presentation to Members (to be provided upon request).

Office Contact: Sarah Cartwright Telephone No: 01226 787942 Date: 27/07/2018
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Financial Implications / Consultation

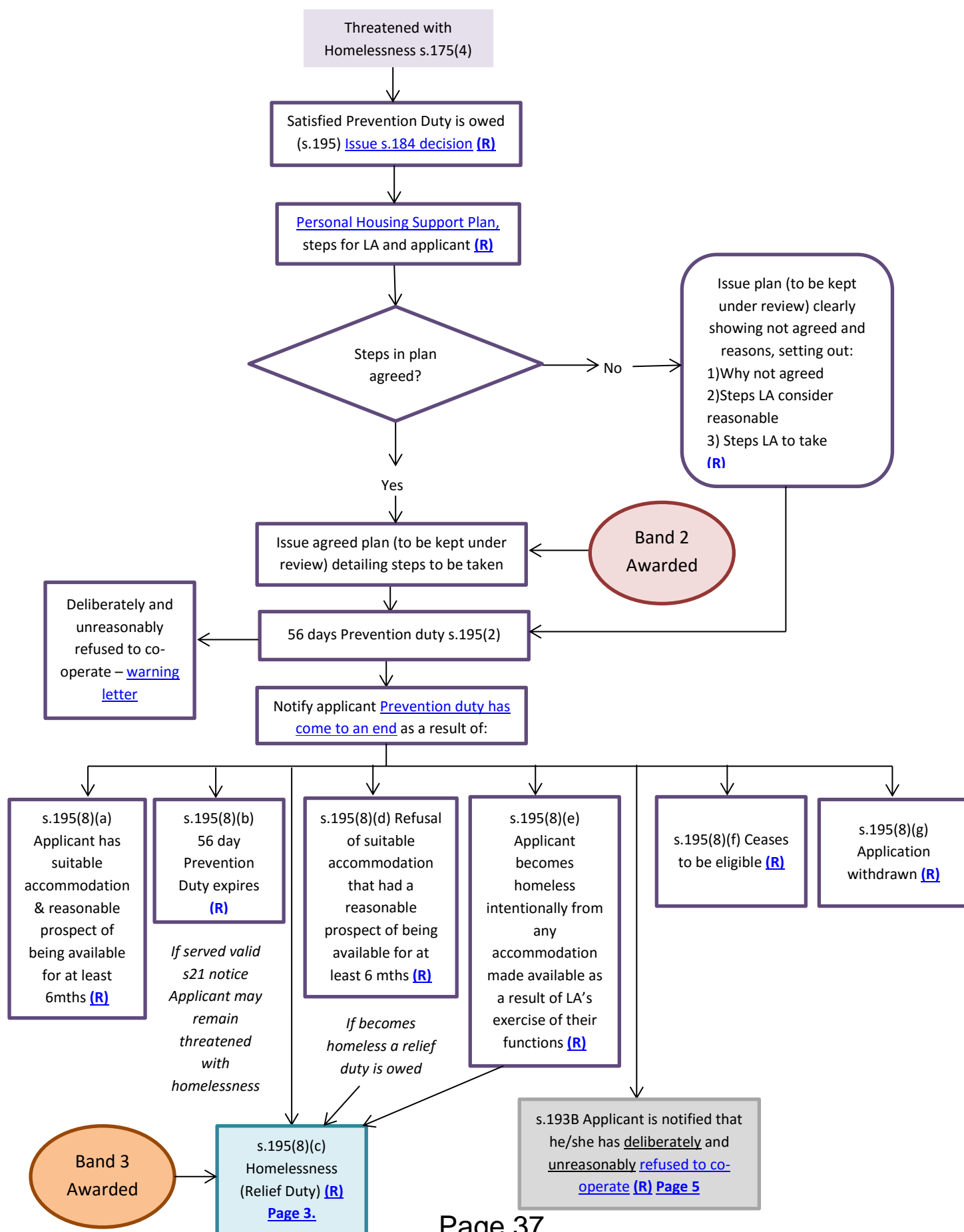


Date: 30th July 2018

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

Page 2.

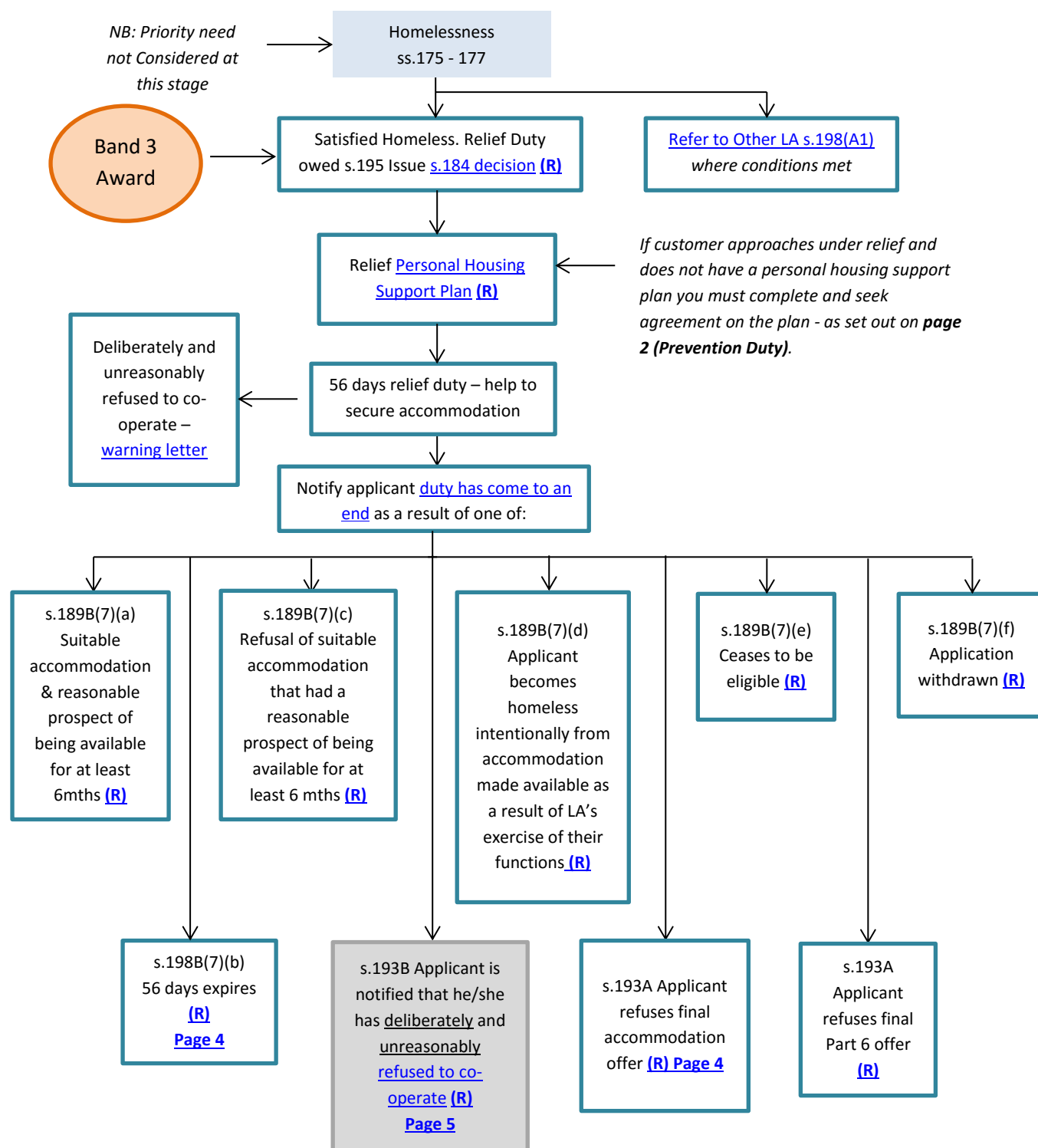
Prevention s195



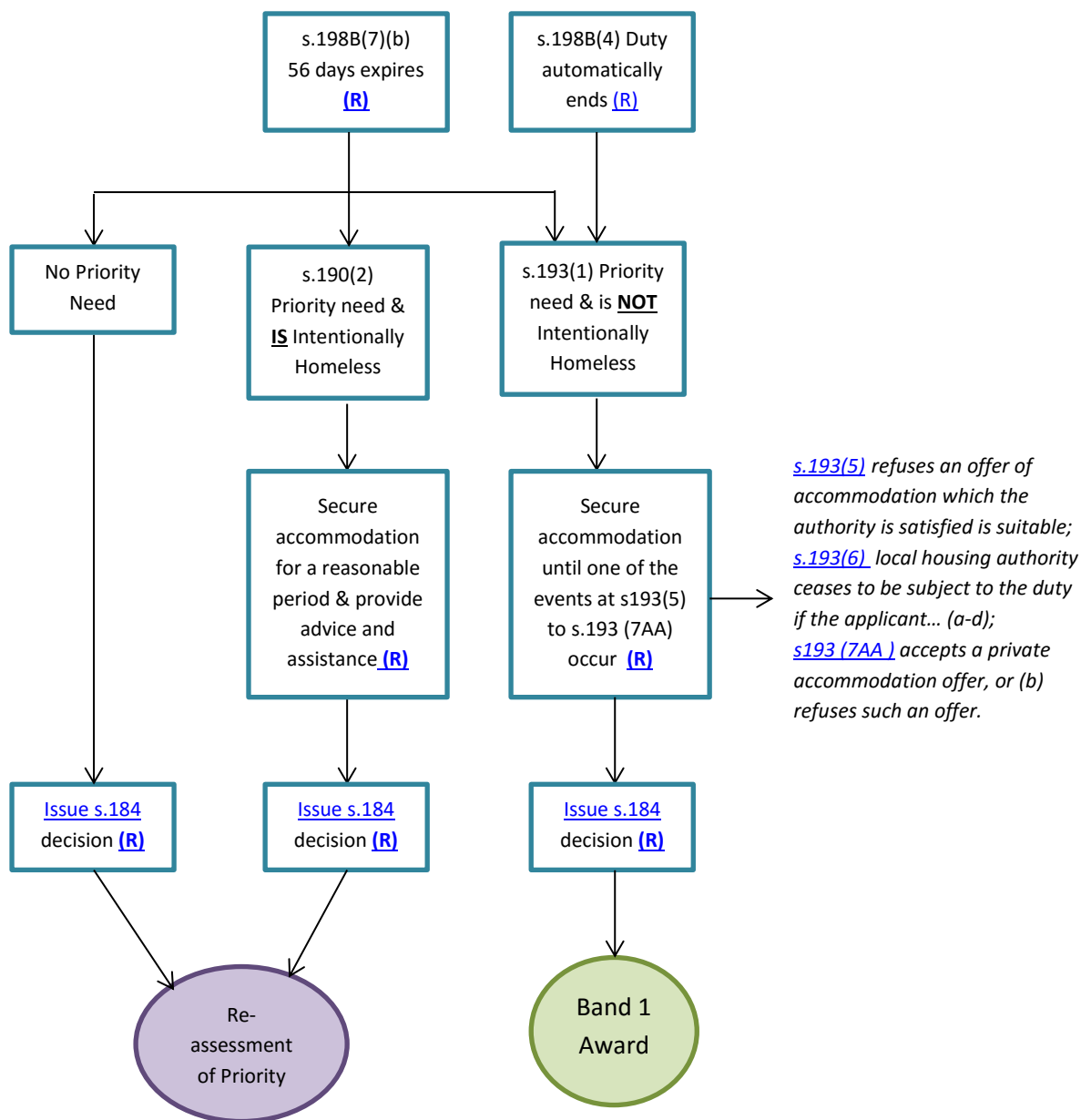
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Relief s.189B



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Barnsley Metropolitan Borough Council

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

Report of the Executive Director, Place

Cundy Cross (Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court, Hazelwood Drive) – Proposed amendment to existing waiting restrictions and installation of new restrictions

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the objections which have been received in respect of previously published proposals to implement a Traffic Regulation Order (TRO) to amend and upgrade the existing waiting restrictions on parts of Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane and introduce new restrictions on the new link road (Meadow View), Hawthorne Avenue, Moorland Court and Hazelwood Drive as part of a highway improvement scheme.
- 1.2** To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1** **The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2** **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

3. Introduction/Background

- 3.1** On 16th December 2016 approval was given to publish a range of traffic restrictions on parts of Rotherham Road, Grange Lane and Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazlewood Drive in connection with the new signalised junction at the former Cundy Cross roundabout and the new link road from Rotherham Road to Littleworth Lane. See officer delegated report attached at Appendix 1 and associated plans attached at Appendix 3A and 4.
- 3.2** The proposals were published in March 2017 and 9 objections were received. Since then, 1 objection has been withdrawn.
- 3.3** Whilst the objectors oppose the proposed TRO, their main concern is regarding the new link road between Rotherham Road and Littleworth Lane, known as Meadow View. They say the developer of the new housing estate did not inform them this road would link Rotherham Road and Littleworth Lane. They believe this was mis-

represented to them when they were purchasing the new properties. This is a private matter between the developer and the purchasers. This report focuses only on the objections relating to the proposed TRO.

After the proposals were first advertised it came to light that there was a discrepancy with the proposed restrictions on a section of Pontefract Road, Cundy Cross. The proposals included 'no waiting at any time' alongside a solid double white line system. These restrictions contradict each another. On 17th April 2018 approval was given to publish a further TRO to remove the conflicting restrictions. This was published in May 2018 and no objections were received. The officer delegated report is attached at Appendix 2 with associated plan attached at Appendix 3B.

- 3.4 As part of the Statement of Reasons for the initial published report dated March 2017 a paragraph referenced the new link road as forming part of the A628. This was an error; the link road will not form part of the A628.

4. Consideration of Objections

As a result of advertising the proposals there are 8 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- *(Location of objector: Meadow View)* The restrictions will prevent family and friends from parking outside their own property.

response: No individual has a legal right to park on the public highway outside their property. Essentially the purpose of the public highway is facilitate the passage of traffic and should not be relied up as a parking area.

- *(Location of objector: Meadow View)* When purchasing the property the objector was informed it was a "quiet family residential estate". The objector was not informed Meadow View would be "turned into a main busy road". The objector has concerns regarding the safety of their children when crossing the road to the only open space for the children to play. The objector believes the value of the property will "take a massive hit" as the proposed road is at the end of their garden.

response: The objector has been advised to contact the developer and a solicitor to discuss these concerns. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road.

- *(Location of objector: Hazelwood Drive)* The objector won't be able to park outside their own home, other than on the small drive. The proposals mean the objector will have no visitor parking and nowhere to load or unload. The property will de-value as a result of the link road. The objector strongly objects to the construction of the link road and any other associated works.

response: The proposals for Hazelwood Drive are to protect the junction from parked cars. This will ensure visibility is maintained at all times. No individual has any legal right to park on the public highway outside their property. Essentially the purpose of the public highway is facilitate the passage of traffic and should not be relied up as a parking area. Loading is only prohibited during the peak traffic times only

(8-9.30am & 4.30-6pm). Outside these times loading is permitted. The objector has been advised to contact the developer and a solicitor regarding the construction of the link road.

- *(Location of objector: Hazelwood Drive)* Neither the developer nor the solicitor informed the objector there would be a link road through the estate. If the objector had known they would not have purchased the property. They believe the link road will be dangerous for school children due to the increase of traffic. The objector has three cars and a small drive and the TRO proposals will cause difficulties if they cannot park on the highway outside their property.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposals for Hazelwood Drive are to protect the junction from parked cars. This will ensure visibility is maintained at all times. No individual has any legal right to park on the public highway outside their property. Essentially the purpose of the public highway is facilitate the passage of traffic and should not be relied up as a parking area.

- *(Location of objector: Hazelwood Drive)* The objector was not made aware that they would be living on a main road. They have concerns regarding the safety of the public, particularly young children. With regards to the proposed parking restrictions the objector was not made aware of these prior to purchasing the property and is unhappy about being unable to park outside their own home. It will have an impact on all the residents and visitors as there is no-where for them to park when visiting. The objector does not understand where there is a need for parking restrictions as they are not located in the middle of the town centre.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposals for Hazelwood Drive extend for 15 metres from its junction with Meadow View and have been proposed to protect the junction from parked cars. The restrictions will not run outside the frontage of the objector's property. The area outside the objector's property will remain unrestricted. Parking restrictions are required to ensure traffic can be free flowing as well as allowing the traffic signals to operate effectively.

- *(Location of objector: Meadow View)* When purchasing the property the objector was led to believe (by the developer) that Meadow View would be a no through road and not a main arterial route. The objector has concerns regarding the increase of noise Meadow View will bring as well as safety concerns. With regards to the TRO proposals the objector will eventually have 4 cars parked on the driveway and as such visitors will have nowhere to park. There will be nowhere for deliveries to unload. The objector considers the proposals are too strict and has requested permit parking.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has

always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposals for Meadow View have been designed to ensure traffic can be free flowing as well as allowing the traffic signals to operate effectively. The restrictions prohibit loading/unloading from taking place during the peak traffic flow hours (8-9.30am & 4.30-6pm) outside these times loading is permitted. The Authority is no longer promoting residents only parking schemes.

- (Location of objector: Pontefract Road) The proposals will mean the objector's wife (who is registered disabled) will have to park her mobility vehicle 100 yards from their home which will further impede her right to mobility. If she parks on the double yellow lines with her blue badge she will have to move her vehicle every 3 hours. The loading restriction prevents blue badge holders from parking at the restricted loading times. The objector does not have any off street parking and would like an explanation of any provision the Council proposes to make to residents regarding their private vehicle parking and vehicle safety. The objector currently parks their vehicle on the wide footway and has done so for over 20 years. The objector is willing to share the cost of a driveway with the Council to ease the situation.

response: Blue badge holders would be required to move their vehicle after 3 hours to prevent the possibility of being issued with a penalty charge notice. Blue badgers holders cannot park during the loading/unloading restriction times. No individual has any legal right to park on the public highway outside their property. Essentially the purpose of the public highway is facilitate the passage of traffic and should not be relied up as a parking area. The Council have no responsibility to provide parking for residents. There will be a traffic signal detector loop located in the carriageway on the boundary of the objector's property. Parked vehicles on or near these loops affect the flow of traffic and prevent the signals efficiently detecting vehicle speeds or levels of congestion.

The Council does not have the finances to share the cost of a driveway with the objector. The objector has been advised to contact the Planning Department if they wish to install a driveway as planning permission is required.

- (Location of objector: Meadow View) The objector was not aware of the link road connecting Rotherham Road and Littleworth Lane and is unhappy they have not been individually consulted. The objector believed Meadow View would give access to the Meadow View estate only. They object to the proposed parking restrictions on Meadow View and Hazelwood Drive as they park their vehicle on these roads daily. The proposals will mean they, and their visitors will have nowhere to park.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposal notices on site relate to the TRO proposals only, and not to the construction of the link road. Each property on the development benefits from off street parking. No individual has any legal right to park on the public highway outside their property. Essentially the purpose of the public highway is facilitate the passage of traffic and should not be relied up as a parking area.

5. **Proposal and Justification**

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 3, comprising:-

- Upgrading the existing waiting restrictions that are in place on parts of Rotherham Road, Grange Lane, and Littleworth Lane, and introduce new waiting and loading restrictions on the new link road (Meadow View) and parts of Hawthorne Avenue, Moorland Court and Hazelwood Drive. This is to ensure traffic can be free flowing as well as allowing the traffic signals to operate effectively;
- Introducing new (and in some places upgrade the existing) waiting and loading restrictions on each approach to the junctions to ensure that traffic signal detectors operate effectively. Parked vehicles severely hinder traffic signal detector loops;
- Introducing 'No waiting Monday-Saturday 8am-6pm' on Pontefract Road service road. This will ensure the area is kept free from parked vehicles, enabling service/delivery vehicles to access the service road. Loading and unloading is permitted at any time;
- Introducing prohibited turns, a one way direction of travel and no entries. These are required to ensure the motorists negotiate the new layout effectively and safely.

6. **Consideration of Alternative Proposals**

6.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 3A and (as amended by the proposals in shown in Appendix 3B). **This is the preferred option.**

6.2 Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:

- It will not enable the traffic signals to operate effectively;
- It will not prevent indiscriminate parking from occurring, which may affect the free flow of traffic;

7. **Impact on Local People**

7.1 The proposals may affect a number of residents, mainly on Pontefract Road, who do not have off-street parking. (See Appendix 4). Each property on the new development benefits from off street parking and additional visitor parking is provided in widened areas of highway.

8. **Financial Implications**

8.1 The financial implications remain the same as previously reported (identified in Appendix 1 and 2).

9. Legal Implications

- 9.1** The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.
- 9.2** In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

10. Consultations

- 10.1** No additional consultations are required, these having already been carried out at the publication stage.

11. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low

12. Compatibility with European Convention on Human Rights

- 12.** It is not considered the proposals have any potential interference with convention rights.

13. List of Appendices

- Appendix 1 – Officer Delegated report dated 12 December 2016
- Appendix 2 – Officer delegated report dated 17 April 2018
- Appendix 3A - Plan showing proposals for report dated December 2016

- Appendix 3B – Plan showing proposals for report dated April 2018
- Appendix 4 – Plan showing existing residential off street parking provisions

14. Background Papers

14.1 Traffic Team file

Officer Contact: Traffic Team

Telephone No: 773555

Date: July 2018

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Record of Decision of the Head of Highways, Engineering & Transportation for;

Cundy Cross (Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court, Hazelwood Drive) – Proposed amendment to existing waiting restrictions and installation of new restrictions

Subject

Planning permission has been granted, and development is underway of the erection of 192 residential dwellings on the former Priory School site, at Littleworth Lane, Lundwood. To facilitate the new development, a new link road is being constructed connecting Littleworth Lane and Rotherham Road. The roundabout at Cundy Cross is to be removed and replaced with a 4-arm traffic signal controlled junction. The traffic signals at Littleworth Lane junction are to be upgraded and new signals are to be installed at the junction of the new link road and Rotherham Road. As such the existing waiting restrictions need upgrading to reflect the new road layouts.

Authority

Part C Paragraph 19 (b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.

Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways, Engineering & Transportation and the Director of Legal and Governance be authorised to make and implement the Order.

Financial Implications:

Signature: _____

Date: 2/12/16
(Budget Holder)

Record of Decision:

Signature: _____

Date: 2/12/16
(Group Manager – Network Management and Resilience)

Signature: _____

Date: 2/12/16
(Interim Head of Highways, Engineering and Transportation)

Barnsley Metropolitan Borough Council

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

Report of the Executive Director,
Place Directorate

Cundy Cross (Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court, Hazelwood Drive) – Proposed amendment to existing waiting restrictions and installation of new restrictions

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to implement the Traffic Regulation Order (TRO) necessary to amend and upgrade the existing waiting restrictions on parts of Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane, and introduce new restrictions on the new link road (Meadow View), Hawthorne Avenue, Moorland Court and Hazelwood Drive as part of a proposed highway improvement scheme. In addition to seek approval to implement prohibited turns and no entries on the Rotherham Road legs, and a one way direction of travel on Rotherham Road (link road).

2. Recommendation

It is recommended that:

- 2.1 The proposed restrictions; 'no waiting at any time', 'no loading Monday-Saturday 8-9.30am & 4.30-6pm', 'no waiting Monday-Saturday 8am-6pm', prohibited turns, one way and no entries as indicated on the plan at Appendix 1, be advertised;
- 2.2 Any objections be subject of a further report to Cabinet;
- 2.3 If there are no objections, that the Interim Head of Highways, Engineering and Transportation and the Director of Legal and Governance be authorised to make and implement the order.

3. Introduction/Background

- 3.1 Planning permission has been granted, and development is currently underway to construct 192 residential dwellings on the former Priory School site, at Littleworth Lane, Lundwood.
- 3.2 To facilitate the new development, a new link road is being constructed connecting Littleworth Lane and Rotherham Road. The roundabout at Cundy Cross is to be removed and replaced with a 4-arm traffic signal controlled junction. The traffic signals at Littleworth Lane junction are to be upgraded

and new signals are to be installed at the junction of the new link road and Rotherham Road. New road signs are also being provided.

- 3.3 The new highway layout will effectively form a gyratory system with the new link road (Meadow View) and part of Littleworth Lane forming part of the A628. Prohibited turns, no entries and a one way direction of travel will be introduced to ensure the layout is negotiated effectively and safely.
- 3.4 The new traffic signals at Cundy Cross and the existing signals at Littleworth Lane have been designed to be adaptive to the prevailing traffic conditions and are coordinated with each other to maintain the flow of traffic, particularly at peak times.
- 3.5 The proposed 'no waiting/loading' restrictions have been designed to prevent indiscriminate parking from occurring; thus preventing the free flow of traffic and the new highway layout from operating effectively.

4. Consideration of Alternative Proposals

- 4.1 The alternative proposal is to not introduce new restrictions or upgrade the existing restrictions. However this is not recommended as it will mean the new traffic signals will not be able to operate effectively and to full capacity. Not installing restrictions on the new link road would allow parking on the road which needs to be kept clear to allow the free flow of traffic.

5. Proposal and Justification

- 5.1 The proposal is to upgrade the existing waiting restrictions that are in place on parts of Rotherham Road, Grange Lane, and Littleworth Lane, and to introduce new waiting and loading restrictions on the new link road (Meadow View) and parts of Hawthorne Avenue, Moorland Court and Hazelwood Drive.
- 5.2 Due to the volume of vehicular traffic using the roads and the new junctions, it is considered necessary to implement new (and in some places upgrade the existing) waiting and loading restrictions on each approach to the junctions to ensure that traffic signal detectors operate effectively. Parked vehicles severely hinder traffic signal detector loops.
- 5.3 Introducing additional restrictions is imperative to ensure indiscriminate parking does not occur on carriageways. It is vital to ensure traffic is free flowing not only to enable optimum signal operation but to ensure the highway network has free flowing traffic movements.
- 5.4 Prohibited turns, a one way direction of travel and no entries are required to ensure the motorists negotiate the new layout effectively and safely.
- 5.5 Consultations have taken place with local ward members, the Area Council Manager and Emergency Services, and no formal objections were received.

6. Impact on Local People

- 6.1** There are a number of residents on Pontefract Road who do not have off-street parking that may be affected by the proposals. (See appendix 2). An unrestricted, sheltered parking bay will be installed on Rotherham Road (outside numbers 2 to 35) for anyone to utilise. All the new properties that front onto the new link road (Meadow View) have off street parking.

7. Compatibility with European Convention on Human Rights

- 7.1** There is a potential interference with the Convention on Human Rights in that it is proposed to implement measures, which may be perceived to be detrimental to the interests of private individuals, for the benefit of the public in general. Possible interference might arise under Article 8 – Right to respect for private and family life, or Article 1 of the First Protocol – Protection of Property.
- 7.2** However, before the TRO is made permanent the proposals will have to be advertised in accordance with Road Traffic Regulation procedures. Anyone can formally object to the proposals. Any objections will receive full consideration before a final decision is made.

8. Promoting Equality, Diversity and Social Inclusion

- 8.1** There are no equality, diversity or social inclusion issues associated with the proposals.

9. Reduction of Crime and Disorder

- 9.1** In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.
- 9.2** There are no crime and disorder implications associated with the proposals.

10. Conservation of Biodiversity

- 10.1** There are no conservation of biodiversity issues associated with the proposals.

11. Road Traffic Regulation Act 1984

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

12. Risk Management Issues including Health and Safety

- 12.1** The assessment of the risks involved in this report are set out in the table below:

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 7 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Director of Legal and Governance has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
2. Legal challenge to the decision to make the TRO	The procedure to be followed in the publication and making of TROs are set down in statute, which provides a 6 week period following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence.	Very Low

13. Financial Implications

- 13.1** The costs of advertising and legal fees associated with the TRO are estimated at £5000, and are being funded from the 2016/17 Integrated Transport fund.

14. Employee Implications

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

15. Glossary

- TRO - Traffic Regulation Order

16. List of Appendices.

- Appendix 1 – Plan showing the proposals
- Appendix 2 – plan showing existing residential parking provisions

17. Background Papers

16.1 None

Officer Contact: Orla O'Carroll **Telephone No:** 772028 **Date:** 2nd Dec 2016

Annex A

Cundy Cross (Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court, Hazelwood Drive) – Proposed amendment to existing waiting restrictions and installation of new restrictions

a. Financial Implications

See paragraph 13 of the report for financial implications.

b. Employee Implications

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

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to as detailed in Paragraph 12.

d. Policy Implications

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

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

The Monk Bretton Ward Members have been consulted no formal objections were made. There is no Town/Parish Council to consult.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

The Director of Legal and Governance's Department will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

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

k. Communications Implications

There are no communications implication issues associated with the proposals.

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Record of Decision of the Head of Highways & Engineering for;

Cundy Cross - Pontefract Road

Proposed amendment to existing waiting restrictions

Subject

Planning permission has been granted, and development is underway of the erection of 192 residential dwellings on the former Priory School site, at Littleworth Lane, Lundwood. To facilitate the new development, a new link road is being constructed connecting Littleworth Lane and Rotherham Road. The roundabout at Cundy Cross is to be removed and replaced with a 4-arm traffic signal controlled junction. The traffic signals at Littleworth Lane junction are to be upgraded and new signals are to be installed at the junction of the new link road and Rotherham Road.

The original 'no waiting/loading' proposals to accommodate the scheme were advertised on site from 3rd March 2017- 27th March 2017. These proposals related to Pontefract Road (Cundy Cross and Lundwood), Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazelwood Drive. Objections were received to the proposals concerning Meadow View and a section of Pontefract Road in Lundwood. These objections will be dealt with in a separate objection report.

Part of Pontefract Road Cundy Cross is subject to a double white line system, to prohibit overtaking. The original proposals included 'no waiting at any time' and 'no loading Monday-Saturday 8.00-9.30am and 4.30-6.00pm on the same length of road as the double white line system. The revised proposals reduce both restrictions to accommodate one another. No objections were received to the proposals for this section of Pontefract Road Cundy Cross during the advertising period. This report requests permission to remove part of the proposals relating to Pontefract Road Cundy Cross only and the remainder of the proposals to progress as advertised.

Authority

Part C Paragraph 19 (b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.

Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways & Engineering and the Executive Director of Core Services be authorised to make and implement the Order.

Financial Implications:

Signature (Budget Holder):

Date:

[Signature]
3rd April 2018

Date of Decision:

Signature (Group Manager, Highways & Engineering):

Date:

[Signature]
17/4/18

Date Approved:

Signature (Head of Highways & Engineering):

Date:

[Signature]
17/4/18

Barnsley Metropolitan Borough Council

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

Report of the Executive Director,
Place Directorate

Cundy Cross - Pontefract Road

Proposed amendment to existing waiting restrictions

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to reduce a length of 'no waiting at any time' and 'no loading Monday-Saturday 8-9.30am & 4.30-6pm' restriction (relating to a part of Pontefract Road) that has been proposed in a previous report. The original proposals were considered and approved in December 2016 and subsequently publically advertised in March 2017. The previous report considered restrictions for the Cundy Cross scheme in its entirety comprising of Pontefract Road (Cundy Cross and Lundwood), Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazelwood Drive. This report requests permission to remove part of the proposals relating to Pontefract Road Cundy Cross only and the remainder of the proposals to progress as advertised.

2. Recommendation

It is recommended that:

- 2.1 **The proposed restrictions; 'no waiting at any time', 'no loading Monday-Saturday 8-9.30am & 4.30-6pm' relating to a section of Pontefract Road be removed.**
- 2.2 **Any objections be subject of a further report to Cabinet;**
- 2.3 **If there are no objections, the remainder of the proposals progress through the TRO process.**

3. Introduction/Background

- 3.1 Planning permission has been granted, and development is currently underway to construct 192 residential dwellings on the former Priory School site, at Littleworth Lane, Lundwood.
- 3.2 To facilitate the new development, a new link road is being constructed connecting Littleworth Lane and Rotherham Road. The roundabout at Cundy Cross is to be removed and replaced with a 4-arm traffic signal controlled junction. The traffic signals at Littleworth Lane junction are to be upgraded and new signals are to be installed at the junction of the new link road and Rotherham Road. New road signs are also being provided.

- 3.3 The new highway layout will effectively form a gyratory system with the new link road (Meadow View) and part of Littleworth Lane. Prohibited turns, no entries and a one way direction of travel will be introduced to ensure the layout is negotiated effectively and safely.
- 3.4 The new traffic signals at Cundy Cross and the existing signals at Littleworth Lane have been designed to be adaptive to the prevailing traffic conditions and are coordinated with each other to maintain the flow of traffic, particularly at peak times.
- 3.5 The original 'no waiting/loading' proposals to accommodate the scheme were advertised on site from 3rd March 2017- 27th March 2017. These proposals related to Pontefract Road (Cundy Cross and Lundwood), Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazelwood Drive. Objections were received to the proposals concerning Meadow View and a section of Pontefract Road in Lundwood. These objections will be dealt with in a separate objection report.
- 3.6 Part of Pontefract Road Cundy Cross is subject to a double white line system, to prohibit overtaking. The original proposals included 'no waiting at any time' and 'no loading Monday-Saturday 8.00-9.30am and 4.30-6.00pm on the same length of road as the double white line system. The revised proposals reduce both restrictions to accommodate one another. No objections were received to the proposals for this section of Pontefract Road Cundy Cross during the advertising period.

4. Consideration of Alternative Proposals

- 4.1 The alternative proposal is to not reduce the length of 'no waiting/no loading on Pontefract Road, as originally advertised. This isn't considered a viable alternative option as having both a double white line system and double yellow lines/kerb blips in place causes a contradiction in restrictions.

5. Proposal and Justification

- 5.1 The proposal is to reduce a section of 'no waiting at any time' and 'no loading Monday-Saturday 8.00-9.30am and 4.30-6.00pm' on Pontefract Road (Cundy Cross) that was previously advertised in March 2017.
- 5.2 After discussions with South Yorkshire Police it has become apparent the proposed restrictions on the section of Pontefract Road are not required. This is due to the double white line system that is currently in place, and will remain in place.

6. Impact on Local People

- 6.1 Removing the proposed section of 'no waiting /no loading' is unlikely to impact local people as the road will remain in its current state.

7. Compatibility with European Convention on Human Rights

- 7.1** There is a potential interference with the Convention on Human Rights in that it is proposed to implement measures, which may be perceived to be detrimental to the interests of private individuals, for the benefit of the public in general. Possible interference might arise under Article 8 – Right to respect for private and family life, or Article 1 of the First Protocol – Protection of Property.
- 7.2** However, before the TRO is made permanent the proposals will have to be advertised in accordance with Road Traffic Regulation procedures. Anyone can formally object to the proposals. Any objections will receive full consideration before a final decision is made.

8. Promoting Equality, Diversity and Social Inclusion

- 8.1** There are no equality, diversity or social inclusion issues associated with the proposals.

9. Reduction of Crime and Disorder

- 9.1** In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.
- 9.2** There are no crime and disorder implications associated with the proposals.

10. Conservation of Biodiversity

- 10.1** There are no conservation of biodiversity issues associated with the proposals.

11. Road Traffic Regulation Act 1984

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

12. Risk Management Issues including Health and Safety

12.1 The assessment of the risks involved in this report are set out in the table below:

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 7 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Executive Director of Core Services has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
2. Legal challenge to the decision to make the TRO	The procedure to be followed in the publication and making of TROs are set down in statute, which provides a 6 week period following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence.	Very Low

13. Financial Implications

13.1 The costs of advertising and legal fees associated with the TRO for the entire scheme are estimated at £5000, and are being funded from the 2016/17 Integrated Transport fund.

14. Employee Implications

14.1 Existing employees in the Highways and Engineering Service will undertake all design, consultation and implementation work. The Executive Director of

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

15. Glossary

- TRO - Traffic Regulation Order

16. List of Appendices.

- Appendix 1 – Plan showing the revised and original proposals for Pontefract Road

17. Background Papers

16.1 None

Officer Contact: Orla O'Carroll **Telephone No:** 772028 **Date:** 3rd April 2018

Annex A

Cundy Cross - Pontefract Road

Proposed amendment to existing waiting restrictions

a. Financial Implications

See paragraph 13 of the report for financial implications.

b. Employee Implications

Existing employees in the Highways and Engineering Service will undertake all design, and consultation work. The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to as detailed in Paragraph 12.

d. Policy Implications

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

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

The Monk Bretton Ward Members have been consulted no formal objections were made. There is no Town/Parish Council to consult.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

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

k. Communications Implications

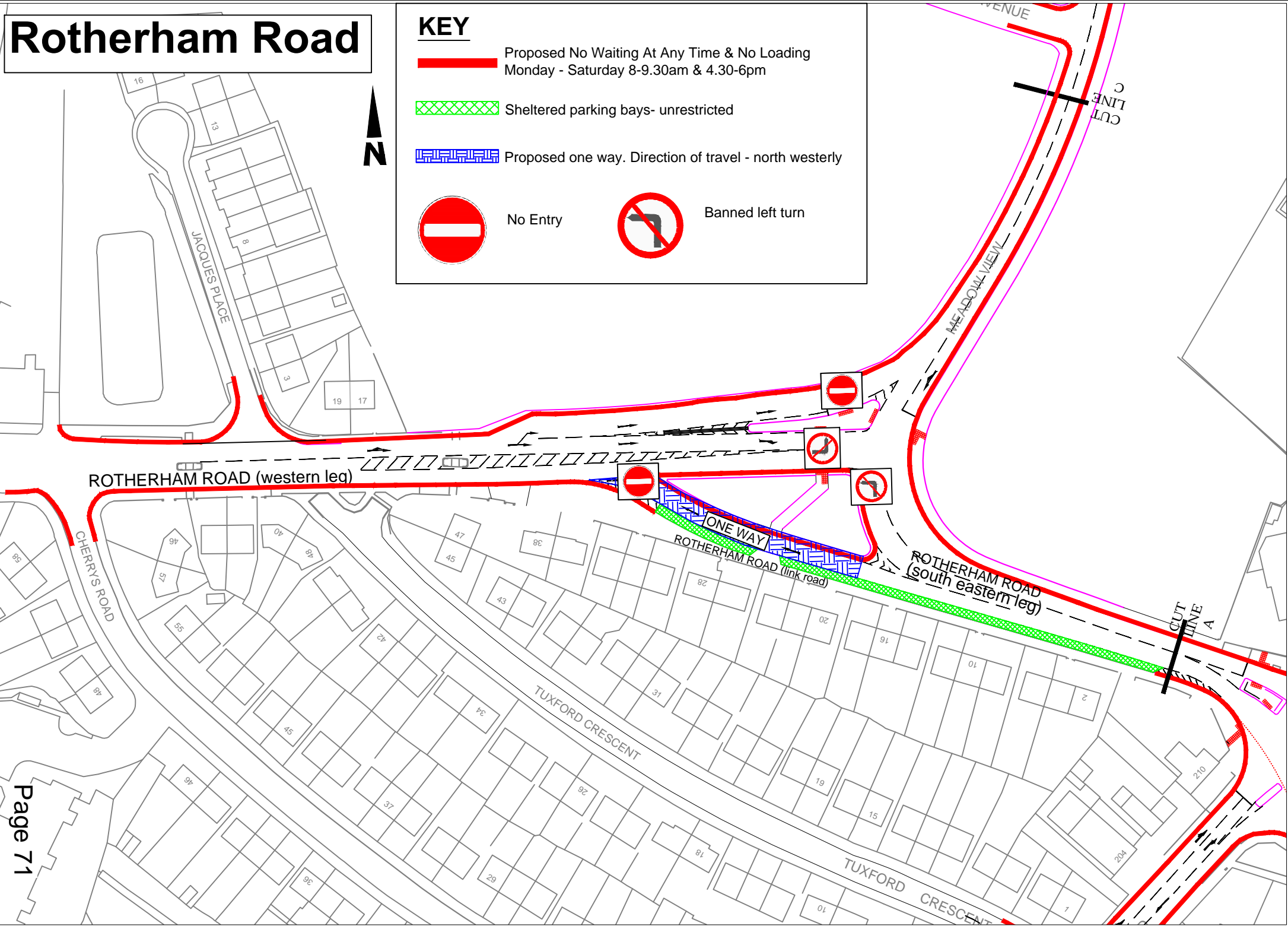
There are no communications implication issues associated with the proposals.

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Rotherham Road

KEY

- Proposed No Waiting At Any Time & No Loading Monday - Saturday 8-9.30am & 4.30-6pm
- Sheltered parking bays- unrestricted
- Proposed one way. Direction of travel - north westerly
- No Entry
- Banned left turn



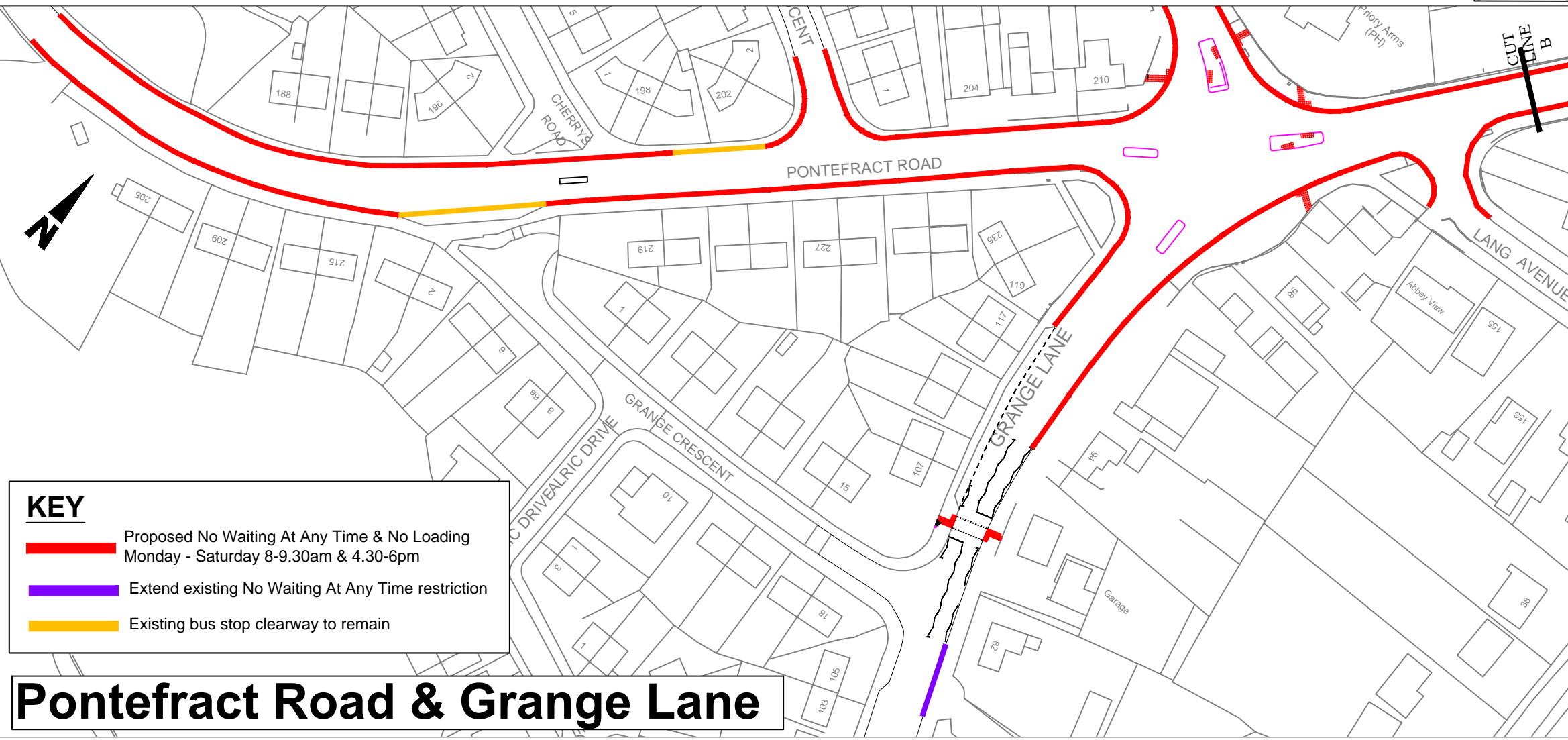
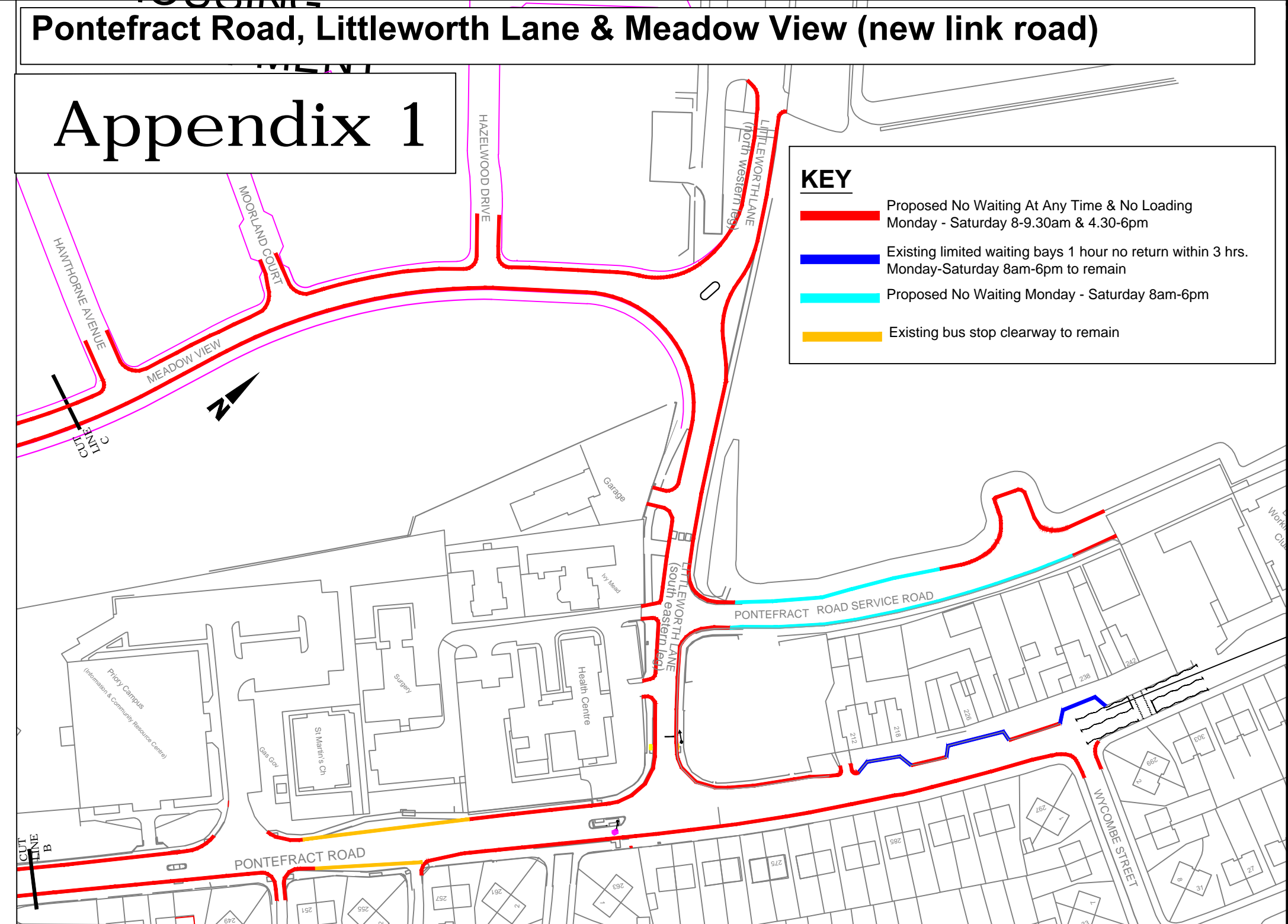
Page 71

Pontefract Road, Littleworth Lane & Meadow View (new link road)

Appendix 1

KEY

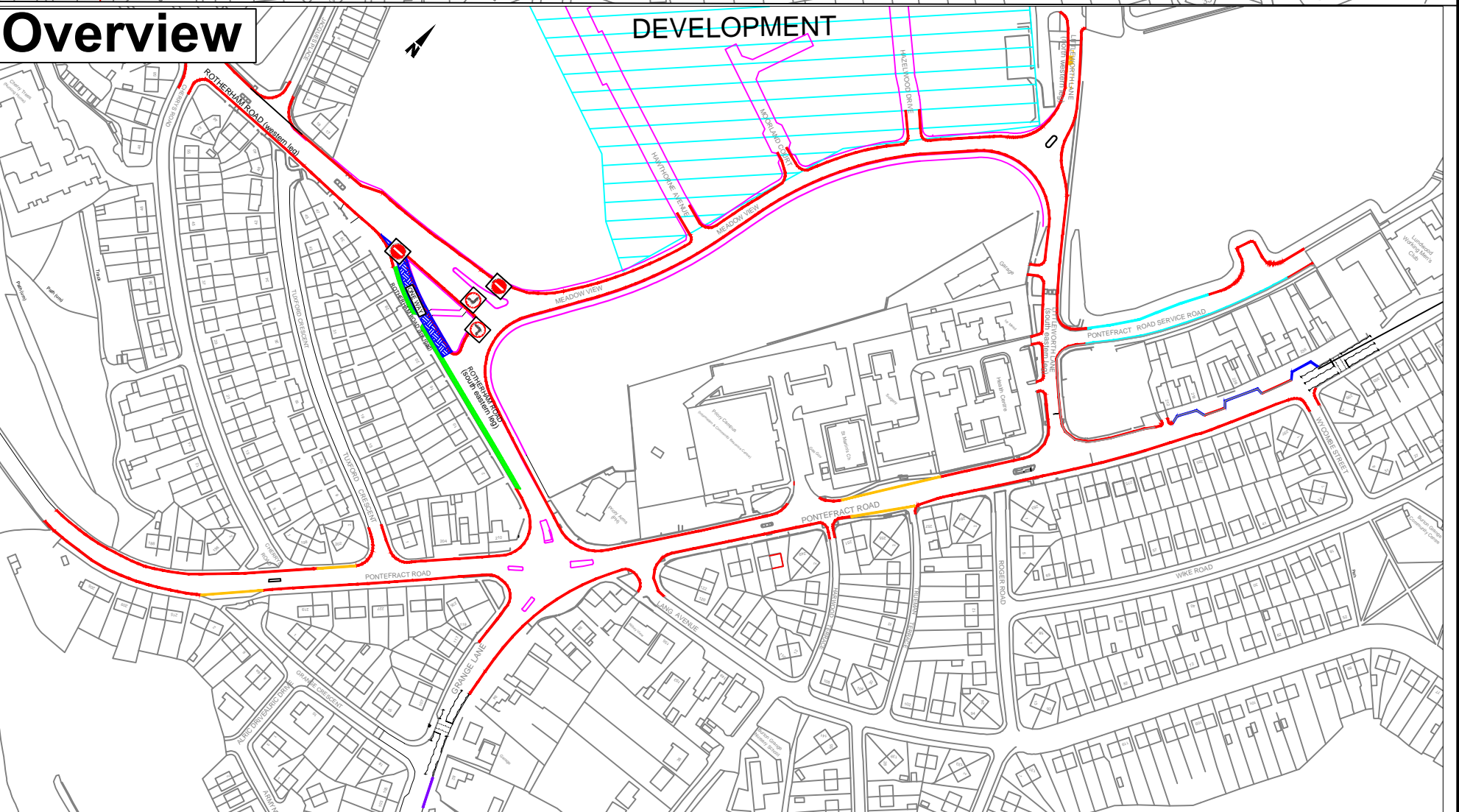
- Proposed No Waiting At Any Time & No Loading Monday - Saturday 8-9.30am & 4.30-6pm
- Existing limited waiting bays 1 hour no return within 3 hrs. Monday-Saturday 8am-6pm to remain
- Proposed No Waiting Monday - Saturday 8am-6pm
- Existing bus stop clearway to remain



- ## KEY
- Proposed No Waiting At Any Time & No Loading Monday - Saturday 8-9.30am & 4.30-6pm
 - Extend existing No Waiting At Any Time restriction
 - Existing bus stop clearway to remain

Pontefract Road & Grange Lane

Overview



APPENDIX 1

Cundy Cross

By	No.	Date	Amendments
OC	1	JAN 2016	Extend existing no waiting ay any time restricion on Pontefract to protect entrance to care home
OC	2	JAN 2016	Remove bus stop marking on Littleworth Lane & extend proposals for no waiting at any time and no loading Mon-Sat 8-9.30am and 4.30-6pm
OC	3	NOV 2016	Include banned turns, no entries and one way



Scale	
NTS	
Drawn	Date
OOC	NOV '16
Checked	File
	FILE

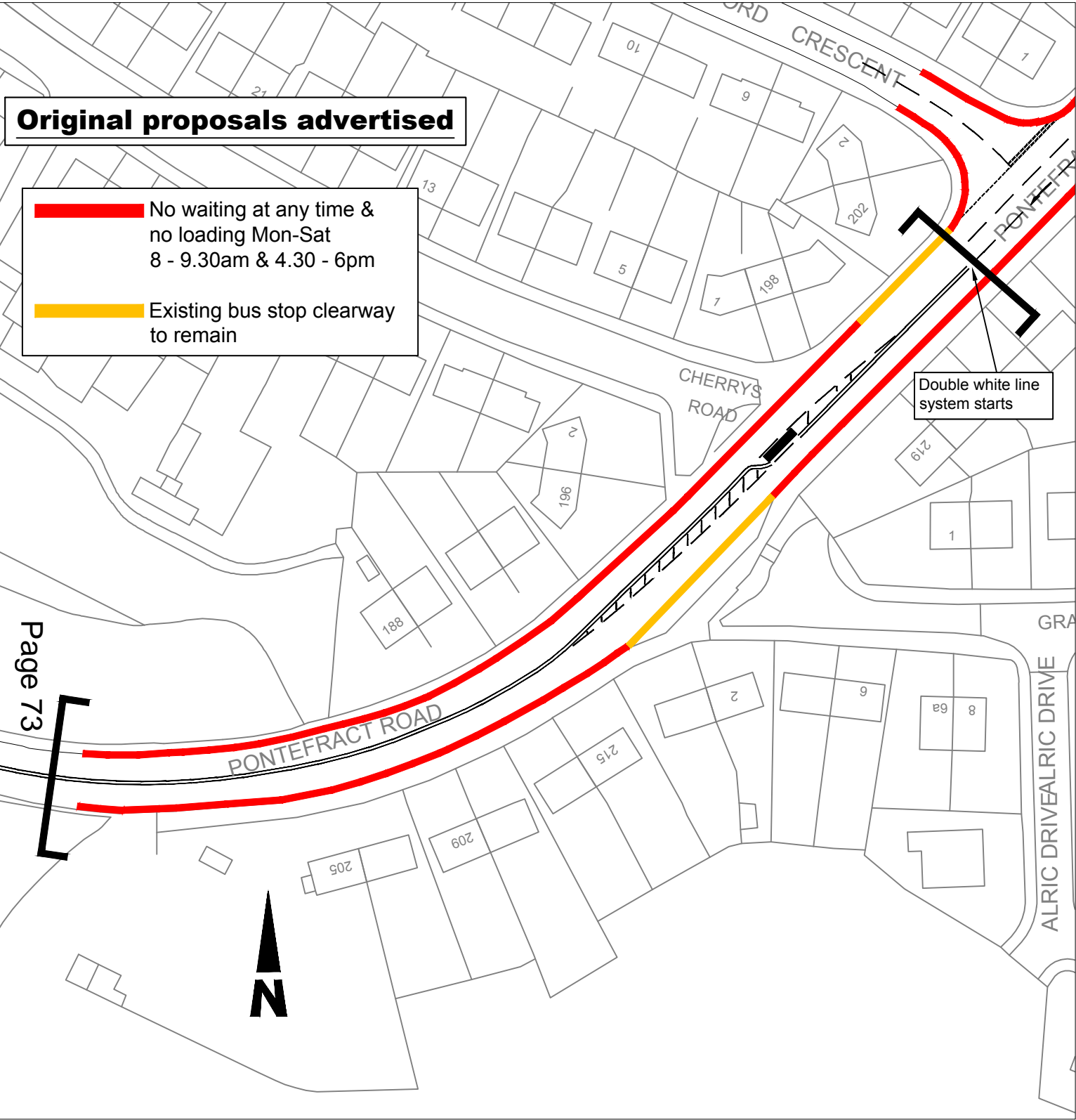
Paul Castle Service Director, Environment & Transport. Place Directorate. Westgate Plaza, Barnsley, S70 2DR. Tel. (01226) 773555 Fax. (01226) 772110
Drawing No.
TR/3818/cundy cross

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APPENDIX 1

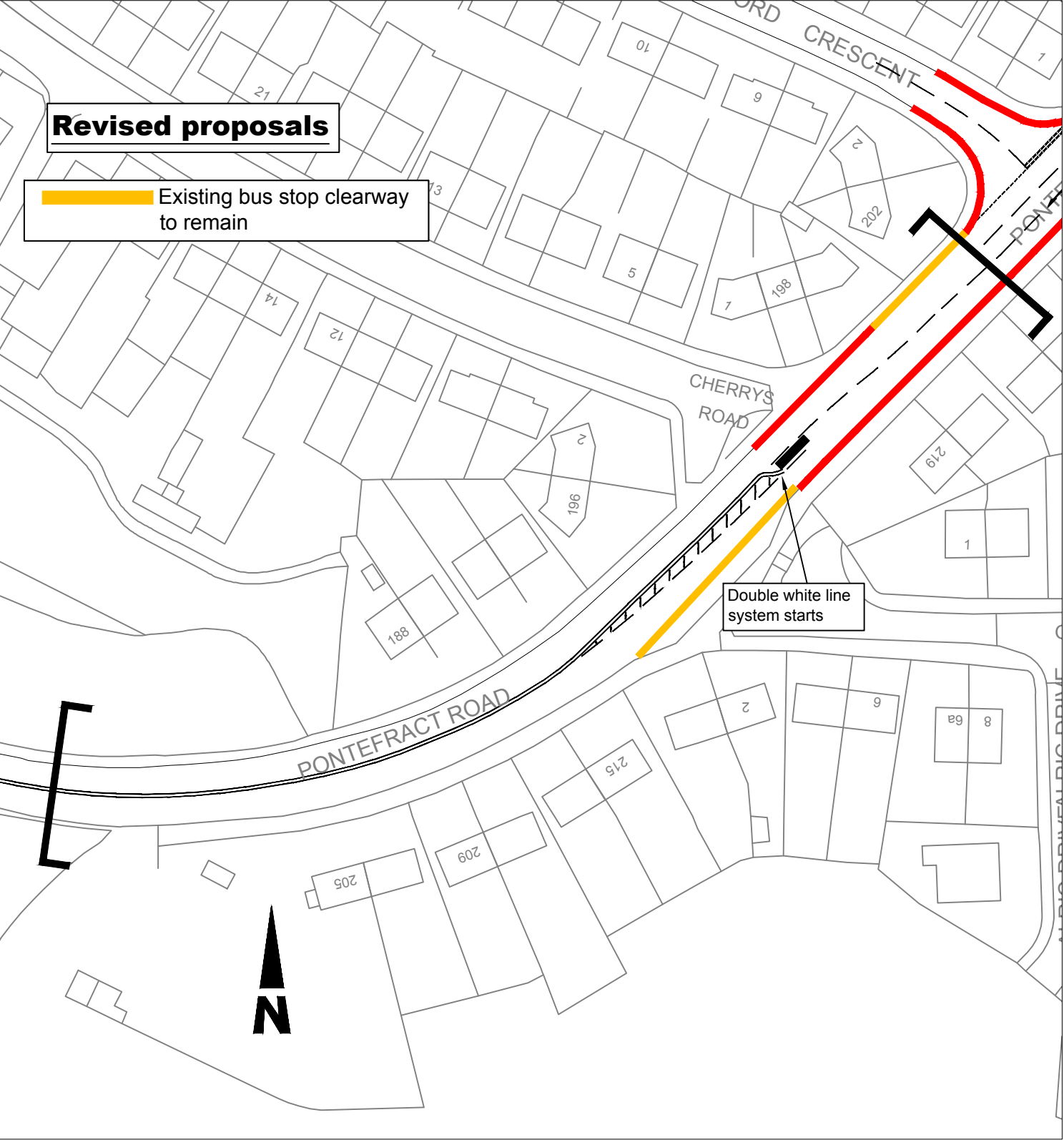
Original proposals advertised

-  No waiting at any time & no loading Mon-Sat 8 - 9.30am & 4.30 - 6pm
-  Existing bus stop clearway to remain



Revised proposals

-  Existing bus stop clearway to remain



Proposals to remove a section of 'No waiting at any time & no loading Mon-Sat 8.00-9.30am & 4.30pm - 6.00pm' previously advertised.

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Barnsley Metropolitan Borough Council

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

Report of the Executive Director, Place

STRAIGHT LANE, GOLDTHORPE
INTRODUCTION OF PROHIBITION OF MOTOR VEHICLES

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the objections received to the proposal to introduce a prohibition of motor vehicles as described in this report and shown in Appendix 1.
- 1.2** To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1** The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.
- 2.2** The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.

3. Introduction/Background

- 3.1** On 16th May 2018 approval was given to publish a prohibition of motor vehicles and the revocation of the existing one way order at Straight Lane, Goldthorpe to protect the weak bridge structure and allow access for Waste Management Services and deliveries. An assessment by Network Rail concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. Whilst they have carried out strengthening works on High Street and Barnsley Road bridges, they have no funds to undertake works at Straight Lane at present.

A meeting with the Dearne North and Dearne South members took place on the 22nd January and all the councillors present agreed Straight Lane should be closed to motorised vehicles. In addition to the aforementioned weak bridge, it was felt such a move would limit anti-social behaviour such as fly tipping.

Waste Management Services were consulted immediately after Traffic Group were commissioned to undertake the TRO. As an interim measure, a smaller vehicle was utilised for collections on Straight Lane. However, it was made very clear that such a measure was only temporary and that larger vehicles would need access in the future as it was no economic to use the smaller vehicle regularly.

Straight Lane is a minor road, the main route for traffic being the B6098 High Street. As detailed above, the High Street bridge has been strengthened to cope with the increased traffic in the area.

3.2 See officer delegated report attached at Appendix 1.

3.3 The proposals were published in June 2018 and 9 objections were received.

4. **Consideration of Objections**

As a result of advertising the proposals there are 9 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- (Location of objector: Dearne View) The restriction will lead to motorists using Dearne View and Railway View as a 'rat run' or shortcut.

Response: The proposals were drawn up in response to an assessment by Network Rail that concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. The main route for traffic is the B6098 High Street – it is therefore likely that the only motorists using this route would be residents.

- (Location of objector: Rowan Close) The restrictions will increase traffic on High Street, which will be exacerbated by the redevelopment of the former school site.

The objector believes Automatic Number Plate Recognition (ANPR) cameras should be installed to pursue any vehicle over 7.5 tonnes that uses the bridge, thus allowing the bridge to remain open.

The objector also believes it is unfair to punish all motorists when the limit of the bridge is 7.5 tonnes.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

The installation of ANPR cameras will only record the vehicles contravening the restriction – as such the risk of collapse will remain. The only way to guarantee public safety is to implement a prohibition of motor vehicles.

It is impossible to prevent any Heavy Goods Vehicle (HGV) from contravening the weak bridge limit without a constant police presence. The existing steel structure at Straight Lane will only get worse until Network Rail can replace it, therefore a prohibition of motor vehicles is the safest route.

- (Location of objector: Barnburgh Lane) The restriction will increase traffic on High Street, causing traffic queues to Dearne ALC and Carrfield Primary. Objection on public safety grounds.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

Local members expressed concerns over public safety were the bridge to remain open to vehicular traffic. Waste Management Services will be unable to use the bridge should a weak bridge limit be introduced as all their regular vehicles exceed 7.5 tonnes.

- *(Location of objector: Straight Lane)* The objector uses the former railway bridge to access his property with a towed caravan. The proposals will prevent the objector from accessing his property, as he will be unable to turn it around. The objector would also like to know why other 7.5 tonne bridges are not closed to the public. He also quoted the council's website and claimed our scheme was a direct contradiction of our statement online.

Response: The proposals have taken into account access by Waste Management Services, who will have to reverse into the street. The caravan could be manoeuvred by utilising either Dearne Street or Railway View.

In response to the 7.5 tonne limits used elsewhere in the borough, many of them were introduced for environmental reasons. As such, it is desirable that heavy vehicles use an alternate route, but access is still possible for larger vehicles which require it. A weak bridge limit is more severe, and seeks to prevent larger vehicles due to the limits of the structure, but a factor of safety is usually available. In the case of Straight Lane, the bridge is on the limit which means any infraction of the restriction is likely to weaken the structure.

The online statement to which the objector refers fully explains the council's position in relation to weight and width limits. The contradiction referred to centres on the statement 'The police are responsible for enforcing weight and width limits.' The initial response to the objector stated that the prohibition of motor vehicles was necessary as we couldn't guarantee a constant police presence. There is no contradiction in these statements – if a constant police presence could be assured a weak bridge limit would suffice. However, given the weak nature of the bridge and the strains on police resources, the only way to guarantee public safety is to introduce a prohibition of motor vehicles.

- *(Location of objector: Unknown, objection made by telephone)* The restriction will increase traffic on High Street. Objector suggested the implementation of cameras on the bridge to enforce the weak bridge limit rather than a prohibition of motor vehicles.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

The installation of cameras will only record the vehicles contravening the restriction – as such the risk of collapse will remain. The only way to guarantee public safety is to implement a prohibition of motor vehicles.

- *(Location of objector: Unknown)* The restriction will increase traffic on High Street. Objector asked what will happen to bin collections and deliveries. The objector believes the bridge is not weak because it is the same age as the one at High Street.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

Should the bridge not be subject to a prohibition of motor vehicles, a weak bridge limit will be made permanent. This will force residents of Straight Lane, Railway View and Dearne View to place their bins on Barnsley Road for collection. These properties will also not be able to receive deliveries from any vehicle exceeding 7.5 tonnes as the existing one way system must remain in place.

An assessment by Network Rail concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. Whilst they have carried out strengthening works on High Street and Barnsley Road bridges, they have no funds to undertake works at Straight Lane at present.

- *(Location of objector: South Yorkshire Fire and Rescue, Station 04, White Watch)* There is no objection to the scheme, provided the fire engine can still use the bridge.

Response: A response was sent on the 19th June 2018 to which no reply was received. Ultimately, any fire engine weighing more than 7.5 tonnes will be unable to use the bridge in the event a weak bridge limit is introduced instead of a prohibition of motor vehicles. The appliance will be forced to contravene a one way system.

Conversely, if the prohibition of motor vehicles is approved, the one way system will be revoked and the fire engine will have access to the properties on Straight Lane without contravening a one way system.

- *(Location of objector: Melton Avenue)* The restriction will increase traffic on High Street. Objector would like to know how weight limits are enforced and why Straight Lane has not been strengthened like the bridge on High Street. Objector would like to know if any assessments on potential traffic increases have been undertaken.

Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

Weight limits are enforced by South Yorkshire Police, not local authorities. A constant police presence would be required to guarantee no HGVs use Straight Lane, which is why the prohibition of motor vehicles has been proposed.

An assessment by Network Rail concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. Whilst they have carried out strengthening works on High Street and Barnsley Road bridges, they have no funds to undertake works at Straight Lane at present.

This scheme is being promoted based on public safety. Access for emergency vehicles on Straight Lane has been considered, as have waste collection routes, as detailed previously in this report.

5. Proposal and Justification

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 1 :-

- Introducing a 'prohibition of motor vehicles' restriction on Straight Lane from its junction with Dearne View / Railway View for a distance of 48 metres in a southerly direction. This will prevent any HGVs from attempting to use the weak bridge and potentially causing a collapse.
- Revoking the existing one way order on Straight Lane to allow access for residents and Waste Management Services to the northern leg of Straight Lane.

6. Consideration of Alternative Proposals

6.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1. **This is the preferred option.**

6.2 Option 2 – Decline to introduce the proposals advertised and implement a weak bridge order only. This option is not recommended for the following reasons:

- It will not ensure the bridge is not used by HGVs and will need a police presence to ensure compliance.
- Residents of Dearne View, Railway View and Straight Lane will be forced to move their bins to Barnsley Road for collection. They will also be prevented from receiving deliveries from any vehicle over 7.5 tonne – any delivery will have to be transported from Barnsley Road.

7. Impact on Local People

7.1 The proposals will affect commuters who will be unable to use Straight Lane to connect with Barnsley Road. However, public safety is paramount and this proposal will protect the former railway bridge. Whilst residents will face some disruption for the aforementioned reason, the closure of the bridge to motorised traffic may reduce fly tipping in the area and reduce through traffic.

7.2 The proposals are likely to have a positive impact on residents by allowing Waste Management Services to continue collection from their street – without revoking the one way order there is no way this would be possible.

8. Financial Implications

8.1 The financial implications remain the same as previously reported.

9. Legal Implications

9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.

- 9.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

10. Consultations

- 10.1 No additional consultations are required, these having already been carried out at the publication stage.

11. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low

12. Compatibility with European Convention on Human Rights

12. It is not considered the proposals have any potential interference with convention rights.

13. List of Appendices

- Appendix 1 – Officer Delegated report dated 16 May 2018

14. Background Papers

- 14.1 Traffic Team file

Officer Contact: Traffic Team

Telephone No: 773555

Date: August 2018

Record of Decision of the Head of Highways and Engineering for;

STRAIGHT LANE, GOLDTHORPE

INTRODUCTION OF PROHIBITION OF MOTOR VEHICLES

Subject

In July 2017, Network Rail contacted Barnsley Council's in house structures team regarding the railway bridge on Straight Lane, Goldthorpe. The bridge is currently subject to an environmental weight limit of 7.5 tonnes, which is difficult to enforce due to the 'access only' clause.

Following an assessment by Network Rail, they advised the Council this bridge is not suitable for any traffic exceeding 7.5 tonnes.

A temporary TRO to upgrade the current restriction from an environmental weight limit to a weak bridge restriction of 7.5 tonnes was introduced on 9th February 2018.

It is proposed to introduce a prohibition of motor vehicles to close the former railway bridge on Straight Lane to vehicular traffic at either end, and to revoke the existing one way order.

Consultations have taken place with local Ward Members, the Area Council Manager and Emergency Services, no objections have been received. There is no Parish Council affected by the proposals.

Authority

Part C Paragraph 19 (b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.

Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Order.

Financial Implications:

Signature: DD Lacey
Date: 16/05/2018
(Budget Holder)

Date of Decision:

Signature: [Signature]
Date: 16/5/18
(Group Manager – Highways and Engineering)

Date Approved:

Signature: [Signature]
Date: 16/5/18
ff (Head of Highways and Engineering)

Barnsley Metropolitan Borough Council

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

Report of the Executive Director,
Place

STRAIGHT LANE, GOLDTHORPE

INTRODUCTION OF PROHIBITION OF MOTOR VEHICLES

1. Purpose of Report

- 1.1 To seek approval to advertise a Traffic Regulation Order (TRO) to introduce a prohibition of motor vehicles and changes to existing vehicle movements as described in this report and shown in Appendix 1.

2. Recommendation

It is recommended that:

- 2.1 The proposed changes to traffic restrictions as described in this report and indicated on the plan in Appendix 1, be advertised;
- 2.2 A prohibition of motor vehicles on Straight Lane to replace the existing 7.5 ton environmental weight restriction.
- 2.3 The removal of the existing one way order to permit access to the newly created cul-de-sac.
- 2.4 Any objections received to any of the proposals to be subject of a further report to Cabinet;
- 2.5 If there are no objections to any of the proposals then the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the order.

3. Introduction/Background

- 3.1 In July 2017, Network Rail contacted Barnsley Council's in house structures team regarding the railway bridge on Straight Lane, Goldthorpe.
- 3.2 The bridge is currently subject to an environmental weight limit of 7.5 tonnes, which is difficult to enforce due to the 'access only' clause.
- 3.3 Following an assessment by Network Rail, our structures team have advised that this bridge is not suitable for any traffic exceeding 7.5 tonnes.
- 3.4 A temporary TRO to upgrade the current restriction from an environmental

weight limit to a weak bridge restriction of 7.5 tonnes was introduced on 09/02/18.

- 3.5 It is proposed to introduce a prohibition of motor vehicles to close the former railway bridge on Straight Lane to vehicular traffic at either end, and to revoke the existing one way order to allow access to the newly created cul de sac.

4. Consideration of Alternative Proposals

- 4.1 It is not considered that any alternative approach would give the anticipated benefits or protect the existing structure.

5. Proposal and Justification

- 5.1 In the interests of public safety, it is proposed to introduce a prohibition of motor vehicles to prevent vehicular traffic from using the former railway bridge on Straight Lane, and to revoke the existing one way order from north of Highfield Avenue to its junction with Barnsley Road. This will protect the public and the bridge, whilst the removal of the one way order will allow Waste Services to operate their normal service, as they are currently using a lightweight vehicle due to the temporary TRO. The order will still permit cyclists to use this route, in line with the council's commitment to sustainable travel.

6 Impact on Local People

- 6.1 The proposals are likely to have a positive impact on residents, as it will prevent large vehicles from accessing the very narrow bridge and potentially causing a collapse of the structure.
- 6.2 The proposals may have a negative impact on some motorists by preventing a through route from Goldthorpe Road to Barnsley Road, but as mentioned at 3.3 it is necessary to prevent such activity to protect the weak bridge.

7 Compatibility with European Convention on Human Rights

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

8 Promoting Equality, Diversity and Social Inclusion

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

9 Reduction of Crime and Disorder

- 9.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.
- 9.2 There are no crime and disorder implications associated with the proposals.

10 Conservation of Biodiversity

- 10.1** There are no conservation of biodiversity issues associated with the proposals.

11 Road Traffic Regulation Act 1984

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

12 Risk Management Issues including Health and Safety

- 12.1** The assessment of the risks involved in this report is set out in the table below:

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 7 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
2. Legal challenge to the decision to make the TRO	The procedure to be followed in the publication and making of TRO's are set down in statute. There is an opportunity to object to the initial proposal and then a period for challenge once it is made. A 6 week period is provided following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low
3. Deterioration of	Health and Safety is considered	Very Low

health and safety	throughout the design/installation and maintenance process to minimise any potential occurrence.	
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13 Financial Implications

- 13.1** The costs of design, advertising and legal fees have been estimated at £3000, which is being funded by Barnsley MBC's in house structures team.

14 Employee Implications

- 14.1** Existing employees in the Highways and Engineering Service will undertake all design and consultation work. The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

15 Glossary

- TRO - Traffic Regulation Order

16 List of Appendices.

- Appendix 1 – Plan showing the proposed road closure and revocation of one way order.

17 Background Papers

Officer Contact: Adam Davis **Telephone No:** 787635 **Date:** May 2018

Annex A

STRAIGHT LANE, GOLDTHORPE **INTRODUCTION OF PROHIBITION OF MOTOR VEHICLES**

a. Financial Implications

See paragraph 13 of the report for financial implications.

b. Employee Implications

Existing employees in the Highways and Engineering Service will undertake all design, consultation and implementation work. The Executive Director of Core Services and Solicitor to the Council and solicitor to the Council will undertake all legal work associated with the advertisement and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to as detailed in Paragraph 11.

d. Policy Implications

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

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

The Dearne North and Dearne South members have been consulted and support the proposal.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

The Executive Director of Core Services and Solicitor to the Council and solicitor to the Council will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

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

k. Communications Implications

There are no communications implication issues associated with the proposals.

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Key:



Length of road to be closed to vehicular traffic.



Existing one-way order to be revoked, to allow access to Straight Lane (Northern leg).

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BARNSELEY
Metropolitan Borough Council
Environment & Transport

Straight Lane, Goldthorpe
Weak Bridge TRO

Scale

1:1000

Drawn

Date

AD

25/01/18

Checked

File

3985

Paul Castle

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

Drawing No.

TR/3985/Appendix1

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Barnsley Metropolitan Borough Council

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

Report of the Executive Director, Place

BURLEIGH STREET, BARNSELY
CHANGES TO VARIOUS WAITING/LOADING RESTRICTIONS
OBJECTION REPORT

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the single objection received to the proposal to introduce new waiting restrictions and make amendments to the existing waiting restrictions as described in this report and shown in Appendix 1.
- 1.2** To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1** The objection received is overruled for the reasons set out in this report and the objectors are informed accordingly.
- 2.2** The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.

3. Introduction/Background

- 3.1** On 9th April 2018 approval was given to publish a range of traffic restrictions on parts of Wood Street and Thomas Street, and Burleigh Street, Heelis Street, John Street and Joseph Street in connection with the new medical centre at the former Council car park on Burleigh Street. See officer delegated report attached at Appendix 1.
- 3.2** The proposals were published in May 2018 and one objection was received.

4. Consideration of Objections

As a result of advertising the proposals there is one outstanding objection to consider. The main concern raised is listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- *(Location of objector: Skyline Apartments, Burleigh Street)* The restrictions will prevent the objector from parking outside their own property, forcing the objector to pay £10 per day in parking costs.

Response: No individual has a legal right to park on the public highway outside their property. Essentially the purpose of the public highway is facilitate the passage of traffic and should not be relied up as a parking area. Additionally, the objector was informed on 4th June 2018 that Council car parks are available nearby which cost £3 for all day parking, Monday to Saturday. The objector elected not to withdraw their objection.

5. Proposal and Justification

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 1, comprising:-

- Introducing a 'prohibition of waiting and loading at any time' restriction on Thomas Street to ensure the junction is kept clear of parked vehicles and not obstructed by vehicles loading at the new premises on Upper New Street.
- Introducing new, (and in some places upgrade the existing), waiting restrictions to a 'prohibition of waiting at any time' on John Street, Heelis Street, Burleigh Street, Joseph Street and the junction of Heelis Street / Wood Street. This will ensure the area is kept free from parked vehicles, improving visibility at the junctions and the free flow of traffic.
- Amending the pay and display parking bays on Thomas Street and Burleigh Street from Monday to Friday, 8 am to 6 pm, to Monday to Saturday, 8 am to 6 pm, pay as you park. An additional bay is proposed on Burleigh Street. These proposals will increase on street parking facilities for Barnsley Town Centre.
- Introducing pay by phone parking bays on Heelis Street and Wood Street. These will increase on street parking facilities and avoid the need for new ticket machines.

6. Consideration of Alternative Proposals

- 6.1** Option 1 – Overrule the objection and proceed with the proposals as shown in Appendix 1. **This is the preferred option.**
- 6.2** Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:
- It will not enable the new medical centre to fulfil its planning conditions;
 - It will not increase on street parking provision in the town centre
 - It will not prevent indiscriminate parking from occurring, which may affect the free flow of traffic and obscure visibility at junctions

7. Impact on Local People

- 7.1** The proposals may affect a number of residents, mainly on Burleigh Street, who have a limited number of parking spaces in the Skyline Apartments. However, there is no right to be able to park on the public highway and alternative off street parking is available. They will also prevent motorists from loading at the junction of Thomas Street / Upper New Street, but it is necessary to prevent such activity to ensure the free flow of traffic, especially around junctions and visibility splays.

- 7.2** The proposals are likely to have a positive impact on commuters and visitors to the medical centre as they will ensure the free flow of traffic through Burleigh Street and will protect the junctions of Heelis Street / Burleigh Street, Joesph Street / Heelis Street, Heelis Street / Wood Street and John Street / Burleigh Street.

The proposals will also allow visitors to use the on street pay and display bays for any length of time they choose Monday to Saturday (Monday to Friday for the proposed pay by phone bays), 8 am – 6 pm, rather than the current restriction of 2 hours, no return within 3 hours. Outside these times, parking is free.

8. Financial Implications

- 8.1** The financial implications remain the same as previously reported.

9. Legal Implications

- 9.1** The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.
- 9.2** In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

10. Consultations

- 10.1** No additional consultations are required, these having already been carried out at the publication stage.

11. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed	Low

	procedures the risk is minimal.	
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12. Compatibility with European Convention on Human Rights

- 12.** It is not considered the proposals have any potential interference with convention rights.

13. List of Appendices

- Appendix 1 – Officer Delegated report dated 9 April 2018

14. Background Papers

14.1 Traffic Team file

Officer Contact: Traffic Team

Telephone No: 773555

Date: August 2018

Record of Decision of the Head of Highways and Engineering for;

Burleigh Street, Barnsley – Proposed introduction of Prohibition of Waiting at Any Time and Pay and Display Parking Bays

Subject

In March 2016, planning approval was granted for the erection of a two storey medical centre on Burleigh Street, Barnsley.

As part of the development, the existing council owned car park on Burleigh Street was passed into private ownership.

As part of planning approval, it was conditioned that new waiting/loading restrictions would be required on Burleigh Street, in order to ensure the free flow of traffic.

Following a site survey and consultation with Parking Services, it was determined that the existing restrictions in the surrounding area were insufficient for the anticipated increase in traffic generated by the new medical centre. In order to ensure the free flow of traffic along Burleigh Street and the surrounding area, it was agreed that increased waiting and loading restrictions were necessary.

It was also identified that the existing parking bays are seldom occupied during the day. After consultation with Parking Services, it was agreed to amend the existing pay and display parking bays on Thomas Street and Burleigh Street, and to install new pay by phone parking bays on Heelis Street and Wood Street.

Consultations have taken place with local ward members, the Area Council Manager and Emergency Services, no objections have been received. There is no parish council affected by the proposals.

Authority

Part C Paragraph 19 (b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.

Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services be authorised to make and implement the Order.

Financial Implications:

Signature: _____

Date: 3rd April 2018
(Budget Holder)

Date of Decision:

Signature: _____

Date: 9/4/18
(Group Manager – Highways and Engineering)

Date Approved:

Signature: _____

Date: 9/4/18
P (Head of Highways and Engineering)

Barnsley Metropolitan Borough Council

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

Report of the Executive Director,
Place

BURLEIGH STREET, BARNSELEY **CHANGES TO VARIOUS WAITING/LOADING RESTRICTIONS**

1. Purpose of Report

- 1.1 To seek approval to advertise a Traffic Regulation Order (TRO) to introduce new waiting restrictions and changes to existing waiting restrictions as described in this report and shown in Appendix 1a.

2. Recommendation

It is recommended that:

- 2.1 The proposed changes to traffic restrictions as described in this report and indicated on the plan in Appendix 1a, be advertised;
- 2.2 Introduce a new 'prohibition of waiting and loading at any time' on Thomas Street.
- 2.3 Introduce a new 'prohibition of waiting at any time' on John Street, Heelis Street, Burleigh Street, Joseph Street and the junction of Heelis Street / Wood Street.
- 2.4 An amendment to the existing pay and display parking bays on Thomas Street and Burleigh Street, and the creation of new pay and display bay on Burleigh Street, and new pay by phone bays on Wood Street and Heelis Street.
- 2.5 Any objections received to any of the proposals to be subject of a further report to Cabinet;
- 2.6 If there are no objections to any of the proposals then the Head of Highways and Engineering and the Executive Director of Core Services be authorised to make and implement the order.

3. Introduction/Background

- 3.1 In March 2016, planning approval was granted for the erection of a two storey medical centre on Burleigh Street, Barnsley.
- 3.2 As part of the development, the existing council owned car park on Burleigh Street was passed into private ownership.

- 3.3** As part of planning approval, it was conditioned that new waiting/loading restrictions would be required on Burleigh Street, in order to ensure the free flow of traffic.
- 3.4** Following a site survey and consultation with Parking Services, it was determined that the existing restrictions in the surrounding area were insufficient for the anticipated increase in traffic generated by the new medical centre. In order to ensure the free flow of traffic along Burleigh Street and the surrounding area, it was agreed that increased waiting and loading restrictions were necessary.
- 3.5** It was also identified that the existing parking bays are seldom occupied during the day. After consultation with Parking Services, it was agreed to amend the existing pay and display parking bays on Thomas Street and Burleigh Street, and to install new pay by phone parking bays on Heelis Street and Wood Street.

4. Consideration of Alternative Proposals

- 4.1** It is not considered that any alternative approach would give the anticipated benefits or meet with the requirements of the planning conditions.

5. Proposal and Justification

It is proposed:

- 5.1** To add a 'prohibition of waiting and loading at any time' on Thomas Street.
- 5.2** To introduce a 'prohibition of waiting at any time' on John Street, Heelis Street, Burleigh Street, Joseph Street and the junction of Heelis Street / Wood Street.
- 5.3** To amend the existing pay and display parking bays on Thomas Street and Burleigh Street from Monday to Saturday, 8am to 6pm, 2 hours no return within 3 hours to Monday to Saturday, 8am to 6pm, pay as you park. It was also agreed to create a new pay and display bay on Burleigh Street, and new pay by phone bays on Heelis Street and Wood Street.

6 Impact on Local People

- 6.1** The proposals are likely to have a positive impact on commuters and visitors to the medical centre as they will ensure the free flow of traffic through Burleigh Street, and will protect the junctions of Heelis Street / Burleigh Street, Joseph Street / Heelis Street, Heelis Street / Wood Street and John Street / Burleigh Street.

The proposals will also allow visitors to use the on street pay and display bays for any length of time they choose Monday to Saturday (Monday to Friday for the proposed Pay by phone bays), 8 am – 6 pm, rather than the current restriction of 2 hours, no return within 3 hours.

- 6.2 The proposals may have a negative impact on some motorists by preventing loading on the existing waiting restrictions, but as mentioned at 3.3 it is necessary to prevent such activity and ensure the free flow of traffic.

7 Compatibility with European Convention on Human Rights

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

8 Promoting Equality, Diversity and Social Inclusion

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

9 Reduction of Crime and Disorder

- 9.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.
- 9.2 There are no crime and disorder implications associated with the proposals.

10 Conservation of Biodiversity

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

11 Road Traffic Regulation Act 1984

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

12 Risk Management Issues including Health and Safety

- 12.1 The assessment of the risks involved in this report is set out in the table below:

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 7 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Executive Director of Core Services has developed a sequential test to consider	Low

	the effects of the Human Rights Act which are followed.	
2. Legal challenge to the decision to make the TRO	The procedure to be followed in the publication and making of TRO's are set down in statute. There is an opportunity to object to the initial proposal and then a period for challenge once it is made. A 6 week period is provided following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence.	Very Low

13 Financial Implications

- 13.1** The costs of design, advertising and legal fees have been estimated at £5000, which is being funded by the developer, Auburn Ainsley.

14 Employee Implications

- 14.1** Existing employees in the Highways and Engineering Service will undertake all design and consultation work. The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

15 Glossary

- TRO - Traffic Regulation Order

16 List of Appendices.

- Appendix 1a – Plan showing the proposed changes to the Traffic Restrictions.

17 Background Papers

Officer Contact: Adam Davis **Telephone No:** 787635 **Date:** January 2018

Annex A

BURLEIGH STREET, BARNSELY **CHANGES TO VARIOUS WAITING/LOADING RESTRICTIONS**

a. Financial Implications

See paragraph 13 of the report for financial implications.

b. Employee Implications

Existing employees in the Highways and Engineering Service will undertake all design, consultation and implementation work. The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to as detailed in Paragraph 11.

d. Policy Implications

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

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

The Central Ward Members have been consulted and support the proposal.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

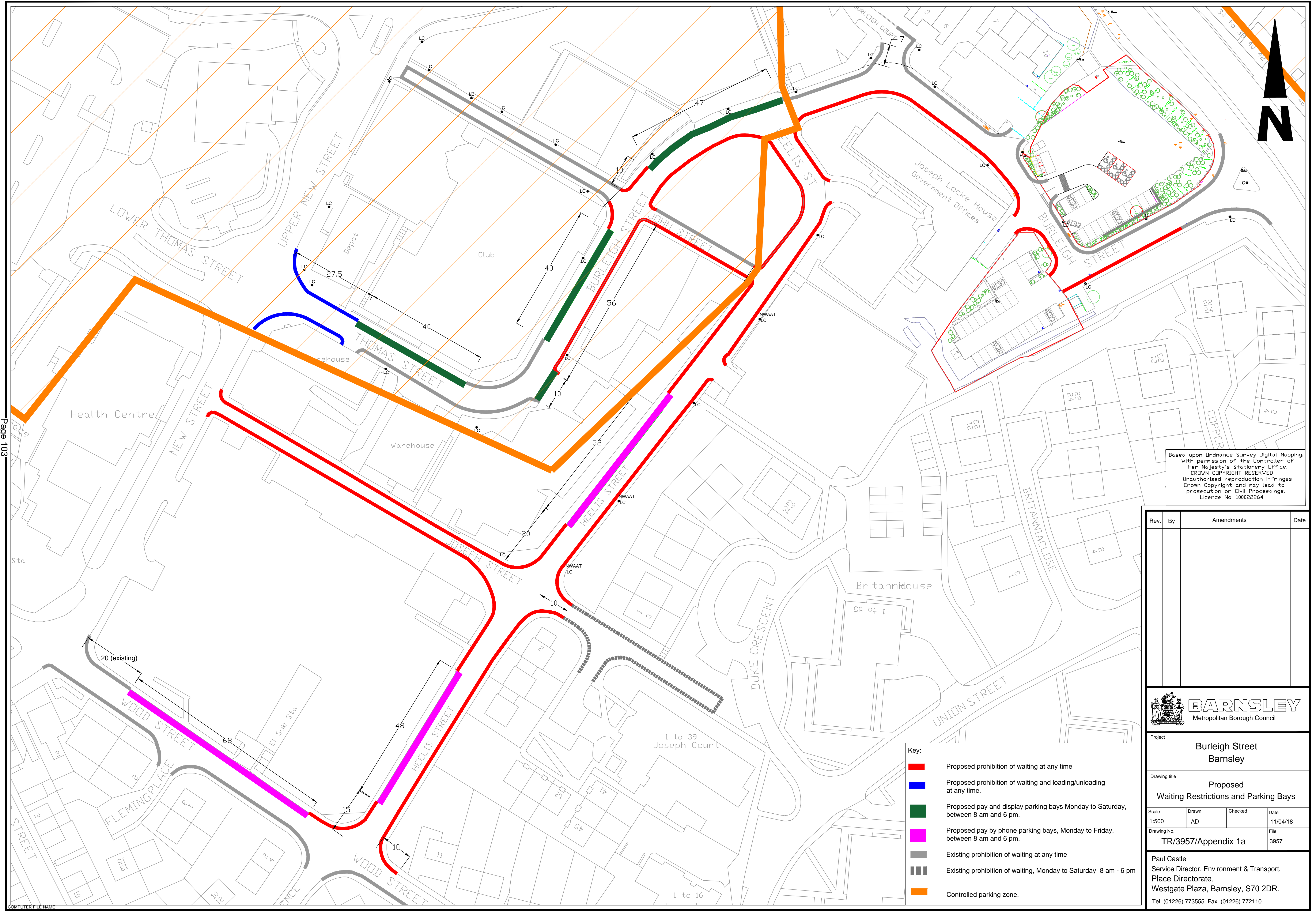
j. Implications for Service Users

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

k. Communications Implications

There are no communications implication issues associated with the proposals.

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Rev.	By	Amendments	Date



Project Burleigh Street Barnsley			
Drawing title Proposed Waiting Restrictions and Parking Bays			
Scale 1:500	Drawn AD	Checked	Date 11/04/18
Drawing No. TR/3957/Appendix 1a			File 3957
Paul Castle Service Director, Environment & Transport. Place Directorate. Westgate Plaza, Barnsley, S70 2DR. Tel. (01226) 773555 Fax. (01226) 772110			

- Key:
- Proposed prohibition of waiting at any time
 - Proposed prohibition of waiting and loading/unloading at any time.
 - Proposed pay and display parking bays Monday to Saturday, between 8 am and 6 pm.
 - Proposed pay by phone parking bays, Monday to Friday, between 8 am and 6 pm.
 - Existing prohibition of waiting at any time
 - Existing prohibition of waiting, Monday to Saturday 8 am - 6 pm
 - Controlled parking zone.

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Barnsley Metropolitan Borough Council

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

Report of the Executive Director, Place

WINDMILL ROAD, WOMBWELL
INTRODUCTION OF NEW WAITING RESTRICTIONS
OBJECTION REPORT

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the objections received to the proposal to introduce new waiting restrictions and make amendments to the existing waiting restrictions as described in this report and shown in Appendix 1.
- 1.2** To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1** **This is a Ward Alliance promoted scheme. Local Ward Members have approved the objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2** **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

3. Introduction/Background

- 3.1** On 3rd April 2018 approval was given to publish a range of traffic restrictions on parts of Windmill Road, Sokell Avenue, and Bird Avenue, and to amend the existing orders for Barnsley Road, Littlefield Lane, Cemetery Road, Main Street, Victoria Road, Bond Street, York Street and School Street to prevent obstructive parking caused by patrons of the cricket club on Windmill Road and inconsiderate parking from visitors to Wombwell town centre respectively. See officer delegated report attached at Appendix 1.
- 3.2** The proposals were published in April 2018 and 2 objections were received.

4. Consideration of Objections

As a result of advertising the proposals there are 2 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- (Location of objector: Windmill Road) The restrictions will not solve the problem and will simply displace parking.

Response: The proposals were drawn up in response to site visits and meetings with the local Councillors. Clearly, the restrictions will remove some parking, but the aim is to ensure the free flow of traffic on Windmill Road and that the vulnerable are able to use the footways, which is not possible unless the prohibition of waiting is extended to ensure the bay is only applicable to the area designed for pavement parking. .

- (Location of objector: Sokell Avenue) The restrictions will prevent the objector from parking at the side of their property. However, they support the restrictions on Windmill Road.

Response: The extension of the 'prohibition of waiting' on Sokell Avenue was a Ward Alliance request – as other residents were struggling to access the rear of their properties. Bollards have been erected in this area in the past which suggests previous attempts have been made. No one has the right to park on the public highway.

5. **Proposal and Justification**

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 1, comprising:-

- Introducing a 'prohibition of waiting at any time' restriction on parts of Windmill Road, Sokell Avenue, Bird Avenue, School Street and Cemetery Road to ensure the junctions are kept clear of parked vehicles and Windmill Road is not obstructed by patrons of the cricket club.
- Amending the existing waiting restrictions on Littleworth Lane, Barnsley Road, Main Street, Victoria Road, Bond Street, York Street and School Street. This will not change any lining on site, but will tidy up the legal orders and make enforcement of the restrictions easier.
- Introduce a new 'prohibition of waiting at any time' restriction to Cemetery Road to replace the currently unenforceable restriction which is without an order.

6. **Consideration of Alternative Proposals**

- 6.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1. **This is the preferred option.**
- 6.2 Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:
- It will not improve access at School Street and the rear entrance to Windmill Road which are regularly obstructed by parked vehicles.
 - It will not prevent indiscriminate parking from occurring, which may affect the free flow of traffic on Windmill Road and obscure visibility at junctions

7. **Impact on Local People**

- 7.1** The proposals may affect a number of residents, mainly on Windmill Road who will have reduced on street parking. However, there is no right to be able to park on the public highway. Conversely, they will benefit those residents on Windmill Road who use Sokell Avenue to access the rear of the properties. They will also prevent patrons of the cricket club from parking outside the signed footway parking on Windmill Road, however, alternative off street parking is available and it is necessary to prevent such activity to ensure the free flow of traffic, especially around junctions and visibility splays.
- 7.2** The proposals are likely to have a positive impact on commuters and visitors to the Wombwell IKIC centre as they will ensure the free flow of traffic on School Street and prevent obstructive parking around the access to the premises.

8. Financial Implications

- 8.1** The financial implications remain the same as previously reported.

9. Legal Implications

- 9.1** The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.
- 9.2** In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

10. Consultations

- 10.1** No additional consultations are required, these having already been carried out at the publication stage.

11. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low

2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low
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12. Compatibility with European Convention on Human Rights

12. It is not considered the proposals have any potential interference with convention rights.

13. List of Appendices

- Appendix 1 – Officer Delegated report dated 17 April 2018

14. Background Papers

14.1 Traffic Team file

Officer Contact: Traffic Team

Telephone No: 773555

Date: August 2018

Record of Decision of the Head of Highways and Engineering for;

Windmill Road, Wombwell – Proposed introduction of Prohibition of Waiting at Any Time

Subject

During a Ward Alliance meeting, the Wombwell Ward Members put forward a proposal to introduce a TRO on Windmill Road, Wombwell, to control inconsiderate parking outside the cricket club.

As part of the TRO, the Ward Councillors requested that extra waiting restrictions on School Street be included, as numerous issues regarding the access to the Wombwell IKIC have been reported. The Ward Members also requested the waiting restrictions on the south side of Sokell Avenue be extended, to facilitate access to the rear of the properties.

Following a site survey and consultation with Parking Services, it was determined that the existing restrictions surrounding School Street should be amended. The area currently has double yellow lines, but the order is for a prohibition of waiting, 8 am – 8.30 pm. The lining requirements were altered in the early 1990s to a single yellow line, rendering the area unenforceable. For ease of installation, and in the interests of road safety, it is proposed to amend the order to a prohibition of waiting at any time.

As part of work for the Local Road Programme in Wombwell, it was discovered that the existing yellow lines on Cemetery Road is not currently subject to a TRO. In order to make the area enforceable, it is proposed to remove the existing lining, and to install a prohibition of waiting at any time for 15 metres from its junction with Barnsley Road.

Consultations have taken place with local ward members, the Area Council Manager and Emergency Services, no objections have been received. There is no parish council affected by the proposals.


Authority

Part C Paragraph 19 (b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.

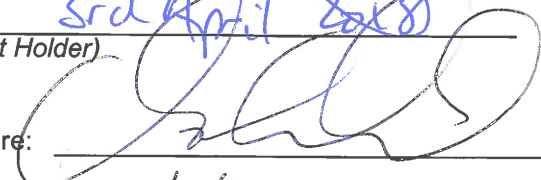
Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services be authorised to make and implement the Order.

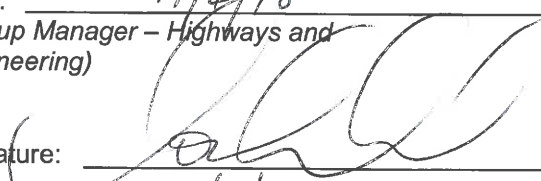
Financial Implications:

Signature: 
Date: 3rd April 2018
(Budget Holder)

Date of Decision:

Signature: 
Date: 17/4/18
(Group Manager – Highways and Engineering)

Date Approved:

Signature: 
Date: 17/4/18
(Head of Highways and Engineering)

Barnsley Metropolitan Borough Council

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

Report of the Executive Director,
Place

WINDMILL ROAD, WOMBWELL

INTRODUCTION OF NEW WAITING RESTRICTIONS

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to advertise a Traffic Regulation Order (TRO) necessary to implement the changes to various waiting restrictions, and to introduce new waiting restrictions as described in this report, shown on the plan in Appendix 1a and Appendix 1b.

2. Recommendation

It is recommended that:

- 2.1 The proposed changes to traffic restrictions as described in this report and indicated on the plan in Appendices 1a and 1b, be advertised;
- 2.2 Introduce a new 'prohibition of waiting at any time' on Windmill Road, and its junctions with Sokell Avenue and Bird Avenue.
- 2.3 An extension to the 'prohibition of waiting at any time' on School Street and Sokell Avenue.
- 2.4 An amendment to the existing waiting restrictions on Barnsley Road, Main Street, Victoria Road, Bond Street, York Street and School Street from a 'prohibition of waiting 8 am to 8.30 pm', to a 'prohibition of waiting at any time'.
- 2.5 Any objections received to any of the proposals to be subject of a further report to Cabinet;
- 2.6 If there are no objections to any of the proposals then the Head of Highways and Engineering and the Executive Director of Core Services be authorised to make and implement the order.

3. Introduction/Background

- 3.1 During a Ward Alliance meeting, the Wombwell Ward Members put forward a proposal to introduce a TRO on Windmill Road, Wombwell, to control inconsiderate parking outside the cricket club.

- 3.2** As part of the TRO, the Ward Councillors requested that extra waiting restrictions on School Street be included, as numerous issues regarding the access to the Wombwell IKIC have been reported. The Ward Members also requested the waiting restrictions on the south side of Sokell Avenue be extended, to facilitate access to the rear of the properties.
- 3.3** Following a site survey and consultation with Parking Services, it was determined that the existing restrictions surrounding School Street should be amended. The area currently has double yellow lines, but the order is for a prohibition of waiting, 8 am – 8.30 pm. The lining requirements were altered in the early 1990s to a single yellow line, rendering the area unenforceable. For ease of installation, and in the interests of road safety, it is proposed to amend the order to a prohibition of waiting at any time.
- 3.4** As part of work for the Local Road Programme in Wombwell, it was discovered that the existing yellow lines on Cemetery Road is not currently subject to a TRO. In order to make the area enforceable, it is proposed to remove the existing lining, and to install a prohibition of waiting at any time for 15 metres from its junction with Barnsley Road.

4. Consideration of Alternative Proposals

- 4.1** It is not considered that any alternative approach would give the anticipated benefits.

5. Proposal and Justification

It is proposed:

- 5.1** To introduce a 'prohibition of waiting at any time' on Windmill Road, Sokell Avenue, Bird Avenue and Cemetery Road
- 5.2** To extend the existing 'prohibition of waiting at any time' on School Street and Sokell Avenue.
- 5.3** To amend the existing waiting restrictions on Barnsley Road, Main Street, Victoria Road, Bond Street, York Street and School Street from a prohibition of waiting 8 am to 8.30 pm, to a 'prohibition of waiting at any time'.

6 Impact on Local People

- 6.1** The proposals are likely to have a positive impact on commuters and residents as they will ensure the free flow of traffic through Windmill Road and its associated junctions and will keep the footway clear on the lower part of Windmill Road.

The proposals will also increase available on street parking on Cemetery Road, improve access to the Wombwell IKIC centre on School Street, and formalise the existing double yellow lines on Barnsley Road and the nearby junctions, thus maintaining visibility.

- 6.2 The proposals may have a negative impact on some motorists by reducing on street parking on Windmill Road. However, private-off road parking has been provided in two areas (off Windmill Road and Hough Lane, and the proposals will ensure these areas are utilised.

7 Compatibility with European Convention on Human Rights

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

8 Promoting Equality, Diversity and Social Inclusion

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

9 Reduction of Crime and Disorder

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

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

10 Conservation of Biodiversity

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

11 Road Traffic Regulation Act 1984

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

12 Risk Management Issues including Health and Safety

- 12.1 The assessment of the risks involved in this report is set out in the table below:

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 7 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Executive Director of Core Services has	Low

	developed a sequential test to consider the effects of the Human Rights Act which are followed.	
2. Legal challenge to the decision to make the TRO	The procedure to be followed in the publication and making of TRO's are set down in statute. There is an opportunity to object to the initial proposal and then a period for challenge once it is made. A 6 week period is provided following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence.	Very Low

13 Financial Implications

- 13.1** The costs of design, advertising and legal fees have been estimated at £4000, which is being funded by the Wombwell Ward Alliance.

14 Employee Implications

- 14.1** Existing employees in the Highways and Engineering Service will undertake all design and consultation work. The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

15 Glossary

- TRO - Traffic Regulation Order

16 List of Appendices.

- Appendix 1a - Plan showing the proposed changes to the Traffic Restrictions on Windmill Road.
- Appendix 1B - Plan showing the proposed changes to the Traffic Restrictions on Barnsley Road and School Street.

17 Background Papers

Officer Contact: Adam Davis **Telephone No:** 787635 **Date:** April 2018.

Annex A

WINDMILL ROAD, WOMBWELL **INTRODUCTION OF NEW WAITING RESTRICTIONS**

a. Financial Implications

See paragraph 13 of the report for financial implications.

b. Employee Implications

Existing employees in the Highways and Engineering Service will undertake all design, consultation and implementation work. The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to as detailed in Paragraph 11.

d. Policy Implications

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

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

The Wombwell Ward Members have been consulted and support the proposal.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

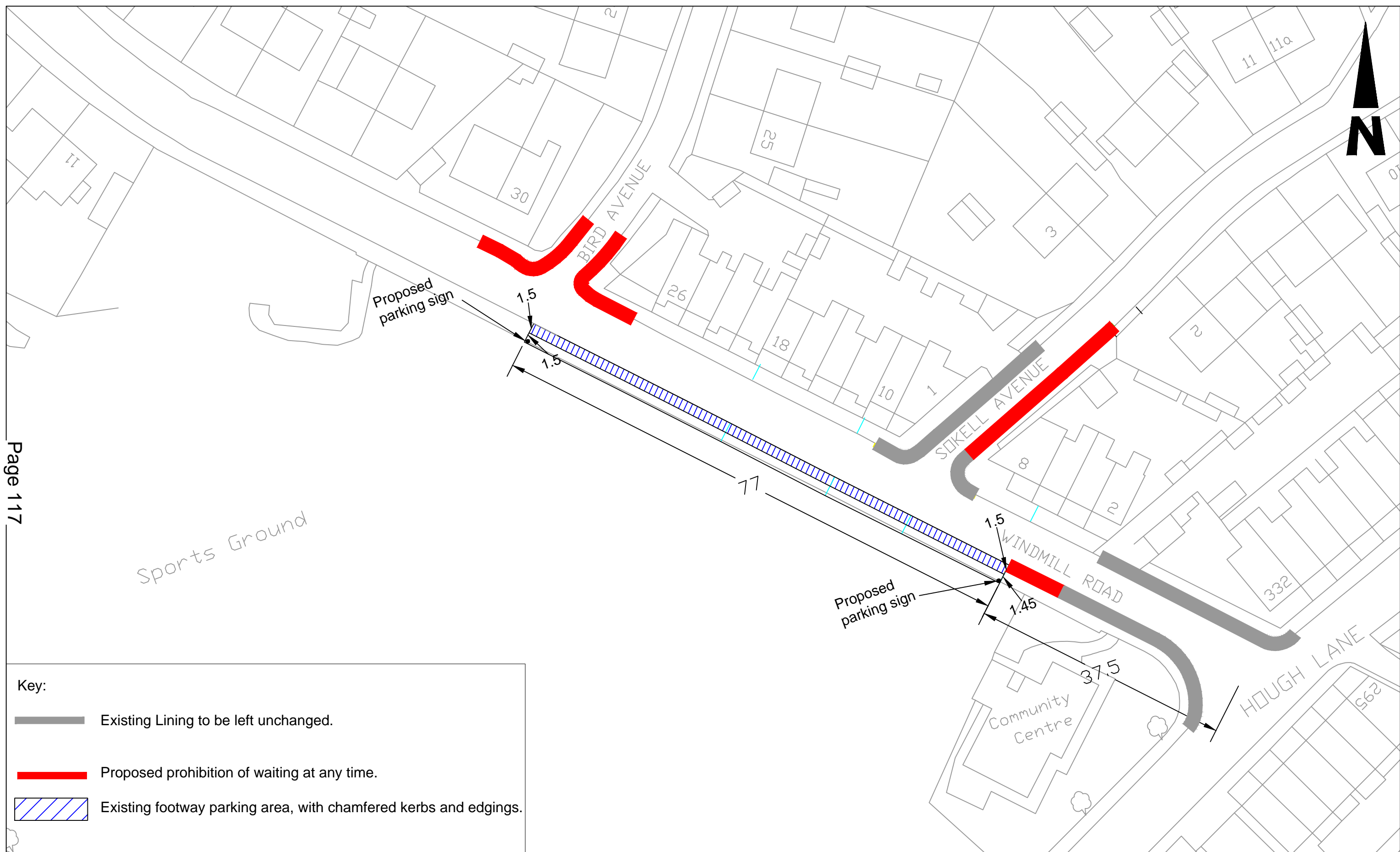
The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

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

k. Communications Implications

There are no communications implication issues associated with the proposals.



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