

MEETING:	Cabinet
DATE:	Wednesday, 20 March 2019
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

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

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

229. Declaration of pecuniary and non-pecuniary interests

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

230. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 6th March, 2019 had been called in.

231. Minutes of the previous meeting held on 6th March, 2019 (Cab.20.3.2019/3)

The minutes of the meeting held on 6th March, 2019 were taken as read and signed by the Chair as a correct record.

232. Decisions of Cabinet Spokespersons (Cab.20.3.2019/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the weeks ending 1st and 8th March, 2019 were noted.

233. Petitions received under Standing Order 44 (Cab.20.3.2019/5)

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

Deputy Leader

234. Alcohol Plan (Cab.20.3.2019/6)

RESOLVED that the strategic direction of the Alcohol Plan including the vision, priorities, outcomes and targets be supported.

Joint Cabinet Spokesperson without Portfolio and Cabinet Spokesperson People (Achieving Potential)

235. Member Representation on the Virtual School Governance Group (Cab.20.3.2019/7)

RECOMMENDED TO FULL COUNCIL ON 4TH APRIL, 2019 that the People (Achieving Potential) and People (Safeguarding) Cabinet Spokespersons and the

respective Cabinet Support Members be appointed to serve on the Virtual School Governance Group, together with six further Elected Members to be appointed at Full Council.

Communities Spokesperson

236. Proposal to Establish a new Public Space Protection Order (PSPO) for Barnsley Town Centre (Cab.20.3.2019/8)

RESOLVED:-

- (i) that the conditions of the new Public Space Protection Order (PSPO) as outlined in Section 4.6 of the report now submitted be agreed;
- (ii) that agreement be given to the introduction of the begging related condition at Section 4.8 within the report with the understanding that the condition will be utilised as a last resort after other support interventions have been utilised first;
- (iii) that the Public Space Protection Order be confined to a new designated area to cover the town centre only, following consideration of the alternative approaches identified in Section 5 of the report; and
- (iv) that the intention to further develop the “Help Us Help Them” campaign be noted in relation to begging, building upon the success of this scheme to date and through the campaign continue to raise awareness within the general public.

Core Services Spokesperson

237. Provision of Employee Benefits (Cab.20.3.2019/9)

RESOLVED:-

- (i) that the Authority continue to utilise a range of employee benefit schemes through our Just4YOU employee benefits offer including employee discounts, cycle to work scheme, childcare voucher scheme, and technology scheme procured under the ESPO Framework;
- (ii) that approval be given to enhance our Just4YOU employee benefits offer with the introduction of a salary sacrifice lease car scheme as outlined at paragraph 4.6 of the report;
- (iii) that it be acknowledged that there will be an impact on employee’s pensionable pay as outlined at paragraphs 8.2.1/2 should a salary sacrifice lease car scheme be given approval as proposed at paragraph 4.6; and
- (iv) that it be acknowledged that a further decision will be required on whether to fund lease car mileage at a rate of 0.45p in line with the current HMRC Approved Mileage Allowance Payments rate (AMAP) as outlined at paragraph 8.2.3 acknowledging the taxable benefit to the employee.

238. Gender Pay Gap 2018 (Cab.20.3.2019/10)

RESOLVED:-

- (i) that the results of the Gender Pay Gap Report as of 31st March, 2018 and outlined in Appendix 1 of the report submitted be noted; and
- (ii) that endorsement be given to the long term commitment to reducing the Council's Gender Pay Gap and the action plan at Appendix 2 be noted.

239. Implementation of the 2019/20 Pay Policy Statement (Cab.20.3.2019/11)

RECOMMENDED TO FULL COUNCIL ON 4TH APRIL, 2019 that approval be given to implement the 2019/20 Pay Policy Statement, contained at Appendix 1 of the report now submitted, with effect from 1st April, 2019.

Place Spokesperson

240. Adult Skills and Community Learning Service: OFSTED Inspection November 2018 (Cab.20.3.2019/12)

RESOLVED:-

- (i) that the outcome of the OFSTED inspection of Adult Skills and Community Learning Service, as detailed in the report now submitted, be noted; and
- (ii) that the Service's self-assessment report for the full academic year August 2017 to July 2018 be accepted.

241. Digital Media Centre/The Core Conversion (Cab.20.3.2019/13)

RESOLVED:-

- (i) that the Executive Director Place be authorised to undertake the necessary steps to secure delivery of the project;
- (ii) that the Executive Director Core Services in consultation with the Executive Director Place be authorised to:
 - Negotiate the terms and conditions of any Funding Agreement and that Cabinet delegate the final approval of the terms of the Grant Funding Agreement to the Cabinet Spokesperson Place;
 - Conclude the approval and funding process with Sheffield City Region Combined Authority (SCR CA), accept tenders, appoint where necessary a contractor to implement the delivery of the scheme, subject to the costs being contained within the scheme;
- (iii) that the Service Director Regeneration and Property be authorised to:

- In compliance with the Council's Contract Procedure Rules, and subject to any procurement requirements specified by the funder, seek tenders where necessary for any aspect of the project and appoint the successful tenders; and/or consider whether the works, services or goods can be provided in-house, subject to value for money considerations; and
- (iv) that grant funding from Sheffield City Region Investment Fund (SCRIF) totalling £2.125m towards the total cost of the scheme be accepted.

242. Highways Capital Programme Update (Cab.20.3.2019/14)

RESOLVED:-

- (i) that the detailed Highways Capital Programme for 2019/20 as set out in Appendices 1 and 2 of the report be approved, and that the Service Director Environment and Transport be authorised to implement these schemes;
- (ii) that the Highways Capital Programme be varied in line with the Council's governance and approval limits (see paragraphs 3.8 – 3.13);
- (iii) that the Service Director Environment and Transport be authorised to:
- Obtain tenders for any works, goods and services as necessary, and appoint the successful tenderer on the basis of the most economically advantageous tender;
 - Adopt the Highways Maintenance Efficiency Programme (HMEP) principle of collaboration and utilise collaborative procurement to engage external consultants to undertake work which cannot be undertaken in-house or secure the services of contractors or consultants via Regional Alliances where available;
 - Appoint other external consultants and contractors as appropriate, within the current procurement rules; and
- (iv) that, in the event that the Maintenance, Integrated Transport and Capitalised Highways Maintenance budgets for 2019/20 are not fully expended, the value of any other works be re-phased between financial years, which allows the flexibility to ensure that the available resources are deployed in the most efficient manner possible, whilst maintaining the continuity of the Highways and Engineering Service.

243. Street Lighting Replacement Programme (Cab.20.3.2019/15)

RESOLVED:-

- (i) that the Street Lighting Replacement Programme for 2019-21 be approved, and that the Service Director Environment and Transport be authorised to implement this programme of work;

- (ii) that the Street Lighting Replacement Programme be varied in line with the Council's governance and approval limits, if required (see paragraphs 3.8 – 3.13);
- (iii) that the Service Director Environment and Transport be authorised to:
 - Obtain tenders for any works, goods and services as necessary, and appoint the successful tenderer on the basis of the most economically advantageous tender;
 - Adopt the Highways Maintenance Efficiency Programme (HMEP) principle of collaboration and utilise collaborative procurement to engage external consultants to undertake work which cannot be undertaken in-house or secure the services of contractors or consultants via Regional Alliances where available;
 - Appoint other external consultants and contractors as appropriate, within the current procurement rules; and
- (iv) that, in the event that the Street Lighting Replacement Programme budget for 2019/20 are not fully expended, the value of any other works be re-phased into the 2020-21 financial year, which allows the flexibility to ensure that the available resources are deployed in the most efficient manner possible, whilst maintaining the continuity of the Highways and Engineering Service.

244. Launchpad Phase 2 (Cab.20.3.2019/16)

RESOLVED:-

- (i) that the Executive Director Place be authorised to approve contracts to enter into a funding agreement with the Ministry of Homes, Communities and Local Government (MHCLG) to implement the Launchpad Phase 2 project;
- (ii) that approval be given for the Service Director Finance to amend revenue budgets in accordance with the financial implications and Appendix A of the report submitted;
- (iii) that the Executive Director Place be authorised in consultation with the Executive Director Core Services to contract with the programme partners at Sheffield, Rotherham, Doncaster and Bassetlaw Councils plus the Prince's Trust; and
- (iv) that approval be given for the Council to act as Accountable Body for Launchpad Phase 2.

245. Strategic Growth Clusters - Update (Cab.20.3.2019/17)

RESOLVED:-

- (i) that approval be given to accept grant funding from Sheffield City Region Investment Fund (SCRIF) totalling £1.171m to contribute towards the M1

Junction 37 – Economic Growth Corridor – Phase 1 scheme, previously approved in July 2018 (Cab.25.7.2018/14);

- (ii) that approval be given to the acceptance of grant funding from Sheffield City Region Investment Fund (SCRIF) totalling £7.324m and £0.352m from Highways England (total scheme approval of £7.676m) and releases the scheme into the Capital Programme to deliver the approved M1 Junction 36 – A6195 Dearne Valley Economic Growth Corridor (Phase 2 Goldthorpe) Business case, as outlined in Section 3.7 below and detailed in Appendix 2 of the report;
- (iii) that the Executive Director Core Services, in conjunction with the Executive Director Place be authorised to:
 - Negotiate the terms and conditions of, and final approval of the Combined Authority SCRIF Grant Funding Agreement, for the delivery of the infrastructure improvements set out in the appendices attached to this report;
 - Conclude the approval and funding processes with Sheffield City Region Combined Authority (SCR CA), accept tenders, appoint where necessary a contractor to implement the delivery of the scheme, subject to the costs being contained within the Grant Funding Agreement;
 - Where necessary, apply for any necessary consents, licence arrangements, prepare details of and publish a Side Roads Order under Sections 14 and 125 of the Highways Act 1980 to deal with any required changes to the existing highway network to accommodate the scheme, to submit the order to the Secretary of State for Transport for confirmation and to take all necessary steps to secure confirmation of the Order including (if necessary) supporting the order at a local public inquiry;
- (iv) that the Corporate Asset Manager be authorised to:
 - Negotiate the terms and conditions of any development agreements required with relevant private developer(s) in order to minimise the financial risks to the Council;
 - Where necessary, that the Corporate Asset Manager be authorised to enter into negotiations with any private land owner(s) to acquire privately owned land or property and enter into agreements to occupy land not in the ownership of the local authority. Also to complete any variation to any existing leases on the occupation of land owned by the local authority and where necessary negotiate compensation payments;
- (v) that the Service Director Regeneration and Property be authorised to:
 - Develop and submit full business cases for the Strategic Growth Clusters in respect of the schemes detailed in the appendices to the report;

- Submit change variation requests to SCR CA in relation to the schemes where necessary to retain external grant funding secured, whilst ensuring that the overall aims and objectives of the scheme are achieved;
 - Under the terms of the Barnsley Contract Procedure Rules, if necessary, seek tenders for any aspect of the project and appoint the successful tender on the basis of most economically advantageous bid; and to consider whether the works, services or goods can be provided in-house, subject to value for money considerations;
 - In accordance with paragraph 2.3 (b)(i) of the Council’s Contract Procedure Rules (In-House Providers), the Business Park service contract be awarded to NPS Barnsley, under the Joint Venture Service Level Agreement to provide check and challenge on any private sector work packages involved in delivering the Strategic Business Parks;
 - Make use of the Council’s Land Solve Framework (managed by NPS Barnsley) to appoint if necessary land brokers or land advisors to support the delivery of the projects outlined in Appendices 1, 2, 3 and 4;
- (vi) that the progress made delivering the M1 Junction 36 – A6195 Dearne Valley Economic Growth Corridor (Phase 1 Hoyland), as outlined in Section 3.8 below and detailed in Appendix 3 be noted, and authorisation be given to continue development and progression of the scheme to ensure all external grant funding be secured, whilst ensuring that the overall aims and objectives of the scheme are achieved;
- (vii) that the continued development and progression, and submission of the M1 Junction 37 – Phase 2 (Claycliffe) full business case be authorised to Sheffield City Region for appraisal, as outlined in Section 3.9 and detailed be Appendix 4;
- (viii) that the Executive Director Place be authorised to undertake all necessary steps to secure delivery of the projects outlined in Appendices 1, 2, 3 and 4; and
- (ix) that the Service Director Environment and Transport in consultation with the Service Director Regeneration and Property be authorised to seek any necessary planning permission, (outline or full) for the proposed schemes in relation to the projects detailed in Appendices 1, 2, 3 and 4.

246. 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>
247	Paragraph 3

People (Safeguarding) Spokesperson

247. Older People's Residential and Nursing Care Fees (Agreed Cost of Care) (Cab.20.3.2019/19)

RESOLVED:-

- (i) that the current position regarding the state of the Residential and Nursing care market for Older People across Barnsley, as detailed in Appendix B to the report, be noted;
- (ii) that the exercise/consultation undertaken to determine the 'cost of care' and considered the concerns/representations made by care providers be noted;
- (iii) that approval be given to the uplift in fees to the determined cost of care or fair fee level and for this to be implemented over 3 years (2018/19, 2019/20 and 2020/21) in accordance with the recommended option indicated in paragraphs 7.9 and 7.10 of the report; and
- (iv) that the benefits of ongoing partnership work with Barnsley CCG in developing a fee setting and uplift agreement for Older People's Residential and Nursing Care Homes be recognised.

(Note: In view of the need to conclude all necessary agreements in the above matter by 1st April 2019, the Chair of the Overview and Scrutiny Committee has agreed to waive the delay in implementation associated with the Call-In procedures.)

CHAIR'S COMMENT

The Leader informed Members this would be Ian Turner's last Cabinet meeting and thanked him for his many years of service and dedication to the Council, the Councillors and the people of Barnsley.

On behalf of the Council, the Leader wished Ian well in all his future endeavours.

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Chair