

MEETING:	Full Council		
DATE:	Thursday, 27 September 2018		
TIME:	10.30 am		
VENUE:	Council Chamber, Barnsley Town Hall		

MINUTES

	Present		The Mayor (Councillor S. Green)
	Central Ward	-	Councillors Bruff
	Cudworth Ward	-	Councillors Hayward, Houghton CBE and C. Wraith MBE
	Darfield Ward	-	Councillors Coates, Markham and Saunders
	Darton East Ward	-	Councillors Miller and Spence
	Darton West Ward	-	Councillors Burgess, Cave and Howard
	Dearne North Ward	-	Councillors Phillips
	Dearne South Ward	-	Councillors C. Johnson, Noble and Sixsmith MBE
	Dodworth Ward	-	Councillors P. Birkinshaw, Riggs and Wright
	Hoyland Milton Ward	-	Councillors Franklin, Shepherd and Stowe
	Kingstone Ward	-	Councillors Williams
	Monk Bretton Ward	-	Councillors Richardson and Sheard
	North East Ward	-	Councillors Ennis OBE, Hampson and Higginbottom
	Old Town Ward	-	Councillors Lofts, Newing and Pickering
	Penistone East Ward	-	Councillors Hand-Davis and Wilson
	Penistone West Ward	-	Councillors David Griffin, Kitching and Millner
	Rockingham Ward	-	Councillors Andrews BEM, Lamb and Sumner
	Royston Ward	-	Councillors Cheetham, Clements and Makinson
	St. Helen's Ward	-	Councillors Leech, Platts and Tattersall
	Stairfoot Ward	-	Councillors Bowler, K. Dyson and W. Johnson
	Wombwell Ward	-	Councillors Frost, Daniel Griffin and R. Wraith
99.	Worsbrough Ward Declarations of Interests	-	Councillors Pourali

Councillors Coates, Pourali, and Makinson each declared a non-pecuniary interest in minute 122 in relation to their positions on the board of Berneslai Homes.

Councillor W. Johnson declared a non-pecuniary interest in minute 127 in relation to his employment as a market trader.

100. Minutes

The minutes of the meeting held on 26th July, 2018 were taken as read and signed by the Chair as a correct record.

101. Communications

(a) <u>Council IT Systems</u>

Members were reminded of the serious IT incident the Council suffered on the 5th September, 2018. As an organisation, the issue was dealt with exceptionally well with services reverting seamlessly to their business continuity plans and issues were communicated using a mixture of technology and by colleagues talking to one another.

Thanks were given to several people in the IT team who worked outside their normal remit and hours to deal with the serious problems, and a particular team of individuals who went over and above what would normally be expected of them. The officers worked throughout the night, not leaving the data centre until 5am in a couple of instances, and helped ensure that IT systems were ready for services to start using again the morning after. Thanks were given to Mark Wade, Rob Walker, Steve Furniss, Bryan McDonald, John Mitchell and Glynn Shore for their dedication and commitment.

The Mayor and Members of the Council expressed their congratulations to all concerned in the usual manner.

(b) <u>Yorkshire In Bloom – Barnsley Results 2018</u>

260 communities participated in the Royal Horticultural Society's Yorkshire in Bloom regional competition this summer.

Barnsley welcomed 6 new groups, taking the In Bloom family to a staggering 28 entries. New entries were submitted this year into the categories of Parks & Open Spaces, Young Peoples Award & It's Your Neighbourhood.

All the entries were judged on community participation, environmental awareness and horticultural quality, and at the Yorkshire in Bloom event in York, Barnsley received 31 awards. These included three Platinum and 11 Gold Awards and three Discretionary awards given by the Yorkshire in Bloom Executive.

The three outstanding awards were:-

Team Green Moor gained Gold and was category winner for Small village, Best Overall Village, and Joint Best New Entry; Carlton Marsh Nature Reserve received Platinum award and Best Conservation Project; and

Oxspring Primary School was Gold and Category Winner out of 23 schools in Yorkshire.

It was recognised that groups in Barnsley continue to work tirelessly year after year and the awards showed the commitment to improving local areas for the benefit of everyone. A huge thanks was given to the Parks Team for the invaluable support to our community groups, with Janet Sutton and Paul Marsh specifically mentioned.

The Mayor and Members of the Council expressed their thanks to all involved in the usual manner.

102. Questions by Elected Members

The Chief Executive reported that she had received the following questions from Councillor Kitching in accordance with Standing Order No. 11:-

(i) Ongoing disruption in Mapplewell lasting over 100 days has severely impacted on the many shops and businesses in the village that rely on passing trade. Scheduled village improvement works have now been completed but there has been further work ongoing in the village from utility companies resulting in ongoing temporary traffic lights. The disruption in the village has left many shops struggling. Businesses have closed and jobs have been lost. On what date will the disruption end?

Councillor Miller Responded as follows:- A rather large housing estate had been built, which had provided a contribution to improve the infrastructure in the village. Councillors had consulted on the works with residents and business, but unfortunately there had been a slight delay due to the utility company. One business has closed, but this was due to the end of a short term lease on a small shop. On-going work is being carried out and resurfacing is due to take place on a Sunday morning to avoid disruption to businesses, and meetings have taken place with businesses to discuss this, with relatively positive feedback from the businesses that attended.

Councillor Kitching asked the following supplementary question: - 'Would the Council be able to commit to further consultation processes with the business owners and residents in the village before they undertake any more planned works in the next 12 months. We understand the works have to be undertaken, but can we have a reassurance please that the consultation will be ongoing?'

Councillor Miller responded as follows:- Contact had been made with a number of shopkeepers, who would like further meetings, which would be held, and consultation will continue.

(ii) I have read the press reports regarding slow progress to install gas central heating systems in homes in Woolley Colliery village, leading to some of our most vulnerable people being at risk over the coming winter. I note the deep

concern expressed by Councillors Howard and Miller over the issue. What urgent action is the Council taking to resolve the issue before another winter kicks in?

Councillor Miller responded as follows: - Most of the houses in the area use coal fired central heating, with many elderly people experiencing difficulties. Gas is available in the village but the supply needs extending to the properties, with some residents unable to meet the costs of doing so. Consultation will take place with residents, recognising the importance of protecting the elderly and vulnerable.

Councillor Kitching asked the following supplementary question:- 'Are you at the point now where you have scheduled dates for the work to take place for central heating to be installed in Woolley Colliery Village?'

Councillor Miller responded as follows:- Dates are being considered, and it was agreed that they be supplied after the meeting.

(iii) Does the Cabinet member believe that withdrawing the facility for kerbside paper recycling and asking residents to pay for an alternative is a good way to maintain and increase recycling rates in the borough?

Councillor Miller responded as follows: - A kerbside collection was installed in 2014/15 and every property within the borough was provided with four bins. A number of properties did not want the blue bins and returned them. It was stated that service was not being taken away but that the collection of paper and card was being combined, which many authorities are doing. There has been a decline in the tonnage of paper collected, and a corresponding increase in the cardboard, and a strategic decision had been taken which had made recycling easier. Residents were not asked to pay for bins, but for their delivery. Barnsley has a very high return and an increase of 5-10% in recycling had been seen following the introduction of co-mingled service.

Councillor Kitching asked the following supplementary question: - 'Would Councillor Miller be willing to meeting with me, relevant officers and any of my colleagues who would like to join us, to discuss a discretionary one off waiver of the delivery charge for residents who have never had a blue bin and would like to continue recycling their paper waste?'

Councillor Miller responded as follows: - That he is happy to meet Councillor Kitching but would not be looking to support the waiver of the delivery charge due to the cuts to public services.

(iv) Councillor Miller will be aware of the recent PR disaster in Sheffield, where the Council pressed ahead with its incredibly unpopular programme of felling healthy street trees, despite widespread public opposition from individuals keen to preserve greenery, air quality and wildlife habitat. There is increasing public opposition to the Council's plans to turn Penny Pie Park into a gyratory system, including from local school children. What lessons has the Leader learned from the controversy in Sheffield, and will he consider alternatives to the proposed plans which preserve homes and this public green space? Councillor Miller responded as follows:- For some time there had been an difficulties with vehicle congestion on Dodworth Road, 34 potential schemes had been considered to improve traffic flows from the motorway in to Barnsley. One of the schemes considered was to install a filter lane to turn left, which would have meant the loss of garden for 10 houses and two houses would be lost completely, which would only increase capacity for five years, with the gyratory proposed providing capacity for 25 years. A number of people living in the area were happy that the Council had been looking at the issue.

Issues with standing traffic on the motorway slip road and the traffic lights being used incorrectly were noted. Though meetings were being held with protestors, the issues many users of the route had experienced with delays when getting to the hospital due to the volume of traffic had also to be taken into account

Assurances were given that genuine concerns will be listened to and addressed where possible, but wider aspects such as the impact on business, on the hospital and the future growth of Barnsley had to be taken into account.

Councillor Kitching asked the following supplementary question: - 'If the Cabinet Member believes that people are incapable of using traffic lights correctly, how is he going to explain to my residents from the west of the borough how they now have to go through one set of traffic lights to having to go through four sets of traffic lights will improve their journey time?'

Councillor Miller responded as follows:- The gyratory scheme would allow the traffic lights be sequenced to ensure a better traffic flow away from the roundabout to town. A left hand filter lane is vital to those accessing the hospital.

Meetings will continue to be held and concerns will be listened to but the overriding concerns were congestion and air quality at the junction, which need to be improved.

(v) How many full time Trade Union convenors does the Council employ as officers and therefore pay salaries for? What is the cost to the Council of each of these individuals?

Councillor Franklin responded to as follows:- The Council employs 5 full time convenors at a cost is £165,000, of this two salaries are met out for the schools budget. One GMB member at £34,000, two Unison full time convenors at £82,000, with the NASUWT position at £48,000, and the NEU (NUT branch) convenor post currently being vacant. Employing convenors meant that it was easier to deal with a small number of individuals rather than a large number, with the latter leading to services being unavailable and having a corresponding impact on the economy.

Councillor Kitching asked the following supplementary question:- 'Has this spending led to an overspend on the Human Resources budget in the Council?'

Councillor Franking responded as follows:- It had not.

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

The Chief Executive reported that she had received the following questions from Councillor Kitching in accordance with Standing Order No. 12.

(i) 'The recent Judicial Review decision in the High Court means that that South Yorkshire must now abandon the unlawful duty system of 'Close Proximity Crewing' it has been operating at four fire stations, during the last four years, including at Tankersley since 2015. In light of this can the Member assure us all that, in finding something to replace CPC, there will be no reduction in fire service immediate response cover within the Barnsley Metropolitan Borough?'

Councillor Lamb replied as follows:-

With real term cuts of 29% over the last 8 years to South Yorkshire Fire and Rescue Authority, the CPC system was introduced to reduce the costs on the service while protecting the safety of the South Yorkshire residents at all times, bringing about savings of £1.4m per year.

25% of Fire and Rescue Services in England and Wales operate the CPC or similar system and therefore South Yorkshire was not unusual in this respect.

However the local Fire Brigades Union (FBU) brought about the judicial review and on the basis that there was no collective agreement had been reached following 6 years of negotiations, Lord Justice Kerr claimed that the issue may be with the law, not with the crewing system, but as the law stands the crewing system was in breach of regulation 10 of the Working Time Directive. Consequently the Authority met in July, 2018 to discuss the way forward as it was now facing a shortfall of £1.4m per year in the budget.

A process of redeveloping an Integrated Risk Management Plan (IRMP) had started, the production of an IRMP being a requirement of Government, which would consider the change in circumstances, which could impact on the resources and the risk in the community.

Following this, there would be draft recommendations put to the Fire Authority, which would then be widely consulted on.

As it was not certain what the outcome of the reconsideration of the IRMP would be, no guarantees could be given that the services in any part of South Yorkshire would be unaffected.

Discussions had taken place with senior local representatives of the FBU in order to discuss whether a collective agreement could be reached, however this was refused. Assurance was also sought that the FBU would

not go back through court if efforts were made to work with the CP system, which was also refused. Therefore respecting the view of the FBU and supporting collective decision making through trade unions, this resulted in the process of developing a revised IRMP, which will be widely consulted on.

Councillor Kitching asked the following supplementary question:- 'How will South Yorkshire Fire and Rescue Authority ensure that the residents of Barnsley will be fully informed of the reasons for embarking on a new IRMP and how will they ensure that they are fully involved in the consultation process particularly where cuts to their fire service are involved?'

Councillor Lamb responded as follows: - The government requires that the production of an IRMP and assurances were given that a full and lengthy consultation process would be undertaken at the appropriate point.

 (ii) (a) What are the direct legal costs that have been accumulated to South Yorkshire council taxpayers caused by the insistence of Labour Fire Authority Members in fighting the FBU's legal case against the Close Proximity Crewing system in South Yorkshire, despite Labour Fire Authority Members and the Chief Fire Officer knowing they were rolling out an unlawful duty system?

(b) What are the potential detriment payments to 61 firefighters who are working under the Close Proximity Crewing system in South Yorkshire?

Councillor Lamb responded as follows:- the costs to South Yorkshire Fire and Rescue Authority, including the awarding of costs to the FBU was around £70,000 but these costs were offset against savings of £700,000 in 2014, £1.4m in 2015, £1.4m in 2016, £1.4m in 2017 and savings up to date in the current financial year, totalling in excess of £5m.

Tribunal hearings are ongoing, so at the moment the costs of detriments were unknown. The Fire Authority sought to contain costs wherever possible, however if any members of staff had suffered a genuine and proven detriment it was only right that compensation was paid.

Councillor Kitching asked the following supplementary question:-'Could I ask to be kept informed when that decision is made by the tribunal please?'

Councillor Lamb responded as follows:- The minutes and live webcast of the Fire Authority meetings will be available at the appropriate time, containing all the information needed.

(iii) 'With regards to the Sheffield City Region deal, signed by the Leader on behalf of the authority in 2015, could he please tell me how much monies were profiled to be spent in 2016/2017 and in 2017/18? How much of these monies were actually spent in each of these financial years? Could he also please supply me with how much was profiled to be spent and

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actually spent so far this financial year, since the election of our new mayor for the Sheffield City Region?'

Councillor Houghton responded as follows:-

The proposed deal from that period had never been enacted and therefore there had been no financial scheduling or any expenditure incurred.

Councillor Kitching asked the following supplementary question:- 'both Members and residents are bearers of the cuts to services and could some of these budgetary shortfalls be addressed by drawing down the monies attached to the deal Councillor Houghton signed in 2015 or are we at a point where the failure to work with Sheffield City Council acts as a block to the authority accessing any of the money'

Councillor Houghton responded as follows:- the proposed Sheffield City Region deal was an economic deal and did not include wider council services and therefore offered no relief against cut to services. In relation to the deal itself, it had not been signed off, and therefore had not been implemented. Barnsley Council and Doncaster Council, on withdrawal of five other authorities from the proposals, had decided to consider other options, which culminated in the proposals for a One Yorkshire Devolution Deal.

Barnsley Council continues not to sign the Sheffield City Region deal in a way that would prevent a Yorkshire-Wide deal taking place due to Barnsley residents voting for a wider deal with 85% of residents expressing a preference for this.

104. Police and Crime Panel - 2nd July, 2018

RESOLVED that the minutes be noted.

105. South Yorkshire Fire and Rescue Authority (Draft) - 23rd July, 2018

RESOLVED that the minutes be noted.

106. Sheffield City Region Combined Authority (Draft) - 30th July, 2018

RESOLVED that the minutes be noted.

107. Planning Regulatory Board - 24th July, 2018

Moved by Councillor Richardson - Seconded by Councillor R. Wraith, and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 24th July, 2018 be received.

108. Planning Regulatory Board - 4th September, 2018

Moved by Councillor Richardson - Seconded by Councillor R. Wraith, and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 4th September, 2018 be received.

109. General Licensing Panel - Various

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

RESOLVED that the details of the General Licensing Panel held on 28th August, 2018 be received.

110. Appeals, Awards and Standards - Various

Moved by Councillor Shepherd - Seconded by Councillor Makinson; and

RESOLVED that the details of the various Appeals, Awards and Standards Regulatory Board Panels held in the last cycle of meetings together with their decisions be received.

111. Overview and Scrutiny Committee - 10th July, 2018

Moved by Councillor Ennis - Seconded by Councillor W. Johnson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 10th July, 2018 be received.

112. Central Area Council - 2nd July, 2018

Moved by Councillor Riggs - Seconded by Councillor Pourali; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 2nd July, 2018 be received.

113. North Area Council - 16th July, 2018

Moved by Councillor Leech - Seconded by Councillor Platts; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North Area Council held on 16th July, 2018 be received.

114. Penistone Area Council - 19th July, 2018

Moved by Councillor Wilson - Seconded by Councillor Millner; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 19th July, 2018 be received.

115. North East Area Council - 26th July, 2018

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on 26th July, 2018 be received.

116. Dearne Area Council - 30th July, 2018

Moved by Councillor Noble - Seconded by Councillor C. Johnson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on 30th July, 2018 be received.

117. South Area Council - 31st August, 2018

Moved by Councillor Stowe - Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on 31st August, 2018 be received.

118. Appointments to Regulatory Boards and Outside Bodies

Moved by Councillor Howard - Seconded by Councillor Daniel Griffin: and

RESOLVED that the following Members be appointed to the Regulatory Boards and Outside Bodies indicated:

General Licensing Regulatory Board

Councillor Kitching to replace Councillor Stowe

Standing Advisory Council on Religious Education

Councillor Tattersall

Friends of Locke Park

Councillors Murray and Williams

Barbers Relief in Need Charity

Councillor Howard

Shaw Lands Trust

Councillor Williams

119. Appointment of Independent Persons Localism Act 2011

Moved by Councillor Howard - Seconded by Councillor Daniel Griffin, and

RESOLVED that Ms J Cairns and Mr D Waxman be appointed as Independent Persons for the purposes of the relevant provision of the Localism Act 2011 for the remainder of the Municipal Year subject to reappointment on an annual basis at the Annual Council, such reappointment not to extend beyond May, 2022.

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

Moved by Councillor Bruff - Seconded by Councillor Saunders, and

RESOLVED:-

- (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.

121. Selective Voluntary Early Retirement and Voluntary Severance Schemes (Cab.19.9.2018/7)

Moved by Councillor Franklin - Seconded by Councillor Howard, and

RESOLVED that the amendments to the Selective Voluntary Early Retirement and Voluntary Severance Schemes be approved with effect from 5th September, 2018.

122. Changes to the Council's Lettings Policy 2018 (Cab.19.9.2018/8)

Moved by Councillor Miller - Seconded by Councillor Platts, and

RESOLVED that the recommendations made as a result of the review of the Lettings Policy for 2018 be approved and the proposed changes to the Policy, as detailed in the report now submitted, be implemented.

123. Cabinet Meeting - 11th July, 2018

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 11th July, 2018 be received.

124. Cabinet Meeting - 25th July, 2018

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 25th July, 2018 be received.

125. Cabinet Meeting - 5th September, 2018

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 5th September, 2018 be received.

126. Exclusion of the 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:-

Minute Number	Type of Information Likely to be Disclosed		
127	Paragraph 3		
128	Paragraph 3		

127. The Glassworks Development (Cab.19.9.2018/14)

Moved by Councillor Miller, CBE – Seconded by Councillor Frost; and

RESOLVED:-

- (i) that the progress made to date in the delivery of Phase 1 of the Glass Works development, as detailed in Section 4 of the report now submitted, be noted;
- (ii) that approval be given to proceed with the construction of the Glass Works scheme and the wider town centre redevelopment at a total estimated cost of £178.1m including completion of the Phase 1 construction, construction of the Phase 2 retail and leisure element, town centre public realm works and construction of the Mark Gate Bridge (referred to in Section 5 of the report);
- that the £11.3m of pre-opening costs be that will be incurred prior to the development becoming fully operational (as detailed in Section 5 of the report) be noted;
- (iv) that approval be given to the remaining £115.7m resources required to complete the wider scheme (noting that £73.8m has previously been approved via separate reports), to be funded via a combination of borrowing and reserves previously set aside (as referred to in Section 6 of the report);
- (v) that the projected ongoing costs of managing and operating the Glass Works together with the annual income yields which are projected to be delivered (as set out in Section 8 of the report) be noted;
- (vi) that the estimated additional business rate income from the Glass Works of £0.8m which will serve to reduce the estimated annual cost of funding the overall scheme be noted, this income having been reflected in the Council's updated Medium Term Financial Strategy (as detailed in Section 9 of the report);
- (vii) that a provision of £2.6m to be set aside within the Medium Term Financial Strategy to fund the ongoing annual net costs to the Council of owning and operating the development (as noted in Section 13 of the report);
- (viii) that the Glass Works Board, led by the Executive Director Place in conjunction with the Executive Director Core Services, be tasked to continue to stringently review all costs and income projections associated with the development to ensure value for money continues to be achieved;
- (ix) that a further report be prepared on the final Phase 2 construction price prior to formally entering into a contract with the preferred bidder;

- that the Executive Director Core Services be authorised to extend the current Pre-Construction Services Agreement with the short listed bidders up to an estimated cost of £0.680m, with this cost being contained within the total approval requested at recommendation (ii) above;
- (xi) that the Executive Director Core Services be authorised to enter into a contract with Yorkshire Water for the diversion of sewers necessary for the progression of the Glass Works Phase 2 scheme; and
- (xii) that the development of a Glass Works asset management strategy be noted, the outcome of which will be the subject of a future report.

128. 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)

Moved by Councillor Miller, CBE - Seconded by Councillor Frost; and

RESOLVED:-

- that subject to the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of the Grimethorpe Miners Welfare Scheme, approve the sale of a section of the land at Grimethorpe Welfare Park, shown edged black on the attached plan to the report submitted;
- that the Corporate Asset Manager on behalf of the Council as Trustee dispose of the land in question, as directed by the independent surveyor acting for the Council as Trustee, to achieve best value in accordance with the Charities Act 2011;
- (iii) that the Executive Director Core Services be authorised to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the disposal of the land in question; and
- (iv) that the Executive Director Core Services be authorised to deal with the net proceeds in accordance with the Trust Deed and agreed with CISWO and Charity Commission.

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Chair