

MEETING:	Full Council
DATE:	Thursday, 7 February 2019
TIME:	10.30 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

The Mayor (Councillor S. Green)

Central Ward

- Councillors D. Birkinshaw and Bruff

Cudworth Ward

- Councillors Hayward, Houghton CBE and C. Wraith MBE

Darfield Ward

- Councillors Coates, Markham and Saunders

Darton East Ward

- Councillors Charlesworth, Miller and Spence

Darton West Ward

- Councillors Burgess, Cave and Howard

Dearne North Ward

- Councillors Gardiner and Gollick

Dearne South Ward

- Councillors C. Johnson and Noble

Dodworth Ward

- Councillors P. Birkinshaw

Hoyland Milton Ward

- Councillors Franklin and Stowe

Kingstone Ward

- Councillors Mitchell and Williams

Monk Bretton Ward

- Councillors Richardson and Sheard

North East Ward

- Councillors Ennis OBE and Hampson

Old Town Ward

- Councillors Lofts, Newing and Pickering

Penistone East Ward

- Councillors Barnard and Hand-Davis

Penistone West Ward

- Councillors David Griffin, Kitching and Millner

Rockingham Ward

- Councillors Andrews BEM, Lamb and Sumner

Royston Ward

- Councillors Cheetham and Makinson

St. Helen's Ward

- Councillors Platts and Tattersall

Stairfoot Ward

- Councillors Bowler and W. Johnson

Wombwell Ward

- Councillors Frost, Daniel Griffin and R. Wraith

Worsbrough Ward

- Councillors G. Carr and Pourali

168. Declarations of Interests

Councillors Bruff, Carr, Charlesworth and Tattersall declared a non-pecuniary interest in Item 19 on the agenda as they are Members of the Corporate Parenting Panel.

Councillors Coates, Makinson and Pourali declared a non-pecuniary interest in Items 27 and 28 on the agenda as they are Members of Berneslai Homes' Board.

169. Minutes

The minutes of the meetings held on 29th November 2018 and 3rd January 2019 were taken as read and signed by the Chair as a correct record.

170. Communications

(a) Corporate Industry PR Awards

The Chief Executive was pleased to announce that Capital B media working with Barnsley Museums had won the Gold Award for Yorkshire at Corporate Industry PR Awards. This award was for a PR campaign to raise the profile of Worsbrough Mill as a Heritage destination and to attract a new Miller to work at the historic site. The Campaign led to excellent media coverage for the Borough including a feature on Countryfile. Thanks were expressed to Barnsley Museums Commercial Manager Craig Hartley for his work with Capital B Media on this campaign and Simon Dodd was congratulated on his appointment to the position of new Miller. Both were present in the Council Chamber.

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

(b) Best Bar None Awards

The Chief Executive was pleased to announce that Barnsley had won the 'Best New Scheme' award in this year's prestigious 'National Best Bar None Awards' which is a national awards scheme for all licensed premises designed to reward good practice and lead to an enhanced customer experience. So far this year the scheme has signed up 20 venues and introduced a 'best dining experience' category so we can include our new and vibrant restaurant trade.

The National Coordinator for Best Bar None commended Barnsley Council for focusing on regenerating the area to create a modern and vibrant town centre and highlighted that very few schemes are led by the public health agenda and the measures that Barnsley had put in place to adopt a sensible drinking culture to ensure that pubs, bars, and clubs understand their role is admirable.

Garreth Robinson, Public Health Practitioner and scheme coordinator for Barnsley collected the trophy, certificate and £1,000 prize fund earlier in the week and was present in the Council Chamber.

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

171. 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.

1. *Many residents purchasing new build houses in the Borough have been affected by the scandal of leasehold ground rents increasing annually at a rate ahead of inflation. The adoption of the local plan means we will be seeing many new housing developments over the next few years. Can the Leader provide an assurance that no new house buyer will have to purchase a house on a leasehold basis?*

The Leader responded by stating that the council has no legal powers to intervene in a private transaction between a housebuilder and a purchaser. It is acknowledged that this is becoming more of a problem and the Council would support a change in the law if that became a reality. The Council will continue to talk to developers to discourage this practice but has no powers through the planning process to prevent it from happening.

Councillor Kitching asked a supplementary question: *One particular developer in Barnsley is known for carrying out this practice. Through the planning process does the Council have any powers to intervene?*

The Leader responded by reiterating that the Council does not have any legal powers to intervene but will support the Government in bringing in any legal changes to prevent this practice in order to support local residents.

2. *In light of much publicised austerity and cuts to local government budgets, how can the Leader continue to justify failing to agree with the other South Yorkshire council leaders to access £30million per year of devolution monies?*

The Leader responded by stating that the money around devolution details nationally is not to provide basic local council services. Barnsley has taken the largest 'hit' in terms of austerity measures, which is shocking given the social and economic challenges which Barnsley faces. Councils across the North have suffered the most in terms of austerity and it is essential that Councils across Yorkshire stand together with one voice to protest against the Government undivided. By standing back from a deal at the moment, the Council is protecting its residents from potentially suffering increased costs or cuts to services, which has happened in other areas in conjunction with a devolution deal.

Councillor Kitching asked a supplementary question: *How can the Leader justify that he spent precious money on a meaningless community poll, the point of which was to give the Council permission to fail to access £30 million for the benefit of residents?*

The Leader responded by stating that the views of the British people and the Barnsley community are never meaningless. All politicians need to remember that they are here to represent the views of the people and not what they may personally think is right or wrong. It is only right that if we are to change governance arrangements which will affect Barnsley for the next 30 to 40 years that the community has a say in those arrangements. This Council will always put Barnsley and the people of Barnsley first. Devolution is about local

people making local decisions. The people of Barnsley have made that decision and this should be respected.

3. *Now that a number of Labour MPs have backed the Government by failing to take no deal off the table, what are the Council's contingency plans for mitigating the worst impacts of a No Deal Brexit for the local area?*

The Leader responded by stating that it is difficult to predict the future and forecast the impact and outcome of any type of deal. However, Barnsley is a responsible Council and will always make contingency plans as part of a risk register of the Council's work which may be affected by any significant changes. That work has been done by a working group of professional officers and has been replicated in other areas. Financial provision has been made to cover any contingencies which may occur when we leave the EU at the end of March.

Councillor Kitching asked a supplementary question: *Will the Council be following in the footsteps of others and publishing a Brexit Risk Assessment to offset some of those concerns?*

The Leader responded by stating that Barnsley is more than happy to share this work with partners and other interested parties.

4. *How does the Council plan to fulfil its statutory duty of informing EU citizens to apply for settled status?*

Councillor Platts responded by stating that the Council plans to fulfil this obligation in a number of different ways including: participating in a nationwide public awareness campaign, engaging with large employers in the borough, engaging with local community groups used by EU nationals including the Polish library. Pending approval from the Home Office an ID verification service will be established within the registrars section and a digital assist service at libraries, using data from the electoral register to contact EU nationals, working directly to apply for settled status on behalf of all looked after children who require it. All Council employees who are EU nationals will be supported to apply for settled status.

5. *Recent press reports have highlighted a shortage of secondary school places in Barnsley. This is something that I have seen in my own ward. How will the council reassure parents that when the new Local Plan is implemented appropriate school infrastructure is put in place before the population increases?*

Councillor Cheetham responded by saying that the Local Plan includes a policy requiring developers to contribute towards any infrastructure needs arising as a result of their developments. This is something which is always raised with developers and over the years Barnsley has been successful in obtaining substantial contributions towards school infrastructure from developers. We will shortly be consulting on a new Supplementary Planning Document that will set out what developers will need to contribute where their proposal will result in a shortage of school places. Any required payment

would have to be made on commencement of development so that we have time to utilise the contributions in advance of the new homes being occupied.

Councillor Kitching asked a supplementary question: *It is evident that this is not working through the planning process. Are we seeing similar pressures on primary school places in the Borough and what plans are being made to tackle or prevent them?*

Councillor Cheetham responded by saying that there is no evidence other than anecdotal that this is not working. The national average for parents receiving their first choice of secondary school is 82%. In Barnsley this is 96%. Barnsley is one of the best performing areas in the country for providing secondary school places of choice. Indeed, only 0.2% (1 in 500) are given an offer of their third choice place, which indicates that the system is indeed working. The pressure on primary school places is slightly different in that for secondary schools we do have the primary school figures to work from, which gives an indication of what the pressures will be, whereas planning for children who are not yet born is more problematic. Nonetheless, the capacity in both secondary and primary schools is good and schools continue to perform well.

6. *What representations did the Council make to the passenger transport executive regarding recent bus fare increases?*

Councillor Roy Miller responded by stating that BMBC recognises that bus services are provided commercially and, therefore, fare levels are outside the control and influence of the Council, with operators entitled to set their fares as they see fit.

Councillor Kitching asked a supplementary question: *Does the Cabinet Member find it acceptable that it is currently cheaper for my family of four to drive in to town than to use public transport. What further representations will he make to ensure that bus travel becomes more affordable and to alleviate congestion that is affecting our local parks?*

Councillor Miller responded by stating that whilst on-going discussions with bus operators via the Barnsley Bus Partnership seek to ensure that services are maintained and that fares offer good value for money to passengers, fare rises are commercial decisions taken solely within that operator's group. As such, no Local Authority nor Passenger Transport Executive is able to set fares for bus services in a commercial environment. The Barnsley Bus Partnership is open to all Members to attend and make representations, should they wish to do so.

7. *Is the development of site MU1 as proposed by the Local Plan dependent on the scheme to build a gyratory road junction on Penny Pie Park going ahead and what effect would the failure to build the gyratory have on the future development of site MU1?*

Councillor Miller responded by stating that it is very difficult and inappropriate to answer this question at this moment in time, given that we are awaiting the result of a call-in notice from the Secretary of State.

Councillor Kitching asked a supplementary question: *Why was the link between these two developmental proposals not referred to in the evidence provided to support the recent planning application relating to the Penny Pie Park gyratory?*

Councillor Miller referred to his previous response, commenting that wherever possible he will always seek to make his views known.

8. *Is the cabinet member aware of the proposals from Berneslai Homes to dissolve the Federation of Tenants and Residents, an organisation created by this very Council to provide an independent voice for tenants and residents in Barnsley*

Councillor Miller responded in the affirmative.

Councillor Kitching asked a supplementary question: *As a long time loyal supporter of the Federation of Tenants and Residents Associations (TARAs), what do you intend to do about the attempted silencing of the independent voice of tenants and residents in Barnsley?*

Councillor Miller responded by stating that this is quite a detailed response, which will be sent to Members after the meeting. He proceeded to explain that last Autumn, Berneslai Homes asked the Tenants Participation and Advisory Service (TPAS) to undertake an independent review of our engagement services. The aim of the review was to ensure they were fulfilling their duties and were effective in doing so; involving tenants in running, monitoring and shaping services; providing opportunities for community based issues to be raised and responding to and supporting and developing communities and volunteers in communities to enhance their neighbourhoods and the lives of residents. This was also a timely review for the following reasons: The Green Paper 'A New Deal for Social Housing' is looking to offer major reform to improve families' quality of life and safety for residents living in social housing; in April 2019 Berneslai Homes is changing its management structure to align with BMBC areas and finally, the Federation of Tenants and Residents Association has reduced membership, and is no longer representative of the tenant population as more and more tenants engage online.

The review report, published in November, made several recommendations to strengthen the tenant voice. Berneslai Homes has gained approval from the Council to implement the recommendations, which include setting up a new tenant body with a much wider remit than the current Federation of Tenants and Residents Association. The proposals recognise the experience, commitment and track record of the current small numbers of the Federation. The proposals maintain all that is good and representative and will further extend these, including a better digital consultation. Berneslai Homes are fully committed to a strong and influential tenants voice and the Cabinet Member supports Berneslai Homes in its aim of strengthening the tenants voice, pushing it more into the localities and ensuring it is fully representative of all tenants.

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

The Chief Executive reported that she had received the following question from Elected Members in accordance with Standing Order No. 12 relating to Joint Authority, Police and Crime Panel and Combined Authority Business:

1. *Can Councillor Lamb explain the reason for the delay in rebuilding Barnsley Fire Station, a project which has been in the capital programme for some time?*

Councillor Lamb responded by explaining that bringing Barnsley Fire Station to the point of starting construction has indeed taken longer than anticipated for a number of reasons. This has been discussed regularly in Joint Authority meetings which are webcast and available for public view. Councillor Clements has continually pushed this issue for many months and thanks should be expressed to him for his dogged and steadfast determination.

Councillor Lamb reported that the application with supplementary information was submitted to the Planning Department yesterday for pre-planning advice. The reasons for the delay include the restructuring and staffing issues in the SYFRS Estates Department and the need to take the time to get the scheme right, given that it represents £6m of expenditure. Significant consultation has taken place with a number of partner agencies and experts to ensure the final build is fit for purpose, is future proofed and represents value for money for the communities of South Yorkshire.

The new station will have three bays, with additional capacity for specialist appliances if required on site, with an excellent standard of office and rest accommodation and community facilities which will enable the fabulous work with young people as part of the Princes Trust and art projects to continue.

Working alongside South Yorkshire Police, a Joint Head of Estates and Facilities has been recruited to bring capital projects forward and seek efficiencies through collaboration. At the end of February interviews will take place for an additional surveyor who will be employed on a short term, consultancy basis to give additional capacity.

Councillor Lamb confirmed that he is satisfied that all is being done to bring this project to fruition as quickly as possible and in a way that will represent value for money for the taxpayer and a facility which will be well used for many years to come.

Councillor Kitching asked a supplementary question: *Are you in a position to give an estimated start date?*

Councillor Lamb responded by stating that if there are no hitches the pre-planning stage will take around five months but this very much depends on how it is received by the local community.

173. South Yorkshire Pensions Authority - 22nd November, 2018

RESOLVED that the minutes be noted.

174. South Yorkshire Fire and Rescue Authority - 26th November, 2018

RESOLVED that the minutes be noted.

175. Police and Crime Panel (Draft) - 3rd December, 2018

Councillor Frost, representative on the Police and Crime Panel, made comment about the current and future funding of the Police force and the impact that this would have on the precept for 2019/20.

RESOLVED that the minutes be noted.

176. Sheffield City Region Combined Authority - 17th December, 2018

RESOLVED that the minutes be noted.

177. Planning Regulatory Board - 20th November, 2018

Moved by Councillor D. Birkinshaw - Seconded by Councillor Richardson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 20th November 2018 be received.

178. Audit Committee - 5th December, 2018

Moved by Councillor Richardson – Seconded by Councillor Barnard ; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Audit Committee held on 5th December, 2018 be received.

179. Planning Regulatory Board - 18th December, 2018

Moved by Councillor D. Birkinshaw - Seconded by Councillor Richardson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 18th December, 2018 be received.

180. General Licensing Regulatory Board - 19th December, 2018

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board Panel meeting held on 19th December, 2018 be received.

181. Planning Regulatory Board - 22nd January, 2019

Moved by Councillor D. Birkinshaw - Seconded by Councillor Richardson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 22nd January 2019 be received.

182. General Licensing Panel - Various

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the various General Licensing Panels be received.

183. Appeals, Awards and Standards - Various

Moved by Councillor Makinson – Seconded by Councillor Tattersall; 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.

184. Health and Wellbeing Board - 4th December, 2018

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Health and Well Being Board held on 4th December, 2018 be received.

185. Overview and Scrutiny Committee - 27th November, 2018

Moved by Councillor Ennis – Seconded by Councillor Wayne Johnson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 27th November, 2018 be received.

186. Overview and Scrutiny Committee - 8th January, 2019

Moved by Councillor Ennis – Seconded by Councillor Wayne Johnson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Safeguarding Scrutiny Committee held on 8th January, 2019 be received.

187. Central Area Council - 12th November, 2018

Moved by Councillor Bruff - Seconded by Councillor Pourali; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 12th November, 2018 be received.

188. North Area Council - 19th November, 2018

Moved by Councillor Lofts – Seconded by Councillor Tattersall; and

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

189. Dearne Area Council - 26th November, 2018

Moved by Councillor Noble – Seconded by Councillor Gardiner; and

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

190. North East Area Council - 29th November, 2018

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on 29th November, 2018 be received.

191. Penistone Area Council - 6th December, 2018

Moved by Councillor Barnard – Seconded by Councillor Dave Griffin; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 6th December, 2018 be received.

192. South Area Council - 14th December, 2018

Moved by Councillor Stowe - Seconded by Councillor Franklin; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on 14th December, 2018 be received.

193. Criminal Convictions Policy - Update (Gen Lic.19.12.2018/3)

Moved by Councillor C. Wraith MBE – Seconded by Councillor Andrews BEM; and

RESOLVED that Section 6 of the Guideline Policy for Criminal Convictions be amended to read as follows:

Where a Licence has been refused or revoked by the Council (or another Local Authority) a further application will be refused if received within five years from the date of the refusal/revocation, as it will be deemed that the person's circumstances have not changed significantly within that period to make them 'fit and proper'.

194. Representation on Berneslai Homes Board (Cab.9.1.2019/6)

Moved by Councillor Howard – Seconded by Councillor Daniel Griffin; and

RESOLVED that Councillor Makinson be appointed to Berneslai Homes Board.

195. Housing Revenue Account Draft Budget 2019/20 and Housing Capital Investment 2019 - 2024 (Cab.9.1.2019/11)

Moved by Councillor Gardiner - Seconded by Councillor Franklin; and

RESOLVED that:

- (i) the Housing Revenue Account Draft Budget for 2019/20 be approved, with any final amendments / additions being delegated to the Cabinet

Spokesperson for Place and the Executive Director for Place in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);

- (ii) a rent reduction in line with Government's rent policy be approved;
- (iii) there is no proposed change to non-dwelling rents, service charges and heating charges;
- (iv) the 2019/20 Berneslai Homes Management Fee at paragraph 4.17 is approved with any final amendments / additions delegated to the Cabinet Spokesperson for Place and the Service Director, Culture & Housing in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);
- (v) the 2019/20 Berneslai Homes Management Fee for Gypsy & Traveller Sites, charged to the Authority's General Fund, at paragraph 4.20 is approved;
- (vi) the HRA Medium Term Financial Strategy as set out in Section 5 and Appendix B be noted;
- (vii) the 30 HRA Business Plan as set out in Section 6 be noted;
- (viii) the HRA Reserves Strategy, outlined in Section 7 be noted;
- (ix) the proposed increase in the HRA minimum working balance to £5.2M be approved;
- (x) the Council Housing Capital Investment programme for 2019/20 be approved and the indicative programme for 2020/21 through 2023-24, outlined in Section 8 be noted;
- (xi) approval be given, in principle, to the Housing Growth Investment schemes, funded from a combination of HRA Reserves and BH Surplus, as detailed in Appendix E. (Subject to individual reports in line with the Council's governance arrangements); and
- (xii) individual housing growth schemes are subject to the appropriate planning regulations.

196. Cabinet Meeting - 28th November, 2018

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 28th November, 2018 be received.

197. Cabinet Meeting - 12th December, 2018

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 12th December, 2018 be received.

198. Cabinet Meeting - 9th January, 2019

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 9th January, 2019 be received.

199. Cabinet Meeting - 23rd January, 2019

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 23rd January, 2019 be received.

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Chair