

MEETING:	Full Council
DATE:	Thursday, 6 February 2020
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

AGENDA

1. Declarations of Interests

To receive any declarations of interest of a pecuniary or non-pecuniary nature from Members in respect of the items on this agenda (other than those already recorded within the minutes contained in the Minute Book).

2. Minutes (Pages 7 - 28)

To approve as a correct record the minutes of the meetings of the Council held on the 28th November and 19th December, 2019.

3. Communications

To consider any communications to be submitted by the Mayor or the Chief Executive.

Recommendations to Council

All reports detailed below are subject to Cabinet recommendation and are available to download from the Council's website. The Cabinet Spokesperson for the Service in question will respond to any comments or amendments concerning these minutes.

4. Housing Revenue Account - Draft 2020/21 Budget and Investment Proposals 2020-24 (Cab.11.12.2019/6) (Pages 29 - 38)

RECOMMENDED TO COUNCIL:-

- (i) that the Housing Revenue Account (HRA) Medium Term Financial Strategy (MTFS), as set out in Section 3 of the report now submitted, be noted;
- (ii) that approval be given to the proposed variations to the existing Housing Growth Investment schemes, as outlined in paragraph 3.8 and Table 2 of the report;
- (iii) that approval be given to the Housing Revenue Account Draft Budget for 2020/21, as outlined in Section 6, including the proposed revenue investments and savings, as outlined in Section 5, with any final amendments/additions being delegated to the Cabinet Spokesperson for Place (Regeneration and Culture) and the Executive Director Place in consultation with the Cabinet Spokesperson for Core Services and the Service Director – Finance (Section 151);
- (iv) that a rent increase in line with the Government's rent policy be approved;
- (v) that it be noted that there is no proposed change to non-dwelling rents,

service charges and heating charges for 2020/21;

- (vi) that approval be given to the 2020/21 Berneslai Homes Management Fee at paragraph 6.7, with any final amendments/additions delegated to the Cabinet Spokesperson for Place (Regeneration and Culture) and the Service Director Regeneration and Culture in consultation with the Cabinet Spokesperson for Core Services and the Service Director – Finance (Section 151);
- (vii) that the 2020/21 Berneslai Homes Management Fee for Gypsy and Traveller Sites, charged to the Authority's General Fund, detailed in paragraph 6.8 of the report, be approved;
- (viii) that approval be given, in principle, to the proposed emerging capital priority schemes as detailed in Section 7, subject to individual reports, as appropriate, in line with the Council's governance arrangements;
- (ix) that the Council Housing Capital Investment programme for 2020/21 be approved and that the indicative programme for 2021/22 through 2024-25, as outlined in Section 8 be noted; and
- (x) that the Council be approved to set aside resources for both remedial works at the 26 properties affected by the floods in November 2019 and to undertake a further wider flood risk assessment of all Council dwellings in the Borough (as referred to in paragraph 7.2).

5. Corporate Anti-Fraud and Corruption Policies (Cab.8.1.2020/8) (Pages 39 - 134)

RECOMMENDED TO COUNCIL that approval be given to the policies with continued support and endorsement given to the corporate approach to minimise the risk of fraud, corruption and bribery within the Authority's overall ethical framework.

Reports for Decision

6. Adoption of the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism (Pages 135 - 136)

To receive a report of the Executive Director Core Services requesting the Council to consider the adoption by the Council of the Holocaust Remembrance Alliance working definition of Anti-Semitism.

7. Representation on Committees and Outside Bodies

To consider, and note where appropriate, the following appointments to Committees and Outside Bodies:

Overview and Scrutiny Committee

To note the appointment of Ms G Carter as the Primary School Parent Governor Representative on the Overview and Scrutiny Committee

Berneslai Homes

Proposed:

- (i) That following an independent review of the Board Chair of Berneslai Homes, Mr P Hayes be re-appointed as Chair for a further term of three years; and
- (ii) That following an interview process, Councillor Green be appointed as a Board Member

Police and Crime Panel

Proposed – one vacancy

Minutes of Appointment Panels

- 8. Appointment Panel - Executive Director Children's Services - 19th November, 5th December and 18th December, 2019 (*Pages 137 - 142*)
- 9. Appointment Panel - Executive Director Core Services - 20th November, 5th December, 2019 and 14th January, 2020 (*Pages 143 - 148*)

Minutes of the Regulatory Boards

- 10. Planning Regulatory Board - 19th November, 2019 (*Pages 149 - 150*)
- 11. Audit Committee - 4th December, 2019 (*Pages 151 - 158*)
- 12. Planning Regulatory Board - 17th December, 2019 (*Pages 159 - 160*)
- 13. Planning Regulatory Board - 21st January, 2019 (*Pages 161 - 164*)
- 14. Audit Committee - 22nd January, 2020 (*Pages 165 - 170*)
- 15. General Licensing Panel - Various (*Pages 171 - 174*)
- 16. Appeals, Awards and Standards - Various (*Pages 175 - 176*)

Minutes of the Scrutiny Committees

- 17. Overview and Scrutiny Committee (Strong and Resilient Communities) - 3rd December, 2019 (*Pages 177 - 180*)
- 18. Overview and Scrutiny Committee - 7th January, 2020 (*Pages 181 - 188*)

Minutes of the Area Councils

- 19. Central Area Council - 4th November, 2019 (*Pages 189 - 194*)
- 20. Dearne Area Council - 18th November, 2019 (*Pages 195 - 198*)

- 21. North Area Council - 18th November, 2019 (*Pages 199 - 204*)
- 22. North East Area Council - 28th November, 2019 (*Pages 205 - 208*)
- 23. Penistone Area Council - 5th December, 2019 (*Pages 209 - 214*)
- 24. South Area Council - 17th January, 2020 (*Pages 215 - 218*)

Minutes of the Cabinet Meetings

- 25. Cabinet Meeting - 27th November, 2019 (*Pages 219 - 222*)
- 26. Cabinet Meeting - 11th December, 2019 (*Pages 223 - 228*)
- 27. Cabinet Meeting - 8th January, 2020 (*Pages 229 - 232*)

(NB. No Cabinet decisions have been called in from these meetings)

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

Minutes of the South Yorkshire Pensions Authority, South Yorkshire Fire and Rescue Authority, Sheffield City Region Combined Authority, and Police and Crime Panel

Any Member of the Council shall have the opportunity to comment on any matters referred to in the following minutes.

The relevant representatives shall then be given the opportunity to respond to any comments made by Members on those minutes.

- 29. South Yorkshire Fire and Rescue Authority - 14th October, 2019 (*Pages 233 - 238*)
- 30. Sheffield City Region Mayoral Combined Authority Board (Draft) - 18th November, 2019 (*Pages 239 - 246*)
- 31. Questions by Elected Members

To consider any questions which may have been received from Elected Members and which are asked pursuant to Standing Order No. 11.

1 Councillor Carr

'How many applications for aids and adaptations are being received weekly? How many are for adaptations for residents to be able to leave health locations, who I well understand are a priority? How many for low level showers and ramps for the residents in need of modifications to be able to live independently and access the outside world? What is the timeframe for these adaptations? What are the pressures in this department?'

2 Councillor Fielding

Please detail the costs of the security provided at Penny Pie Park as part of the project to construct the gyratory road junction on the park, specifically:

- *What has been the cost of legal advice relating to securing the park and the construction site?*
- *What has been the cost of engaging the services of Middlesbrough based security company Vistech – please detail the daily cost, the costs to date and the anticipated total cost of security services for the duration of this project?*
- *What was the procurement process for this contract and how did it ensure value for money?*
- *What is the total cost of the security fencing for the site?*
- *What were the perceived risks that led the Council to believe that this level of security was necessary?*
- *What was the estimated cost of security contained in the £4.3million estimate for this scheme?*

3 Councillor Hunt

It was reported in the Barnsley Chronicle on 10th January that an innovative scheme which could have seen potholes filled in with recycled plastic was being placed on the back burner. Is this report correct? Please provide an update on this project

4 Councillor Hunt

At the Overview and Scrutiny Committee meeting on 7th January the press were excluded part of the meeting where the Children's Services performance reports were discussed. Why was this part of the meeting held in closed session?

5 Councillor Hunt

What is the current structure for parking enforcement in Barnsley? How many personnel are employed, how are they managed and what arrangements are in place to ensure that the council's obligations under the Traffic Management Act 2004 are complied with? How many parking enforcement personnel routinely work outside the town centre? How does the current structure and arrangements compare with the situation when the TMA 2004 was first introduced?

6 Councillor Fielding

What progress has been made by the Council in working with Barnsley Hospital NHS Trust to establish a Park and Ride scheme for staff and visitors at Barnsley Hospital? What does the Council intend to do to facilitate such a Park and Ride scheme?

32. Notice of Motion - Tree Planting Strategy

Notice of Motion submitted in accordance with Standing Order No 6.

Proposer – Councillor Kitching

Seconder – Councillor Greenhough

This Council notes:

- (i) The motion declaring a climate emergency which was passed on 26th September, 2019;
- (ii) That the biggest single contributor to climate change is the emission of carbon from fossil fuels;
- (iii) That trees have the ability to soak up carbon emissions and, therefore, tree planting can offset some of the carbon dioxide which is contributing to climate change

Furthermore, this Council recognises:

- (iv) The excellent efforts made by community groups, Ward Alliances and Area Councils to undertake small scale tree planting

Therefore, this Council calls on the Chief Executive and Team to prepare a borough wide tree planting strategy which:

- (v) Aims to increase considerably the tree cover within the borough by identifying council owned land that could be used for tree planting;
- (vi) Sets out to create more community orchards to help improve the supply of fresh, local produce and boost the health of residents;
- (vii) Works with the voluntary sector to deliver tree planting plans, including via the Area Councils and Ward Alliances;
- (viii) Involves schools, colleges and universities and their pupils and students in carrying out tree planting and woodland maintenance; and
- (ix) Identifies sources of funding available to the Council and voluntary organisations to pay for tree planting.



Sarah Norman
Chief Executive

Wednesday, 29 January 2020

MEETING:	Full Council
DATE:	Thursday, 28 November 2019
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

The Mayor (Councillor Markham)

Central Ward	- Councillors D. Birkinshaw and Bruff
Cudworth Ward	- Councillors Hayward and Houghton CBE
Darfield Ward	- Councillors Saunders and Smith
Darton East Ward	- Councillors Hunt and Spence
Darton West Ward	- Councillors A. Cave, T. Cave and Howard
Dearne North Ward	- Councillors Gardiner, Gollick and Phillips
Dearne South Ward	- Councillors Danforth, C. Johnson and Noble
Dodworth Ward	- Councillors P. Birkinshaw, Fielding and Wright
Hoyland Milton Ward	- Councillors Franklin, Shepherd and Stowe
Kingstone Ward	- Councillors Mitchell and Williams
Monk Bretton Ward	- Councillors Felton, Green and Richardson
North East Ward	- Councillors Cherryholme and Ennis OBE
Old Town Ward	- Councillors Lofts, Newing and Pickering
Penistone East Ward	- Councillors Barnard
Penistone West Ward	- Councillors Greenhough and David Griffin
Rockingham Ward	- Councillors Andrews BEM, Lamb and Sumner
Royston Ward	- Councillors Cheetham, Makinson and McCarthy
St. Helen's Ward	- Councillors Platts and Tattersall
Stairfoot Ward	- Councillors Bowler, Gillis and W. Johnson
Wombwell Ward	- Councillors Eastwood, Frost and Daniel Griffin
Worsbrough Ward	- Councillors Carr, Clarke and Lodge

142. Flooding in Barnsley and South Yorkshire

Councillor Sir Steve Houghton (Leader of the Council) asked if he could take the opportunity to comment on recent events in Barnsley and South Yorkshire around the recent floods in the area.

As Members were aware parts of Barnsley had been flooded as well as other areas around South Yorkshire and indeed further afield. He asked to place on record his sincere thanks first of all to all the Emergency Services for the work they had undertaken in ensuring that people remained safe. He then asked to record his thanks to the staff of the Authority, some of whom had worked virtually three days without sleep and who were on site with residents making sure that they were safe and assisting in ensuring that water was removed from premises, helping to clean up afterwards, making sure that they were financially secure in the immediate aftermath and then helping them to prepare for the future.

Staff had behaved in an exemplary manner as did many Members who also became engaged in their wards, supported the staff and supported the residents as well who all deserved credit for all that they had done.

Clearly, this had been a difficult issue for the Authority which would now be looking at not just the causes of the flooding but also how further improvements to flood defences could be made as well as learning the lessons from what had occurred and why. The good news was that the flooding this time had not been as bad as it had been in 2007, nevertheless, it was still bad for the people who had been affected. It was hoped, therefore, that in the future such events could be managed even better but, of course, that would require help from the government financially to support some of the activities that required to be undertaken.

The work that had been undertaken by Barnsley Council staff, the work that had been undertaken in some cases by volunteers and Members and been absolutely outstanding and what had been a difficult situation had been prevented from being something worse because of their actions so every Member in the Chamber this morning would agree with him in expressing sincere thanks to each and every person involved because on those days and beyond they did Barnsley proud. He also stated that in addition, some staff of the Authority had assisted colleagues and residents in both Rotherham and Doncaster so, on behalf of the whole Council and the people of Barnsley, he expressed thanks to each member of staff, Member and volunteer who had been involved in this exercise.

143. Declarations of Interests

Councillor Tattersall declared a non-pecuniary interest in any items relating to Berneslai Homes in her capacity as a Berneslai Homes Board Member.

144. Minutes

The minutes of the meeting held on the 26th September, 2019 were taken as read and signed by the Chair as a correct record.

145. Young Mayor of Barnsley

Mm Alyssa Butler, having been elected to the office of Young Mayor of the Council of the Metropolitan Borough of Barnsley duly made her declaration of office as required.

The Mayor, Councillor Markham, and Councillor Bruff (Cabinet Spokesperson for Children's Services) and Members of the Council congratulated Ms Butler on her appointment.

146. Communications

National Fostering Network Fostering Excellence Award

The Chief Executive was pleased to inform the Council that one of our own Foster Carers had recently been nominated for a National Fostering Network Fostering Excellence Award and had been awarded The Jon and Kathy Broad Award in recognition of his outstanding work in supporting Looked After Children and Young People with learning difficulties.

Rick Morris had been a Foster Carer with the Council for over a quarter of a century. For most of this period, Rick had fulfilled his role alongside his wife Chris, both of whom fostered over 64 children offering them a loving and caring home.

At the age of 72, Rick was a fantastic role model to those around him and especially the child he had looked after for 10 years. This child had an undiagnosed condition which had led to him having quadriplegia and unable to communicate verbally. Tragically when Rick had lost his beloved wife Chris to cancer, he had been determined that this child should remain living with him until the right placement and planned move could be made.

Rick's grand-daughter , Alicia Taylor, who nominated him for the Award had said:

'My grandad is disabled himself as a result of his time in the Army and working in the mines and I know it has been physically hard for him to give the boy the best life chances every day. But what isn't hard is the obvious love my grandad has for the young boy and the love the boy has back for him. He's my grandad and my inspiration, but he's been a grandad to many many more, giving hope and instilling happiness'

This child had now moved to a new foster placement by Rick was determined to stay in his life as a grandad figure, maintaining this consistent and caring relationship. This commitment was supported by everyone involved.

Rick Morris was in the Chamber this morning and the Chief Executive asked Members of the Council to join her in commending him for the deep commitment he had brought to foster care in the Borough, much of which had been alongside his wife, Chris, and to congratulate him on being given this national award in recognition of his achievement in caring for vulnerable children in care.

Councillor Bruff, Cabinet Spokesperson for Children's Services in congratulating Rick Morris on this achievement stated that he had started fostering with his wife in 1993 and was one of Barnsley's longest standing foster carers. From 1993 to present Rick and his wife Chris had fostered over 60 children. In the early years they had fostered mostly younger children who either returned to their families or moved on to their adopted families. They had become highly skilled at helping children to make good moves and settle into their new homes. In 2007 they accepted a placement of a child who had significant disabilities and whilst the plan for this child was initially to adopt things didn't go quite to plan and he was still in Rick's care 12 years later.

Very sadly Chris passed away in 2014 but Rick remained committed to the child and to fostering and was such that he continued as a single carer supported by his friends and his adult children right up to this year. Tracy Ellis from Fostering Services had been Rick's support worker for many years and together they had been a formidable team in supporting vulnerable children in Barnsley.

Rich was a very modest man and was very quick to complement others and divert the attention from himself. His dedication and commitment to his last foster child and to the other children who had had the good fortune to find themselves in his care had been truly exceptional and Barnsley Children's Services were very pleased that he had been recognised at this national level and was very proud to have him as part of the team.

The Mayor also asked to place on record her own personal congratulations to Mr Morris on this achievement. She had had to pleasure of entertaining him in the Mayor's parlour and thanked him for being such an inspiration to everyone and for what he had done for the young people of Barnsley.

147. Statutory Polling District and Place Review 2019

The report of the Executive Director Core Services on the final proposals arising from a Review of Polling Districts and Polling Station provision as required under the Electoral Administration Act 2006 was:

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

RESOLVED:

- (i) that the polling districts and places listed in Appendix 1 of the report now submitted be designated as required for all Parliamentary and Local Elections; and
- (ii) that the Returning Officer be empowered to make any enforced changes to this schedule as required if buildings become unavailable in consultation with the Elected Members for the affected wards until the next statutory review.

148. Annual Report of the Care4Us Council (2018/19) (Cab.13.11.2019/6)

The report of the Executive Director (People) was presented by Joel Besau and Harmony Marriott in their capacity as representatives of the Care4Us Council.

Moved by Councillor Bruff – Seconded by Councillor Saunders; and

RESOLVED:

- (i) that the contribution of the Care4Us Council in enabling the voice of children in care and care leavers to be heard and acted upon during the planning and commissioning of services aimed at meeting their needs, as detailed in the Annual Report for 2018/19, be noted; and

- (ii) that the Annual Report of the Care4Us Council be received and noted as part of the Council's commitment to supporting the needs of children in care and care leavers, as corporate parent.

The Mayor and Members of the Council thanked Joel Besau and Harmony Marriott be thanked for attending the meeting and for presenting the report.

149. Adoption of Supplementary Planning Documents/Planning Advice Notes (Round 2) (Cab.13.11.2019/9)

Moved by Councillor Cheetham – Seconded by Councillor Frost; and

RESOLVED that the report be approved and the Supplementary Planning Documents and Planning Advice Notes as detailed within the report now submitted by adopted.

150. Appointments to Regulatory Boards and Outside Bodies

Moved by Councillor Howard – Seconded by Councillor Shepherd; and

RESOLVED that the following changes be made to the bodies indicated for the remainder of the Municipal Year:

General Licensing Regulatory Board

Councillors Noble and McCarthy

Planning Regulatory Board

Delete Councillor Pickering
Add Councillor Green

Barnsley Magistrates Court Liquor Licensing Forum

Councillor Noble

South Yorkshire Police and Crime Panel

Councillor Tattersall

151. Audit Committee - 11th September, 2019

Moved by Councillor Richardson - Seconded by Councillor Lofts; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Audit Committee held on the 11th September, 2019 be received.

152. Planning Regulatory Board - 24th September, 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 the 24th September, 2019 be received.

153. Planning Regulatory Board - 22nd October, 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 the 22nd October, 2019 be received.

154. General Licensing Regulatory Board - 23rd October, 2019

Moved by Councillor Tattersall – Seconded by Councillor Green; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board Panel meeting held on the 23rd October, 2019 be received.

155. Statutory Licensing Regulatory Board - 23rd October, 2019

Moved by Councillor Tattersall – Seconded by Councillor Green; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Statutory Licensing Regulatory Board held on the 23rd October, 2019 be received.

156. General Licensing Panel - Various

Moved by Councillor Tattersall – Seconded by Councillor Green; 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.

157. 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.

158. Health and Wellbeing Board - 8th October, 2019

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 the 8th October, 2019 be received.

159. Overview and Scrutiny Committee (Thriving and Vibrant Economy) - 1st October, 2019

Moved by Councillor Ennis OBE – Seconded by Councillor W Johnson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee (Thriving and Vibrant Economy Work Stream) held on the 1st October, 2019 be received.

160. Overview and Scrutiny Committee (People Achieving their Potential) - 5th November, 2019

Moved by Councillor Ennis OBE – Seconded by Councillor W Johnson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee (People Achieving their Potential Work Stream) held on the 5th November, 2019 be received.

161. North Area Council - 16th September, 2019

Moved by Councillor Howard – Seconded by Councillor T Cave; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North Area Council held on the 16th September, 2019 be received.

162. North East Area Council - 19th September, 2019

Moved by Councillor Hayward – Seconded by Councillor Richardson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on xx be received.

163. Central Area Council - 30th September, 2019

Moved by Councillor W Johnson - Seconded by Councillor Wright; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on the 30th September, 2019 be received.

164. Dearne Area Council - 30th September, 2019

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 the 30th September, 2019 be received.

165. Penistone Area Council - 3rd October, 2019

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on the 3rd October, 2019 be received.

166. South Area Council - 25th October, 2019

Moved by Councillor Daniel Griffin - Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on the 25th October, 2019 be received.

167. Cabinet Meeting - 18th September, 2019

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 the 18th September, 2019 be received.

168. Cabinet Meeting - 2nd October, 2019

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 the 2nd October, 2019 be received.

169. Cabinet Meeting - 16th October, 2019

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 the 16th October, 2019 be received.

170. Cabinet Meeting - 30th October, 2019

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 the 30th October, 2019 be received.

171. Cabinet Meeting - 13th November, 2019

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 the 13th November, 2019 be received.

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

The Chief Executive reported that she had received no questions from Elected Members in accordance with Standing Order No. 12.

173. South Yorkshire Pensions Authority (Draft) - 12th September, 2019

RESOLVED that the minutes be noted.

174. South Yorkshire Fire and Rescue Authority - 16th September, 2019

RESOLVED that the minutes be noted.

175. Sheffield City Region Mayoral Combined Authority Board - 23rd September, 2019

RESOLVED that the minutes be noted.

176. Questions by Elected Members

The Chief Executive reported that she had received a number of questions from Elected in accordance with Standing Order No. 11.

Note: A maximum of 30 minutes was allocated for this item in accordance with Standing Order No 11(2)(d).

(a) Councillor Lodge

‘What is being done to tackle fuel poverty across the Borough?’

Councillor Cheetham, Cabinet Spokesperson for Place (Regeneration and Culture) thanked Councillor Lodge for his most timely question in view of the fact that tomorrow was the Barnsley Fuel Poverty Awareness Day and which gave him the opportunity to remind Members of all the different ways the Authority could assist residents who were having difficulty meeting their fuel bills.

There were a number of causes for fuel poverty as it was not simply a case of having a low income and high fuel costs. Fuel poverty was caused by a combination of factors:

- Energy inefficient housing due to the housing construction type and location; poor insulation and energy inefficient heating in which the Council aimed to intervene via improvements in insulation or heating
- Low household income - the Council aimed to maximise the income of residents; and
- Costs of energy which were influenced by the availability of different fuels, tariffs and payment options. The Council also provided support in that area too

He then referred to some of the major schemes in which the Council was involved:

- Affordable warmth and Energy Efficiency Schemes – the Council currently had a number of schemes which aimed to support fuel poor households in the private housing sector by improving the energy efficiency of the home and increasing the household's income and reduce the costs of paying for heating
 - Barnsley was a member of the Better Homes Yorkshire Programme established in partnership with ten other local authorities in the Leeds City Region in 2015. This scheme was available for owners of homes and private sector tenants; through this, almost 400 private sector properties had received measures including gas central heating, boiler replacements or insulation upgrades in the last couple of years

- The Council had secured funding for 123 first time gas central heating systems over two years of around £250,000 to run an affordable warmth programme which targeted support at low income households with health conditions living in the least energy efficient homes
- The Council had also secured funding from other sources including Npower, ECO and other grants on a case by case basis and judged on different criteria
- Support was available to all residents to reduce the cost of their energy
 - The Council also tried to intervene by offering an energy tariff for domestic properties to reduce the costs of energy in the home. The Barnsley Energy Tariff had been launched in 2018-19 in partnership with Great North Energy. As well as offering 100% renewable electricity, the tariff aimed to tackle fuel poverty by fairer, competitive and more transparent energy deals and proactively encouraging customers to switch away from more expensive prepayment meters. So far 917 residents had switched
 - The Council had commissioned a specialist Warm Homes and Hospital Discharge service with trained advice workers who provided short term support to residents in their own homes with the aim of addressing fuel poverty and cold homes. The Team helped residents with energy price comparison, explained energy bills and demonstrated how to adjust heating controls, provided advice around energy discounts and debts, income maximisation, checked energy efficiency of homes and the eligibility for funding towards energy efficiency measures. The service had extensive referral pathways to ensure that residents could access a range of other services which may benefit them
 - There were, of course, other works being undertaken and an example of this was the North Area Council which had commissioned the disability charity DIAL to run a warm homes and social isolation service to residents in its area
- The Council did not work in isolation of course and one of its chief partners Berneslai Homes had Domestic Energy Efficiency as one of its objectives. Their aim was to improve the energy efficiency of the Council's Housing Stock making them cheaper to heat and to reduce carbon emissions. As a result, the Berneslai Homes Board had introduced their 'Low Carbon Strategy'.

Almost all of the Berneslai Homes housing stock fell into the Energy Performance Certificate (EPC) band ratings C and D, with a very small percentage of the stock above and below this level. The national average in England and Wales was band D. All stock had double glazing, cavity wall insulation (where possible) and a good level of loft insulation.

Projects that could be implemented to raise the EPC rating of properties included:

- Cavity wall and loft insulation upgrades to 30mm, as well as installing double glazing to windows and doors. Each year Berneslai Homes invested in the 'maintaining the home standard' and around 1,000 to 2,000 dwellings had these measures applied each year
- Using high efficiency condensing boilers and heating systems by replacing existing systems with high efficiency condensing gas boilers, easy to use controls and thermostatic radiator valves would save tenants residing in a semi-detached property of £105 per annum. This

would help reduce fuel poverty in the borough and in addition, more efficient boilers would also emit less CO2 because they burned less gas

- Reducing the reliance on Fossil Fuels for Domestic Heating was also a key priority. Air Source Heat Pumps had been rolled out across larger properties in the housing stock. These were renewable sources of heat and could be used to replace gas powered heating. This was supported by government strategies which envisaged an end to gas central heating by 2025 in new properties; although no date had yet been announced for the replacement systems in existing dwellings. Bernesali Homes was also currently working jointly with the Council on the feasibility of heat pump technology using mine water and was trialling the use of batteries within domestic properties. The Council also currently had 700 domestic properties fitted with solar PV rooftop solar panels.

Councillor Lodge then asked as a supplementary question if the Cabinet Spokesperson would commit to supporting National Energy Action's recommendations to reduce energy supplier threshold obligations for the Winter Home Discount which currently included Robin Hood Energy who excluded the Broader Group'

Councillor Cheetham in response stated that he would certainly ask officers to consider this request.

(b) Councillor Barnard

'In view of the flooding recently experienced will the Cabinet Spokesperson ask the Environment Agency to return to the old practice of dredging rivers and water courses?'

Councillor Lamb, Cabinet Spokesperson for Place (Environment and Transportation) thanked Councillor Barnard for his timely question and responded by stating that given the immediacy of the flooding it wouldn't be prudent to comment on whether the dredging of rivers and water courses would or wouldn't have had a beneficial effect in Barnsley. The question may well be part of a more formal review of the recent flooding across South Yorkshire and particularly here in Barnsley and was subject to legislation including the Floods and Water Management Act 2010 and the Land Drainage Act 1991.

Following the flooding events in 2007, the Council had invested more than £1m in improvement and maintenance works and successfully secured an additional £1.2m of external funding to further enhance the Annual Drainage Maintenance Budget.

Improvement and maintenance works that had been undertaken included:

- Rebuilding of flood defence walls and river channel clearance on the River Dearne at Darton. As could be seen, this had had a very beneficial effect and had prevented the dreadful situation that had occurred in 2007
- Dredging and silt removal in the river Dove and Worsbrough, Wombell and Darfield – again to good effect
- Property Level Flood Protection schemes at Lundwood, Darfield Bridge and Bolton on Dearne

- Watercourse (streams etc.) clearance works at Carlton, Wombwell, Hoyland, Royston, Worsbrough and Darfield; and
- Various small flood prevention and improvement schemes across the borough

Members should note that the responsibility for carrying out improvement and maintenance activities across the waterway network was the responsibility of various bodies and not just the Council. Watercourses designated as 'Main River' (River Dearne, Don and part of the River Dove) were administered by the Environment Agency. Other watercourses in the borough were classified as 'ordinary watercourses' and were the responsibility of the relevant land owner (the Riparian Owner) and were administered by the Council as the Lead Local Flood Authority. The borough also had an area that fell under the responsibility of the Danvum Drainage Commissioners Internal Drainage Board and this included particular areas of Cudworth, Darfield, Wombwell and Broomhill. Danvum were also responsible for Water Level management within their area and took on certain responsibilities of the lead Local Flood Authority.

It was interesting to note that river levels experience within the borough approximately three weeks ago were some of the highest seen since 2007 with the river Dearne at Goldthorpe reaching 2.23m and the River Dearne at Grange Lane reaching 3.83m which was higher than 2007 and the highest ever recorded at this location.

With regard to the specific practice of dredging, the Environment Agency had said '*as part of our maintenance schedule, we consider each location carefully and do it where we know it will make a difference. Understanding where dredging will and won't reduce flood risk is key and taken on a case by case basis. It must show clear benefits within the watercourse and overall catchment*'.

It was worthy on noting that over the coming months the Authority had set aside £500,000 of additional funding in order that that could be spent on the clearing and repairing of gulleys which would also have a beneficial effect in terms of preventing flooding.

Members should also note that senior officers of the authority were in regular communication with the Environment Agency, Yorkshire Water, the Ministry of Housing Communities and Local Government, the Internal Drainage Board, the South Yorkshire Resilience Forum, DEFRA and Sheffield City Region with regard to better understanding the local context of why the recent flooding events occurred and what additional mitigations were necessary to better protect the borough in the future.

From a political perspective he now regularly attended the Yorkshire Regional Flood and Coastal Committee and the South Yorkshire Flood Risk Partnership accompanied by one of the Authority's professional Officers. He was quite certain, however, that behind Councillor Barnard's question was a real concern for those residents and businesses that had suffered as a result of the flooding a month or so ago.

He then went on to outline the mitigations that had been put in place for those residents of the borough:

- An emergency payout of up to £250 was available for essential items such as clothes, food and heating and once processed payments were available within 24 hours
- Council Tax Relief was provided for up to three months where homes had been damaged and if businesses that couldn't trade could also claim business rate relief for up to three months
- Additional flood relieve grants were available for £100 from the South Yorkshire Disaster Relief Fund
- The Community Recovery Grant was payable of up to £500 from the Government for each household affected by flooding

Officers made all residents and businesses affected by the flooding aware of the availability of such assistance and he understood that many of those payments had already been made.

Finally he would like to conclude, following on from the Leader's comments at the start of the meeting, by extending a massive vote of thanks to all staff who worked tirelessly day and night to ensure that the effects of flooding were minimised and that those affected were properly cared for in a way that the Council would expect.

In thanking the Cabinet Spokesperson for his response, Councillor Barnard also echoed the comments made by thanking all the staff and emergency services for the work they had undertaken in assisting residents and businesses. He commented that as the Cabinet Spokesperson had not ruled out dredging (and indeed some had already been done in the borough) if he would remind the Environment Agency that dredging had been a very successful means of countering flooding for hundreds if not thousands of years.

Councillor Lamb responded by stating that he sat on a number of regional and sub regional bodies at which the Environment Agency attended and he would make it a personal task of his to ask those questions and to then the appropriate answers from the professionals and provide a response for Councillor Barnard.

(c) Councillor David Griffin

'Could the Cabinet Spokesperson please explain what measures are being taken to ensure that roads keep moving and residents are safe on the roads during the forthcoming winter period?'

Councillor Lamb, Cabinet Spokesperson for Place (Environment and Transportation) thanked Councillor Griffin for his question and responded by stating that all Members of the Council would appreciate that winter was one of the most challenging times of the year for the Highways Service. Notwithstanding the potential for severe weather events to disrupt the local road network, there was the general increase in commuter numbers due to the festive period and the continued pressure for the Teams to deliver the core maintenance and repair programmes across the borough.

However, as was the norm for the Highways department, preparations had taken place for this year's winter period and he could confirm the following key measures were in place to try to ensure that the road network was safe and free flowing this winter:

- The 3 Winter Service Co-ordinators were active and would be monitoring road temperature data 24/7 for the duration of the 24 week Winter Service Period
- The Winter Service Standby Team, consisting of 54 operatives had been mobilised and was available to be deployed 24/7 for the duration of the Winter Service Period
- The Neighbourhood Service Teams had also been mobilised to assist in snow clearance should the Snow Plan be activated
- The fleet of 12 demountable 'gritters' and 2 permanent bodied 'gritters' had been serviced, prepped and calibrated
- The two main salt domes at Smithies Depot and Penistone Depot had been filled to capacity, 12,000t in total. To date the Authority had used 225t of grit salt leaving 98% of the reserves. Members may be interested to know that in a mild winter, akin to last year, the Authority had used around 3,400t of grit salt so the current stock levels were more than adequate for the anticipated needs
- The approach, when poor weather arrived, was to focus resources on the Primary Routes – these were the main roads which linked the key community and public assets including primary schools, secondary schools, special schools, key bus routes, the transport interchange, the hospital, South Yorkshire Fire assets, South Yorkshire Police assets and the Yorkshire Ambulance assets
- The network of 540 local grit bins had been filled and were ready to be used by residents
- In order to keep local residents and businesses informed there was a proactive Communications Plan utilising the Council's Facebook page, the @BarnsleyHighway Twitter account, including the #SYGrit tag which was used by all South Yorkshire Authorities for key winter messages
- 127 of the busiest roads would be embargoed from road works from the 27th November, 2019 to 1st January 2020 which meant that no disruptive utility maintenance work would take place during this period.

A full list of the measures taken could be made available to any member who required it.

It had also been decided to extend the winter service period this year by an additional 2 weeks following the long range predictions coming from the Met Office.

Members should be re-assured that the pre-winter preparations were in place and that the teams were now ready to be deployed at any time from now until the 4th April, 2020.

Councillor David Griffin thanked the Cabinet Spokesperson for his comprehensive response and as a supplementary question asked if the Cabinet Spokesperson could confirm that all the estate grit bins in his Ward had been topped up ready for the winter season and secondly, given that there were a number of newer estates in Penistone since the introduction of the Local Plan (with more planned) if he could confirm how grit bins were placed on completed developments or whether this just happened as a matter of course once it was handed over.

Councillor Lamb responded by stating that all of the existing grit bins had been topped up. One thing he would say to all residents and to Members for them to remind residents to use the grit from those bins in the correct manner for roads in the

immediate vicinity of those bins. In relation to the second part of the question he noted that Councillor Griffin had been a great supporter of the Local Plan particularly as it related to the development of new houses for people who didn't want to move out of the area they were from. The location of new grit bins in these areas was dependent upon the gradient of the road and also based on the number of elderly people living in the locality, the presence of homes for the elderly or sheltered accommodation. These principles were applied for all new developments and in the event of them meeting the stipulated criteria, bins would automatically be provided.

(d) Councillor Makinson

'What dedicated support exists in Barnsley to help victims of domestic abuse?'

Councillor Platts, Cabinet Spokesperson for Adults and Communities thanked Councillor Makinson for her question and stated that the Communities Directorate commissioned a service through an organisation called Independent Domestic Abuse Services (IDAS) to support victims of domestic abuse. The Service included refuge accommodation, independent advocacy and outreach support as well as a Respect Young Person's Programme. More information on Barnsley Services was available through the IDAS website.

Communities also commissioned a domestic violence perpetrator service in partnership with the other three authorities in South Yorkshire. The 'Inspire to Change' programme had been designed to help participants learn new skills and find ways to manage and control their abusive behaviour.

In addition, from April next year the borough would have a new women's centre which would be located somewhere within the Dearne Valley area and run by IDAS. The centre would be a dedicated space where victims of domestic violence could go to receive support and advice. There would also be four new two bedroomed properties that would be used for women leaving prison who were victims of domestic abuse. These were to help prevent women having to return to abusive situations. Women referred to these properties would receive support to help them live independently and help break the cycle of abuse.

Councillor Makinson asked, as a supplementary question whether the Women's Refuge Centre would be residential centre.

Councillor Platts responded by stating that this would not be a residential centre. The four properties referred to above would be used for people leaving prison, however, the refuge centre would act as a drop in centre where people could go as often as required for appropriate support.

(e) Councillor T Cave

'Will there be any electric car charging points outside the town centre?'

Councillor Lamb, Cabinet Spokesperson for Place (Environment and Transportation) thanked Councillor Cave for his question.

As Members would be aware, the Authority, as part of its ambitions to be carbon neutral had set aside an initial £100,000 for an EV charging project which aimed to install 45 dual charge points (capable of charging up to 90 vehicles) at public car-

park locations throughout the Borough including the Town Centre, Barnsley Premier Leisure sites and in each of the Principal Towns.

A total of 27 dual charge points (around 60% of the total) were expected to be installed outside the Town Centre.

The Authority was currently procuring a service provider and would be looking to appoint in December for an initial contract period of 5 years.

This was the first phase of the public EV charge point provision and additional chargers could be installed to meet additional demand as part of the contract. The Authority was also currently in the process of agreeing a lease to install a rapid charge point in Shrewsbury Road public car-park in Penistone which would be the first rapid charge point provided in a Council car-park.. This charge point was being provided by Highways England.

Councillor Cave thanked Councillor Lamb for his comprehensive introductory report about the really practical developments to help in tackling climate change and he then asked as a supplementary question if there had been any specific challenges to further development of the scheme.

Councillor Lamb stated that one issue immediately sprung to mind in relation to many of the streets with the borough particularly within the town centre where there were streets of terraced houses where residents didn't have off street parking and, therefore, no means of running a charge cable from their home to their vehicle. The Authority was aware of these types of challenges and he, together with his professional officers, were looking at such matters. These types of issues would be factored into all of the considerations as the project was taken forward. This was, of course, an issue not just for Barnsley but also for every town and city across the country.

177. Questions by Members of the Public

The Council received three written questions received from Members of the Public together with responses provided by the appropriate Cabinet Spokesperson/Chair of Regulatory Board/Committee.

In closing the meeting, the Mayor referred to the Christmas Karaoke held last night to raise funds for her chosen charities. Over £1,100 had been raised and it had been a fantastic evening for all who had attended. Thanks went to Councillor W Johnson for organising the event, to the Mayoral, FM and catering staff who had worked so hard and to all staff who had attended. Special thanks were also extended to Francis Brankin (Security Officer) who had won the Karaoke Competition and had donated the £100 prize money to the nominated charities. The Mayor also asked to place on record her thanks (and thanks of all Members) to the fantastic staff who worked so hard and tirelessly for the Authority and on behalf of the Barnsley residents.

In closing the meeting the Mayor reminded all Members that the Christmas Lights switch on was tonight weather permitting.

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Chair

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MEETING:	Full Council
DATE:	Thursday, 19 December 2019
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

The Mayor (Councillor Markham)

Central Ward	- Councillors D. Birkinshaw, Bruff and Dyson
Cudworth Ward	- Councillors Hayward and Houghton CBE
Darfield Ward	- Councillors Saunders and Smith
Darton East Ward	- Councillors Hunt and Spence
Darton West Ward	- Councillors A. Cave, T. Cave and Howard
Dearne North Ward	- Councillors Gardiner, Gollick and Phillips
Dearne South Ward	- Councillors Danforth and Noble
Dodworth Ward	- Councillors P. Birkinshaw, Fielding and Wright
Hoyland Milton Ward	- Councillors Franklin and Stowe
Kingstone Ward	- Councillors Mitchell and Williams
Monk Bretton Ward	- Councillors Felton, Green and Richardson
North East Ward	- Councillors Ennis OBE and Higginbottom
Old Town Ward	- Councillors Lofts, Newing and Pickering
Penistone East Ward	- Councillors Barnard, Hand-Davis and Wilson
Penistone West Ward	- Councillors Greenhough and Kitching
Rockingham Ward	- Councillors Andrews BEM, Lamb and Sumner
Royston Ward	- Councillors Makinson and McCarthy
St. Helen's Ward	- Councillors Leech, Platts and Tattersall
Stairfoot Ward	- Councillors Bowler, Gillis and W. Johnson
Wombwell Ward	- Councillors Eastwood, Frost and Daniel Griffin
Worsbrough Ward	- Councillors Carr, Clarke and Lodge

178. Declarations of Interests

There were no declarations of pecuniary/non-pecuniary interest with regard to any of the items on the agenda.

179. Barnsley West (MU1) Masterplan Framework (Round 2) (Cab.11.12.2019/10)

Moved by Councillor Frost and seconded by Councillor Lamb:

- (i) that the progress made in the development of the Masterplan Framework for Barnsley West (MU1) as detailed in the report now submitted be noted; and
- (ii) that the final version of the Masterplan Framework be adopted.

An amendment was:

Moved by Councillor Fielding and seconded by Councillor Kitching:

- (i) That the progress made in the development of the Barnsley West (MU1) Masterplan Framework (Round 2) as detailed in the report now submitted be noted; and
- (ii) That the current version of the Barnsley West (MU1) Masterplan Framework be not adopted until:
 - (a) The detailed requirements for the phasing of all developments on site are agreed and included in the Masterplan Framework. The phasing must set out the sequencing of the provision of infrastructure, amenities, housing development areas and employment units and must take into account the possibility of incomplete development of the site due to changing economic and demographic conditions and provide opportunities for amending the Masterplan Framework following the 5 year Local Plan review period.
 - (b) The route and extent of the connection between Site MU1 and Capitol Park industrial park is determined.
 - (c) The reliance on, extent of and arrangements for Sustainable Urban Drainage Systems are reviewed in the light of current national concerns about their use.
 - (d) The arrangements and implications for the future ongoing maintenance requirements of proposed public green spaces are reviewed and clarified having regard to current national concerns for householders in this regard.
 - (e) The extent of methane gas and other possible contaminants on Site MU1 are further reviewed and reported upon.
 - (f) The provision of affordable housing quotas on the whole site is reviewed and clarified.

- (g) The arrangements for a forum to facilitate ongoing community involvement in the development of Site MU1 for the duration of the development is set out in the masterplan Framework.
- (h) A further consultation exercise is undertaken to take account of items (a-g) above, in a manner which addresses the concerns expressed in the local press and briefly on Page 110 of Appendix C (SC1) to the report, about the format of the recent consultation which forms the basis of the current report.

Councillor Fielding requested a recorded vote. This was not supported by 10 other Members in accordance with Standing Order no. 18 (b). Upon being put to the vote the amendment was lost.

The original motion was then put as the substantive motion and:

RESOLVED

- (i) that the progress made in the development of the Masterplan Framework for Barnsley West (MU1) as detailed in the report now submitted be noted; and
- (ii) that the final version of the Masterplan Framework be adopted.

180. Hoyland North Masterplan Framework (Round 2) (Cab.11.12.2019/11)

Moved by Councillor Frost and seconded by Councillor Lamb:

RESOLVED:

- (i) that the progress made in the development of the Masterplan Framework for Hoyland North, as detailed in the report now submitted be noted; and
- (ii) that the final version of the Masterplan Framework for Hoyland North be adopted.

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Chair

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Item 4

BARNSELY METROPOLITAN BOROUGH COUNCIL

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

JOINT REPORT OF THE
EXECUTIVE DIRECTOR PLACE &
EXECUTIVE DIRECTOR CORE

HOUSING REVENUE ACCOUNT – DRAFT 2020/21 BUDGET & INVESTMENT PROPOSALS 2020-24

1) Purpose

- 1.1 This report summarises the proposed HRA Medium Term Financial Strategy, the revised HRA Reserves Strategy, the 2020/21 HRA draft budget and the 2020/21 through 2024/25 Housing Capital Investment Programme.

2) Recommendations

- 2.1 It is recommended that Cabinet:

- (i) note the HRA Medium Term Financial Strategy (MTFS) as set out in Section 3;
- (ii) approve the proposed variations to the existing Housing Growth Investment schemes, as outlined in paragraph 3.8 and Table 2;
- (iii) approve the Housing Revenue Account Draft Budget for 2020/21, as outlined in Section 6, including the proposed revenue investments and savings, as outlined in Section 5, 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);
- (iv) approve a rent increase in line with the Government's rent policy;
- (v) note that there is no proposed change to non-dwelling rents, service charges and heating charges for 2020/21;
- (vi) approve the 2020/21 Berneslai Homes Management Fee at paragraph 6.7, with any final amendments / additions delegated to the Cabinet Spokesperson for Place and the Service Director, Regeneration & Culture in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);
- (vii) approve the 2020/21 Berneslai Homes Management Fee for Gypsy & Traveller Sites, charged to the Authority's General Fund, detailed at paragraph 6.8;
- (viii) approve in principle, the proposed emerging capital priority schemes as detailed in Section 7, subject to individual reports, as appropriate, in line with the Council's governance arrangements;
- (ix) approve the Council Housing Capital Investment programme for 2020/21 and that the indicative programme for 2021/22 through 2024-25, outlined in Section 8 be noted;
- (x) approve that the Council will set aside resources for both remedial works at the 26 properties affected by the floods in November 2019 and to undertake a further wider flood risk assessment of all of Council dwellings in the borough (paragraph 7.2 refers).

3) **Medium Term Financial Strategy & HRA Reserves Strategy**

Medium Term Financial Strategy (MTFS)

- 3.1 On 9th January 2019, the Council set a balanced HRA budget for 2019/20 and considered a medium term position that included a framework for delivering a balanced budget in 2020/21. Table 1 explains the current MTFS position and explains the key change in assumptions from the January 2019 position.

TABLE 1: HRA MTFS Position 2020-22

MTFS	2020/21 £M	2021/22 £M	Comments
Initial (Surplus) / Gap as at Jan 19	(0.094)	(0.379)	
Rental Income	(0.320)	(0.339)	More stock retained than anticipated / combined with higher than anticipated average rents
Contribution to Capital	(0.138)	(0.250)	Change in approach to financing capital programme
BH Management Fee	(0.019)	(0.019)	Proposed Management Fee increase less than the assumed 2% increase
Other Costs	0.018	0.020	Additional costs in relation to holding higher than anticipated stock (management, repairs etc.)
Revised (Surplus) / Gap as at Jan 2020	(0.553)	(0.967)	
Efficiency / Savings Proposals			
Utilities	(0.034)	(0.034)	Reduction in utilities as part of BH Management Fee
Legal Fees	(0.016)	(0.016)	Reduction in legal fees as part of BH Management Fee
Pension Deficit	(0.199)	(0.199)	Reduction in pension deficit contributions
Revised (Surplus) / Gap as at Jan 2020 Post	(0.802)	(1.216)	

- 3.2 The improved 2020/21 HRA position is largely due to the Council holding more stock than anticipated due to fewer right to buy sales during 2018/19, coupled with the higher than projected average rent.
- 3.3 In respect of saving proposals / efficiencies, whilst the HRA MTFS is currently showing a relatively healthy position, service efficiencies are still sought to redistribute resources to priority areas where necessary.
- 3.4 The S151 Officer's advice is to consider investment proposals not exceeding £1M p.a. over the period 2020/21 through 2021/22. This is subject to an ongoing review pending conclusion of the PRIP re-procurement exercise and other key assumptions.

The HRA Reserves Strategy

- 3.5 The HRA has accumulated reserves totalling £37.1M as at the end of the 2018/19 financial year, as reported in the Housing Revenue Account Final Accounts Report (Cab.24.6.2019/10 refers). A review of existing HRA reserves has been undertaken by the Council's S151 Officer and a reprioritisation exercise completed, reflecting the current risk environment within the HRA (Table 2 refers).
- 3.6 Berneslai Homes Ltd also has accumulated surpluses to 31st March 2019. During 2018/19, after setting aside a Minimum Working balance and other reserves, an amount totalling £8.9M was

released for use on Council and Berneslai Homes priorities. Since that time, £0.5M has been incurred on those priorities, leaving £8.4M remaining.

- 3.7 The Council also receives Section 106 (S106) contributions from housing developers as part of the agreements to allow house building in the borough. The Council currently has unrestricted S106 funds of £3.3M specifically for housing purposes.
- 3.8 In addition, a review has been undertaken on the current suite of approved investment schemes with a number of variations proposed. These are included in Table 2. Further details are available upon request. **Recommendation ii)** also refers.
- 3.9 Table 2 shows the currently available reserves, the amounts committed against those reserves in terms of approved schemes and the subsequent remaining resources for consideration.

TABLE 2: HRA Reserves Position

	Reprioritised Reserves As at 1 st April 2019	Current Commitments	Proposed Variations	Commitments Including Proposed Variations	Remaining for Consideration
	£M	£M	£M	£M	£M
Resources Position:					
<u>Earmarked For:</u>					
Capital Programme Reserve	3.6	3.6	-	3.6	-
Housing Growth Reserve	21.9	16.8	(3.7)	13.1	8.8
Welfare Reform Reserve	3.0	3.0	-	3.0	-
New Build Bungalows Reserve	1.4	1.4	-	1.4	-
Budget Development Reserve	1.0	1.0	-	1.0	-
Minimum Working Balance	5.2	5.2	-	5.2	-
Review of 30 Year Capital Plan	1.0	1.0	-	1.0	-
Housing Reserves	37.1	32.0	(3.7)	28.3	8.8
Berneslai Homes Reserves	8.4	5.5	1.9	7.4	1.0
S106 Contributions	3.3	-	-	-	3.3
Total	48.8	37.5	(1.8)	35.7	13.1

4) **Housing Strategy & Approach**

- 4.1 The Council's strategic approach for investment in its housing services, for both revenue and capital investment mirrors the approach for general fund services, as agreed in the approved Capital Investment Strategy. Available resources are identified over the medium term with housing priority proposals being submitted for consideration. This allows a more effective, robust and consistent planning process together with maintaining a flexible approach in respect of addressing emerging issues.
- 4.2 A business planning workshop was held in August 2019 between the Council and Berneslai Homes with the aim of identifying key priorities and the overall strategic direction of the HRA, moving forwards. Further discussions have since taken place with Berneslai Homes with additional priorities linked to service transformation being identified by the new CEO. These priorities have been considered within the overall financial context of the HRA and are incorporated within this report.

- 4.3 Strategic investment priorities were agreed which focussed on ensuring Regulatory Compliance alongside wider priorities such as homelessness / inclusive growth, zero carbon and housing growth, which can be found in sections 5 and 7 respectively.
- 4.4 The strategy and approach for defining longer term priorities will now be considered collaboratively as part of the Council's emerging 2030 Place Based Plan including subsequent updates to both the Council's and Berneslai Homes' corporate plans.

5) **Revenue Investment Proposals**

- 5.1 In line with the strategy outlined in Section 4, and within the financial context explained in Section 3, a number of revenue investment proposals have been identified by both Berneslai Homes and Council services for consideration.
- 5.2 These proposals have been assessed in line with the agreed process (per Section 4) ensuring that resources are aligned to the Council's housing priorities. The investments prioritised for consideration are summarised in Table 3. Further information is available on request. **Recommendation iii) refers.**

TABLE 3: HRA Revenue Investment Priorities 2020-22

Permanent Revenue Investment Proposals	2020/21 £M	2021/22 £M	Investment Theme
Revised (Surplus) / Gap	(0.802)	(1.216)	
HRA 3 - Customer Services IT Investment – Transformation of Customer Services	0.100	0.100	Service Transformation
HRA 5 - Electrical Compliance Officer	0.042	0.042	Regulatory Compliance
HRA 7 - Regulatory Compliance - Inspection of Flat Doors to Communal Areas – Post Grenfell	0.074	0.074	Regulatory Compliance
HRA 19 – Building Safety Officer – Post Grenfell	0.055	0.055	Regulatory Compliance
HRA 4 - Environmental Improvements - Apprenticeship Scheme Helping People into Work	0.040	0.080	Homelessness / Inclusive Growth
HRA 16 - 16-17 Year Old Supported Housing for Complex Needs	TBD	TBD	Homelessness / Inclusive Growth
HRA 17 - Community Development & Project Management Support for Stronger Communities	0.165	0.165	Community Development / Inclusive Growth
HRA 18 - Crisis and Temporary Accommodation Service - 20 HRA Properties to Support Homelessness	0.150	0.150	Homelessness
HRA 6 - Occupational Therapy Contribution - Increased Therapy Assessments	0.019	0.019	Independent Living
HRA 8 - Increased Programmed Replacement budget	0.146	0.146	Capital Funding - BHS
HRA 15 - Empty Homes Officer (30% Contribution) - Community Interventions	0.011	0.011	Housing Growth
Sub Total – Investments	0.802	0.842	
Revised (Surplus) / Gap	-	(0.374)	

6) **Housing Revenue Account Proposed Budget**

- 6.1 Table 4 shows the proposed revenue budget for 2020/21 and indicatively for 2021/22, on the basis that the proposed revenue savings are implemented and that the revenue investments are approved. Paragraphs 6.2 – 6.10 provide further explanation of the key components of the budget, particularly where approval is required. **Recommendation iii) refers.**

TABLE 4 - HRA Proposed Revenue Budget 2020-22

	2020/21 Draft £M	2021/22 Draft £M	Paragraph
<u>INCOME</u>			
Dwellings Rent	(69.754)	(71.314)	6.2 – 6.4 6.5
Non Dwellings Rents	(0.361)	(0.368)	
Heating Charges	(0.525)	(0.535)	
Other Charges for Services and Facilities	(0.465)	(0.474)	
Contributions Towards Expenditure	(1.057)	(1.057)	
	(72.162)	(73.748)	
<u>EXPENDITURE</u>			
Repairs and Maintenance (Including Fees)	19.171	19.410	6.6 – 6.8 6.9 – 6.10
Berneslai Homes' Management Fee	12.162	12.586	
Other Supervision, Management & Special Services	5.962	5.917	
Rents, Rates, Taxes and Other Charges	0.254	0.263	
Provision for Doubtful Debts	2.093	2.139	
Depreciation of Fixed Assets	12.383	12.383	
Debt Management Costs	0.098	0.100	
	52.123	52.798	
Net Cost of Services	(20.039)	(20.950)	
Interest Payable and Similar Charges	11.256	11.360	
Amortised Premiums and Discounts	-	-	
Investment Income	(0.130)	(0.117)	
Net Operating Expenditure	(8.913)	(9.707)	
<u>Appropriations</u>			
Transfer to/from Major Repairs Reserve	8.767	9.187	
Revenue Contribution to Capital	0.146	0.146	
Base Budget	-	(0.374)	
Use of (-) / Contribution to (+) HRA Reserves	-	0.374	
Surplus (-) /Deficit to be Financed	-	-	

Dwelling Rents

- 6.2 The Government has confirmed that from 2020/21 dwelling rents can be increased in line with CPI inflation (Consumer Price Index), plus 1% for the 5 year period through to 2024/25.
- 6.3 The rate of CPI as at September 2019 was 1.7%. It is proposed that dwelling rents will be increased in 2020/21 by **2.7%** in line with the Government's rent policy and the requirement from April 2020 for local authorities to comply with the Regulator of Social Housing Rent Standard. **Recommendation iv) refers.**
- 6.4 The proposed average rents for the various types of properties, for 2020/21 are shown in Table 5.

TABLE 5: Average Rent by Property Type

Property Type	Number of Bedrooms	Average Rent per Week (Based on 48 Weekly Bills)	
		2019/20 £	2020/21 £
Bedsit	0	58.04	59.61
Flat	0	59.26	60.86
	1	67.47	69.29
	2	75.76	77.81
	3	81.42	83.62
Bungalow	1	68.77	70.63
	2	78.18	80.29
	3	90.35	92.79
	4	119.72	122.95
House	1	71.18	73.10
	2	78.62	80.74
	3	83.89	86.16
	4	91.19	93.65
	5	102.24	105.00
	6	118.24	121.43
Maisonette	3	84.66	86.95
OVERALL AVERAGE WEEKLY RENT		78.25	80.36

Non Dwelling Rents

- 6.5 It is proposed that no changes are applied to the current level of non-dwelling rents, service charges and heating charges respectively for the 2020/21 financial year. The associated costs in providing such services within the HRA have not materially changed since 2019/20 and therefore no changes are proposed as a result. **Recommendation v) refers.**

Berneslai Homes Management Fee

- 6.6 The proposed Berneslai Homes Management Fee is estimated at £12.162M for 2020/21 and indicatively £12.586M in 2021/22 as detailed in Table 6.

TABLE 6: Berneslai Homes Management Fee

	2020/21 £	2021/22 £
BH Management Fee Bfwd	11,716,376	12,162,443
<u>Fixed / Ongoing Costs</u>		
Inflation, Pay Award & Increments	215,640	238,640
	215,640	238,640
<u>Investment & Other Policy Decisions</u>		
HRA 4 - Environmental Improvement Apprenticeship Scheme	90,000	185,000
HRA 5 - Electrical Compliance Officer	42,427	-
HRA 6 - Occupational Therapy Contribution	19,000	-
HRA 7 - Fire Door Inspections	74,000	-
HRA 19 - Building Safety Manager	55,000	-
	280,427	185,000
<u>Savings Proposals</u>		
Utilities	(34,300)	-
Legal Fees	(15,700)	-
	(50,000)	-
Proposed BH Management Fee	12,162,443	12,586,083

- 6.7 On the basis that the proposed investments and efficiencies are approved, the BH management fee has been increased overall by a total of £446,067 from the 2019/20 fee, predominately as a result of the new investments proposed. **Recommendation vi) refers.**
- 6.8 In addition to the management fee above, Berneslai Homes are proposing to charge the Council's General Fund for the management of the Gypsy & Traveller sites in the Borough, totalling £0.064M for 2020/21 (£0.063M in 2019/20). **Recommendation vii) refers.**

Other Supervision, Management & Special Services

- 6.9 The HRA is charged for its share of General Fund services that it consumes in providing services to tenants. The proposed changes are shown in Table 7 below:

TABLE 7: Other Supervision, Management & Special Services Budget 2020-2022

	2020/21 £	2021/22 £
Other Supervision, Management & Special Services Bfwd	5,179,741	5,961,591
<u>Fixed / Ongoing Costs</u>		
Inflation on General Fund Services	76,092	100,613
	76,092	100,613
<u>Investment & Other Policy Decisions</u>		
<u>Review of Cost Sharing Arrangements – 2019/20 Budget Setting Process</u>		
Community Safety	125,000	-
Homelessness Team	80,000	-
Homelessness Act 2017	124,500	-
	329,500	-
<u>2020/21 Investments</u>		
HRA 3 - Customer Services IT System	100,000	-
HRA 6 - Occupational Therapy Contribution	19,000	-
HRA 15 - Empty Homes Officer	11,412	-
HRA 17 - Community Development & Project Management Support for Stronger Communities Area Teams	164,846	-
HRA 18 - Crisis and Temporary Accommodation Service	150,000	-
	426,258	-
<u>Capitalisation of Staff Costs</u>		
HRA 4 - Environmental Improvement Apprenticeship Scheme *	(50,000)	(145,000)
	(50,000)	(145,000)
Proposed Other Supervision, Management & Special Services	5,961,591	5,917,204

- 6.10 As part of the Housing Review undertaken during 2018/19, the current cost sharing arrangements were revised to ensure a fair and equitable split was maintained between the General Fund and HRA, the full year effect of these are included in the Table 7.

7) Capital Investment Proposals

- 7.1 Capital investment proposals have also been submitted by both Berneslai Homes and Council officers for consideration in line with the agreed process at Section 4. The investments prioritised at this stage are summarised in Table 8, with further information available on request. **Recommendation viii) refers.**

TABLE 8: Capital Investment Priorities 2020 - 2024

Capital Investment Proposals	Investment Theme	2020/21 £M	2021/22 £M	2022/23 £M	2023/24 £M	Total £M
HRA 1 – Disabled Adaptations - Enable people to live independently in their own homes	Independent Living	0.400	0.200	0.200	0.200	1.000
HRA 3 - Customer Services IT Investment – Transformation of Customer Services	Service Transformation	1.000	1.000	-	-	2.000
HRA 4 - Environmental Improvements - Apprenticeship scheme to help people into work	Inclusive Growth	0.050	0.195	0.195	0.195	0.635
HRA 9 - Installation of Solar PV – Reduce Carbon Emissions and reduce Tenant Fuel Poverty – 50 properties p.a.	Zero 2045	0.250	0.250	0.250	0.250	1.000
HRA 10 - Billingley View – Low Carbon New Build Social Housing – 16 Units	Housing Growth / Zero 2045	1.400	0.460	-	-	1.860
HRA 2 - Additional Housing Acquisitions – Replenish RTB stock	Housing Growth	1.000	1.000	1.000	-	3.000
HRA 12 - Sunnybank/Overdale Adapted Bungalows – Meets Demand for New Build Adapted Social Housing – 4 Units	Housing Growth	0.315	0.280	-	-	0.595
HRA 13 - Athersley South, Adapted Bungalow Scheme – 8 Units	Housing Growth	0.500	0.700	-	-	1.200
HRA 14 – Dearne acquisition, demolition and re-development – 4 – 6 Units	Housing Growth	0.280	0.280	-	-	0.560
		5.195	4.365	1.645	0.645	11.850

- 7.2 During November 2019, parts of the Borough, particularly in the Lundwood area, were affected by severe floods, where 26 properties have been significantly damaged. The Council proposes to set aside an amount totalling £0.260M, which equates to £0.010M per property, to allow remedial works to be undertaken during 2019/20. Furthermore, the Council will undertake a wider flood risk assessment of all other Council house properties in the Borough during the coming months.
Recommendation x) refers.

8) 2020 - 25 Council Housing Investment Programme

- 8.1 In addition to the housing growth schemes outlined in Section 7, the Council also has a Core Investment programme of capital works to maintain the Council's housing stock at the Barnsley Homes Decency Standard. The core programme targets those properties where elements such as kitchens; bathrooms; heating systems; windows and external doors need replacing. Investment in the council housing stock ensures properties remain lettable and the rental income ensures the viability of the HRA.
- 8.2 The Council also plans a series of supplementary investment works to support the Core Investment Programme and relate to supporting district heating networks, funding major adaptations to properties, providing works to void properties to bring them up to standard, and more fundamental structural works that are required to the Council's housing stock.
- 8.3 Table 9 summarises the capital investment into the Council's housing stock and shows the funding stream proposed to fund this programme. **Recommendation ix) refers.** Furthermore, Table 10 shows a detailed breakdown of the Housing Growth schemes.

TABLE 9: Council Housing Investment Programme 2020 - 2025

	2019/20 £M	For Approval In Principle 2020/21 £M	Indicative				TOTAL (Inc. 2019/20) £M
			2021/22 £M	2022/23 £M	2023/24 £M	2024/25 £M	
Core Programme:							
Barnsley Homes Standard (Inc. Replacement Items)	18.618	14.491	14.930	15.384	15.856	16.344	95.623
Heating Works	1.163	1.081	1.081	1.081	1.081	1.081	6.568
Major Adaptations	2.007	2.007	2.007	2.007	2.007	2.007	12.042
Structural Extensive Works	1.685	1.685	1.685	1.685	1.685	1.685	10.110
Other	0.778	0.648	0.515	0.527	0.505	0.501	3.474
	24.251	19.912	20.218	20.684	21.134	21.618	127.817
Housing Growth Investment:							
New Build *	3.883	7.050	5.288	-	-	-	16.221
Acquisitions *	3.307	3.223	1.400	1.000	-	-	8.930
Other Housing Growth *	2.044	2.796	1.791	0.791	0.791	0.146	8.359
	9.234	13.069	8.479	1.791	0.791	0.146	33.510
Total Expenditure	33.485	32.981	28.697	22.475	21.925	21.764	161.327
Resources:							
Major Repairs Reserve	(20.258)	(19.884)	(20.218)	(20.684)	(21.134)	(21.618)	(123.796)
Capital Reserve	(3.569)	(0.016)	-	-	-	-	(3.585)
Capital Receipts	(0.367)	-	-	-	-	-	(0.367)
1-4-1 Capital Receipts	(0.778)	(1.155)	(0.879)	-	-	-	(2.812)
HRA Reserve Funding	(6.350)	(8.323)	(4.187)	(1.645)	(0.645)	-	(21.150)
Other Reserves	(1.059)	-	-	-	-	-	(1.059)
Grants & Contributions	(1.104)	(3.603)	(3.413)	(0.146)	(0.146)	(0.146)	(8.558)
Total Resources	(33.485)	(32.981)	(28.697)	(22.475)	(21.925)	(21.764)	(161.327)

* Breakdown of the individual schemes can be found in Table 11.

TABLE 10: Housing Growth Investment Programme – 2020 – 2025

SCHEMES:	2019/20 £M	2020/21 £M	2021/22 £M	2022/23 £M	2023/24 £M	2024/25 £M	TOTAL £M
<u>Housing Revenue Account - Capital Programme - Housing Growth</u>							
<u>New Build</u>							
Bungalows	1.513	-	-	-	-	-	1.513
Baden Street	0.189	-	-	-	-	-	0.189
Longcar Lane	0.300	-	-	-	-	-	0.300
King Street, Hoyland	1.400	1.400	-	-	-	-	2.800
Kenworthy Road	0.481	-	-	-	-	-	0.481
St Michael's Avenue	-	2.300	3.131	-	-	-	5.431
	3.883	3.700	3.131	-	-	-	10.714
<u>Acquisitions</u>							
Strategic Acquisitions – Empty Homes, Sec 106	1.853	2.223	0.400	-	-	-	4.476
Locksley Gardens, Birdwell	0.629	-	-	-	-	-	0.629
Pilley	0.229	-	-	-	-	-	0.229
Broadway Acquisitions and Conversion	0.596	-	-	-	-	-	0.596
	3.307	2.223	0.400	-	-	-	5.930
<u>Other Housing Growth</u>							
HRA Surveyor	0.100	-	-	-	-	-	0.100
Supported Housing Proposal	0.599	-	-	-	-	-	0.599
Sprinkler Systems - Flats & Independent Living	0.700	0.700	-	-	-	-	1.400
Feasibility Studies	0.145	-	-	-	-	-	0.145
Property Conversions	0.250	0.250	-	-	-	-	0.500
Environmental Improvements	0.250	-	-	-	-	-	0.250
	2.044	0.950	-	-	-	-	2.994
<u>HRA Investments 2020</u>							
Billingley View	-	1.400	0.460	-	-	-	1.860
Sunnybank / Overdale	-	0.315	0.280	-	-	-	0.595
Athersley South, Adapted Bungalow Scheme	-	0.500	0.700	-	-	-	1.200
Dearne Acquisition, Demolition and Redevelopment	-	0.280	0.280	-	-	-	0.560
Customer Services IT System	-	1.000	1.000	-	-	-	2.000
Increase Equipment & Adaptations Budget	-	0.400	0.200	0.200	0.200	-	1.000
Environmental Improvements	-	0.050	0.195	0.195	0.195	-	0.635
Installation of Solar PV	-	0.250	0.250	0.250	0.250	-	1.000
Strategic Acquisitions	-	1.000	1.000	1.000	-	-	3.000
	-	5.195	4.365	1.645	0.645	-	11.850
Increase Replacement Items	-	0.146	0.146	0.146	0.146	0.146	0.730
Retained 1-4-1 Right to Buy Housing Capital Receipts	-	0.855	0.437	-	-	-	1.292
Housing Growth Investment Programme	9.234	13.069	8.479	1.791	0.791	0.146	33.510

Item 5

Report of the Executive Director Core Services

CABINET – 8th January 2020

CORPORATE ANTI-FRAUD AND CORRUPTION POLICIES

1. Purpose of the Report

- 1.1 To present for approval the revised Corporate Anti-Fraud and Corruption Policy, Corporate Anti-Fraud and Corruption Strategy, Corporate Anti-Bribery Policy, Corporate Prosecutions Policy, Corporate Fraud Response Plan, Confidential Reporting Policy and the Anti-Money Laundering Policy.

2. Recommendation

- 2.1 **It is recommended that Cabinet approve the policies and continue to support and endorse the corporate approach to minimise the risk of fraud, corruption and bribery within the Authority's overall ethical framework.**

3. Introduction and Background Information

- 3.1 Barnsley Council is committed to ensuring that the people of the Borough can have confidence that the affairs of the Council are conducted in accordance with the highest standards of probity and accountability.
- 3.2 In seeking to ensure this commitment is met, the Council has an Anti-Fraud and Corruption Policy and framework which set out its overall approach to combating fraud, corruption and wrongdoing. Below this sit other supporting procedural documents and behavioural codes which describe the arrangements in place for preventing, detecting and investigating fraud and error. These together with a strong internal control environment are the main methods to help protect the Council against the risk of fraud.
- 3.3 The revised Corporate Anti-Fraud and Corruption Policy, Corporate Anti-Fraud and Corruption Strategy, Corporate Anti-Bribery Policy, Corporate Prosecutions Policy, Corporate Fraud Response Plan, Confidential Reporting Policy and the Anti-Money Laundering Policy were presented to the Audit Committee in December 2019.

4. The Framework

- 4.1 The framework of counter fraud policies address specific areas of risk and clearly state the Council's zero tolerance approach to fraud and illegal activity, as well as providing mechanisms which officers can use to raise concerns of wrongdoing or fraudulent activity. Each policy is supported by procedural guidance which sets out the responsibilities and expectations for staff including the specific actions which

they must follow to enable the Council to demonstrate good governance and comply with its legal obligations.

- 4.2 Three of the policies remain largely unchanged only requiring minor alterations due to amendments to other Council policies and updates to legislation e.g. Data Protection Act 2018. All of the remaining policies have been refreshed and revised. A summary of the amendments are recorded below:

Corporate Anti-Fraud and Corruption Policy, Corporate Anti-Fraud and Corruption Strategy and Corporate Anti-Bribery Policy

- 4.3 A statement from the Chief Executive reinforcing the Council's commitment to zero tolerance of fraud has been included at the beginning of the Corporate Anti-Fraud and Corruption Policy and Corporate Anti-Fraud and Corruption Strategy.
- 4.4 The Council's definition of bribery has been refreshed and is now consistent across the above policies.
- 4.5 Paragraphs 11.2 and 12.1 of the Corporate Anti-Bribery Policy have been revised following changes to the Council's Code of Conduct and the publishing of Central Governments SI 2019 no 560 – The Public Procurement (Amendment etc.) (EU) Regulations 2019.

Corporate Fraud Response Plan

- 4.6 The Corporate Fraud Response Plan defines how the Council will respond to allegations and provides guidance for employees and Members on reporting a suspected fraud.
- 4.7 Although the Corporate Fraud Response Plan has not been reviewed for a number of years the majority of the detail remains the same.
- 4.8 The main changes are the format of the document and making it easier for employees, managers and Members to understand the process and how to report suspicions of fraud.
- 4.9 A preservation of evidence section has also been included providing examples of common forms of evidence and how they should be preserved.

Corporate Prosecutions Policy

- 4.10 It is acknowledged that, even with strong preventative measures, motivated fraudsters may still succeed, and the Council must therefore have a robust enforcement response to pursue fraudsters and to deter others. The Corporate Prosecutions Policy sets out the circumstances in which the Council will take legal action against anyone committing a fraudulent or corrupt act against it.

4.11 Criminal prosecutions, civil action and disciplinary action all deter offenders and reinforce a culture of zero tolerance towards fraud and corruption.

4.12 This policy:

- provides guidance on the criteria required in order for a criminal prosecution to be pursued (the Evidential and Public Interest Tests);
- clarifies that disciplinary action will be taken in all cases where an employee has committed a fraud against the Council;
- clarifies that in some cases more than one form of sanction may be appropriate. For example, where the employee has defrauded the Council, disciplinary, prosecution and civil recovery action may be taken;
- makes it clear that the Council will seek recovery of losses; and
- recognises that publicity of successfully prosecutions will act as a deterrent to others who may be contemplating committing fraud.

Confidential Reporting (Whistleblowing) Policy

4.13 Effective whistleblowing procedures are a key part of good governance, establishing a culture of openness, probity and accountability across all aspects of the Council's work. Ensuring that employees, Members and contractors/agents of the Council feel empowered to raise concerns through the correct channels allows the Council to address any risks as early as possible.

4.14 The Confidential Reporting Policy (previously recorded as the Whistleblowing Policy) was last reviewed by Audit Committee in 2014 and sets out how individuals can raise suspected instances of wrongdoing within the Council.

4.15 In recent years there have been a number of significant developments in relation to whistleblowing in the public sector which have highlighted several common issues around the negative treatment of whistleblowers, a failure to act on concerns raised, poor process and uncertainty amongst workers over how to raise concerns.

4.16 In response to these issues Internal Audit Services has reviewed the Whistleblowing Policy and retitled it Confidential Reporting Policy in an attempt to remove the negative association of 'whistleblowing'. In addition, the following sources of best practice and guidance have been used whilst conducting the review:

- The Whistleblowing Commission Code of Practice;
- Department for Business Innovation & Skills Whistleblowing Guidance for Employers and Code of Practice; and
- National Audit Office Assessment Criteria for Whistleblowing Policies.

4.17 Whilst most of the changes are a refresh or rewording, the following key changes have been made:

- Consolidation of the policy and separate supporting guidance into one single document for ease of use;
- Inclusion of a separate section to provide clarity over the reporting arrangements for school based staff;
- Greater clarity on the difference between raising a whistleblowing concern, a complaint and grievance;
- Greater clarity for individuals on what they should expect from the Council when they do raise a concern and what protection they will be afforded. This includes the Public Interest Disclosure Act 1998 (PIDA) legislation and what makes a 'qualifying disclosure' under the Act;
- Greater reassurance and clarity for individuals as to how concerns will be handled;
- Inclusion of a 'frequently asked questions' section to provide additional clarity
- Under the section 'monitoring of whistleblowing complaints', we have included that details of all referrals received by managers should be notified to the Head of Internal Audit, Anti-Fraud and Assurance to allow a central record to be maintained.

Corporate Anti-Money Laundering Policy

- 4.18 The Corporate Anti-Money Laundering Policy has been revised following the introduction of the Money Laundering, Terrorist Financing and Transfer of Funds (Information to the Payer) Regulations 2017 (MLR 2017).
- 4.19 The risks to the Council of contravening the legislation are relatively low and some requirements of the legal and regulatory requirements do not apply to public authorities. However, the Council cannot be immune from the risks surrounding money laundering and therefore it is appropriate that the Council complies with the principles of the money laundering legislation by taking proportionate safeguards to minimise the likelihood of money laundering.
- 4.20 Whilst explaining what money laundering is and the legal and regulative framework that is in place to govern it, the Corporate Anti-Money Laundering Policy also specifies the processes the Council needs to have to ensure that it does all it can to prevent it and its employees being exposed to money laundering and to ensure that the Council complies with all legal and regulatory requirements.
- 4.21 The majority of the Policy has been updated to comply with the changes to the legislation. In addition, the policy and separate supporting guidance have been combined into one single document to make it easier for officers to understand the process and how to report any suspicious activity.
- 4.22 The Corporate Anti-Money Laundering Policy gives information and guidance in the following areas:
- What is Money Laundering;
 - What are the obligations of the Council;

- The Money Laundering Reporting Officer;
- How to recognise suspicious activity that may be linked to Money Laundering;
- Money Laundering offences;
- The reporting procedure and reporting forms;
- Consideration of disclosure report by the Money Laundering Reporting Officer;
- Customer due diligence;
- Record keeping; and
- Risk Assessment;

5. Financial Implications

- 5.1 None directly arising from this report. However there are clearly potentially significant financial implications should serious incidents of fraud, thefts etc. occur. The policy framework seeks to minimise this risk.

6. Risk Considerations

- 6.1 A corporate counter fraud framework sets a high level commitment to ensuring that appropriate safeguards are in place for mitigating the risk of fraud and corruption within the Council.

7. Employee Implications

- 7.1 There are no direct employee implications arising from this report. The Trade Unions have considered and commented where appropriate on the draft policies and received their agreement.
- 7.2 The policies form part of the framework of policies and procedures all employees are expected to be aware of and follow.

8. Legal Implications

- 8.1 Confidential reporting (or Whistleblowing) is recognised as being in the public interest; in refreshing the procedure, the requirements of the Public Interest Disclosure Act and Enterprise and Regulatory Reform Act are acknowledged.
- 8.2 The Council must comply with The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 and it is therefore important that proper Governance procedures are in place. The Council's counter fraud framework and assurance reviews assist the Council in complying with anti-corruption law.

9. Other

- 9.1 The following sources of information were used for this report:
- The Whistleblowing Commission Code of Practice;

- Assessment Criteria for Whistleblowing Policies (National Audit Office, January 2014) ;
- Whistleblowing: Guidance for Employers and Code of Practice (Department for Business Innovation and Skills, March 2015);
- The Code for Crown Prosecutors (Crown Prosecution Service, January 2013)

10. List of Appendices

10.1 The following policies and strategies are appended to this report:

Corporate Anti-Fraud and Corruption Policy
Corporate Anti-Fraud and Corruption Strategy
Corporate Anti-Bribery Policy
Corporate Prosecutions Policy
Corporate Fraud Response Plan
Confidential Reporting Policy
Anti-Money Laundering Policy

Contact Officer: Head of Internal Audit, Anti-Fraud and Assurance
Date: 17th December 2019

Corporate Anti-Fraud and Corruption Policy

Forward by the Chief Executive

“Barnsley Council is funded by public money, through council tax, business rates and other sources. Fraud against the Council is essentially theft of this money and the Council takes its role as a guardian of these public funds seriously.

The Council’s Corporate Plan sets out our priorities and outcomes for the residents of the Borough in a time when demand for services is increasing and funding for local government is falling. We have to make tough decisions on finances to continue to support key services. Any fraud against the Council takes more money away from services and undermines our ability to achieve our aims.

For these reasons, the Council will not tolerate any fraud or corruption against it.

The Corporate Anti-Fraud and Corruption Policy forms part of the Council’s Counter Fraud Framework which outlines the measures the Council will take to tackle fraud and corruption.

We will seek to identify areas where fraud may occur and limit opportunities for fraudsters to exploit the Council. Where fraud is suspected we will investigate robustly, and where it is proved will utilise all measures available to us to deal with criminals and recover any losses.”

Sarah Norman
Chief Executive – Barnsley MBC

October 2019

1. POLICY STATEMENT

- 1.1 Barnsley Metropolitan Borough Council is committed to protecting the public funds that it administers, and consequently the Council will not tolerate any abuse of its services. The Council is determined to prevent, deter and detect all forms of fraud, bribery and corruption committed against it, whether that be internal or from outside the Council.
- 1.2 The Council is determined that the culture and tone of the organisation is one of honesty and rigorous opposition to fraud, bribery and corruption. Thus, the Council is committed to ensuring all of its business is conducted in an open, honest, equitable and fair manner, and is accountable to all the people within the borough of Barnsley.
- 1.3 The Council will not tolerate fraud or corruption committed, or attempted, by its Members, employees, suppliers, contractors or service users and will take all necessary steps to investigate allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, dismissal and/or prosecution and the recovery of Council assets and funds.
- 1.4 The measures adopted by the Council in its commitment to the prevention, deterrence and detection of fraud, bribery and corruption are set out in detail in the Council's:
- Corporate Anti-Bribery Policy;
 - Corporate Anti-Fraud and Corruption Strategy;
 - Corporate Prosecutions Policy.

2. FRAUD

- 2.1 The **Fraud Act 2006** is used for the criminal prosecution of fraud offences. The Council also deals with fraud in non-criminal disciplinary matters.
- 2.2 The Fraud Act created a general offence of fraud which might be committed in three ways:
- Fraud by false representation,
 - Fraud by failing to disclose information, and
 - Fraud by abuse of position.
- 2.3 For the purposes of this document fraud is defined as:
- The dishonest action designed to facilitate gain (personally or for another) at the expense of the Council, the residents of the Borough or the wider national community.*
- 2.4 'Fraud' has moved away from the concept of the deceit of another to the dishonest intent of the fraudster to make a gain or cause a loss or risk of a loss. Thus, the arena of fraud is far more reaching than the simple crime of theft.

3. THEFT

- 3.1 Theft is the act of stealing any property belonging to the Council or which has been entrusted to it (i.e. client funds), including cash, equipment, vehicles, data.
- 3.2 Theft does not necessarily require fraud to be committed. Theft can also include the stealing of property belonging to another whilst on Council property.

4. BRIBERY AND CORRUPTION

4.1 The Bribery Act 2010 came into force on 1st July 2011 and creates offences of:

- Accepting a bribe,
- Bribery of another person,
- Bribing a foreign official, and
- Failure to prevent bribery

4.2 The Council defines bribery as:

‘The offering, giving, soliciting or acceptance of an inducement or reward for performing an act, or failing to perform an act, designed to influence official action or decision making’.

These inducements can take many forms including for examples cash, holidays, event tickets, meals.

The Council defines corruption as:

‘Dishonest or illegal behaviour’.

4.3 The Council's **Corporate Anti-Bribery Policy** provides guidance to staff on action to be taken to prevent bribery and how to report concerns of alleged bribery or corruption.

5. REPORTING FRAUD, BRIBERY AND CORRUPTION

5.1 The Council encourages and expects its employees and Elected Members to report incidents of suspected fraud, bribery and corruption. A **Confidential Reporting (Whistleblowing) Policy** is in place to facilitate the reporting of concerns by employees and Elected Members where the normal reporting to a line manager is not appropriate. The public are able to utilise the corporate complaints procedure to raise a concern about wrongdoing.

6. INVESTIGATING ALLEGATIONS OF FRAUD, BRIBERY AND CORRUPTION

6.1 A **Corporate Fraud Response Plan** has been prepared to guide managers on action to be taken should they receive an allegation of fraud or corruption.

6.2 In normal cases it will be the Council's Internal Audit Services Corporate Anti-Fraud Team that will undertake or direct the investigation. Matters of a criminal nature will be referred to the Police. A reporting and liaison protocol is in place with South Yorkshire Police.

7. MONITORING FRAUD, BRIBERY AND CORRUPTION

7.1 The Audit Committee will have responsibility for monitoring the performance and effectiveness of the Corporate Anti-Fraud and Corruption Policy and Strategy through the annual Internal Control Framework review process.

7.2 The Audit Committee will make recommendations to the Council to make any necessary changes to the Anti-Fraud and Corruption Policy or Strategy.

8. OTHER RELEVANT POLICIES

8.1 Further information on relevant Council policy and practice can be found in the following internal documents:

- Anti-Money Laundering Policy;
- Confidential Reporting (Whistleblowing) Policy;
- Employee Code of Conduct;
- Employee Code of Conduct – Insider Dealing;
- Employee Code of Conduct – Register of Employees Interests;
- Register of Hospitality, Gifts and Legacies;
- Members Code of Conduct;
- Information Security and Computer Usage Policy

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Corporate Anti-Fraud and Corruption Strategy

STATEMENT OF COMMITMENT

“We have a responsibility to be transparent and accountable to our residents. Taking responsibility for fraud means being honest about the level of fraud and acknowledging that fraud risk will exist in all large organisations. We are committed to tackling fraud, in both prevention and the delivery of robust action where fraud or bribery does occur. This strategy outlines our approach and demonstrates our commitment to ensuring good governance.”

Sarah Norman
Chief Executive

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1. INTRODUCTION

1.1 Fraud against Local Government nationally is estimated to cost £2.1 billion per year. This is a significant loss to the public purse. To reduce these losses Barnsley Metropolitan Borough Council (the Council) is committed to:

- The highest standards of probity in the delivery of its services, ensuring proper stewardship of its funds and assets;
- The prevention of fraud and the promotion of an anti-fraud culture;
- A zero-tolerance attitude to fraud requiring employees, contractors and Members to act honestly and with integrity at all times, and to report all suspicions of fraud;
- The investigation of all instances of actual, attempted or suspected fraud. The Council will seek to recover any losses and pursue appropriate sanctions against the perpetrators. This may include criminal prosecution, disciplinary action, legal proceedings and professional sanctions;
- The Fighting Fraud and Corruption Locally Strategy 2016-2019 provides a blueprint for a tougher response to fraud and corruption perpetrated against local authorities including:
 - Acknowledging the threat of fraud and the opportunities for savings that exist.
 - Preventing and detecting all forms of fraud.
 - Pursuing appropriate sanctions and recovery of any losses.

2. DEFINITION OF FRAUD

2.1 The Fraud Act 2006 came into force on 15th January 2007. The Act repeals the deception offences enshrined in the 1968 and 1978 Theft Acts and replaces them with a single offence of fraud which can be committed in three separate ways:

- Fraud by false representation;
- Fraud by failing to disclose information;
- Fraud by abuse of position

2.2 Fraud by false representation: - Examples include providing false information on a grant or Blue Badge application, employees claiming to be absent from work due to illness when they are in fact fit and well, or submitting time sheets or expenses with exaggerated or entirely false hours and/or expenses.

2.3 Fraud by failing to disclose information:- Examples include failing to disclose a financial interest in a company BMBC is trading with, or failing to disclose a personal relationship with someone who is applying for a job at the council.

2.4 Fraud by abuse of position:- Examples include a carer who steals money from the person they are caring for, or employees who order goods and services through the Council's accounts for their own use.

2.5 The Council defines fraud as:

The dishonest action designed to facilitate gain (personally or for another) at the expense of the Council, the residents of the Borough or the wider national community.

2.3 While fraud is often seen as a complex financial crime, in its simplest form, fraud is lying. Some people will lie, or withhold information, or generally abuse their position to try to

trick someone else into believing something that isn't true. Appendix A includes a summary of the Fraud Act 2006.

3. STANDARDS

- 3.1 The Council wishes to promote a culture of honesty and opposition to fraud and corruption based on the seven principles of public life. The Council will ensure probity in local administration and governance and expects the following from all Members, employees, agency workers, volunteers, suppliers and those providing services under a contract with BMBC.

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands. Openness requires an inclusive approach, an outward focus and a commitment to partnership working.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

4. CORPORATE FRAMEWORK AND CULTURE

- 4.1 The Council's endorsement of this strategy sends a clear message that fraud against the Council will not be tolerated and where reported or identified will be dealt with in a professional and timely manner using all the sanctions available. Through the creation and enhancement of a strong Anti-Fraud Culture the Council aims to deter potential perpetrators from targeting its finances, assets and services.

- 4.2 In addition to this strategy there are a range of policies and procedures that help reduce the Council's fraud risks. These have been formulated in line with appropriate legislative requirements and professional best practice, and include:
- Corporate Anti-Fraud and Corruption Policy;
 - Corporate Anti-Bribery Policy;
 - Corporate Anti-Money Laundering Policy;
 - Confidential Reporting Policy;
 - Corporate Fraud Response Plan;
 - Disciplinary Procedure;
 - Financial Regulations and Standing Orders;
 - Code of Member Conduct;
 - Employee Code of Conduct;
 - Employee Code of Conduct – Insider Dealing;
 - Employee Code of Conduct – Register of Employees Interests;
 - Declaration of interest and gifts and hospitality procedures for Members and Officers;
 - An established Audit Committee;
 - E-learning fraud awareness training for employees accessible through POD;
 - Relevant documents, including invoices over £500, being made available to the public, partners, staff and members;
 - Participation in the Cabinet Office's National Fraud Initiative and membership to the National Anti-Fraud Network.
- 4.3 The expectation is that elected Members and employees of all levels will adopt the highest standards of propriety and accountability and demonstrate that the Council is acting in a transparent and honest manner. Consequently, any Member / co-opted Member of the Council who commits a fraudulent act against the Council or is involved with bribery in the performance of their duties will be subjected to the Council's procedures for dealing with complaints of misconduct against Members operated via the Council's Monitoring Officer / Standards Committee and may be reported to the Police.
- 4.4 Any Council employee committing a fraudulent act against the Authority or found to be involved with bribery in the performance of their duties will be subjected to the Council's disciplinary procedures and may be reported to the Police (whether or not the act is outside of their direct employee role). For instance benefit fraud, the misuse of a blue badge, submitting a false insurance claim against the Council, Council Tax evasion, Council Tax Support fraud or falsely claiming single person's discount are all offences against the Council that can be committed by employees outside of their direct role and which are likely to be subject to investigation under the Council's Disciplinary Procedure. Whilst the internal action in relation to both Members and employees will be entirely separate to any criminal sanction and the intrinsic link to the employment relationship can be considered by the Council.
- 4.5 When fraud and / or bribery has occurred due to lack of internal control or an identified breakdown in controls, the relevant Executive Director will be responsible for ensuring appropriate improvements in systems of control are implemented in order to minimise the risk of recurrence. Where investigations are undertaken by CAFT, an audit report will be produced on any control weaknesses and follow up action undertaken as appropriate to ensure the implementation of improvements.

5. ROLES AND RESPONSIBILITIES

The Role of Elected Members

- 5.1 As elected representatives, all Members of the Council have a duty to act in the public interest and to do whatever they can to ensure that the Council uses its resources in accordance with statute.
- 5.2 This is achieved through Members operating within the Constitution which includes the Member Code of Conduct and Financial Regulations.

The Role of Employees

- 5.3 The Council expects its employees to be alert to the possibility of fraud and corruption and to report any suspected fraud or other irregularities to the Head of Internal Audit, Anti-Fraud and Assurance.
- 5.4 Employees are expected to comply with the Employee Code of Conduct and the Council's policies and procedures.
- 5.5 Employees are responsible for complying with the Council's policies and procedures and it is their responsibility to ensure that they are aware of them. Where employees are also members of professional bodies they should also follow the standards of conduct laid down by them.
- 5.6 Employees should follow instructions given to them by management. They are under a duty to properly account for and safeguard the money and assets under their control/charge.
- 5.7 Employees are required to provide a written declaration of any financial and nonfinancial interests or commitments, which may conflict with BMBC's interests (Employee Code of Conduct – Register of Employees Interests). Section 117 of the Local Government Act 1972 requires any officer with an interest in a contract which has been, or proposed to be, entered into by the Council to declare that interest. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration.
- 5.8 Failure to disclose an interest or the acceptance of an inappropriate reward may result in disciplinary action or criminal liability. Staff must also ensure that they make appropriate disclosures of gifts and hospitality (Declaration of an offer of Benefits).
- 5.9 Managers at all levels are responsible for familiarising themselves with the types of fraud that might occur within their directorates and the communication and implementation of this strategy.
- 5.10 Managers are expected to create an environment in which their staff feel able to approach them with any concerns that they may have about suspected fraud or any other financial irregularities.

The Public and external organisations

- 5.11 Members of the public receive financial assistance and benefits from the Council through a variety of services. These include Council Tenancies, Temporary Accommodation, Renovation and other housing related grants, Housing and Council Tax Support, Council Tax discounts, Right to Buy discounts, Direct care payments and Parking concessions.

At some time or another these areas have been subject to attack by those intent on committing fraud which means that there is less money and resources available for those in genuine need.

- 5.12 The same principles of investigations will apply across all areas where fraud and corruption is alleged.
- 5.13 All applications for financial or other assistance will be verified to the highest standard, and all data available to the Council will be used to corroborate information provided by applicants for the purposes of preventing and detecting fraud. All employees involved in assessing applications for assistance and/or verifying identification documentation submitted in support of applications will be provided with ongoing fraud awareness training through an e-learning package.
- 5.14 Information exchange will be conducted where allegations are received within the framework of the Data Protection Act 2018 for the purposes of preventing and detecting crime or under statutory legislation where it exists.
- 5.15 We will apply appropriate sanctions in all cases where it is felt that fraud or attempted fraud has been perpetrated against the authority. These will range from official warnings to Crown Court prosecution. We will also seek to recover any monies obtained fraudulently, including freezing assets, utilising the Proceeds of Crime Act 2002, confiscation orders, civil recovery and general debt recovery.
- 5.16 We will use the Council's Legal Services Department and the Crown Prosecution Service to bring offenders to justice. Prosecutions will not be limited to Council Tax Reduction Scheme cases but will include any area within the Council where there is evidence to indicate a fraud related offence has been committed and the case meets the standards required in the Corporate Prosecutions Policy and The Code for Crown Prosecutors.
- 5.17 As a deterrent, we will publicise our successful sanctions through the Council's Communications and Marketing Team and in the local and national media where the law allows us to do so and periodically run targeted anti-fraud campaigns within the borough to raise fraud awareness.

6. PREVENTION

Responsibilities of management

- 6.1 The primary responsibility for the prevention and detection of fraud is with management. They must ensure that they have the appropriate internal controls in place, that they are operating as expected and being complied with. They must ensure that adequate levels of internal checks are included in working practices, particularly financial. It is important that duties are organised in such a way that no one person can carry out a complete transaction without some form of checking or intervention process being built into the system.

Corporate Anti-Fraud Team and Internal Audit

- 6.2 The CAFT and IA provide the Council's Anti-Fraud function. IA will ensure that an effective audit is undertaken of the Council systems and processes. CAFT will utilise all methods to detect, prevent, investigate and pursue fraud. This includes data-matching, data mining, open source research, surveillance and intelligence led investigations. The

two branches of the operation will work to assist management to implement appropriate controls and provide solutions to control failures.

6.3 CAFT and IA are empowered to:

- Enter any Council premises or land;
- Have access to all records, documentation and correspondence relating to any financial and other transactions as considered necessary;
- Require and receive information or explanation of council employees as are regarded necessary concerning any matter under examination;
- Require any employee of the Council to account for cash, stores or any other Council property under their control or possession.

6.4 The Council actively encourages employees to express any concerns regarding colleagues who are suspected of committing fraud. The Confidential Reporting Policy provides further details on how employees can utilise the protection offered by the Public Interest Disclosure Act 1998. All employees, the public and members are encouraged to contact the CAFT or IA with any suspicion of fraud, corruption, financial malpractice or the abuse of official position.

6.5 CAFT is responsible for assessing the authority's counter fraud arrangements and performance against professional guidance and findings of internal reviews and investigations.

6.6 The CAFT is authorised to investigate allegations of fraud and corruption under:

- Section 222 of the Local Government Act 1972;
- Regulations 3, 4 and 5 of the Council Tax Reductions Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013; and
- Regulations 2 and 4 of the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014.

Working with others and sharing information

6.7 The Council is committed to working and co-operating with other organisations to prevent fraud and corruption and protect public funds. The Council may use personal information and data-matching techniques to detect and prevent fraud, and ensure public money is targeted and spent in the most appropriate and cost-effective way. In order to achieve this, information may be shared with other bodies responsible for auditing or administering public funds including the Cabinet Office, the Department for Work and Pensions, other local authorities, HM Revenue and Customs, and the Police.

National Fraud Initiative

6.8 The Council participates in the National Fraud Initiative (NFI). Part 6 of the Local Audit and Accountability Act 2014 requires the Authority to provide data from its computer systems to the Cabinet Office. This data is matched with that of other authorities and agencies, to identify possible fraud. Details of matches are returned to the Authority where further internal investigations are undertaken to identify and pursue cases of fraud and irregularity. CAFT act as key contact for the authority in co-ordinating this exercise and ensuring that data subjects are informed in a timely manner when the exercise is undertaken as per best practice guidance from the Audit Commission and Information Commissioner.

Training and awareness

- 6.9 The successful prevention of fraud is dependent on risk awareness, the effectiveness of induction and training and the responsiveness of employees throughout the Council.
- 6.10 Management will provide induction and ongoing training to employees, particularly those involved in financial processes and systems to ensure that their duties and responsibilities are regularly highlighted and reinforced.
- 6.11 Internal Audit will provide fraud awareness training on request and will publish its successes to raise awareness.

7. DETECTION AND INVESTIGATION

- 7.1 The Council is committed to the investigation of all instances of actual, attempted and suspected fraud committed by employees, Members, consultants, suppliers and other third parties and the recovery of funds and assets lost through fraud.
- 7.2 Any suspected fraud, corruption or other irregularity should be reported to the Head of Internal Audit, Anti-Fraud and Assurance who will advise on the appropriate course of action. This will ensure that any investigation is carried out independently and objectively in accordance with Council policy and procedures, key investigation legislation and best practice and, provide assurance that investigations do not jeopardise any potential disciplinary action or criminal sanctions.
- 7.3 Action could include:
- Investigation carried out by the CAFT;
 - Joint investigation with Internal Audit, CAFT and relevant directorate management;
 - Directorate carry out investigation and CAFT provide advice and guidance;
 - Referral to the Police.
- 7.4 The responsibility for investigating potential fraud, corruption and other financial irregularities within BMBC lies mainly (although not exclusively) with the CAFT. Employees involved in this work will therefore be appropriately trained, and this will be reflected in training plans.

8. RAISING CONCERNS AND THE CONFIDENTIAL REPORTING POLICY

Suspicious of fraud or financial irregularity

- 8.1 All suspected or apparent fraud or financial irregularities must be brought to the attention of the Head of Internal Audit, Anti-Fraud and Assurance in accordance with Financial Regulations. Where the irregularities relate to an elected Member, there should be an immediate notification to the Executive Director, Core Services in their role as Council Monitoring Officer.
- 8.2 If a member of the public suspects fraud or corruption they should contact the Corporate Anti-Fraud Team in the first instance. They may also contact the Council's External Auditor, who may be contacted in confidence.
- 8.3 The Council's Corporate Anti-Fraud Team can be contacted by telephone on 0800 138 2940 or by mail to corporatefraudinvestigations@barnsley.gov.uk

Confidential Reporting Policy

- 8.4 Employees (including Managers) wishing to raise concerns should refer to the Council's Confidential Reporting Policy and associated procedures.
- 8.5 The Council's Confidential Reporting Policy encourages individuals to raise serious concerns internally within the Council, without fear of reprisal or victimisation, rather than over-looking a problem or raising the matter outside. All concerns raised will be treated in confidence and every effort will be made not to reveal the individual's identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the individual is required to come forward as a witness.
- 8.6 Employees wishing to raise concerns can obtain a copy of the Confidential Reporting Policy on the Corporate Intranet.

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Corporate Anti-Bribery Policy

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1. INTRODUCTION

- 1.1 Bribery is a criminal offence. Barnsley MBC does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements.
- 1.2 To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.
- 1.3 We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance “business as usual”, rather than as a one-off exercise.

2. OBJECTIVE OF THIS POLICY

- 2.1 This policy provides a coherent and consistent framework to enable the Council's employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.
- 2.2 We require that all personnel, including those permanently employed, temporary agency staff and contractors:
 - act honestly and with integrity at all times and to safeguard the Council's resources for which they are responsible;
 - comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities.

3. SCOPE OF THIS POLICY

- 3.1 This policy applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 3.2 Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the Council. It does not rest solely within assurance functions, but in all business units and corporate functions.
- 3.3 This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Members (including independent members), volunteers and consultants.

4. THE COUNCIL'S COMMITMENT TO ACTION

- 4.1 The Council commits to:
 - Setting out a clear Anti-Bribery Policy and keeping it up to date
 - Making employees aware of their responsibilities to adhere strictly to this policy at all times
 - Encouraging its employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately

- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- Taking firm and vigorous action against any individual(s) involved in bribery
- Provide information to employees to report breaches and suspected breaches of this policy
- Include appropriate clauses in contracts to prevent bribery.

5. BRIBERY

5.1 The Council defines bribery as:

The offering, giving, soliciting or acceptance of an inducement or reward for performing an act, or failing to perform an act, designed to influence official action or decision making.

6. THE BRIBERY ACT 2010

6.1 There are four key offences under the Act:

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

6.2 The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place **adequate procedures** designed to prevent bribery by or of persons associated with the organisation.

7. WHAT ARE “ADEQUATE PROCEDURES”?

7.1 Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. The principles are not prescriptive and are intended to be flexible and outcome focussed e.g. small organisations will face different challenges to those faced by large multi-national enterprises.

7.2 Proportionate procedures

The Council's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of its activities. They are also clear, practical, accessible, effectively implemented and enforced.

7.3 Top level commitment

Elected Members and the Council's Senior Management Team are committed to preventing bribery by persons associated with the Council. They foster a culture within the council in which bribery is never acceptable.

7.4 Risk Assessment

The Council assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

7.5 Due diligence

The Council applies due diligence procedures, taking a proportionate and risk based approach in respect of persons who perform or will perform services for or on behalf of the organisation in order to mitigate identified bribery risks.

7.6 Communication

The Council seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

7.7 Monitoring and review

The Council monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

The Council is committed to proportional implementation of the above principles.

8. PENALTIES

8.1 An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months or to a fine not exceeding £5,000, or to both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

8.2 Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

9. BRIBERY IS NOT TOLERATED

9.1 It is unacceptable to:

- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;

- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- engage in activity in breach of this policy.

10. FACILITATION PAYMENTS

- 10.1 Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

11. GIFTS AND HOSPITALITY

- 11.1 This policy is not meant to change the requirements of the Council's Register of Hospitality and Gifts.

- 11.2 Paragraph 6.3.3 of the Code of Conduct for Employees states:

It is a serious criminal offence for employees to corruptly receive or give any gift, bribe, loan, fee, reward or advantage for doing/not doing or showing favour to any persons as a result of their official capacity – Prevention of Corruption Act 1916 and the Bribery Act 2010.

- 11.3 Furthermore, Section 6.6 of the policy provides guidance and instruction relating to the offering of benefits. The policy advises that, with the exception of very modest benefits, any offer must be firmly refused and states:

Public confidence and that of the Council would be seriously damaged if the least suspicion were to arise of actual or perceived impropriety by an employee of the Council.

- 11.4 In general terms, however, an employee must:

- Treat any offer of a gift or hospitality if it is made to them personally with extreme caution;
- Not receive any reward or fee other than their salary;
- Never accept monetary gifts of any kind;
- Always refuse offers of gifts or services to them (or their family members) from organisations or persons who do, or might, provide work, goods or services, to the Council or who require a decision from the Council;
- Always report any such offer to their line manager.

12. PUBLIC CONTRACTS AND FAILURE TO PREVENT BRIBERY

- 12.1 Under the Public Contracts Regulations 2006 as amended by the Public Contracts Regulations 2015 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council has the discretion to exclude organisations convicted of this offence.

*Note: In March 2019 the Minister for the Cabinet Office made **SI 2019 no 560** - The Public Procurement (Amendment etc.) (EU Exit) Regulations 2019. This SI will come into force on exit day and will amend the procurement regulations to ensure that they continue to operate effectively after exit day.*

13. EMPLOYEE RESPONSIBILITIES

- 13.1 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the organisation or under its control. All employees are required to avoid activity that breaches this policy.
- 13.2 You must:
- ensure that you read, understand and comply with this policy;
 - raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 13.3 As well as the possibility of civil and criminal prosecution, employees breaching this policy will face disciplinary action, which could result in dismissal for gross misconduct.

14. RAISING A CONCERN

- 14.1 The Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every employee to know how they can raise concerns.
- 14.2 We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help.
- 14.3 There are multiple channels to help you raise concerns (please refer to the Confidential Reporting Policy). Preferably the disclosure will be made and resolved internally e.g. to your line manager, head of department or Internal Audit. Alternatively, where internal disclosure proves inappropriate, concerns can be raised with the Council's external auditor. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly e.g. to the media.
- 14.4 Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymous.
- 14.5 Employees who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. The Council aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.
- 14.6 We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.
- 14.7 If you have any questions about these procedures, please contact Internal Audit.

15. OTHER RELEVANT POLICIES

- 15.1 Further information on relevant Council policy and practice can be found in the following internal documents:
- Corporate Anti-Fraud and Corruption Policy;

- Corporate Anti-Fraud and Corruption Strategy;
- Members Code of Conduct;
- Employee Code of Conduct (including gifts and hospitality);
- Corporate Anti-Money Laundering Policy;
- Confidential Reporting Policy (Whistleblowing Policy).

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Corporate Prosecution Policy

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1 POLICY STATEMENT

- 1.1 The Corporate Prosecution Policy forms part of the Council's overall counter-fraud and corruption strategy. The policy covers all acts, and/or attempted acts, of fraud, theft bribery or corruption committed by officers or Members of the Council, or committed by members of the public, or other organisations or their employees, against the Council.
- 1.2 The policy sets out the circumstances in which the Council will take legal action against the perpetrators of fraud or corruption. The policy does not cover internal disciplinary procedures which are the subject of the council's Disciplinary Procedure.
- 1.3 This policy should be read in conjunction with the Council's Corporate Anti-Fraud and Corruption Policy, Corporate Anti-Fraud and Corruption Strategy, Corporate Anti-Bribery Policy, Corporate Whistleblowing Policy, Financial Regulations, Contract Standing Orders, and the Corporate Disciplinary Policy and Procedures.

2 PURPOSE OF THE POLICY

- 2.1 The Council is committed to an effective anti-fraud and corruption strategy. The strategy is designed to encourage the prevention and detection of fraud and corruption. As part of the strategy the Council is also committed to taking appropriate action against anyone believed to have attempted and/or committed a fraudulent or corrupt act against it.
- 2.2 The policy is designed to ensure that the Council acts fairly and consistently when determining what action to take against the perpetrators of fraud or corruption.
- 2.3 Employees and Members who are found to have committed fraud or corruption may be prosecuted in addition to such other action(s) that the Council may decide to take, including disciplinary proceedings in the case of employees. Any decision not to prosecute a member of staff for fraud and corruption does not preclude remedial action being taken by the relevant Executive Director or Service Director in accordance with the council's disciplinary procedures or other policies.
- 2.4 This Policy is also designed to be consistent with council policies on equalities. The Council will take into account the circumstances of each case and the nature of the alleged crime when considering whether to prosecute or not.
- 2.5 Irrespective of the action taken to prosecute the perpetrators of fraud and corruption, the Council will take whatever steps necessary to recover any losses incurred, including taking action in the civil courts.

3 PROSECUTION

- 3.1 The policy is intended to ensure the successful prosecution of offenders in Court. However, not every contravention of the law should be considered for prosecution. The Council will weigh the seriousness of the offence (taking into account the harm done or the potential for harm arising from the offence) with other relevant factors and against the public interest criteria. All cases will be looked at individually and be considered on their particular circumstances.
- 3.2 To consider a case for prosecution the Council must be satisfied that two tests have been passed. Firstly, there must be sufficient evidence of guilt to ensure conviction (referred to as the **Evidential Test**). Secondly; it must be in the public interest to

proceed (called the **Public Interest Test**). Further guidance on these two tests are shown at Appendix I.

4 MEMBERS AND EMPLOYEES

- 4.1 The Council will invoke disciplinary action in all cases of fraud, theft, financial misconduct, serious and intentional breach of financial regulations and corruption committed by employees of the Council or employees within its maintained schools. The normal recommendation for employees would be gross misconduct. This will include cases of fraud against the Council, other council's and other public sector bodies.
- 4.2 Where a financial loss has been identified the Council will always seek to recover this loss either through the civil or criminal process. In addition, where employees are members of professional bodies or are subject to national codes of conduct such as teaching and social services staff, we will refer cases to the relevant professional body.
- 4.3 The Council will always refer cases to the relevant prosecuting authority for criminal prosecution, where management consider a prosecution to be appropriate, in matters relating to elected Members and employees

5 OTHER FRAUD

- 5.1 Other types of fraud against the Council include, but are not limited to: Direct Care Payments, Grants, Reliefs or other applications for financial assistance or other benefits awarded such as Blue Badges.
- 5.2 In cases where the Council suffers a financial loss, we will always seek recovery. Where an organisation is involved in the fraud, the Council will also make referrals to the relevant governing body e.g. Charities Commission.
- 5.3 The Council will also consider criminal prosecution. The factors that will affect our decision to prosecute will be based on the evidential and the public interest test. This will include cases of attempted fraud e.g. applications for renovation grants where the financial estimates are deliberately misstated or false applications for direct care payments.
- 5.4 Individuals fraudulently claiming a council tax discount / reduction or committing a non-domestic rates fraud will be dealt with under the Benefits and Taxation Sanction and Penalty Policy.
- 5.5 The Corporate Anti-Fraud Team in conjunction with Legal Services will consult with South Yorkshire Police in respect of potential criminal acts.

6 MITIGATING FACTORS

- 6.1 The following mitigating factors will be taken into account when determining whether to prosecute;

Voluntary Disclosure

A voluntary disclosure occurs when an offender voluntarily reveals a fraud about which the Council is otherwise unaware. If this happens, then the fraud will be investigated but

the offender will not be prosecuted unless in exceptional circumstances. However, any person colluding in the crime will still be prosecuted.

A disclosure is not voluntary if the:-

- admission is not a complete disclosure of the fraud;
- admission of the fraud is made only because discovery of the fraud is likely, (for example, the offender knows the Council is already undertaking an investigation in this area and/or other counter fraud activity);
- offender only admits the facts when challenged or questioned;
- offender supplies the correct facts when making a claim to Legal Aid;

Social Factors

A wide range of social factors may make a prosecution undesirable. The test is whether the court will consider the prosecution undesirable, and go on to reflect that in the sentence.

Exceptional Circumstances

In certain exceptional circumstances the Council may decide not to prosecute an offender. For example, a lack of sufficient resources to complete the investigation within a reasonable period of time (even after requesting assistance from the police) may be a factor against prosecution action (refer to Appendix I, The Public Interest Test).

7 PROCEEDS OF CRIME ACT 2002 (POCA)

7.1 In addition to the actions set out in this policy, the Council reserves the right to refer all suitable cases for financial investigation with a view to applying to the courts for **restraint** and/or **confiscation** of identified assets.

- A restraint order will prevent a person from dealing with specific assets.
- A confiscation order enables the Council to recover its losses from assets which are found to be the proceeds of crime.

7.2 The Council will use the Proceeds of Crime Act 2002, Criminal Justice Act 1988 and the provisions of the Prevention of Social Housing Fraud Act 2013 to obtain Confiscation Orders and Unlawful Profit Orders as well as recovery of the full criminal benefit figure where possible. The Council may use Accredited Financial Investigators attached to other law enforcement agencies in order to conduct an investigation, obtain orders and present evidence.

8 PUBLICITY

8.1 The consistent application of the policy will provide a means for ensuring that those who have perpetrated fraud and corruption are appropriately penalised. It will also act as a meaningful deterrent to those who are contemplating committing fraud or corruption. The Council recognises the deterrent value of good publicity and therefore information regarding successful prosecutions and sanctions will be made public.

9 REPORTING AND REVIEW

- 9.1 Details of all cases where prosecutions have resulted from investigations conducted by Council Officers will be included in the periodic reports provided to the Council's Audit Committee.
- 9.2 This policy will be reviewed annually, or when changes in legislation require it, by the Head of Internal Audit, Anti-Fraud and Assurance. Any minor or consequential changes will be made with the agreement of the Director of Legal Services.

DRAFT

Prosecution – The Evidential and Public Interest Test

Each case will be looked at individually to decide what action, if any, is appropriate under this policy. This decision will be based upon 'The Code for Crown Prosecutors' which sets out the general principles prosecutors should look to when they make decisions on cases. The tests are known as the Evidential Test and the Public Interest Test.

The Evidential Test

In making a decision to prosecute, the Council must be satisfied that there is enough evidence to provide a realistic prospect of conviction. A realistic prospect of conviction is an objective test meaning that a jury, magistrate or judge hearing a case which, is properly directed in accordance with the law, is more likely than not to convict the defendant of the alleged offence.

In order to ensure that a "realistic prospect of conviction" exists officers of the Corporate Anti-Fraud Team and prosecutors will at all times ensure that investigations are conducted in accordance with all relevant legislation and Codes of Practice with regard to evidence gathering, interviewing and rules of disclosure.

The evidence gathered will be examined in the first instance by the investigating officer and then line manager. When both are satisfied that sufficient evidence exists to successfully prosecute and that the Public Interest Stage is also satisfied the case file will be passed on to either the council's legal team or the Crown Prosecution Service. All prosecutors will then apply their own inspection of the evidence to ensure that both tests are met.

If a case does not pass an evidential test it must not go ahead no matter how important or serious the offence seems. If the case does pass the evidential stage then it should move on to the second stage to decide if a prosecution is appropriate in the public interest

The Public Interest Test

Having examined the evidential test and established that there is sufficient evidence of a realistic prospect of conviction, the Public Interest Test is then applied to determine whether a prosecution should take place or whether an alternative Sanction may be suitable. The factors for and against prosecution should be balanced carefully. It is a matter of common sense that if there are additional factors that should be taken into account then these factors should be considered.

Factors against prosecution action

- There has been undue delay between the offence taking place and the date of the trial, unless the offence is serious, or the delay has been caused in part by the defendant.
- There are major physical or mental health issues for the defendant, which has been confirmed in writing by a medical practitioner and that the ordeal of a prosecution could have a significant detrimental impact on their wellbeing, unless the offence is serious or there is a real possibility that it may be repeated. Age is not in itself a bar factor against prosecution, but if the customer has poor health because of their advanced years this should also be considered.
- The subject was driven to commit the offence by a difficult domestic situation.
- If prosecuted there exists the possibility of mental injury to a third party, for example where an adopted or fostered child would be made aware of their true status;

Factors In favour of prosecution action

- The defendant is alleged to have committed the offence whilst under an order of the court or suspended sentence.
- The defendant's previous convictions or sanctions are relevant to the present offence.
- The defendant is in a position of trust, where their financial impropriety would have a bearing on their ability to continue in their role e.g. a Council employee or Elected Member.
- There is evidence that the defendant has taken deliberate action or provided false statement/documentation to perpetrate the deception.
- The motivation for the fraud was one of pure financial greed where the perpetrator is in a position of relative prosperity.
- There are grounds for believing that the offences were likely to be continued or repeated e.g. by a history of recurring conduct.
- The offence is alleged to have occurred over a protracted period of time involving more than one period of deception.
- The evidence shows that the suspect has instigated, encouraged, or coerced others to commit fraud.
- Where a person occupies a position in public office and the fraud is considered to have brought their position into disrepute.
- In certain exceptional circumstances, the authorising officers, may decide to recommend proceedings where the normal criteria are not met. These cases will be where there are extenuating/aggravating circumstances and each case will be considered on its merits.
- The fraud appears to involve collusion. Cases involving collusion should be regarded as serious fraud and prosecution may be appropriate irrespective of the amount of the fraud.

The various reasons listed above are not exhaustive. The factors that apply will depend on the facts in each individual case.

The Council will also take into consideration the suitability of evidence obtained and any failures or delays in the investigation. Examples would be where an application form has been wrongly completed by an officer of the Council or when there has been a failure to identify obvious flaws in a statement or document.

Corporate Fraud Response Plan

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1. INTRODUCTION

1.1 Barnsley Council is committed to combatting fraud, corruption and irregularity. This Fraud Response Plan is intended to provide direction and help to all Council employees and Elected Members who wish to raise their concerns about suspected fraud, theft, corruption or irregularity either within, or against the Council.

1.2 The Council's Financial Regulations, Part B (Corporate Governance), Section 4 (Internal Control and Audit) states:

The Chief Executive, SMT and Service Directors are:

Responsible for informing the Head of Internal Audit, Anti-Fraud and Assurance of any suspected irregularities, impropriety or areas of malpractice (described below) that are brought to their attention.

Employees are:

Responsible for notifying their respective Executive Director and/or the Head of Internal Audit, Anti-Fraud and Assurance of:

- *All concerns regarding suspected irregularities involving cash, stores, equipment, information or other resources or property of the Council;*
- *Suspected impropriety in the functions of the Council;*
- *Suspected malpractice in the completion, use or retention of records.*

1.3 The Head of Internal Audit, Anti-Fraud and Assurance has a responsibility to investigate all cases of fraud that are referred to him. Actual investigations may be carried out by officers of the Corporate Anti-Fraud Team or Internal Audit (CAFT).

1.4 The Council's definition of fraud and corruption is defined within the Council's [Corporate Anti-Fraud and Corruption Policy](#) at paragraphs 2.3 and 4.2 respectively.

1.5 Section 6.4 of the Council's Code of Conduct for Employees states the following:

'Where an employee has suspicions that a Council employee(s) or other individual(s) are involved in fraudulent or corrupt activities or theft, then they must in the first instance report those suspicions to their line manager.

If an employee feels unable to do this, then they can raise their concern(s) under the Council's [Confidential Reporting Policy](#) or to the Council's Corporate Anti-Fraud Team so the Council can take prompt action. The policy makes it clear that employees who raise legitimate concerns can do so without fear of reprisals. Any disclosure or allegation made maliciously or for personal gain will not be protected and disciplinary action may be taken accordingly.

As per the Council's Financial Regulations, all matters of potential and actual irregularity are required to be reported to Internal Audit. Such matters include all concerns regarding suspected irregularities involving cash, stores, equipment, information or other resources or property of the Council, any suspected impropriety in the functions of the Council or any suspected malpractice in the completion, use or retention of records.'

This means that all officers of the Council are contractually required to report any concerns relating to theft, fraud or corruption via appropriate channels.

- 1.6 The Plan gives a framework to follow in responding to suspicions of fraud or corruption and provides information that allows evidence to be gathered and collated in a way which facilitates informed initial decisions, while ensuring that evidence gathered will be admissible in any future criminal or civil actions.
- 1.7 The Plan also outlines how the Council will deal with reports of fraud, theft, corruption or irregularity.
- 1.8 Where the suspected fraud relates to housing or welfare benefits, the matter should be referred directly to the Department for Work and Pensions (DWP) who will investigate the case under the Single Fraud Investigation Service.
- 1.9 This Policy does not cover money laundering. Any suspicions of money-laundering should be dealt with using the [Corporate Anti-Money Laundering Policy \(and Guidance\)](#).

2. OBJECTIVES

- 2.1 The objectives of a fraud response plan are to ensure that timely and effective action can be taken to:
- Ensure an appropriate investigation is undertaken;
 - minimise the risk of inappropriate action or disclosure taking place which would compromise an investigation;
 - ensure there is a clear understanding regarding who will lead any investigation and to ensure Internal Audit's Corporate Anti-Fraud Team, service managers, Legal Services and Human Resources are involved as appropriate;
 - ensure a fair and consistent response to suspected frauds;
 - secure evidence and ensure containment of any information or knowledge of any investigation into the matter reported;
 - prevent further losses of funds or other assets where fraud has occurred and maximise recovery of losses;
 - ensure there is substance and evidence to support any allegation against an employee before that employee is subject to disciplinary action;
 - minimise the effect of a fraud or corrupt act by taking appropriate and timely action at an early stage;
 - identify the perpetrators and maximise the success of any disciplinary /legal action taken;
 - reduce adverse impacts on the business of the Council;
 - minimise any adverse publicity for the Council;
 - identify lessons to be learned to improve the internal control arrangements of the Council and improve fraud awareness.

3. EMPLOYEE RESPONSIBILITIES

- 3.1 As an employee there are a number of actions you may be required to take depending on who is involved in the irregularity. You should remember, however, that when you know of or suspect a fraud or corrupt act you should not discuss it with other work colleagues either before or after reporting it to the appropriate person.
- 3.2 You should never confront the suspected individual or act in a manner which might draw their attention to your suspicions.
- 3.3 At the earliest opportunity you should clearly record all the activities you have witnessed and information you have received or are aware of. It is important to record as much

information as possible to inform any subsequent management assessment or investigation, including dates, times and sequences of events but not to undertake any investigatory work yourself.

Fraud by a member of the public / service user

- 3.4 If the fraud or corrupt act is being committed in your service area, then under normal circumstances you should report your concerns to your line manager. If it is not in your area then you should not ignore the information you have, but should report the matter directly to the CAFT in Internal Audit Services or to one of the Corporate Whistleblowing Officers.

This may also include information that comes into your possession through your social life.

Fraud by another Council employee

- 3.5 If a work colleague is giving rise to suspicions that they are committing a fraudulent or corrupt act within their area of work, then under normal circumstances you should report it to your line manager. You may however not wish to report your concerns to your line manager particularly if you suspect your line manager of committing the fraud or corrupt act or having an involvement or knowledge.

Therefore the option exists to report to any of the following officers:

- Head of Internal Audit, Anti-Fraud and Assurance;
- The Executive Director Core Services;
- The Service Director of the Business Unit;
- The Executive Director of the Directorate;
- The Chief Executive.

Alternatively, concerns can be raised using the Council's Confidential Reporting (Whistleblowing Policy).

Fraud by an elected Member

- 3.6 If you need to report a suspicion or an actual fraud or corrupt act by a Councillor, you should report this to the following officers in the Council:
- Executive Director, Core Services, who is the Council's Monitoring Officer;
 - Service Director, Governance and Business Support; or
 - Head of Internal Audit, Anti-Fraud and Assurance.

Investigation Conduct

- 3.7 When a suspected fraud or corrupt act is reported an appropriate senior officer in the service department, in conjunction with an officer of the CAFT, will undertake a review of the situation and will, where evidence suggests there is a potential fraud, undertake a detailed investigation.

Any conversations you have, or information that you provide to the investigating officers will remain confidential. You should remember, however, that the Head of Internal Audit, Anti-Fraud and Assurance has a responsibility to investigate all cases of fraud that are

referred, with a view to prosecution and therefore you might be required to produce a signed written statement that could be used in a subsequent criminal investigation.

- 3.8 Subject to the constraints of the Data Protection legislation and the Council's duty of confidentiality to employees and Elected Members, you will be given as much information as possible about the outcome of any investigation. You must only report genuine concerns and believe the concerns to be true. Any reports which are subsequently determined to be malicious themselves could be dealt with as a disciplinary matter.

Confidential Reporting Policy (also known as Whistleblowing Policy)

- 3.9 The Council has developed a Confidential Reporting Policy in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy is available on the intranet ([Confidential Reporting Policy](#)) and enables you to raise legitimate concerns, which are in the public interest, about any financial or other malpractice in the Council without fear of recrimination.

4. MANAGEMENT RESPONSIBILITIES

Evaluation and Investigation of complaints and allegations

- 4.1 As soon as a complaint or an allegation is received, it is the responsibility of the line manager to report the facts to their appropriate senior line manager and between them satisfy themselves that there are reasonable grounds for the suspicion.
- 4.2 Upon judging that there are reasonable grounds for the suspicion, the concern must be reported immediately to the CAFT. Due to the requirement to secure any possible evidence, particularly if this is in an easily destroyable form, the matter should be reported as soon as it appears to be justified.
- 4.3 Management should be mindful of two important points at this time,
- where necessary, to take action to stem the outflow of cash / goods;
 - safeguard any evidence of any malpractice.
- 4.4 As the final outcome of an investigation could result in a court appearance it is of the utmost importance that the investigation can withstand the rigours of cross-examination. Evidence is crucial and the CAFT will advise management what action needs to be taken to secure both cash and evidence. This includes ensuring that any relevant documentation is retained securely in the condition it is received, i.e. it should not be written on or altered in any way. Preserving documents in plastic wallets is recommended. Other items or equipment relevant to the investigation must be safeguarded without any alteration to their original condition, e.g. personal computers. Prior to any possible suspension, Management must not act in any way that might alert the suspect.
- 4.5 At no time should the manager:
- Inform or alert the alleged perpetrator that they are under suspicion. To do so is likely to put evidence at risk;
 - Carry out any surveillance without proper authorisation or guidance from Internal Audit's CAFT;

- Divulge any information to the press or media. Responsibility for divulging information to the media will be taken by relevant Executive Directors through the Authority's Press Information Officer;
 - Undertake any interviews without consulting CAFT and HR.
- 4.6 If there are suspicions that similar frauds are or could be being committed the situation should be discussed with a member of the CAFT.

5. INTERNAL AUDIT'S RESPONSIBILITIES

- 5.1 Internal Audit's CAFT will offer advice and assistance on the most appropriate course of action. Subsequent action could involve the securing of evidence in accordance with the Criminal Procedure and Investigations Act 1996 (CPIA). This evidence could be documents, CCTV footage or computer records; all of these could easily be destroyed or tampered with. The securing of computers and associated data and records is a specialised procedure and should only be attempted by specialists at the request of Internal Audit or the CAFT.

Further guidance on preserving evidence is given in Section 8 below.

- 5.2 Prior to undertaking an investigation, the CAFT will initially consider the size of the alleged fraud or the circumstances of its perpetration. If appropriate, advice and guidance will be provided to enable an investigation to be undertaken by the manager's own employees.
- 5.3 Whilst in most cases the CAFT will lead the investigation, each case will be considered individually and the appropriate course of action agreed. The nominated lead investigator will be responsible for co-ordinating interviews and ensuring any interviews are conducted fairly and in accordance with the Police and Criminal Evidence Act 1984 (PACE). Given the need to comply with PACE regulations all formal interviews will, where possible, be tape-recorded. Interviews will be conducted by two officers.
- 5.4 If the allegation is serious it may be desirable to remove an employee from the workplace, whilst the investigation is undertaken. Where suspension is being considered the line manager and the lead investigator will discuss this with an officer within Human Resources. A decision to suspend should be taken promptly with a Service or Executive Director's approval of the suspension.

6. ELECTED MEMBERS RESPONSIBILITIES

- 6.1 Where Elected Members come into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against the Council the expectation is that they will report this to the Chief Executive, the relevant Executive Director, the Monitoring Officer (Executive Director, Core Services) or the Head of Internal Audit, Anti-Fraud and Assurance. The officer receiving the allegation should ensure that any subsequent investigation follows the requirements of this fraud response plan.

7. DETERMINING THE TYPE OF INVESTIGATION

Allegation against an employee

- 7.1 If an allegation is substantiated after the preliminary enquiry and further investigation is able to provide adequate evidence of the alleged action the matter will be reported to management for disciplinary proceedings to commence.

- 7.2 At the same time if there is evidence that fraud has been committed against the Council the Head of Internal Audit, Anti-Fraud and Assurance will formally consider referring the matter to the Police and liaise with them over whether formal charges could be brought and an investigation taken forward to possible prosecution.
- 7.3 In appropriate circumstances the Council will consider taking civil action against the perpetrator to recover any losses caused as a result of their actions.

Allegation against a member of the public

- 7.4 If an allegation of fraud against the Council is substantiated the basis of the action taken will follow a criminal prosecution route.
- 7.5 In addition to the criminal route, wherever applicable, the action taken by the Council will also follow a civil route. The use of the civil courts would be primarily in order to recover assets or monies obtained by the perpetrator.

Allegation against an Elected Member

- 7.6 Any allegations against a Councillor must be made to the Executive Director, Core Services in their role as Council Monitoring Officer.

External Audit

- 7.7 In some cases it may be necessary to immediately inform the Council's External Auditor of the fraud or corruption. This will be the responsibility of the Section 151 Officer (Service Director – Finance), the Council's Monitoring Officer or the Head of Internal Audit, Anti-Fraud and Assurance.

8. PRESERVATION OF EVIDENCE

- 8.1 When the initial enquiry has established that further investigation is required, it is essential that all available evidence relating to the fraud be preserved. There is a fine balance between preserving evidence and not alerting the alleged perpetrator to your suspicions. In the first instance advice should be sought from the CAFT regarding the procedures to follow to ensure full compliance with RIPA, PACE and CPIA with regards to obtaining and documenting evidence, to ensure that the evidence obtained remains admissible in a Court of Law. For instance you should never go through a person's drawers or lockers without appropriate advice and authorisation; you should never obtain evidence by surveillance without following RIPA processes. The most common forms of evidence and a brief note of how they should be preserved are given below:

- **Original documents.** Original documents should be obtained and retained. The documents should be handled as little as possible and should be put in a protective folder. Under no circumstances should they be marked in any way. All original documents should be given to the Head of Internal Audit, Anti-Fraud and Assurance for review and preparation as evidence. A record of all documents should be maintained, detailing how, when and where they were obtained. All copies of original documents or screen images should be formally certified as a true copy with the date of copying.
- **Security of records following suspension.** Whenever a person is suspended from work they should be asked to remove all personal belongings from their

desk and be informed that the desk may be examined. Under no circumstances should an employee once suspended be allowed to access their files or computer records, any network access should be terminated immediately if not before the suspension is actioned.

- **Desk Search.** If an employee is under suspicion then their desk/work station can be searched. However any such search must be undertaken by two managers lead by a member of the CAFT. Under PACE conditions the contents of the desk/work station should be listed and the list should be signed by both officers as being a true record of what was found.
- **Computer based data.** When evidence is held on a computer, the computer should be secured and the Head of Information Systems and the Head of Internal Audit, Anti-Fraud and Assurance should be consulted about the most appropriate way of retrieving the data in accordance with the rules of evidence. Under no circumstances should any computer thought to contain likely evidence be powered down or access/download be attempted by individuals not appropriately trained.
- **Video evidence.** There may be CCTV based evidence available. If you suspect that a camera system may have information of value, secure the hard copy media or arrange for a certified download of the data in such a way as it can be treated as evidence in accordance with the rules of evidence.

8.2 The final outcome of an investigation could result in a court appearance. It is therefore of the utmost importance that the investigation can withstand the rigours of cross-examination. Evidence is crucial. Consequently managers should secure and preserve evidence in a legally admissible form.

8.3 The CAFT have specially trained officers to carry out investigations and undertake interviews. **Departmental or service managers are strongly advised not to undertake any interviews without consulting the CAFT, Human Resources and Legal Services.**

8.4 Interviews are an important part of any investigation and interview statements are a crucial element of evidence. All interviews must be conducted under properly controlled conditions in order to ensure that any statement taken and subsequently used as evidence will not be rejected as inadmissible. Where it is deemed appropriate the guidelines and code of conduct for interviewing suspects issued under the Police and Criminal Evidence Act (PACE) should be applied.

8.5 As a matter of routine, and to ensure a fair and transparent investigation is completed, the CAFT will record all interviews where they are the investigation lead.

9. WHERE SUSPICIONS CAN BE REPORTED

9.1 The Council has a specially trained Corporate Anti-Fraud Team (CAFT), situated within Internal Audit Services, who deal with all alleged or potential financial irregularities and allegations of corruption.

Suspensions of **corporate fraud** can be reported by the following methods:

- Corporate Anti-Fraud Team - Telephone number 01226 773185
- Email the Corporate Anti-Fraud Team at

Corporatefraudinvestigations@barnsley.gov.uk

- Head of Internal Audit , Anti-Fraud and Assurance - Telephone number 01226 773241
- Freephone 24 hour Whistleblowing hotline 0800 138 2939
- Contacting either of the Authority's Whistleblowing Officers by telephone - Rob Winter on 01226 775788 or Andrew Frosdick on 01226 775799
- Contacting either of the Authority's Whistleblowing Officers by E-mail at wbo1rwinter@barnsley.gov.uk or wbo2afrosdick@barnsley.gov.uk
- Write to the dedicated Whistleblowing address – Barnsley MBC., PO Box 320, Barnsley S70 2YL.

NB All allegations / suspicions will be treated in the strictest confidence.

10. Press and Publicity

- 10.1 The Council's Communications and Marketing Team will deal with the media in all matters regarding fraud and corruption. Where appropriate the details of all successful prosecutions for fraud should be released to the media. Employees must not directly disclose to the media the details of any cases suspected or under investigation.
- 10.2 Disclosure of details to the media without the express authority of Communications and Marketing would be regarded a disciplinary matter. The aim is to publicise the Council's intolerance of fraud or corruption both within the Council and by users of its services. It also serves to publicise our successes against those who would perpetrate such fraud or corruption against the Council.

11. Conclusion

- 11.1 The Corporate Fraud Response Plan, in conjunction with the Corporate Anti-Fraud and Corruption Policy, Corporate Anti-Fraud and Corruption Strategy, Confidential Reporting Policy, Code of Conduct and Disciplinary Procedure will ensure that the Council's objectives in countering and investigating corporate fraud and corruption are achieved. However no guidance such as this can expect to cover all eventualities and therefore if you have any issues or are unsure of the action to take in a given situation you should immediately contact a member of the CAFT.

12. Supporting Corporate Policies

Corporate Anti-Fraud and Corruption Policy
Corporate Anti-Fraud and Corruption Strategy
Corporate Anti-Bribery Policy
Corporate Prosecutions Policy
Corporate Anti-Money Laundering Policy
Confidential Reporting Policy
Code of Conduct
Disciplinary Procedure

Confidential Reporting (Whistleblowing) Policy

Policy and Guidance for Whistleblowers

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1. INTRODUCTION

- 1.1 Barnsley Council is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.
- 1.2 Employees and others who work with the Council are often the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Indeed it may also be the case that someone with a concern is not aware how best to raise concerns.
- 1.3 The Confidential Reporting Policy is a vital element of the Council's governance arrangements and is designed to allow those employed by the Council to come forward and raise concerns of wrongdoing involving the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities.
- 1.4 As such the Council is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest. It is important to stress that any concern raised through this Policy will be treated confidentially and with the utmost seriousness.
- 1.5 This policy seeks to set out how the Council will handle and respond to serious allegations of perceived wrongdoing raised by employees of the Council.

Aims and Scope

- 1.6 The Confidential Reporting Policy seeks to cover all disclosures and allegations made by employees of Barnsley Council, including temporary and agency staff and those employed in locally managed schools.
- 1.7 It also extends to any other individuals who work for the Council who want to raise an allegation of perceived wrongdoing, including consultants, contractors and sub-contractors who are engaged in work for the Council.
- 1.8 The policy seeks to:
 - Support the culture of zero tolerance toward fraud and corruption and deter wrongdoing;
 - encourage employees and others with serious concerns about any aspect of the Council's work to feel confident to come forward and voice those concerns;
 - facilitate raising concerns at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action;
 - provide safeguards to reassure those who raise concerns in the public interest and not maliciously or for personal gain, that they can do so without fear of reprisals or victimisation or disciplinary action, regardless of whether these are subsequently proven;
 - set out how the Council will respond to allegations made and provide feedback to the whistleblower on any action taken;
 - ensure that employees know what to do if they are not satisfied with actions taken.
- 1.9 The Confidential Reporting Policy is not to be used where other more appropriate internal reporting procedures are available. There are existing Council procedures which enable employees to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a general complaint, which by contrast, generally have no additional public interest dimension.

Further guidance explaining the difference between whistleblowing and making a complaint is shown at **Appendix B - Frequently Asked Questions**.

- 1.10 This Confidential Reporting Policy covers concerns that fall outside the scope of those existing internal procedures. The Council will investigate under the confidential reporting (whistleblowing) process any allegations made through the above procedures, which raise serious concerns over wrongdoing.
- 1.11 **Safeguarding** – any concerns relating to a child protection issue or the abuse or neglect of an adult should be reported in line with the specific guidelines outlined on the Council's website:

[Safeguarding Children;](#)
[Safeguarding Adults](#)

- 1.12 Any individuals who are raising concerns relating to money laundering offences or Proceeds of Crime Act 2002 are required to report these concerns directly to the Money Laundering Reporting Officer (MLRO) in line with the Anti Money Laundering Policy.

2. WHAT IS WHISTLEBLOWING?

- 2.1 Whistleblowing is generally the term used when someone who is employed in an organisation reports a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace. It is the confidential disclosure by an employee, of any concerns relating to a perceived wrongdoing involving any aspect of the Council's work or those who work for the Council. The whistleblowing process assists individuals, who believe they have discovered malpractice, impropriety or wrongdoing, to raise a concern, in order that this can be addressed. Examples of wrongdoing are shown at **Appendix A**.
- 2.2 The **Public Interest Disclosure Act 1998 (PIDA)** is known as the Whistleblowing law and is designed to encourage and enable employees to "speak out" and to report suspected wrongdoing at work. This is commonly known as "blowing the whistle".
- 2.3 The **Enterprise and Regulatory Reform Act 2013** introduced a public interest test in relation to whistleblowing. This ensures that, in order to benefit from protection, whistleblowing claims must satisfy a public interest test and disclosures which can be characterised as being of a personal rather than a public interest will not be protected
- 2.4 The above legislation legally protects employees (including those employed in schools maintained by the Council, temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a result of making a "*protected disclosure*" (a qualifying disclosure) in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.
- 2.5 In making a protected disclosure the employee must:
- reasonably believe that the disclosure they are making is in the public interest;
 - reasonably believe that the information detailed and any allegations in it are substantially true; and
 - the matter disclosed must fall within the matters prescribed for that regulator
- 2.6 A disclosure of information is not a protected disclosure if, by making the disclosure, the worker commits an offence such as breaching the Official Secrets Act or Misconduct in public Office.

- 2.7 Whilst protection under PIDA covers employees and most workers it is not extended to partners, non-executive directors, volunteers or the self-employed. However, the principles outlined in this policy, as far as they can be, will be applied to whistleblowing allegations received from sources other than employees of the Council. As with internally reported cases, particular consideration needs to be given to matters of confidentiality.

3. HOW TO REPORT A WHISTLEBLOWING CONCERN

Making an Internal disclosure

- 3.1 It is the hope and intention of the Council that any employee with a concern about any aspect of the Council's operations or its conduct, feels able to first raise those concerns internally with line management.
- 3.2 The earlier an employee expresses a concern, the easier it will be to take action. Employees should raise a concern as soon they have a reasonable suspicion but are not expected to investigate the concern themselves to prove their suspicions are well-founded. Providing genuine concerns are being raised it does not matter if the employee is mistaken.
- 3.3 Concerns should preferably be made in writing. However raising a concern verbally also counts as whistleblowing. Wherever possible, the information provided should include the background and history of the concern, provide names, dates and places where possible, and the reason why the individual is particularly concerned about the situation.
- 3.4 In accordance with financial regulations all concerns relating to a perceived wrongdoing (as per Appendix A) which are referred to managers must be reported on receipt to the Head of Internal Audit, Anti-Fraud and Assurance. This may be done by the Whistleblower, the receiving manager or the senior manager investigating the allegations.

Whistleblowing Officers

- 3.5 Alternatively, any Council employee who has a concern relating to the Council can report the suspected wrongdoing in one of the following ways:
- contacting one of the Whistleblowing Officers by telephone (there is a voicemail facility if unanswered) :-
Rob Winter, Head of Internal Audit, Anti-Fraud and Assurance, Telephone 775788
Andrew Frosdick, Executive Director Core Services, Telephone 775799
 - using the dedicated 24 hour Whistleblowing hotline - 0800 138 2939
 - writing in to the Whistleblowing Officers using a dedicated P.O. Box :-
Barnsley Metropolitan Borough Council
P.O. Box 320,
Barnsley,
S70 2YL
 - e-mailing one of the Whistleblowing Officers :-
WBO1RWinter (internal)
WBO1RWinter@barnsley.gov.uk (external)
WBO2AFrosdick (internal)
WBO2AFrosdick@barnsley.gov.uk (external)

NB. Should an employee wish to speak to a female officer in detail, this can be arranged through the Whistleblowing Officers.

- 3.6 Any person reporting a concern should provide as much information as possible, including:
- who the allegations are against;
 - details of the nature of the alleged wrongdoing;
 - dates, places and amounts where possible;
 - provide or highlight any evidence they have in support of the allegation;
 - state if the person making the disclosure is an employee of the Council;
 - If not, does the person work in a school;
 - name and contact details (unless they wish to remain anonymous).
- 3.7 Employees and elected members who are raising a concern are not permitted to undertake their own investigations, surveillance or to interview or visit any 'witnesses' as this could jeopardise a formal investigation.
- 3.8 Following a call to the Council's Confidential Reporting Hotline, the respective Corporate Whistleblowing Officer will gather as much information as possible about the concerns raised.
- 3.9 The Council recognises that employees may wish to seek advice from their trade union and indeed may invite their trade union (or professional association) to raise a matter on their behalf.

Whistleblowing by individuals employed in schools

- 3.10 Individuals employed in schools who want to raise a concern should follow the guidance documented in **Appendix E** of this policy.

Making an external disclosure to a prescribed person

- 3.11 A prescribed person is someone identified in regulations who is independent of the employee's organisation, but usually has an authoritative relationship with the organisation, such as a regulatory or legislative body. The link below shows a list of other 'prescribed regulators' to whom a protected disclosure can be made:

[Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

Whistleblowing by members of the public

- 3.12 Members of the public can still contact the Council to report any concerns or disclosures over wrongdoing using the Barnsley MBC website. Allegations or concerns received from members of the public will be treated in the same way. However, unlike disclosures made by employees, protection under PIDA law does not extend to disclosures made by members of the public.

Employees should direct members of the public to the following link:

[Raising a concern via the Barnsley Council website](#)

4. HOW THE COUNCIL WILL RESPOND

- 4.1 The Council will endeavour to formally respond to acknowledge receipt of a disclosure within 5 working days of the concern being received.
- 4.2 A further acknowledgement will be sent within 10 working days to indicate:

- how the Council proposes to deal with the matter; and the policy under which it will be investigated;
 - whether the Council considers it to be a protected disclosure;
 - contact details for the officer handling the investigation;
 - arrangements for confidentiality;
 - an estimate of how long it will take to provide a response on the outcome;
 - any initial enquiries which may have been made;
 - if no action is planned, why not.
- 4.3 The action taken by the Council will depend on the nature of the concern. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection, disciplinary or discrimination issues) will normally be referred for consideration under those procedures. The matters raised will be investigated internally to establish basic facts. At that stage a decision will be made on whether:-
- to complete the investigation internally; or
 - to refer the matter to the Authority's External Auditor; or
 - to refer the matter directly to the Police; or
 - to organise an independent inquiry; or
 - take no action.
- 4.4 All proposed action should be notified and agreed with the Head of Internal Audit, Anti-Fraud and Assurance and, in consultation with the relevant Senior Manager.
- 4.5 All allegations will be handled confidentially and discreetly by those managers who are directly involved in the investigating process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.
- 4.6 If necessary, further information will be sought from the whistleblower. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.
- 4.7 At any meeting arranged to discuss an employee's concerns the employee has the right, if they so wish, to be accompanied by their Trade Union representative, work colleague or a friend who is not involved in the area to which the concern relates. Initial contact with the employee(s) may be outside of the work place to protect their identity and, if necessary and mutually acceptable, subsequent meetings may be held away from work and / or outside normal working hours.
- 4.8 Where possible the identity of the person raising the concern will not be divulged during the investigation. Enquiries may be appropriate to ensure that the whistleblower is not themselves subject to any disciplinary proceedings that may undermine the public interest motive for raising a concern.
- 4.9 The Council will do what it lawfully can to minimise any difficulties that an employee may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will advise the employee about the procedures in terms of what will happen and what will be expected of them.

Anonymous allegations

- 4.10 The Council recognises that there may be circumstances where individuals are worried about being identified when they report concerns about their employer. Concerns

expressed anonymously are more difficult to investigate, and harder to substantiate, and further liaison with the whistleblower is not possible. It is also difficult for an anonymous whistleblower to be protected by the law if they subsequently suffer detrimental treatment.

- 4.11 Both anonymous allegations and named referrals which include contact details are treated seriously and are considered on the basis of individual merits. Factors that will be taken into consideration when assessing the allegation will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegations from attributable sources.

5. OUTCOMES

- 5.1 The Council will, subject to legal constraints, seek to advise the whistleblower on the outcomes of the investigation in order to assure them that the matter has been properly addressed. The Council will not usually provide the whistleblower with all the details of the investigation outcomes as this could breach others' rights to confidentiality e.g. if disciplinary action has been taken against an individual. Some concerns raised may be resolved by agreed action, once the whistleblower's concerns have been explained, without the need for investigation.
- 5.2 As all concerns are considered on an individual basis it is possible that a full investigation report is not required for all cases. However, Internal Audit will require confirmation of the outcome of the referral/investigation and any system or control risk issues which arise from it.
- 5.3 In the event that an investigation report is deemed appropriate, the report will usually be issued by the Investigating Officer to the Executive Director of the department involved and to the Director of Finance (Section 151 Officer). Reporting is restricted as the content of investigation reports could include personal information of others, commercially sensitive information or details of investigation processes and practices the publication of which could prejudice the effective conduct of future investigations.
- 5.4 Internal Audit may carry out follow up work as a result of any identified areas of risk.

6. SAFEGUARDS

- 6.1 In order to ensure that allegations are investigated in the right spirit with the right outcome, the following safeguards or principles should be applied in all cases.

Confidentiality

- 6.2 The Council's Confidential Reporting Policy seeks to protect the identity of the individual making a disclosure wherever possible.
- 6.3 Records of employee disclosures held by Internal Audit are stored securely. Access to whistleblowing and related investigation records are restricted to specific officers assigned to examine the concerns being raised. Wherever possible the identity of an employee raising a concern will not be revealed as part of an investigation. Should this not be possible the employee will be notified and consent will be sought beforehand.
- 6.4 Certain disclosures, including those relating to a child at risk or abuse of a vulnerable adult, override the employee's request for confidentiality. The Council is required to

investigate these matters under separate procedures which take priority over any request for confidentiality.

- 6.5 The Council cannot guarantee to protect the identity of an employee raising allegations of serious wrongdoing where a criminal offence has been committed, and legal/prosecution action results from the disclosure. In some cases an employee may have to act as a witness and/or provide evidence in relation to offences which are referred to the Police.

Harassment and Victimisation

- 6.6 The Council acknowledges that the decision to report a concern can be a difficult decision for an employee to take, not least because of the fear of reprisal from those responsible for the malpractice. It is unlawful for an employee to suffer victimisation or harassment for whistleblowing.
- 6.7 The Council will not tolerate harassment or victimisation against an employee who has raised a genuine concern under the Confidential Reporting Policy. Victimisation may include an attempt to identify the person raising the concern. Any employee who victimises a whistleblower will be subject to disciplinary action which may lead to dismissal. An individual may also be personally liable for treating a colleague detrimentally on the grounds that they have raised public interest concerns.
- 6.8 Service Directors and Heads of Service should monitor how identifiable whistleblowers are subsequently treated after raising a matter of concern. They should ensure that any harassment or victimisation is dealt with under disciplinary arrangements.
- 6.9 Any employee who believes they have been victimised as a result of making a disclosure or blowing the whistle should report their concerns to the Executive Director - Core Services.

Malicious allegations

- 6.10 While encouraging employees to bring forward matters of concern, the Council must guard against claims which are malicious. This is because of the risk of claims made to deliberately damage the reputation of other employees, or the Council as a whole, and not least because the cost of undertaking investigations is significant.
- 6.11 If an employee makes an allegation which they reasonably believe is a whistleblowing concern, but it is not confirmed by the investigation, no action will be considered or taken against them. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action will be taken. The PIDA only offers protection from dismissal or detriment if the worker reasonably believes their disclosure was made in the public interest.

Misuse of the policy

- 6.12 The Confidential Reporting (Whistleblowing) Policy is not designed to allow:
- individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
 - employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
 - an individual to raise a concern for some private or personal motive.

7. DATA PROTECTION AND FOI

- 7.1 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. As such the Council often receives requests for information under the Freedom of Information Act.
- 7.2 The Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.
- 7.3 The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:
- Section 40: Personal Data;
 - Section 41: Information which, if disclosed, would give rise to an actionable breach of confidence
- 7.4 Many people making a disclosure to the Council will wish to protect their identity and the Council will always seek to protect the identity of individuals during the course of an investigation. If the Council receives a request for information identifying a whistleblower, the Council will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.
- 7.5 The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.
- 7.6 When processing personal data as part of a whistleblowing investigation, the Council will take all necessary precautions to protect such data and not share it more widely than is necessary as part of the investigation. The Council will apply the General Data Protection Regulations and the Data Protection Act 2018 in all aspects of any whistleblowing investigation.

8. MONITORING OF WHISTLEBLOWING COMPLAINTS

- 8.1 The Head of Internal Audit, Anti-Fraud and Assurance will maintain a central record of all whistleblowing referrals made under this policy and monitor the outcome of these cases. The collection, monitoring, review and storage of these records will at all times be carried out within the safeguarding principles set out at Section 7 of this policy.
- 8.2 As such, the receiving manager should report details of any allegation to the Head of Internal Audit, Anti-Fraud and Assurance who will log and allocate each case a reference number whether or not Internal Audit are involved in the investigation work. The outcome of the investigation should be notified to Internal Audit by the Investigating officer.
- 8.3 The records held by the Head of Internal Audit, Anti-Fraud and Assurance will be used to analyse the impact and effectiveness of the arrangements in place in statistical terms. The detailed case records form part of the process of reporting back to Members on the effectiveness and outcomes of the Policy and form the record of actions taken in the case of any concerns raised under the PIDA. This information will be referred to for monitoring purposes and periodic assurance reports provided to the Audit Committee as part of this process.
- 8.4 The Chief Executive has overall responsibility for the maintenance and operation of this policy. In accordance with its Terms of Reference for the oversight of the internal control and governance framework of the Authority, the Audit Committee will review this Policy and consider its effectiveness through a process of periodic review.

- 8.5 A Confidential Reporting (Whistleblowing) record sheet (**Appendix C**) should be used to record a summary for each case. A copy should be sent to Internal Audit's Corporate-Anti Fraud Team and one retained with the investigation paperwork on completion.

9. HOW THE MATTER CAN BE TAKEN FURTHER

- 9.1 This policy is intended to provide employees with an avenue to raise concerns within the Council and be satisfied with the Council's response. However, should an employee feel dissatisfied with the Council's response, and feels it is right to take the matter outside the Council, they can do so. Contact can be made through one of the following contact points:-

- the Authority's External Auditors, Grant Thornton UK LLP:
 - Leeds Office: - 1 Whitehall Riverside, Leeds LS1 4BN:
Telephone 0113 245 5514;
 - Gareth Mills (Key Audit Partner): - 1 Whitehall Riverside, Leeds LS1 4BN:
Telephone 0113 200 2535
- the relevant professional bodies or regulatory organisation ;
- the whistleblowing charity 'Protect' (refer to the Note below);
- Trade Union;
- a Solicitor, or
- the Police.

Note – Protect can also be contacted should someone wish to seek independent advice about how best to raise a concern (appendix B – Frequently Asked Questions provides contact details). Seeking this independent advice would not constitute legal notification to the Council.

- 9.2 It should be remembered that failing to raise the matter within the Council first may result in the disclosure being unprotected within the provisions of the Public Interest Disclosure Act 1998.
- 9.3 Employees who are in any doubt regarding the provisions of the Policy should contact Human Resources. Advice as to whether or how a matter should be raised should be sought by contacting one of the Whistleblowing Officers.

10. TRAINING AND AWARENESS

- 10.1 Service Directors and Heads of Service are responsible for ensuring that their employees are aware of the Confidential Reporting Policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the Council's Confidential Reporting Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.
- 10.2 Employees have a responsibility to ensure that they are aware of and understand the Council's policy in relation to Whistleblowing.

EXAMPLES OF WHISTLEBLOWING

Concerns around suspected wrongdoing, malpractice, illegality or risk in the workplace may include:

- criminal offences (actual or potential);
- failure to comply with a legal duty;
- miscarriages of justice;
- fraud or corruption;
- a misuse or theft of Council money, physical assets or the abuse of working arrangements;
- abuse of authority/position;
- serious breaches of Council policy or procedure, including but not limited to, Council Financial Regulations, Contract Standing Orders, Corporate Anti-Bribery Policy, Recruitment Procedures;
- a misuse or abuse of the Council's computers, its systems, data or information;
- unethical conduct and actions deemed unprofessional or inappropriate (this could include, but is not limited to, the malpractice in dealing with or mistreatment of a client of the Council; breaches of regulations requiring school governors to 'act with integrity, objectivity and honesty and in the best interests of the school' and breaches of the 'Nolan Principles' which are the basis of ethical standards expected of public office holders (**Appendix D**);
- the health and safety of any individual has been, or is likely to be, endangered;
- the environment has been, is being or is likely to be, damaged (as a result of the Council's actions or inactions); and
- information about any of the above has been, is being, or is likely to be, deliberately concealed.

FREQUENTLY ASKED QUESTIONS

What is the difference between whistleblowing and making a complaint or a grievance?

In general terms, whistleblowing occurs when an employee raises a concern about danger or illegality that affects others and which has a public interest dimension to it. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concerns. As a result, the whistleblower should not be expected to prove their case; rather he or she raises the concern so others can address it.

A grievance or private complaint is, by contrast, a dispute about the employee's own employment position and has no additional public interest dimension. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint, and, for this reason, is expected to be able to prove their case.

For example – bullying and discrimination issues should be dealt with under the respective policy or under grievance procedure

Can concerns be raised confidentially or anonymously?

The Council encourages whistleblowers to identify themselves and raise concerns openly. Openness makes it easier for the Council to assess the issue, work out how to investigate the matter, understand any motive and get more information. The effectiveness of any whistleblowing investigation may be limited where an individual chooses not to be identified.

An individual raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without their consent. An individual raises a concern anonymously if he or she does not give his or her name at all. Clearly, if the Council does not know who provided the information, it is not possible to reassure or protect them.

Does the Public Interest Disclosure Act (PIDA) require an employer to keep a whistleblower's identity secret?

The simple answer is no. PIDA contains no specific provision on confidentiality. The protections within the Act can be deemed to encourage employees to raise issues openly. A good whistleblowing policy will provide a confidential port of call for a worried employee and employers should respect any promise of confidentiality they make. However in some cases it will be impossible to take action on the concern without the open testimony of a whistleblower. Further it may later become necessary to waiver anonymity because of the course of the investigation for example if the matter has had to be referred to the police

Am I protected from dismissal if I blow the whistle?

It is unlawful to dismiss an employee for the reason that they have blown the whistle. This would be an unfair dismissal. As long as disclosures meet the legal tests an employee should not be dismissed for raising concerns.

The types of whistleblowing eligible for protection as qualifying disclosures are provided at **Appendix A.**

Who is protected?

The following people are protected:

- employees;
- agency workers;
- people who are training with an employer, but not employed.

A worker will be eligible for protection if:

- they honestly think what they're reporting is true;
- they are telling the right person;
- they believe that their disclosure is in the public interest.

Who is not protected?

An employee will not be afforded protection if:

- they break the law when they report something, for example because they signed the Official Secrets Act;
- they were part of the wrongdoing;
- they found out about the wrongdoing when someone wanted legal advice ('legal professional privilege'), for example if they are a solicitor;
- it is not in the public interest

Workers who are not employees cannot claim unfair dismissal because of whistleblowing, but they are protected and can claim 'detrimental treatment'.

What information should a whistleblower provide?

Supporting evidence for the allegations, if available, is clearly helpful. However, the law does not require individuals to have evidence before reporting the matter, but it does say that the individual must reasonably believe the information is substantially true.

Individuals should report concerns to line management or other at the earliest opportunity rather than wait to collate any evidence.

Whistleblowers are encouraged to provide their contact details to allow the Council to seek further information, where necessary and advise on outcomes

Where can I get independent advice?

Free, independent, confidential advice and information about PIDA law can be obtained from the Whistleblowing Charity 'Protect' (formally Public Concern at Work). The charity runs a UK helpline on their advice line tel: 020 3117 2520 or visit their website www.protect-advice.org.uk.

CONFIDENTIAL <u>BARNSLEY METROPOLITAN BOROUGH COUNCIL</u> <u>CONFIDENTIAL REPORTING (WHISTLEBLOWING) CASE RECORD</u>	
Date the concern / allegation received	
Name, Job title and contact details of the officer receiving the referral/concerns	
Directorate Involved	
How the report was received (verbal / written)	
Does the individual raising the concern wish to remain anonymous?	
If not, details of officer raising concern / allegation i.e. name, job title, contact details etc.	
Was confidentiality requested / explained or promised?	
A summary of the concern / allegation raised:	

CONFIDENTIAL

BARNSELY METROPOLITAN BOROUGH COUNCIL

CONFIDENTIAL REPORTING (WHISTLEBLOWING) CASE RECORD

Has formal
acknowledgement been
provided to the employee
in line with the Policy?

(Acknowledgement of receipt
within 5 working days with a
further acknowledgement
sent within 10 working days)

Date reported to Head of
Internal Audit and
Corporate Anti-Fraud

Officer(s) handling the
investigation:
(Name(s) and job title(s))

Summary outcome of
investigation:

(Proved / not proved, action
plans, recommendations)

Date notification of
outcome provided to the
employee raising the
concern / allegation:

Papers retained (location),
responsible officer and
review date:

SEVEN NOLAN PRINCIPLES

The following are the Seven Nolan Principles underpinning standards for Public Life:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public services. The principles also have application to all those in other sectors delivering public services.

1. Selflessness: Holders of public office should act solely in terms of the public interest.
2. Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. Accountability: Holders of public office are accountable to the public for their decisions and actions and must admit themselves to the scrutiny necessary to ensure this.
5. Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. Honesty: Holders of public office should be truthful.
7. Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Source: The Committees website is at <http://www.public-standards.gov.uk/>

WHISTLEBLOWING BY INDIVIDUALS EMPLOYED IN MAINTAINED SCHOOLS

1. Individuals employed in schools which fall under the Council's confidential reporting policy arrangements include those employed in schools maintained by the Council i.e. the Council is the legal employer.
2. Each locally managed school should have their own whistleblowing policy and reporting arrangements which reflect the principles and requirements set out in the Council's Policy. In most cases, school based staff are encouraged to raise their concerns in accordance with the schools own reporting procedures, rather than directly to the Council.
3. However, if the employee has a concern which they feel they cannot discuss with the management of the school or have good reason to believe that their complaint or disclosure will not be properly handled, then they may report their concerns directly to the Council or prescribed regulator using the Council's whistleblowing reporting procedures.
4. **Safeguarding** – any concerns relating to a child protection issue should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy. Further information is available on the Council's website:

[Safeguarding Children](#)
[Local Authority Designated Officer](#)

5. The Confidential Reporting Policy is not to be used where other more appropriate reporting procedures are available within school, for example, in relation to any grievance relating to employment matters or to make a general complaint in relation to the school.
6. The Council expects schools to respond to a disclosure or allegation in the same way as the Council would respond. The Headteacher or Chair of Governors would be expected to seek advice as necessary from the Council.
7. Internal Audit's Corporate Anti-Fraud Team can offer advice and support to schools on the approach to be taken to investigate whistleblowing allegations to ensure concerns are properly addressed.
8. The action taken by schools in response to allegations made will depend on the nature and seriousness of the concern. Where appropriate, the matters raised may be:
 - investigated by school management, or the Council's Internal Audit Service;
 - referred to the Police;
 - referred to the External Auditor;
 - subject of an independent enquiry.
9. For monitoring purposes the Headteacher or Chair of Governors must report (at the earliest opportunity) details of all whistleblowing allegations or suspicions of fraud, theft or corruption made within school to the Council's Head of Internal Audit, Anti-Fraud and Assurance. Internal Audit's Corporate Anti-Fraud Team will monitor the outcome of all cases, including action taken to reduce the risk of reoccurrence.
10. Employees who wish to raise concerns over practices in other schools should report these directly to the Council.

11. This policy does not extend to staff employed in **Voluntary Aided Schools** as, in these schools; the governing body is the employer and not the Council. Each school should have their own whistleblowing policy and arrangements for reporting, logging and investigating concerns. The governing body must decide how employees and workers may make a qualifying disclosure under PIDA or raise an allegation of wrongdoing.
12. The Council's ability to legally investigate disclosures of serious wrongdoing in voluntary aided schools is reduced unless the allegations relate to safeguarding matters, Special Educational Needs and/or financial mismanagement concerns. The Council should be notified of details of all concerns reported in relation to these matters.
13. **Academy Schools** should adopt their own whistleblowing policy and procedures as the Council has no legal power to investigate, except for those concerns relating to safeguarding issues and Special Educational Needs.
14. The Council will acknowledge receipt any disclosures received relating to these institutions and advise whistleblowers on an appropriate course of action regarding concerns raised. If the disclosure relates to serious wrongdoing in respect of safeguarding issues involving children or vulnerable adults the Council has a legal obligation to investigate and will do so irrespective of the status of the school.
15. Any notifications that are received in relation to locally managed schools will be logged and monitored by Internal Audit Services. Whilst the Council may not investigate every concern raised (as this may be undertaken by the individual school concerned), logging the issues enables the Council to monitor progress and where possible deal with the concerns having regard to any legal obligations or duty of care in relation to the school.

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Corporate Anti-Money Laundering Policy (and Guidance)

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1. INTRODUCTION

- 1.1 The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (referred to throughout this policy as MLR 2017) came into force on 26 June 2017. They implement the EU's 4th Directive on Money Laundering. In doing so, they replace the Money Laundering Regulations 2007 and the Transfer of Funds (Information on the Payer) Regulations 2007 which were previously in force.
- 1.2 Barnsley Council is committed to establishing and maintaining effective arrangements to prevent and detect attempts to launder money using Council services. The Council requires all Members and employees to demonstrate the highest standards of honesty and integrity and this includes compliance with appropriate legislation. The Council is committed to working constructively with the Police and other relevant agencies in relation to combating money laundering and ensuring compliance with the legislation.
- 1.3 This policy is designed to set out the Council's approach to money laundering prevention and associated reporting and should be read in conjunction with the Council's Anti-Fraud and Corruption Policy. The Council will seek to ensure the corporate stance on money laundering is widely publicised and that employees and Members have access to the appropriate guidance. Failure to comply with the procedures set out in this document may constitute a disciplinary and/or criminal offence.

2. SCOPE

- 2.1 This policy applies to all employees of the Council, including temporary and agency staff as well as those employed in locally maintained schools. It contains specific sections to advise employees of the process to be followed to enable the Council to comply with its legal obligations. This policy is also applicable to elected members where any suspicions of money laundering activity are noted or come to light
- 2.2 The aim of the policy is to ensure all appropriate action is taken to prevent, wherever possible, the Council, its Members and employees from being exposed to money laundering and to comply with all legal and regulatory obligations.

3. WHAT IS MONEY LAUNDERING?

- 3.1 Money Laundering is the process by which criminally obtained money or other criminal property is exchanged for "clean" money or other assets with no obvious link to their criminal origins. The term is used for a number of offences involving the integration of "dirty money" (i.e. the proceeds of crime) into the mainstream economy. The aim is to legitimise the possession of such monies through circulation and this effectively leads to "clean" funds being received in exchange. It is a favoured method of organised criminals and terrorists.
- 3.2 The term "Money Laundering" describes offences involving the integration of the proceeds of crime, or terrorist funds, into the mainstream economy. Such offences are defined under The Proceeds of Crime Act 2002 and the primary ones are listed below;
 - Concealing, disguising, converting or transferring criminal property or removing it from the UK;

- Entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person;
- Acquiring, using or possessing criminal property;
- Failure to disclose knowledge or suspicion of another person(s) involvement in money laundering; and
- Tipping off (a person) or making a disclosure which is likely to prejudice an investigation being carried out by a law enforcing authority, knowing that such an investigation is in motion.

Further details are provided in **Appendix A: Offences Table**:

- 3.3 Offences cover a range of activities (not necessarily involving money or laundering) regarding the proceeds of crime. This means that potentially any employee or Member, irrespective of what sort of Council business they are undertaking, could commit an offence if they become aware of, or suspect the existence of criminal property, irrespective of the size of the benefit gained, and/or fail to report their concerns.
- 3.4 Where an employee/Member suspect money laundering and report, or are aware that someone else has, they must exercise caution in what is discussed with others as a further offence of “tipping off” may be committed if, knowing or suspecting a disclosure has been made, the employee/Member take any action which is likely to prejudice any investigation that may be conducted.
- 3.5 It is impossible to give a definitive list of ways in which to spot money laundering or how to decide whether to make a report. Money laundering activity may range from a single act such as the use of criminal funds to pay an invoice to multiple payments to an account to “launder” money in smaller chunks to avoid checks and suspicions. They can even involve sophisticated schemes involving multiple parties and multiple methods of handling and transferring criminal property, as well as concealing it, and entering into arrangements to assist others to do so.
- 3.6 Council employees need to be alert to the risks of money laundering in any of its many forms. Facts which tend to suggest that something ‘odd’ is happening may be sufficient for a reasonable suspicion of money laundering to arise. Risk factors which may, either alone or cumulatively with other factors suggest the possibility of money laundering activity are provided at **Appendix B: Possible Signs of Money Laundering**.
- 3.7 Potentially any employee or Member could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it. They may be liable to prosecution and, if convicted of one of the offences listed above, may receive an unlimited fine and up to 14 years imprisonment. (Section 7 of this document provides guidance regarding the reporting of, and implications of the failure to report, suspicions of money laundering).

4. REQUIREMENTS OF THE MONEY LAUNDERING LEGISLATION

- 4.1 The MLR 2017 imposes specific obligations on “relevant persons”.
- 4.2 The term relevant person relates to the following activities carried out in the course of business; tax advice; accounting services; treasury management; investment or other financial services; credit institutions; audit services; legal services; estate agents; services involving the formation, operation or arrangement of a company or trust; dealing in goods wherever a transaction involves a cash payment equivalent to €15,000 or more.
- 4.3 The obligations include the following requirements:
- Appoint a Money Laundering Reporting Officer (**MLRO**).
 - Obtain sufficient knowledge to ascertain the true identity of customers in certain circumstances, by applying **customer due diligence** measures.
 - Know the intended nature of business relationships and undertake ongoing monitoring of them (to identify **unusual transactions**).
 - Implement a procedure for assessing and controlling risk and **reporting suspicions** of money laundering.
 - Maintain **record keeping** procedures (e.g. for evidence of identity obtained, details of transactions undertaken, for at least 5 years afterwards).
- 4.4 Local Authorities are not directly covered by the requirements of the MLR 2017. However, some activities undertaken by local authorities could be included within the scope of the regulations and guidance from finance and legal professions, including the Chartered Institute of Public Finance and Accounting (CIPFA), indicates that public service organisations should comply with the underlying spirit of the legislation and regulations and put in place appropriate and proportionate anti-money laundering safeguards and reporting arrangements.
- 4.5 To ensure compliance with the regulations and legislation, the Council are considered a relevant person when acting in the course of business and activities carried out by them.
- 4.6 The European Union’s 4th Money Laundering Directive requires a focus on risk assessments in relation to anti-money laundering; in particular the need to evidence that an organisation’s exposure to risk is considered as part of ongoing business. As such Heads of Service should maintain engagement with Internal Audit as business operations change with regard to undertaking appropriate and proportionate assessments.

5. THE MONEY LAUNDERING REPORTING OFFICER (MLRO)

- 5.1 If an individual becomes aware that their involvement in a matter may amount to money laundering then they must report it to the Money Laundering Reporting Officer (MLRO) and not take any further action until they have received consent from the MLRO, who may have to be granted such consent by the National Crime Agency.
- 5.2 The Council has designated the Head of Internal Audit, Anti-Fraud and Assurance as the MLRO:

Rob Winter Telephone Number: 01226 773241
Email: robwinter@barnsley.gov.uk

The Service Director Finance has been designated as Deputy MLRO:

Neil Copley Telephone Number: 01226 773237

Email: NeilCopley@Barnsley.gov.uk

5.3 The MLRO is responsible for:

- receiving internal suspicious activity reports (SARS) from within the Council;
- deciding whether these should be reported to the NCA;
- if appropriate making such reports to the NCA; and
- providing guidance and advice as necessary on money laundering matters/issues.

5.4 The MLRO will retain copies of the internal reports and copies of the decisions taken on each of the reports

6. CUSTOMER DUE DILIGENCE PROCEDURE

What is Due Diligence?

6.1 Regulations 27 and 28 of the MLR 2017 requires the Council to take steps to identify its customer and verify they are who they say they are. This is known as customer due diligence and, in practice, means obtaining a customer's:

- name
- photograph on an official document which confirms their identity
- residential address and date of birth

6.2 The best way to do this is to ask for a government issued document like a passport, along with utility bills, bank statements and other official documents. Other sources of customer information include the electoral register and information held by credit reference agencies such as Experian and Equifax.

6.3 In certain situations it may be necessary to identify the 'beneficial owner'. This may be because someone else is acting on behalf of another person in a particular transaction, or it may be because the ownership structure of a company, partnership or trust needs to be established.

6.4 As a general rule, the beneficial owner is the person who is behind the customer and who owns or controls the customer, or, it is the person on whose behalf a transaction or activity is carried out.

6.5 Officers must stop dealing with customers where there are doubts about identity.

Customer Due Diligence when Establishing a Business Relationship

6.6 A business relationship is one commenced where both parties expect that the relationship will be ongoing. It can be a formal or an informal arrangement.

6.7 The following information is required when establishing a new business relationship:

- the purpose of the relationship
- the intended nature of the relationship - for example where funds will come from, the purpose of transactions, and so on

6.8 The type of information needed may include:

- details of your customer's business or employment
- the source and origin of funds that your customer will be using in the relationship
- copies of recent and current financial statements
- details of the relationships between signatories and any underlying beneficial owners
- the expected level and type of activity that will take place in your relationship

6.9 A flowchart summarising the customer due diligence procedure is shown at **Appendix C** and a Verification of Customer Identity form is shown at **Appendix D**.

When is it Carried Out?

6.10 The requirement for customer due diligence applies immediately for new customers. However, it also allows organisations to vary customer due diligence according to the risk of money laundering or terrorist financing, depending on the type of customer, business relationship, product or transaction. This recognises that not all customers present the same risk, for example there is no need to apply customer due diligence measures where the customer is a UK public authority

6.11 Ongoing customer due diligence must be carried out during the life of a business relationship, proportionate to the risk of money laundering and terrorist funding, based on the officer's knowledge of the customer, regular scrutiny of the transactions involved and any changes of circumstances with the customer e.g. a big change in the level or type of business activity or a change in the ownership structure of a business.

6.12 Where there is a need to not interrupt the normal conduct of business and there is little risk of money laundering occurring and terrorist funding occurring, verification may be carried out during the establishment of the business relationship provided that the verification is completed as soon as practicable after the contact is first established

Enhanced Due Diligence (EDD)

6.13 Regulation 33(1) sets out a list of circumstances in which EDD measures must be applied (in addition to the customer due diligence measures detailed above).

6.14 These include any transaction or business relationship involving:

- any case identified as one where there is a high risk of money laundering or terrorist financing
- any business relationship or transaction with a person established in a high-risk third country;
- correspondent relationships with a credit institution or a financial institution (in accordance with regulation 34);

- a **Politically Exposed Person** (PEP) or a family member or known close associate of a PEP;
- in any case where the relevant person discovers that a customer has provided false or stolen identification documentation or information and the relevant person proposes to continue to deal with that customer;
- in any case where:
 - a transaction is complex and unusually large, or there is an unusual pattern of transactions, and
 - the transaction or transactions have no apparent economic or legal purpose, and
 - in any other case which by its nature can present a higher risk of money laundering or terrorist financing.

- 6.15 Under the regulations EDD measures must include, as a minimum, examining the background and purpose of the transaction and increasing monitoring of the business relationship.
- 6.16 Regulation 33(6) sets out a list of factors that must be taken into account in assessing whether there is a higher risk of money laundering and terrorist financing present in a given situation and the extent of EDD measures that should be applied. Whilst these factors should be taken into account, the situation should be considered as a whole i.e. the presence of one or more of the risk factors identified in 33(6) is not in itself determinative of a higher risk situation.

Politically exposed persons (PEPs)

- 6.17 The parts of MLR 2007 which applied only to foreign PEPs now also apply to local PEPs. This in practice means enhanced due diligence requirements for a broader range of individuals who have been trusted with prominent public functions both in the UK and overseas.

Simplified Customer Due Diligence

- 6.18 The circumstances in which simplified customer due diligence is permissible is more restricted under MLR 2017.
- 6.19 As part of the risk based approach, there ceases to be "automatic" simplified due diligence requirements for any transactions. Instead, a relevant person needs to consider both customer and geographical risk factors in deciding whether simplified due diligence is appropriate.
- 6.20 Simplified due diligence is permitted where you determine that the business relationship or transaction presents a low risk of money laundering or terrorist financing, taking into account your risk assessment.

Service Managers Responsibilities

- 6.21 The Council does not normally in the course of most of its duties undertake "regulated activities" for which additional checks and measures are necessary ("*due diligence*" checks). However, some Council activities are considered to be higher risk. On such transactions we

must ensure that we comply with the spirit of the money laundering regulations. These activities include (but are not limited to):

- Any advice given on tax affairs or accounting / auditing services done for other parties;
- Legal services;
- Property sales (commercial and those of housing stocks);

6.22 It is the responsibility of service managers to ensure that their systems of internal control are robust and that employees are appropriately trained in respect of money laundering. It is also the responsibility of service managers to ensure that appropriate due diligence checks are undertaken on any relevant transactions.

7. REPORTING PROCEDURE FOR SUSPICIONS OF MONEY LAUNDERING

7.1 Where an employee or Member suspects money laundering activity they must disclose this as soon as practicable to the MLRO. The disclosure should be within “hours” of the information coming to your attention, not weeks or months later.

7.2 Disclosures should be made to the MLRO using the standard pro-forma report attached at Appendix E. The report must include as much detail as possible, for example:

- Full details of the people involved (including employee or Member, if relevant);
- Full details of the nature of their involvement;
- The types of money laundering activity involved (see Appendix A, Offences Table);
- The dates of such activities, including whether the transactions have happened, are ongoing or are imminent;
- Where they took place;
- How they were undertaken;
- The (likely) amount of money/assets involved;
- Exactly why there are suspicions; the NCA will require full reasons;
- Any other relevant available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable them to prepare their report to the NCA, where appropriate.

7.3 If an employee or Member becomes concerned that their own involvement in a transaction would amount to an offence under Sections 327 – 329 of the Proceeds of Crime Act 2002 or Regulations 86-88 of the MLR 2017 (see appendix A), then the report must include all relevant details. Consent will be required from the NCA, via the MLRO, for the individual to take any further part in the transaction. This is the case even if the customer gives instructions for the matter to proceed before such consent is given. Employees and Members should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.

7.4 Once the matter has been reported to the MLRO then any subsequent directions provided must be followed. Further enquiries into the matter should not be made by the employee or Member; any necessary investigation will be undertaken by the NCA.

- 7.5 Reference of any reports being made to the MLRO should not be recorded on client files – should the client exercise their right to see their records, then such a note/reference will tip them off to the report having been made and may render the employee or Member liable to prosecution. The MLRO must keep the appropriate records in a confidential manner
- 7.6 Suspicions of money laundering, whether reported to the MLRO or not, must not be discussed with anyone else. Any discussions may amount to an offence of ‘tipping off’. Any person found guilty of tipping off or prejudicing an investigation offence is liable to imprisonment (maximum five years), a fine or both.
- 7.7 A new criminal offence was created in 2017: any individual who recklessly makes a statement in the context of money laundering which is false or misleading commits an offence punishable by a fine and/or up to 2 years’ imprisonment.
8. **CONSIDERATION OF DISCLOSURE**
- 8.1 The MLRO must note on the face of the disclosure report the date it was received, acknowledge receipt of the document and advise the employee or Member submitting the report of the timescale for a response.
- 8.2 The MLRO will consider the report and any other relevant internal information available, for example:
- reviewing other transaction patterns and volumes;
 - the length of any business relationship involved;
 - the number of any one-off transactions and linked one-off transactions; and
 - any identification evidence held.
- 8.3 The MLRO will undertake other reasonable enquiries considered appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCA is required. The MLRO may also need to discuss the disclosure report with the employee or Member who submitted the report.
- 8.4 Once the MLRO has evaluated the disclosure report and any other relevant information, he must make a timely determination as to whether:
- there is actual or suspected money laundering taking place; or
 - there are reasonable grounds to know or suspect that is the case and;
 - whether they need to seek consent from the NCA for a particular transaction to proceed.
- 8.5 Where the MLRO suspects money laundering is taking place then they must disclose the matter as soon as practicable to the NCA on their standard report form and in the prescribed manner, unless they have a reasonable excuse for non-disclosure to the NCA (for example, you wish to claim legal professional privilege for not disclosing the information). Up to date forms can be downloaded from the NCA website at www.nationalcrimeagency.gov.uk
- 8.6 Where the MLRO considers no money laundering is taking place or suspects money laundering but has a reasonable excuse for non-disclosure, then he must note the report

accordingly and can then immediately give their consent for any ongoing or imminent transactions to proceed. However, it's better to disclose than not.

- 8.7 In cases where legal professional privilege may apply, the MLRO must liaise with the Service Director, Legal Services, to decide whether there is a reasonable excuse for not reporting the matter to the NCA.
- 8.8 Where consent is required from the NCA for a transaction(s) to proceed, then the transaction(s) in question must not be undertaken, completed or proceed until the NCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from the NCA.
- 8.9 Consent will be received in the following way:
- **Specific consent** (where the NCA have granted a defence against money laundering charges in their reply to the SAR);
 - **No refusal of consent during the notice period** (seven working days starting with the first working day after the MLRO makes the disclosure). If a reply from the NCA is not received within 7 working days and the MLRO believes the activity has been correctly reported, s/he can choose to assume a defence is granted;
 - Where the NCA reply to the SAR refusing permission to proceed, they have a further 31 calendar days to take action. If a **response has not been received after the 31 days**, the MLRO can proceed with the transaction. No offence will be committed.
- 8.10 The MLRO should therefore make it clear in the report if such consent is required, and clarify whether there are deadlines for giving such consent, e.g. completion date or court deadline.
- 8.11 Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then the MLRO shall mark the report accordingly and give her consent for any ongoing or imminent transaction(s) to proceed.
- 8.12 All disclosure reports referred to the MLRO and reports made by them to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.
- 8.13 The MLRO may commit a criminal offence under section 331 of the Act if he knows or suspects (or has reasonable grounds to do so) through a disclosure being made, that another person is engaged in money laundering and does not disclose this as soon as practicable to the NCA.

9. RECORD KEEPING AND RECORD RETENTION

- 9.1 Each department undertaking due diligence checks MUST maintain records of the checks carried out including copies of any evidence obtained to support the transactions / due diligence assessment. This is to meet the requirements of the Regulations and may be used as evidence in any subsequent investigation/inspection by the relevant supervising body.
- 9.2 The precise nature of the records is not prescribed by law; however, they must be capable of providing an audit trail during any subsequent investigation. For example distinguishing

the customer and the relevant transaction and recording in what form any funds were received or paid. In practice, the business units of the Council will be routinely making records of work carried out for customers in the course of normal business and these should suffice in this regard.

- 9.3 On **NO ACCOUNT** should a record of or any mention of, or, any referrals to, the Money Laundering Reporting Officer be kept / mentioned on a customer's file. The file must not contain details of any such suspicions as the file can be reviewed by the customer at any time and it is important that the customer is not "tipped off" about any allegations accidentally.
- 9.4 Records must be kept for a minimum of 5 years to allow for any investigation to take place.
- 9.5 A record of the destruction of such information (including the money laundering reporting form) must also be kept in line with normal Council procedures.

10. DATA PROTECTION CONSIDERATIONS

- 10.1 Regulation 41 of the MLR 2017 states that any personal data obtained by relevant persons for the purposes of these Regulations may only be processed for the purposes of preventing money laundering or terrorist financing.
- 10.2 In addition, new customers must be provided with the following information before establishing a business relationship or entering into an occasional transaction with the customer:
- the information specified in paragraph 2(3) of Part 2 of Schedule 1 to the Data Protection Act 1998 and
 - a statement that any personal data received from the client will only be processed for the purposes of the preventing money laundering or terrorist financing unless permitted by an enactment or unless they provide consent.
- 10.3 Under data protection regulations any customer may ask to see the information held about them. This is called a Data Subject Access Request, and, under the law, this information must be provided. However, the regulations (both the General Data Protection Regulation and its predecessor) contain exemptions.
- 10.4 Exceptions apply in this case, where the release of the data would likely prejudice the prevention and detection of a crime or would cause the body releasing the information to actually commit a crime in doing so. As a result, money laundering referrals are usually exempt from any such subject access request, which is why the referral should not be documented on the customer's file. However, this does not prevent the release of all of the customer's information. Advice on the application of exemptions in this respect should be taken before any release of the information takes place.

11. RISK ASSESSMENT

- 11.1 Regulation 18 of the MLR 2017 requires the Council to identify, assess and manage the risk to council business in relation to Money Laundering.

11.2 This process is outlined in the corporate risk process framework and include:

- Identifying the money laundering and terrorist financing risks that are relevant to the Council;
- Assessing the risks presented by the particular customers, products and services, delivery channels and geographical area;
- Designing and implementing controls to manage and mitigate these assessed risks.

The risk assessment procedures and controls should be documented and kept under regular review.

11.3 The Council is also required to conduct ongoing monitoring of its business relationship in line with the risks which it has identified. This includes:

- Applying customer due diligence measures to verify the identity of customers and any beneficial owners obtaining additional information on customers,
- Conducting ongoing monitoring of the transactions and activity of customers with whom there is a business relationship,

11.4 Risks will be reviewed continuously as part of the annual review of the Council Risk Register.

11.5 For further advice or help in developing/considering money laundering risk contact the Head of Internal Audit, Anti-Fraud and Assurance.

12. TRAINING

12.1 Employees considered likely to be exposed to suspicious situations, will be made aware of these by their senior officer and provided with appropriate training.

12.2 Additionally, all employees and Members will be made aware of the legal and regulatory requirements relating to money laundering and terrorist financing, and the requirements of data protection, which are relevant to the implementation of the MLR 2017 and how they affect both the Council and themselves.

12.3 Notwithstanding the paragraphs above, it is the duty of employees and Members to report all suspicious transactions to the MLRO.

13. RELEVANT LEGISLATION

13.1 The following legislation is relevant to this policy:

- The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017);
- Terrorism **Act** 2000;
- The Proceeds of Crime Act (POCA) 2002;
- Serious Crime Act 2015;
- Criminal Finances Act 2017

SUMMARY OF MONEY LAUNDERING OFFENCES THAT CAN BE COMMITTED

Proceeds of Crime Act 2002 – POCA

Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 - MLR

Section Ref.	Type of Offence	Definition
S327 POCA	Money Laundering Offence: Concealing Criminal Property	A person commits an offence if they conceal, disguise, convert or transfer criminal property or if they remove criminal property from England, Wales, Scotland or Northern Ireland. This is punishable by a maximum term of imprisonment of 14 years at the Crown Court and an unlimited fine. At the Magistrates Court it is 6 months and £5,000 fine.
S328 POCA	Money Laundering Offence: Arrangements	This offence requires a person to become actively involved in some arrangement which helps someone else to get, keep, use or control the proceeds of a crime. The punishment is as for S327.
S329 POCA	Money Laundering Offence: Acquisition, Use and Possession	This offence is committed by anyone that has criminal proceeds in their possession provided they know or suspect that it represents the proceeds of a crime unless they paid 'adequate consideration' for it. Someone who pays less than the open market value is therefore guilty of the offence but someone who pays the full retail price, despite knowing or suspecting they are stolen goods is not guilty. The punishment is as for S327.
S330 POCA	Failure to Disclose Offence: Regulated Sector	This offence is committed by an employee of a business in the regulated sector who has knowledge or suspicion of another person's involvement in money laundering and does not make a report through the appropriate channels. Negligence is not a defence as the employee will be tried upon what they should have known given their experience, knowledge and training. This is punishable by a maximum term of imprisonment of 5 years and/or a fine.
S331 POCA	Failure to disclose offence: nominated officers in the regulated sector	This offence is committed by a nominated officer (MLRO) of a business in the regulated sector who has knowledge or suspicion of another person's involvement in money laundering and does not make a report through the appropriate channels without an acceptable excuse under the legislation. Negligence is not a defence as the nominated officer will be tried upon what they should have known given their experience, knowledge and training. The offence is triable either way with the same maximum penalty on indictment as an offence under section 330 (up to 5 years imprisonment).
S332	Failure to Disclose	This offence is committed by a nominated officer (MLRO) of a business

Section Ref.	Type of Offence	Definition
POCA	Offence: Other Nominated Officers	outside of the regulated sector who has knowledge or suspicion of another person's involvement in money laundering and does not make a report through the appropriate channels without an acceptable excuse under the legislation. The officer will be tried on what they knew or suspected not on what they might have been expected to know or suspect. This is punishable by a maximum term of imprisonment of 5 years and/or a fine.
S333 POCA	Tipping Off Offence	This offence is committed if an officer or Member makes a disclosure which is likely to prejudice an investigation being carried out by a law enforcing authority, knowing that such an investigation is in motion. This is punishable by a maximum term of imprisonment of 5 years and/or a fine.
Reg 86 MLR 2017	Contravening a Relevant Requirement	A person commits an offence if they have not followed any relevant guidance issued by the European Supervisory Authorities, Financial Conduct Authority or any other relevant supervisory authority approved by the Treasury. This is punishable by a maximum term of imprisonment of 2 years at the Crown Court, a fine, or both. At the Magistrates Court a term of three months, a fine, or both.
Reg 87 MLR 2017	Prejudicing an Investigation	This offence is committed when a person who knows or suspects that an appropriate officer is acting (or proposing to act) in connection with an investigation into potential contravention of a relevant requirement which is being or is about to be conducted. The offence is committed if either they make a disclosure which is likely to prejudice the investigation or they falsely, conceal, destroy or otherwise dispose of, or cause to permit the falsification, concealment, destruction or disposal of, documents which are relevant to the investigation. The punishment is as for Reg. 86 above.
Reg 88 MLR 2017	Providing False or Misleading Information	There are two separate offences under regulation 88. Under regulation 88(1) : a person commits an offence if: 1. In purported compliance with a requirement imposed on him by or under the MLR 2017, provides information which is false or misleading in a material particular and knows that the information is false or misleading; or 2. Is reckless as to whether the information is false or misleading. In respect of both offences, the punishment is the same as regs 86 and 87 above.

POSSIBLE SIGNS OF MONEY LAUNDERING

Criminals have various ways of concealing, moving and legitimising the proceeds of their crimes. This policy cannot list every potential scenario that could indicate money laundering however, some risk factors which *may*, either alone or along with other factors suggest the possibility of money laundering activity include:

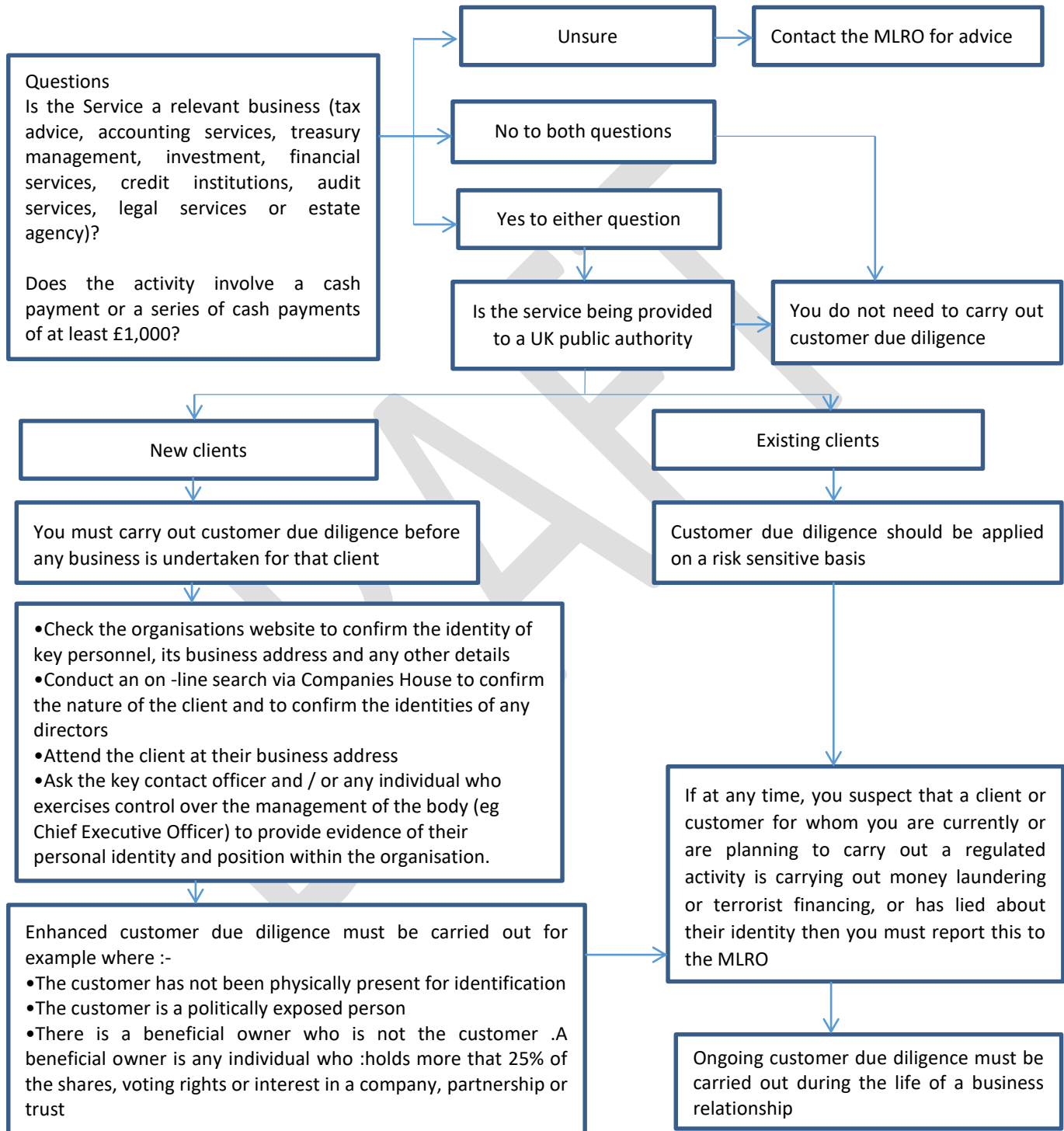
General

- A new customer with no previous 'history' with the Council;
- A secretive customer: for example, one who refuses to provide requested information without a reasonable explanation;
- Concerns about the honesty, integrity, identity of a customer;
- Illogical third party transactions: for example, unnecessary routing or receipt of funds from third parties or through third party accounts;
- Involvement of an unconnected third party in a transaction without logical reason or explanation;
- Payment of a substantial sum in cash (but it's reasonable to be suspicious of any cash payments particularly those over £1,000) where other means of payment are more normal (unusual transactions);
- Overpayments by a customer that are subsequently requested for a refund;
- Absence of an obvious legitimate source of the funds i.e. individuals of companies that appear insolvent (appear not to have funds) that are making transactions or are making transactions that appear beyond their means;
- Movement of funds to/from overseas, particularly to and from a higher risk country;
- Where, without reasonable explanation, the size, nature and frequency of transactions or instructions is out of line with normal expectations;
- A transaction without obvious legitimate purpose or which appears uneconomic, inefficient or irrational;
- Cancellation or reversal of an earlier transaction i.e. the payment of monies that are then requested back;
- Requests for release of customer account details other than in the normal course of business;
- Poor business records or internal accounting controls;
- A previous transaction for the same customer which has been, or should have been, reported to the MLRO.

Property Matters

- Unusual property investment transactions with no apparent investment purpose;
- Instructions to receive and pay out money where there is no linked substantive property transaction involved (surrogate banking);
- Regarding property transactions, funds received for deposits or prior to completion from an unexpected source or where instructions are given for settlement funds to be paid to an unexpected destination.

CUSTOMER DUE DILIGENCE PROCEDURE FLOWCHART



VERIFICATION OF CUSTOMER IDENTITY**Identity Verification Reference No:**

NB: If you are receiving funds from a Council customer in any transaction **above £1,000 cash**, the identity of the person making the payment must be checked and confirmed.

All suspicions about possible Money Laundering, regardless of amount, should be reported to the Money Laundering Reporting Officer, via the Money Laundering reporting form.

CUSTOMER DETAILS

Forename		Surname	
Address			
Tel No (inc area code)		Email Address	
Payment in Respect of:		Payment Reference	
Amount	£	Receipt Number (If Applicable)	

If a payment is being made by a third party then please complete the details below in respect of the third party.

DETAILS OF THE THIRD PARTY MAKING THE PAYMENT:

Forename		Surname	
Address:			

A. EVIDENCE NOT OBTAINED – REASONS

1. Customer/third party previously identified in: MonthYear
2. Other – state reason fully

B. EVIDENCE OBTAINED TO VERIFY INDIVIDUAL NAME AND ADDRESS

NB. One form of identification CANNOT be used to evidence both name and address.

For example, if a driving licence is provided as proof of name another form of identification must be provided to evidence an address, such as a utility bill.

PROOF OF IDENTITY CHECKLIST FOR INDIVIDUALS

Proof of name

Current signed passport

Original birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces)

EEA member state identity card (which can also be used as evidence of address if it carries this)

Current UK or EEA photocard driving licence

Full old-style driving licence

Photographic registration cards for self-employed individuals in the construction industry -CIS4

Benefit book or original notification letter from Benefits Agency

Firearms or shotgun certificate

Residence permit issued by the Home Office to EEA nationals on sight of own country passport

National identity card bearing a photograph of the applicant

Proof of address

Utility bill (gas, electric, satellite television, landline phone bill) issued within the last three months

Local authority council tax bill for the current council tax year

Current UK driving licence (but only if not used for the name evidence)

Bank, Building Society or Credit Union statement or passbook dated within the last three months

Original mortgage statement from a recognised lender issued for the last full year

Solicitors letter within the last three months confirming recent house purchase or land registry confirmation of address

Council or housing association rent card or tenancy agreement for the current year

Benefit book or original notification letter from Benefits Agency (but not if used as proof of name)

HMRC self-assessment letters or tax demand dated within the current financial year

Electoral Register entry

NHS Medical card or letter of confirmation from GP's practice of registration with the surgery

NB. Documents unaccepted as evidence include, but are not limited to:

- Provisional driving licence
- Mobile phone bills
- Credit card statements

C. EVIDENCE OBTAINED FOR COMPANIES OR OTHER LEGAL STRUCTURES

<u>Legal structure</u>	<u>Corporate ID required</u>	<u>Individual ID required</u>
A company (including a UK LLP)	Certificate of Incorporation or equivalent copy of filed audited accounts details of current company officers (i.e. directors and company secretary) and shareholders	Identity evidence for a) the individual dealing with the transaction and b) all other individuals or entities with 25% or more of the shares or voting rights in the company (see proof of identity checklist for individuals above)
A partnership with six or more partners	name of partnership trading address registered address (if any) nature of business recent audited accounts list of all partners list of all those with voting rights indicating their voting stake	Identity evidence for a) the partner responsible for the transaction and b) one other partner and c) all other individuals who (directly or indirectly) are entitled to, or control, 25% or more of the capital, profits or voting rights (see proof of identity checklist for individuals below)

D. DISADVANTAGED CUSTOMERS

E.g., Confirmation of identity from Social Worker or Bail Officer, Police, School, Courts etc.

E. If evidence not obtained for the reasons in A, do you have any suspicions regarding identity?

.....

I confirm that I have seen the originals of the documents indicated above and have identified the above Customer or Third Party.

Signed..... Date

NB. Wherever possible TAKE COPIES of the identification evidence TO PLACE ON FILE. Copies should be notarised to indicate a copy and signed to evidence sight of the original.

CONFIDENTIAL

Report of Money Laundering Activity

To: Money Laundering Reporting Officer

From:
[Insert name of employee]

Directorate/Section: **Ext/Tel No:**
[Insert post title and Business Unit]

DETAILS OF SUSPECTED OFFENCE

Name(s) and address(es) of person(s) involved:

[if a company/public body please include details of nature of business]

Nature, whereabouts, value and timing of activity/property involved:

[Please include full details, e.g. what, when, where, how. Please also include details of current whereabouts of the laundered property, so far as you are aware. Continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:

[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)?

[Please tick the relevant box]

Yes

No

☐☐

If yes, please include details below:

Have you discussed your suspicions with anyone else?

[Please tick the relevant box]

Yes

No

☐☐

If yes, please specify below, explaining why such discussion was necessary:

Have you consulted any supervisory body guidance re money laundering? (e.g. the Law Society)

[Please tick the relevant box]

Yes

No

☐☐

If yes, please specify below:

Do you feel you have a reasonable excuse for not disclosing the matter to the NCA? (e.g. are you a lawyer and wish to claim legal professional privilege?)

[Please tick the relevant box]

Yes

☐

No

☐

If yes, please set out full details below:

Are you involved in a transaction which might be a prohibited act (under section 327-329 of the Proceeds of Crime Act 2002 or Regulations 86-88 of the MLR 2017 and which requires appropriate consent from the NCA? (refer to Appendix A – Money Laundering Offences)

[Please tick the relevant box]

Yes

☐

No

☐

If yes, please set out full details below:

Please set out below any other information you feel is relevant:

Signed:

Dated:

Please do not discuss the content of this report with anyone else and in particular anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years' imprisonment.

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received:

Date receipt of report acknowledged:

CONSIDERATION OF DISCLOSURE:

Action plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money laundering activity?

If there are reasonable grounds for suspicion, will a report be made to the NCA?

[Please tick the relevant box]

Yes

No

☐☐

If yes, please confirm date of report to the NCA:
And complete the box below:

Details of liaison with the NCA regarding the report:

Notice Period: **To**

Moratorium Period: **To**

Is consent required from the NCA to any ongoing or imminent transactions which otherwise be prohibited acts

[Please tick the relevant box]

Yes

☐

No

☐

If yes, please confirm full details in the box below:

Date consent received from the NCA:

.....

Date consent given by you to employee:

.....

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to SOCA, please set out below the reason(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed:

.....

Other relevant information:

Signed: **Date:**

THIS REPORT TO BE RETAINED SECURELY FOR AT LEAST FIVE YEARS

Earliest disposal date:

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Item 6

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 CORE SERVICES TO FULL COUNCIL ON 6 FEBRUARY 2020

ADOPTION OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE WORKING DEFINITION OF ANTISEMITISM

1. PURPOSE OF REPORT

- 1.1 To consider the adoption by the Council of the HRA working definition of Anti-Semitism.

2. RECOMMENDATIONS

- 2.1 That the Council adopts the International Holocaust Remembrance Alliance (IHRA) working definition of Anti-Semitism.

3. BACKGROUND

- 3.1 Local authorities across the country are increasingly taking a stand against prejudice as part of their commitment to promote equality and develop inclusive and cohesive communities.
- 3.2 The Community Security Trust is the leading organisation monitoring and supporting victims of Anti-Semitism. The Trust report on Anti-Semitic incident during the first six months of 2019 showed the highest total on record over a six month period with over 100 incidents a month for the third year running. These statistics are clearly a cause for concern.
- 3.3 By adopting a recognised definition of antisemitism the Council will be demonstrating its commitment to tackling racist and religious hatred and all forms of discrimination.
- 3.4 The International Holocaust Remembrance Alliance is an intergovernmental body established in Stockholm in 1998. It comprises more than 30 member nations whose purpose is to secure the support of political and social leaders for the need for Holocaust remembrance education and research.

4. CURRENT POSITION

- 4.1 The working definition of Anti-Semitism as defined by the IHRA is as follows:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of Anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious families”

- 4.2 The definition is not designed to be legally binding but it can be viewed as an invaluable tool for local authorities and other public bodies to understand how antisemitism manifests itself. The definition is used as guidance for the Police and Crown Prosecution Service.
- 4.3 Local authorities have progressively adopted the definition and the Secretary of State has encouraged every local authority to do take steps to do so. It has been adopted by the UK Government several Combined Authorities including the Sheffield City Region and more than 130 local authorities. Such an approach provides a strong gesture of support to our Jewish communities that their concerns are recognised and understood and assurance to all our communities that Anti-Semitic behaviour and discrimination will not be tolerated.

5. PROPOSAL

- 5.1 **That the Council adopts the IHRA working definition of Anti-Semitism.**

6. BACKGROUND PAPERS

ILAH publication the Working Definition of Anti-Semitism
Correspondence with Department of Communities and Local Government

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: Andrew Frosdick Executive Director Core Services

MEETING:	Appointment Panel
DATE:	Tuesday, 19 November 2019
TIME:	9.00 am
VENUE:	Westgate Level 2 – Room 2

MINUTES

Present

Councillors Bruff (Chair), Andrews BEM, Carr, Ennis OBE, Fielding, Houghton CBE and Saunders

1 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest from Members in respect of the items on the agenda.

Councillor Fielding asked to place on record the fact that his step daughter worked in a neighbouring authority in the same capacity as this post although this was not something that would influence his decision.

2 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of confidential information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

3 APPOINTMENT OF EXECUTIVE DIRECTOR CHILDREN'S SERVICES - LONG LISTING

The Panel was informed that 4 applications had been received for the post of Executive Director Children's Services.

Following preliminary assessment with the Council's Recruitment Consultants GatenbySanderson, those 4 applicants had been put forward for consideration as a possible longlist of Candidates.

In considering the applications submitted, the Panel received an assessment of applicants from the representatives from GatenbySanderson.

RESOLVED that the four applicants now referred to be taken forward to the technical assessment prior to the consideration of the shortlist of Candidates at the next meeting.

Note: Since the meeting, one of the candidates has withdrawn their application in order to pursue other opportunities.

4 DATES OF FUTURE MEETINGS

RESOLVED that future meetings of the Appointment Panel be held as follows:

- Thursday 5th December, 2019 – Shortlisting commencing at 10.00 am

- Wednesday 18th December, 2019 – Interviews – times to be determined

.....
Chair

MEETING:	Appointment Panel
DATE:	Thursday, 5 December 2019
TIME:	10.00 am
VENUE:	

MINUTES

Present

Councillors Bruff (Chair), Andrews BEM, Carr, Ennis OBE, Houghton CBE and Saunders

1 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

2 MINUTES

The minutes of the meeting held on the 19th November, 2019 were taken as read and sung by the Chair as a correct record.

3 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of confidential information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

4 APPOINTMENT OF EXECUTIVE DIRECTOR CHILDREN'S SERVICES

The Panel gave further consideration to the three applicants who had been put forward to the technical assessment as potential shortlisted candidates for interview for this post.

It was also noted that since the long listing meeting, one applicant, who had been put forward for potential short listing, had withdrawn their application as they had decided to pursue other career opportunities.

The Council's Recruitment Consultants GatenbySanderson then gave a brief update and assessment of each candidate's performance during that technical assessment.

RESOLVED that the two applicants now detailed be invited for interview for the above post on Wednesday 18th December, 2019.

5 DATES OF FUTURE MEETING

RESOLVED that interviews for this post be held on Wednesday 18th December, 2019 commencing at 2.30 pm.

MEETING:	Appointment Panel
DATE:	Wednesday, 18 December 2019
TIME:	2.00 pm
VENUE:	Westgate, Level 3, Boardroom - Westgate Plaza One

MINUTES

Present

Councillors Bruff (Chair), Andrews BEM, Carr, Ennis OBE, Houghton CBE and Saunders

1 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

2 MINUTES

The minutes of the meeting held on the 5th December, 2019 were taken as read and signed by the Chair as a correct record.

3 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of confidential information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

4 APPOINTMENT OF EXECUTIVE DIRECTOR CHILDREN'S SERVICES

The Panel interviewed the single remaining candidate for this post.

RESOLVED that Ms M John-Ross be appointed to the position of Executive Director (Children's Services) on the terms and conditions as advertised and as now agreed, subject to the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001.

.....
Chair

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MEETING:	Appointment Panel
DATE:	Wednesday, 20 November 2019
TIME:	8.30 am
VENUE:	Westgate, Level 2, Room 3 - Westgate Plaza One

MINUTES

Present Councillors Gardiner (Chair), Andrews BEM,
P. Birkinshaw, Fielding, Franklin and Houghton CBE

1 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest from Members in respect of the items on the agenda.

Councillor Sir Steve Houghton CBE and Councillor Andrews asked to place on record the fact that they knew one of the applicants in view their contact as Leader and Deputy Leader of the Council with other Local Authorities. This was not something, however, that would influence their decisions.

2 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of confidential information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

3 APPOINTMENT OF EXECUTIVE DIRECTOR CORE SERVICES - LONG LISTING

The Panel was informed that 35 applications had been received for the post of Executive Director Core Services

Following preliminary assessment with the Council's Recruitment Consultants GatenbySanderson, 14 applicants had been put forward for consideration as a possible longlist of Candidates.

In considering the applications submitted, the Panel received an assessment of applicants from the representatives from GatenbySanderson.

RESOLVED that the six applicants now referred to be taken forward to the technical assessment prior to the consideration of the shortlist of Candidates at the next meeting.

4 DATES OF FUTURE MEETINGS

RESOLVED that future meetings of the Appointment Panel be held as follows:

- Thursday 5th December, 2019 – Shortlisting commencing at 11.00 am
- Tuesday 14th January, 2020 – Interviews – times to be determined

Note: since the meeting, the Shortlisting meeting has been changed to 10.30 am on Thursday 5th December, 2019

.....
Chair

MEETING:	Appointment Panel
DATE:	Thursday, 5 December 2019
TIME:	10.30 am
VENUE:	

MINUTES

Present

Councillors Gardiner (Chair), Andrews BEM,
P. Birkinshaw, Ennis OBE, Franklin and
Houghton CBE

1 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

2 MINUTES

The minutes of the meeting held on the 20th November, 2019 were taken as read and sung by the Chair as a correct record.

3 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of confidential information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

4 APPOINTMENT OF EXECUTIVE DIRECTOR CORE SERVICES

The Panel gave further consideration to the five applicants who had been put forward to the technical assessment as potential shortlisted candidates for interview for this post.

The Council's Recruitment Consultants GatenbySanderson then gave a brief update and assessment of each candidate's performance during that technical assessment.

RESOLVED that the two applicants now detailed be invited for interview for the above post on Tuesday 14th January, 2020.

5 DATE OF FUTURE MEETING

RESOLVED that interviews for this post be held on Tuesday 14th January, 2020 commencing at 2.30 pm.

.....
Chair

MEETING:	Appointment Panel
DATE:	Tuesday, 14 January 2020
TIME:	12.30 pm
VENUE:	Westgate, Level 3, Boardroom - Westgate Plaza One

MINUTES

Present

Councillors Gardiner (Chair), Andrews BEM,
P. Birkinshaw, Ennis OBE, Franklin and
Houghton CBE

1 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

2 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of confidential information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

3 APPOINTMENT OF EXECUTIVE DIRECTOR CORE SERVICES

The Panel interviewed two candidates for this post.

RESOLVED that Mr S Lal be appointed to the position of Executive Director (Core Services) on the terms and conditions as advertised, subject to the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001.

.....
Chair

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 19 November 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), T. Cave, Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Greenhough, David Griffin, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, McCarthy, Noble, Richardson, Smith, Spence, Stowe and Wright

In attendance at site visit:

Councillors D. Birkinshaw (Chair), Dave Griffin, Greenhough and Hand-Davis

49. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest.

50. Minutes

The minutes of the meeting held on 22nd October 2019 were taken as read and signed by the Chair as a correct record.

51. The Greenland Cottage, High Hoyland Lane, High Hoyland - 2018/0380 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0380** (Erection of 1 residential dwelling and associated infrastructure (Amended Plans) at land to the rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley)

Mr P. Butler addressed the Board and spoke in favour of the Officer recommendation to approve the application.

Mr M. Dacre addressed the Board and spoke against the Officer recommendation to approve the application.

In accordance with agreed protocol, a recorded vote was taken on this planning application with the amendment to REFUSE the application being:-
MOVED by Councillor Hand-Davis and SECONDED by Councillor Greenhough, with voting being as follows:-

In favour of the amendment to refuse the application:-

Councillors Danforth, Fielding, Frost, Gillis, Greenhough, Hand-Davis, Higginbottom, Leech, Makinson, McCarthy and Wright.

Against the amendment to refuse the application:-

Councillors D. Birkinshaw (Chair), T. Cave, Eastwood, Dave Griffin, Gollick, Hayward, Noble, Richardson, Spence and Stowe.

All Members present at the time of the vote actually voted.

RESOLVED that the application be REFUSED, against the Officer recommendation, as Members felt that the very special circumstances put forward, relating to design and sustainability, did not clearly outweigh the harm to the Green Belt.

52. Barnsley District General Hospital - 2019/1070 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/1070** [Single storey front extension to contain paediatric emergency department and clinical assessment unit] at Barnsley District General Hospital, Gawber Road, Old Town, Barnsley

RESOLVED that the application be granted in accordance with the Officer recommendation.

53. Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate - 2019/1192 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/1192** [Variation of condition 2 (approved plans) of planning permission 2018/0989 to enable changes to the parapet height and lift and pylon base – Erection of new pedestrian footbridge and associated works and structures including alterations to public realm] at Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate, Barnsley Town Centre.

RESOLVED that the application be granted in accordance with the Officer recommendation.

54. Planning Appeals - 1st to 31st October

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2019/20.

The report indicated that 2 appeals were received in October 2019.

It was reported that 21 appeals have been decided since 1st April 2019, 15 of which (71%) have been dismissed and 6 of which (29%) have been allowed.

Chair

MEETING:	Audit Committee
DATE:	Wednesday, 4 December 2019
TIME:	4.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors Richardson (Chair), Barnard and P. Birkinshaw together with Independent Members - Ms K Armitage, Ms D Brown, Mr S Gill, Mr P Johnson and Mr M Marks

32. DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of interest from Members in respect of items on the agenda.

33. MINUTES

The minutes of the meeting held on the 11th September, 2019 were taken as read and signed by the Chair as a correct record.

34. INFORMATION GOVERNANCE AND CYBER SECURITY

The Head of IT (Service Management) provided an Assessment testing Members knowledge and understanding of Information Governance and Cyber Security issues based on the updates proved to the Committee during the year.

The assessment covered the following issues:

- The principles of the General Data Protection Regulations
- The use of IT systems securely in order to prevent cyber attacks
- The 'rules' for using IT systems whilst working away from the office
- The use of emails and the internet correctly in order to ensure information security
- The correct procedures for creating and storing information
- The potential consequences of breaching the General Date Protection Regulations
- The compliance with the Council's password policy
- The ways in which individuals could remain safe online
- The procedures and arrangements for keeping and disposing of information
- The number of cyber-attacks defended by the Council in 2018/19

RESOLVED that Ms S Hydon, Head of IT (Service Management) be thanked for her most informative and thought provoking assessment.

35. ANNUAL GOVERNANCE STATEMENT ACTION PLAN 2018/19

The Chief Executive and Executive Director Core Services submitted a joint report supporting the updated Action plan relating to the issues identified following the Annual Governance Review for 2018/19.

The Head of Internal Audit, Anti-Fraud and Assurance, who presented the report, introduced Ms Alison Salt who was to join the Authority shortly as the newly appointed Corporate Governance and Assurance Manager. Members of the Committee were briefly informed of the key roles of this and arising out of this particularly reference was made to her future involvement with a planned examination of the Annual Governance Review process which would ensure that all governance and assurance issues continued to be properly identified and actioned.

He then reported that the Action Plan covered two areas the progress on which was outlined in detail within the appendix to the report:

- The monitoring of the implementation of management actions identified by the Data Protection Officer to further improve compliance with the General Data Protection Regulations and embed good general data protection practice
- The delivery of the improvement action noted within the 2019 Peer Review findings specifically to address recommendations relating to governance and risk

In the ensuing discussion particular reference was made to the following:

- The reasons for and the rationale behind the need have an inventory of CCTV in use within the Authority and appoint a responsible officer CCTV. This had been triggered following the receipt of a letter from the Surveillance Camera Commissioner.
 - The Head of Internal Audit, Anti-Fraud and Assurance had assumed the 'responsible' officer role.
 - Work was progressing on the inventory (which included body cams as well as CCTV) and was now substantially complete. Work was also progressing in this respect with schools for which the authority held responsibility
 - The process had also identified the need to introduce a common procurement approach in order to reduce costs but also to standardise the use of equipment.
 - The consequences of not complying with the Surveillance Camera Commissioner's requests were outlined
 - In response to questioning, the Executive Director Core Services briefly outlined the role of the Surveillance Camera Commissioner in ensuring compliance with the surveillance camera code of practice
- Reference was made to the assurance review in relation to Cyber Security – issues had been raised in relation to monitoring and assurance but no significant concerns had been identified. It was hoped that an update could be provided for the January meeting

RESOLVED that the progress being made against each item listed in the Annual Governance Statement Action Plan be noted.

36. ANNUAL REVIEW OF THE EFFECTIVENESS OF INTERNAL AUDIT

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report on the framework proposed to prepare, manage and deliver the Quality Assurance and

Improvement Programme (QAIP) for the Internal Audit function as required by the Public Sector Internal Audit Standards 2017 (PSIAS).

Appendices to the report provided an extract from the PSIAS together with the Draft QAIP Action Plan.

The report, in detailing the background to the need for and the specific requirements for a framework, indicated that a QAIP Action Plan had been prepared. In addition, the report indicated that there was a duty to undertake an annual self-assessment and an independent external assessment against the PSIAS once every five years. The last Independent Assessment had been undertaken in 2015 when the Internal Audit Function had been judged to be in full conformance with PSIAS and the next external assessment would, therefore, be undertaken in Autumn 2020.

In order to ensure continuous improvement and focus on quality and conformance, an Audit Manager had been designated the responsibility to maintain and manage the QAIP and general quality process. The Action Plan was, therefore, updated and discussed with the Head of Internal Audit, Anti-Fraud and Assurance on a monthly basis.

Since the previous QAIP report in December 2018 there had been a number of continuous improvement related activities completed and these were detailed within the report. In addition there were a number of other actions undertaken on an annual basis (and then as and when required during the financial year) and these too were outlined within the report.

There was a discussion of the way in which an external assessment of the Internal Audit function would be undertaken. Arising out of this reference was made to the way in which the service prepared for this, on how excellence in provision could be demonstrated and on the organisation/bodies that undertook such assessments

RESOLVED

- (i) that the proposed QAIP Framework setting out how the Service will meet the requirements set out in the PSIAS be approved; and
- (ii) that the Committee receive an annual update on the delivery of the Quality Assurance and Improvement Programme.

37. INTERNAL AUDIT PROGRESS REPORT 2019/20

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report summarising the Internal Audit activity completed and the key issues arising from it together with the performance of the function for the period 1st April to 31st October, 2019.

The report, which was presented by Mrs L Booth, Audit Manager, outlined:

- The progress of the Internal Audit Plan up to the end of October analysed by the number of plan assignments producing a report and audit days delivered by Directorate/Service

- There was a variance of six assignments completed against those planned. These were all at draft report stage, although one was virtually complete, and meetings were scheduled with officers to discuss the outcomes and finalise the reports
- A number of audits had been deferred, added to or deleted from the audit plan as agreed in conjunction with management. The reasons for these actions were outlined
- Three audits had been finalised since the last meeting and copies of all final reports were available upon request. A summary of assurances and the number and categorisation of recommendations included in the report was outlined
- A summary of the key issues included in audit reports finalised during the period providing a limited or no assurance opinion was provided. It was noted that discussions had been held with the Executive Director Core Services and the Service Director Finance in relation to a commissioning of placements/fostering. There were no major issues to report, however, a copy of the full report could be made available if required
- Details were provided of the outcome of other Internal Audit activities concluded not producing a specific assurance opinion
- Information was provided on the following up of Internal Audit Report management actions together with a summary of work in progress
- Information on the status of management actions by directorate/maintained schools due for completion was provided
- Details of Internal Audit performance against Performance Indicators
- Based on the audits reported during the period an overall adequate assurance was considered to be appropriate

In the ensuing discussion the following matters were highlighted:

- There was a discussion of the reasons and implications of the deferral of the audit entitled 'Policy into Practice Managing Attendance'. It was noted that this was largely due to changing priorities within the Directorate and that further discussions were to be held between the Audit Manager and the Service Director. There were no concerns about the delay
- In response to detailed questioning clarification was given as to the judgements made which resulted in either Limited or Reasonable assurance opinion
- The reasons for the deferral of the audit of Schools Governance and HR Policies audit were outlined. The Head of Internal Audit, Anti-Fraud and Assurance explained that the DfE required all maintained schools to have an internal audit every three years. Barnsley was looking at a new approach to such audits and this was currently being trialled and it was hoped that a programme of school audits would be introduced in the near future
- Reference was made to the three fundamental recommendations for which no management response had been received. The Audit Manager reported that discussions had been undertaken with officers. Appropriate action was being taken and all recommendations were in the process of being addressed

RESOLVED:

- (i) that the issues arising from the completed internal audit work for the period along with the responses received from management be noted;
- (ii) that the assurance opinion on the adequacy and effectiveness of the Authority's Internal Control Framework based on the work of Internal Audit in the period to the end of October, 2019 be noted;
- (iii) that the progress against the Internal Audit Plan for 2019/20 for the period to the end of October, 2019 be noted; and
- (iv) that the performance of the Internal Audit Division for the second quarter be noted.

38. CORPORATE ANTI-FRAUD AND CORRUPTION POLICIES

The Head of Internal Audit, Anti-Fraud and Assurance submitted draft versions of the following policies and requesting the Committee to make any necessary observations and suggestions prior to their submission to Cabinet for approval:

- Corporate Anti-Fraud and Corruption Policy
- Corporate Anti-Fraud and Corruption Strategy
- Corporate Anti-Bribery Policy
- Corporate Prosecutions Policy
- Corporate Fraud Response Plan
- Confidential Reporting Policy (formerly the Whistleblowing Policy)
- Corporate Anti-Money Laundering Policy

The policies, all of which had been reviewed and updated as appropriate by Ms J Race (Principal Auditor) represented a suite of documents which provided a framework of counter fraud policies addressing specific areas of risk and supported the Council's zero tolerance approach to fraud and illegal activity as well as providing mechanisms which officers could use to raise concerns of wrongdoing or fraudulent activity. The covering report provided a summary of the amendments to the policies previously submitted to Committee.

In the ensuing discussion the following matters were highlighted:

- There was a discussion of the wording of the Corporate Anti-Fraud and Corruption Policy and whether or not it should be changed to reflect a request for a more mandatory approach to the reporting of issues. The Head of Internal Audit, Anti-Fraud and Assurance stated that further reflection would be given to the wording but it was acknowledged that getting the correct balance could be difficult
- Arising out of the above, there was a discussion about the way in which staff could be encouraged to respond appropriately to concerns identified
- It was suggested that the policies, being lengthy by their very nature, may not be easily digestible and there was a discussion of the ways in which they could be made more easily accessible. It was noted that the newly appointed Corporate Governance and Assurance Manager would be asked to look at

such matters. Arising out of this reference was made to the ways in which these types of policies could be brought to staff attention which it was suggested may be either via the Council's intranet or via training modules

- In response to questioning, the Head of Internal Audit, Anti-Fraud and Assurance stated that issues identified relating to Universal Credit Fraud would be referred to the Department for Work and Pensions
- It was noted that the Confidential Reporting Policy was aimed at members of staff but nevertheless referred to how members of the public could raise concerns. The Head of Internal Audit, Anti-Fraud and Assurance briefly commented on how the public could raise concerns or disclosures of wrongdoing. He would undertake a review of how robust the complaints process was and would also reflect further on the wording of this section of the policy
- There were no particular concerns in relation to money laundering and indeed the risks of the Council contravening legislation in this respect were relatively low and some of the legal and regulatory requirements did not apply to public authorities. The Council could not be immune to such risks, however, and it was appropriate, therefore, that it complied with the principles of the money laundering legislation by taking appropriate and proportionate safeguards

RESOLVED that the suite of Corporate Anti-Fraud and Corruption Policies and Strategies appended to the report now submitted be noted and referred to Cabinet for approval.

39. EXTERNAL AUDIT PROGRESS REPORT

Mr G Mills representing the External Auditor (Grant Thornton) presented an update of the current position with regard to External Audit work undertaken on behalf of the Authority to date in the current audit cycle.

He stated that the work on the 2018/19 audit was virtually complete and the reports on the Teacher's Pension Scheme and Housing Benefit claims had been signed off in line with the appropriate deadlines. Grant Thornton was now moving onto work for the 2019/20 audit. Work was progressing and discussions were ongoing with the Service Director Finance and his staff with a view to presenting a report on the Audit Plan to the next meeting of the Committee.

In the ensuing discussion particular reference was made to the following:

- In response to questioning about recent press articles, Mr Mills stated that there would be no impact on either the timeliness or the quality of the service provided for local authorities
- Mr Mills was pleased that Members had found the 2019 training session held at Grant Thornton HQ in Leeds extremely useful. It was unlikely that this would be repeated in 2020 as a new Code of Audit Practice was anticipated and it would, therefore, be appropriate that any future training session be organised following the publication of that Code
- There was a brief discussion of likely changes to the audit arrangements for public authorities from 2021 following the publication of the Redmond report. Particular reference was made to Value for Money audits and the way in which future audits could be made more meaningful and more focused towards local

authority arrangements. A further update would be provided as and when more information became available.

RESOLVED that the report be received.

40. AUDIT COMMITTEE WORK PLAN 2019/20 AND 2020/21

The Committee received a report providing the indicative work plan for the Committee for its proposed scheduled meetings for the remainder of the 2019/20 municipal year and for 2020/21.

It was reported that following the training/awareness session held in October, 2019 it was proposed that an update on the Committee Self-Assessment and Review of the Terms of Reference be provided at a training/awareness session to be held immediately prior to the January meeting.

A request was made for an update of the current position with regard to corporate borrowing/treasury management and on the progress of the Glassworks Project. It was noted that a report on these matters was scheduled to be considered by the Cabinet in January and, therefore, it was anticipated that an update could be provided for the March meeting.

RESOLVED:

- (i) that the core work plan for 2019/20 and 2020/21 meetings of the Audit Committee be approved and reviewed on a regular basis;
- (ii) that a training/awareness session be held immediately prior to the meeting scheduled for the 22nd January, 2020 at which an update be provided on the Committee Self-Assessment and the review of the Terms of Reference; and
- (iii) that a report on corporate borrowing/treasury management and the progress of the Glassworks Project be submitted to the meeting to be held on the 18th March, 2020.

The Chair, Councillor Richardson, closed the meeting by wishing all Members and Officers a Merry Christmas and a Happy and prosperous New Year.

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Chair

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 17 December 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Greenhough, Hand-Davis, Hayward, Higginbottom, Makinson, McCarthy, Noble, Richardson, Smith, Stowe and Wright

55. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest with regard to any of the items on the agenda.

56. Minutes

The minutes of the meeting held on 19th November 2019 were taken as read and signed by the Chair as a correct record.

57. Carrs Lane, Cudworth, Barnsley - 2019/0718 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0718** (Outline application for 10 new dwellings with matters of landscaping, access, layout and scale under consideration) at land at Carrs Lane, Cudworth, Barnsley

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to the completion of a S106 agreement to secure the financial contribution listed in the report towards primary and secondary school places.

58. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT - 2019/0722 and 2019/0740 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0722** and **2019/0740** (Joint Report Full Planning and Listed Building Consent, Cannon Hall Museum/BMBC – Extension and alterations to the south and west wing of the stable building to provide café at ground floor and shop at first floor, with associated porch access route and disabled access lift) at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT

Ms A Nicholson addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be deferred, pending a site visit.

59. Collingwood Hotel, Station Road, Bolton Upon Dearne, Rotherham S63 8JA - 2019/0754 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0754** (Change of use from former Public House to a restaurant use (A3) and 4 no. residential apartments (C3) at Collingwood Hotel, Station Road, Bolton upon Dearne, Rotherham, S63 8JA).

RESOLVED that the application be granted in accordance with the Officer recommendation.

60. Planning Appeals - 1st to 30th November 2019

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2019/20.

The report indicated that no appeals were received or withdrawn in November 2019. Two appeals were decided in November 2019.

It was reported that 23 appeals have been decided since 1st April 2019, 17 of which (74%) have been dismissed and 6 of which (26%) have been allowed.

Chair

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 January 2020
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Green, Greenhough, Hayward, Higginbottom, Makinson, Markham, McCarthy, Mitchell, Richardson, Smith, Spence, Stowe and Wright

In attendance at site visit:

Councillors D Birkinshaw (Chair), Danforth, Eastwood, Fielding, Gillis, Greenhough, Smith and Spence.

61. Declarations of Interest

Councillor Spence declared a Non-Pecuniary interest in **Planning Application Nos 2019/0722** and **2019/0740** as he is an employee of Cannon Hall Farm.

62. Minutes

The minutes of the meeting held on 17th December 2019 were taken as read and signed by the Chair as a correct record.

63. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley - 2019/0722 and 2019/0740 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Applications 2019** and **2019/0740** (Extension and alterations to the south and west wing of the stable building to provide café at ground floor and shop at first floor, with associated porch access route and disabled access lifts at Cannon Hall Museum, Bark House Lane, Cawthorne [Full and Listed Building Applications])

Ms L Dunning addressed the Board and spoke in favour of the Officer recommendation to approve the application.

Ms A Nichoson addressed the Board and spoke against the Officer recommendation to approve the application

RESOLVED that the application be deferred to allow the applicant the opportunity to submit a noise and vibration report to assess the impact on the neighbouring property and, if necessary, the type of mitigation measures required to be incorporated.

64. Land to the south of Lee Lane, Royston - 2019/0239 - For discussion regarding defence of appeal at the public inquiry

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0239** (Residential development of 250 dwellings with

associated access, parking, engineering and landscaping and ancillary works) at land to the south of Lee Lane, Royston, (site ref MU5 in the Local Plan), originally submitted in February 2019.

The site-specific policy in the Local Plan indicates that such masterplan frameworks shall be subject to public consultation and be approved by the Council prior to determination of any planning applications on the affected sites. The applicant was advised that the planning application would either have to be withdrawn, refused or held in abeyance pending the adoption of a masterplan framework. On 29th October 2019 the applicant issued a 10 day notice of appeal to the Council and subsequently appealed to the Secretary of State for non-determination. The Planning Inspectorate has since confirmed that the appeal will take the form of a public inquiry, which is due to commence on 24th March 2020.

RESOLVED that Members supported the recommendation that Officers prepare a statement of case based on matters raised in the report in order to defend the appeal at the public inquiry.

65. Land south of New Smithy Avenue, Thurlstone - 2019/0689 and 2019/0690 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No 2019/0689** (Erection of 9 dwellings and associated access, landscaping and infrastructure and **2018/0690** (Application for the approval of reserved matters for 21 dwellings pursuant to outline planning permission ref 2017/0088 appearance, layout, scale and landscaping) at land south of New Smithy Avenue, Thurlstone, S36 9QZ.

RESOLVED that the applications be deferred to allow Officers the opportunity to re-examine this application and application 2019/0690, in particular the impact on highway safety, to see if an alternative comprehensive development could be achieved that would work for the whole site and reduce the demands on the highway network.

66. Roughbitchworth Lodge, Roughbitchworth Lane, Oxspring - 2018/1433 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2018/1433** (Demolition of all buildings within the site and proposed residential development of 22 dwellings [outline, all matters reserved except access and layout] at Roughbitchworth Lodge, Roughbitchworth Lane, Oxspring, Barnsley S36 8YZ).

Mr Duncan Waller addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to signing of S106..

67. Garage site, Martin Croft, Silkstone - 2019/1136 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/1136** (Residential development of 4 no. dwellings at Garage Site, Martin Croft, Silkstone, Barnsley, S75 4JS)

Mr Ian Turner addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be deferred to allow Officers the opportunity to liaise with the applicant to seek a reduction to 3 dwellings, to improve the amenity standards of future residents and reduce traffic generation from the site.

68. Former Burton Grange Nursery, Abbey Lane, Lundwood - 2019/0637 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0637** (Erection of 4 no. dwellings and associated works) at former Burton Grange Nursery, Abbey Lane, Lundwood, Barnsley S71 5QD

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to signing of S106.

69. Cat Hill Livery, Cawthorne View, Firs Lane, Cathill - 2019/0250 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0250** (Siting of log cabin as a temporary rural enterprise dwelling or three years to support an existing business) at Cat Hill Livery, Cawthorne View, Firs Lane, Cathill, Hoylandswaine, S36 7JB

RESOLVED that the application be approved in accordance with the Officer recommendation.

70. Planning Appeals - 1st to 31st December 2019

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2019/20.

The report indicated that 3 appeals were received in December 2019, no appeals were withdrawn and 2 appeals were decided in December 2019.

It was reported that 29 appeals have been decided since 1st April 2019, 22 of which (76%) have been dismissed and 7 of which (24%) have been allowed.

71. Enforcement Update report

Members of the Board were provided with an update on Planning Enforcement activity covering the Quarter 3 period of this reporting year 2019/20 (October-December 2019). The report includes a breakdown of the requests or service received and includes details of key actions and enforcement case outcomes during the quarter. In October 2019, 31 service requests were received, 23 were received in November and 15 received in December 2019, 37 of which were investigated/resolved and 32 of which are under consideration.

RESOLVED that Members note the report.

Chair

MEETING:	Audit Committee
DATE:	Wednesday, 22 January 2020
TIME:	4.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors Richardson (Chair) and Barnard together with Independent Members - Ms K Armitage, Ms D Brown, Mr S Gill, Mr P Johnson and Mr M Marks

41. MRS L BOOTH - AUDIT MANAGER

Members of the Committee noted that this would be the last meeting that Mrs L Booth (Audit Manager) would attend before leaving the Authority to take up the position of Head of Internal Audit at Leeds City Council.

Members and Officers asked to place on record their thanks and appreciation of her hard work, dedication and service to the Authority and they gave her their best wishes for the future.

42. DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of interest from Members in respect of items on the agenda.

43. MINUTES

The minutes of the meeting held on the 4th December, 2019 were taken as read and signed by the Chair as a correct record.

44. INTERNAL AUDIT PROGRESS REPORT 2019/20

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report providing a summary of the Internal Audit activity completed and the key issues arising from it for the period 1st November to 31st December, 2019 and providing information regarding the performance of the Internal Audit function during that period.

The report, which was presented by Mrs L Booth, Audit Manager, outlined:

- The progress of the Internal Audit Plan up to the end of December, 2019 analysed by the number of plan assignments producing a report and audit days delivered by Directorate/Service. It was reported that 71% of total chargeable days had been achieved against the plan which was in line with what was expected at this time of the audit year
- There was a variance of five assignments completed against those planned. Four were in draft report stage and one was being finalised. Meetings had been scheduled with officers to discuss the outcomes and finalise all the reports
- A number of audits had been deferred, added to or deleted from the audit plan as agreed in conjunction with management. The reasons for these actions were outlined. Specific reference was made to an additional audit to provide

specialist audit support for the Interim Executive Board of Dearne Goldthorpe Primary School

- Two audits had been finalised since the last meeting and copies of all final reports were available upon request. A summary of assurances and the number and categorisation of recommendations included in the report was outlined.
- No audit reports had been issued during the period that had a limited or no assurance opinion
- Details were provided of the outcome of other Internal Audit activities concluded not producing a specific assurance opinion
- Information was provided on the following up of Internal Audit Report management actions together with a summary of work in progress
- Information on the status of management actions by directorate/maintained schools due for completion was provided
- Details of Internal Audit performance against Performance Indicators
- Based on the audits reported during the period an overall adequate assurance was considered to be appropriate

The key area of focus for Members discussion centred on the audit of the Glassworks Phase II Governance arrangements. The Head of Internal Audit, Anti-Fraud and Assurance and Audit Manager explained the rationale as to why an assurance opinion for this audit was not applicable. They went on to outline the background to and the action taken in relation to the three 'high priority' recommendations as follows:

- The approval of the Project Execution Plan
- The review and formalisation of overarching risk management arrangements
- General meeting governance

All recommendations identified had been actioned and would continue to be monitored by audit staff

Mr G Mills (External Auditor) commented that the Glassworks Project continued to be an area of focus in relation to Value for Money. In relation to their assessment of Phase I, which had been undertaken last year, they were satisfied with the arrangements in place. The matters raised within this report would be examined and any outstanding issues, if any, would be included within their report submitted to the July meeting.

RESOLVED:

- (i) that the issues arising from the completed internal audit work for the period along with the responses received from management be noted;
- (ii) that the assurance opinion on the adequacy and effectiveness of the Authority's Internal Control Framework based on the work of Internal Audit in the period to the end of December, 2019 be noted;
- (iii) that the progress against the Internal Audit Plan for 2019/20 for the period to the end of December, 2019 be noted; and

- (iv) that the performance of the Internal Audit Division for the third quarter be noted.

45. CORPORATE WHISTLEBLOWING POLICY - ANNUAL REPORT

The Executive Director Core Services submitted his annual report reviewing the activities and current issues regarding the Council's Corporate Whistleblowing policy and supporting procedures.

The report, in outlining the background to the development of the policy, reminded the Committee that the policy had undergone a number of reviews and revisions to ensure that it remained fit for purpose and continued to meet best practice and guidance. The latest revision/refresh had been undertaken at the previous meeting held on the 4th December, 2019 when its name had been changed to the Confidential Reporting (Whistleblowing) Policy. In addition, a number of other policies, strategies and procedures had also been reviewed at that time and these were to be published more widely. Such publicity would dovetail into the preparations for the Anti-Fraud week scheduled for May. Further details of this would be made available in due course.

The specific whistleblowing arrangements were, of course, only one means of raising concerns and, therefore, the degree and extent of the use of the policy was not considered significant. What was important was to ensure that there were a number of clear and understood routes for raising concerns and that there were suitable resources and arrangements in place to ensure that appropriate investigations were undertaken.

During the last 12 months there had been 4 referrals, 3 received via email and one through direct contact to one of the Corporate Whistleblowing Officers. None of these had been raised anonymously which suggested that there was confidence that the Whistleblowing arrangements were implemented correctly and that confidentiality was, where appropriate, maintained. He also reported that since writing the report a further anonymous referral had been received. This was currently being investigated

Of the 4 cases referred, 2 had been investigated and were now closed and 2 remained the subject of live investigations. In relation to the closed cases, no significant concerns had been identified and the issues raised generally related to operational matters. A satisfactory outcome had been achieved with appropriate actions arising from the concerns raised. In addition, the staff raising those concerns were satisfied that appropriate action had been taken.

It was noted that whilst this figure was low, it was nevertheless difficult to speculate what would be an appropriate figure.

In the ensuing discussion the following matters were highlighted:

- The difficulties associated with benchmarking Whistleblowing referrals with other authorities was noted
- There was a discussion of the reasons for the low number of referrals and the reasons for this. It was felt that one of the reasons could be because staff had confidence in raising issues or concerns via alternative routes such as through

their line managers. It was felt that this demonstrated that the normal management arrangements were working correctly.

- The fact that staff raising concerns via this policy did not do so anonymously was really encouraging and demonstrated the robustness of and confidence in the arrangements
- It was noted that in view of the forthcoming retirement of the Executive Director Core Services decisions would have to be taken as to who would take on responsibility of being the designated officer for whistleblowing complaints

RESOLVED:

- (i) that the report, and the assurances that it provides be noted; and
- (ii) that the Committee confirms its commitment to continue to support the Council's overall counter fraud culture and the work of the Corporate Anti-Fraud Team.

46. EXTERNAL AUDIT PLAN 2019/20

The Committee received a report from the External Auditor providing an overview of the planned scope and timing of the statutory audit of the Council.

It was noted that the Council was required to prepare group financial statements that consolidated the financial information for Bernesali Homes and Penistone Grammar Trust

In relation to significant risks, the External Auditor would communicate any significant findings in relation to Management override of controls, Valuation of Land and Buildings and Valuation of the Pension Fund Liability (as well as other significant matters arising from the audit) in their Audit Findings Report in July 2020.

The planning materiality had been determined to be £8.443m for the Group and £8.425m for the Council's single entity statements which equated to 1.5% of the gross expenditure on the cost of services in the previous year. They would also continue to report uncorrected omissions and misstatements other than those that were 'clearly trivial' – the 'clearly trivial' threshold had been set at £422,000. Reference was also made to the way in which the materiality levels had been set.

Significant Value for Money risks had been identified and this was a key area of focus given the significant financial pressures facing the authority as well as the Glassworks development which was one of the largest projects undertaken by the Council.

The Interim visit would take place in February and March 2020 with the final accounts being presented in June and July. Initial meetings had already taken place with the Service Director Finance and with staff from the Finance Team. The key deliverables were outlined in the Audit Plan and the Audit Findings report and the fee had been set at £125,568 (and increase from £113,718 in the previous year) but was subject to the Council meeting their requirements. The increase in fees reflected the additional work which was required during 2019/20. Details of the additional work to be undertaken were provided within the report.

In the ensuing discussion particular reference was made to the following:

- Reference was made to the valuation of land and buildings which had been assessed as a significant risk and particular reference was made to the Glassworks project. It was noted that once a phase/project was brought into operation it was assessed at actual value rather than 'at cost'. The rationale for such valuations was explained by representatives of the External Auditor and by the Head of Finance. It was noted that the work completed on the Metropolitan Centre , the Market, the Lightbox/Library and various public realm works would be brought into the accounts and valued appropriately once operational
- It was noted that in a new development for 2019/20, the External Auditor was to appoint its own valuer who would assess the instructions to the Authority's Valuer, the Authority's Valuer's report and the assumptions that underpinned valuations. The reasons for this appointment were outlined
- There was a brief discussion of the potential implications of the new Code of Audit Practice which was anticipated shortly and arising out of this particular reference was made to the possible impact this could have on future audit arrangements, procedures and processes as well as the audit timetable given the current difficulties faced by all External Auditors in meeting the statutory deadlines for Local Authority audits.

RESOLVED that the External Audit Plan 2019/20 be noted and, insofar as this Committee is concerned, the action to be taken be supported.

47. AUDIT COMMITTEE WORK PLAN 2019/20 AND 2020/21

The Committee received a report providing the indicative work plan for the remainder of the 2019/20 Municipal Year and for 2020/21.

The Head of Internal Audit, Anti-Fraud and Assurance reported that following the appointment of the Corporate Governance and Assurance Manager and as a result of discussions at the recent Workshop meeting held in October and the Training/Awareness Session held earlier today, this report would be revised, produced in an alternative format and submitted to the next meeting for approval

RESOLVED that the core work plan for 2019/20 and 2020/21 meetings of the Audit Committee be approved and reviewed on a regular basis.

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Chair

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NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

26th November, 2019

Present: Councillors W Johnson (Chair), Eastwood and Daniel Griffin together with Councillor Franklin (Reserve Member).

Members of the Public and Press were excluded from all meetings.

1 Declarations of Interests

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

2 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr D W

The Panel considered a report of the Service Director Legal Services requesting the Panel to determine the Hackney Carriage and Private Hire Driver's Licence held by Mr D W.

Mr D W was in attendance together with Mr L W (Licensing Consultant) who gave evidence in support of his case. They also circulated additional information in support of the case together with a reference from Mr D W's current employer.

After considering all the evidence and extenuating circumstances presented the Panel determined that the Hackney Carriage and Private Hire Driver's Licence held by Mr D W be revoked on the following grounds:

- His failure to meet the required medical standard expected of a professional driver working as a Hackney Carriage and Private Hire Driver within Barnsley
- The primary consideration for the Panel was the protection of the travelling public. The Panel would have serious concerns if Mr D W were to be allowed to continue to drive a Hackney Carriage and Private Hire Driver's Licence (being now aware of his medical condition) should he be involved in an accident given that his medical condition could be a contributory factor
- He had previously held a Hackney Carriage and Private Hire Driver's Licence prior to the change in group 2 DVSA medical standards, however, having now been informed that he no longer met those medical requirements it was appropriate for the Licensing Authority to raise its concerns with the Panel
- The Panel noted that at the renewal of his licence in 2014 there had been no reference on the GP's declaration accompanying the application that Mr D W did not meet the required medical standards (despite his medical condition); had this been confirmed on that medical at that time, then the licence would not have been renewed at that time. The Panel also noted that the GP's declaration in 2019 indicated that he did not meet those medical requirements
- Whilst the Panel acknowledged and commended Mr D W for his previous exemplary driving record and noted the comments of his GP regarding grandfather rights (comments which the Panel deemed to be irrelevant), this did not mean that the Panel could allow him to continue to drive a Hackney

Carriage and Private Hire Vehicle when he did not meet the required medical conditions for Barnsley taxi drivers.

The decision of the Panel was unanimous.

7th January, 2020

Present: Councillors Wraith MBE (Chair), P Birkinshaw and Franklin together with Councillor Danforth (Reserve Member).

Note: Councillor Franklin left the meeting after item 4 due to an urgent prior commitment. His place was taken by Councillor Danforth.

3 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr D W

The Panel considered a report of the Service Director Legal Services requesting the Panel to determine the Hackney Carriage and Private Hire Driver's Licence held by Mr D W.

Mr D W was in attendance together with Mr L W (Licensing Consultant) who gave evidence in support of his case.

After considering all the evidence presented the Panel determined that Mr D W be allowed to retain his Hackney Carriage and Private Hire Driver's Licence subject to the issuing of a Written Warning which will be kept on file for 12 months as to his future conduct on the following grounds:

- The manner in which he presented himself
- His previous exemplary record
- The fact that the Panel accepted that he had been a licensed driver for over 30 years
- The fact that he had provided sufficient extenuating evidence to convince the Panel that he was a fit and proper person to hold such a licence

The decision of the Panel was unanimous.

4 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr D H

The Panel considered a report of the Service Director Legal Services requesting the Panel to determine the Hackney Carriage and Private Hire Driver's Licence held by Mr D H.

Mr D H was in attendance and gave evidence in support of his case.

After considering all the information and representations made, including the circumstances outlined the Panel determined that the Hackney Carriage and Private Hire Driver's Licence held by Mr D H be revoked on the following grounds:

- The primary consideration for the Panel was the protection of the travelling public. The Panel would have serious concerns if Mr D H was allowed to

continue to driver a Hackney Carriage and Private Hire Vehicle given his previous history

- His history of convictions for dishonesty related offences
- The issuing of a Written Warning for failing to inform the Licensing Service in April 2015 of a conviction for an offence involving his vehicle and the fact that this only came to light when he applied to renew his licence in July 2015
- His failure to provide sufficient extenuating circumstances to justify a deviation from the Council's Guideline Policy for Criminal Convictions

The decision of the Panel was unanimous.

5 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr J N

The Panel considered a report of the Service Director Legal Services requesting the Panel to determine the Hackney Carriage and Private Hire Driver's Licence held by Mr J N.

Mr J N was in attendance together with Mr L W (Licensing Consultant) who gave evidence in support of his case.

After considering all the information and representations made and after taking account of the extenuating circumstances presented the Panel determined that there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and the licence held by Mr J N be renewed subject to the issuing of a Written warning which will be kept on file for 12 months as to his future conduct and on the following grounds:

- The manner in which he presented himself
- The genuine remorse shown at the offences committed
- The assurance given to the Panel that these offences would not occur again and that he would fully comply with Licensing Conditions at all times
- The fact that he presented sufficient extenuating circumstances to convince the Panel that he was a fit and proper person to hold such a licence

The decision of the Panel was unanimous.

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Item 16

APPEALS, AWARDS AND STANDARDS REGULATORY BOARD

(a) School Admission Appeals Panel – 26th November, 2019

Penistone Grammar	3 Refused 1 Allowed
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(b) School Admission Appeals Panel – 2nd December, 2019

Horizon Community College	1 Refused 1 Withdrawn
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(c) School Admission Appeals Panel – 3rd December, 2019

Holy Trinity	1 Allowed
Athersley North Primary	1 Withdrawn
Laithes Academy	1 Withdrawn

(d) School Admission Appeals Panel – 13th December, 2019

Outwood Academy Carlton	1 Refused
Burton Road Primary	1 Refused
West Meadows Primary	1 Refused
Holy Trinity	1 Refused

(e) School Admission Appeals Panel – 18th December, 2019

Queens Road Academy	1 Withdrawn
Shawlands Primary	3 Refused

(f) School Admission Appeals Panel – 8th January, 2020

Birkwood Academy	1 Refused
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(g) School Admission Appeals Panel – 14th January, 2020

Cudworth Churchfields Primary	1 Allowed
Jump Primary	1 Refused

(h) School Admission Appeals Panel – 15th January, 2020

Kirk Balk Academy	1 Refused
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(i) School Admission Appeals Panel – 21st January, 2020

Sandhill Primary Academy	1 Allowed
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(j) School Admission Appeals Panel – 29th January, 2020

High View PLC	1 Withdrawn
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Appeals withdrawn prior to the allocation of a date

Barnsley Academy	1 Withdrawn
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Darton Primary	1 Withdrawn
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Highgate Primary	2 Withdrawn
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Holy Trinity	1 Withdrawn
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Outwood Primary Academy Littleworth Grange	1 Withdrawn
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Queens Road Academy	1 Withdrawn
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MEETING:	Overview and Scrutiny Committee - Strong & Resilient Communities Workstream
DATE:	Tuesday, 3 December 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Ennis OBE (Chair), Carr, Green, W. Johnson, Leech, Lodge, Lofts, Makinson, McCarthy, Phillips, Smith and Tattersall

8 Declarations of Pecuniary and Non-Pecuniary Interest

Councillors Tattersall and Makinson declared a non-pecuniary interest in Minute No. 21 as they are Berneslai Homes Board Members.

9 Minutes of the Previous Meeting

The minutes of the meeting held on 5th November 2019 were noted.

10 Flooding and Emergency Resilience in Barnsley

The following witnesses were welcomed to the meeting:-

Matt Gladstone, Executive Director - Place, BMBC
 Paul Castle, Service Director - Environment & Transport, BMBC
 Ian Wilson, Service Manager - Highway Delivery, BMBC
 Wayne Atkins, Principal Engineer - Asset Management
 Andrew Frosdick, Executive Director, Core Services, BMBC
 Simon Dobby, Head of Health, Safety & Emergency Resilience, BMBC
 Katie Rogers, Head of Communications & Marketing, BMBC
 Joe Jenkinson, Head of Planning Policy & Building Control, BMBC
 Cllr Alan Gardiner, Cabinet Spokesperson, Core Services
 Cllr Chris Lamb, Cabinet Spokesperson, Place Directorate
 Dave Fullen, Director of Customer & Estate Services, Berneslai Homes
 Darren Asquith, Housing Management Group Manager – West, Berneslai Homes

The Head of Health, Safety & Emergency Resilience introduced the report, which summarised the response to the recent floods. The worst affected areas were Low Valley and Burton Grange, with many properties uninsured. In terms of immediate recovery, a multi-agency co-ordinated approach was taken, with daily meetings and which included providing mutual aid to Doncaster (which suffered a catastrophic impact) in terms of highways, communications and emergency planning, which was commendable.

The Overview and Scrutiny Committee considered the report and update and a full and frank discussion took place around a number of issues, including:

The need for sustainable drainage systems, particularly as part of new developments. It was explained that the Local Authority takes responsibility for surface water flooding on adopted highways, whereas responsibility for landscaped areas depends on whether the Local Authority has adopted the area in question. Sometimes Yorkshire Water Authority has responsibility or it can also be down to a management company. Discussions have taken place with Yorkshire Wildlife Trust and the Land Trust around taking on areas which other organisations are unwilling to as part of the Master Plan consultations.

A Member who had experienced local flooding problems commended the work of both the Local Authority and Berneslai Homes. It was felt that a discussion needs to take place with Yorkshire Water Authority with respect to issues at Burton Grange. It was highlighted that the Council has met regularly with Yorkshire Water since 2007 and will continue to do so. Members were reassured that residents who had been given sand bags which had not been used could retain them but with advice that they do tend to rot quickly and so may fall apart before being used.

Members were reassured that plans are in place to provide support to the most vulnerable residents who have already been identified. If members are aware of businesses affected they should pass details on and they will also be contacted.

Members were informed that a number of projects are already underway in vulnerable areas, including Houghton Washrooms and Darfield. The bank at Low Valley has collapsed and this has been reported to the Environment Agency. A Member reported that the river had not been dredged for a number of years and felt that this had led to the flooding of houses in the Station Road area as the dyke was unable to take away the water. Unfortunately this is not the Council's responsibility. Similarly, a Member highlighted that the reservoir in Worsborough was around 9ft shallower than in past years and had not been dredged for some time. It was explained that due to the design of the reservoir, dredging would not be of benefit.

The Local Authority is aware of the problems experienced in the Aldham Bridge area and has done some initial works, with more planned in the future, following a full survey. Yorkshire Water and the Environment Agency are looking at more natural measures mitigation measures when schemes are designed such as tree planting, looking at ecological aspects and designing in risk of flood including attenuation ponds etc.

It was reported that after the 2007 floods, Berneslai Homes' properties in flood risk areas are flagged on the IT system so that tenants are aware of the risk and are offered advice, information about the flood alert system and their low cost tenants' home contents insurance scheme. Worsbrough Sports Centre, a community building, was flooded in 2007 and 2011 and cannot get insurance. Members felt that this needs resolving at a national level.

A member questioned whether building on land liable to flooding was having any effect. It was explained that within the Local Plan, out of 80+ sites for housing plus commercial sites, only a handful of sites were identified where the risk of flooding was medium risk. Policies state that these areas should be avoided. An allowance is built in for undeveloped allocations with a higher risk of flooding. For sites over 1

hectare a flood risk assessment must be in place. On greenfield sites there must be an allowance for climate change and on brownfield sites the authority asks for a 33% reduction of water flow. There is a very robust process to ensure sites to be developed are carefully assessed. Flood risk heavily influences the design of sites, which must include attenuation ponds and other biodiversity measures. The sites at Manvers are the responsibility of Rotherham.

A member reported that many gulleys are still full to capacity despite being reported and this could present a danger if they were to freeze. Gulleys are cleaned regularly according to an agreed schedule but problems have been identified in some areas. A programme of investigation is in place and a budget has been identified next year for this. It was highlighted that due to prudent management by the Council this year, a £1m infrastructure investment will be made in the spring, with half earmarked for cleaning and repair of gulleys.

Leaf fall also causes problems. Neighbourhood Services clear leaves from hotspots but as leaves don't come down all at once and due to budgetary constraints a regular schedule cannot be developed. A significant amount of investment has been made in this area but the reality is that with more adverse weather and a high water table, this will continue to rise over time. Hot spots are identified, assessed and actioned straightaway. Members were asked to email 'member enquiries' and this is then sorted out quickly.

A member highlighted that Darfield and Low Valley floods every 10 years but is highlighted blue on the map and was aware of a local resident who had been badly affected and had received no assistance whatsoever, which was unacceptable.

Many lessons had been learned from the 2007 floods and also the Scrutiny Task and Finish Group's investigation and recommendations around flooding in 2017. In fact, recommendations from the 2007 experience formed the basis of a plan as to how to prepare and respond to flooding. A full debrief will be carried out following this year's floods and will be taken to Cabinet. The Overview and Scrutiny Committee will also be able to keep the issue under close review.

Members congratulated officers for the manner in which they worked with the other South Yorkshire Authorities. All 3 had declared a state of emergency but there had been no fatalities despite over 150 floods. Doncaster was worst affected, requiring military assistance. A campaign for more funding is being pushed through the recovery group, with a direct interface with politicians. Resources are already stretched and under pressure. It is important that there is consistency across the whole of the South Yorkshire area.

RESOLVED that:

- (i) Witnesses be thanked for their attendance and contribution;
- (ii) The report be noted; and
- (iii) Officers involved in the flood response (including Communications) be thanked for the way they responded.

Chair

MEETING:	Overview and Scrutiny Committee - Full Meeting
DATE:	Tuesday, 7 January 2020
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Ennis OBE (Chair), Bowler, Carr, T. Cave, Clarke, Felton, Fielding, Gollick, Green, Daniel Griffin, Hand-Davis, Hayward, Higginbottom, Hunt, W. Johnson, Leech, Lodge, Lofts, Makinson, McCarthy, Mitchell, Newing, Noble, Richardson, Smith, Stowe, Sumner, Tattersall and Williams together with co-opted members and Ms. G Carter

12 Apologies for Absence - Parent Governor Representatives

No apologies for absence were received in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

13 Declarations of Pecuniary and Non-Pecuniary Interest

Ms Gemma Carter declared a non-pecuniary interest in connection with Minute No. 15 due to her being a Director of an alternative education provider.

Councillor Lodge declared a non-pecuniary interest in connection with Minute Nos. 15 and 18 due to his membership of the Schools Forum and his work with care leavers.

Councillor Newing declared a non-pecuniary interest in connection with Minute Nos. 15 and 18 as she is employed by the NHS.

14 Minutes of the Previous Meeting

RESOLVED that the minutes of the following meetings be approved as a true and correct record:

- (i) Full Committee, held on 10th September, 2019
- (ii) Thriving and Vibrant Economy, held on 1st October 2019
- (iii) People Achieving Their Potential, held on 5th November
- (iv) Strong & Resilient Communities, held on 3rd December 2019

15 LGA Corporate Peer Challenge - Outcome and Actions

The following witnesses were welcomed to the meeting:

- Sarah Norman, Chief Executive of Barnsley Council
- Julia Burrows, Director of Public Health
- Rachel Dickinson, Executive Director - People
- Andrew Frosdick, Executive Director - Core Services

- Matt Gladstone, Executive Director - Place
- Wendy Lowder, Executive Director - Communities
- Neil Copley, Service Director - Finance
- Michael Potter, Service Director - Business Improvement, HR & Communications
- Cllr Stephen Houghton, Leader of Barnsley Council
- Cllr Robin Franklin, Cabinet Support Member - Core Services

Members of the Overview and Scrutiny Committee were provided with a report outlining the key findings arising from the Corporate Peer Challenge (CPC) together with an update on the progress of the Action Plan developed in response to the recommendations of the final report received in April 2019.

In the ensuing discussion, and in response to detailed questioning and challenge, the following issues were highlighted:

The Peer Review had highlighted concerns that the retirement of the previous Chief Executive had heightened anxiety for some staff who were concerned that the direction and ethos of the Council would change and that the upcoming retirement of two more longstanding Executive Officers would cause further concern. Members were reassured that Mel John-Ross had been appointed to the post of Executive Director (Children's Services) from May 2020. Although this is still a significant change, Mel John-Ross is already well known to staff and this will provide continuity. The Executive Director (Core) will be an external appointment but the postholder will undergo a 'back to the floor' induction similar to that followed by the new Chief Executive. Recruitment to both Executive Officer posts involved front line staff to ensure that the successful candidates are well received.

There is some disparity of services across Area Councils, which is to be expected as an inevitable consequence of local democracy and the uniqueness and differing priorities of individual areas. On some issues it makes sense for Area Councils to work together – for example on advice services where a more 'joined-up' approach might be beneficial. What is essential is that Area Councils continue to explore innovative solutions to tricky problems and share good practice with each other, as a great idea which has been successful is generally replicated. Members were reminded that core services are Borough wide and haven't been separated out as this has caused problems in other areas.

Members expressed concern that the reduction in workforce may have an adverse impact on staff health and wellbeing and in particular their mental health. The Council has an in-house Occupational Health Unit and counselling service but recognises the need to continue to do more to promote the wellbeing of staff, which is included in the Investors in People process. A staff workplace health assessment was sent out to all staff which provided rich data and which will be used to develop targeted support for staff around mental health and emotional wellbeing. The Trade Unions are also involved with this.

A Customer Services Charter is being developed to ensure consistency of approach and clarity in terms of access to services, building on the Digital First agenda. It was acknowledged however that there may be some customers who are unable to access services via electronic/digital means.

In terms of risk management, the Council faces a number of risks, such as financial uncertainty around future government funding arrangements; the impact of BREXIT; the Council's reputation and decision making; management of significant events that impact on the community; demographic changes associated with an ageing population; climate change and data protection/ information security. Members were reassured that the Council closely monitors these and other risks which filter down the organisation and has robust processes and systems in place to respond to them. The Risk Management Framework is lean and coherent and is shared with the Audit Committee as part of the Annual Governance Statement.

Financial uncertainty can never be removed, but robust, sensible and affordable plans are in place to address any eventuality. This is the case with all Local Authorities across the country. The Government's focus on using business rates to fund services is a particular concern for Barnsley. It would be a struggle to fund services from Council Tax and Business Rates alone; therefore lobbying is taking place to counteract this.

It was reiterated that the peer review was a very positive report, identifying Barnsley as a 'high performing' Council. Considerable progress has already been made on the action plan, which is deliverable, affordable and the benefits of which outweigh the costs. There are many aspects within the peer review report to be proud of but first and foremost it is about delivering against the ambition to make life better for people of Barnsley and improving their quality of life, which includes social care and educational achievement to name but a few.

There is now a need to work with partners to take stock of Barnsley's priorities for the next decade and develop a strong place-based vision to inform what work the Council needs to do next to deliver the Barnsley 2030 vision. The 2030 consultation will identify needs and aspirations of local people and the Council and partners will be organised to deliver against that vision. Members can help with the 2030 vision, attending 'talkabouts' and using the toolkit in their own areas to have an honest dialogue with the public.

There is a need to develop a more inclusive economy through joined-up working across Directorates and partner agencies to understand what poverty looks and feels like. Initiatives such as volunteering and supporting those with a learning disability need to be further developed alongside better transport options (particularly rail); access to housing (including affordable housing) and improving educational opportunities whilst taking into account the impact of adverse childhood experiences (ACEs). The Local Plan opens up a huge amount of land for growth, particularly at Junction 36/37. The Employer Pledge has already been signed by more than 150 businesses and will put more back into the local economy. Barnsley College has been heavily involved in providing career inspiration for young people, connecting with digital companies to redesign course content. Adult Education is a good way to tackle poverty in the Borough as it provides life skills, increases employability and can make a real difference in communities. In some areas the Community Shop provides adult and community learning. There is a need to persuade Sheffield City Region (SCR) and Central Government to increase funding for this.

Witnesses were congratulated on attaining such a positive result from the LGA Corporate Peer Challenge and for their attendance and contribution.

RESOLVED that the report be noted.

16 Provisional Education Outcomes in Barnsley 2019

The following witnesses were welcomed to the meeting:

- Nick Bowen, Executive Principal of Horizon Community College and Joint Chair of Barnsley Alliance
- Rachel Dickinson, Executive Director - People, BMBC
- Nina Sleight, Service Director, Education, Early Start & Prevention, People Directorate, BMBC
- Richard Lynch, Head of Barnsley Schools' Alliance, People Directorate, BMBC
- Jane Allen, Service Manager, Pupil Inclusion, Attendance & Education Welfare, People Directorate, BMBC
- Liz Gibson, Virtual School Headteacher for Children Looked After (CLA), People Directorate, BMBC
- Councillor Margaret Bruff, Cabinet Member for Children's Services

Members of the Overview & Scrutiny Committee were provided with a report detailing the provisional education outcomes for children and young people in the borough at each stage of the National Curriculum, from Early Years Foundation Stage (EYFS) (age 4/5) to Key Stage 5 (A-level) for 2019, including Children Looked After (CLA) and those with Special Education Needs & Disability (SEND).

In the ensuing discussion, and in response to detailed questioning and challenge, the following issues were highlighted:

The Early Years sector has worked closely with children from deprived backgrounds for many years. There is a forensic analysis of data locally so that children are targeted individually for intervention as well as within cohorts. Comparisons are also made with national results and how they relate to Barnsley. Robust partnership arrangements are in place, working closely with families to ensure settings support children in the best possible way. Pupil Premium is used to deliver educational outcomes of those children who are most vulnerable, in attachment-friendly settings to enable a child to be ready to learn when they start school.

Barnsley should be particularly proud of its Key Stage 4 outcomes, good buildings and strong leadership. Barnsley schools are no longer at the bottom of the league tables and are now well above average, ahead of Rotherham, Doncaster and Sheffield, in some areas, which is a huge shift. There is still improvement to be made in terms of Progress 8 and Attainment 8, although performance on the latter is now close to the national average. Disadvantaged students are achieving higher results in Barnsley than non-disadvantaged students elsewhere. Out of 10 secondary schools in Barnsley, 8 are at average or above, with just 2 below average. The latter will be supported by the Barnsley Schools Alliance (BSA), which offers tailored support for schools who need help in making progress and in realising their ambitions using data to identify areas for improvement. Stronger schools will work with the leadership team, sharing good practice and challenging how the schools are

run. There is an ambition that wherever you live in Barnsley you will be guaranteed a good school.

Although English and Maths are important, the new OFSTED framework now focuses on a broader and more balanced curriculum, which is more appropriate for some students. In some instances in Barnsley, those schools with a broad and balanced curriculum are now performing better than those with a narrow focus on English and Maths.

Performance data suggests that girls perform better than boys, which is in line with national data. The reasons for this are unclear and are multi-faceted: they could relate to a poor start in life; pre-school/nursery experience; the pace of the curriculum; family expectations and parental education. What is crucial is that all children receive learning and support tailored to their needs.

Early Years outcomes and school attendance are Alliance priorities as they make such a difference to future lives. Another area of focus is the attainment of children with additional needs and inclusion. This includes attitudes around poor behaviour and how it is dealt with to ensure standards and attainment are high.

Members were reassured that the previous increase in fixed term exclusions is not linked to academisation. In fact, there has been a significant reduction in fixed term exclusions and academies have made significant progress along with other schools. There are a number of workable and helpful alternatives to excluding pupils such as an on-site wellbeing centre, nurture provision etc to ensure students' needs are met in school. Provision for excluded pupils depends on the individual circumstances of the pupil. When a child is excluded there is a statutory responsibility to ensure the pupil has 25 hours of education in place by day 6 of the exclusion. Wellspring Trust is commissioned to provide this. In addition, a Fair Access Panel meets every month to find excluded pupils an alternative place. Each case is examined in detail and tracked to make it fair. Pupil Referral Unit (PRU) placements are also commissioned around the Borough. It was pointed out that some pupils may be unable to attend school for physical reasons or refuse to attend due to anxiety issues.

Academies have been an overwhelming success in Barnsley and have taken school performance to a new height, which is not the case in other areas. All academies are part of the Barnsley Schools Alliance, are fully engaged and carry the expectation of challenge and support. All schools go through the same process regardless of their status. This partnership approach is the envy of other areas and demonstrates the strength of a sector led approach.

The Barnsley Schools Alliance works with individual schools to develop a package of tailored support for head teachers and other staff which is based on individual circumstances. New Headteachers are supported with their professional development. This is also the same with the Early Years service and includes childminders and Nursery settings.

The complexities of Elective Home Education (EHE) and how it works was explained to Members. When parents decide to home educate they must notify the school that they wish to remove their child from school. An advisor visits parents at home to explain how it works and what is expected. If the level of education provided is not of

a good standard, the advisor will work with parents to improve standards or look at supporting a move back in to mainstream education. An unhealthy culture is springing up around EHE, with unofficial Facebook pages offering advice to parents. There are many reasons given by parents as to why they wish to educate their children at home. Information as to the reasons are always recorded but they do vary. In some instances it is because of dissatisfaction around the current school. Efforts are always made to try to dissuade parents from this course of action.

The number of children in residential care refusing to attend school has fallen from a significant number around 4 years ago to just single children here and there. The Looked After Children Engagement Mentor works out of Springwell to encourage children back into the school setting. Pupil premium is also used to enable the child to engage. In the case of anxious and phobic children, the PRU within school is often used. School attendance of every Looked After Child is monitored daily and is improving year on year. Problems with non- Barnsley children are passed to the placing authority .

Transition from primary to secondary school is an area of concern, particularly for children with an EHCP in place. There is a need to ensure that for these children their plan is up to date to support the child effectively through transition. However, some schools are developing excellent practice, especially in the Dearne, where a SENCO has been recruited from the primary sector for pupils moving up to secondary school which helps to break down barriers between primary/secondary and change perceptions. Many children struggle when moving from a small primary school to a much bigger secondary school. This transition is part of the journey to independence and adulthood, with some children unable to cope and needing better support systems in place from an earlier age to ensure an easy transition. It is essential that although schools may do things differently, there is good engagement between primary and secondary schools and good practice is always shared. Services for children needing emotional and mental health support are provided by the CCG. Waiting times for treatment are reducing but still require further improvement.

The Chair congratulated witnesses on the performance of Barnsley schools and the role of the Barnsley Schools Alliance in driving forward performance and achieving better things for Barnsley children.

RESOLVED that witnesses be thanked for their attendance and contribution.

17 Referral to Sheffield City Region (SCR) Mayoral Combined Authority Overview and Scrutiny Committee (OSC) Regarding Transport in Barnsley - Item For Information Only

Members were provided with an update report regarding the referral made by this Overview and Scrutiny Committee (OSC) to Sheffield City Region Mayoral Combined Authority Overview and Scrutiny Committee (SCROSC) regarding transport in Barnsley, highlighting the opportunity for Barnsley OSC members to share further comments with Cllr Ennis to shape this work prior to his meeting on 25th January with Clive Betts MP who is chairing a review of transport in the region.

RESOLVED that

(i) Members note the report, and

(ii) Contact the OSC Chair by email with any concerns they have regarding transport so that they can be raised with Clive Betts MP at the forthcoming meeting.

18 Exclusion of the Public and Press

RESOLVED that the public and press be excluded from the meeting during the consideration of the following item because of the likely disclosure of exempt information as defined by Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended).

19 Children's Social Care Performance

The following witnesses were welcomed to the meeting:

- Mel John-Ross, Service Director, Children's Social Care & Safeguarding, BMBC
- Cllr Margaret Bruff, Cabinet Spokesperson – Children's Services (formerly People - Safeguarding)

The Chair congratulated Mel John-Ross on her recent appointment to the post of Executive Director, Children's Services.

The Service Director, Children's Social Care and Safeguarding, introduced this item and provided Members with the monthly children's social care report, which contained an overview of the major performance indicators for children's safeguarding and social care for Quarter 2 (2019/20). The report included a summary section with an overview of performance, using RAG (Red, Amber, Green) ratings and direction of travel for most indicators. Barnsley's historical performance and comparisons with other local authorities were also included.

Issues discussed included re-referral rates, the Neglect Strategy, the Graded Care Profile, adoption timescales, agency workers, recruitment and increased social worker caseloads. Implementation of the Neglect Strategy has seen over 900 practitioners trained, increased awareness of the impact of neglect and more cases being referred.

Members were reassured that decision making is sound whilst acknowledging that poverty is complex and multi-faceted. It was also highlighted that re-referral rates for this period have come down and are now below benchmarking targets.

RESOLVED that: Members note the update and witnesses be thanked for their attendance and contribution

Chair

MEETING:	Central Area Council
DATE:	Monday, 4 November 2019
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors W. Johnson (Chair), D. Birkinshaw, P. Birkinshaw, Bowler, Bruff, Carr, Clarke, Dyson, Fielding, Gillis, Lodge, Williams and Wright

19. Declaration of Pecuniary and Non-Pecuniary Interests

Councillor Carr declared a non-pecuniary interest in minute number 22 due to her position as a trustee of DIAL.

20. Minutes of the Previous Meeting of Central Area Council held on 30th September, 2019 (Cen.04.11.2019/2)

The meeting received the minutes from the previous meeting of Central Area Council held on 30th September, 2019.

Members were reminded of the networking event to be held on Thursday 7th November at 4.30pm

RESOLVED that the minutes of the Central Area Council held on 30th September, 2019 be approved as a true and correct record.

21. Changes to Neighbourhood Services (Cen.04.11.2019/3)

Melanie Fitzpatrick, Head of Service Waste, Recycling & Neighbourhoods, and Dale Sparks, Head of Service Commercial and Operational Service Support were welcomed to the meeting.

Members were provided an overview of the vision and priorities of the service, and made aware of key staff in the team. Members noted the continuous efforts to improve service delivery as part of its ethos.

Those present heard of key success in waste collection, which included the rebalancing of grey bin collection rounds, improved communications and engagement, and the implementation of performance dashboards. In the Central Area 1.92million bin lifts were completed per year with 99.95% right first time (99.7% for assisted bin collections). 96.2% of bin collections were completed as scheduled. Members heard how 53.1% of waste was recycled and 97.6% diverted from landfill. It was noted that regional and national benchmarking was now being undertaken as part of Association for Public Service Excellence (APSE), in order to compare levels of performance.

Members heard of key successes in relation to Neighbourhood Services including asset tagging street bins, improving the grass cutting cycle to 21 days and improved customer online reporting. Within the Central Area 739 incidents of flytipping had

been reported since the start of the municipal year, with 100% cleared within the agreed timescales. 5208 grass plots in the Central Area on average were cut within 21 days. Within Central Area 78 streets had been cleared of weeds weighing 4.5 tonnes and Members noted that 357 street bins were emptied weekly.

Members noted that the clearing of weeds was focused on principal towns, the town centre and gateway routes. In addition there was also a reactive service which responded to requests.

Those present were provided with examples of the performance data being collected, with an example of fly-tipping being used. This showed hot-spots, the average size of waste collected and the type. Also noted was the procurement of in-cab technology which enables real time reporting of grey bin and street bin collection. Members heard how this type of data would enable greater understanding of issues and allow for more tactical deployment of resources.

As the use of in cab technology was new, it was noted that this would be reviewed at 6 and 12 month intervals in order to measure performance.

Members noted the next steps planned as part of the continuous improvement of the service, which included a Clean and Green Visioning Conference, consideration of delivery models, engaging communities and improving communications.

Questions were raised about missed bins, and Members were asked to notify officers of any bins which were repeatedly missed for further enquiries to be made. It was noted that if a full street was not collected then this would normally be recorded as a service failure, which could be due to incidents, accidents etc. Members discussed how in-cab technology could show real time information, but that this was still reliant on human input, so there would need to be mechanisms for residents to report issues to be investigated. Members raised the inconsiderate placement of bins following emptying and it was noted that this issue was being raised with crews.

Discussions took place about waste processing in Manvers and how this resulted in the small percentages going to landfill. This included processing food waste.

Members mentioned issues around collection of grass cuttings and leaf waste. Members noted a reactive service was in place to address issues such as this, but officers were looking at identifying priority areas. Members suggested in areas where there were high numbers of elderly or vulnerable, who may slip. It was noted that future planting of trees ought to take account of this. Members also noted that gritting teams were in place in high priority areas to avoid accidents.

RESOLVED:-

- (i) That thanks be given for the presentation and responses to questions; and
- (ii) That Members continue to work with the service to assist improvement.

22. Quarter 2 - Performance Management Report (Cen.04.11.2019/4)

The Area Council Manager introduced the item making Members aware that the cumulative performance in Part A of the report only included figures supplied to the end of June as further performance had not been verified at the point of producing the report.

Members then considered Part B of the report, with a narrative providing an overview of the performance of each of the services funded by the Area Council. Members heard how a number of areas of performance of the contract held by RVS were rated as 'amber'. This was due to the numbers of referrals being below those agreed; however in all other aspects performance was positive.

The service delivered by YMCA continued to perform well, with 91 sessions delivered within the quarter and 70 new children and young people engaged. Members heard of the importance of maintaining the same locations with the same adult support staff in order to reduce barriers for vulnerable young people engaging.

Members noted the statistics of participants, showing the wide range of backgrounds, and languages spoken.

The Environmental Enforcement service continued to perform well with 180 fixed penalty notices issued within the quarter, 16 of these being for dog fouling which was higher than seen in the previous contract. It was noted that 76% of notices issued were due to people dropping cigarette litter, which was significantly below the national average. Members were made aware that those receiving a fixed penalty notice could now pay this at the post office or facility with payzone. A question was raised about whether paying in this way would still allow to pay in instalments, and it was agreed to confirm whether this was the case.

Members considered the performance of Twiggs Grounds Maintenance, which was rated as 'green' for every aspect. There had been 25 social action events led by Twiggs and 92 adults had engaged, 23 of these being new adult volunteers. In addition 31 young people also volunteered. Members praised the work of Twiggs and their continued dedication in the area.

With regards to the Service Level Agreement focusing on reducing household flytipping, it was noted that the officer had personally reported 181 incidents, with 45 leading to further investigation. Since the start of the SLA 179 warning letters had been issued in addition to almost 200 duty of care letters. Members heard of the recurrent issues seen and noted that these were due to be discussed by the Area Council's fly-tipping group.

Members asked whether the officer employed worked with Berneslai Homes, and it was noted that where issues were found in their properties, they would be referred appropriately but the focus of the SLA would remain on housing in the private sector.

The meeting went on to consider the performance of the SLA to support new tenants in the private rented sector. 38 properties had been visited with 24 requiring a follow up. A range of issues had been identified including with bins, outstanding repairs, bonds and money management. Members praised the case study enclosed as part of the report, which showed the complexity of issues faced and the impact of the intervention.

Members considered the performance of the contract held by Family Lives, noting that a number of areas were rated as 'amber'. This was due to the low numbers of referrals, from a target of 15, just 3 had been received. The Area Council Manager had recently met with relevant officers, and was assured that referrals would come in

time, and the service was only in its infancy. Members requested details of the training volunteers were receiving to provide appropriate support.

Those present went on to consider the progress being made by all the projects funded through the Wellbeing Fund.

All were generally progressing well, but Creative Recovery had been slow to become established in Stairfoot, though provision in Kingstone had been progressing well.

DIAL had delivered 55 advice sessions, with 251 individuals accessing the service. £53,000 of benefits had been gained, and the social return on investment was considerable. Members noted the impact of the service, and the potential to consider a similar service when the 12 month funding period came to a close. Members noted that the service was only provided in four wards, as it was thought that Central Ward was served by services in the Town Centre. This was questioned, and it was agreed to make enquiries to ensure that this was still the case.

Education Learning Support Hub continued to deliver effectively, engaging with 38 different adults over the summer. Training featured a session by the Be Cancer Safe Health Care team, and there had also been outings to the library@thelightbox and to meet the Mayor at Barnsley Town Hall.

Exodus had engaged 21 volunteers and 146 different young people during 50 sessions held. Bank End club was very well attended and numbers attending the town centre club had increased.

Attendances at Hope House Connects had also increased, with 26 families attending 3 or more of the 28 sessions delivered.

Members noted that The Youth Association delivery in Kendray with 23 youth work sessions, and 289 attendance from 142 individuals. Acknowledged was the publicity seen on Twitter and the innovation used in sessions.

It was noted that the performance report from TADS (Therapies for anxiety, depression and stress), was still outstanding.

RESOLVED:-

- (i) That the report be noted;
- (ii) That confirmation be sought as to whether fixed penalty notices can be paid by instalment at post offices or facilities offering paypoint;
- (iii) That details of the training provided by Family Lives be circulated to Members;
- (iv) That details of the provision of debt and benefit advice in the Town Centre be sought.

23. Procurement and Financial Update (Cen.04.11.2019/5)

The Area Council Manager spoke to the item providing an update on the work which had been undertaken to further develop the area priorities.

With regards to Loneliness and Social Isolation, Members were reminded that the current contract was due to end on 31st March, 2020. A workshop had been

convened to discuss the priority in more depth on 10th October, 2019. The workshop noted the lack of data and also a lack of information about new recently launched borough wide services. It was suggested that more in depth information was required to ensure any future service was fit for purpose and addressed appropriate gaps in service. This would necessarily mean a gap in service between that provided by RVS and any new service.

Members discussed the suggestion, supporting the notion that any future service needed to be correctly organised and targeted. Assurances were given to Members that the support currently given to residents through the RVS contract would be carefully managed to ensure that an onward strategy was in place should this be required.

Members heard how the procurement of a service to 'build emotional resilience in children and young people aged 8-14' was progressing as per the time table with the closing date for tenders on 15th November, and the evaluation panel being convened 21st November. The preferred supplier would be made known before Christmas, with a view to delivery commencing on 1st April, 2020.

Those present noted the current financial situation, with £153,707 remaining for allocation in 2019/20, which when carried forward would leave £275,417 for allocation in 2020/21. However it was noted that this would be significantly reduced if Members chose to commission a service to reduce social isolation in older people and also chose to invest in a service to assist young people aged over 14.

RESOLVED:-

- (i) That the overview of current Central Area Council priorities and the progress made regarding the development of the agreed priorities from 1st April, 2020 be noted;
- (ii) that the contract with RVS to address Loneliness and Social Isolation in adults comes to an end on 31st March, 2020;
- (iii) that the Area Council Manager undertakes more in depth research in relation to the Loneliness and Social Isolation priority and that the working group is reconvened to discuss this in more detail, feeding back to the Area Council in due course;
- (iv) That the overview of all current contracts and SLAs be noted;
- (v) That the update in relation to the procurement of a service to 'build emotional resilience and wellbeing of children and young people ages 8-14 years living in the Central Council area' be noted;
- (vi) That the current financial position and that projected from 2020/21 to 2022/23 be noted.

24. Notes of the Ward Alliances (Cen.04.11.2019/6)

The meeting received the notes of the meetings of the Dodworth, Kingstone, Stairfoot and Worsbrough Ward Alliances held in October, 2019.

In relation to the Dodworth Ward Alliance, Members heard that the recently held networking event had been a success, with many parts of the community coming together to share ideas. Also noted was the forthcoming installation of the happy to chat benches, with the first to be installed next to Dodworth Library.

Members noted that Locke Park had received a Gold Award for Yorkshire In Bloom which recognised community activity, including the successful fetes held over the Summer. Also noted was the reinstatement of the Santa Dash event.

Councillors all gave their thanks to Marcia Cunningham, the Community Development Officer in the Central Area who would be leaving the authority. Praise was given to her hard work and dedication. Members were given an update on the recruitment process for her replacement, and were asked to bear with the team whilst they were short staffed.

RESOLVED that the notes and feedback from the Ward Alliances be received.

25. Report on the Use of Ward Alliance Funds (Cen.04.11.2019/7)

The item was spoken to by the Area Council Manager, who drew Members attention to the outstanding balances remaining in each of the Ward Alliance Funds.

It was noted that since the publication of the report an additional 10 applications within the Central Ward had been approved so the remaining figure for Central Ward Alliance Fund was significantly reduced.

Members were urged to encourage applications where remaining balances were significant. Also noted was an additional £10,000 which would be made available this year for each Ward Alliance, which would not require match funding.

RESOLVED that the report be noted.

Chair

MEETING:	Dearne Area Council
DATE:	Monday, 18 November 2019
TIME:	10.00 am
VENUE:	Meeting Room, Goldthorpe Library

MINUTES

Present Councillors Noble (Chair), Danforth, Gardiner, C. Johnson and Phillips.

18 Declarations of Pecuniary and Non-Pecuniary Interests

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

19 Minutes of the Previous Meeting of Dearne Area Council held on 30th September, 2019 (Dac.18.11.2019/2)

Members received the minutes from the previous meeting of Dearne Area Council.

RESOLVED that the minutes of the Dearne Area Council meeting held on 30th September, 2019 be approved as a true and correct record.

20 Neighbourhood Services

This item was withdrawn, and an All Members Briefing would be held to discuss this subject.

21 Area Council Future Action Plan (Dac.18.11.2019/4)

The item was introduced by the Area Council Manager, who reminded Members of the work to review Area Councils undertaken earlier in the year.

Recommendations included improved induction for Members for them to be more fully aware of the role of the Area Council; development of the Link Officer role; and exploring links between the area governance structures, Integrated Wellbeing Teams and Primary Care Networks. Members heard of plans to share good practice across Area Councils, and to develop guidance around the escalation of common issues, and to consider the effectiveness of services within the area.

Also a priority was improving communications and the visibility of the Area Council. Members acknowledged the focus on Social Return On Investment in order to show the wider impact of the Area Councils. With regards to priority setting and commissioning, noted was the need to review and improve the availability of data and information, and to consider the possibility of standardising the priority setting frequency and process. The action plan put forward training for Members to engage in the commissioning and procurement process should there be demand for this.

Members acknowledged the need for their involvement in shaping improvements going forward.

RESOLVED that the report be received.

22 Performance Report (Dac.18.11.2019/5)

The Area Council Manager provided an update to the meeting on the performance of commissioned services and Dearne Development Funded projects during quarter 2.

With regards to the Employability Contract held by Dearne Electronic Community Village, performance was positive. Within the quarter an additional 20 learners had enrolled and 4 had entered employment. Members noted that increasingly those accessing the service required significantly more support to access the labour market, it was noted ultimately this may impact on the numbers the service was able to help.

With regards to the Environment, Education and Volunteering Service delivered by Twiggs Grounds Maintenance, performance against the contract was positive. Within the quarter 30 social action events had been led, and 20 community groups supported. 6 areas had been adopted by residents and 168 volunteers engaged. 10 additional local businesses had worked with Twiggs and 11 impact sessions had been delivered to groups and schools. Members noted that the weather had impacted on delivery, but were assured that if sessions with volunteers were cancelled due to poor weather, alternative work was undertaken.

Performance against the contract delivered by B:Friend to reduce social isolation delivered had improved, with an increased number of referrals. Volunteers had pledged 360 hours volunteering from 17 volunteers within the quarter. The service had received a further 22 enquiries from people who were interested in volunteering. 36 group sessions had been delivered, with 12 people signposted on to other groups. Members noted that those engaged were predominantly women and it was agreed to consider this in future contract negotiations.

Members noted that the Goldthorpe Social Club had been moved from the library due to changes in library opening hours, and it was being held at the Pentecostal Church.

The Area Council Manager went on to provide an update in relation to projects funded through the Dearne Development Fund (DDF).

Members noted that the advice service delivered by DIAL had been funded through the 2018/19 budget, but services continued in to 2019/20, with the final session being held in December, 2019. The service continued to be well used, with 24 sessions held and 84 residents assisted.

Goldthorpe Development Group had held three events within the quarter with 36 volunteers assisting and 206 in total attending the sessions. Members noted that attendance early in the quarter had been reduced, and this was down to changes in staff within some of the local care homes. This issue had been raised with the care homes and resulted in numbers attending improving.

Members noted that the Citizen's Advice Bureau had been previously funded by the DDF, and had subsequently been refunded. The performance considered covered the first tranche of funding. The project had seen 244 client contacts, with a benefit gain of £285,119. Members commented that the results from this and the project delivered by DIAL showed the demand in the area for such services.

Therapies for Anxiety Depression and Stress (TADS) had worked with young people with sessions at Dearne ALC, and Station House. Solution focused counselling had been offered as well as yoga club to improve mindfulness.

Low numbers had been seen the drop-in session which had been halted, but the intelligence from the Integrated Wellbeing Teams and Targeted Youth Support Service that there was still demand for such a service so reinstating this would be reconsidered, perhaps at a different venue.

Members noted the Playhouse now had LED lighting funded through the Dearne Development Fund which had a positive impact on performances, and would result in reduced bills.

RESOLVED that the report be noted.

23 Dearne Area Council Procurement and Financial Update (Dac.18.11.2019/6)

The Area Council Manager spoke to the report referring to previous discussions around the Environmental Enforcement contract, which was held by Kingdom Security and which came to an end on 31st March, 2019. The Area Council Manager had challenged the patrolling hours, and as a result £929.94 had been returned.

With the returned finance, Members noted that opening balance for the 2019/20 period was £216,886.17. After taking into account the allocations made for the Environment and Volunteer Service, Housing and Migration Officer and Employability service, Community Newsletter and the Dearne Development Fund, £4,288.41 remained.

Those present heard how the Dearne Development Fund had started the financial year with carried forward balance of £9,572.10, however with the allocation of £60,000 and a further Wellbeing Grant from Healthier Communities of £19,018.78, £88,590.88 had been available for distribution in 2019/20. Members noted that £43,004.42 had been allocated, with £45,586.46 remaining. Members were made aware that a grant assessment panel would be meeting shortly to assess more applications.

It was noted that the Housing Officer post had been vacant since April, 2019, despite two unsuccessful attempts to recruit. Members were made aware that the most recent attempt had resulted in a preferred candidate being selected. Subject to appropriate checks being made it was hoped that the preferred candidate would start in post in the New Year.

RESOLVED that the report be received.

24 Notes from the Dearne Ward Alliance held on 31st October, 2019 and Performance Reports (Dac.18.11.2019/7)

The meeting received the notes from the Dearne Ward Alliance held on 31st October, 2019. It was noted that the Ward Alliance had recommended four additional Ward Alliance Fund applications for approval.

Members commented on the performance reports, which were well received. It was noted that in future there would be a more succinct combined report. It was suggested that, where possible, the stories be further condensed and be displayed publically using screens and noticeboards to further publicise the positive work of the Ward Alliance.

RESOLVED that notes from Ward Alliance be received.

25 Report on the Use of Ward Alliance Funds (Dac.18.11.2019/8)

From an opening balance of £11,784.19 Dearne North Ward Alliance had allocated £10,341.17 to a total of 15 projects. This left £1,443.12 to allocate.

Dearne South had allocated £8,983.98 to 13 projects from an opening balance of £13,027.02. This left £4,043.04 to distribute.

Members noted that an additional £10,000 per Ward had been confirmed. Therefore it was suggested that the next Ward Alliance allocates appropriate time on the agenda to discuss the use of Ward Alliance Funds in more detail.

RESOLVED that the report be noted.

Chair

MEETING:	North Area Council
DATE:	Monday, 18 November 2019
TIME:	2.00 pm
VENUE:	Meeting Room 1 - Barnsley Town Hall

MINUTES

Present

Councillors Leech (Chair), T. Cave, Howard, Hunt, Lofts, Pickering, Platts and Tattersall

28 Declarations of Pecuniary and Non-Pecuniary Interests

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

29 Minutes of the North Area Council meeting held on 16th September, 2019 (Nac.18.11.2019/2)

The Area Council received the minutes of the previous meeting held on 16th September 2019.

RESOLVED that the minutes of the North Area Council meeting held on 16th September 2019 be approved as a true and correct record.

30 RVS Grant Project Overview - Ali Kaye (Nac.18.11.2019/3)

Ali Kaye from the RVS 'Move it or Lose it' project was welcomed to the meeting. The project is an exercise-based programme for older people and can be either on a one-to-one basis or group work in a range of locations across the area. It is part of a large evidence-based national network of registered instructors with a number of aims, including: helping older people to become physically fit through active ageing; falls prevention; reducing social isolation; promoting the independence of older people so that they can remain in their own homes and helping to address mental health problems. The exercises are simple but effective and tailored to the needs of the individual. The majority of participants fall within the 75-84 age group. Two further groups are planned in the New Year at New Lodge Community Centre and at the church. A Member expressed concern that the sessions may not be accessible to all due to their location. It was explained that the organisation are looking to recruit volunteer drivers to help people attend sessions which they might otherwise not be able to get to.

RESOLVED:-

- (i) that Ali be thanked for her attendance and contribution;
- (ii) that the update be noted; and
- (iii) Contact details, referral pathway and full details and timetables of organised sessions will be distributed to Members

31 Neighbourhood Services Overview - Mel Fitzpatrick & Anthony Devonport (Nac.18.11.2019/4)

The Area Council Manager explained that Neighbourhood Services will not be attending Area Council meetings as originally envisaged, but will brief Members via a Member briefing.

RESOLVED that Members note the information.

32 Area Council Action Plan (Nac.18.11.2019/5)

The Area Council Manager introduced this item, explaining that In April 2019, the Area Chairs Liaison Group requested that a review be undertaken of the work of the Area Councils over the 6 years of their existence to enable a future development plan to be written, to take them to the next stage in their development. A series of workshops was held with the Area Chairs and Senior Officers which explored the strengths, weaknesses, opportunities and threats pertinent to the Area Councils, from which a detailed action plan was developed.

RESOLVED that the North Area Council notes the update with regards to the future action plan for Area Councils.

33 Performance Management Report - Commissioned Projects & Grant Summary - Q2 (Nac.18.11.2019/6)

The Area Council Manager provided Members with a comprehensive North Area Council Performance Report for the period July –September 2019 (2029/20 Quarter 2). It was highlighted that Part A of the Performance report provides North Council members with an aggregate picture of how all the North Council contracted services contribute to the achievement of each of the North Area Council's agreed outcomes and social value objectives of the report.

Part B provides North Council members with a summary performance management report for each of the contracted services together with RAG ratings plus updated information from all North Area Council Providers, following submission of their quarterly reports and subsequent quarterly contract monitoring/management meetings.

Part C provides a summary of performance information from the Strong Communities Grants Projects. In addition to the information provided in the summary reports, more detailed information is available on request, including case studies with photographs for each contracted service.

It was reported that the Housing Migration Officer post had been advertised in conjunction with Dearne Area Council. Three applicants were interviewed, one of which was successful. The candidate had decided to take up the post with the Dearne Area Council. As a result, a further request to recruit has been submitted and will be advertised shortly. The post will be based in Royston.

A discussion took place around excess winter deaths data, as the trend appears to be worsening, with Darton East Ward experiencing the worst levels across the

Borough. It was suggested that a presentation with Public Health and DIAL would be useful to increase understanding of the issues and what can be done about it.

Members' attention was drawn to the performance of a number of grant projects, including the Emmanuel Church Ignite Project, which works with children and young people in school to encourage them to discover their strengths, make positive choices and promote individuality through good mental health; YMCA Youthwork; Ad Astra Barnsley CIC (New Lodge) and the Fit Reds Healthy Lifestyle Programme which works to improve the health and wellbeing of both young people and adults in the North Area through the delivery of structured physical activity sessions coupled with lifestyle workshops.

RESOLVED that:

- (i) Members note the contents of the Performance Management report; and
- (ii) The Area Council Manager make enquiries about the possibility of a joint presentation from Public Health and DIAL around excess winter deaths data.

34 Commissioning, Project Development and Finance (Nac.18.11.2019/7)

The Area Council Manager introduced this item, providing Member of the North Area Council with a financial position and forecast for expenditure based on the projects that have been proposed and drawing their attention to the budgeting workshop recommendations within the report. It was explained that community magazines are now going to be at whole Council level rather than at Area Council level.

RESOLVED that

- (i) The North Area Council note the existing budget position and existing funding commitments.
- (ii) Members note the information regarding the Housing Migration Officer post
- (iii) Members agree to combine the budget allocated for the youth participation officers with the budget for the young people's project, and
- (iv) Members agree the forward commissioning profile and associated budget implications for 2020/21 and 2021/22 recommended at the budget workshop.

35 Young People's Health and Wellbeing Project Specification (Nac.18.11.2019/8)

The Area Council Manager introduced the item, reminding Members of the discussions that took place at a recent workshop which explored the opportunity for a North Area Council funded young people's project. Detailed information was provided around business intelligence, pupil premium information, indices of deprivation and individual needs in schools together with the scope of services, transition work and provision during holidays. Members felt that provision should be offered to children and young people across all age groups, not just those in Years 7 and 8, but it was acknowledged that this would require a much larger budget and Pupils in Years 7 and 8 had been identified as those most in need. There is a need to target younger pupils, as the older they are the more costly any intervention becomes.

A discussion took place around the future development of a Youth Hub which Members were made aware of via a Member Briefing, but this will not be available for around 3 years. A Member also queried whether any information was available around the link between self harm and deprivation, with risky behaviour mapped at ward level. However, it was felt that the Area Council could not be responsible for addressing these issues at Area Council level. The project will target 6 schools out of 12 that are most in need.

RESOLVED that:

- (i) Members noted the risks identified in section 10 of the document
- (ii) Members agreed to the specification
- (iii) The Area Manager be tasked with developing the specification for a competitive tender process, and
- (iv) Members agreed to the financial implications of this contract, including the duration and proposed start date.

36 Stronger Communities Grant Budget and Process (Nac.18.11.2019/9)

The Area Council Manager introduced this item, detailing the Stronger Communities Grant Panel's recommendation to make the grant funding available for 2020/21 together with dates for advertising the grant funding opportunity. A discussion took place around the possibility of reducing the level of grant as large bids can drain resources but it was felt that there needs to be a balance between the projects being meaningful, sustainable and qualitatively analysed.

RESOLVED that

- (i) Members approved the recommendation to run the grants programme in 2020/21, with individual bids fixed at an upper limit of £20,000
- (ii) Members agreed to the terms of reference within the report;
- (iii) Members agreed the value of the grant funding pot for 2020/21, and
- (iv) Members confirmed Councillor representation from each ward on the grants panel 2020/21.

37 Report on the use of Ward Alliance Funds (Nac.18.11.2019/10)

The Area Council Manager updated the North Area Council regarding the financial position of the Ward Alliance budgets for each ward for the 2019/20 period.

RESOLVED that each Ward in the North Area Council area prioritises the efficient expenditure of the Ward Alliance Funds 2019/20, in line with the guidance on spend.

38 Notes from the Area's Ward Alliances (Nac.18.11.2019/11)

The meeting received the notes from the Darton East Ward Alliance meetings held on 10th September and 8th October 2019, from the Darton West meetings held on 16th September and 7th October, Old Town held on 10th September and 7th October 2019 and St Helens held on 5th September and 10th October 2019. Members were reminded of the requirement for Ward Alliance minutes to be received by the Area Council.

Further information was provided as follows:

Darton East Ward Alliance has supported the installation of Christmas lights in Mapplewell for the very first time, with the switch on planned for 29th November. In addition, four Christmas trees are to be provided around the Borough.

It was reported that Darton West Ward had funded poppies on lamp-posts as part of the Remembrance Commemorations. This will now be an annual event. Bulb planting has taken place in Darton Park (it was wet and muddy). The Stars of Darton awards are being planned for March next year.

Old Town Ward Alliance has funded replacement fencing for Pogmoor Parks, the Emmanuel church knitting group and a function at St Pauls church.

St Helen's Ward Alliance will fund four Christmas events this year, with the memorial tree event at the Chapel on 28th November involving school choirs. The Ward Alliance funded a bench to commemorate Remembrance Day. The Crime and safety group have received £1000 to mark property, £1200 was contributed towards fireworks at Athersley Recreation Ground. The recent health event was very well attended and included 'sloppy slippers', eyesight checks and 'cancer safe' advice. The Community Shop is an excellent resource and it was suggested that Members pay a visit to it to find out more.

RESOLVED that the notes of the respective Ward Alliances be noted.

Chair

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MEETING:	North East Area Council
DATE:	Thursday, 28 November 2019
TIME:	2.00 pm
VENUE:	Barnsley Town Hall

MINUTES

Present

Councillors Hayward (Chair), Cheetham, Cherryholme, Ennis OBE, Felton, Green, Houghton CBE, Makinson, McCarthy and Richardson

30 Declarations of Pecuniary and Non-Pecuniary Interests

Cllr Hayward declared a non-pecuniary interest in Minute No. 37 due to his position as Chair of Barnsley Community Build (BCB).

31 Minutes of the Previous Meeting of North East Area Council held on 19th September 2019

The meeting considered the minutes from the previous meeting of the North East Area Council held on 19th September 2019.

RESOLVED that the minutes of the North East Area Council held on 19th September 2019 be approved as a true and correct record.

32 Notes of the Following Ward Alliances with Feedback from each Ward Alliance Chair

The meeting received notes from the Cudworth, Monk Bretton, North East and Royston Ward Alliances held throughout September 2019. The following updates were noted:-

Cudworth – It was reported that the Winter Health Fayre on 23rd November was very well attended. 34 Christmas motif lights have been put up, with businesses in Cudworth contributing towards the costs of erection, dismantling and insurance alongside the Ward Alliance. The Local Businesses and Communities Together group picked up an award for their 'Bunny Run' project in the Proud of Barnsley awards. A number of local projects have been funded, including CAB and a parents' dance group. On 1st November an illuminated poppy was erected outside The Star public house, which raised £511.

Monk Bretton – It was reported that Monk Bretton Memorial Gardens achieved the Gold Award in Barnsley in Bloom. The flags at the War Memorial have been power washed and the tubs and flower beds have been planted up. The Winter Health Fayre was well attended. Christmas events are to take place at both Carlton and St Paul's Church. Lang Avenue had been affected by the recent floods and food donations and cleaning equipment had been provided by the Ward Alliance, which were gratefully received. Bow Street had been inundated with donations, all of which

have been delivered. Unfortunately some residents are still not back home. Area Council Staff were congratulated on a job well done.

North East – It was reported that flowering bulbs have been planted across the area. Brierley S106 money has been received and a meeting will be held to discuss what it should be spent on. It was reported that Grimethorpe now has a Residents' Association, with the first meeting to be held at the beginning of December. All 4 villages are to have Christmas lights this year. Next year the possibility of planting real trees will be considered as a greener alternative, incorporated within the Council's tree planting programme.

Royston – It was reported that the 6ft tree planted last year was used but that it is still quite small. The Christmas lights switch on took place last night and all 4 primary schools attended. Thanks were expressed to Cllr Richardson. Autumn planting has taken place in the park and other areas, which helped to achieve the Barnsley in Bloom Level 5 award and the Platinum award for the canal. The long awaited Albert Shepherd VC event was well attended. A Halloween event and various children's activities took place in the Royston Pavilion and provided a consultation opportunity regarding use of the facility, which NPS used to compile a 'snapshot' social value report.

RESOLVED that the notes from the Ward Alliances be received.

33 North East Area Council Project Performance Report - update on the delivery of commissioned projects

The Area Council Manager introduced this item, highlighting progress in regard to delivery of a number of projects aligned to the agreed outcomes and social value objectives of NEAC.

Members considered a summary performance management report for each service commissioned to provide services in the North East Area Council area together with individual case studies outlining the valuable work taking place which also contributed to these objectives. These included: car parking enforcement at Robert Street, Carlton Street and Bank Street, Cudworth; dog fouling enforcement at Shafton Green and High Street, Shafton; Barnsley in Bloom projects across the North East Area Council; Summer Holiday activities at Royston Pavilion and Older people meeting together to reduce loneliness in Great Houghton.

It was reported that £18,500 has been donated to the South Yorkshire Ambulance Service for defibrillators, with a request of match funding from Ward Alliances at £500 per defibrillator. The North East Area Team has taken a lead on this project, and match funding has been agreed by the four Ward Alliances for 11 defibrillators to be installed at community locations across the North East Area Council.

Members were made aware of a Mental Health Awareness Training session which is available. It is a half day course and is delivered free of charge, with a further opportunity to attend an advanced course. Members were asked to consider attending the training alongside the Area Council Team.

The social Isolation and dementia project has made a good start, with 34 people supported and 15 new referrals, signposted through Age UK Barnsley. Activities to

date have included afternoon teas and 'holiday at home' events. The initiative is encouraging local community groups to link in with Care Homes with activities such as the History Groups making a memory scrapbook, and the Gardening groups bulb planting with the residents. It was reported that 42 businesses and shops are now dementia friendly across the High Streets of the North East Area Council.

The Private Sector Housing officer has been working on several anti-social behaviour issues, attending various community events, litter picks, discussing recycling, and making referrals on to other teams and organisations.

District Enforcement continues to perform well, issuing 156 Fixed Penalty Notices (FPN)s this quarter and 27 Notices for parking (with a further 57 drive off's). 130 of the FPNs have been for littering offences and 26 for dog fouling offences, with cigarette litter accounting for 75% of the offences, which is well below the national average. This provides a valuable income stream for the Area Council. It was also highlighted that residents levels of information reporting have increased. Members were asked to let the Area Council Manager know of any further hot spot areas for litter.

RESOLVED that the report be noted.

34 NEAC Financial Position and Procurement Update

The North East Area Council Manager reported on the current position in regard to the commissioning budget and financial analysis for the period 2017/18 to 2020/21.

RESOLVED that the report be noted.

35 Report on the Use of Area Council Budgets and Ward Alliance Funds

The North East Area Council Manager introduced this item, updating Members regarding the North East Area Council Budget and Ward Alliance Funds.

RESOLVED that the report be noted.

36 Area Councils' Future Development Action Plan

The North East Area Council Manager introduced this item, outlining the Area Councils future action plan following on from the Area Council review. The first meeting of the Integrated Health and Wellbeing team has now taken place, and was an opportunity to share good practice and to promote the work of the Area Councils. It was reported that Health England was particularly impressed. It was reported that Health England was particularly impressed with the projects and initiatives happening across the North East Area Council communities. It was also reported that if a number of Area Councils are experiencing problems with the same issue, this can be submitted to the Overview and Scrutiny Committee for consideration as part of their 'check and challenge' function.

RESOLVED that the update with regards to the future action plan for Area Councils be noted.

37 Apprentices and Employability Programme Specification (with Appendices A, B and C)

Councillor Hayward, having declared a non-pecuniary interest, left the meeting whilst this item was discussed. Councillor Sir Steve Houghton CBE took the position of Chair for this item only.

The North East Area Council Manager introduced this item, presenting the proposed North East Area Council detailed specification for the Apprentices and Employability commission. It was noted that this commission last went out to tender 4 years ago. The new commission will be for the same duration, with a break clause after each year. Councillors were asked to note that because of the value of the tender, the commission will have to go through the Official Journal of the European Union commissioning procedures. Members of the Environment Steering Group Panel will evaluate the tender applications, alongside the Post 16 Partnership Manager, who will provide technical guidance. A Councillor said he was pleased that the terms and conditions of employment are comprehensive and include the Living Wage, or Enhanced Wage, requirements.

RESOLVED that

- (i) the North East Area Council approves the Specification for an Apprenticeship and Employability Study Programme, and
- (ii) that the Contract price shall not exceed £215,000 per annum.

Chair

MEETING:	Penistone Area Council
DATE:	Thursday, 5 December 2019
TIME:	10.00 am
VENUE:	Council Chamber, Penistone Town Hall

MINUTES

Present Councillors Barnard (Chair), Greenhough, David Griffin, Hand-Davis and Wilson.

22 Declarations of pecuniary and non-pecuniary interests

No Members declared an interest in any item on the agenda.

23 Minutes of the Penistone Area Council meeting held on 3rd October, 2019 (Pac.05.12.2019/2)

The Area Council received the minutes of the previous meeting held on 3rd October, 2019.

The Area Council Manager made Members aware that the opening of the Trans-Pennine Trail installation had been delayed and clearance from Network Rail was still outstanding.

Members were made aware that the SOPPA Network 'Love Later Life' event was postponed and would take place in the spring.

RESOLVED that the minutes of the Penistone Area Council meeting held on the 3rd October, 2019 be approved as a true and correct record.

24 Notes from the Penistone Ward Alliance held on 14th November, 2019 (Pac.05.12.2019/3)

The meeting received the notes from the Penistone Ward Alliance held on 14th November, 2019.

Members noted the significant amount of finance distributed and the range of projects supported by the Ward Alliance Fund.

Those present were provided an update on the application from Saunderson Gardens Resident Association, although this was refused it was noted that a significant number of trees had subsequently been provided by the Woodland Trust.

RESOLVED that the notes from the Penistone Ward Alliance held on 14th November, 2019 be received.

25 Report on the Use of Ward Alliance Funds (Pac.05.12.2019/4)

The Area Council Manager introduced the item, and referred Members to the outstanding finance within the Ward Alliance Fund. From a total balance of £56,015, just over £27,484 remained to allocate.

Members noted that a number of applications had been received for consideration and others were expected in due course.

The meeting discussed whether to make climate change a priority, and to invite applications to address this. Members noted the 'Penistone Against Plastic' group and whether these could be supported in future.

RESOLVED that the report be received.

26 Performance Report Q2 (Pac.05.12.2019/5)

The item was introduced by the Area Council Manager who made Members aware that the report covered Quarter 2, July to September, 2019.

From the cumulative performance tables a number of areas were highlighted. This included the increases in clean and tidy activities undertaken by businesses and the numbers of young people making a positive contribution to the design and maintenance of their local environment.

Members noted the contribution of volunteers, with over £17,000 worth of volunteer time given, and over 96% of contracted finance was spent in the local area.

78 volunteer opportunities had been created and 4 individuals supported had gained a qualification in the quarter. In addition 40 community groups had been supported, 249 volunteers of which 50 were new, had been engaged. 93 residents had received advice and support.

Performance against the contract delivered by Twiggs Grounds Maintenance was positive, with the service now in its second year of operation, and an extension agreed to the end of the financial year. Members noted the work in the parishes and with businesses. Also noted was the variety of new groups supported. Members heard how all targets had been met, including those related to young people, despite it being the school summer holidays.

The team had worked with Rainbows, Brownies and Guides, and Members noted the continued work with Team Green Moor towards their Britain in Bloom award. Also acknowledged was support given to Springvale Community Garden and work that had recently commenced in Stainborough and Hood Green.

Benches around the area had been restored, and 'Happy to Chat' plaques added to some, a practice which may be replicated elsewhere. Members noted that 7,000 bulbs had been procured for planting with volunteers around Bower Dell.

Volunteer involvement around Windermere Road edible beds had improved, as had engagement around Ingbirchworth, Gunthwaite, and Bromley Carr. Members noted the new approach to advertising to engage volunteers which was thought to be working well.

It was noted that the contract held by Age UK was in the 3rd quarter of its first year, but was being extended to run into a second year. High numbers of volunteers had been engaged with a successful recruitment drive held in September, and a number of positive features in the local press.

Befrienders had been active, supporting individuals and some small group activities such as group outings. It was noted that some of those seeking support had complex needs such as dementia, and therefore had been referred to more appropriate agencies for support.

The advice service had supported 25 users, with approximately £31,000 of benefit gained. Members noted the different demographic served when compared to similar advice services, and that home visits were available.

The volunteer car scheme had proved popular, but it was acknowledged that more drivers were required. Members suggested the size of the area covered could cause potential issues.

Age UK had worked to support community activities in Wortley, Tankersley, Cawthorne and Silkstone, and Men In Sheds being launched in Penistone In the New Year. In addition 11 active groups were supported through the U3A. Members heard of the Pen Pals project which matched school age children who wrote a letter to more elderly adults, who then replied. The project had received significant attention from elsewhere in the country and was looking to be expanded in additional schools.

Members noted the SOPPA network was going well, and the responses from the Age Friendly Penistone Consultation were being assessed. The subgroup supporting this would now be meeting in January, 2020.

The current contract with DIAL was nearing the end of its first year, but would be extended for a further 12 months. It was noted that there was a lull during the summer, but demand had increased since. Members noted the retirement of Gwen White, and it was agreed that a letter of thanks be sent from the Area Council commending the positive work she had undertaken.

To date the service had generated a benefit gain of £127,055 with around £27,000 within the quarter. Members noted that a report was being collated which would compare advice service provision and performance around the borough. However, 69% of those accessing the DIAL service reported an improvement in their health and wellbeing.

The report provided an assessment of the performance of final quarter of the service piloted by CAB. Though only available twice a month from 2-6pm on a Wednesday, the service had assisted clients to gain £31,952 of benefits and helped manage £29,154 of debt (£2,158 within the quarter). It was noted that 59 volunteer hours had been committed within the quarter, with the majority of these providing back-office support.

The number of passengers using South Pennine Community Transport was high, well in excess of targets and additional routes had been added at no extra cost to the Area Council. Members heard how they had partnered with the HCT group as part of their future journeys programme. They had also developed their own 5 year development plan. Members commented on the positive links being made as part of the Barnsley Bus Partnership.

Suggestions were made about the need to feed into both SCR and Barnsley Transport Strategies, and the place of community transport in rural areas was acknowledged.

RESOLVED :-

- (i) That the report be noted;
- (ii) That a letter be send to Gwen White thanking her for all her hardwork in the delivery of the DIAL service, and wishing her a long and happy retirement.

27 Penistone FM - Young Voices (Pac.05.12.2019/6)

Steve Dobson from Penistone FM was welcomed to the meeting. Members were provided an overview of the project that had been funded through the Working Together Fund.

Young people were offered the opportunity to undergo training as a presenter or interviewer and were offered work experience, either at the station or elsewhere. 12 young people were engaged, which was above the original target. The difficulties in engaging students during the day were noted, with the majority of young people being engaged through the enrichment programme at Penistone Grammar School.

Members heard how a variety of training was offered, including in the studio. Students created drama, sound effects, did editing and added music. Those taking part had talks about careers in radio, from a representative at Radio Sheffield and many volunteered as presenters and interviewers at Penistone FM.

It was noted that 2 students passed their NCFE level 1 qualification, with 1 further ready for verification and 3 continuing to work towards this.

Work experience was offered within the station on such as outside broadcasts, but also to produce stories for the Look Local newspaper.

The impact on each of the young people taking part was acknowledged, these included improvements in confidence, and giving experiences outside the normal comfort zone. Also noted was the number of young people going on to jobs or higher education in journalism or in media.

Looking to the future Members heard of plans to develop a new approach to work with young people focussing on mental health, to highlight the difficulties they face, using podcasts to enable discussion about these.

Members praised the work of Penistone FM, including with Penistone Grammar School, and the unique opportunity the station offered within the area.

RESOLVED that thanks be given for the presentation and the positive contribution all involved with Penistone FM provide.

28 Procurement and Financial Update (Pac.05.12.2019/7)

The Area Council Manager spoke to the item, referring to the services provided by Age UK to support vulnerable and isolated older people. It was noted that the relevant paperwork to extend provision for a further year had been completed.

Members noted that the finance remaining in the Working Together Fund, and that there was a single application pending which had been deferred for further information.

The relevant paperwork had been completed to waive contract standing orders to extend the Clean, Green and Tidy service until the end of March, 2020. A tender specification had been developed, which would be circulated to Members for comments before 11th December. The service would go out to tender on 16th December, 2019, with a view to the new contract starting 1st April, 2020. Volunteers to take part in the evaluation panel were sought, with one Member from each ward and a community representative from the Ward Alliance preferred.

Members noted the suggestion for the next feature in Penistone Living, to be included in the February edition, which would avoid the purdah period.

An overview of the financial situation was given, with £21,829 remaining for distribution in 2019/20.

RESOLVED:-

- (i) That the update on procurement activity be received;
- (ii) That the update on progress of contracts funded by the Support Isolated and Older People Grant Fund and the arrangements for their extension be noted;
- (iii) That the update and current financial position of the Penistone Working Together Fund be noted;
- (iv) That the update on the current Clean and Tidy Contract and the timescales for the agreed procurement of a future contract be noted;
- (v) That Members provide feedback on the tender documentation for the procurement of a Clean and Tidy Service;
- (vi) That Members interested in taking part in the evaluation panel for the procurement of a Clean and Tidy Service contact the Area Council Manager;
- (vii) That the Area Council updates be included in the February, 2020 edition of Penistone Living;
- (viii) That the current financial position be noted.

29 Feedback from the Youth Summit (Pac.05.12.2019/8)

Jolene Allen and Mark Glymond were welcomed to the meeting. The Area Council Manager reminded members that Supporting Young People was one of the priorities of the Area Council, though only 6% of all spend was directly aimed at this priority. Members had agreed to consider available evidence prior to any further investment.

Discussions had been held with the Targeted Youth Support Service Early Intervention and Prevention service which had led to the development of the Youth Summit. Here tasters were offered in engaging activities to encourage young people to attend, and in addition to information stalls, there was an opportunity for those attending to give their opinions.

Those attending were asked to contribute to a Youth Voice Tree, a Money Wall and the event evaluation. Many did take part in the engagement, and Members commented that young people were generally positive about the area, and it showed that many were aware of wider issues such as mental health and the environment. Feedback related to the event was positive and though many were resident in the area around the town centre, some did attend from surrounding villages.

Members were then made aware of the service provided through the Targeted Youth Support Service – Early Intervention and Prevention. This included universal group provision and outreach engagement; targeted group provision, and one to one targeted or specialist support.

Noted were the delivery settings, which included 2 nights a week at the IKIC centre, with young people able to self-refer. Also provided was a detached session 1 night per week; however it was noted that there was a vacancy in this area so detached provision was currently unavailable.

Members heard of work done in partnership with schools on transition, intergenerational work with Age UK, and assistance provided to young people to enable them to volunteer. Also noted was the piloted excel scheme, designed to support young people to remain in school.

Those present were made aware of the Make Your Mark campaign and the issues raised in Penistone Grammar School (fear of knife crime, equal pay, and mental health) and the 6th form (transport, period poverty and mental health).

Members were apprised of the plans of the service, which included continuing work at the IKIC centre, an Arts Project with Public Health, and a focus on Health and Wellbeing Month in February.

A discussion took place around whether the information presented had highlighted any areas requiring investment by the Area Council. It was suggested that further investigation be undertaken and a workshop be convened to discuss this and any implications.

RESOLVED:-

- (i) That thanks be given for the work undertaken to plan and hold the Youth Summit; and
- (ii) That a workshop be arranged with partners to consider information and intelligence related to young people in more detail, with any findings to be considered at a future meeting of the Area Council.

Chair

MEETING:	South Area Council
DATE:	Friday, 17 January 2020
TIME:	10.00 am
VENUE:	Meeting Room, The Hoyland Centre

MINUTES

Present

Councillors Daniel Griffin (Chair), Andrews BEM, Eastwood, Franklin, Lamb, Markham, Saunders, Shepherd, Smith, Stowe and Sumner

27 Declarations of Pecuniary and Non-Pecuniary Interests

No Member wished to declare an interest in any item on the agenda.

28 Minutes of the Meeting of South Area Council held on 25th October, 2019 (Sac.17.01.2020/2)

The meeting considered the minutes of South Area Council held on 29th October, 2019.

RESOLVED that the minutes of the South Area Council held on 29th October, 2019 be approved as a true and correct record.

29 Notes of the Ward Alliances (Sac.17.01.2020/3)

The meeting received the notes from the following Ward Alliances:- Hoyland Milton and Rockingham held on 6th November, 2019; Wombwell held on 18th November, 2019; and Darfield Ward Alliance held on 21st November, 2019.

RESOLVED that the notes from the Ward Alliances be received.

30 Report on the Use of Ward Alliance Funds (Sac.17.01.2020/4)

Members considered the allocations made from each of the Ward Alliance Funds in 2019/20 and the amounts remaining. It was noted that an additional £10,000 had been made available in the current financial year and this would be replicated for 2020/21. It was confirmed that the additional finance would not require match funding.

RESOLVED that the report be noted.

31 Performance Report Q2 (Sac.17.01.2020/5)

The item was introduced by the Area Council Manager who made Members aware that the report format had been updated slightly to reflect the targets included in a number of new contracts. Feedback on the revisions was invited from Members.

Those present were made aware that the performance of the Tidy Team contract had been rated as 'red'; this was due to the difficulties in recruiting apprentices. It was

noted that more recently there had been more success with two apprentices now recruited, which would result in the rating likely to be 'green' in the next quarter.

Age UK Barnsley had successfully completed their first quarter of delivery, and although there had been staff changes, this had not result negatively on performance. 114 individuals had been engaged, with 24 one-to-one interventions, with some individuals having complex needs.

With regards to volunteer car journeys, 2 volunteers had been engaged, but consideration was being given to whether there was the ability to scale up this activity in the area. Age UK colleagues felt that transport did impact on isolation, and evidence of this had been requested.

Figures of fixed penalty notices issued by District Enforcement were still as high as in the previous quarter, despite warnings being issued for parking on the approach to Christmas, with tickets only being issued for dangerous parking or those unwilling to move their cars. It was noted that District Enforcement had been successful in issuing high numbers of notices for dog fouling elsewhere in Barnsley. Members discussed the current focus of the commission on parking in the town centres of Hoyland and Wombwell. It was noted that decisions about the extension of the project would be required shortly, and this may be an opportune time to consider any changes to the contract. It was acknowledged that extra resource to cover additional geographical areas or include dog fouling may incur an additional cost.

In addition Members noted that some support could be available through Public Health to improve air quality around schools, and this could be part of a package of support to reduce issues around schools, which included parking.

RESOLVED:-

- (i) That the report be noted;
- (ii) That a future meeting of the Area Council considers the issues of environmental enforcement and car parking around schools, together with possible solutions.

32 Procurement and Financial Update (Sac.17.01.2020/6)

The Area Council Manager introduced the item, referring to the financial situation of the Area Council. £41,654 remained within the 2019/20 budget and £28,344 within that for 2020/21.

Within the Health and Wellbeing Fund budget, around £9,000 remained. Members considered whether to advertise the fund and invite a further round of applications, and a suggestion was made to use some of this finance to fund interventions proposed in minute 33. Whether further finance would be forthcoming from Public Health for 2020/21 was unclear, but the Senior Management Team Link Officer agreed to seek clarity.

Members discussed the income from Fixed Penalty Notices issued previously, which was in the region of £32,500. It was suggested that some of this could be utilised to provide or replace play equipment in the area.

RESOLVED:-

- (i) That the report be received;
- (ii) That the Senior Management Team Link Officer seeks clarity on whether further finance from Public Health is likely to be forthcoming;
- (iii) That a future meeting of the Area Council considers a report on the use of Environmental Enforcement income for to improve play facilities in the South Area.

33 Public Health update (Sac.17.01.2020/7)

Alec Tinker, Senior Public Health Officer, was welcomed to the meeting to discuss physical activity and falls prevention.

Members noted that 30% of over 65s have a fall each year, with 50% over 80 having a fall. Falls cost the NHS £2.4bn a year. Rates of emergency hospital admissions due to falls in those over 65 was highest in the area, and excess winter deaths had increased in Barnsley, being higher than the rates seen regionally and nationally.

Members heard that approximately 9,100 residents of South Area were aged 65, which equated to approximately 3,000 people falling every year. Members noted that the mortality rate from preventable causes was also higher than the Barnsley and England rates.

Members acknowledged that physical activity reduced the rates of hip fractures, and helped to tackle broader issues such as loneliness and isolation, which itself had a wider impact on such as dementia.

Those present heard that the Chief Medical Officer suggested older people undertake strength and balance exercises on at least two days a week.

Members noted provision already in the area, and the intentions of the CCG and Local Authority to provide more in the future. Also noted was the current process for falls assessment and treatment.

Those present considered a range of options for improving provision in the area, and the outcomes expected from these. Included were 'Move it or Lose it', Tai Chi, and seated exercise classes.

The suggested option was to provide a combination of 'Move it or Lose It', and the Functional Fitness MOT. The former provided would provide fun exercise with a view to improving flexibility, balance, strength and aerobic capacity, with the latter training individuals to provide mobility assessments and signpost to activities that improve strength and balance.

Members also considered ways to procure provision, which included the possibilities of going out to tender and also through establishing a grant scheme.

Whilst Members were supportive of interventions, questions were raised about whether economies of scale could be realised if other Area Councils were interested in providing a similar service. Also discussed was the potential of funding being provided through organisations such as the NHS or care homes, which would benefit

financially from such interventions. Councillor Lamb agreed to broach this issue with partners in his position as Chair of the Stronger Communities Partnership and the Senior Management Team Link Officer also agreed to broach this with colleagues in partner agencies.

Questions were raised as to whether the issue of falls was more prevalent within the community or with care homes within the area, and it was agreed to seek any data on this.

Following discussion, Members suggested that the Functional Fitness MOT training, at a cost of £1,200 to train 24 individuals, be approved. It was also suggested that the provision of further interventions be discussed at a future meeting of the Area Council once information on the potential contribution from partners, and potential for economies of scale were known.

Members noted the work as part of Smoke Free Hoyland had progressed quickly with fantastic engagement and research showing 97% of adults were not smoking within the town centre. A launch event would be organised in due course. Members wished to place on record their thanks for the work of Kaye Mann in implementing Smoke Free projects in Barnsley.

RESOLVED:-

- (i) That the report be received;
- (ii) That £1,200 be approved for the Functional Fitness MOT training be provided in order to train 24 individuals;
- (iii) That Councillor Lamb, as Chair of the Stronger Communities Partnership, and the Senior Management Team Link Officer broach the issue of contributing financially to any provision to reduce falls and improve strength and balance with colleagues in partner agencies;
- (iv) That a future meeting of the Area Council considers the issue of reducing falls through improving strength and balance in light of further information.

Chair

MEETING:	Cabinet
DATE:	Wednesday, 27 November 2019
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

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

Members in Attendance: Councillors Franklin, Frost, Saunders and Tattersall

Guest: Councillor Ennis (Scrutiny and Overview Chair)

120. Declaration of pecuniary and non-pecuniary interests

Cllr Tattersall declared a non-pecuniary interest in the matters to be considered at item 6 by virtue of being a Berneslai Homes Board member.

There were no further declarations of pecuniary or non-pecuniary interest.

121. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 13th November 2019 had been called in.

122. Minutes of the previous meeting held on 13th November 2019 (Cab.27.11.2019/3)

The minutes of the meeting held on 13th November 2019 were taken as read and signed by the Chair as a correct record.

123. Decisions of Cabinet Spokespersons (Cab.27.11.2019/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 15th November 2019 were noted.

124. Petitions received under Standing Order 44 (Cab.27.11.2019/5)

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

Overview and Scrutiny Report

125. Recommendations to Cabinet further to the Overview and Scrutiny Committee regarding Void Properties (Cab.27.11.2019/6)

The Chair of the Overview and Scrutiny Committee presented a report on the recommendations from the Overview & Scrutiny Committee (OSC) Thriving & Vibrant Economy Workstream meeting held on 1st October 2019 in relation to Void Council Properties.

Members noted the important health and safety considerations associated with recommendation 5: 'Neighbourhood Services to consider machines which can collect grass as it is cut across the borough' and discussed the wider policy implications for both Berneslai Homes and private landlords.

RESOLVED that the report be received and the Executive Director for Core be requested to co-ordinate a response to the recommendations in the report within 28 days.

Core Services Spokesperson

126. Corporate Plan Performance Report - Quarter 2 July to September 2019 (Cab.27.11.2019/7)

RESOLVED:-

- (i) that the Corporate Plan Performance Report for Quarter 2 (July to September 2019), as detailed in the report now submitted, be noted;
- (ii) that a suggested follow up area at the end of Quarter 2 in relation to Performance Indicator EC4 (number of private sector jobs created) and business job growth, be noted;
- (iii) that the inclusion of the Stronger Communities quarterly narrative report which details the contribution of Area Council's and Ward Alliances to the Corporate Plan priorities and outcomes be noted; and
- (iv) that the report be shared with the Overview and Scrutiny Committee to inform and support their ongoing work programme.

127. Corporate Financial Performance - Quarter Ending 30th September 2019 (Cab.27.11.2019/8)

RESOLVED:-

- (i) that the Corporate Financial Performance Report for the Quarter ending 30th September 2019, as set out in the report now submitted, be noted;
- (ii) that the current forecast General Fund revenue operational underspend for 2019/20 of £4.329m and agree that this be considered as part of the updated Reserves Strategy which will form part of the 2020/21 budget setting process be noted;
- (iii) that the current forecast Housing Revenue Account (HRA) operational underspend of £1.937m be noted;
- (iv) that approval be given to the writing off of historic bad debts totaling £0.646m (£0.578m General Fund/ £0.068m HRA);
- (v) that the forecast position on the 2019/20 and overall five year Capital Programme be noted;

- (vi) that approval be given to the scheme slippage of £13.392m predominately relating to the M1 J36/37 redevelopments;
- (vii) that approval be given for bringing forward plans totaling £10.000m on the Glassworks scheme as a result of a redevised programme of works;
- (viii) that approval be given to a total net increase in scheme costs in 2019/20 and in total of £0.380m;
- (ix) that an additional loan advance to BBIC of £0.150m be approved; and
- (x) that the key messages from the Council's Treasury Management activities carried out during the quarter be noted.

Adults and Communities Spokesperson

128. Community Libraries Refurbishments Programme (Cab.27.11.2019/9)

RESOLVED:-

- (i) that approval be given to the procurement of a provider (through Warwickshire Framework Agreement) to deliver the design and supply of the furnishing for the Community Libraries Refurbishment programme;
- (ii) that individual library refurbishment proposals be submitted for consideration by the Capital Oversight Board in line with existing governance arrangements be approved; and
- (iii) that further reports on individual library schemes as the designs are created be received.

Children's Spokesperson

129. Terms of Reference of the Barnsley Alliance and the Borough Education Improvement Strategy (Cab.27.11.2019/10)

RESOLVED:-

- (i) that the proposed terms of reference of the Barnsley Alliance, including those of the Alliance's Board, Executive Group and Sub-Groups, together with the role of the Local Authority be noted; and
- (ii) that approval be given for the adoption of the Borough's Education Improvement Strategy (2019/21).

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Chair

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MEETING:	Cabinet
DATE:	Wednesday, 11 December 2019
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Gardiner, Howard, Lamb and Platts

Members in Attendance: Councillors Franklin, Frost, Saunders and Tattersall

130. Declaration of pecuniary and non-pecuniary interests

Councillor Tattersall declared a non-pecuniary interest as a Board member of Berneslai Homes in respect of agenda item 6.

Councillor Howard declared a non-pecuniary interest as an employee of the Department of Work and Pensions in respect of agenda item 12.

131. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 27th November 2019 had been called in.

132. Minutes of the previous meeting held on 27th November 2019 (Cab.11.12.2019/3)

The minutes of the meeting held on 27th November 2019 were taken as read and signed by the Chair as a correct record.

133. Decisions of Cabinet Spokespersons (Cab.11.12.2019/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 29th November 2019 were noted.

134. Petitions received under Standing Order 44 (Cab.11.12.2019/5)

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

Core Services Spokesperson

135. Housing Revenue Account - Draft 2020/21 Budget and Investment Proposals 2020-24 (Cab.11.12.2019/6)

RECOMMENDED TO FULL COUNCIL ON 6TH FEBRUARY 2020:-

- (i) that the Housing Revenue Account (HRA) Medium Term Financial Strategy (MTFS), as set out in Section 3 of the report now submitted, be noted;

- (ii) that approval be given to the proposed variations to the existing Housing Growth Investment schemes, as outlined in paragraph 3.8 and Table 2 of the report;
- (iii) that approval be given to the Housing Revenue Account Draft Budget for 2020/21, as outlined in Section 6, including the proposed revenue investments and savings, as outlined in Section 5, with any final amendments/additions being delegated to the Cabinet Spokesperson for Place (Regeneration and Culture) and the Executive Director Place in consultation with the Cabinet Spokesperson for Core Services and the Service Director – Finance (Section 151);
- (iv) that a rent increase in line with the Government's rent policy be approved;
- (v) that it be noted that there is no proposed change to non-dwelling rents, service charges and heating charges for 2020/21;
- (vi) that approval be given to the 2020/21 Berneslai Homes Management Fee at paragraph 6.7, with any final amendments/additions delegated to the Cabinet Spokesperson for Place (Regeneration and Culture) and the Service Director Regeneration and Culture in consultation with the Cabinet Spokesperson for Core Services and the Service Director – Finance (Section 151);
- (vii) that the 2020/21 Berneslai Homes Management Fee for Gypsy and Traveller Sites, charged to the Authority's General Fund, detailed in paragraph 6.8 of the report, be approved;
- (viii) that approval be given, in principle, to the proposed emerging capital priority schemes as detailed in Section 7, subject to individual reports, as appropriate, in line with the Council's governance arrangements;
- (ix) that the Council Housing Capital Investment programme for 2020/21 be approved and that the indicative programme for 2021/22 through 2024-25, as outlined in Section 8 be noted; and
- (x) that the Council be approved to set aside resources for both remedial works at the 26 properties affected by the floods in November 2019 and to undertake a further wider flood risk assessment of all Council dwellings in the Borough (as referred to in paragraph 7.2).

136. Quarterly Analysis of Selective Voluntary Early Retirement and Voluntary Severance - April 2019 to September 2019 (Cab.11.12.2019/7)

RESOLVED that the Selective Voluntary Early Retirement and Voluntary Severances which have taken place in the period April to September 2019, as detailed in the report now submitted, be noted.

137. Increase in Pay for Apprenticeships (Cab.11.12.2019/8)

RESOLVED that the proposed increase in pay for Apprenticeships, as detailed in the report now submitted, and promotion of the positive change be approved.

Children's Spokesperson

138. Provisional Education Outcomes in Barnsley (2019) (Cab.11.12.2019/9)

RESOLVED that the provisional education outcomes in the Borough for 2019, and the actions to be taken to improve the progress of all categories of pupils at each stage of the National Curriculum, as detailed in the report submitted be noted.

Regeneration and Culture Spokesperson

139. Barnsley West (MU1) Masterplan Framework (Round 2) (Cab.11.12.2019/10)

Cabinet praised the conduct and professionalism of the staff engaged with the consultation and engagement exercises undertaken in development of the frameworks.

RECOMMENDED TO FULL COUNCIL ON 19TH DECEMBER 2019:-

- (i) that the progress made in the development of the Masterplan Framework for Barnsley West (MU1) as detailed in the report now submitted be noted; and
- (ii) that the final version of the Masterplan Framework be recommended to Full Council for adoption on 19th December 2019.

140. Hoyland North Masterplan Framework (Round 2) (Cab.11.12.2019/11)

RECOMMENDED TO FULL COUNCIL ON 19TH DECEMBER 2019:-

- (i) that the progress made in the development of the Masterplan Framework for Hoyland North as detailed in the report now submitted be noted; and
- (ii) that the final version of the Masterplan Framework be recommended to Full Council for adoption on 19th December 2019.

141. European Social Fund Project - Business Education Alliance (Cab.11.12.2019/12)

RESOLVED:-

- (i) that agreement be given to accept the European Social Fund (ESF) grant of £1,599,693 for the ESF Business Education Alliance project and contribute £149,506 in match funding which will be sourced from existing staff roles;
- (ii) that a contract be entered into with the Department of Work and Pensions for BMBC and partners to draw down the grant funding to deliver the BEA project; and
- (iii) that to undertake the responsibilities of lead partner managing a city region project this will be executed through contracts with :
 - Rotherham Metropolitan Borough Council
 - Doncaster Chamber of Commerce

- Sheffield City Council
- Derbyshire County Council.

142. Principal Towns Investment Programme - Hoyland (Cab.11.12.2019/13)

RESOLVED that the proposed Principal Towns allocation for Hoyland as detailed in Appendix B and Section 4 of the report now submitted, be approved.

143. 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>
144	Paragraph 3
145	Paragraph 3
146	Paragraph 3

Core Services Spokesperson

144. Report to Consider a Potential Investment Opportunity Proposed by a Related Party (Cab.11.12.2019/15)

AGREED OPTION 1

RESOLVED:-

- (i) agreed that the Council's founder member status be retained and support for the proposed transaction (as outlined in Appendix A of the report) be reported to inform a vote at the Management Committee to be held on 13th December 2019; and
- (ii) agreed that financial backing be given for the transaction by agreeing to underwrite the loan (on a shared basis between the other 12 Founder Member Authorities) required to fund the purchase through entering into a Supplemental Agreement and delegates authority to the Executive Director Core Services to approve the Supplemental Agreement set out at Appendix B subject to:
 - at least 10 of the 13 Founder Members remaining as Founder members and agreeing to enter into the Supplemental Agreement;
 - the satisfactory completion of legal and financial due diligence on the proposal giving confidence to proceed; and
 - resolution of the Management Committee to enter into the transaction proposed.

Joint Children's Services and Regeneration and Culture Spokespersons

145. Secondary School Place Planning - 2019/2020 Outcomes and Forward Planning for 2020-2021 in the Central Planning Area (Cab.11.12.2019/16)

RESOLVED:-

- (i) that the final outcome for the provision of secondary school places for 2019-20 and the latest update on the approved schemes as detailed in the report be noted; and
- (ii) that the forward plan for the provision of secondary school places for 2020-21 be approved.

Regeneration and Culture Spokesperson

146. Strategic Growth Clusters Revision to M1 Junction 36 A6195 Dearne Valley Economic Growth Corridor Goldthorpe (Phase 2) (Cab.11.12.2019/17)

RESOLVED:-

- (i) that the progress made delivering the M1 Junction 36 – A6195 Dearne Valley Economic Growth Corridor Scheme (Phase 2 Goldthorpe), outlined in Section 3 of the report and authorised the continued development of Work Packages A, B and C and progression of the scheme to ensure all external grant funding be secured, whilst ensuring that the overall aims and objectives of the scheme be achieved, be noted;
- (ii) that the revisions to the original M1 Junction 36 A6195 Dearne Valley Economic Growth Corridor Goldthorpe (Phase 2) as detailed in Section 3 of the report be noted;
- (iii) that approval be given to award the A6195 Highway Improvements Contract (improvements to Cathill roundabout, Broomhill roundabout and Wath Road roundabout) through the YORCivils Framework Agreement under an NEC3 Engineering and Construction Contract (April 2013);
- (iv) that the need for, and approval to the additional resources to enable the delivery of the A6195 Highway Improvements (referred to as Work Package A), to be delivered as detailed in Section 3.8 and within the Financial Implications Section 7, be recognised;
- (v) that the Service Director Regeneration and Culture be authorised to continue to make use of the Council's Land Solve Framework to assist with delivering Work Package B and note the release of resources to fund this package of works as highlighted in Section 7;
- (vi) that the appointment of the same contractor to deliver Work Package C (new access/roundabout to ES10) be noted, noting this would require a contract waiver and would expedite procurement and delivery timescales for the works

subsequently impacting on the timelines for attracting an end commercial developer;

- (vii) that approval be given to the financial resources (as detailed in Section 7 and Appendix A) required to fund the delivery of Work Package C (potential new access into ES10 allocated employment site references ES10 by means of a new roundabout); and
- (viii) that the Executive Director Core Services, in consultation with the Executive Director Place, be authorised to negotiate the terms and conditions of, and final approval of the Combined Authority SCRIF Revised Grant Funding Agreement, for the delivery of this scheme.

.....
Chair

MEETING:	Cabinet
DATE:	Wednesday, 8 January 2020
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Franklin (on behalf of Gardiner), Howard, Lamb and Platts

Members in Attendance: Councillors Saunders and Tattersall

147. Declaration of pecuniary and non-pecuniary interests

Councillor Tattersall declared a non-pecuniary interest as a member of the Barnsley Homes Board in respect of Minute Numbers 155 and 156.

148. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 11th December 2019 had been called in.

149. Minutes of the previous meeting held on 11th December, 2019 (Cab.8.1.2020/3)

The minutes of the meeting held on 11th December 2019 were taken as read and signed by the Chair as a correct record.

150. Decisions of Cabinet Spokespersons (Cab.8.1.2020/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 6th December 2019 were noted.

151. Petitions received under Standing Order 44 (Cab.8.1.2020/5)

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

Core Services Spokesperson

152. Calculation of Council Tax Base 2020/21 (Cab.8.1.2020/6)

RESOLVED:-

- (i) that the calculation of the Council's Tax Base for the year 2020/21 be approved including the necessary adjustments to reflect the revised Local Council Tax Support Scheme, as detailed in the report submitted;
- (ii) that the Council Tax Base for the year 2020/21 shall be £65,405.74. This figure has been calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012;

- (iii) that, calculated in accordance with the above regulations, the Council Tax Base for the year 2020/21 in respect of each Parish being listed in the table below:-

Parish Area	Band D Equivalent Chargeable Properties	95% of Band D Equivalent Chargeable Properties
Penistone	4,431.00	4,209.45
Billingley	97.10	92.25
Great Houghton	674.80	641.06
Little Houghton	191.90	182.31
Shafton	969.80	921.31
High Hoyland	68.70	65.27
Hunshelf	161.60	153.52
Langsett	111.60	106.02
Cawthorne	609.20	578.74
Dunford	248.20	235.79
Gunthwaite and Ingbirchworth	298.10	283.20
Thurgoland	757.50	719.63
Tankersley	666.90	633.56
Wortley	304.20	288.99
Oxspring	470.20	446.69
Silkstone	1,214.30	1,153.59
Stainborough	163.90	155.71
Barnsley and other Non-Parish areas	57,409.10	54,538.65
Total	68,848.10	65,405.74

- (iv) that the empty property premium be increased to 200% for properties left empty for 5 years or more as outlined at paragraph 5.5 of the report; and
- (v) that one month 100% discretionary Council Tax discount be amended to become one month landlord discount and amend the criteria so only landlord/letting agent would be eligible for the discount.

153. 2020/21 Business Rates - Calculation of the Authority's Local Share (Cab.8.1.2020/7)

RESOLVED:-

- (i) that the process for estimating the retained Business Rate Local Share for 2020/21 set out in the report be noted and agree that the 'local share' for Barnsley will be £23.614m (excluding S31 Grants) in line with the Council's Medium Term Financial Strategy (MTFS); and
- (ii) that the final submission be approved by the Service Director Finance – Section 151 Officer in consultation with the Cabinet Spokesperson for Core Services.

154. Corporate Anti-Fraud and Corruption Policies (Cab.8.1.2020/8)

RECOMMENDED TO FULL COUNCIL ON 6TH FEBRUARY 2020 that approval be given to the policies with continued support and endorsement given to the corporate approach to minimise the risk of fraud, corruption and bribery within the Authority's overall ethical framework.

Regeneration and Culture Spokesperson

155. Billingley View - 'Barnsley Low Carbon Standard' Housing Development (Cab.8.1.2020/9)

RESOLVED:-

- (i) that approval be given for the Council to progress the delivery of 10 x 2 bed and 6 x 3 bed semi-detached houses on a Council owned site off Billingley View, Bolton-on-Deane. The homes will be Council owned properties, managed by Berneslai Homes and to let to applicants on the Council's Housing Waiting list.

The homes will be delivered to the NEW Barnsley Low Carbon standard which seeks to deliver high energy efficient homes (on a fabric first basis) at SAP rating A. The homes will be 'off gas', low carbon/renewable focused and affordable to heat; and

- (ii) that approval be granted to appoint NPS Barnsley as Principal Contractor to construct the 16 residential units.

156. Berneslai Homes - Purchase, Conversion and Refurbishment of Former Council Offices, Berneslai Close by Berneslai Homes Ltd (Cab.8.1.2020/10)

RESOLVED:-

- (i) that Berneslai Homes Ltd be approved to procure and deliver the conversion and refurbishment of the retained building at Berneslai Close;
- (ii) that the relevant authorisation for the monitoring and authorisation of specific project decisions be delegated to Berneslai Homes Senior Management Team, in line with the Council's approved Standing Orders; and
- (iii) that the 9 market rented units be held within Berneslai Homes Ltd ('The Company') and let at market rent.

157. South Yorkshire Digital Connectivity Strategy (Cab.8.1.2020/11)

RESOLVED that the South Yorkshire Digital Connectivity Strategy and the 'direction of travel' set out therein, be approved.

158. St Michael's Avenue Housing Development (Cab.8.1.2020/12)

RESOLVED:-

- (i) that approval be granted 'in principle' for the direct development of the Council owned site off St Michael's Avenue, Monk Bretton by the Council. The site will provide 35 residential units with a mixture of open market sale, Council rented and market rented properties;
- (ii) that final scheme approval and responsibility for the appointment of suitably qualified contracts be delegated to the Executive Director Place, following consultation with the Executive Director Core Services. A final decision regarding the progression of the development will be made following a full financial appraisal at tender evaluation stage;
- (iii) that approval be granted to appropriate the 16 Council rented units into the Housing Revenue Account, which will be managed by Berneslai Homes; and
- (iv) that approval be granted to appropriate the 6 market rented units to Berneslai Homes Ltd ('The Company'), which will be held separately from the Housing Revenue Account and let at an affordable market rent.

.....
Chair

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

14 OCTOBER 2019

PRESENT: Councillor R Taylor (Chair)
Councillor T Damms (Vice-Chair)
Councillors: S Ayris, A Buckley, T Cave, R Frost, P Haith,
C Hogarth, C Ransome, S M Richards, C Ross and
Dr A Billings

DCFO A Johnson, T/ACO S Helps and S Booth
(South Yorkshire Fire & Rescue Service)

A Frosdick, M McCarthy, N Copley, L Noble and M McCoole
(Barnsley MBC)

M Buttery
(Office of the South Yorkshire Police and Crime Commissioner)

Apologies for absence were received from Councillor P Price,
S Norman, CFO J Courtney, QFSM and ACO T Carlin

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

Councillor Ayris queried the reason why agenda item 14 entitled 'Retirement of the Chief Fire Officer' would be taken as a private item.

Councillor Taylor stated that the item related to a personal nature rather than an organisational matter.

RESOLVED – That agenda item 14 entitled 'Retirement of the Chief Fire Officer' be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO
ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 REPORTS BY MEMBERS

Councillor Richards reported that since the last Authority meeting she had attended the LGA Fire Leadership Essentials Course at the University of Warwick. She highly recommended Members to attend the course in the future, which had included a very moving and informative session on the Grenfell Tower incident and issues with tower blocks. The guest speaker had been Dr Sabrina Cohen-Hatton, Chief Fire Officer from West Sussex Fire and Rescue Service, who she considered to be a real tour de force.

Councillor Taylor had also attended the LGA Fire Leadership Essentials Course in November 2018. He recommended Members to attend the course in its new format.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC,
OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO
PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT
AND AS MAY BE DEEMED EXPEDIENT

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 16 SEPTEMBER 2019

Councillor Richards referred to the last Authority meeting, where a request had been made for Members to be provided with a briefing on SYFR's business continuity arrangements for Brexit.

DCFO Johnson stated that the Local Fire Resilience partners met on a weekly basis, to discuss the ongoing Brexit situation and the implications of a deal or no deal on 31 October 2019. Planning was difficult due to the uncertainty of the issue. From a blue light perspective, a business as usual approach was being adopted. Individual organisations were ensuring that their stocks of crucial consumables, particularly in relation to emergency response, were maintained to the appropriate levels including fuel levels; although there had been no concern expressed regarding fuel availability to date. Members would be kept informed of any developments.

Councillor Cave referred to his request made at the last Authority meeting for further information on SYFR's sickness absence. He expressed his thanks for the graphs that had been provided to Members since the meeting. He queried whether a full report would be submitted to the Performance and Scrutiny Board.

DCFO Johnson commented that work was underway to collate further detail on SYFR's sickness absence. She confirmed that a more detailed report would be presented to the next Performance and Scrutiny Board meeting in November 2019.

Councillor Ayris queried the current position in relation to the Reserves Strategy, and whether a report would be presented to the Authority or to the Audit and Governance Committee.

S Booth stated that it was intended to present an annual report to the Authority. Members noted that the slides on the updated Medium Term Financial Plan (MTFP) and the Reserves Strategy position would be presented to the Corporate Advisory Group meeting on 25 October 2019. The presentation slides would then translate into a narrative report, to be presented to the Authority meeting in November 2019.

Councillor Ransome referred to the costings provided to Members regarding the car allowance and public transport costs that had been £7,900 over budget. She queried what exactly had been overspent, and she sought clarity on the meaning of detached duties.

S Booth referred to the information that had been circulated to Members after the last meeting regarding the public transport allowance overspend of £7,900. Detached duties referred to those firefighters that were deployed from their normal fire station to report to an alternative fire station, to ensure that operational crewing availability was in the correct area with the correct numbers. This had formed part of the overspend, and had involved additional mileage claims.

Councillor Ransome queried whether it would be possible for the responses to Members' questions to be included within the minutes of the meeting, as opposed to Members receiving an emailed response and paper copies of the responses circulated at the meeting. This would be to ensure more transparency for members of the public.

L Noble stated that the documentation emailed to Members was included on the Authority's website which could be accessed by members of the public.

Councillor Taylor referred to various discussions with Members on the matter. He would discuss the minutes and action management information further with L Noble to ascertain a way forward that would achieve greater openness and transparency for the public.

Councillor Hogarth stated that the Action Management Sheet had provided Members with the detail of the car allowance and public transport costs that been £7,900 over budget, but that it did not explain the reason for the overspend.

S Booth stated that this was largely attributable to the activity of the firefighters on detached duties and as a result of SYFR having moved away from CPC, which had resulted in firefighters having to be brought into cover both Edlington and Lowedges Fire Stations, as a number of the firefighters had retired. The increased activity had led to an increase in cost.

Councillor Ross referred to the 5% overspend on the budget heading. He had expected to observe the measures being taken to address the overspend in order for this to be reduced in the rest of the financial year.

DCFO Johnson commented that the overspend had resulted from detached duties, and that the only way to reduce the amount would be to have less firefighters detached to different fire stations. Work was underway to balance the Watches, and once the CPC fire stations were returned to full strength, firefighters would be attached to particular fire stations and detached duties would no longer be required. She was unsure whether this would be achieved by the end of the current financial year.

Councillor Ross queried whether Councillor Taylor had any feedback from the LGA Fire Commission meeting held on 20 September 2019.

Councillor Taylor stated that the meeting had been attended by very few representatives from Metropolitan fire and rescue authorities and had mostly been attended from the Shire fire and rescue authorities. Various issues had been discussed at the meeting which had been pertinent to the individual fire and rescue authorities. Unfortunately the Home Office representative had not been in attendance.

Councillor Ayris suggested that the Members' briefing note should contain such items as remedial management action.

RESOLVED – That the minutes of the Authority meeting held on 16 September 2019 be signed by the Chair as a correct record.

10 LOCAL PENSION BOARD - ANNUAL REPORT

A report of the Clerk to the Fire and Rescue Authority was submitted providing the Local Pension Board's fourth Annual Report.

The Local Pension Board had been established by the Authority, as Scheme Manager, on 1 April 2015 with the primary role to ensure effective and efficient governance and administration of the Firefighters' Pension and Compensation Schemes. Andrew Bosmans had been Chair of the Board since its inception.

L Noble stated that A Bosmans wished to convey his thanks to S Kelsey and C Davies at SYFR together with West Yorkshire Pension Fund for the advisory role provided to the Board. Members had been invited to attend the LGA Awareness Session to be held on 15 October 2019 in their capacity as Scheme Manager for the firefighters' pension schemes.

RESOLVED – That Members noted the fourth Annual Report of the Local Pension Board.

**11 KEY ISSUES ARISING FROM THE PERFORMANCE AND SCRUTINY BOARD
HELD ON 12 SEPTEMBER 2019**

L Noble presented a key issues paper arising from the Performance and Scrutiny Board meeting held on 12 September 2019.

Dr Billings considered that Members should be provided with a fuller account of the Performance and Scrutiny Board meetings i.e. either the minutes from the meetings or reports to inform Members on the matters that had been discussed together with the outcomes. This would also assist with openness and transparency for the public.

M McCarthy commented that the Authority had raised the issue on a number of occasions. The Performance and Scrutiny Board had no delegated responsibilities and therefore the minutes were not required to be published. At that time, the Authority had taken the decision that an informal (Key Issues) note would be produced for the Authority, with an offer to provide the full agenda papers outside the meeting to any Member who requested them. This offer was still open. The Authority also had the option to request further, more detailed reports, on any item raised at the Performance and Scrutiny Board (a reverse 'call in' if you will), if there was sufficient interest or a requirement. The minutes of the Performance and Scrutiny Board often contained information that was not for public consumption, hence the 'Key Issues' paper, but it was accepted that it could, perhaps, be more detailed without breaching confidentiality.

As Chair of the Board, Councillor Buckley agreed that he would take on board the comments made by Dr Billings, and discuss with L Noble. He agreed that the information presented to Members today was fairly brief in nature, and that Councillor Taylor and himself had already discussed the way in which the minutes of the Board were presented, with a view to increasing the amount of information provided to the Authority to include an Action Plan. He was conscious that the officers' workloads were already fairly onerous, and he did not want to unnecessarily add to that workload. It was also noted that the Authority was regularly provided with presentations on the items that had been discussed at the Performance and Scrutiny Board.

RESOLVED:–

- i) That Members noted the key issues arising from the Performance and Scrutiny Board held on 12 September 2019.
- ii) That further discussions would take place on a revised report to the Authority on the issues discussed at the Performance and Scrutiny Board.

**12 DRAFT MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON
16 SEPTEMBER 2019**

Councillor Ayris referred to the Service Level Agreement with Barnsley MBC, and in particular the Counsel's Advice that was anticipated to be made available at the Audit and Governance Committee meeting in November 2019. He highlighted that not all of the Members sat on the Audit and Governance Committee. He queried

whether Counsel's Advice had been sought, and for absolute transparency he requested the name of the Barrister and whether the outcome of the advice could be circulated to all Members of the Authority.

A Frosdick stated that the Authority had resolved that the Audit and Governance Committee would take a closer look at the issue at its meeting held on 16 September 2019. At that meeting, the report had suggested that it would be helpful and, in the spirit of openness and transparency, to seek to collaborate or to disagree with the advice that he had provided. The final draft of the papers was now complete and would shortly be despatched to Barrister James Goudie, Queen's Counsel, with a view to providing his response to the Audit and Governance Committee meeting in November 2019. All of the Authority Members would be provided with a copy of the report. He confirmed that, given Barnsley MBC had an interest in the matter, the costings for Counsel's Advice would be covered as part of Barnsley MBC's legal budget, and that no cost would fall to the Authority.

RESOLVED – That Members noted the draft minutes of the Audit and Governance Committee held on 16 September 2019.

13 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

14 RETIREMENT OF THE CHIEF FIRE OFFICER

Members were provided with an update on the arrangements regarding the impending retirement of Chief Fire Officer Courtney.

RESOLVED – That Members noted the update.

CHAIR

Please follow the link below for further information on the updates of the actions arising from the Fire and Rescue Authority meetings:-

<https://meetings.southyorks.gov.uk/ecSDDisplayClassic.aspx?NAME=SD1250&ID=1250&RPID=402996&sch=doc&cat=13039&path=13039&zTS=D>

SCR - MAYORAL COMBINED AUTHORITY BOARD

MINUTES OF THE MEETING HELD ON:

MONDAY, 18 NOVEMBER 2019 AT 2.00 PM

SHEFFIELD CITY REGION, 11 BROAD STREET WEST,
SHEFFIELD S1 2BQ



Present:

Mayor Dan Jarvis MBE (Chair)
Councillor Chris Read (Vice-Chair)
Councillor Garry Purdy
Councillor Julie Dore
Mayor Ros Jones CBE
James Muir
Councillor Jim Andrews BEM (Reserve)

SCR Mayoral Combined Authority
Rotherham MBC
Derbyshire Dales DC
Sheffield City Council
Doncaster MBC
Chair of LEP Board
Barnsley MBC

Officers in Attendance:

Dr Dave Smith	Chief Executive	SCR Executive Team
Dr Ruth Adams	Deputy Chief Executive	SCR Executive Team
Mike Thomas	Senior Finance Manager	SCR Executive Team
Noel O'Neill	Chief Finance Officer/S73 Officer	Sheffield City Region
Steve Davenport	Principal Solicitor & Monitoring Officer	SCR Executive Team
Sarah Norman	Chief Executive	Barnsley MBC
Sharon Kemp	Chief Executive	Rotherham MBC
Fiona Boden	Policy Adviser - Mayor	SCR Executive Team
Mark Lynam	Director of Programme Commissioning	SCR Executive Team
Stephen Batey	Head of Mayor's Office	SCR Mayor's Office

Guests in Attendance

Councillor Chris Furness	Peak District National Park Authority
Craig Tyler (Minute Taker)	South Yorkshire Joint Authorities Governance Unit

Apologies:

Councillor Steve Fritchley	Bolsover DC
Councillor Tricia Gilby	Chesterfield BC
Damian Allen	Doncaster BMC
Huw Bowen	Chesterfield BC
Dan Swaine	Bolsover DC/NE Derbyshire DC
Neil Taylor	Bassetlaw DC
Paul Wilson	Derbyshire Dales DC
Sarah Fowler	Chief Executive Peak District National Park

1 **Welcome and Apologies**

Members' apologies were noted as above.

2 **Announcements**

Mayor Jones commended the brilliant work of our communities and business during the recent, devastating floods and thanked council staff and support agencies for working tirelessly to get our businesses up and running again.

Cllr Purdy noted similar thanks and appreciation for the staff at Derbyshire CC and the commented on the tragic loss of former Derbyshire High Sheriff Annie Hall, noting a memorial service is planned for December.

Members shared all the sentiments expressed.

3 **Urgent Items**

None.

4 **Items to be Considered in the Absence of Public and Press**

RESOLVED, that items 20 (LGF Project Approval – Project Chorus) and 21 (LGF Investment Approval) will be considered in the absence of the public and press.

5 **Voting Rights for Non-constituent Members**

It was agreed voting rights could not be conferred on the non-Constituent Members in respect of item 17 - Withdrawal of Non-Constituent Members from the LEP, as the matter concerns the Constituent Members only.

It was agreed there were no further agenda items for which the non-Constituent Members should not be given full voting rights.

6 **Declarations of Interest by individual Members in relation to any item of business on the agenda**

Cllr Read declared non-Pecuniary interests in the matters to be considered at item 13.1 (LGF Investment Approval - Rotherham Town Centre) and item 20 (Project Chorus) by virtue of being Leader of the sponsoring authority.

Cllr Andrews declared a non-Pecuniary interests in the matters to be considered at item 13.2 (M1 Junction 37 Ph2 – Economic Growth Corridor (Claycliffe) and M1 Junction 36 Phase 2 Goldthorpe') by virtue of being Deputy Leader of the sponsoring authority.

Mayor Jones declared a non-Pecuniary interest in the matters to be considered at item 21 (LGF Investment Approval) by virtue of being Leader of the sponsoring Authority.

Cllr Julie Dore declared a non-Pecuniary interest in the matters to be

considered at item 20 (Project Chorus).

7 Reports from and questions by members

None.

8 Receipt of Petitions

Members were advised of the receipt of 2 petitions.

A 1000+ signature petition was received from Mr Tony Nicholson with the title *“Bring back the Little Nipper: A shuttle service once ran from the bus station to the market, up to Waterdale and then back to the bus station to support our market traders and the elderly and those with difficult walking. We think this should be brought back.”*

A 111 signature was received from Mrs Pru Winder with the title *“Petition requesting the reinstatement of service 8 and 8a – Doncaster to Broadway/Moorends serving GP surgery, Post Office, Doncaster Royal Infirmary, Doncaster Frenchgate Shopping Centre and Doncaster Railway Station. The replacement bus service has halved the frequency of buses from Broadway meaning buses go past too full to stop or just do not turn up at all.”*

In response to the petitions received, the Mayor actioned officers from SYPTE to respond on the Authority’s behalf.

9 Public Questions

Due to purdah restrictions, the Mayor asked the Monitoring Officer to take this agenda item.

The Monitoring Officer advised the petitioners they may defer their questions for resubmission to the January MCA meeting (post-purdah) or receive a response in writing, and confirmed he would engage the petitioners to determine which course of action they would like to follow.

A public question was received from Mr Nigel Slack and delivered as follows:

“With the calling of a General Election for December 12th, many issues around the SCR seem to have been further compromised. From funding bids to scrutiny boards, LEP membership to climate change and not least the finalisation of the devolution deal first struck in 2015, we will presumably see continued delay and disruption. What is the Mayor's perception of the path for the SCR/MCA going forward?”

A public question was received from Mr Geoff Cox representing Extinction Rebellion and delivered as follows: *“People across Sheffield City Region are still bailing flood water out of their homes and salvaging what's left of their belongings. Annie Hall was killed not far away in the river Derwent. The climate crisis is lapping at our doorsteps. Will the SCR MCA radically accelerate and expand the proposals in the paper at item 15 on your agenda today? Will they commit to telling the truth about the climate emergency with a public*

information campaign, cutting Sheffield City Region's emissions to net-zero by 2025, and involve the public in writing a fair and just plan through a citizens' assembly?"

The Monitoring Officer confirmed officers would be available after the meeting to discuss the matters raised by the petitions and that the Mayor will verbally respond in the usual manner at the MCA meeting in January .

10 Minutes of the meeting held on 23rd September 2019

RESOLVED, that the minutes of the meeting held on 23rd September are agreed to be an accurate record.

11 Quarter 2 Capital and Revenue Monitoring Report

A report was received to provide the Q2 position for the revenue and capital programme of the Sheffield City Region (SCR) Mayoral Combined Authority (MCA) for the financial year 2019/20.

It was noted the report was structured to provide Members with an early indication of the forecast outturn position in relation to South Yorkshire Transport Revenue budget, MCA / LEP Revenue budget, Revenue Programme activity and the South Yorkshire Transport Capital Programme, with each explained in detail.

Cllr Dore questioned the South Yorkshire Transport Revenue Budget information and reported decrease in concessionary patronage (not including young person concessionary pass usage), and requested more investigations be undertaken to establish why people don't use buses.

Mayor Jones commented on the lack of quality of local buses and routes and challenged whether these are conducive to increasing public transport patronage.

RESOLVED, that the MCA notes the 2019/20 Q2 position for the Mayoral Combined Authority's and LEPs revenue budget and capital programme.

12 Draft Financial Strategy 2020-25 and Budget 2020-21

A report was received to outline the current financial position of Mayoral Combined Authority then set out the principles underpinning a 5-year financial strategy for the organisation to deliver on its ambitions within the resources available.

RESOLVED, that the MCA

1. Approves the overall Financial Strategy 2020 to 2025 identified in the report.

Approves the strategy as the basis of developing the detailed 2020/21 budget, to be brought back in early 2020 for formal approval.

LGF Investment Approvals

A report was received requesting the approval of two schemes with a total value over all years of £14.5m Local Growth Fund (LGF) and approval of one change request and seeks delegated authority to the Head of Paid Service in consultation with the S73 and Monitoring Officer to enter into legal agreements for the schemes.

It was noted an additional scheme with a value of £8m LGF is seeking approval but due to a Non-Disclosure agreement and the commercial prejudice disclosure would cause this scheme is to be considered at item 20 (in the absence of the press and the public).

Members challenged the proposal to invest funding in a housing scheme that would historically have been funded by Homes England. It was noted Homes England have been pressed by the SCR in respect of this particular scheme and confirmed the SCR would not enter into contract with Rotherham MBC until it had been determined that all other funding source options have been exhausted.

It was agreed the SCR should continue to pressurise Homes England to ensure they continue to maximise their investments in the region.

Further details were provided to support the request to amend the M1 Junction 36 Phase 2 Goldthorpe' scheme.

RESOLVED, that the MCA:

1. Approves the progression of Rotherham Town Centre to full approval and award of £3.9m to Rotherham Borough Council subject to the conditions set out in the Appraisal Panel Summary Table
2. Approves the progression of M1 Junction 37 Ph2 – Economic Growth Corridor (Claycliffe) to full approval and award of up to £10.6m to Barnsley Metropolitan Borough Council subject to the conditions set out in the Appraisal Panel Summary Table
3. Approves the progression and approval of a project change request from 'M1 Junction 36 Phase 2 Goldthorpe'

Agree that delegated authority be given to the Head of Paid Service in consultation with the s73 and Monitoring Officer to enter into legal agreements for the schemes.

13a Appendix A - LGF Project Approval - Rotherham Town Centre Housing

Presented for Members' consideration in support of agenda item 13.

13b Appendix B - LGF Approval - M1 Junction 37

Presented for Members' consideration in support of agenda item 13.

14 **Transforming Cities Fund Bid Submission**

A report was received seeking approval to submit the business case for Sheffield City Region's Transforming Cities Fund (TCF) bid due on 28th November 2019.

The Mayor thanked everyone for their efforts in producing the submission.

Cllr Dore welcomed this initiatives credential in terms of helping to mitigate the effects of climate change.

RESOLVED, that authority is delegated to finalise the submission of the TCF business case to the Chief Executive and Chief Financial Officer of the Mayoral Combined Authority, in consultation with the Mayor, based upon the comments received on this report and its appendices.

15 **Climate and Environmental Emergency**

A report was received proposing the MCA declares a 'Climate and Environmental Emergency'.

It was noted urgent work is scheduled to help identify dates by when a zero-carbon scenario could be realised.

Members considered the need to collaborate at all levels to manage the effects of climate changes.

Members noted the expectation that a defined list of significant SCR actions to address climate change will be developed.

RESOLVED, that the MCA:

1. Declares a 'Climate and Environmental Emergency.'

Requests that a report be provided at the next meeting setting out, in further detail, the development of a plan for delivering a sustainable City Region, to be produced in collaboration with both universities, alongside a draft Energy Strategy (to be presented to the next meeting).

16 **Becoming an Armed Forces Friendly Employer: MCA adoption of the Armed Forces Covenant**

A report was received asking the SCR MCA to sign up to the Armed Forces Covenant and, in doing so, adapt its employment and equal opportunities practices to reflect the commitments made in signing up to the Covenant.

Mayor Jones noted Doncaster has a gold award for its Armed Forces Covenant work and would welcome the opportunity to provide some lessons learnt. Cllr Purdy noted Derbyshire CC had also achieved accredited status.

RESOLVED, that the MCA

1. Signs up to the Armed Forces Covenant.

Agrees its intention to adapt its employment and equal opportunities practices reflecting the commitments made in signing up to the Covenant.

17 Withdrawal of Non-Constituent Members from the LEP

A report was received to set out the governance implications arising from the changes in Local Enterprise Partnership and membership rules being introduced from 1st April 2020.

Cllr Purdy asserted that from his perspective it was wholly wrong for the Derbyshire Dales DC to be forced by the Governments review of LEP boundaries to be a member of a single LEP area when they had clearer links to the SCR and asked what the effect would be on non-Constituent membership at SCR thematic boards. It was noted that a report to the previous MCA meeting had approved changes to the Thematic Boards to reflect the LEP changes.

RESOLVED, that the MCA notes the contents of this report and approves the changes to the membership of the Overview and Scrutiny Committee and Audit Committee as set out in the report

18 Decisions & Delegated Authority Report

Provided for information

19 Appointment of Head of Paid Service

A report was received to seek the approval of the MCA to appoint Dr David Smith as Chief Executive Officer and Head of Paid Service to June 2022.

RESOLVED, that the MCA approves the appointment of Dr Dave Smith as Chief Executive and Head of Paid Service to 2022.

20 LGF Project Approval - Project Chorus *

A report was received requesting approval of an inward investment scheme with a total value over all years of £8m and seeking delegated authority to the Head of Paid Service in consultation with the S73 and Monitoring Officer to enter into legal agreements for the schemes.

Members discussed the importance of having and adhering to a robust prioritisation process (based on HMT Green Book processes) to determine which schemes receive prioritised approval for funding. Examples were provided explaining how the SCR complies with these principles. The respective roles of the LEP and MCA in respect of approving projects were discussed, noting that the LEP was responsible for prioritising projects and the MCA's role, as Accountable Body, related to assuring, through the Assurance Framework, that any given proposed funding offered value for money and was lawful.

Mayor Jones abstained from voting on the decision to approve the

recommendations.

RESOLVED, that the MCA approves the inward investment scheme (Project Chorus) with a total value over all years of £8m, subject to the conditions set out in the report, and agrees delegated authority be given to the Head of Paid Service in consultation with the S73 and Monitoring Officer to enter into legal agreements for the schemes.

21 **LGF Investment Approval ***

A report was received to provide an update on the progress in discussions with regard to an inward investment opportunity.

The matters contained within the report were considered in detail.

RESOLVED, that the report be deferred pending further discussion with the scheme promoter and a further report be presented to the MCA when the proposed investment is clarified.

I, the undersigned, confirm that this is a true and accurate record of the meeting.

Signed

Name

Position

Date