

# Public Document Pack

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 8 July 2020
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	THIS WILL BE HELD VIRTUALLY
<b>PUBLIC WEB LINK:</b>	<a href="https://barnsley.public-i.tv/core/portal/webcasts">https://barnsley.public-i.tv/core/portal/webcasts</a>

## AGENDA

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

### Minutes

3. Minutes of the previous meeting held on 24th June 2020 (Cab.8.7.2020/3)  
(Pages 3 - 4)

### Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.8.7.2020/4)
5. Action Taken under Paragraph B6 of the Responsibility for Executive Functions - Officer Delegations Contained in the Council Constitution (Cab.8.7.2020/5)  
(Pages 5 - 6)

### Petitions

6. Petitions received under Standing Order 44 (Cab.8.7.2020/6)

### Items for Decision/Recommendation to Council

#### Leader

7. Barnsley Multi-Agency COVID-19 Outbreak Control Plan (Cab.8.7.2020/7)  
(To Follow)

#### Core Services Spokesperson

8. Restoration of Meeting Arrangements (Cab.8.7.2020/8) (Pages 7 - 18)
9. RoSPA Awards (Cab.8.7.2020/9) (Pages 19 - 20)

#### Adults and Communities Spokesperson

10. Net to Gross Payments (Cab.8.7.2020/10) (Pages 21 - 28)

#### Regeneration and Culture Spokesperson

11. Housing Revenue Account (HRA) - Capital Works 2020/21 Programme  
(Cab.8.7.2020/11) (Pages 29 - 38)

To: Chair and Members of Cabinet:-

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

Cabinet Support Members:

Councillors Charlesworth, Franklin, Frost, Saunders, Sumner and Tattersall

Chair of Overview and Scrutiny Committee

Chair of Audit Committee

Sarah Norman, Chief Executive

Matt Gladstone, Executive Director Place

Melanie John-Ross, Executive Director Children's Services

Wendy Lowder, Executive Director Adults and Communities

Shokat Lal, Executive Director Core Services

Julia Burrows, Director Public Health

Neil Copley, Service Director Finance (Section 151 Officer)

Martin McCarthy, Service Director Governance, Members and Business Support

Garry Kirk, Service Director Legal Services

Michael Potter, Service Director Business Improvement and Communications

Katie Rogers, Head of Communications and Marketing

Anna Marshall, Scrutiny Officer

Corporate Communications and Marketing

Please contact Martin McCarthy on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday, 30 June 2020



<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 24 June 2020
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	THIS WILL BE HELD VIRTUALLY

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Lamb and Platts

**Members in Attendance:** Councillors Franklin, Frost and Tattersall

### 274. Declaration of pecuniary and non-pecuniary interests

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

### 275. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 10<sup>th</sup> June, 2020 had been called in.

### 276. Minutes of the previous meeting held on 10th June, 2020 (Cab.24.6.2020/3)

The minutes of the meeting held on 10<sup>th</sup> June, 2020 were taken as read and signed by the Chair as a correct record.

### 277. Decisions of Cabinet Spokespersons (Cab.24.6.2020/4)

There were no Records of Decisions by Cabinet Spokespersons under delegated powers to report.

### 278. Action Taken under Paragraph B6 of the Responsibility for Executive Functions - Officer Delegations Contained in the Council Constitution (Cab.24.6.2020/5)

**RESOLVED** that the action taken by Executive Directors under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix attached to the report now submitted and detailed below, be noted:-

- 1 Statement of Gambling Policy Review Consultation 2020
- 2 2020/21 Pay Policy Statement
- 3 Appointment of Monitoring Officer and Designated Scrutiny Officer

### 279. Petitions received under Standing Order 44 (Cab.24.6.2020/6)

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

**280. Six Monthly Analysis of Selective Voluntary Early Retirement and Voluntary Severance (October 2019 to March 2020) (Cab.24.06.2020/7)**

The meeting was advised of a minor typographical error in the report.

**RESOLVED** that the Selective Voluntary Early Retirement and Voluntary Severances which have taken place in the period October 2019 to March 2020, as detailed in the report now submitted, be noted.

**281. Covid-19 Barnsley Care Home Plan (Cab.24.6.2020/8)**

**RESOLVED:-**

- (i) that the contents of the Barnsley Care Home Plan report and attached submission, be approved; and
- (ii) that all Care Home plan submissions be reviewed through the regional Better Care Fund team and that formal feedback be provided. Where required the plan will be amended subject to this feedback.

**282. Annual Report of the Barnsley Corporate Parenting Panel (2019/20) (Cab.24.6.2020/9)**

**RESOLVED** that the progress and achievements made by the Corporating Panel in supporting children and young people in care, together with care leavers, during this period be noted.

.....  
Chair

## **BARNSELY METROPOLITAN BOROUGH COUNCIL**

### **REPORT OF THE EXECUTIVE DIRECTOR CORE SERVICES**

#### **Action Taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations Contained in the Council Constitution**

##### **1. Purpose of Report**

To inform Cabinet of action taken as a matter of urgency under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution.

##### **2. Recommendations**

**That the action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix attached to the report, be noted.**

##### **3. Background**

Individual actions taken following consultation with the appropriate Cabinet Spokesperson are detailed by Cabinet Portfolio in the Appendix to this report. In accordance with Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution these actions are reported into the next available Cabinet meeting.

##### **4. Implications**

There are no local area, crime and disorder, financial, employee or human rights implications arising directly from this report.

##### **5. Background Papers**

Decision notices of action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution available for inspection in the Council Governance Unit, subject to the notice not containing personal information as defined by the Data Protection Act 1998 or exempt information as described in Schedule 12A of the Local Government Act 1972.

**Officer Contact:** Martin McCarthy  
**Date:** June 2020

**Email:** [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

**Action Taken under Paragraph B6 of the Responsibility for Executive Functions –  
Officer Delegations Contained in the Council Constitution**

	<b><u>Date of Decision</u></b>
1. <b><u>Authorisation of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020</u></b>	17 June, 2020

To amend the BMBC Scheme of Delegation to Executive Officers in respect of the delegations afforded to the Service Director for Public Health, authorising offices under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

## BARNSELY METROPOLITAN BOROUGH COUNCIL

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

### REPORT OF THE CORE EXECUTIVE DIRECTOR TO CABINET

#### RESTORATION OF MEETING ARRANGEMENTS

##### 1. PURPOSE OF REPORT

This report is presented:

- 1.1. To note the 3 phased approach taken to achieving the long-term plan for the restoration of meeting arrangements.
- 1.2. To provide an update on the measures undertaken to address the emergency arrangements implemented to address the challenges of lockdown in respect of convening and conducting live compliant meetings and highlight successes to date (phase 1).
- 1.3. To report on where on-going improvements in technology means the Council is now able to start looking at the prospect of returning meetings to a pre-lockdown position, albeit virtually, and subject to the pre-requisite Members 'tech refresh' programme which is needed to ensure robustness of service (phase 2).
- 1.4. To present the next phase of further restoring physical or hybrid physical/virtual meeting arrangements, subject to required amendments to Coronavirus Act legislation (phase 3).

##### 2. RECOMMENDATIONS

**Cabinet is asked to:**

- 2.1. **Note the emergency actions taken in addressing the challenges of lockdown and successes achieved, the proposals to virtually return all meetings to a pre-lockdown position and, in accordance with any changes to Coronavirus Act legislation, the proposals to further restore physical or hybrid physical/virtual meeting arrangements.**
- 2.2. **Note the proposed, amended 'tech refresh' programme for Members, required to support the restoration of meeting arrangements ambition.**

##### 3. INTRODUCTION

###### Phase 1

- 3.1. At the start of April, the Council implemented lockdown measures because of the Coronavirus pandemic and established emergency arrangements such that the workforce was in a position to continue to deliver vital services to the public and communities of Barnsley.

- 3.2. Of utmost importance at this time was the implementation of plans to maintain the continuation of front-line services and necessitated the immediate suspension of all physical Council meetings, awaiting revised legislation.
- 3.3. Shortly after the lockdown was implemented, the government enacted the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the Coronavirus Act 2020") as a means to (in part) enable councils to conduct remote meetings (provision 78) in a manner that had never been seen before, allowing members to be deemed present by virtue of remote connection.
- 3.4. Key to these emergency arrangements was providing the technology to be able for staff to work from home safely and effectively. Significant work took place to ensure staff were issued with hardware and software in order to maintain a 'business as usual' approach as much as was reasonably practicable in the circumstances.

## **Phase 2**

- 3.5. Barnsley was one of the first councils nationally to commence the live streaming of public meetings, maximising usage of the technology available at that time. However, some limitations in virtual meeting technology have restricted our remote meeting ambitions, such as the number of people who can feature on screen, lack of voting facilities and complexities in respect of different joining platforms which can greatly affect user engagement. As new functionalities are deployed, these will be used to our advantage.
- 3.6. In addition, the Council has been central to promoting the advantages of conducting sub-regional and regional business via virtual meetings.
- 3.7. In undertaking thorough risk assessments, it is clear that in order to be able to resume meeting arrangements the technology needs to be available to all Members of Council such that they can play a full and active part in proceedings. This will be achieved in a secure manner, acknowledging the pitfalls experienced by other Local Authorities, and compliant with changes to guidance, noting this currently prohibits the convening of part physical meetings.

## **4. PROPOSAL AND JUSTIFICATION**

### **Implementation**

- 4.1. Microsoft Teams is the solution chosen for conducting virtual meetings. Cyber security experts within the council assured of its security credentials and the software was already familiar to officers due to the ongoing Enabling Technology programme rolling out new devices to all officers with MS Teams as a default function. Members were initially scheduled for deployment around June 2020 but this timeline has been significantly impacted by the COVID19 situation.



- 4.2. The Coronavirus Act 2020 provides stipulations for remote meetings to be deemed compliant. The proposed remote meeting procedure rules are at Appendix A to this report.

### Webcasting

- 4.3. A key condition for remote meetings to be deemed compliant is that members of the public must be able to hear, and preferably see, proceedings.
- 4.4. We immediately commenced work in partnership with our webcasting partner to ensure our meetings could be webcast live through the Council's existing webcasting arrangements.
- 4.5. To date we have successfully broadcast 17 Council meetings including 4 meetings of Cabinet, a full round of Area Councils, 2 Overview and Scrutiny meetings, 2 Planning Regulatory Boards and Audit Committee. In respect of our metropolitan lead functions we have also broadcast meetings of the South Yorkshire Police and Crime Panel, the South Yorkshire Pensions Authority and the South Yorkshire Fire Authority.
- 4.6. Viewing figures have been encouraging, with 1050 meeting views at the time of writing this report. The Cabinet meeting of 15<sup>th</sup> April 2020 has been watched 188 times and Area Council meetings received between 34 and 48 views.
- 4.7. Importantly, all statutory meetings were quorate, conducted in a manner fully compliant with the appropriate regulations and almost all Members have been able to successfully join remote meetings. This has been made possible due to the assistance of the Council's IT support staff who have undertaken a tremendous amount of work to help Members address any issues.

### Temporary Amendments to the Memberships of the Overview and Scrutiny Committee and Planning Regulatory Board

- 4.8. Faced with the requirement to consider what mitigations might be required to facilitate the continuation of governance functions due to the Covid epidemic it was decided to reduce the membership on the Overview and Scrutiny Committee and Planning Regulatory Board purely to make the virtual meetings more manageable as at the time it was considered difficult to manage 30+ members on screen at once. Respective party whips were consulted and asked to nominate which Members would continue to attend the virtual meetings.
- 4.9. Members who have been asked to not 'attend' the full virtual meetings have still been fully engaged in their respective workstreams and day to day duties.
- 4.10. Government guidance continues to be monitored in respect of social distancing and full meeting arrangements will be resumed in due course, as per the commentary below on Forward Planning.

## Lessons Learnt and Forward Planning

- 4.11. Unfortunately, the lockdown occurred before the planned 'tech refresh' programme for Members was due to commence rollout, giving members new devices with the Office 365 suite pre-configured. It is recognised this programme, had it been implemented, would have helped address many of the issues Members have had when trying to engage with remote meetings. The restitution of this programme is therefore seen as our immediate priority as this will both aid Member participation and provide the robustness of service required to facilitate further moves towards full meeting restoration.
- 4.12. Government guidance of social distancing will continue to be observed and will inform our timeline for the full restoration of physical meetings. This guidance will be followed in respect of meeting attendee social distancing and public social distancing, as public attendance at meetings would be required to be reinstated once physical meetings are resumed. At present meetings must be either virtual or physical – no 'hybrid' arrangements are allowed under appropriate regulations.

## Restoration of Full Meeting Arrangements

- 4.13. Ongoing improvements in technology and staff capability has meant the Council is now in a position to start looking at the prospect of returning meetings to a pre-lockdown position albeit virtually.
- 4.14. To facilitate a return to pre-coronavirus meeting arrangements for Overview and Scrutiny Committee and Planning Regulatory Board it is recommended that the tech refresh programme for elected members is brought forward in a simpler form. The previous direction of travel was to work with members to arrive at a suitable choice of devices. It is proposed that to expedite the refresh process the choice element is removed and members refreshed with a standard laptop. This can be revisited when circumstances allow, and these laptops redeployed to officers still awaiting refresh. This will give a consistent experience across all members which will also bring the benefit of only needing to produce guidance documents once.
- 4.15. The IT service will support deployment of devices to members and give support where required but especially for remote meetings as is already the case. The 8-step pre-refresh guide for officers will be revisited to ensure only steps that are absolutely necessary are required of members. It is important to note that successful deployment is contingent on the preparedness of the recipient.
- 4.16. Regarding the restoration of physical meetings, government guidance on social distancing will continue to be monitored and the Council Chamber will continue to be risk assessed in respect of how we may tailor arrangements to accord with that guidance.
- 4.17. With the tech refresh programme complete, and subject to government guidance, the expectation is to hold our first full council meeting towards the end of July 2020 (to coincide with existing date in the diary). To test these arrangements, it is intended a meeting of the full Planning Regulatory Board and/or the Overview

and Scrutiny Committee can be held mid-July. Guidance and support will be offered to elected members where required.

- 4.18. Consideration will continue be given to arrangements which allow for some areas of the Governance operation to physically or 'hybrid virtual/physical' resume, subject to guidelines.

### **Phase 3**

- 4.19. Based on our current understanding, taking all factors into account and recognising both the limits of technology and primary requirement to ensure the safety and security of everyone engaged with the meetings environment, AND recognising the legal limitations of the current guidance in respect of meeting arrangements, a timetable for the full restoration of meetings may be as follows:

- With immediate effect – Develop the tech refresh programme for Members
- From mid-July – Reinstate the Overview and Scrutiny Committee and Planning Regulatory Board full memberships
- From late-July – Reinstate REMOTE meetings of Full Council
- From August onwards – reinstate work with Member Development Working Party around appropriate devices for elected members
- From October onwards – (subject to social distancing and other guidance) reinstate physical or hybrid virtual/physical meetings for all committees

## **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1. Awaiting the cessation of lockdown measures would have greatly affected the continuation of Council business and decision making.
- 5.2. An alternative approach could be taken whereby software only is deployed to members' existing devices. While this is a valid option it carries additional risks due to the age and specification of the Microsoft Surface Pro devices in question which are at the end of their useful life.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1. The Council's live streaming of meetings has been well received. Meetings are published by BMBC Comms and viewing figures have been significantly greater than those for pre-lockdown council meetings.

## **7. FINANCIAL IMPLICATIONS**

- 7.1. There may be a small increase in charges from the webcast partner (as we are contracted for a certain number of webcasted hours which may increase) but this is currently under consideration by all parties.
- 7.2. Additional Bomgar licenses for Digital Champions will allow more effective support by giving the ability to 'shadow' members devices remotely and assist live. The total cost of 2 of these licenses is £4,500 per annum.

## **8. EMPLOYEE IMPLICATIONS**

8.1. Like members of the public, employees can view proceedings of council meetings.

## **9. LEGAL IMPLICATIONS**

9.1. There is an acknowledged small risk of legal implication as Members do not operate under any form of privilege akin to parliamentary privilege. To mitigate this risk members are reminded at the start of the meeting that the meeting is being webcast and live streamed for public consumption.

## **10. CUSTOMER AND DIGITAL IMPLICATIONS**

10.1. Implicit within this report.

## **11. COMMUNICATIONS IMPLICATIONS**

11.1. Implicit within this report.

## **12. CONSULTATIONS**

12.1. None.

## **13. LIST OF APPENDICES**

Appendix A: Remote Meetings Procedure Rules for Barnsley MBC and South Yorkshire Joint Authority Meetings

## **14. BACKGROUND PAPERS**

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

Report author: Martin McCarthy, Service Director Governance, Member Services and Business Support

## **Appendix A**

### **REMOTE MEETINGS PROCEDURE RULES AND FOR BARNSELY MBC AND SOUTH YORKSHIRE JOINT AUTHORITY MEETINGS**

#### **1. INTRODUCTION**

- (i) These procedure rules regard the conduct of remote / virtual (“remote”) meetings of Barnsley MBC and the South Yorkshire Joint Authorities administered by Barnsley MBC, under Section 78 of the provisions for Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Coronavirus Act 2020”)
- (ii) All the principles and necessities of good governance, as contained within the Local Government Act 1972 and other appropriate Acts will continue to be observed but will be delivered where appropriate through the flexibilities of virtual mitigation afforded by the Coronavirus Act 2020.
- (iii) Unless an explicit mitigation is in place to facilitate meeting remotely, all existing meetings’ rules, procedures and codes of conduct remain in place and should be observed.

#### **2. NOTICE OF MEETINGS AND ACCESS TO INFORMATION**

- (i) The BMBC Council Governance Unit and Joint Authorities Governance Unit (“CGU/JAGU”) shall give five clear working days’ notice to the public of the time of the remote meeting, and the associated agenda papers, together with details of how to observe the meeting remotely online via either the BMBC or South Yorkshire Joint Authorities’ websites.
- (ii) Members of the respective committees shall be notified of a remote meeting by email and all agenda papers will be made available via electronic means at least five clear working days before the meeting. Notice will be given of the electronic platform the remote meeting will be held on (Microsoft Teams). It will also identify how to ‘join the meeting’.
- (iii) The ‘place’ at which the meeting is held will be recorded as ‘virtual’, to be interpreted as more than one place.
- (iv) Documents remain ‘open to inspection’ and shall be published on the Authority’s websites.

#### **3. MEMBERS IN REMOTE ATTENDANCE**

- (i) Members will receive an invite to attend a remote meeting by the CGU/JAGU or another officer of the Authority.
- (ii) A Member in remote attendance is present and included in the meeting’s quorum, providing the Member can hear, and so be heard, and where practical,

see the other Members and any members of the public in attendance who are there to exercise a right (on invitation) to speak.

- (iii) If a Member loses access to the meeting, the Chair may adjourn the meeting for a reasonable short period to permit connection to be re-established. If a remote Member(s) is able to successfully re-join the meeting, for example a connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- (iv) The attendance of Members at the meeting will be recorded by the Secretary.

#### **4. MEMBERSHIP**

- (i) For the purposes of managing any logistical limitations, the size of the membership of any Committee or Board (“Committee”) may be reduced (under a delegation decision of the Executive following appropriate consultation) for a determined period, with a review date for that decision to be identified at the time of implementation.
- (ii) A proportionate number of Members may be furloughed. However, the overall political composition of the membership will be maintained.
- (iii) A furloughed Member will continue to have access to all agenda papers in the interests of maintaining cognisance of pertinent matters but will not be required to attend meetings.
- (iv) For the purposes of maintaining a quorum, the required number of Members present will be proportionally reduced to reflect the reduction in size of the Committee. This is usually one third of the voting membership.

#### **5. PUBLIC ACCESS TO MEETINGS**

- (i) Meetings that are ‘open to the public’ will be live streamed via the Barnsley MBC and South Yorkshire websites.
- (ii) If the Chair of the meeting is made aware that the meeting is not accessible to the public through remote means, due to a failure of technical provision, then the Chair shall adjourn the meeting immediately whilst the remote means of access is restored. If remote access cannot be restored, then remaining business will be considered at a time and date arranged by the Chair or next ordinary meeting. If required, as prescribed by the BMBC Constitution: Responsibility for Executive Functions Officer Delegations (and under similar delegations contained within the Constitutions of the Joint Authorities), the Chief Executive and Executive Directors respectively may determine to take or authorise any action on any matter which they consider cannot await a formal Cabinet meeting provided that such actions shall be reported for information to the next available meeting.
- (iii) Public access to the meeting by remote means, is different from the ‘public attending to exercise a right (on invitation) to speak’. Provision for the public

speaking at a meeting (i.e. as may be expected at Planning Regulatory Board) is addressed in section 8 below.

- (iv) Remote meetings will be made available to the public via the Authority's webcasting platform with meetings streamed via the <https://barnsley.public-i.tv/core/portal/home> (Barnsley MBC) and <https://southyorks.public-i.tv/core/portal/home> (South Yorkshire Joint Authorities)
- (v) The 'public access link' will be created and set up as soon as practicable alongside the details of the remote meeting on the appropriate pages of the Authority's website.

## **6. REMOTE ATTENDANCE AT MEETINGS (PARTICIPATION) BY MEMBERS OF THE PUBLIC**

- (i) A member of the public entitled to attend the meeting in order to exercise a right (or invitation) to speak at the meeting is in remote attendance providing the member of the public can hear, and so be heard, and where practical, see the Members and any members of the public in attendance to exercise a right to speak.
- (ii) If a member of the public has given previous required notice to attend remotely in order to exercise a right (or invitation) to speak and has not remotely accessed or joined the meeting by the start of the relevant item or specified time, and has made no attempt beforehand to contact the Secretary, then the Chair in such circumstances will consider as deemed reasonably appropriate, whether to proceed without them or defer the relevant item of business.
- (iii) The Secretary will be able to mute the member of the public once they have spoken, and if required remove them from the remote meeting on the instruction of the Chair, in order to maintain the good governance of the meeting or to retain order.
- (iv) Members of the public may submit written representation in lieu of exercising a right to speak which will be presented by the Secretary.

## **7. REMOTE MEETING PROCEDURES**

- (i) A technological platform to facilitate and enable Members, the public and other interested parties to participate and access meetings will be put in place.
- (ii) The Chair will apply the procedure rules set out in the Constitution and the Remote Meeting Protocol. Accordingly, the Chair's ruling following any advice received from officers will be final.
- (iii) Members and all attendees shall adhere to the required etiquette during attendance at remote meetings (Appendix – Etiquette Guidance).

## **8. REMOTE VOTING**

- (i) When the Chair of a remote meeting is satisfied that there has been sufficient debate, and if the standing rules of the meeting require, the Chair will progress to making a decision. Unless a recorded vote is demanded, the Chair will take the vote:
  - i. by the affirmation of the meeting if there is no dissent, or
  - ii. by the Secretary undertaking a roll-call, recording, confirming and reading out the result of the vote.

## **9. DECLARATIONS OF INTEREST – MEMBERS EXCLUDED FROM THE MEETING**

- (i) Where a Member is participating in a remote meeting and declares a disclosable pecuniary interest or personal and prejudicial interest, in any item of business they are required to leave the meeting by means of their remote severance from the meeting.
- (ii) A Member's departure will be confirmed by the Secretary if required and the Member will be invited to re-join the meeting at the appropriate time.

## **10. EXCLUSION OF THE PRESS AND PUBLIC AT REMOTE MEETINGS**

- (i) The Secretary shall ensure and confirm that there are no members of the public in remote attendance or remotely accessing the meeting to hear or see the proceedings after a resolution has been taken by members of the meeting in public to exclude the press and public so that confidential, or 'exempt' business (as defined in Schedule 12A (as amended) of the Local Government Act 1972) can be considered.
- (ii) Members in remote attendance must declare if there are persons present who are not entitled to be so. Any Member in remote attendance who fails to disclose that there were in fact persons present who were not so entitled, could be in breach of the Members' Code of Conduct.



## **REMOTE MEETING PROTOCOL – ETIQUETTE GUIDANCE**

### **1. INTRODUCTION**

- (i) The expectations of etiquette and courtesy observed at non-remote meetings are equally expected at remote meetings and thus are not reiterated within this guidance.
- (ii) The following information concerns solely what virtual mitigations are required to ensure business may be transacted in a manner befitting the Authority's usual standards of good governance.
- (iii) Comprehensive support for Members is being provided by the Authority's Digital Champions.

### **2. PRIOR TO THE MEETING**

- (i) Members should try to join the meeting promptly no later than ten minutes before the start to allow themselves and the Secretary to test equipment, confirm attendance and to avoid any unnecessary interruptions.
- (ii) Attendance protocols for members of the public will accord with those in place for non-remote meetings. i.e. the public will be held outside the meeting until invited to enter or may be permitted to be present from the outset dependent on the regimes in place for each committee.
- (iii) Any visual feed should show an appropriate or neutral background and care should be taken to ensure exempt or confidential papers or other personal artefacts such as large family photographs cannot be seen.

### **3. DURING THE MEETING**

- (i) The Chair at the start of the meeting will introduce themselves and welcome everyone to the meeting (naming it). The chair will remind / confirm the remote meeting is live to the public through an audio web link (or not if applicable). They should also confirm that the meeting is being recorded for administrative purposes only, update the meeting on any matter if so required and remind participants of any etiquette requirements.
- (ii) Members participating in remote meetings will be asked by the Chair to have their microphones MUTED by the start of the meeting.
- (iii) All Members, officers and participants are to speak only when invited to do so by the Chair.
- (iv) In the interests of ensuring good conduct and minimising inappropriate behaviour, the Chair (or Secretary acting under the Chair's direction) may adopt further measures including:
  - i. requesting that only one person may speak at any one time
  - ii. muting some or all the microphones of the attendees

- iii. requesting Members use the Microsoft Teams 'chat' facility to indicate a request to speak
  - iv. removing an attendee from the meeting
  - v. pausing (adjourning) the meeting by taking down the live stream from 'public access' and then reconvening and resuming the live stream
- (v) PLEASE NOTE, the chat facility must not be used for private conversations between any participants as these can be viewed by all participants.
- (vi) The Chair will follow existing procedure rules in determining who may speak, as well as the order and priority.

## BARNSELY METROPOLITAN BOROUGH COUNCIL

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

### REPORT OF THE EXECUTIVE DIRECTOR CORE SERVICES TO CABINET

#### Royal Society for the Prevention of Accidents Order of Distinction Award 2020 and British Safety Council International Safety Award 2020

#### 1. Purpose of Report

This report seeks to inform Cabinet that the Council has been awarded for 2020 the Royal Society for the Prevention of Accidents (RoSPA) Order of Distinction Award (19 consecutive gold awards) and British Safety Council International Safety Award.

#### 2. Recommendations

- 2.1 That the achievements be noted and continuous efforts made to improve upon performance in health and safety within the Authority.

#### 3. Introduction

- 3.1 The British Safety Council and RoSPA awards are awarded annually to organisations that have attained consistently high health and safety standards. Both awards are peer assessed and judged based on the submission of a wide range of evidence from across the breadth of the Council and schools and are reflective of the collective efforts made across all services. The achievements demonstrate the Council's ongoing commitment to health, safety and wellbeing during 2019 and are a national acknowledgement of efforts in this area.
- 3.2 Both awards require a wide array of evidence to be provided across the full range of occupational health and safety management themes including:
- Director and senior management leadership
  - Competent health and safety advice
  - Workforce engagement
  - Competence of employees and selection of contractors
  - Risk assessment, control and management
  - Communication within and beyond the organisation
  - Monitoring and review of health and safety performance
  - Investigation of problems and identification improvements (including an overview of accident and incident data)
  - Extending our leadership on health and safety into the community and home
- 3.3 A detailed review of the Council's health and safety performance in 2019/2020 will be provided in the annual Health and Safety Report 2019/2020 that will be submitted to Cabinet in due course.

**4. Proposal and justification**

- 5.1 That the achievements be noted and continuous efforts made to improve upon performance in health and safety within the Authority.

**5. Consideration of alternative approaches**

- 5.1 Due to the nature of this report, alternative approaches are not considered. However, in achieving the awards it is acknowledged that further improvements in health and safety can be made and an action plan for 2020/2021 will be included in the Health and Safety Report 2019/2020.

**6. Implications for local people and service users**

- 6.1 The awards emphasise the need for maintained focus on the overall health and safety function in order to uphold standards of health and safety for local people who interact with or receive the Council's services.

**7. Financial implications**

- 7.1 The awards emphasise the need for maintained focus on the overall health and safety function in order to uphold standards and prevent business losses.

**8. Employee implications**

- 8.1 The awards emphasise the need for maintained focus on the overall health and safety function in order to uphold standards and prevent injury, ill health or other losses to employees and maintain employee welfare.

**9. Legal implications**

- 9.1 There are no foreseen implications of this report.

**10. Customer and digital implications**

- 10.1 There are no foreseen implications of this report.

**11. Communications activity**

- 11.1 Proactive communications will be issued to acknowledge the awards publicly both locally and potentially in national sector specific publications.

**Report author:** Simon Dobby; Head of Corporate Health, Safety and Emergency Resilience

**BARNSELEY 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  
OF ADULTS & COMMUNITIES**

**NET TO GROSS PAYMENTS**

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek approval from cabinet members to implement a new payment arrangement for residential care homes from the 27<sup>th</sup> of July 2020. Subject to cabinet agreement care home fees will be paid gross weekly rather than net of client contributions with residents charged their contribution by the Council from this date.

**2. RECOMMENDATIONS**

- 2.1 That cabinet agree to the proposed change to current payment arrangements from the 27<sup>th</sup> of July 2020.
- 2.2 That cabinet agree the proposed changes to be made in July will not include third party top ups.
- 2.3 That cabinet support further consultation with care home providers regarding the future inclusion of third-party top ups in payment arrangements.

**3. INTRODUCTION**

- 3.1 Under the current framework agreement for the provision of residential care providers are paid a net fee. This means that the fee paid to the care home by BMBC does not include the clients contribution towards their care.

The agreement states that the client contribution will be paid directly to the home by the service user (or representative) however it also states that BMBC remain liable for the full fee should the client default on their payment arrangement.

This agreement creates a layer of complexity for both care homes and service users particularly where changes to client contributions occur. It also places an additional burden on providers to administer and collect client contributions, and manage any overpayments made or debts accrued by residents.

In the last 12 months Commissioners have received a number of requests from care home providers to consider the payment of gross fees in line with Care Act recommendations.

- 3.2 A further consideration within this area is the inclusion/exclusion of third-party top ups in the gross fee payment.

Top-up fees are fees paid by a third party (usually a family member) to make up the difference between the charges made by a care home and the payment that a local authority is willing to make under a framework agreement. Top ups are payable where a service user chooses a home whose weekly fee is higher than that the council is prepared to pay.

#### **4. PROPOSAL AND JUSTIFICATION**

- 4.1 The proposal is to implement a new care home payment arrangement whereby care homes are paid their fee gross by the Council as opposed to net of the resident's contribution. Care home residents will be charged their client contribution by the council as opposed to their care home.
- 4.2 Under the council's Fairer Contributions Policy, individuals are financially assessed to determine how much financial support they are entitled to towards the cost of their care and what contribution they have to make themselves.
- 4.3 Where an individual is required to make a contribution towards the cost of their care the council currently pays care home providers their fee net of the required contribution and requires the provider to invoice the client and collect the contribution to make up the payment to the full fee rate.
- 4.4 The councils current care home payment arrangements are longstanding and consistent with the historic practice of many other Local Authorities. However it is clear that a change in practice, at a time when other Local Authorities nationally are making the same change, will mean consistency with current national guidance whilst allowing the Council to better support vulnerable people and provide improved financial assurance to the care homes with which it contracts.
- 4.5 The proposed changes are reflective of the council's obligations under the statutory Care and Support guidance issued under the Care Act which states that fees should be paid to the provider gross, as well as a number of recent outcomes of Local Government Ombudsman investigations where councils have been found to be acting outside of their obligations where they are paying fees net.
- 4.6 Whilst the statutory guidance states that councils should pay gross, it is not specific around the inclusion of third party top ups in this arrangement. See section 9 'Legal Implications' below.
- 4.7 The Care Act guidance states that the council is responsible for paying the full amount, including where a 'top-up' fee is being paid. However, where all parties are agreed it may choose to allow the person to pay the provider directly for the 'top-up' where this is permitted.
- 4.8 To date care home providers have not requested that third party top ups are included in the gross fee arrangements however this could be requested at a later date and as such should be considered as part of this report.

## **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 The council could maintain its current arrangements paying fees net of client contributions. This would not be in line with Care Act requirements and would leave the council subject to further challenge by care home providers.
- 5.2 The council could move to a payment arrangement inclusive of third party top ups. Further work is required to fully understand the implications of this including consultation with care home providers. This would result in a delay in the implementation of gross payments and a likely complaint to the ombudsman.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 Service users will be required to change their current payment arrangements for the payment of client contributions to ensure that from the 27<sup>th</sup> of July these are paid to the council and not the care home.
- 6.2 Switching to an arrangement whereby the Council pays providers their full fee rate (and charges the resident directly for any contribution they are liable for) will ensure that charges to vulnerable people are within Local Authority control, enabling earlier identification of clients who are struggling to pay their care contributions or any signs of financial abuse.
- 6.3 There will be less administration on care homes following the implementation of net to gross as they will no longer be required to raise bills and monitor income from client contributions. The change will also reduce the financial risk on care homes through non-payment of client contributions.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The proposed change to payment arrangements relates to older people, learning disabilities and mental health service users supported in residential / nursing care homes. It is proposed that from 23 July 2020, care home providers will be paid on a gross basis (based on the agreed weekly fee), whilst the Council would assume the responsibility for billing and collecting the contributions from service users towards their care cost (as determined under the Fairer Charging Policy). The gross payment proposal is based on the following:
  - Covers only council funded service users / residents in care homes, i.e. it doesn't include self-funders (private residents in care homes who are responsible for their own care and costs).
  - Does not include third party top-ups paid by residents or their families directly to care homes in addition to the Council's agreed rate.

7.3 The table below shows the gross cost of residential / nursing care and the expected level of contributions from service users for 2020/21 (based on Controcc data).

Residential care	2019/20 £M	2020/21 £M
Care costs (gross)	<b>32.910</b>	<b>31.070</b>
Client Contributions:		
- Older People	-7.320	-6.374
- Working age adults	-0.572	-0.566
	<b>-7.892</b>	<b>6.940</b>

7.4 Whilst the proposed change in payment arrangements would have no impact on the cost of residential care for the Council, there are a number of significant financial risks, if not managed effectively, could impact on the level of contributions collected / received during the year. The following paragraphs detailed the financial issues / risks to be considered and managed.

### **Key Financial Issues / risks**

#### *Implementation issues/risks*

7.5 The following detailed the key implementation timeline. The following detailed work undertaken to date and some of the key operational issues / risks to manage:

Action	Target Completion Date
Development of computer script by ContrOCC system supplier (OCC)	18/05/2020
Data cleansing of invoice details	07/07/2020
User acceptance testing of computer script	26/06/2020
Prepare letters to affected service users regarding the change to Gross payments	07/07/2020
Prepare letters to care home providers regarding the change to Gross payments	07/07/2020
Issue letters to service users and care home providers	09/07/2020
Computer script run on ContrOCC Live system	26/07/2020
Setup invoices on SAP	15/08/2020
Setup direct debits	15/08/2020

1. Work has commenced on setting up the required invoice data and ensuring the accuracy of the information on record. Testing is scheduled to go ahead next week and the week after.
2. There are 737 service users who we will have to start billing effective from 23 July 2020 - at a cost of £123k per week (£7M per annum). The main concerns around the impact on service users during the current pandemic / restricted access to banks, etc.
3. Risk of services users not engaging effectively and the possibility of adverse publicity as a result of implementing this change at this time.
4. It is proposed to charge service users on an arrears basis, which should allow time for customer accounts and direct debits to be set up in time.



### *Income collection / debt levels*

- 7.6 The increase in billing / invoices as a result of changing to gross payments carries a major risk to the Council's outstanding debt position, as adult social care currently has the highest level of debt outstanding within the Council. Current level of ASC debt outstanding (2013/14 to date) is estimated at £1.554m which includes around £0.827m relating to residential / nursing care provision.
- 7.7 It should be noted that under the current arrangement the Council is still ultimately liable for all debts that can't be collected by care home providers. To mitigate the significant risk of increased debt levels, a full review was undertaken and as a result the following changes have been put in place to monitor the position closely and allow for more pro-active approach to income/debt collection.
1. A full review of the existing customer contact information and collection of data for additional customers is currently being undertaken to ensure correct billing and contact details are held;
  2. The initial debt process will be managed within the existing resources ensuring that there is a better understanding of the full process and more consistency throughout. This will also allow early identification of issues impacting on payment earlier in the process;
  3. A County Court pilot that will to be undertaken to allow where necessary legal action to take place. This will only be undertaken where all actions as outlined in the Care Act 2014 have been completed but where payment is outstanding. This action allows for additional powers of collection, in a more sensitive manner if required including for example a charge of property;
  4. Partnership working with external legal advisors with extensive knowledge and experience in collecting adult social care debt to provide advice, guidance and support on specific cases;
  5. Closer collaboration between the Finance and Adult Social Care business unit to minimise risk of non-payment by engaging with the service user and understanding any concerns early in the process through better communication and use of adult social care systems.

### *Debt Policy*

- 7.8 Work has commenced to review the Council's existing Debt Policy, particularly where it pertains to adult social care service users. This is with the view of strengthening the policy where relevant and to reflect the changes in processes and arrangements (as detailed in para 7.7 above).

## **8. EMPLOYEE IMPLICATIONS**

- 8.1 There are no direct employee implications arising from this proposal. A number of staff from across adult social care and financial services are involved with the implementation of this work.

## **9. LEGAL IMPLICATIONS**

- 9.1 The statutory Care and Support guidance issued under the Care Act assumes that local authorities will contract with the care provider for the full amount of the cost of a person's care (i.e. including the client contribution) and discourages the practice of top up fees being paid separately to the provider.
- 9.2 In particular, paragraph 8.33 of the guidance states: 'Where a local authority is meeting needs by arranging a care home, it is responsible for contracting with the provider. It is also responsible for paying the full amount, including where a 'top-up' fee is being paid. However, where all parties are agreed it may choose to allow the person to pay the provider directly for the 'top-up' where this is permitted. In doing so it should remember that multiple contracts risk confusion and that the local authority may be unable to assure itself that it is meeting its responsibilities under the additional cost provisions in the Care Act.' Further, paragraph 25 of Annex A of the guidance states: "Local authorities should therefore maintain an overview of all 'top-up' agreements and should deter arrangements for 'top-up' payments to be paid directly to a provider".
- 9.3 The potential legal risks in not making changes to the current payment arrangements is that the service user or their family could complain to the Local Government Ombudsman, with such complaint highly likely to be successful given the position that the Ombudsman has adopted in these cases to date. The council could also be at risk of a challenge to its decision making by way of judicial review. Such action could be brought by a care home or service user. Applications for judicial review can only be brought following completion of the pre-action protocol in which the council would be issued with a letter before claim, allowing a short period of time for the council to reconsider its decision making. Defending judicial review applications can be costly and if the defence is unsuccessful, will usually result in a costs order to also pay the claimant's legal costs. Adverse Ombudsman decisions and judicial review outcomes may also lead to bad publicity for the council.

## **10. CUSTOMER AND DIGITAL IMPLICATIONS**

- 10.1 No implications have arisen for service users and carers under the current payment arrangements.

## **11. COMMUNICATIONS IMPLICATIONS**

- 11.1 A number of care homes have contacted the council to request a move from net to gross payments in the last 12 months including a request by Barnsley's Independent Care Home Association on behalf of the wider care home market.
- 11.2 All service users affected by this change will be contacted in writing to inform them of the proposed changes. They will be given clear instructions around the changes to payment arrangements and offered support to establish new arrangements where required.
- 11.3 Communication with service users will be done as part of a wider communication plan in collaboration with care home providers to avoid confusion and support a smooth transition.

**12. CONSULTATIONS**

12.1 All providers have been offered the opportunity to meet with commissioners to discuss the proposed changes. A number of care home providers attended meetings in March to discuss including a meeting with the Independent Care Home Association acting on behalf of the wider market.

**13. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION**

13.1 An Equality Impact Assessment (EIA) has been undertaken for this decision and, assuming a successful implementation of the new charging model, there are no anticipated adverse implications for people with protected characteristics. Indeed the purpose of this change is to ensure that vulnerable people and their 3rd parties (normally family members), in respect of third party top ups, are in future charged directly by the Local Authority in order that it has oversight of the charging process and can better support the avoidance of debt.

**14. TACKLING THE IMPACT OF POVERTY**

14.1 Transferring the payment of client contributions to the council will give the council a better oversight of the service users financial situation. Debts will be identified early and flagged with social workers who can then review the individual’s circumstances and identify any risks associated with their financial affairs.

**15. RISK MANAGEMENT ISSUES**

15.1 See financial risk under section 7 Financial Implications.

**16. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES**

16.1 There are no implications for the health and safety of the public and workforce or the resilience of the Borough to a civil contingency, emerging through the report.

**17. BACKGROUND PAPERS**

N/A

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

**Report author:** Sharon Graham

<p>Financial Implications/Consultation</p>  <p>Joshua Amahwe (26/06/2020)</p> <p>.....  <i>(To be signed by senior Financial Services officer where there are no direct financial implications)</i></p>
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**BARNSELY METROPOLITAN BOROUGH COUNCIL**

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

**REPORT OF THE  
EXECUTIVE DIRECTOR PLACE  
TO CABINET**

**HOUSING REVENUE ACCOUNT (HRA) – CAPITAL WORKS 2020/21  
PROGRAMME**

**1. PURPOSE OF REPORT**

- 1.1 To approve the 2020/21 HRA Capital Programme Works complimentary to the core Barnsley Homes Standard Programme.

**2. RECOMMENDATIONS**

**It is recommended that:**

- **Cabinet approve the HRA Capital Works detailed in the report.**
- **Cabinet notes the commentary relating to the installation of new gas boilers as set out in paragraph 4.2 and the implications of the capital works programme in relation to the Council's Zero 40/45 objectives at paragraph 18.1.**

**3. INTRODUCTION**

- 3.1 Cabinet approved the HRA Housing Capital Investment Programme for 2020/21 on the 11 December 2019 and the indicative programme up to 2024. This report seeks approval for the detail of the programme for 2020/21. The work is additional to the Barnsley Homes Standard Programme and is complimentary by helping to maintain the housing stock to the Decency Standard.
- 3.2 This report covers Council Housing individual heating replacements, general replacement Items, extensive structural works and the major adaptations programme.

**4. PROPOSAL AND JUSTIFICATION**

**4.1 Urgent Individual Property Heating Replacements – £0.475M**

In all cases following a heating breakdown, a repair is attempted in the first instance. In some cases, the boiler cannot be repaired or is beyond economic repair which cannot wait for a planned programme. The budget is sufficient for around 200 such replacements each year within the housing stock of 18,500 properties. This work is delivered through the Property Repairs and Improvement Partnership (PRIP) with the works carried out by Berneslai

Homes Construction Services or Wates.

- 4.2 Whilst the Council is committed to moving stock to fossil-free heating sources (off-gas) over the medium term (in line with Zero 40/45), this will need to be a phased approach which considers the needs and views of tenants and considers the 30-year business plan financial implications, future technology options and a full training programme for both staff and tenants. However, older gas boilers are significantly less efficient compared with a modern combination boiler. Changing from one to the other on a semi-detached property will save our tenants money on their fuel bills (potentially up to £105 per annum (source: Sedbuk). This will, in turn, help reduce fuel poverty in the borough. More efficient boilers also emit less CO2 because they burn less gas. This contributes to local and national emission targets.

4.3 Planned Works to District Heating Networks - £0.606M

The Council has 24 District Heating Networks serving 1,212 dwellings, independent living schemes, community centres, and a school. Properties have heat meters and pay at cost of the heat they use. The systems operate on an 'at cost' basis for revenue income and expenditure and the Council has been able to maintain the same charge for the last four years, with no increase for the 2020/21 financial year. The capital cost of improvements and replacements for the systems falls on the HRA, as it does for all other domestic systems.

The plans for 2020/21 include Phase 2 – replacement of the under and above ground heating mains at Marston Cres, New Lodge. The heating mains at Marston Cres are towards the end of their life expectancy. Replacement of heating mains reduces the risk of mains failure, improves flow rates and the overall efficiency of the heat network. This scheme as part of a three-project programme has been previously approved by cabinet.

A smaller part of this capital budget may be required for any major failures that occur during the year, for example, major boiler failure requiring a renewal or a bust underground main requiring section renewal rather than repair.

4.4 Major Adaptations for Tenants with Special Needs - £2.407M

The Council has an approved policy that any major adaptations that are required for Council Housing tenants are funded through the Housing Revenue Account and not the Disabled Facilities Grant. This budget is used to fund those adaptations each year.

The population in Barnsley is aging and tenants are living longer, and as a consequence, the number of adaptation requests is rising, which are responsive and reactive in nature.

All applications are first accessed by the Council's Equipment, Adaptation and Sensory Impairment Service, to determine exact requirements. Following this, applications are assessed by officers from the Equipment and Adaptation Service jointly with Berneslai Homes' officers. Applicants have a

right of appeal, with a final decision from an independent appeals panel.

The three most frequent type of adaptations requested are:

- Level Access Shower;
- Entrance Ramps; and
- Stair lifts and Ceiling Hoists.

The proposed budget is sufficient to fund around, on average, 860 adaptations.

Where appropriate, the proposed budget is also used to build a small number of extensions to properties where tenants cannot be re-housed to more suitable accommodation.

#### 4.5 Extensive Structural and Void Replacements - £1.685M

This proposed budget is to be used to fund extensive, one-off structural works that are urgent and which cannot wait for the Barnsley Homes Standard Programme, and to fund replacement items in void properties that are required to bring the properties back to the lettings standard which need to be carried out quickly to let the property and keep void rent loss to a minimum.

All of these works are delivered through the Property Repairs and Improvement Partnership (PRIP) by Berneslai Homes Construction Services or Kier.

Typically extensive structural works will include:

- Re-roofing;
- Subsidence Underpinning;
- Major Damp Works; and
- External Retaining Wall Failure.

Void replacements are typically home standard type works of kitchens, bathrooms, replacement heating replacements and rewires, which take place in empty properties following tenant vacation or property purchase.

#### 4.6 Community Centre Rewires - £0.065M

This proposed budget is to be used to fund electrical upgrade works in a number of the 14 HRA Community Centres and 18 other HRA buildings with communal facilities. The budget is sufficient to fund two to three upgrades per year, dependant on the scale of the project. This work is planned and is carried out by partners in the Property Repairs and Improvement Partnership (PRIP) by Berneslai Homes Construction Services or Wates.

#### 4.7 Community Refurbishment Scheme One - £0.191M

Berneslai Homes runs a very successful Community Refurbishment and

Training Scheme which has been operational for the last 15 years. The scheme helps young, unemployed and some older, long-term unemployed into work based learning and employment. It provides level 2 basic skills training in construction, mainly, bricklaying. Work programmes are based on a trainee profile of 20 in total at any one time with a split of 10 on site and 10 undertaking off site assessment and training. Training is delivered in Partnership with Barnsley Community Build.

The types of work undertaken on Council owned properties and estate includes:

- General tidying up and clearance of open space;
- Brick boundary walls;
- Installation of metal fencing and gates;
- Timber fencing;
- Construction of footpaths and driveways in concrete, tarmac and block paving;
- Pavement crossings and dropped kerbs; and
- Minor / incidental hard landscaping works.

The proposed budget is used to purchase building materials and hire of plant etc. The scheme is currently working in Athersley South and has been very popular with residents. In addition to skills training, it is a cost effective way of delivering environmental improvements.

#### 4.8 Community Refurbishment Scheme Two - £0.090M

Given the continuing success of the Community Refurbishment Scheme, Berneslai Homes proposes to launch a second Community Refurbishment Scheme. This will initially be based also in Athersley South, co-locating with the original CRS staff and trainees whilst the works and training model is established. It is intended that the CRS 2 scheme will then re-locate to another area of the Borough where it has been previously identified that Estate Environmental works are urgently required. Work programmes will be similarly based on a trainee profile of 20 in total at any one time with a split of 10 on site and 10 undertaking off site assessment and training. Training will be delivered in Partnership with Barnsley Community Build.

The types of work undertaken on Council owned properties and estate will include:

- General tidying up and clearance of open space;
- Brick boundary walls;
- Installation of metal fencing and gates;
- Timber fencing;
- Construction of footpaths and driveways in concrete, tarmac and block paving;
- Pavement crossings and dropped kerbs; and
- Minor / incidental hard landscaping works.



The proposed budget will be primarily used for establishment costs (staff recruitment and training, plant, tools, materials and establishment fees etc.).

#### 4.9 Barnsley Homes Standard Capitalised Salaries - £0.178M

A number of Berneslai Homes' support staff work specifically on the Barnsley Homes Standard capital schemes throughout the year, whose cost is charged to the HRA via the Berneslai Homes Management fee.

This proposed budget is to be used to fund the cost of those project managers which are capitalised during 2020/21.

#### 4.10 Works Programme Contingency - £0.174M

The proposal is to hold the remaining balance of resources totalling £0.174M as a contingency for the whole works programme, pending any new priorities that may emerge throughout the year.

Subsequent approval reports will be submitted in due course.

### **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 The delivery of works as described above has worked well for a number of years and enabled capital expenditure from essentially demand led works to be tightly controlled within budget allocations. The method of delivery is however kept under review.

### **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The works programs enable Council tenants to live in homes that are safe, good quality, maintained to the National Decent Homes Standard and at an affordable social rent. The Major Adaptations Budget additionally supports tenants with special adaptation needs to continue to live in their homes and in the community.

### **7. FINANCIAL IMPLICATIONS**

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The estimated cost of this proposal totals £5.871M including £0.174M as a contingency for emerging pressures.
- 7.3 The funding associated with these proposals was set aside and formally approved as part of the 2020/21 HRA Budget Planning process that was submitted to Cabinet on 11 December 2019 (Cab. 11.12.2019/6 refers).
- 7.4 The individual elements and associated costs of the Capital Works Programme are detailed at Section 4 to the report.
- 7.5 The 30 year business plan, including the capital programme

requirements will be subject to review during 2020/21. The financial implications are summarised in the attached Appendix A.

## **8. EMPLOYEE IMPLICATIONS**

- 8.1 There are no additional employee implications arising from the work programmers. The majority of these works are delivered by Berneslai Homes Construction Services and Wates. Between them they employ 370 staff on the Property Improvement and Repairs Contract almost all who live within the borough. The planned Works to District Heating Schemes is specialist work and will be competitively tendered.

## **9. LEGAL IMPLICATIONS**

- 9.1 All of these work programs are carried out under contract approved and signed by the Borough Secretary. The largest of these is the Property Repairs and Improvement Contract which runs in its current form until 31 March 2030.

## **10. CUSTOMER AND DIGITAL IMPLICATIONS**

- 10.1 Customers who receive works under planned programmes have a number of consultations and communications in the lead up period to work being carried out, including planned appointment times. Work is ongoing to improve the range and quality of digital platforms enabling tenants to report repairs.

## **11. COMMUNICATION IMPLICATIONS**

- 11.1 There are no communication implications contained within this proposal.

## **12. CONSULTATION**

- 12.1 Consultation on this report has taken place within Berneslai Homes, the Council Strategic Finance manager, and the Head of Housing and Energy.
- 12.2 Consultation on individual works items takes place with the tenant, including elements of choice for kitchen and bathroom replacements.

## **13. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK**

- 13.1 The works described in this report feed into a number strategic goals and KPI's including:
- Council Homes meeting the decency standard.
  - Reducing Fuel Poverty.
  - Enabling Residents to live safely and longer in their homes and tackling health inequalities.

## **14. TACKLING THE IMPACT OF POVERTY AND HEALTH INEQUALITIES**

- 14.1 Having and maintaining an affordable home is an important part of

tackling the impact of poverty and health inequalities.

- 14.2 Council Housing provides by far the main provision of Social Housing in Barnsley. Maintaining adequate numbers of well managed low cost, good quality Council owned social rented properties in therefore a major part of tackling poverty and health inequalities within the borough

## **15. REDUCTION OF CRIME AND DISORDER**

- 15.1 All Council owned properties have a good level of security particularly door and windows which have secured by design locking mechanisms.

## **16. RISK MANAGEMENT ISSUES**

- 16.1 Health and Safety risk management forms part of the delivery strategy for all of these works. Larger works falling under the Construction Design and Management regulations will have individual plans and a health and safety file. Smaller works are covered by risk assessments carried out by Construction Services and Wates under the Property Repairs and Improvement Partnership. Both contractors have excellent Health and Safety records.

## **17. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

- 17.1 None arising from this report.

## **18. IMPLICATIONS FOR AND CONTRIBUTIONS TO THE COUNCIL'S ZERO 40/45 TARGETS**

- 18.1 The programme includes the installation of new gas boilers. Whilst these systems will run more efficiently (saving tenants money on their heating bills) and emit less CO<sub>2</sub> than the older systems that they are replacing, it is acknowledged that to achieve carbon zero targets we will need to move away from fossil fuel heating in the medium term. This will need to be a phased approach which considers the needs and views of tenants and considers the 30-year business plan financial implications, future technology options and a full training programme for both staff and tenants.

Barneslai Homes has a good track record of introducing non fossil fuel technology including air source heat pumps (632 domestic installations) and on heat networks, ground source heat pumps and biomass systems. From 2020, the Council's New Build programme will no longer build homes 'on' gas and is piloting a Barnsley Low Carbon Standard specification as part of its 2020/21 delivery programme. This will inform the most efficient and cost-effective ways of delivering new homes which are low carbon and provide the best energy efficiency for our tenants; whilst being affordable within the capital investment programme and 30-year business plan.

Officers are working closely with Barneslai Homes to explore the options for moving stock to renewable heating sources (air source/ground source/hydrogen) as part of the future homes standard programme; these will

be built into the SEAP's to ensure that stock is on track to meet the Zero 45 target.

**19. GLOSSARY**

HRA – Housing Revenue Account

PRIP – Property Repairs and Improvement Partnership.

**20. LIST OF APPENDICES**

Appendix A – Financial Implications.

**21. BACKGROUND PAPERS**

Budget Reports.

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

**Report author:** Anthony Brown.

Report of the Executive Director for PlaceFINANCIAL IMPLICATIONSCapital Works Programme 2020/21

	2020/21 £M	2021/22 £M	2022/23 £M	TOTAL £M
<b>Expenditure:</b>				
<b>Core Programme:</b>				
<b><u>Barnsley Homes Standard</u></b>				
Central Heating Replacements	0.475	-	-	0.475
District Heating Planned Works	0.606	-	-	0.606
Major Adaptations	2.407	-	-	2.407
Extensive Structural/Void Replacements	1.685	-	-	1.685
Community Centre Rewires	0.065	-	-	0.065
Community Refurbishment Scheme One	0.191	-	-	0.191
Community Refurbishment Scheme Two	0.090	-	-	0.090
Capitalised Salaries	0.178	-	-	0.178
Works Programme Contingency	0.174	-	-	0.174
<b>Total Expenditure</b>	<b>5.871</b>	<b>-</b>	<b>-</b>	<b>5.871</b>
<b>Resources:</b>				
Resources as identified per HRA Budget Papers 2020/21	5.871	-	-	5.871
<b>Total Resources</b>	<b>5.871</b>	<b>-</b>	<b>-</b>	<b>5.871</b>

Agreed by: On behalf of the Service Director-  
Finance, Section 151 Officer

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