

# Public Document Pack

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 23 September 2020
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	THIS MEETING WILL BE HELD VIRTUALLY
<b>PUBLIC WEB LINK:</b>	<a href="https://barnsley.public-tv/core/portal/webcasts">https://barnsley.public-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 9th September, 2020 (Cab.23.9.2020/3)  
(Pages 3 - 6)

### Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.23.9.2020/4)

### Petitions

5. Petitions received under Standing Order 44 (Cab.23.9.2020/5)

### Items for Decision/Recommendation to Council

#### Children's Spokesperson

6. Annual Report of the Care4Us Council (2019/20) (Cab.23.9.2020/6)  
Video Report

#### Environment and Transportation Spokesperson

7. Tree Planting Project (Cab.23.9.2020/7) (Pages 7 - 16)

#### Regeneration and Culture Spokesperson

8. Berneslai Homes Contract Renewal and Strategic Plan 2021 (Cab.23.9.2020/8)  
(Pages 17 - 124)
9. Community Asset Transfer – Lease Renewal of Dodworth Miners Welfare Recreation Ground (Cab.23.9.2020/9) (Pages 125 - 134)  
*RECOMMENDATION TO FULL COUNCIL ON 24<sup>TH</sup> SEPTEMBER 2020*
10. Hoyland West Masterplan Framework (Round 2 Adoption) (Cab.23.9.2020/10)  
(Pages 135 - 200)  
*RECOMMENDATION TO FULL COUNCIL ON 24<sup>TH</sup> SEPTEMBER 2020*

11. Exclusion of Public and Press  
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

### **Regeneration and Culture Spokesperson**

12. Acquisition of New Build Bungalows off Heysham Green, Monk Bretton  
(Cab.23.9.2020/12) (Pages 201 - 216)  
Reason restricted:  
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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, Member 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, 15 September 2020



<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 9 September 2020
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	THIS MEETING WILL BE HELD VIRTUALLY

## MINUTES

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

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

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

Councillor Tattersall declared a non-pecuniary interest Minutes 324 and 325 as a member of the Berneslai Homes Board.

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

The Leader reported that no decisions from the previous meeting held on 19<sup>th</sup> August, 2020 had been called in.

### 315. Minutes of the previous meeting held on 19th August, 2020 (Cab.9.9.2020/3)

The minutes of the meeting held on 19<sup>th</sup> August, 2020 were taken as read and signed by the Chair as a correct record.

### 316. Decisions of Cabinet Spokespersons (Cab.9.9.2020/4)

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

### 317. Petitions received under Standing Order 44 (Cab.9.9.2020/5)

**RESOLVED** that the report notifying the receipt of the following petitions be noted and the recommended actions for responding to them be endorsed:-

- (a) Containing the signatures of 64 signatories (at 13th July 2020), in respect of persistent antisocial and criminal behaviour issues we are having in the Ripley Grove Community, in the shelterbelt area adjacent to Harry Road Recreational Ground:-

Meeting with residents 21<sup>st</sup> July and agreed to erect fence.

- (b) Containing the signatures of 29 signatories, in respect of a request for trees on Mount Vernon Crescent to be trimmed (not cut down):-

Councillor Howard raised a number of points of clarification in regard to information provided by Council officers which had created some confusion and had led to some trees being cut down rather than topped.

**RESOLVED** that a meeting take place involving the Leader, Ward Councillors and officers to discuss the position but that in the meantime residents be asked to refrain from cutting the trees.

**318. Annual Report of the Care4Us Council (2019/20) (Cab.9.9.2020/6)**

**RESOLVED** 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 noted in the Annual Report and that owing to technological issues, the video presentation be re-presented at the next meeting of Cabinet.

**319. Covid-19 Financial Recovery Strategy: Investment Priorities for Children's Services in the Borough (Cab.9.9.2020/7)**

**RESOLVED** that approval be given for the implementation of the investment proposal outlined in Section 4.0 of the report now submitted with immediate effect.

**320. Annual Report of the Barnsley Local Safeguarding Children Partnership (2019/20) (Cab.9.9.2020/8)**

Bob Dyson, Chair of the Barnsley Local Safeguarding Children's Partnership, attended the meeting to present the item.

**RESOLVED** that the Annual Report of the Barnsley Local Safeguarding Children Partnership (LSCP) (2019/20) and notes the progress made by the LSCP in relation to its statutory role and functions, as part of Cabinet's continued consideration of the Borough's framework for safeguarding vulnerable adults and children, be received.

**321. Annual Report of the Safeguarding Adults Board (2018 - 2019) (Cab.9.9.2020/9)**

Bob Dyson, Chair of the Safeguarding Adults Board, attended the meeting to present the report.

**RESOLVED** that the Annual Report, in conjunction with the progress of the Board in meeting its responsibilities to keep adults in Barnsley safe, be noted. Bob Dyson also thanked officers for their support in drafting this and the previous report.

**322. Safer Barnsley Partnership Annual Plan 2020 – 2021 (Cab.9.9.2020/10)**

**RESOLVED** that the Safer Barnsley Partnership Annual Plan for 2020-21, as set out in Appendix 1 to the report now submitted, be noted.

**323. Public Space Protection Order for Dog Control (Cab.9.9.2020/11)**

**RESOLVED:-**

- (i) that the principles of the boroughwide Public Space Protection Order (PSPO) for the purposes of controlling dogs and the behaviour of their owners, as detailed in the report submitted, be supported; and

- (ii) that the Safer Neighbourhood Service starting the consultation process in relation to a boroughwide PSPO for dog control, be agreed.

**324. Quarter 1 (2020/21) Corporate Performance Report (Cab.9.9.2020/12)**

**RESOLVED:-**

- (i) that the Corporate Plan Performance Report for Quarter 1 20/21, as detailed in the report now submitted, be noted; and
- (ii) that the report be shared with the Overview and Scrutiny Committee to inform and support their ongoing work programme.

**325. Corporate Finance Performance Quarter Ending 30 June 2020 (Cab.9.9.2020/13)**

**RESOLVED:-**

- (i) that the current forecast General Fund Revenue operational overspend in 2020/21 of £33.5M which includes the impact of COVID-19 on the Council's financial position, be noted;
- (ii) that the impact of COVID-19 on the Housing Revenue Account (HRA) which shows an operational overspend of £4.8M, be noted;
- (iii) that the overall net impact (after Government funding) of £15.7M, be noted;
- (iv) that SMT identify potential key lines of enquiry emanating from any emerging alternate thinking around future service delivery that could deliver service improvement and cashable efficiencies to mitigate future year budget gaps; and
- (v) that the write off of historic bad debts totalling £0.279M, be approved;
- (vi) that the forecast position on the approved Capital Programme, be noted;
- (vii) that the external funding position highlighted in paragraph 4.7, be noted; and
- (viii) that the key messages from the Council's Treasury Management activities, be noted.

.....  
Chair

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## 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 PLACE

#### TREE PLANTING PROJECT

#### 1. PURPOSE OF REPORT

- 1.1 To seek approval to release funds for GF 072 – Tree Planting Project

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approve the proposal in section 4.

#### 3. INTRODUCTION

- 3.1 The Council recognises its role in protecting the Borough's natural environment for future generations and has declared a Climate Emergency as a means of galvanising action across the Borough to reduce carbon emissions. Our ambition for the Borough is to be zero carbon by 2045, the focus of our activities will be the reduction of carbon emissions which will be achieved by a variety of interventions including a programme of tree planting.
- 3.2 The council are responsible for some 215,000 trees which reside on public land. Tree canopy coverage in the borough equates to around 16% of all the land in Barnsley and in some electoral wards, this extends to nearly a third. There are four trees to every one resident in Barnsley meaning there is a significant population to manage. Experience to-date suggests that the overwhelming majority of the local tree population are strong, healthy and have been at the heart of our communities for decades.

Current baseline information suggests the following:

- 1,185,729 trees within the Borough of Barnsley over 2m in height,
- 215,447 of these trees are within the boundaries of land owned / controlled by BMBC
- Of all the trees within the Borough;
- 20.75% trees are between 2 & 5 meters
- 27.69% are between 5 & 10 meters
- 21.92% are between 10 & 15 meters
- 17.57% are between 15 & 20 meters
- 9.6% are between 20 & 25 meters
- 2.28% are above 25 meters

There are 54 million square meters of canopy cover across the borough, approximately 16.4% of the whole borough.

- 3.3 Across Barnsley, private, public and voluntary sector organisations are striving to actively respond to the climate and ecological emergencies we face. Never has there been so much public awareness and pressure for politicians and decision-makers to act in tackling these emergencies. In addition, Covid19 has further re-enforced for many the importance of nature and access to green spaces as key to their quality of life.
- 3.4 In responding to these demands, organisations, including Local Authorities, will need to increasingly work across borders, working with nature as dynamic landscapes, river catchments and ever-changing ecosystems. This means more creative and joined-up thinking.
- 3.5 From a workshop facilitated by Business Unit six, Parks Department, involving a number of different organisations such as the Yorkshire Wildlife Trust, Yorkshire Water, Woodland Trust, Highways England and Sheffield & Rotherham Wildlife Trust, we have reviewed the current approach to tree planting and woodland creation and propose a new way forward, coordinating this work across the Borough to both facilitate and increase delivery.
- 3.6 Barnsley Council through its Parks Services department is committed to supporting the wider Council initiative currently being developed, to support tree planting across the borough. We will engage with our communities and schools, work closely with other stake holders and seek funding to plant more trees within our Urban Parks, Country Parks and Open Spaces.

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

4.1 It is proposed that:

In order to realize the Councils ambitions in relation to climate change and its own Zero Carbon vision the council approved a scheme to plant a minimum of 10,000 trees across the borough. This scheme will work in partnership with Yorkshire Wildlife Trust (YWT) and colleagues in PLACE directorate who have expertise and a long track record of working in partnership throughout the Barnsley borough. YWT have previously mapped much of the tree cover in Barnsley and currently work in partnership with the council on many projects.

4.2 Parks Services will work with partners and grant providers to maximize match funding which will enable a wider programme of planting.

4.3 The scheme will:

- Accelerate woodland creation and tree planting in Barnsley in response to the climate emergency
- Reduce carbon through offsetting
- Develop a borough plan that identifies areas for planting that can be used to offset some of the imminent major developments throughout the borough.



- Include tree planting in any future strategy reviews such as the Green Space Strategy.
- Assist in the creation of natural flood defenses
- Education and community work
- Community Orchards
- Develop and deliver a coordinated landowner engagement plan to promote woodland creation and funding available in South Yorkshire
- Identify and bring forward new woodland creation and tree planting opportunities through the use of coordinated mapping, identification of appropriate sites (with reference to priority habitats etc) and direct landowner engagement
- Raise additional funding to facilitate further investment in woodland creation and existing woodland management, for example through applying for grant funding and/or seeking support from new partners and other organisations interested in carbon off-setting or natural flood risk management in Barnsley
- Register land to be able to obtain carbon reduction credits
- Link to the wider city region work, particularly the northern forest and upcoming initiatives from the city region mayor

## **Key Drivers**

### **Carbon Sequestration**

Barnsley Council has declared a climate emergency and considers carbon capture through tree planting an important tool in meeting their carbon zero targets. Yorkshire Water and the National Trust have also publicly stated ambitious tree establishment targets. The Woodland Trust and Community Forest Partners also have ambitious targets for delivering the Northern Forest and increasing canopy / woodland cover. An important next step in declaring climate emergencies and tree planting ambitions is to more precisely quantify the extent to which trees and woodland creation can sequester carbon and to what extent they can contribute to net zero carbon targets in agreed timescales. As part of setting carbon reduction targets it is also important to ensure there is accurate accounting across the Borough and between organisations so as to limit the potential for double counting.

### **Natural Flood Risk Management**

As seen over autumn 2019, flood risk is increasing in South Yorkshire and the impact on local businesses and people's quality of life can be catastrophic. Organisations such as the Environment Agency, tasked with oversight and response to flood risk, believe that a co-ordinated approach across the Don Catchment is key to efficiently and effectively ensuring that tree planting reduces flood risk in key areas, whilst at the same time supporting carbon sequestration, improving water quality and promoting biodiversity.

At a recent Sheffield Lakeland Landscape Partnership event organised by the Environment Agency, Sheffield & Rotherham Wildlife Trust and Yorkshire Water, there was a clear willingness across Local Authorities and other partners, to find ways to better co-ordinate woodland creation (and other nature-based solutions) within catchments to aid water retention in the uplands.

In order to deliver a significant impact on flood risk management downstream in Doncaster, there may be the need for increased tree planting in the Upper Don sub-catchments in Barnsley and Sheffield. However, critically this needs to be mapped against important wetland, peat bog and older pasture habitats, which themselves also offer water retention and carbon capture. This re-enforces the need for a coordinated approach across south Yorkshire with local Barnsley plans linking into any wider South Yorkshire approach.

### **New Legislation Requirements**

From the Government's 25 Year Environment Plan flow two critical pieces of legislation for the natural environment:

**Environment Bill** - currently stalled but will be brought forward in the autumn

A key proposal in the Environment Bill is the statutory requirement on Local Authorities to produce Nature Recovery Network (NRN) maps and facilitate Local Nature Recovery Strategies. In addition, the Bill brings forward proposals for biodiversity (and environmental) net gain to be delivered through Local Planning Authorities. Biodiversity net gain (BNG) of 10% will be a requirement of the majority of developments, and any off site compensation for new habitat creation will need to be directed to the right place with reference to the NRN maps. BNG has the potential to fund significant habitat creation, including woodland creation, across Barnsley but mapping the scale of opportunity and the locations is key.

**Agriculture Bill** - progressing to the Lords

The Agriculture Bill proposes fundamental changes to the agri-environment scheme following our departure from the EU. The new proposals promote the payment of 'public money for public services' – meaning that they will use natural capital accounting to help identify the optimum locations for public funds to be invested, based on where they will yield the most benefits for the public. Across Barnsley there will be a need to map and value existing natural assets and to identify where to invest and create new natural assets – with woodlands creation being an obvious opportunity (as well as wetland creation etc) .

### **Health & Wellbeing**

Covid 19 has highlighted for many the importance of their connection with nature and their access to good local green space. Trees and tree planting have always presented an ideal opportunity to involve a wide range of people in active, practical outdoor tasks.

Engaging the communities of South Yorkshire in tree planting and new woodland creation can help to promote both their own health & wellbeing by taking part in the actual activities, but also potentially through improved air quality in urban areas and access to new woodland spaces previously unavailable.

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

- 5.1 This project covers a wide range of environmental issues including carbon credits, biodiversity, health and tree planting and consequently there are no other options.

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

- 6.1 Trees decrease pollution levels and enhance local spaces benefitting health and wellbeing. Tree planting presents an opportunity to engage with local communities and educate for life on the benefit of trees in the local environment.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Consultations on the financial implications have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 As part of the One off investments for 2020/21, the Council set aside £385,000 of funding for the Tree Planting Project. The report seeks approval for the release of this funding to allow a minimum of 10,000 trees to be planted across the borough.
- 7.3 As part of the Project, the Council will be working with the Yorkshire Woodland Trust who will contribute £50,000 of officer time to the project. It is also anticipated that further external funding will be available to fund further work on this project. The additional work will not be undertaken unless the additional funding is actually secured.

## **8. EMPLOYEE IMPLICATIONS**

- 8.1 None

## **9. LEGAL IMPLICATIONS**

- 9.1 This project will contribute to the Council's responsibilities in the upcoming Environment Bill by identifying areas for Biodiversity net gain.

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

- 10.1 The service has purchased data from a digital tree asset mapping solution which enables the GIS mapping and identification of tree populations across the Borough.
- 10.2 Aligned to the Digital First Strategy, mapping will be recorded as a digital GIS layer.

## **11. COMMUNICATIONS IMPLICATIONS**

- 11.1 A communications plan will be devised to support the project. This will be integrated into the services' proactive campaigns throughout the course of the year.

## **12. CONSULTATIONS**

- 12.1 A number of internal stakeholders have been consulted including Finance, Asset management, Housing and Energy, Planning, Bio Diversity Officer, Parks, Neighbourhood Services, Communications and Culture Services.

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

13.1 This project aligns strategically to outcome 11 within the corporate plan by protecting the borough for future generations and supports the council's net carbon zero plan to reduce the carbon footprint by maintaining a healthy tree population.

### **14. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION**

14.1 Where issues arise relating to the access or mobility needs of disabled people, the presumption in favor of tree planting will be weighed against those needs through Equalities Impact Assessment on a case-by-case basis. This recognises that the planting of trees must be balanced with the Council's duty under the Equality Act 2010 to advance equality of opportunity for disabled people, as well as other people with protected characteristics specified in the act. This shift in the balance of consideration will only be applied where a disabled person's needs are specifically related to their impairment or disability, as distinct from general views or preferences that might be shared by any citizen.

### **15. TACKLING THE IMPACT OF POVERTY**

15.1 Not Applicable

### **16. TACKLING HEALTH INEQUALITIES**

16.1 Nurturing a positive, natural environment where trees continue to grow and thrive will provide the right environment to encourage people to be physically active and enjoy a better quality of life.

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

17.1 Providing suitably accessible planting schemes will provide opportunities for volunteers who will take "ownership" and subsequently informal stewardship. The project also offers diversionary activities for young people who otherwise may drift in anti social behaviour.

### **18. RISK MANAGEMENT ISSUES**

18.1 Risks such as flooding and appropriate planting will be considered as part of this project.

### **19. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES**

19.1 Not Applicable

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

20.1 Not Applicable

## **21. CONSERVATION OF BIODIVERSITY**

21.1 The project will consider any biodiversity issues as part of the mapping of potential planting sites and will work collaboratively in order to preserve and protect local environments.

## **22. LIST OF APPENDICES**

Appendix A: Financial Implications

## **23. BACKGROUND PAPERS**

None

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 Devonport (Head of Service, Bereavement, Environment, Sport & Transport Services)

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## Report of the Executive Director of XXX

## FINANCIAL IMPLICATIONS

i) <b>Capital Expenditure</b>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	TOTAL
		£	£	
				0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>To be financed from:</b>				0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ii) <b>Revenue Effects</b>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	<u>FYE</u>
	£	£	£	£
<b>Expenditure</b>				
Tree Planting Project (GF 072)	385,000	0	0	0
Total Expenditure	385,000	0	0	0
<b>To be financed from:</b>				
Strategic Recovery Investment Plant - GF 072	-385,000	0	0	0
	<b>-385,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Impact on Medium Term Financial Strategy</b>	2020/21	2021/22	2022/23
	£	£	£
MTFS	0.000	0.031	3.879
Effect of this report	0	0	0
<b>There are no financial impacts on MTFS from this report</b>			
<b>Revised Medium Term Financial Strategy</b>	<b>0.000</b>	<b>0.031</b>	<b>3.879</b>

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

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**BARNESLEY 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 for PLACE**

**Berneslai Homes Contract Renewal & Strategic Plan 2021**

**1. Purpose of Report**

**This report is split into two sections. Section A of the report:**

- 1.1 Seeks approval to renew the Services Agreement (Contract) (and associated lease) between the Council and Berneslai Homes in line with the automatic renewal mechanism as set out in Clause 61 and the Second Schedule of the Services Agreement and to vary the terms of the Services Agreement (and ancillary documents) as set out in this report.
- 1.2 Seeks approval of the DRAFT Berneslai Homes Strategic Plan 2021-2031 (Appendix B).

**Section B of the report.**

- 1.3 Seeks Cabinet endorsement of the independent Governance Review undertaken by DTP in June/July 2020 and approval of the recommendations within the report. This includes the proposal for a revised Governance Structure for the Berneslai Homes Board and will require amendment to the Memorandum and Articles of Association for Berneslai Homes Ltd.
- 1.4 Seeks approval to appoint a new independent Chair to the Berneslai Homes Board following a recent recruitment process.

**2. Recommendations**

**It is recommended that:**

**SECTION A - CONTRACT RENEWAL & STRATEGIC PLAN:**

- 2.1 Cabinet acknowledge the evidence base provided by Berneslai Homes; satisfying the pre-agreed conditions for automatic contract renewal.
- 2.2 Cabinet approve the renewal of the Services Agreement (and associated lease) between the Council and Berneslai Homes for a period of up to 10 years (5+5 years - 1<sup>st</sup> April 2021- 31<sup>st</sup> March 2031). The renewal at year 5 to be subject to Berneslai Homes satisfying the pre-agreed conditions for automatic renewal set out in Schedule 2 of the Services Agreement.
- 2.3 Cabinet approve the revisions to the Services Agreement (and ancillary documents) as set out in paragraph 6 of this report with the approval of all

necessary contract amendments and related changes being delegated to the Service Director for Regeneration & Culture in consultation with the Portfolio Holder for Place, the Legal Services Director and the Service Director for Finance.

- 2.4 Cabinet authorise the Legal Services Director to enter into all necessary legal documentation in connection with the extension of the Services Agreement and lease renewal.
- 2.5 Cabinet approve the DRAFT 2021-31 Strategic Plan.
- 2.6 The Head of Housing & Energy, in consultation with the Cabinet Spokesperson for PLACE, be authorised to approve any minor final amendments or additions to the Strategic Plan and associated appendices as may be identified.

### **SECTION B: GOVERNANCE:**

- 2.7 Cabinet support the findings and recommendations of the Governance Review of the Berneslai Homes Board and endorses the proposed new Board Structure and associated actions as summarised in Appendix C and at section 8 within the report.
- 2.8 Cabinet authorise the Legal Services Director to enter into all necessary legal documentation in connection with the amendments to the Memorandum and Articles of Association for Berneslai Homes Ltd.
- 2.9 Cabinet approves the appointment of Sinead Butters MBE as the new Chair of the Berneslai Homes Board.

### **3. Introduction**

- 3.1 On 18<sup>th</sup> January 2012, Cabinet approved the content of a Services Agreement between the Council and Berneslai Homes for a period of 4 years; expiring on 31<sup>st</sup> March 2016. The 2012 Services Agreement (and subsequent updated iterations) include a clause allowing the Council to extend the terms of the contract for further periods in blocks of up to 5 years (Automatic Contract Renewal), subject to Berneslai Homes meeting a number of pre-agreed conditions as set out in the Second Schedule of the Services Agreement. These conditions are linked to Berneslai Homes demonstrating value for money, sound governance, and achieving high levels of performance on service delivery.
- 3.2 In 2016, the contract was renewed for a further 5 years up to 31<sup>st</sup> March 2021. The Council revised the Services Agreement in 2018 following the completion of the Housing Services Review; retaining the right to extend the term of the Services Agreement for further periods of up to five years or to terminate the agreement, upon the provision of a 6 months' notice period.
- 3.3 The current contractual term expires on 31<sup>st</sup> March 2021 with the Council being required to give Berneslai Homes 6 months notice of its intentions relating to contract renewal.

#### 4. **SECTION A: Automatic Contract Renewal & Strategic Plan**

4.1 The conditions set down in the pre-agreed automatic renewal mechanism, cover four key aspects of Berneslai Homes' performance that must be maintained for the contract to be extended. These criteria cover the areas of:

- 1) **Service Delivery**
- 2) **Governance Arrangements**
- 3) **Management; and**
- 4) **Organisational Efficiencies**

4.2 The monitoring of performance against the criteria as set out above has been undertaken against an evidence portfolio. A summary of the evidence is included within this report at section 5, with the evidence portfolio available to members on request.

4.3 There are also a number of red line issues that would result in the automatic renewal mechanism not being implemented, these are:

- **Health and Safety** - This would relate to a serious systemic breach of duty of care which has the potential to, or does, lead to a charge of Corporate Manslaughter;
- **Governance arrangements** - This would be identified where the arrangements are found to be inadequate or fail against the planned review;
- **Customer Satisfaction** - This would be identified following any adverse regulatory finding for which Berneslai Homes is substantially and directly responsible.

4.4 **In terms of the red line issues as highlighted above, it is not considered that any of these triggers have been breached, as this report goes to publication.**

#### 5. **Automatic Contract Renewal**

5.1 **Service Delivery** – The evidence reviewed as part of this performance area included a review of quarterly performance over the last contract period and the annual Housemark benchmarking data for Berneslai Homes over 2017-2019 (2019/20 data will be available in December 2020). A summary of this evidence (with attachments) is available on request as part of the background papers to this report.

Since April 2016, Berneslai Homes have produced a quarterly performance report for review and sign off by BMBC. The report includes agreed KPI's (updated annually within the Strategic Plan Refresh) covering: Customer Satisfaction, Rent Collection, Void Management and Repairs and the percentage of stock meeting decency standards (the Barnsley Homes Standard). The key KPI's are also included within the Council's Corporate Quarterly Performance reports.

Berneslai Homes has consistently delivered on key KPI targets over the 2016/17-2019/20. This is evidenced in the Quarterly Performance reports for years 2016/17, 2017/18, 2018/19, 2019/20 and Q1 2020/21 (to date). Performance targets are reviewed and endorsed by both BMBC and the Tenant's Panel at the Strategic ALMO Liaison Meetings held on a quarterly basis during this period.

### **COVID 19:**

Naturally, performance during quarter 4, 2019/20 & quarter 1, 2020/21 has been impacted by the Covid 19 situation. Berneslai Homes have responded positively to the challenges of the pandemic, retaining essential services including gas servicing and responsive repairs for tenants. Health and safety for tenants and staff remained the first priority resulting in the suspension of the choice based lettings service and other non essential services. The changes in service delivery have had an impact on performance affecting 2020/21 quarter 1.

Relet days and the number of empty homes has increased but work has now recommenced; resuming normal service delivery which will result in improvements in performance in future months.

Rent collection services have been retained throughout the pandemic but with an emphasis on support and contact with those whose income has been affected by the pandemic. Rent collection rates have reduced slightly, but the overall impact has been mitigated by the proactive actions of the rents team.

Repairs have also been affected by the pandemic and a catch up programme has commenced and will be completed during quarter 2 2020/21. The investment works resumed in July 2020 but will result in delays to the overall programme for 2020/21.

- 5.2 **Governance Arrangements** – The evidence reviewed as part of this performance area includes the annual self-assessment against NHF governance standard last completed in 2019/20 and reviewed by Berneslai Homes Audit Committee and the Council's internal Audit Team. The Council's Audit Team concluded that Berneslai Homes' governance arrangements complied with the prescribed standards.

During 2020, Berneslai Homes instigated a review of governance relating specifically to compliance issues and also a more general review of the current arrangements and options for improvement. These reviews were initiated by the Berneslai Homes Board themselves in acknowledgement of the need for improvement and sought an external evaluation of the current governance arrangements.

Reports produced by independent consultants DTP in March and July 2020 have resulted in a number of changes to increase the skills on the Board. Measures have included training on compliance, risk, development of a new

strategic plan and the adoption of a governance improvement plan which includes changes in the Board composition. During the process the current Chair of the Board resigned and the recruitment of the new Chair will complete in August 2020.

The proactive approach by the Board to improve governance will ensure that the new arrangements from November 2020 will strengthen the Board and ensure that diversity within the Board is retained with representatives from the local community as well as independent members.

- 5.3 **Management** - In line with the Second Schedule of the Services Agreement, this area has been measured against the organisations achievements as reported against externally assessed quality standards for both staff and customer satisfaction. The required assessments have been reviewed over the last 12 months, with Berneslai Homes successfully gaining re-accreditation to Investors in People (IIP) Gold and receiving the Wellbeing Good Practice Award. The organisation has also been recognised as a Disability Confident Employer and a Mindful Employer.

From a customer services perspective, the STAR survey results for 2019 again place Berneslai Homes in the upper quartile for overall customer satisfaction, with the level consistently staying at 89% over the last 3 years. Other results remain consistently high and above the benchmark on 8 out of the 10 key indicators.

- 5.4 **Organisational Efficiencies** - This evidence base takes into consideration:
- The annual review of the HRA Budget
  - The levels of assurance given in the Internal Audit reports; and
  - The value for money outcomes as identified in the Organisations efficiencies register

The evidence provided for this performance includes the efficiency savings generated over the last financial year (£516k for 2019/20) and the forecast for 2020/21, the Value for Money Strategy for 2020-23 and the outcomes of the Housemark Performance Improvement Club benchmarking report from December 2019, which showed that (compared to the Local Authorities and ALMOs in the Peer Group) Berneslai Homes was upper quartile in 11 of the 13 efficiency PI's and fifth overall in terms of low cost core housing management services. A copy of the Value for Money annual report has been provided as part of the evidence base and can be provided within the background papers, as requested.

## 6. **Key Revisions to the Services Agreement 2021**

- 6.1 Subject to approval, the Automatic Contract Renewal will trigger a requirement to revise the contents of the Services Agreement. In short, the main amendments are noted in the table below.

Section		Amendment
1	Strategic Plan	This section will need updating to reflect the duration of a new Strategic Plan;

Section		Amendment
		covering the 2021-31 period.
5	Best Value	Replaced with Value for Money
15	Functions delegated	Annex 2 amended to represent the recent changes in acquisitions (now undertaken by the Council). It is proposed that further revisions to annexe 2 are delegated to the Service Director of Regeneration and Culture in in consultation with the 151 officer, monitoring officer, the Director of Core Services and the Portfolio Holder for Place.
27	Data Protection	Section updated including role as Data Controller. A summary table of the roles/responsibilities of the Data Controller/Data Processor is located at Appendix E.
61	Duration	This section will need updating to reflect the expiry date of the updated contract duration, initially for 5 years, but extendable for up to 10 years subject to Berneslai Homes satisfying the pre-agreed conditions for automatic renewal at end of year 5.
Fourth Schedule	Part B	Reference to NPS has been removed and replaced with provider of professional services
	Social Value	The agreement will be updated to align with the Council's corporate social value policy framework and strategic priorities when contracting.
Any other ancillary, legislative, administrative and consequential changes to the legal documentation as recommended by the Legal Services Director.		

## 7. **Strategic Plan 2021-2031**

- 7.1 Subject to cabinet approval to renew this contract beyond March 2021, Berneslai Homes are required to produce a new Strategic Plan to cover the extended contract period (2021-31). The Strategic Plan covers a ten year delivery strategy, with associated appendices updated on an annual basis. A DRAFT plan has been developed, but with an emphasis on the period to April 2022. The vision of the organisation, and its objectives in the longer term, need to be developed further with key stakeholders including the Council, tenants and the Berneslai Homes Board.
- 7.2 The new plan focuses on the initial period to April 2022, aligning its objectives to the **Barnsley Priorities**.

- Health and Wellbeing – active travel, development of coaching culture, investment in aids and adaptations
- Business & Economy – active asset management strategy maintaining council homes, enhanced cyber security , local economic investment
- Community Resilience – providing tenancy support, assisting tenants into employment, supporting carers, flood defence works
- Education & Skills – use of technology for staff and tenants, youth employment schemes, training for tenants
- Infrastructure & Environment – safe homes, development of carbon agenda, solar PV, move from gas heating, electric vehicles, decent homes investment, delivery new homes at Berneslai Close

Health and Wellbeing	Business & Economy	Building Resilience	Education & Skills	Infrastructure & Environment
<p><b>Great Place to Work</b></p> <p><b>Improving Mental Health</b> Part of the BMBC Mental Health Partnership</p> <p><b>Active Travel</b> - Staff cycling and walking to work</p> <p><b>Wellbeing of Tenants</b> - Increased investment in aids and adaptations</p> <p><b>Homelessness</b> Work with the Council to <b>reduce homelessness</b></p>	<p><b>Excellent Governance</b></p> <p><b>Service Delivery</b> Review of delivery methods to increase capacity and productivity</p> <p><b>Repairs online</b> and dynamic scheduling</p> <p><b>Tenants at the Heart of Decision Making</b></p> <p><b>Great Performance</b></p>	<p><b>Supporting Communities</b></p> <p>Support for tenants into employment &amp; housing coaches</p> <p>Support for carers - Harrys Pledge</p> <p>Support for care leavers</p> <p><b>Accessible Services</b></p> <p><b>Flood defence work</b></p>	<p><b>Employment &amp; Training</b></p> <p>Employment projects expanded – Community Refurbishment scheme, ESF, Kickstart – Jobs led recovery</p> <p><b>Technology</b></p> <p>Expansion of free/low cost broadband (with BMBC)</p>	<p><b>Zero Carbon</b></p> <p>Zero carbon strategy with solar PV programme &amp; Heating system replacement - moves away from gas</p> <p><b>Safe Homes</b></p> <p><b>Growth</b> Social housing growth with BMBC</p>

The key objectives for the period to April 2022 included in the strategy :-

- Creating employment and training opportunities for tenants and their families.
- Developing and implementing the approach to the zero carbon agenda, retrofitting homes, developing employment opportunities and reducing fuel poverty.
- Seizing opportunities to grow as an organisation and sustain levels of social housing in Barnsley.
- Working with tenants to embrace the outcomes of the Social Housing White paper (Autumn 2020) and the Hackitt Review on Fire Safety.

- Working with the Council to develop digital inclusion throughout the Borough
- 7.3 As the Barnsley 2030 vision develops, the annual renewal of the plan will allow more detail on the alignment of the Berneslai Homes vision and objectives and the links to Barnsley 2030. A copy of the DRAFT Strategic Plan is located at Appendix B.

#### 7.4 **SECTION A: PROPOSALS AND JUSTIFICATIONS**

In considering the evidence as provided above and the DRAFT Berneslai Homes Strategic Plan, it is proposed that Cabinet approve the proposed extension to the Services Agreement for a period of up to 10 years, in line with the recommendations above at paragraphs 2.1 to 2.6.

Over the last 5 years, Berneslai Homes has continued to deliver a value for money service with high levels of performance and customer satisfaction. Recent reviews of governance arrangements and proposed changes to the Berneslai Homes Board will seek to further strengthen the performance of the organisation and its abilities to assist the Council in delivering our housing management and maintenance services alongside wider strategic objectives as part of Barnsley 2030. Berneslai Homes has responded extremely well to the global pandemic of Covid19; maintaining key services and functions throughout and further assisting vulnerable tenants.

### 8. **SECTION B: Governance Review 2020**

- 8.1 In March 2020, Berneslai Homes commissioned DTP (David Tolson Partnership Ltd) to undertake an objective and independent health check of Berneslai Homes Board governance. The review was commissioned with an acknowledgement by the Board (and supported by Berneslai Homes SMT and the Council), that the governance of the company required review in order to identify those areas requiring re-focus or improvement following a significant period of change for the organisation and in the context of the negotiations for the contract renewal and development of the Strategic Plan.
- 8.2 A copy of the Governance Review report can be found at Appendix C. The recommendations in the report are largely focussed on governance improvement and strengthening. The consultants found some areas of weakness within the current arrangements, but have made suggestions for improvement and these have been positively received by Board Members who are willing to move forward productively and to make changes in relation to the governance culture and the board member role within this.
- 8.3 The key proposals to strengthen the structure and focus of the Board are included in the DTP report at Appendix C. Cabinet are asked to endorse the recommendations within the DTP report; including a change to the composition of the Board (which is set out in the Memorandum of Articles and Associations for Berneslai Homes Ltd and will need updating) to include:



- Reducing the number of Council and Tenant representatives from three to two board members (Article 13)
- Increasing the number of independent board members from three to four (Article 13)
- Reducing the number of consecutive terms from three to two consecutive three-year terms, with further one-year terms up to a maximum of nine years by exception. (Article 13)
- Removal of the prescriptive process of appointment of Chair. (Article 17)
- The addition of two co-optees to board and committees. (Article 18)

#### 8.4 **Chair of the Board Appointment:**

It is a requirement of the Berneslai Homes' Memorandum of Articles and Association that there shall be an independent Chair of the Board appointed by a competitive recruitment process and selected by an independent panel, comprising of a nominated representative of the Council and two others. Following a recruitment process in August 2020, a new independent Chair has been selected by the panel. This report seeks Cabinet approval to appoint the preferred candidate, Sinead Butters MBE, into the role.

- 8.5 Given the independent audit of the Berneslai Homes board, and the steps already taken to strengthen governance arrangements, it is considered that the organisation will move positively into the new contract period with an invigorated and suitably qualified board which best meets the future needs of the organisation.

#### 8.6 **SECTION B PROPOSALS AND JUSTIFICATIONS**

It is proposed that Cabinet support the findings and recommendations of the Governance Review of the Berneslai Homes Board and endorses the proposed new Board Structure and associated actions. As highlighted, any changes to the Berneslai Homes Board structure will require amendments to the Memorandum and Articles of Association for Berneslai Homes Ltd. A DRAFT revision to this document is included at Appendix D. It is recommended that Cabinet authorise the Legal Services Director to enter into all necessary legal documentation in connection with the amendments.

- 8.7 It is recommended that Cabinet approve the appointment of Sinead Butters MBE as the new Chair of the Berneslai Homes Board.

#### 9. **Implications for local people / service users**

- 9.1 The renewal of the Services Agreement with Berneslai Homes will deliver continuity for tenants and residents of the borough in the performance of the housing management and maintenance function and wider community services.

## 10. Financial Implications

- 10.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 10.2 This report requests Cabinet approve the renewal of the Services Agreement between the Council and Berneslai Homes for a period of up to 10 years (5+5 years - 1<sup>st</sup> April 2021- 31<sup>st</sup> March 2031).
- 10.3 The current annual management fee of £12.162M is already included within 2020/21 the Housing Revenue Account business plan and therefore has no immediate impact of the medium strategy of the HRA (see table below). The Berneslai Homes management fee charged to the HRA is revised annually as part of the 30 Year Business Plan during the budget setting process.

	2019/20 £	2020/21 £
<b>Original BH Management Fee 2018/19</b>	<b>13,778,380</b>	<b>11,716,375</b>
<b><u>Fixed / Ongoing Costs</u></b>		
Pay Award & Increments	271,368	215,640
Increase in Recharge for SharePoint	20,000	-
Other Inflation	52,100	-
	<b>343,468</b>	<b>215,640</b>
<b><u>Revision to Charging Mechanism</u></b>		
Grounds Maintenance	-1,266,640	-
Barnsley Connects	-795,680	-
IT Budget	282,600	-
Strategic Housing & Finance	-213,673	-
	<b>-1,993,393</b>	<b>-</b>
<b><u>Investment &amp; Other Policy Decisions</u></b>		
HRA 4 - Environmental Improvement Apprenticeship Scheme		90,000
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
	<b>-</b>	<b>280,427</b>
<b><u>Savings Proposals</u></b>		
HRA 1 - BH Zero Based Budget Review	-205,340	-
HRA 2 - Customer & Estates Services Restructure	-206,740	-
Utilities		-34,300
Legal Fees		-15,700
	<b>-412,080</b>	<b>-50,000</b>
<b>Proposed BH Management Fee</b>	<b>11,716,375</b>	<b>12,162,442</b>

- 10.4 In addition to the savings referenced in section 5.4 Berneslai Homes have have contributed savings realised in the HRA via the management fee. The table above shows savings to the management fee in 2019/20 of (£0.412M) and (£0.050M) in 2020/21.
- 10.5 Included within the current partnership arrangement with Berneslai Homes is the management responsibility of the Housing Repairs and replacement programme (PRIP). This is Public / Private Partnership with Berneslai Homes and Wates that has been delivered successfully and on budget over the current contract period of 2010 through 2020. The two thirds public contract was awarded to Berneslai Homes Construction Services and commenced on the 1<sup>st</sup> April 2020.
- 10.6 The contract award guarantees BHCS, as the public sector partner, a contracted minimum value of £14M per annum of works for the duration of the 10 year contract. The annual contract payments to Berneslai Homes, over the length of the last contract (2010 – 2020), totalled on average, around £20M per year, split between capital and revenue expenditure.
- 10.7 The financial implications are provided in Appendix A.

## 11. **Legal Implications**

- 11.1 The existing Services Agreement between the Council and Berneslai Homes contains provisions allowing the Council to renew the contract on 6 months' written notice provided that the Council is satisfied that the pre-agreed conditions on value for money, performance and governance set out in Schedule 2 of the agreement are met.
- 11.2 In order for the Council to protect its position contractually, the Council must serve notice on Berneslai Homes by no later than 30 September 2020 exercising its right to extend the existing contract. This would provide Berneslai Homes with the requisite 6 months' notice before the existing contract expires on 31 March 2021.
- 11.3 Subject to Cabinet approval, it is proposed that the notice be served to extend the existing contract by a further 5 year period (which would be renewable again for a further 5 year period if the Council are satisfied that Berneslai Homes have met the pre-agreed conditions set out in Schedule 2 of the Services Agreement at the end of the first 5 year period).
- 11.4 Whilst service of the notice to extend by the Council by 30 September 2020 will protect the Council's contractual position under the terms of the current Services Agreement, the Council intends to vary the terms of the Services Agreement as set out in paragraph 6 of this report. Therefore, following service of the notice to extend, it is intended (and recommended) that the Council and Berneslai Homes formally document all required variations to the Services Agreement and associated legal documentation in line with the suggested changes set out in paragraph 6 of this report.

## 12. **Employee implications**

- 12.1 There are no direct employee implications, at this time, should the recommendations set out in this report be approved.

## 13. **Communications implications**

- 13.1 There are no direct communications implications arising from this report. There will be a robust communications plan implemented following renewal of the contract and publication of the Strategic Plan. This will include both internal and external media releases.

## 14. **Consultations**

- 14.1 Consultation has been undertaken with BMBC finance, legal services, procurement and strategic housing; alongside the Council's DMT, SMT and Portfolio Holder. Robust consultations have taken place between BMBC and Berneslai Homes' Senior Management Team and staff, the Board and Tenants' Panel in respect of the automatic contract renewal and Strategic Plan. Officers from both BMBC and Berneslai Homes were consulted as part of the Governance Review process.

## 15. **The Corporate Plan and the Council's Performance Management Framework**

- 15.1 The Berneslai Homes Strategic Plan 2021-31 will strategically align with the Council's Corporate Plan for Barnsley 2030 and Housing Strategy (2014-33) contributing to the provision of high quality homes for social rent; investment in the borough and council assets; supporting people to manage tenancies, live independently and 'achieve'; and assist in the delivery of housing growth in promoting economic growth.

## 16. **Promoting Equality & Diversity, Social Inclusion & Tackling Health Inequalities**

- 16.1 The Services Agreement reflects the Council's Corporate Equality policy.
- 16.2 The existing frameworks for involving and engaging with a wide range of customers to support social inclusion and tackle health inequalities is underpinned within the Customer Involvement Agreement within the Strategic Plan. Berneslai Homes assists the authority in providing quality housing provision for those households on low incomes and vulnerable service users who cannot secure suitable housing privately.

## 17. **Climate Change & Sustainability – Zero Carbon**

- 17.1 Securing the continuity of contract delivery and management of stock by Berneslai Homes, and a fully aligned BH Strategic Plan, is integral to the Council's ambitions to delivering its Zero Carbon. The management and maintenance of the Council's 18,000 stock will need significant focus,

investment and strategic asset management if it is to increase energy efficiency of homes to an average of SAP rating C or above by 2040.

## **18. Risk Management Issues**

18.1 The risks in renewing the contract with Berneslai Homes are considered low. Berneslai Homes has consistently delivered a high quality, well managed service to our tenants to date. The Compliance and Governance Reviews are positive examples of an organisation which reflects and reacts quickly to opportunities for improvement. With the support of the Council's Corporate Health and Safety and Risk Management Teams, Section 31 of the Services Agreement reflects the statutory duties with regards to Health and Safety.

## **19. List of Appendices**

- Appendix A : Financial Implications (to be provided w/c 24/08/2020)
- Appendix B : BH DRAFT Strategic Plan 2021-31
- Appendix C : DTP Governance Review report and Recommendations
- Appendix D: DRAFT Memorandum of Articles and Associations – Berneslai Homes Ltd.
- Appendix E: Data Controller/Data Processor Summary Document

A copy of the evidence portfolio supplied by Berneslai Homes as part of the requirements under the Automatic Contract Renewal and an annotated version of the Service Agreement is available upon request.

## **20. Background Papers**

Berneslai Homes: Services Agreement Renewal 2012 (Cab.18.1.2012/9.4)

Berneslai Homes: Services Agreement: Automatic Contract Renewal (Cab.4.11.2015/8)

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

Officer Contact:	Sarah Cartwright	Date:	24/08/2020
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FINANCIAL IMPLICATIONS

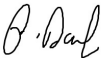
Berneslai Homes Contract Renewal

i) <u>Capital Expenditure</u>	<u>2020/21</u> £	<u>2021/22</u> £	<u>2022/23</u> £	<u>Future Years</u> £
	0	0	0	0
<b>To be financed from:</b>				
	0	0	0	0

ii) <u>Revenue Effects</u>	<u>2020/21</u> (£)	<u>2021/22</u> (£)	<u>2022/23</u> (£)	<u>Future Years</u> (£)
Berneslai Homes Management Fee as per 30 Year Business Plan (Business Plan refreshed annually and Mgmt Fee reviewed)	12,162,442	12,586,082	12,711,943	12,966,182
	<b>12,162,442</b>	<b>12,586,082</b>	<b>12,711,943</b>	<b>12,966,182</b>
<b>To be financed from:</b>				
Housing Revenue Account	12,162,442	12,586,082	12,711,943	12,966,182
	<b>12,162,442</b>	<b>12,586,082</b>	<b>12,711,943</b>	<b>12,966,182</b>

**Impact on Medium Term Financial Strategy**

Not applicable in this report

Agreed by:  .03/09/2020.....On behalf of the Service Director- Finance, Section 151 Officer

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Roots in the past, eyes on the future.

Strategic Plan 2021-31



**2030**

Working with  
Barnsley Council on the  
Barnsley 2030 Vision.

# Foreword by the Chair and Chief Executive

Welcome to our Strategic Plan which sets out what Berneslai Homes aims to achieve over the next 10 years for our customers, our colleagues and the communities in which we work.

It explains who we are, what we do and outlines the opportunities and challenges that we face. This is the first year of a new 10 year plan set in a period of change and a world shaken by the Covid 19 pandemic.

This plan acknowledges the difference Covid 19 has made to the way we work, how we deliver services and the importance of ensuring that the safety of tenants and staff is our top priority. In recognition of this impact the focus for the plan is for the period up to April 2022. Further consultation will take place during 2021 to align with the Barnsley 2030 vision and work with our customers, communities and staff to develop the full 10 year vision.

During the next 12 months we will focus on recovering from the impact of the Covid 19 pandemic, supporting tenants and communities and building on the positives that are emerging from the crisis. Our resilience, flexibility and commitment have all been challenged during 2020 but we are determined to emerge a better and stronger organisation focussing on what really matters to our customers and communities. The economic impact of the pandemic is still unfolding but the opportunity to deliver a jobs led recovery is one in which we are well placed to respond.

We will embrace our role as an anchor institution in Barnsley, working with the Council and partners to develop a clear vision and ambition for Barnsley 2030. As this vision is developed we will align our services and ensure we have a pivotal role in meeting the challenges and opportunities the new vision will bring.

We continue to strengthen how we govern the organisation, refreshing the Board and appointing a new Chair during 2020 as part of the new chapter in Berneslai Homes' story.

The relationship we have with tenants and residents remains one of our strengths and we acknowledge the importance the new tenant engagement structure has in working alongside us to maintain our excellent service offer.

As the post Covid 19 world emerges we remain well placed within Barnsley and the region to influence policy, make the most of devolution and seize the opportunities that arise to build on the strengths of Berneslai Homes – an exciting time indeed to start our next chapter.

We look forward to working with our partners developing a new strategic vision during 2021, for the next ten years.



*A. J. Garrard*  
**Amanda Garrard**  
Chief Executive Officer



*G. Ellis*  
**Gary Ellis**  
Interim Chair  
of the Board

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# Executive Summary

Berneslai Homes was established in December 2002 and is the Council's Local Housing Company for the management and maintenance of council housing in Barnsley.

The services we provide include the delivery of a high quality service to tenants - letting homes, collecting rents, repairing and investing in homes. But we provide much more than this, putting customers at the heart, our vision is to create great homes and communities for the people of Barnsley.

To do this we are more than a landlord, we provide a broad range of services that allows us to achieve our vision. We will continue to deliver excellent services to tenants but we will do much more than that, enhancing tenant engagement, providing tenancy support to sustain people in their homes, tackling fuel poverty, addressing the carbon agenda and creating real opportunities as a major employer in Barnsley. We will utilise regional, national and European funding to support employment initiatives for our customers and communities.

Underpinning our aspirations are some clear objectives for the period up to 2022 as we recover and reset as part of the Covid 19 pandemic. Our objectives include:

- Creating employment and training opportunities for tenants and their families.
- Developing and implementing our approach to the zero carbon agenda, retrofitting our homes, developing employment opportunities and reducing fuel poverty.
- Seizing opportunities to grow as an organisation and sustain levels of social housing in Barnsley.
- Working with tenants to embrace the outcomes of the Social Housing White paper (Autumn 2020) and the Hackitt Review on Fire Safety.
- Work with the Council to develop digital inclusion throughout the Borough.

We will continue to work with the Council and partners to develop the Barnsley 2030 vision and align our objectives to deliver the vision.



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**Barneslai Homes recognises its key role in the delivery of the emerging Barnsley 2030 vision and our contribution includes;**

- Making the best use of and maintaining the existing housing stock.
- Providing early targeted support for households and families facing multiple problems.
- Allocating social housing fairly and to those in most housing need.
- Working with the Council to provide a co-ordinated response to homelessness and eradicating rough sleeping in the Borough.
- Investing in renewable energy and meeting the challenges of the carbon zero agenda, using retrofit as an opportunity for a jobs led economic recovery.
- Providing choice and options to help vulnerable and older people live independently in their own homes.
- Providing a managing and lettings agent service to private rented landlords.
- Community involvement and engagement to support strong and resilient communities.
- Increasing employment opportunities and support as a major employer, signed up to the Apprenticeship Pledge, Local Spend targets and Employer's Promise and using ESF funding to support people into employment.
- Providing financial inclusion and digital inclusion support for people to maintain their tenancies and access employment.
- Making links between housing and health to mitigate or prevent escalating health and social care costs.

# About Us

Berneslai Homes is a company limited by guarantee and is overseen by a Board of Directors who meet six times a year.

Underpinning the Board and Committee formal governance structure is our co-regulatory tenant involvement and engagement model, to ensure our customers are fully involved in developing, shaping and scrutinising our services.

Our service standards are developed with our tenants and regulated by the Regulator for Social Housing.

The implementation of policies and the day to day running of Berneslai Homes is delegated to the Chief Executive and the Senior Management Team. The executive are held to account by the Board against annual Service Improvement Plans. Overall performance is reported to the Council on a quarterly basis against headline priorities and asks of the shareholder. We have strong and robust governance which is audited on an annual basis.





**Our Vision is**  
**Creating great homes and communities for the people of Barnsley**



**Our Values are**  
**Great Place, Great People, Great Company**





# Our Opportunities and Challenges

**The External World** – The initial stage of the new strategic plan is set within the context of the impact of Covid 19. The full implications for individuals, communities and the economy are not yet fully understood, however there are real challenges and opportunities to review how we respond and consider what and how we deliver.

Beyond the Covid 19 response, the themes of zero carbon, economic recovery, the outcomes of the Social Housing White Paper and the digital agenda, all remain and are the backdrop to the 10 year strategy.

**Financial Landscape** – The company operates a zero based approach to establishing its management fee and year on year continues to contain budgetary pressures and deliver savings to the Housing Revenue Account, managed by BMBC. Value for money is at the forefront of all decisions and the efficiency register captures annual efficiencies.

Since its establishment in 2002 the company has accrued a surplus due to efficiencies and successful delivery of the repairs and maintenance contract. This surplus is reinvested in the modernisation of the company, housing growth and fuel poverty projects to support the economic development and well-being of Barnsley.

**Policy Landscape** – In August 2018 the Government published a consultation paper entitled 'A New Deal for Social Housing'. The white paper is expected in Autumn 2020. The principles are likely to remain unchanged, ensuring homes are safe and decent, ensuring swift and effective resolution of disputes, empowering residents and making sure their voices are heard, tackling stigma and boosting the supply of social housing and supporting home ownership. New key performance indicators will emerge and will need to be reflected in future targets. The accountability and transparency to customers will be central and the new Housing Ombudsman's "Complaints Handling Code" effective from September 2020 requires joint work with tenants to self assess our performance in relation to complaints and ensure we learn and improve.

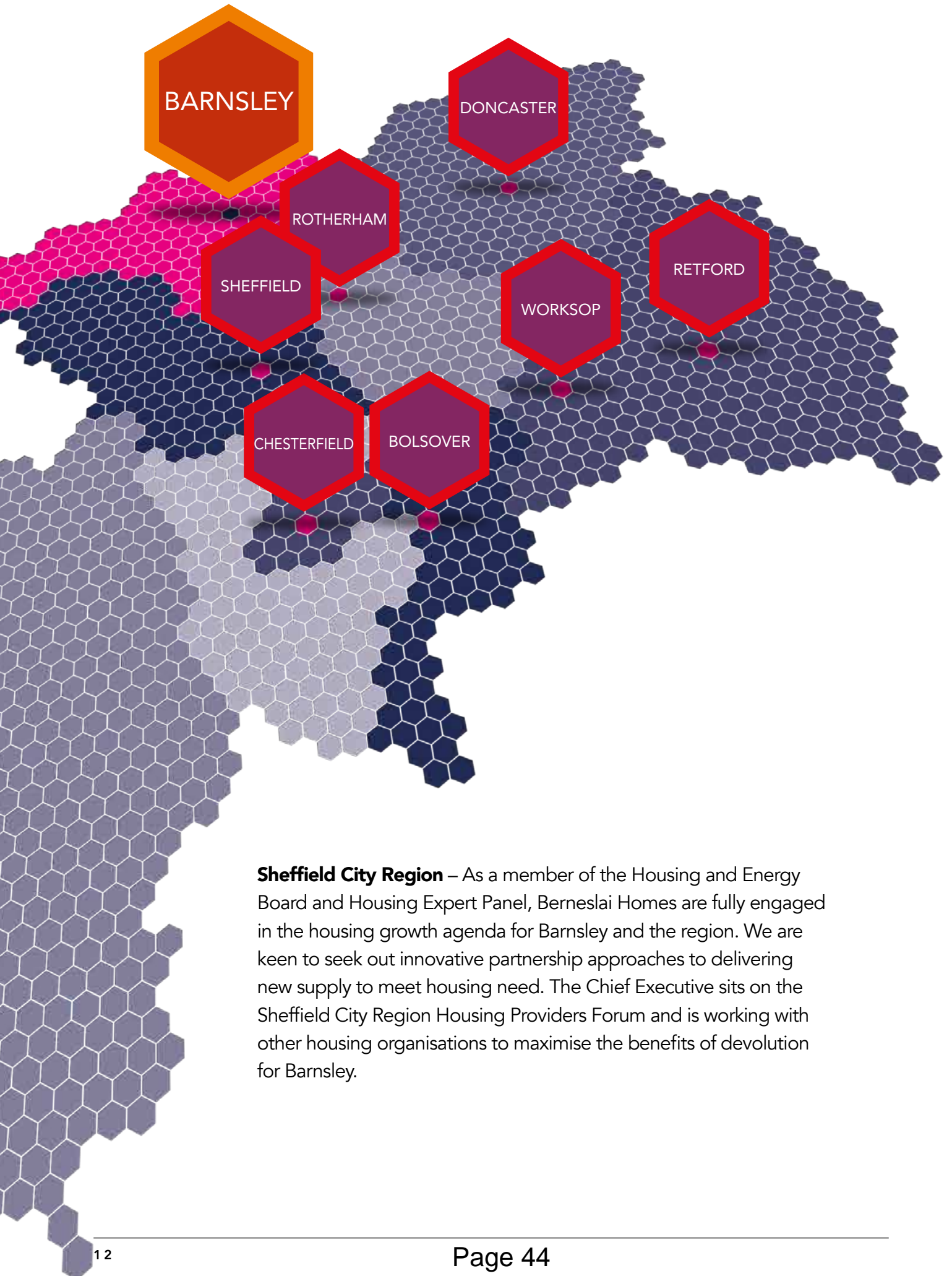
The safety of tenants and staff remains our number one priority. Significant work completed in 2020 has strengthened compliance and as the Hackitt Review concludes we will ensure we implement the recommendations in the 'Building a Safer Future Report'.

**Demographics** – Our current customer profile shows that 59% of customers have a disability and over 32% are aged 66 years and above. All indications are that people are living longer with increasing support needs but with the desire to remain independent in their own home.

The number of households who are vulnerable with dependency and support needs is growing. Health inequalities continue to be a challenge with many communities in Barnsley being ranked in areas of deprivation. A large number of our customers have increasingly complex lifestyles and our focus continues to be on early help and prevention within the community. Levels of employment amongst our customer base require coordinated actions with partners to support customers into work.

**Tenants Voice** – As a local council housing company we listen to our tenants and talk to our Council and we do more than just manage homes.

– we help develop communities and support the needs of tenants. We believe that tenant engagement is essential in shaping and improving services as well as building trust and communication with our customers. Our customers continue to tell us that the repairs and maintenance service is the main determinant of satisfaction with the company and we will take this into account in ensuring the Council's assets are protected within our service offer. Customer expectations are changing with more people wanting to use the website and social media to contact us, and our focus continues to be ensuring a balance between self-serve on-line and personal face to face dependent on the service required. We will continue to work with tenants to understand the best way to deliver services and meet their needs.



**Sheffield City Region** – As a member of the Housing and Energy Board and Housing Expert Panel, Berneslai Homes are fully engaged in the housing growth agenda for Barnsley and the region. We are keen to seek out innovative partnership approaches to delivering new supply to meet housing need. The Chief Executive sits on the Sheffield City Region Housing Providers Forum and is working with other housing organisations to maximise the benefits of devolution for Barnsley.

# Our Service Offer

Although the strategic plan is until 2031, we have focussed our offer on the period to April 2022. We will work during 2021 to develop a longer term vision linked to the Barnsley 2030 emerging vision. Following consultation with our customers and shareholder we have developed four priorities to assist us in delivering our vision:

- ◆ Excellent Customer Services
- ◆ Sustainable Communities
- ◆ Partnership Working
- ◆ Successful Well Managed Company

# Excellent Customer Services

## **What will we deliver in the period to April 2022?**

- We will review with customers how we deliver services and embrace the learning from the Covid 19 experience.
- We will make best use of the council's social housing assets and introduce a new asset management strategy.
- We will maintain all homes to the Barnsley Homes Standard.
- We will introduce new policies on compliance to keep tenants safe.
- We will improve the IT systems and enhance cyber security.
- We will introduce new technology into the contact centre, enhancing the customer experience and improving value for money.
- We will use technology to improve how we deliver our repairs service making it more efficient and easier for tenants.
- We will have an "Access to Services" strategy promoting self-service and value for money including a range of digital services for customers.
- We will provide support for tenants on their digital journey including piloting new initiatives including use of tablets to access services.
- We will provide a tenancy support service that helps tenants pay their rent and sustain their tenancies.
- We will signpost support to help tenants in fuel and food poverty.
- We will have robust tenant engagement practices to help communities be resilient and shape local services.
- We will work with TPAS to review the effectiveness of our approach to engagement.

### How will we measure our results?

- We will strive to maintain our overall satisfaction levels.
- We will deliver an annual Barnsley Homes Standard programme.
- We will ensure core business processes and outcomes are at or above industry standard.
- We will ask customers if they would recommend Berneslai Homes as a provider of choice to family and friends.
- We will ask customers if they believe we treat them fairly and with respect.



# Sustainable Communities

## **What will we deliver in the period to April 2022?**

- We will work with the Council to increase Council Housing in the Borough.
- We will identify and support vulnerable people to live independently.
- We will commit to 'Harry's Pledge' to make a real difference in the support provided to carers.
- We will review the housing offer to Care Leavers.
- We will provide an enhanced service offer supporting tenants further towards employment.
- We will deliver skills workshops for tenants providing training on a range of topics including repairs and IT.
- We will develop a pre-tenancy support / housing coach model to improve tenancy sustainment.
- We will review how we identify and support those tenants that need to continue to shield from Covid 19 now and in any potential future waves.
- We will support communities to be strong and resilient and work on solutions for those affected by floods.
- We will develop a zero carbon strategy for Berneslai Homes.
- We will extend the Solar PV scheme to more homes.
- We will continue to move towards sustainable energy sources.
- We will encourage active travel to reduce car usage amongst staff.



**How will we measure our results?**

- We will be a key partner of choice in strategic housing growth programmes.
- We will increase the number of properties with sustainable energy technology.
- We will have a manageable level of tenancy turnover.
- We will find out whether customers believe people from different communities get on well together.



# Partnership Working

## **What will we deliver in the period to April 2022?**

- We will be strategically aligned to BMBC's housing strategy, regeneration and growth priorities.
- We will be a key partner in developing and delivering the Barnsley 2030 vision.
- We will work with Partners to improve the digital infrastructure and accessibility for our tenants and communities.
- We will maintain our reputation at a regional and national level.
- We will work with a range of national and regional organisations to learn and adopt best practice from within and outside the sector.
- We will have a strong and sustainable tenant engagement and involvement framework.
- We will work with partners at a local and regional level to seek shared value for money solutions.
- We will work with partners to assist in tackling anti-social behaviour and community tensions.
- We will continue to be engaged with the third sector.

### How will we measure our results?

- We will be a key partner of choice in strategic housing growth programmes.
- We will contribute to Future Council outcomes.
- We will be partner of choice within partnership frameworks.
- We will contribute to the national policy debate through recognised trade bodies.
- We will increase uptake of volunteering by the community and staff.



# Successful Well Managed Company

## **What will we deliver in the period to April 2022?**

- We will review how we use offices and create a working culture that maximises productivity and the wellbeing of staff.
- We will maintain our focus on delivering high performance services whilst providing excellent value for money.
- We will introduce new governance arrangements with refreshed membership and enhanced skills.
- We will invest in communities to the best of our abilities.
- We will focus on generating efficiencies to support economic development and affordable housing growth in Barnsley.
- We will be an employer of choice.
- We will retain a skilled and flexible workforce which is responsive to change.
- We will provide management development schemes for staff to allow them to achieve their potential.
- We will establish the carbon footprint of Berneslai Homes and set ambitious targets for its reduction aligned to the Council's Zero 40 and Zero 45 net carbon zero targets.
- We will ensure that our working methods are modern and make the best use of technology.
- We will have a profitable in house Construction Services trading arm employing a skilled and safe workforce.

### How will we measure our results?

- We will maintain staff satisfaction levels.
- We will spend at least 70% of our funds locally supporting the Barnsley economy.
- We will have an in house Construction Services trading arm which is profitable and has a first class safety record.
- We will have technology that enables our front line employees to work effectively.
- We will employ as a minimum 3% of our workforce as apprentices.
- We will maintain our company wide Health and Safety audit ratings.
- We will meet our equality and diversity commitments reducing the gender pay gap and increasing the diversity of our staff.



# Appendices

1. Strategic Alignment
2. Key Performance Indicator Data set 2020/21
3. Financial Statement
4. Board and Committee Structure
5. SMT Structure

# 1. Strategic Alignment



We will work with the Council to ensure that our priorities outlined in our service offer are aligned, building on the Covid 19 reset themes currently in place relating to :

- Health and Wellbeing
- Business and Economy
- Building Resilience
- Education and Skills
- Infrastructure and Environment

During 2020/21 we will play a key role as an anchor organisation developing and delivering the Barnsley 2030 vision. As the priorities emerge we will highlight how our priorities and work relates to making the vision a reality for Barnsley.

Health & Wellbeing	Business & Economy	Building Resilience	Education & Skills	Infrastructure & Environment
<p><b>Great Place to Work</b></p> <p><b>Improving Mental Health</b> Part of the BMBC Mental Health Partnership.</p> <p><b>Active Travel</b> - Staff cycling and walking to work.</p> <p><b>Wellbeing of Tenants</b> - Increased investment in aids and adaptations.</p> <p><b>Homelessness</b> - Work with the Council to reduce homelessness.</p>	<p><b>Excellent Governance</b></p> <p><b>Service Delivery</b> Review of delivery methods to increase capacity and productivity.</p> <p><b>Repairs online</b> and dynamic scheduling.</p> <p><b>Tenants at the Heart of Decision Making</b></p> <p><b>Great Performance</b></p>	<p><b>Supporting Communities</b></p> <p>Support for tenants into employment and housing coaches . Support for carers - Harrys Pledge.</p> <p>Support for care leavers.</p> <p><b>Accessible Services</b></p> <p><b>Flood defence work</b> - Burton Grange.</p>	<p><b>Employment &amp; Training</b></p> <p>Employment projects expanded - Community Refurbishment scheme, ESF, Kickstart - Jobs led recovery.</p> <p><b>Technology</b></p> <p>Expansion of free/low cost broadband (with BMBC).</p>	<p><b>Zero Carbon 2040</b></p> <p>Zero carbon strategy with solar PV programme and Heating system replacement - moves away from gas.</p> <p><b>Safe Homes</b></p> <p><b>Growth</b> Social housing growth with BMBC.</p>

## 2. Key Performance Indicator Data set 2020/21

Ref.	Description	Outturn 2018/19	Target 2019/20	Actual 2019/20 Q3	Target 2020/21
BH1	The percentage of all tenants satisfied with the overall service provided.	89%	+/- 3%	89%	89% +/- 3%
BH2	Thinking about the building you live in how satisfied are you that your landlord provides a home that is safe and secure.	---			86% +/- 3%
BH3	Number of complaints received (cumulative).	118	+/- 20%	91	118 +/- 20%
BH4	The percentage of tenants satisfied with the repairs and maintenance service.	89%	+/- 3%	87%	89% +/- 3%
BH5	The proportion of local authority dwellings which are non decent dwellings at the start of the financial year.	3.98%	4%	Measured at year end	4%
BH6	Priority 1 Repairs– 24 hours percentage completed on time.	99.85%	99.50%	99.40%	99.50%
BH7	Average length of time taken to complete non-emergency reactive repairs (new PRIP KPI 11).				9 days
BH8	Percentage of appointments kept (new PRIP KPI 1).				99.10%
BH9	Average time to re-let local authority housing (calendar days).	20.28	23	22.26	23
BH10	Rent collected by the local authority as a proportion of rents owed on HRA dwellings.	97.85%	96%	97.75%	96%
BH11	We will employ as a minimum 3% of our workforce as apprentices.	4.21%	3%	3.95%	3%
BH12	We will spend at least 50% of our funds locally supporting the Barnsley economy (cumulative).	78.63%	70%	75.61%	70%



### 3. Financial Statement

**Berneslai Homes Management Fee** £12.225m

**Housing Revenue Account funded services which Berneslai Homes performance manage**

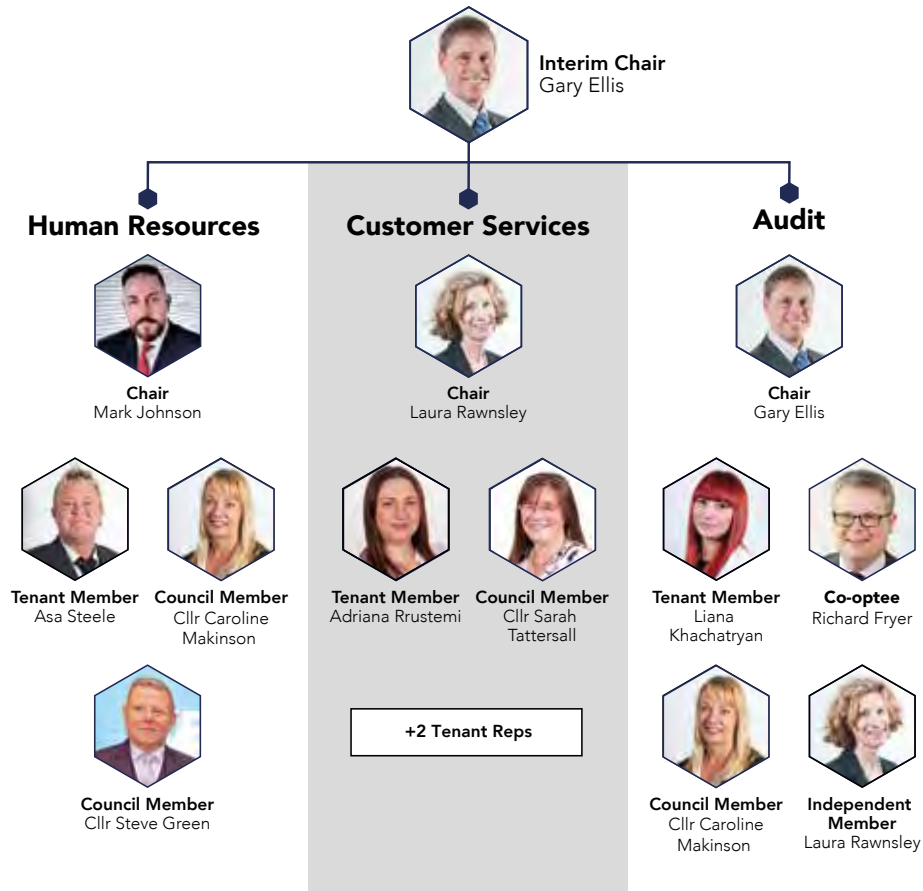
Grounds Maintenance	£1.43m
Barnsley Connects	£0.83m
Repairs and Maintenance	£19.171m

**Housing Capital Investment Programme elements which Berneslai Homes performance manage**

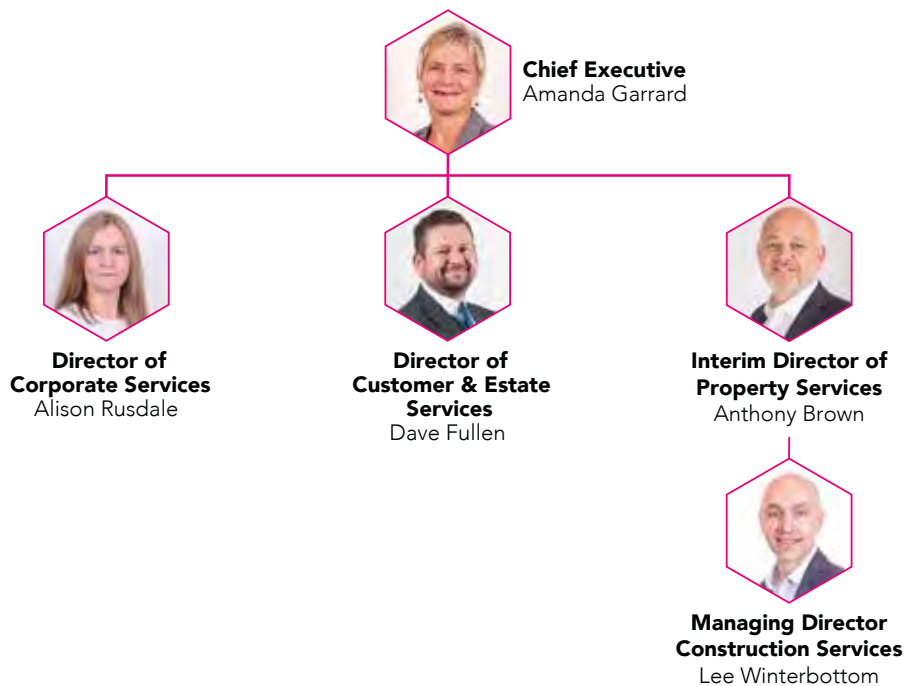
Core Programme	£21.65m
Acquisitions	£4.45m over 3 years

**Berneslai Homes surplus contribution to Housing Growth** £8.9m

## 4. Board and Committee Structure



## 5. SMT Structure





[www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk)



Berneslai Homes Limited is a company controlled by Barnsley Metropolitan Borough Council. A company limited by guarantee, registered in England and Wales, number 4548803.

Registered office: 10th floor, Gateway Plaza, Off Sackville Street, BARNESLEY, South Yorkshire S70 2RD.

August 2020

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Berneslai Homes  
Governance Review  
10 June 2020  
Draft Version 3



David Tolson Partnership Limited – authorised and regulated by the Financial Conduct Authority

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## Executive Summary

### Introduction

1. DTP has been commissioned by Berneslai Homes to undertake an objective and independent health-check of governance. This project was commissioned in a context of fundamental concerns and an acknowledgment by the board that the governance of the company required review in order to identify those areas requiring change or improvement.
2. This review has been undertaken in the context of change at Berneslai Homes (a new Chief Executive, issues relating to regulatory compliance and a data breach and dealing with the Covid19 pandemic). We understand that the this has been a challenging time for the organisation. In this context, we heard in our interviews a strong commitment from members and the Council to change and improvement and to the objectives of Berneslai Homes, which provides a sound foundation for this review.

### Context

3. Berneslai Homes operates as an Arm's Length Management Organisation (ALMO) for BMBC under a five-year management agreement. The responsibility for the Housing Revenue Account is retained by BMBC.
4. Berneslai Homes is constituted as a Company Limited by Guarantee, incorporated in September 2002 and with Memorandum and Articles dated May 2019. These cannot be amended without the approval of the local authority.

### Findings

#### Board composition, role and remit

5. The board of Berneslai Homes comprises 10 members with a prescriptive, traditional ALMO composition which is appointed by passing a "skills threshold". This is not uncommon in the ALMO sector. The current size of the board is reasonable. However, the composition leaves Berneslai Homes with limited ability to ensure that it is able to addresses the required skills, experience, and competencies to discharge the responsibilities delegated to it and to deliver the non-executive role effectively. We recommend that Berneslai Homes considers a revision to its board composition (and therefore the Memorandum and Articles of Association) to provide for the greater application of flexibility within the composition to ensure that the company is governed with a balance of professional and lived experience, local accountability and linkage with the local authority's community objectives. Our recommendation sets out principles to guide the change and some options for consideration. Any amendment will require a formal legal consents process including consultation with stakeholders.

6. Whilst some reasonably comprehensive documentation is in place to set out some roles in the governance structure, there is a requirement for Berneslai Homes to revise role profiles and person specifications for all roles and to undertake a refresher briefing on the remit and discharge of the non-executive role for all members. We also consider that all members need to ensure that they have a rounded knowledge of their legal and regulatory responsibilities and how best to deliver on these.
7. Within the housing sector, we are seeing the Deputy Chair role being combined with a Senior Independent Director (SID) role to provide more support to the wider board and to the Chair. We recommend that Berneslai Homes now progresses with this approach.
8. Once any amendments to the board composition have been decided and amendments to the constitution actioned, we recommend a series of principles for repopulating the refreshed board from existing board members and possibly external candidates.
9. The board needs to clarify the broader members recruitment process, which is currently insufficient, to set out how membership of the board links to required skills, experience and competencies and to ensure that there is a clear approach to succession planning.
10. The board currently operates to a 9 year maximum term for all members. This is not in line with good practice, and we recommend that Berneslai Homes considers revising the maximum term of office for all members to 2 x 3-year terms with further one-year term up to a maximum of 9 years only by exception.
11. We recommend that the board member appraisal process is completely reviewed and formalised. The current policy document is extremely 'thin' and does not set out a robust, routine approach to effectively challenge individual performance (as required in the constitution and agreement for services) or address the collation of member views on the collective effectiveness of the board.

#### Committees

12. Berneslai Homes currently has three committees (Audit, Customer Services and Human Resources). We understand the reasons for the establishment of these and believe, from our review, that they have the potential to add better value to the governance of the company. We have made some recommendations as to how the arrangements could be strengthened through review of terms of reference and membership of all committees (in particular the coverage of the Audit Committee in relation to risk), their linkage to board and the avoidance of duplication and



extensive operational scrutiny. We also have some observations regarding the communications between and work planning for each element of the governance structure, to ensure that there is a clear focus on compliance with regulatory and governance standards and policy issues.

#### Appeals Panels

13. Berneslai Homes board members currently have a role in a range of appeals panels. The extent of engagement of Berneslai Homes board members within the internal review of operational processes (which is essentially the role of an appeals panel) is greater than we see in most other housing providers (of all types). This risks the board effectively scrutinising itself rather than taking a strategic perspective on the outcomes of the appeals process. We recommend that a robust review of all board member engagement in appeals is undertaken and an assessment made, using good practice from other providers, of alternative mechanisms for independent appeal which reduce the reliance upon board members and clarifies which board members would be involved and their role in specific appeals.

#### Decision making and accountability pathways

14. We have undertaken a decision tracking process, by which we take a number of key decisions made by the board and work backwards through board and committee papers to assess the decision making and accountability pathways between board and committees and the appropriate audit trail, using past papers.
15. Our first observation in this respect is that the board does not really make many decisions based on a range of options. We found it very hard to identify decisions which could be tracked through the papers across the governance framework. We also found few papers which provided options or choices for the board to consider. There is little evidence in the board engaging in any amendments or changes to the recommendation put forward and as such, it seems that the only option in this case is to approve or not to approve.
16. This absence of decision making could be linked to a lack of clarity in the “ask” of the board in papers and how this links to the format of the agenda. Papers which were within the “decision” section of the board pack were often provided only for noting or assurance. We suggest a more consistent and informed approach to this in our comments on the agenda below.

#### Observations on the agenda, board papers and minutes

17. We found some aspects of the board reporting documentation sound, these include:
  - The agenda planner, which sets out a forward plan for each element of the governance structure, deadlines for papers, dates for issue is a useful and used

document.

- The standard report template seems to be consistently used by report author.
- Minutes are about the right length and detail. It is clear what has been resolved or agreed by the board.
- The minutes are supported by an appropriate matters arising / action list.
- The performance report is good.
- The revised approach to asset related health and safety compliance reporting is comprehensive in the data provided and accompanied by explanatory narrative. The employee focused health and safety report is similarly very comprehensive and detailed.

18. However, we recommend a series of changes to other documentation, including:

- That the agenda format is revised to provide for timings and clear definitions of the agenda headings and the ask/ recommendations to the board are adopted.
- That the agenda includes a standard item to allow for members to reflect on the meeting.
- The adoption of a transparent and simple confidential items protocol for relevant papers.
- The need to review the content and format of financial reporting to ensure that the board sees greater detail on trends and priorities and that the board itself undertakes greater scrutiny of the content.
- There is more to do to ensure that the tenant voice (outside of those board members who are tenants) is included in board papers and that board members then ensure this is considered and triangulated with other information (performance and financial outcomes, for example) when making decisions.

#### [Effectiveness and engagement – board meeting observations](#)

19. We observed the board meeting of 2 April 2020 and noted (and have taken into account) that this was only the second virtual meeting using MSTeams undertaken by Berneslai Homes, the first undertaken by the Interim Chair, and that the agenda was affected by the Covid19 pandemic. We considered it to be reasonably well run in the circumstances.

20. In the meeting we observed, and our review of papers, we noted a tendency for members to raise many quite detailed questions of clarification which were covered in later reports. This suggests that members are not preparing appropriately for meetings, and not reading the pack as distinct papers and then again as a “whole”. In some cases, we found officers seemed underprepared for questions and queries from the board for matters which we would usually have seen as anticipated. We encourage both board and staff members to ensure that they are adequately prepared for board meetings, including addressing any points or questions of clarity before the meeting itself.

21. That said, the input from the broader board in relation to matters of strategy, finance, investment, and risk was quite limited. Although all members tend to contribute, a lot of the matters raised are questions to clarify personal understanding or operational detail rather than to add value to a broader strategic board discussion aligned with the purpose of the paper. Some input can be quite robust in tone. We recommend that these matters are addressed in the broader briefing session on effective board membership, the revised role profiles, and the drafting of a revised statement of preferred composition which looks at skills, experience, and competency.

#### Governing documentation

22. The governing documentation supporting the board is in need of review:
- The financial regulations are in a standard format and appear reasonable in coverage but require updating to provide for a more user-friendly format and to remove references to committees which are no longer in place.
  - The decision-making framework is a useful summary and we suggest that it may be helpful for Berneslai Homes to combine this with the revised terms of reference and financial regulations into one new delegations framework.
  - We have not been provided with a board member remuneration policy – this is a significant gap in documentation and a policy should be drafted, approved, and implemented.

#### Conclusions

23. This review was undertaken because Berneslai Homes had serious concerns about the skills and competency of the board and the approach to governance oversight and controls. We acknowledge that recent appointments have strengthened the board, but there is more to do to achieve high standards of governance. We consider it healthy that all housing providers should take regular opportunities to step back, review the governance position, evaluate what has been achieved and assess whether its arrangements are fit for future purpose. We hope that this review will assist Berneslai Homes to do this.

## Report

### Introduction

1. DTP has been commissioned by Berneslai Homes to undertake an objective and independent health-check of governance. This project was commissioned in a context of fundamental concerns about the quality of governance identified in March 2020 where issues relating to compliance and control were reported to the board. As a result, the board of Berneslai Homes acknowledged that governance of the company required review in order to identify those areas requiring change or improvement.
2. We would like to thank Berneslai Homes for commissioning DTP to undertake this review. We would also like to thank all board members, the Senior Management Team, and officers of Barnsley Metropolitan Borough Council (BMBC) and the governance support officers for their help in making the necessary arrangements for the delivery of this review. This report sets out our findings and recommended actions.

### Your requirements

3. Your brief asked DTP to undertake a comprehensive and independent review of the governance arrangements at Berneslai Homes to ensure a focus on:
  - The appropriate board composition to address the scope and activity of the organisation and to deliver the agreed strategy and objectives
  - Efficiency within the governance structure and governance operations to ensure best use of resources and value for money
  - A board and committee structure which has clarity in relation to collective and individual member role and remit, ensures appropriate decision making and delegations, sound and transparent information flows and avoids duplication
  - Effective oversight, scrutiny, risk management, internal controls, regulatory and legal compliance
  - Evaluation of the skills, competencies, and behaviours within the members of the governance structure and learning from recent issues, to ensure that the interests of Berneslai Homes and its tenants are protected
  - Identification of any skills and knowledge gaps in board and committee membership and a review of alignment with Berneslai Homes' strategy, the expectations of the local authority, the operating environment, risk framework and sector risks
  - Effective and timely implementation of any recommendations for change and improvement.

4. Berneslai Homes also asked DTP to ensure that a series of actions agreed at the board away day in December 2019 were incorporated into this review. These were:

- To schedule a session on governance to include the role and responsibilities of non-executive directors
- Ensure effective appraisal processes
- Consider use of a Senior Independent Director
- Board members to continue to provide feedback to the Chair
- Consider the committee structure and membership
- Attendance at appeals
- Meetings to have a standard item on issues affecting the organisation.

## Methodology

5. Our review commenced in late March 2020 and included the following stages:

- Review of key governance documentation and decision tracking
- One to one discussion with the 9 Non-Executive Board Members and the co-optee member to the Board, between 1 and 13 May 2020
- A one to one discussion with the Director of Regeneration and Culture of BMBC on 6 May 2020.
- A discussion with the Berneslai Homes' Senior Management Team on 12 May 2020 and questionnaire.
- Observation of the Berneslai Homes Board meeting held virtually (online) on 2 April 2020.

## Findings

### General context

6. This governance review has been undertaken in the context of change at Berneslai Homes. The ALMO has fairly recently had a new Chief Executive, has had to communicate matters relating to compliance and a data breach to the local authority and onwards to the Regulator of Social Housing (RSH), and has subsequently experienced the resignation of the Chair and implemented an interim arrangement. This is at the same time as dealing with the impact of the Covid19 pandemic. We understand that this has been a challenging time for the organisation. In this context, we heard in our interviews a strong commitment to change and improvement and to the objectives of Berneslai Homes, which provides a sound foundation for this review.

7. However, we also note that the relationship between board members and officers within Berneslai Homes has been affected by the recent issues in terms of mutual trust, scrutiny of the information provided to the board and joint working, but this

is now rebalancing. Our interviews found that board members are working through some self-reflection. There is a recognition that governance processes, particularly the level of control and the quality of board oversight, has some weaknesses and some members feel a personal responsibility for this. This has created some feelings of uncertainty, but also reinforces the commitment to focus on better collaborative working with the senior team and to improve the approach to leadership and governance.

8. Our discussions with BMBC indicate a strong support for Berneslai Homes as the ALMO for the Council, and a keen desire to see the board take on a lead role in governance improvement, and to act as a key partner in the delivery of the community and neighbourhood strategy in Barnsley. This is a strong basis to build the next stage of Berneslai Homes' governance upon.
9. During a period of such change in an organisation, it is positive to hear that members are willing to move forward productively and to make changes in relation to the governance culture and the board member role within this. However, we also encourage all board members to be honestly self-reflective about their response to the demands of this change, and the time and level of commitment required in order to actively engage with Berneslai Homes inside and outside of meetings in the current and future context.
10. The recommendations in this report are largely about governance improvement and strengthening; we found some areas of weakness and have made suggestions for the board to consider in addressing these.
11. We understand that Berneslai Homes uses the National Housing Federation (NHF) Code of Governance as good practice rather than formally adopting the Code. There is one area of the Code which we feel requires some attention. Currently, due to the recent changes in membership, the interim Board Chair role is being held by the Chair of Audit. We understand that this was a temporary, emergency matter and was the only viable option, but this is not in line with clause E5 of the Code which states "The chair of the board must not chair the committee responsible for remuneration, nor that responsible for audit." We understand that recruitment of the new Chair has commenced, and that this situation will soon be rectified.
12. The NHF Code of Governance is currently being revised, and we consider it may be helpful for the Berneslai Homes board to consider adopting the 2020 version once this is released in order to provide a clearer framework for governance and associated standards within the ALMO.

### Context

13. Berneslai Homes operates as an Arm's Length Management Organisation (ALMO) for BMBC under a five-year management agreement for housing management and other services dated 1 April 2016, and subsequently updated on October 2018. The agreement sets out the mutual delegations and accountabilities between the local authority and the ALMO. We note that the content is fairly standard in terms of the delegation of housing and community services. The responsibility for the Housing Revenue Account is retained by BMBC.
14. Berneslai Homes is constituted as a Company Limited by Guarantee, incorporated in September 2002 and with Memorandum and Articles dated May 2019. These cannot be amended without the approval of the local authority. The constitution sets out the objects and powers of the company which align with the delegations in the management agreement. For the purposes of this governance review, the Memorandum and Articles provide for:
- The remuneration of board members (clause 6.3 of the Memorandum)
  - Shareholding membership being restricted only to the Council (clause 3 of the Articles)
  - The ability of BMBC to nominate a representative to attend meetings and vote at the ALMO's meetings (clause 4 of the Articles) and that the presence of that representative is a quorum (clause 9.1 of the Articles)
  - Articles 13 to 18 set out arrangements for board composition.
  - The board must comprise 10 members of which 3 are council board members appointed by BMBC, 3 are tenant members (the constitution states that these are elected by tenants or where there is one year or less until retirement by the Tenant Federation; we note that these arrangements may have altered but do not appear to have been documented), 3 are independents (recommended by the board for approval by BMBC) and the Chair is appointed independently (under a process set out in Article 17).
  - There should be no more than 4 tenant or local authority board members.
  - The board is appointed on the basis of passing "a skills threshold" overseen by a panel with a prescribed membership.
  - The maximum term of office is 9 years (3 x 3-year terms) but this can be extended by BMBC. There can be no reappointment without a 3-year gap.
  - The Chair serves for 6 years subject to a 3-year review and can be re-appointed for a maximum 9-year term (Article 17).
  - Quorum is 4 (comprising one tenant member, one independent and one council member plus one other) (Article 30.1)

### The governance structure and composition

15. The board of Berneslai Homes comprises 10 members with a prescriptive, traditional ALMO composition as set out above. This is not uncommon in the ALMO

sector where there is usually a similar form of (representative) tenant, independent and local authority membership. However, the current approach to membership leaves Berneslai Homes with limited flexibility to ensure that the board composition addresses the required skills, experience, and competencies to discharge the responsibilities delegated to it. We comment below on the lack of clarity of role and remit within the structure itself and how effectively governance is discharged.

16. The Governance Handbook sets out role profiles and person specifications which are reasonable in approach (please see our further comments on these below). There is also a recruitment process and a blank skills matrix. However, this is generic and does not specify requirements for committees or any linkage to succession planning for particular gaps. We have not seen documentation to set out how the profiles and matrix link to assessing the “skills threshold” which is set out in the constitution and how this is undertaken. We are aware that the board has previously held vacancies if it has been unable to appoint the required skills to the board and fit this with the required constituent groupings. However, we consider that a more robust approach to setting out requirements and also how skills are assessed alongside competencies or behaviours should be adopted.
17. The current size of the board is reasonable; we see housing providers increasingly moving to a board size of between 8 and 10 members, which allows for focused governance oversight and an appropriate balance of skills and competencies.
18. We therefore recommend that Berneslai Homes considers a revision to its board composition (and therefore the Memorandum and Articles of Association) to provide for the greater application of flexibility to ensure that the company is governed with a balance of professional and lived experience, local accountability and linkage with the local authority’s community objectives. This will require a formal legal consents process including consultation with stakeholders. We suggest the following are agreed as principles to guide the changes **(Recommendation 1)**:
  - a) That the size of the board is set at a maximum of 10 but no less than 8 members, with the ability to appoint up to 2 further co-optees for time limited periods if required to add value where appropriate. This will allow Berneslai Homes to ensure that all members are adding value and contributing effectively
  - b) That the constituent groupings are reviewed to provide for greater discretion to ensure that membership provides the skills and competency required and by setting parameters around the groupings. Berneslai Homes has options which could include:
    - i. Moving to an entirely skills and competency-based board without any



reserved places for constituent groupings, i.e. all members appointed based on an assessment of experience and behaviours.

- II. Revisions to the number of constituent groupings on the principle that the number of local authority members and tenants is always equal, for example for each, not less than 1 and not more than 2 of each group and the rest of the board being made up of not less than 2 and not more than 4 independent members.
  - III. Moving to community representatives (who could be tenants, residents, local authority members or local community leaders) taking 4 places on the board and the rest of the board being independent members.
- c) If constituent groupings are maintained that independent members are always in the majority.
  - d) That the Chair of the Board is always an independent member, to provide for objective oversight without risk of any conflict or duality of interest.
  - e) That a statement of preferred composition is agreed before appointment to the refreshed board which sets out the skills, experience and competency required within the board. Our review suggested that the board would benefit from greater awareness of the wider housing sector and the approach to regulatory compliance, strategic oversight, and financial management. We have provided an example template for such a statement at [Appendix 1](#).
  - f) That the formal board appointment process is reviewed and updated, to support the content of any revisions to the constitution and to set out the approach to assessing skills, experience, and competency of all candidates in a transparent and robust manner. If constituent groupings are maintained, then this would also apply to candidates considered for appointment by the Council and to tenants.
  - g) We noted an induction checklist within the Governance Handbook. This was reasonable but should be consistently implemented and followed up to ensure that there is evidence of learning and development impacting on the performance of members in their role as non-executive members.

19. We also recommend that Berneslai Homes considers revising the maximum term of office in line with good governance practice for all members to 2 x 3-year terms with further one-year term up to a maximum of 9 years by exception.

**(Recommendation 2)**

20. Once any amendments to the board composition have been decided and amendments the constitution actioned, we recommend a series of principles for repopulating the refreshed board **(Recommendation 3)**:

- a) That a two-stage transparent and accountable process is agreed to populate the new board:
  - Internal – where any existing members are assessed for a position on the board using an agreed, objective process

- External – if required to appoint to any remaining vacant positions.
- b) Existing members should note that if appointed to the refreshed board, they will carry forward their existing term of office.
- c) Given that Berneslai Homes is in the process of appointing a new Chair, we recommend that the appointed post-holder for the Chair role is exempted from the board population process and instead takes a lead role in the appointment process for the refreshed board. This would be in line with good practice undertaken elsewhere in the social housing sector.

#### Role and remit of members

21. All members found the presence of BMBC Director of Regeneration and Culture at the board meetings useful and supportive. However, there is no consistent understanding of his attendance as an “observer”, with some members suggesting that the BMBC Director of Regeneration and Culture is a member of the board. There is no clarity on his position as observer, contributor or as a local authority critical friend and challenger. We suggest that a role profile is developed to set out the remit of the BMBC attendee, the role, and the scope of their ability to contribute to board meetings. **(Recommendation 4)**
  
22. We acknowledge that the recent appointment of a co-optee to the board is a pilot. However, there is no clarity on the role and remit of the co-optee and the constitution is silent on this matter. Members of the board are unclear whether the co-optee has full voting rights and is a member of the board, or if they act (in effect) as an independent committee member. An independent member of a committee is a full member of the committee, counting towards quorum and with full voting rights. This is different from a board co-optee who would not count towards quorum and would not have a vote. We recommend that this is clarified within any constitutional amendments and associated documentation for the purposes of appropriate governance and decision making. **(Recommendation 5)**
  
23. We consider that the effectiveness of governance would be improved through the revision of some of the role profiles and a refresher briefing session for all members, as our interviews and observation of meetings suggest a lack of consistency in understanding of the remit and how this is discharged. Whilst some profiles are part of the Governance Handbook, some members could not recall seeing detailed profiles. We have reviewed the profiles and person specifications for the Chair, Audit Committee Chairs, and those for Councillor, Independent and Tenant board members. These are reasonable, but we suggest that they are reviewed to provide for role profiles for each committee chair and for the co-optee member(s). It not good practice to differentiate between the different representative groupings in the general board member role profile. All members have the same role and remit and equal responsibilities. As such, we recommend

one board member role profile is agreed. Finally, all profiles should include relevant competencies. We think that these will be helpful to members in structuring their approach and priorities. **(Recommendation 6)**

24. We also consider that all members need to ensure that they have a rounded knowledge of their legal and regulatory responsibilities and how best to discharge this. There is some suggestion that the board has been quite insular in its view and has perhaps been complacent in relation to governance. We recommend that a comprehensive “back to basics” briefing session is held for all members. This would build upon the session already undertaken where all members were briefed on the health and safety remit to focus on the role of the Board in actively and positively engaging in regulation and the governance role, and characteristics of high performing boards and audit committees. It could also build on other work currently being undertaken, for example the horizon scanning presentation by the Chief Executive at board meetings, to strengthen risk reporting and oversight. **(Recommendation 7)**

25. Within the housing sector, we are seeing the Deputy Chair role being developed to provide more support to the wider board and to the Chair. A Chair and Deputy Chair may work effectively as a team and can agree to divide up the Chair’s responsibilities between them. In doing this the Chair cannot delegate their responsibilities to the Deputy Chair, but can work in partnership to provide continuity in leadership, undertaking the ambassadorial and networking role to develop relationships with key stakeholders, and comprehensive delivery of the required tasks of the Chair role. For note (unless specifically appointed as the Chair Designate through a formal process) we do not recommend that Deputy Chairs are appointed with automatic succession to the Chair position. Furthermore, Berneslai Homes has not operated with a Senior Independent Director (SID) role. We are seeing the adoption of this role increasing; the SID can provide a sounding board for the Chair, provide support to the Chair in the delivery of their objectives, lead on the evaluation of the Chair’s performance and to serve as an intermediary for the other directors when necessary. This can be helpful in working through complex or sensitive issues. We note that this role was discussed at the last board away day, and recommend that Berneslai Homes now progresses the adoption of a Deputy Chair role which is combined with a broader SID remit. We have provided further advice at [Appendix 2](#). **(Recommendation 8)**

26. We also recommend that the board member appraisal process is completely reviewed and formalised. The current policy document (included in the Governance Handbook) is extremely ‘thin’ and does not set out a robust, routine approach to effectively challenge individual performance (as required in the constitution and agreement for services) or address the collation of member views

on the collective effectiveness of the board. We were provided with some sample records of appraisal for review; this template is better at setting out the requirements of the role, some competencies and objectives for members, but there is limited evidence of self or joint assessment (through perhaps 360 degree review and independent facilitation) against these measures or any follow up on areas for training and development. We have not seen evidence of any in-year one to ones or catch ups between members and the Chair to discuss and track progress. **(Recommendation 9)**

### Committees

27. The NHF Code of Governance makes it clear that committees should be “established where the board determines that they will provide expertise and enable it to deliver effective governance and manage risk”. Berneslai Homes currently has three committees (Audit, Customer Services and Human Resources). We understand the reasons for the establishment of these and believe, from our review, that they have the potential to add better value to the governance of the company. We have some recommendations as to how the arrangements could be strengthened, their linkage to board and the avoidance of duplication and extensive operational scrutiny, much of which ties into what needs to be changed in the terms of reference (TOR). We also have some observations regarding the communications and work planning for each element of the governance structure elsewhere in this report, to ensure that there is a clear focus on compliance with regulatory and governance standards and policy issues.
28. The Audit Committee requires a review of its TORs, as the version dated December 2020 is thin and very limited in coverage. We usually see an expanded remit for audit committees, with clear headings about specific responsibilities. In addition, we picked up in our interviews a range of views in relation to the committee’s oversight of risk and compliance, particularly in the light of recent events. The remit of the committee could be extended to include assessment of assurance in relation to compliance, to ensure that there is appropriate monitoring of internal systems and controls on a risk based approach, including the processes to produce compliance reports, data quality and management information. This would not be in addition, but complementary to, the work undertaken by the internal audit function and on a much more frequent basis than the audit cycle. **(Recommendation 10)**
29. We suggest that the work of the Human Resources Committee should shift to a more strategic level, focused on oversight of and guidance on outcomes rather than driving implementation of operational HR policy. In addition, we noted that there is a further Remuneration Panel/Committee. We suggest that the oversight of key governance and remuneration matters could be combined within the

Human Resources Committee to make better use of governance resources. We recommend that the committee should have oversight of governance; for example, ensuring thorough board appraisals take place and there is a training and development plan, skills matrix, succession planning, that non-executive remuneration is appropriate and reviewed, and the annual review of the CEO's contract etc. is undertaken. It should also have an overview of key decisions such as senior staff remuneration and the annual pay award, but not stray into operational staffing matters. **(Recommendation 11)**

30. The proposed Customer Services Committee TOR dated February 2020 are reasonably well focused, but some of the language used (particularly the use of "to ensure") lacks clarity in the detailed scope of delegations, which has the potential to allow its focus to become extensive or to lack direction. In some areas, particularly policy, the committee does not seem to have any remit. Accountabilities are not clear. In some cases, the committee asked to make recommendations, but it is not always clear if this is to board or executive. This is not in line with the usual role of an operational committee to provide assurance to the board on the delivery of operational strategy and performance. We have noted the proposed change to permit the Committee to invite the Tenants Voice Panel to nominate two of its members to attend the Committee but again, the purpose of this (other than as a communications link) is not clearly set out. The TOR therefore requires some further review to provide precision about the responsibility and accountability to the board in its oversight of community and operational delivery. **(Recommendation 12)**

31. We are aware that there have been recent proposed changes to the membership of committees. Our advice in this respect is in line with best practice in governance. We note that membership appears to have been randomly allocated rather than systematically aligned with individual member skills and competence. In addition, the ability to focus on skills is potentially compromised where constituent groupings are specified, as in the case of the Human Resources Committee. We suggest that Berneslai Homes moves to a position of smaller committee membership, focused on skills and contribution rather than constituent grouping, and seeks to achieve a position where all members have only one committee role which will focus their input. We also recommend that the Chair of the Board is not a member of any committee in order to provide for effective, independent oversight. **(Recommendation 13)** Our recommendation is as follows:

- Human Resources – Committee Chair plus 2 board members
- Customer Services – Committee Chair plus 2 board members and the nominated members from the Tenants' Voice as attendees
- Audit – Committee Chair plus 2 members and a co-optee (or independent

member)

32. We also noted that there is a convention of flexible attendance at committees for any member. Whilst we understand the use of this for development or induction purposes, our interviews suggested a lack of clarity in relation to the remit of such “attending” members in the committee meetings. We therefore suggest it is used by exception and for observation purposes only. **(Recommendation 14)**
33. We observed that although the minutes of all committee meetings are included in the board papers, there is no formal summary report by committee chairs (although there is a verbal update). We recommend that a short report from each committee is provided at the start of the board agenda so that all members are clearly sighted on the key priorities arising from each meeting. We have provided a suggested template at [Appendix 3 \(Recommendation 15\)](#)
34. Berneslai Homes does not routinely operate an informal Chairs’ meeting. We understand that these were previously in place but may have lapsed due to the impact of Covid19. We recommend that they are reinstated as they would assist in clarifying communications, to ensure best value from the governance forward workplans and direction of travel of each entity in the governance structure and facilitate cross-committee and board / committee communications. We also consider that such a group should have some form of proportionate terms of reference for transparency, and a light but appropriate touch on servicing (for accountability and audit trail purposes). We have provided suggested TOR at [Appendix 4 \(Recommendation 16\)](#)

#### [Appeals Panels](#)

35. Berneslai Homes board members currently have a role in a range of appeals panels including, but not limited to complaints, issues relating to the housing register, equipment and adaptations, compliance with the Barnsley Home Standard, notices to end introductory tenancies, demotions of secure tenancies, offering and ending flexible tenure and staff employment matters. We have not seen details of the panels in our review of documentation.
36. We understand that there are some areas where board members (usually committee Chairs) have a role in review processes – for example, employment appeals. However, the extent of engagement of Berneslai Homes board members within the internal review of operational processes (which is essentially the role of an appeals panel) is greater than we see in most other housing providers (of all types). This risks the board effectively scrutinising itself, since it sets the overarching policy and standards for the organisation to deliver, rather than taking a strategic perspective on the outcomes of the appeals process. We also noted in

our interviews that some members consider the appeals role is not allocated equitably across all members, and can be used to allow some board members to gather greater operational assurance which should be happening within appropriate reporting at collective board level. It can also form a route for scrutiny and information gathering for those members with local authority constituent responsibilities. These matters can have a negative impact on a cohesive and strategic approach to governance.

37. We are aware that a review was undertaken of some panels in January 2020, but no formal decisions have been made on the way forward. We therefore recommend that a robust review of all board member engagement in appeals is undertaken and an assessment made, using good practice from other providers, of alternative mechanisms for independent appeal which reduce the reliance upon board members, and clarifies which board members would be involved and their role in specific appeals. For example, it is usual for the Chair of the HR Committee or Chair of the Board to be involved (with a specific remit) in the last stage of dismissal or employment appeals. **(Recommendation 17)**

#### Decision making and accountability pathways

38. We have undertaken a decision tracking process, by which we take a number of key decisions made by the board and work backwards through board and committee papers to assess the decision making and accountability pathways between board and committees and the appropriate audit trail. Please note that we were provided with 4 sets of board papers, dated September, November and December 2019 and April 2020 (we were mindful of the long gap in reporting between December and April).
39. Our first observation in this respect is that the board does not really make many decisions based on a range of options. We found it very hard to identify decisions which could be tracked through the papers across the governance framework. We also found few papers which provided options or choices for the board to consider. Where decisions are required, they are generally to approve something specific (e.g. a new contract with the council for repairs; the new strategic plan; an action plan in response to compliance issues etc.). There is little evidence in the board engaging in any amendments or changes to the recommendation put forward and as such, it seems that the only option in this case is to approve or not to approve. In our review (which is of course limited to the papers we were provided with) we found no evidence of the board not approving something put to it.
40. This absence of decision making could be linked to a lack of clarity in the “ask” of the board and how this links to the format of the agenda. Papers which were within the “decision” section of the board pack were often provided only for noting or



assurance. For example, the HouseMark benchmarking report provided was categorised as ‘for decision’, but the recommendation in the paper is that the board ‘note the bench-marking data for 2018/2019 and consider it within the overall context of the budget preparations’. The December paper on the health and safety framework is classed as ‘for decision’ but the recommendation is ‘that the Board are assured a regulatory framework for compliance is in place.’ We recommend a more consistent and informed approach to this in our comments on the agenda below.

41. We saw papers which required a board decision but were not put forward to the board in that context; for example we saw papers which asked the board to agree that the board is “assured on the financial performance of the company”; that “the Audit Committee terms of reference are fit for purpose and require no amendments”. We also saw papers which state that they are ‘for decision’ but the content does not lend itself to an actual decision (for example the STAR survey). In these papers we also noted that the recommendations in the papers are clearly that the board ‘notes’ the paper despite its purpose being for decision.
42. There were more ‘decisions’ required of the board in the papers for 2 April 2020 meeting; however, having reviewed the minutes of this meeting, it appears to be a similar picture as outlined above – the board isn’t presented with choices or options, it simply discusses and then (in all cases) approves what is being recommended. The decisions all appear to be ‘one-offs’ and so not really requiring any input from the committee remit.

#### [Observations on the agenda, board papers and minutes](#)

43. The agenda splits into items for decision (public) and for information/discussion plus committee minutes for noting (confidential). Although there is a section in the Governance Handbook on confidential papers, this is a general approach to respecting confidentiality. There does not appear to be a clear protocol for the items which are classed as confidential. (However, it should be noted that the packs provided to and reviewed by DTP did not include the ‘confidential’ papers.) We recommend that Berneslai Homes adopts a transparent and simple confidential items protocol. An example is set out in [Appendix 5. \(Recommendation 18\)](#)
44. As we have noted elsewhere, some items categorised as ‘for decision’ on the agenda were not always appropriate or treated as such within the meeting. For example, we would usually expect to see management accounts and quarterly performance to be approved as within the parameters agreed by the board and any remedial activity also agreed, whilst items such as an update on the Tenant Panel and a verbal update on recruitment should not be presented for decision.



We recommend that clear definitions of the agenda headings and the ask/recommendations to the board are adopted in order to be clear where the board should be making decisions. **(Recommendation 19)**

45. We noted that the agenda format is timed, but also that almost every agenda item is simply given 10 minutes. This does not seem to be clearly thought through – some of the papers we reviewed are very long and as such, perhaps require more time to balance the discussion. For example, the STAR survey and HouseMark benchmarking reports together cover more than 100 pages yet were only allocated 10 minutes each. We recommend a more realistic approach to timing is adopted. **(Recommendation 20)**
46. The agenda does not include a routine item to allow for members to reflect on the meeting; this is increasingly best practice in governance, and we suggest that this is adopted to allow for timely contributions and learning. This could be an item for the Deputy Chair/Senior Independent Director to lead. **(Recommendation 21)**
47. We reviewed the agenda planner, which sets out a forward plan for each element of the governance structure, deadlines for papers, dates for issue etc. We found this to be a useful and used document. However, we consider it could be helpful to ensure that this is shared with the Chairs' group (as above), and progress and content reviewed (perhaps twice per year) to ensure Chairs are clear on overall governance activity. It would also be useful to differentiate between standard items of business in the governance year and one-off papers, to assist in agenda management. **(Recommendation 22)**
48. We consider that the minutes are about the right length and detail. It is clear what has been resolved or agreed by the board. We consider that the minutes are supported by an appropriate matters arising / action list. However the minutes don't cover any detail on the 'confidential' items and simply say the board 'noted' the paper/minutes (the exception are the minutes for the December 2019 meeting, in which full minutes including the confidential items, are provided). This does not provide an adequate audit trail of the board's decision making. The use of a confidentiality protocol as we suggest above should address this gap.
49. The standard report template seems to be consistently used by report authors with the exception of the quarterly performance report which is presented in a different format. The template has the standard headings we would usually see (including an executive summary, risk, financial implications, value for money, equality and diversity and employee considerations). It is comprehensive, but we did note that there is no standard coverage of customer impacts and there is very little use of colour or graphics to break up the text. That said, the new cover sheet

which was introduced for the December meeting does have better use of colour and layout.

50. We found the financial reporting to lack depth. The format is text heavy and does not provide for easy tracking of trends or identification of key priorities. For example, in the December 2019 meeting pack the quarterly finance update report only comprises 3 pages (including 1 being the cover sheet), most of which is the 'standard' headings, and a 2-page appendix. The full management accounts are not included. The cover report has 2 tables, one is a summary of budget and expenditure, management costs and reserves. There is no projection as to year end position and noting that this is halfway through financial year, we would expect some kind of forward look. The second table sets out variances – there are 6 lines of variances of which 3 are headed 'Various', which lacks specificity. The narrative setting out the reason for the variations is very limited and there is no analysis or summary of what the variances (severally or combined) might mean for the financial performance. Most 'savings' require carrying forward to 2020/21 (but this is unusual to see only half way through a financial year) and there is no explanation as to why the money for these items (e.g. graduate scheme, apprentice surveyor) hasn't been spent. In the same way the draft budget paper is 4 pages (including cover sheet) and the appendix (budget) is one page. This is a very simple approach and again there is no explanation of what the expenditure headings in the budget are, for example Chief Executive £180k (what does this cover - salary, other items etc.?); Chevin Seasons -£23k (what is this and why is it a negative budget). Expenditure is funded by the management fee and £295k of 'reserves' which are listed, and all appear to be savings from staff posts not filled. There is no explanation of this. The risk section highlights two risks – one on IT, whereby all staff have to move to Outlook 365 etc. during the year but the council has provided no cost information, and a second on staff pay as Berneslai is aware whereby the union has demanded a 10% increase. There is no narrative around how these risks will be explored, mitigated, managed etc.
51. We note that Berneslai Homes does not need complex financial reporting, but the company is developing new homes (and we noted that there is no detail about this in the financial reporting, except for a Development Proposals heading in the draft budget which lists a range of planned maintenance items, not new build) and there are risks in this. The budget does not seem to include provision/assumption for bad debts, voids, Universal Credit impact etc. which is what we usually see. The 'assumptions' included are limited to the pay award, council support charges, insurance changes and 'other inflationary pressures'. We consider that the board should be receiving greater detail in the reports and undertaking greater scrutiny of the content and recommend that the reports are reviewed. **(Recommendation 23)**

52. We also noted similar anomalies as for other reporting in terms of the “ask” of the board within these papers. For example, the management accounts papers have recommendations in the executive summary which do not match the ‘proposal’ at the end of the actual paper (one seeks approval, the other asks board to ‘note’). This links to our earlier comments on the appropriateness of categorisation of agenda items and is not simply about wording of reports, but what this means in terms of the purpose of papers being provided to the board or committee and the function of governance.
53. We found the performance report to be good; the revised approach to asset related health and safety compliance reporting is comprehensive in the data provided and accompanied by explanatory narrative. The employee focused health and safety report is similarly very comprehensive and detailed. The report includes a significant number of operational key performance indicators, but we consider this to be appropriate and in line with the remit of Berneslai Homes as an ALMO tasked with the management and maintenance of the housing stock.
54. From a governance perspective, there is a general view amongst board members, reinforced by our own review of papers and meeting observations, that the tenant voice (outside of those board members who are tenants) is not heard enough in papers and assurance at board, or in board decision-making. Whilst there are board members who are also tenants, these are not members on a representative basis, and in any case, it is clear that they cannot represent the views of all tenants. The Berneslai Homes board does have local councillors on its board and there is a view that they, along with other board members, also have a responsibility to bring community and local perspectives to the board. Nevertheless, there is a balancing of duality of interest in undertaking these roles, and it does seem that there is a lack of information provided to the board which brings the customer view and voice at a strategic, analytical level. We therefore recommend that the executive is charged with ensuring that all board and committee papers (where relevant) include a substantive section on customer views and feedback, and that board members then ensure this is considered and triangulated with other information (performance and financial outcomes, for example) when making decisions. We understand that Berneslai Homes has already commenced a piece of work to strengthen the customer voice within the organisation, including the attendance of two members from Tenant Voice at the Customer Services Committee, and must operate within the Customer Involvement Agreement agreed with the local authority. We recommend that this is aligned with this recommendation. **(Recommendation 24)**

## Effectiveness and engagement – board meeting observations

55. We observed the board meeting of 2 April 2020 and noted (and have taken into account) that this was the second virtual meeting using MSTeams undertaken by Berneslai Homes, the first undertaken by the Interim Chair, and that the agenda was affected by the Covid19 pandemic. We considered it to be reasonably well run in the circumstances.
56. In the meeting we observed, and our review of papers, we noted a tendency for members to raise many quite detailed questions of clarification in the first item (in this case the Covid19 update which took just short of one hour on the agenda) which were covered in later reports (in particular finance, risk and resource matters which were all addressed in specific papers). This suggests that members are not preparing appropriately for meetings, and not reading the pack as distinct papers and then again as a “whole”. We also noted a tendency to interrupt officers in the middle of their presentation rather than to wait for the invitation to ask questions. We recommend that these matters are addressed in a broader briefing session on effective board membership, but also that the Chair intervenes to ensure that member contribution addresses the content of the papers and the agenda in a more systematic manner.
57. We noted that there were quite a few questions arising using the “chat” option on MSTeams which were not always picked up in the meeting. Some of these were more relevant than the actual conversations being undertaken in the meeting, for example, in relation to gas certifications. For future meetings, Berneslai Homes may wish to introduce some tighter protocols around the use of the chat function and how it informs debate in meetings.
58. In some cases, we found officers seemed underprepared for questions and queries from the board for matters which we would usually have seen as anticipated. We would encourage both board and staff members to ensure that they are adequately prepared for board meetings, including addressing any points or questions of clarity before the meeting itself.
59. That said, the input from the broader board in relation to matters of strategy, finance, investment, and risk was quite limited. Although all members tend to contribute, a lot of the matters raised are questions to clarify personal understanding or operational detail rather than to add value to a broader board discussion aligned with the purpose of the paper. Some input can be quite robust in tone. We noted in our interviews quite a traditional view that board is there to “hold management to account”. Whilst this is true, we find that the best boards work collaboratively with the management team to co-produce and shape the direction of the organisation. We recommend that these matters are addressed in the broader briefing session on effective board membership, the revised role profiles, and the drafting of a revised statement of preferred composition which looks at skills, experience, and competency. This will allow members to individually reflect on the quality of their contributions to meetings.

60. Although the meeting ended on time, and we understand that this was the first meeting undertaken by the interim chair using virtual technology (which we know is not an easy task), for future learning we feel that the board would benefit from more dynamic chairing to keep timing in line with the agenda (in an amended format as noted above) and to ensure that the board focuses contribution on key priorities, decision making and risk as we have noted above. This latter point should also be addressed in the briefing session for all board members.

#### Governing documentation

61. The financial regulations are in a standard format and appear reasonable in coverage (but are not dated). However, they require updating to provide for a more user-friendly format and to remove references to committees which are no longer in place. The decision-making framework is a useful summary, and we suggest that it may be helpful for Berneslai Homes to combine this with the revised terms of reference and financial regulations into one new delegations' framework. **(Recommendation 24)**

62. We have not been provided with a board member remuneration policy – this is a significant gap in documentation and a policy should be drafted, approved, and implemented. **(Recommendation 25)**

#### Conclusions

63. This review was undertaken because Berneslai Homes had serious concerns about the skills and competency of the board and the approach to governance oversight and controls. We acknowledge that recent appointments have strengthened the board, but there is more to do to achieve high standards of governance. We consider it healthy that all housing providers should take regular opportunities to step back, review the governance position, evaluate what has been achieved and assess whether its arrangements are fit for future purpose. We hope that this review will assist Berneslai Homes to do this.

64. We found our interviews and discussions with non-executives and the executive team to be engaging and interesting. There were, rightly, some diverse viewpoints, but common themes of striving for good governance, appetite to improve and commitment to the purpose of the ALMO were clearly articulated.

65. We have set out a range of recommendations in the action plan below to improve the structure, strengthen governance and improve relationships, compliance, and some aspects of documentation. We do not consider that these should be seen in a negative light. All organisations need to change and improve, to reflect changes in the operating environment and the people that lead and govern. We hope that Berneslai Homes will embrace these recommendations and move forward with energy and commitment.



## Action plan

This section of the report provides a work plan which prioritises recommendations and supporting actions and includes an indicative timescale for delivery. We anticipate that Berneslai Homes could develop and agree the changes to the composition of the board and implement a refreshed structure from November 2020 onwards.

No	Theme	Recommendations / Sub-Actions	Lead Officer & Stakeholders	Indicative completion date
1	Agree a statement of principles for the composition of the board	<ul style="list-style-type: none"> <li>a) Agree size and membership configuration maximum of 10 but no less than 8 members, with the ability to appoint up to 2 further co-optees.</li> <li>b) Agree composition in relation to skills and/or constituent groupings</li> <li>c) Agree principle of a term of office for all members of 2 x 3-year terms with further one-year term up to a maximum of 9 years by exception.</li> <li>d) Agree principle that if constituent groupings are maintained that independent members are always in the majority.</li> <li>e) Agree principle that the Chair of the Board is always an independent member</li> <li>f) Draft a statement of preferred composition</li> <li>g) Update the board appointment process</li> <li>h) Update the induction process</li> </ul>	Chief Executive, BMBC & Board	July 2020
2	Undertake a revision to the Memorandum and Articles of Association to reflect the agreements made in action 1	<ul style="list-style-type: none"> <li>a) Draft the proposed amendments</li> <li>b) Berneslai Homes board to approve proposed draft</li> <li>c) Undertake a consultation process with the local authority and with tenants</li> <li>d) Recommend the revised M&amp;A to the local authority for approval</li> </ul>	Chief Executive, legal advisors, BMBC & Board	August 2020
3	Agree a statement of principles and process for repopulating the refreshed board.	<ul style="list-style-type: none"> <li>a) Draft the proposed statement</li> <li>b) Berneslai Homes board to approve proposed draft</li> <li>c) Undertake a consultation process with the local authority to agree the process.</li> </ul>	Chief Executive, BMBC & Board	August 2020



No	Theme	Recommendations / Sub-Actions	Lead Officer & Stakeholders	Indicative completion date
4	Revise all role profiles	<ul style="list-style-type: none"> <li>a) Draft and agreed a role profile for the BMBC attendee and agree with the local authority</li> <li>b) Review and update role profiles for the Chair, Deputy Chair/SID, Committee chairs, board members and co-optees which include relevant competencies.</li> <li>c) Profiles to be approved by the board.</li> </ul>	Chief Executive, BMBC & Board	September 2020
5	Populating the refreshed governance structure	<ul style="list-style-type: none"> <li>a) Undertake the agreed recruitment process to the refreshed board (internal and external as required and agreed)</li> <li>b) Undertake a comprehensive “back to basics” briefing session for all members.</li> <li>c) Deliver a revised induction programme for new members.</li> </ul>	Chief Executive, BMBC & Board (possible external support in recruitment process & training session)	October 2020
6	Committee structure	<ul style="list-style-type: none"> <li>a) Agree the approach to the composition of committees</li> <li>b) Agree the approach to observer attendance at committees</li> <li>c) Amend the terms of reference for the Audit Committee.</li> <li>d) Amend the terms of reference for the Human Resources Committee.</li> <li>e) Amend the terms of reference for the Customer Services Committee.</li> <li>f) Amended terms of reference to be approved by board.</li> </ul>	Chief Executive & Board	September 2020
7	Communications	<ul style="list-style-type: none"> <li>a) Draft, agree and implement a short committee report at board to set out key priorities arising from each meeting at the start of the board agenda.</li> <li>b) Draft and agree terms of reference for the informal Chairs’ meeting and reinstate the agreed meetings.</li> <li>c) Share the agenda planners with the Chairs’ group at least twice per year and ensure differentiation between standard items of business in the governance year and one-off papers.</li> </ul>	Chief Executive & Board	September 2020



No	Theme	Recommendations / Sub-Actions	Lead Officer & Stakeholders	Indicative completion date
8	Appeals panels	<ul style="list-style-type: none"> <li>a) Agree a terms of reference for the review of board member involvement in the appeals process</li> <li>b) Commission and undertake a robust review of all board member engagement in appeals panels.</li> <li>c) Consider the outcome report and agree next steps.</li> </ul>	Chief Executive & Board (possibly external support in the review)	October 2020
9	Governing documentation	<ul style="list-style-type: none"> <li>a) Review and agree a formal board member appraisal process.</li> <li>b) Adopt a transparent and simple confidential items protocol.</li> <li>c) Update and approve the financial regulations and agree whether these should be combined with the decision making framework and revised terms of reference to create one delegation framework.</li> <li>d) Draft and agree a board member remuneration policy</li> <li>e) Fully update the governance handbook</li> </ul>	Chief Executive & Board	September 2020
10	Governance administration (agenda and papers)	<ul style="list-style-type: none"> <li>a) Adopt clear definitions of the agenda headings and the ask/ recommendations to the board.</li> <li>b) Review the content and format of financial reporting to the board.</li> <li>c) Undertaken a more realistic approach to timing of agenda items.</li> <li>d) Include a routine item to allow for members to reflect on the meeting as part of all board and committee agendas.</li> <li>e) Review the approach to the drafting of papers to board and committees to ensure that (where relevant) there is a substantive section on customer views and feedback, and that board members then ensure this is considered and triangulated with other information when making decisions.</li> </ul>	Chief Executive & Board	September 2020



## Appendix One: Sample Template Statement of Preferred Board Composition

### Introduction

This document sets out the composition for the entities within the XX governance structure and provides guidance on the number of Non-Executive Board Members (NED) and independent committee members within the structure and the skills, experience and knowledge required for the business to be governed effectively.

The Company Secretary will ensure that the Statement is reviewed formally at least every 2 years to align with the corporate plan review process and also as part of the annual Governance Effectiveness Review and any NED recruitment process, to ensure that the skills described continue to fit the XX's needs.

### Skills requirements

The basic skills for any individual member of the governance structure are set out in the accompanying skills matrix.

The matrix also sets out the core skills and experience required within the collective XX Board which are summarised as follows:

- Direct knowledge of the tenant experience and residents' needs and concerns
- Experience of financial management, financial reporting, and control systems
- Business management skills, including risk management, assurance, and business continuity
- Property development, procurement, and asset management
- Management of housing services
- Knowledge of (and links within) the communities served by XX
- Detailed knowledge of the operating environment of the social housing sector and its regulation
- Health and safety compliance and associated risk assessment
- Legal knowledge relevant to housing

The Board has a further list of desirable skills for the collective XX Board which are set out in the matrix and are summarised as follows:

- Strategic human resources and management development
- Community development and capacity building
- Procurement and strategic management
- PR, marketing, media, and communications
- Supported housing, employment and training and links with health services

### Diversity

The Board will seek to reflect the communities it serves within its composition in terms of ethnicity and has a target of X% ethnic minority representation.

It also seeks to have a reasonable gender balance and has a target of 50:50. If the balance of gender falls outside of 60:40, then the Board will consider remedial action to move towards the desired target.

XX will also consider offering co-optee positions for candidates for Board membership who have a competency and behavioural fit with XX, but who may require further development opportunities before taking on a NED position.

XX will seek to ensure that no more than 5 of the Group Board are individuals who are employed by or Non-Executive member of other registered providers. If this number exceeds 5, then the Board will consider remedial action to move towards the desired target.

### Composition

The **XX Board** shall consist of up to 10 members. The composition will follow the skills requirements as set out above and will be as follows:

1. List out number of each constituent grouping

Within this composition the Non-Executive Members of the XX Group Board will take up the following roles across the governance structure for the XX:

- XX Board Chair
- Senior Independent Director/Deputy Chair
- Chair of Audit and Risk Committee
- Chair of Human Resources Committee
- Chair of Customer Committee
- Board members

### Committees – set out for each committee as per ARC example

The size and composition of any committees will be determined by the XX Board and in accordance with the relevant company rules.

The **Audit and Risk Committee** will comprise of four members as follows:

1. Chair
2. NED
3. NED
4. Independent Committee Member (The independent committee member of ARC will provide recent accounting and / or audit experience.)

## Appendix Two: Senior Independent Director advice note

### Background

1. The role of a Senior Independent Director (SID) is not new in corporate governance circles and is recommended in the UK Corporate Governance Code. It is developing traction in the public sector and particularly housing associations in recent years, in response to the challenges faced by the sector and the associated demands on governance.
2. A SID is a non-executive in the same way as any other Board member, but they have a specific remit which has a focus on relationship building and to work closely with the Chair and Chief Executive to build these with the Board, with the executive and with key stakeholders.
3. The SID acts as an independent “face” of the Board and in being so, can assist in working through problems, issues or concerns internally, ensuring the Board is working well together to deliver the strategic objectives and outside the organisation. In particular, we have seen the latter role being very constructive in relation to mergers and grouping negotiations and the interface with the regulator.
4. A SID can provide assurance and accountability in relation to the performance of the Board and of the Chair. They will usually act as a sounding Board and support to both the Chair and the rest of the Board – acting as a “bridge” if there are difficult issues to work through. Where there may be relationship breakdowns, for example between Chair and Board or Chair and Chief Executive, the SID can help to work through concerns. It is therefore important that the postholder has the trust and respect of fellow members.

### Example role description (which incorporates the role of the Deputy Chair).

#### Purpose of the role

5. In addition to the responsibilities as a Board Member, the Senior Independent Director (SID) will take the role of Deputy Chair and work in partnership with the Chair of the Board to achieve effective management of Board meetings and the Chief Executive.

### Responsibilities when fulfilling the role of the Senior Independent Director

6. Support the Chair in leading the Board and acting as a sounding Board and a source of advice for the Chair.
7. To hold a meeting with the Board, at least annually, without the Chair present to review the Chair's performance in advance of the Human Resources Committee (or otherwise named) conducting the Chair's appraisal.
8. To work jointly with the Chair and Chief Executive to form relationships with stakeholders and shareholders.
9. In exceptional circumstance in which there are concerns about the Chair's performance to provide guidance and support to the Board to seek to resolve the concerns or in the absence of a resolution, seek formal action.
10. To play a vital role in resolving concerns in which the Board is undergoing periods of stress. These may include, but are not limited to, concerns of the Chair's performance; where the relationship between the Chair and the Chief Executive is too close or not sufficiently harmonious; where the organisation's strategy is not supported by the whole Board; where key decisions are being taken without input from the Board and when succession planning is being ignored.

### Essential functions of the Deputy Chair

11. The Deputy Chair will report to and work closely with the Board's Chair. The responsibilities of the Deputy Chair are to:
  - Perform the responsibilities of the Chair when s/he is not available.
  - Support the Chair of the Board in ensuring the efficient conduct of the business of the Board and of general meetings and ensuring that the views of all Board Members are sought before important decisions are taken.
  - Establish a constructive working relationship with, and assist the Chair in providing support for, the associations' Chief Executive.
  - Participate closely with the Chair in developing and implementing the organisation's strategic aims.

### Specific Responsibilities

12. All Board Members share responsibility for decisions, and each should act only in the interest of the organisation. In addition to his/her responsibilities as a Board Member, the Deputy Chair is responsible for:
  - Deputising for the Chair in his/her absence
  - Supporting the Chair in ensuring the effective governance of the organisation
  - Fulfilling agreed functions delegated by the Chair.

## Appendix Three: Governance Summary Communications Template

**Keep this to one page**

<b>Report from:</b>	<i>Note name of Committee</i>	
<b>Date of meeting:</b>		
<b>Report author:</b>	<i>Usually the Committee Chair</i>	
<b>Summary of key items discussed at the meeting, (if possible, keep these to the top three):</b>	<b>Decisions made and actions agreed (if possible, keep these to the top three):</b>	
<i>List the key headings discussed, avoid standard items e.g. declarations etc. unless there is a specific matter which requires communication to the other parts of the governance structure.</i>	<i>Summarise the decision/action against the discussion item (if appropriate). <u>Do not replicate the minutes</u> but provide a short note.</i>	
<b>1. E.g. Improvement programme for 2014/15. Members noted changes to lifecycle of components and some concerns were expressed, but all agreed that this was necessary to ensure budget and business plan compliance.</b>	<b>1. Improvement programme agreed. Officers to progress with communications plan for residents.</b>	
<b>Additional notes for communication to governance:</b>		
<i>E.g. Members requested that information relating to the summer budget announcements and the impact on housing should be circulated between meetings as soon as this becomes available.</i>		

## Appendix Four: Sample TOR for Chairs' Group

### Membership

- The membership of this committee will comprise the Chair of the Board, the Chairs of the Committees, and the Chief Executive.
- The Chair of this meeting will be the Chair of the Board.
- The Company Secretary will be in attendance.
- Other officers may be invited to attend from time to time and as invited by the Chair.

### Quorum

- The quorum will be 3 members.

### Remit

- The XX Board has recognised the continuing need for an additional mechanism to best support planning, to facilitate and enable quick response to rapidly changing positions and to ensure the best benefit for the organisation.
- The Board may delegate authority to the Chairs' Group to review or discuss matters on behalf of the Board and to provide reports or updates on that work to a future meeting of the Board.

### Meeting frequency

- This committee will meet as required/bi-annually.

## Appendix Five: Confidentiality Protocol

- Within the pack of papers for the meeting, it is suggested that confidential items are marked by the use of this cover sheet.
- The confidential paper can then be circulated / accessed separately from the main papers.
- Confidential papers should be separately minuted (with a reference in the main minutes) and circulated and stored securely.
- Some Boards operate with a Part 1 Agenda (Non-Confidential items) and Part 2 Confidential Items. Others take the papers within the overarching agenda. We generally find that the latter approach works well and is less complex.

**Name of Organisation**  
**Name of Meeting**  
**Date of Meeting**  
**CONFIDENTIAL AGENDA ITEM**  
**For: E.g. Board Members Only**  
**Agenda Item Number:**  
**Name of report:**

**This report is considered a confidential item due to one of the following reasons:**

1. The report details personal matters about an identifiable individual (including tenants, employees, complainants etc.)
2. The report is in relation to a proposed or pending acquisition of land or property which is commercially sensitive
3. The report related to employment issues
4. The report provides information relating to the financial or business affairs of the organisation or a particular individual and is considered to be of a sensitive nature
5. The report is in relation to litigation or potential litigation affecting the organisation
6. The report is in relation to the receiving of advice that is subject to solicitor-client privilege

\*Report author to bold the specific reasons for confidentiality

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**BERNESLAI HOMES LIMITED**

**Company No. 04548803**

**MEMORANDUM AND ARTICLES OF ASSOCIATION**

**COMPANY LIMITED BY GUARANTEE  
THE COMPANIES ACT 1985 AND 1989 AND 2006**

**ADOPTED BY SPECIAL RESOLUTION ON ~~9 MAY 2019~~**

**Date of Incorporation: 30 September 2002**

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**MEMORANDUM AND ARTICLES  
OF ASSOCIATION**

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**Walker Morris LLP  
Kings Court  
12 King Street  
Leeds  
LS1 2HL**

# MEMORANDUM OF ASSOCIATION

## 1 NAME

The name of the company is Berneslai Homes Limited (“the **Organisation**”).

## 2 REGISTERED OFFICE

The Organisation’s registered office is to be located in England.

## 3 OBJECTS

The objects of the Organisation shall be principally, but not exclusively in the areas where the Council owns or manages housing stock to:

- (1) provide, manage, maintain, improve, demolish or convert the housing stock owned or managed by the Council from time to time together with any other amenities or facilities for the benefit of residents of such housing stock either exclusively or together with persons who are not residents of such housing stock;
- (2) provide amenities and services of any description for residents of housing stock owned or managed by the Council from time to time either exclusively or together with persons who are not residents of such housing stock;
- (3) provide advice and assistance to all tenants, leaseholders, and licensees, of the Council and applicants for housing and applicants for housing advice in respect of Council housing;
- (4) carry out any activity which contributes to the regeneration or development (within the meaning of Section 126 of the Housing Grants Construction and Regeneration Act 1996) including but not limited to:-
  - (a) securing that land and buildings are brought into effective use;
  - (b) contributing to or encouraging economic development;
  - (c) creating an attractive and safe environment;
  - (d) preventing crime or reducing the fear of crime;
  - (e) providing or improving housing or social and recreational facilities for the purpose of encouraging people to live or work in the said area or for the purpose of benefiting people who live there;
  - (f) providing employment and training;

- (g) providing or improving training, educational facilities or health services for local people;
  - (h) assisting local people to make use of opportunities for education, training or employment;
  - (i) meeting the special needs of local people which arise because of disability or because of their sex, sexuality, age or the racial group to which they belong.
- (5) provide, construct, maintain, improve or manage housing to be kept available for letting, sale or hostels;
  - (6) provide, manage, maintain or improve accommodation required from time to time for the benefit of persons who require temporary accommodation;
  - (7) assess applicants for housing assistance including the allocation of dwellings on behalf of the Council;
  - (8) assess applications by residents of housing stock owned or managed by the Council to exercise the right to buy under Part V of the Housing Act 1985;
  - (9) enabling or assisting any residents of the housing stock owned or managed by either the Council or the Organisation to acquire, or to acquire and enter into occupation of, houses; and
  - (10) provide services of any description for the Council.

#### **4 POWERS**

Subject to Clause 5, the Organisation may do anything that a natural or corporate person can lawfully do which is not expressly prohibited by the Memorandum and in particular it has powers:

##### **Property**

- (1) to construct, alter, improve, maintain, equip, furnish and/or demolish any buildings, structures or property;
- (2) to purchase, lease, exchange, hire or otherwise acquire any real or personal property rights or privileges (including shared or contingent interests);
- (3) to sell, lease, licence, exchange, dispose of or otherwise deal with property;
- (4) to provide accommodation for any other organisation on such terms as the Board decides (including rent free or at nominal or non-commercial rents);

**Staff and Volunteers**

- (5) to employ staff or engage consultants and advisers on such terms as the Board may approve and to provide pensions to staff, their relatives and dependants;
- (6) to recruit or assist in recruiting and managing voluntary workers;

**Fund Raising**

- (7) to raise funds, to invite and receive contributions;

**Trading**

- (8) to trade in the course of carrying out its objects and to charge for services;

**Publicity**

- (9) to hold, conduct or promote meetings, conferences, lectures, exhibitions or training courses and to disseminate information to publicise the work of the Organisation and other similar organisations;
- (10) to promote or carry out research and publish the results of it;

**Contracts**

- (11) to co-operate with and enter into contracts with any person, including the Council;

**Bank or Building Society Accounts**

- (12) to draw, make, accept, endorse discount, execute and issue promissory notes, bills, cheques and other instruments and to operate bank or building society accounts in the name of the Organisation;

**Borrowing and Loans**

- (13) subject to the prior written consent of the Council and to such consents as may be required by law to borrow money, to issue loan stock or raise money in such manner as the Organisation shall think fit and to secure the repayment of any money borrowed raised or owing by such security as the Organisation shall see fit (including by way of floating charge) upon the whole or any part of the Organisation's property or assets (whether present or future) and also by giving similar security to secure and guarantee the performance by the Organisation of any obligation or liability it may undertake or which may become binding on it;

**Insurance**

- (14) to insure the assets of the Organisation to such amount and on such terms as the Board decides, to pay premiums out of income or capital and to use any insurance proceeds as the Board decides (without necessarily having to restore the asset);

- (15) to insure and indemnify in accordance with the Organisation's Articles of Association its employees and voluntary workers from and against all risks incurred in the proper performance of their duties;
- (16) to take out insurance to protect the Organisation and those who use premises owned by or let or hired to the Organisation;
- (17) to take out indemnity insurance to cover the liability of the Board Members and officers of the Organisation who are not Board Members but this insurance may not extend to:
  - a. any claim arising from any act or omission which a Board Member or officer knew was a breach of duty or breach of trust or which was committed by a Board Member or officer in reckless disregard of whether it was a breach of duty or breach of trust or not; or
  - b. the costs of an unsuccessful defence to a criminal prosecution brought against a Board Member or officer in his capacity as a Board Member or officer of the Organisation.

#### **Investments**

- (18) to invest the money of the Organisation in any investments, shares, securities or property (real or personal) of any nature (including investments involving liability and those not producing income) and in any location that the Board decides;
- (19) to delegate to an investment manager power at his discretion to buy and sell investments for the Organisation in accordance with the investments policy laid down by the Board;
- (20) to make such arrangements as the Board thinks fit for any investments of the Organisation or income from those investments to be held by a corporate body which is incorporated in England and Wales (or which has established a branch or a place of business in England and Wales) as the Organisation's nominee and to pay remuneration to that corporate body;
- (21) subject to such consents as may be required by law and compliance with all formal guidance issued by the Organisation's regulators (if any) to purchase or otherwise acquire or encourage or promote and in any way support or aid the establishment and development of any subsidiary, or any other body established for the purposes of carrying on any trade or business either for the purpose of raising funds for the Organisation or for the furtherance of the objects of the Organisation;
- (22) subject to the prior written consent of the Council to make donations, grants or loans or provide services or assistance to such persons and organisations and on such terms as the Board shall think fit to further the objects of the Organisation;

**Other Organisations**

- (23) to establish, promote, assist or support (financially or otherwise) any trusts, companies, industrial and provident societies, charities, associations or institutions which have purposes which include any one or more of its objects;
- (24) to co-operate or join with any voluntary body or public or statutory authority in any location whatsoever in furthering its objects or allied purposes, to exchange information and advice and to undertake joint activities with them;
- (25) to amalgamate with any organisation which has objects similar to its objects;
- (26) to affiliate, register, subscribe to or join any relevant organisation;
- (27) to act as agent or trustee for any organisation;

**Reserves**

- (28) to accumulate income in order to set aside funds for special purposes or as reserves against future expenditure;

**Formation expenses**

- (29) to pay the costs of forming the Organisation and of complying with all relevant registration requirements;

**General**

- (30) to do anything else within the law which promotes or helps to promote its objects.

5 The Organisation shall not, without the prior written consent of the Council, have the power to:

- (1) enter into any transaction which may affect:
  - a. the Council's affordable borrowing limits as determined from time to time by the Council under section 3 of the Local Government Act 2003;
  - b. any borrowing limits set by the Secretary of State under section 4 of the Local Government Act 2003 either in relation to the Council's borrowing limits or the limits of local authorities in general; or
  - c. the Council's compliance with the Prudential Code for Capital Finance in Local Authorities published by CIPFA as amended or reissued from time to time; or
- (2) invest or make any arrangements to invest sums other than in a building society or bank.

**6 APPLICATION OF INCOME AND PROPERTY**

The income and property of the Organisation shall be applied solely towards the promotion of its objects as set forth in the Memorandum of Association and no portion thereof shall be paid or transferred, directly or indirectly, save as provided below by way of dividend, bonus or otherwise howsoever by way of profit, to the Council and no Board Member shall be appointed to any office of the Organisation paid by salary or fees or receive any remuneration or other benefit or money or money's worth from the Organisation PROVIDED THAT nothing herein shall prevent any payment in good faith by the Organisation:-

- (1) Of reasonable and proper remuneration (including pensions, contributory pension payments, payment of premiums to pension policies and terminal grants and gratuities) to any officer or employee of the Organisation (not being a Board Member) in return for any services rendered to the Organisation;
- (2) Of fees, remuneration or other benefit in money or money's worth to a company of which a Board Member may be a member holding not more than 2% of the share capital of the company;
- (3) To (a) any Board Member or (b) any person who is appointed by the Board to sit on a committee to which the Board has delegated any of its powers (for the avoidance of doubt, in each case in their capacity as a Board Member or person so appointed), of reasonable out-of-pocket expenses and such other sums as may be determined by the Council PROVIDED THAT no sum shall be paid to a Board Member in excess of that which would be permitted to be paid to a board member of a social landlord registered under the 1996 Act, and subsequent specifications issued by the Tenant Services Authority under Schedule 1 of the 1996 Act, and PROVIDED FURTHER THAT no sum shall be paid to a Board Member who is an elected member of the Council in excess of that permitted by the Order;
- (4) Of sums due in respect of indemnity insurance for Board Members under Clause 4(17);
- (5) Of reasonable and proper remuneration to the Council or employees thereof (not being Board Members) in return for any services rendered to the Organisation;
- (6) Of reasonable and proper rent for premises demised or let by the Council;
- (7) Of reasonable and proper interest on money lent by the Council;
- (8) Of contribution towards any expenditure by or on behalf of the Council on activities or for purposes which if carried out by the Organisation would fall within the Organisation's Objects in Clause 3.

PROVIDED FURTHER THAT nothing shall prevent the Organisation from managing a property in accordance with its objects (including the full range of activities it may undertake) notwithstanding the fact that the tenant, lessee or licensee (or prospective tenant, lessee or licensee) of such property may be a Board Member SUBJECT TO the proviso that any Board

Member who is a beneficiary of the Organisation shall not be entitled to speak in any debate or cast his/her vote in respect of any matter relating solely to the property of which they are lessee, tenant or licensee and shall absent himself/herself from such proceedings but such Board Member shall be entitled to speak and vote in respect of matters which relate not only to such property but also to other properties managed by the Organisation.

**7 EQUAL OPPORTUNITIES**

The Organisation shall at all times take into consideration the principles of equality of opportunity irrespective of age, gender, race, nationality, ethnic origin, religion, sexual orientation or disability.

**8 LIMITED LIABILITY**

The liability of the Member is limited.

**9 MEMBERS GUARANTEE**

The Member undertakes to contribute to the assets of the Organisation, in the event of the same being wound up while they are a member of the Organisation, or within one year after they cease to be a member of the Organisation, for payment of the debts and liabilities of the Organisation contracted before they cease to be a member of the Organisation, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding one pound.

**10 WINDING UP**

If, upon the winding up or dissolution of the Organisation, there remains, after the satisfaction of all its debts and liabilities any property whatsoever, the same shall be paid or transferred to the Housing Revenue Account (as defined in the 1989 Act) of the Council.

**11 DEFINITIONS**

- (a) "Order" shall mean the Local Authorities (Companies) Order 1995 as amended or re-enacted from time to time;
- (b) "the 1989 Act" shall mean the Local Government and Housing Act 1989 as amended or re-enacted from time to time;
- (c) terms defined in the Articles of Association of the Organisation shall have the same meaning in this Memorandum of Association.



**I am the subscriber to the Memorandum of Association and wish to be joined into a company in pursuance of the Memorandum.**

**Name and Address of Subscriber      Authorised Representative      Witnessed**

**Barnsley Metropolitan Borough Council**

**Town Hall**

**Barnsley**

**South Yorkshire S70 2TA**

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**Dated**

# ARTICLES OF ASSOCIATION

## BERNESLAI HOMES LIMITED

### DEFINITIONS AND INTERPRETATION

1. In the Articles unless the context otherwise requires:

"the 1996 Act"	Housing Act 1996.
"the Act"	Means the Companies Act 1985, save where and to the extent the same has been amended, replaced or superseded by the Companies Act 1989 and the Companies Act 2006.
"ALMO"	Arms-Length Management Organisation.
"the Articles"	Means these Articles of Association as originally adopted or as altered from time to time.
"Board"	Means the Board of directors of the Organisation from time to time and (where appropriate) includes a Committee and the Directors acting by written resolution.
"Board Members"	Means the directors for the time being of the Organisation.
"Board Members' Code of Conduct"	Means the code of conduct issued by the Organisation to the Board Members dated August 2013 as amended or replaced from time to time.
"Chair"	Means the independent chair of the Organisation appointed pursuant to Article 17, or in his absence any vice or chair appointed pursuant to Article 34(3).
"clear days"	In relation to the period of a notice means that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect.

“Committee Member”	Means a person who sits on a committee of the Board established pursuant to Article 25.
"Council"	Means Barnsley Metropolitan Borough Council or any successor body thereto who shall be the sole member of the Organisation.
"Council Board Member"	Means a Board Member appointed by the Council pursuant to Article 14.
"executed"	Means in relation to any contract, agreement or other document consent thereto and includes any mode of execution.
“Executive Officer”	Means any member of the Organisation’s senior management team from time together with any officer of the Organisation designated as such by the Board.
“Family Member”	Means, in relation to a Board Member, their spouse, partner, parent, parent-in-law, son, daughter, stepson, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons and “partner” means a person who lives with a Board Member as husband, wife or same sex partner.
"Independent Board Member"	Means a Board Member appointed pursuant to Article 16.
"Local Authority Person"	Means any person: <ul style="list-style-type: none"> <li>(i) who is a member of the Council; or</li> <li>(ii) who is an officer of the Council (which for these purposes shall not include employees without a supervisory or managerial role apart from employees responsible for monitoring the activities of or providing advice to the Organisation or who perform duties in relation to the Council’s housing functions).</li> </ul>
"Office"	Means the registered office of the Organisation.
“the Organisation”	Means Berneslai Homes Limited.
“the seal”	Means the common seal of the Organisation.

"Secretary"	Means the secretary of the Organisation or any other person appointed to perform the duties of the secretary of the Organisation, including a joint, assistant or deputy secretary.
"Tenant"	Means an individual who occupies a residential property belonging to the Council under a secure or introductory tenancy agreement or a lease of residential property of the Council.
"Tenant Board Member"	Means a Board Member appointed pursuant to Article 15.
"Tenants' Representative"	Means a tenant nominee(s) who the Board shall resolve to be the representative of the tenants of the Council whose dwellings are managed by the Organisation.
"the United Kingdom"	Means Great Britain and Northern Ireland.

2. Unless the context otherwise requires, words or expressions contained in these Articles bear the same meaning as in the Act but excluding any statutory modification thereof not in force when these regulations become binding on the Organisation.

#### **MEMBERSHIP OF THE ORGANISATION**

##### **ADMISSION OF MEMBERS**

3. No person other than the Council shall be admitted to membership of the Organisation.
4. The Council shall nominate a person to act as its representative in the manner provided in Section 323 of the Act. Such representative shall have the right on behalf of the Council to attend meetings of the Organisation and vote thereat, and generally exercise all rights of membership on behalf of the Council. The Council may from time to time revoke the nomination of such representative, and nominate another representative in his place. All such nominations and revocations shall be in writing.
5. The rights of the Council shall be personal and shall not be transferable.

#### **GENERAL MEETINGS**

##### **NOTICE OF MEETINGS**

6. (1) All meetings other than annual general meetings shall be called general meetings.
- (2) The Board Members may call general meetings and, the Council may require the Board Members to call a general meeting pursuant to the provisions of the Act. Where the Council requires the Board Members to call a general meeting they shall

forthwith proceed to convene a general meeting for a date not later than eight weeks after receipt of the request.

- (3) If there are not within the United Kingdom sufficient Board Members to call a general meeting, any Board Member or the Council may call a general meeting.
- 7.
- (1) An annual general meeting and a general meeting not called on the requisition of the Council pursuant to Article 6(2) shall be called by at least fourteen clear days' notice or by shorter notice if it is so agreed by the Council in writing.
  - (2) The notice shall be in writing and specify the time, date and place of the meeting and, in the case of an annual general meeting, shall specify the meeting as such.
  - (3) The notice shall be given to the Council and to the Board Members and auditors.
  - (4) The notice shall be posted in such place as the Board decides in order to bring it to the attention of the Tenants.

#### **OMISSION OR NON-RECEIPT OF NOTICE**

8. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.

#### **QUORUM**

- 9.
- (1) No business shall be transacted at any general meeting unless a quorum is present. The presence of a duly authorised representative of the Council shall be a quorum.
  - (2) Tenants and Board Members may attend a general meeting and may speak but may not vote.

#### **DECISIONS OF THE MEMBERSHIP**

- 10.
- (1) With the exception of a resolution concerning the removal of a Board Member or auditor, the Council may make decisions either in a general meeting or by means of a written resolution and any such decision shall be valid and effectual as if agreed by the Organisation in general meeting.
  - (2) Approval for a written resolution will be by reference to its status. A special written resolution will require seventy five percent approval and an ordinary written resolution will require fifty one percent approval. A proposed written resolution will lapse if not passed before the period of 28 days beginning with the circulation date. The circulation date being the date on which copies of the written resolution are sent or submitted to the Council.
  - (3) Any decision taken by the Council pursuant to this Article 10 shall be recorded in writing and delivered by the Council to every Board Member and to the Organisation for entry in the Organisation's minute book.

11. An entry stating that a resolution has been carried or lost in the approved minutes of any meeting shall be conclusive evidence of the fact.

### **PROXY**

12. (1) The Council may appoint a proxy in writing. A proxy need not be a Council Board Member. The Board may from time to time prescribe a form to appoint a proxy by standing orders. A proxy may not appoint another proxy.
- (2) The document appointing a proxy may include instructions on which way to vote on particular resolutions.
- (3) A proxy will only be valid if the appointing document (and any power of attorney or other authority under which it is signed) or a properly certified copy is deposited at the Office at least twenty four hours before the start time for the meeting. For this purpose weekends and bank holidays are to be excluded.

### **BOARD MEMBERS**

#### **NUMBER OF BOARD MEMBERS**

13. (1) The number of Board Members shall be nine.
- (2) Two Board Members shall be Council Board Members.
- (3) Two Board Members shall be Tenant Board Members.
- (4) Four Board Members shall be Independent Board Members.
- (5) One board member (The **Chair**) shall be appointed independently.
- (6) No more than two Board Members shall be Tenants.
- (7) No more than two Board Members shall be Local Authority Persons.
- (8) In the event that the number of Board Members shall be less than the numbers specified in this Article 13 the remaining Board Members shall use reasonable endeavours to appoint further Board Members but, for the avoidance of doubt, may act notwithstanding there are vacancies in their number.
- (9) The first Board Members shall be those persons named in the statement delivered pursuant to Section 10(2) of the Act who shall be deemed to have been appointed under the Articles. Future Board Members shall be appointed as provided in the Articles.
- (10) The first Tenant Board Members shall be those persons identified as Tenant Board Members in the statement referred to in Article 13(9).

- (11) No person shall be appointed as a Board Member or Committee Member if that person is a Family Member of a Board Member or Committee Member.
- (12) No person shall be appointed as a Board Member or Committee Member if that person is a paid employee of the Organisation.
- (13) No person other than the independently appointed Chair shall be appointed as a Board or Committee Member unless they have first been assessed as passing a skills threshold by a panel chosen by the Board and consisting of two or more of the following:
  - (a) a Tenant Representative;
  - (b) a Council nominee;
  - (c) the Chief Executive of the Organisation or a nominee of the Chief Executive;
  - (d) the Chair of the Board or his/her nominee; and
  - (e) such other person or persons as the Board may from time to time determine.

One of which, unless the Tenants' Federation shall be unable to provide, be a nominee of the Tenants' Federation

- (14) For the avoidance of doubt, the Board may appoint different panels for different categories of Board Member.
- (15) No person shall be appointed as a Board Member unless they have first signed and accepted the terms of the Board Members' Code of Conduct from time to time in force.
- (16) No Board Member shall hold office for a period of more than two consecutive three-year terms, with further one-year terms up to a maximum of nine years by exception. or be selected or elected for more than two consecutive terms of office whichever is the greater.
- (17) No Board Member shall seek re-election or selection for a period of three years after stepping down on reaching the maximum term of office.
- (18) The Council shall have the power to extend the term of office of any one or more Board Members for such period as it may from time to time determine.

**APPOINTMENT OF COUNCIL BOARD MEMBERS BY THE COUNCIL**

- 14. (1) Subject to Articles 13 and 18, the Council shall from time to time appoint two persons as Council Board Members and shall have the power to remove from office

any such Board Member. Council nominees shall serve for a period of two consecutive three-year terms, and shall retire at the annual meeting nearest to the expiry of the term of office.

- (2) Appointment or removal pursuant to Article 14(1) shall be effected by an instrument in writing signed by the Council and shall take effect upon lodgement at the Office or such date later than such lodgement as may be specified in the instrument.
- (3) Notwithstanding any other provisions in these Articles the Council shall have power at any time by notice in writing to the Secretary to remove any Board Member.

#### **RETIREMENT AND ELECTION OF TENANT BOARD MEMBERS**

15. (1) Subject to Articles 13 and 18, there are to be two Tenant Board Members.
- (2) Tenant Board Members shall serve for a period of two consecutive three-year terms, and shall retire at the annual meeting nearest to the expiry of the term of office.
- (3) Where a Tenant Board Member is appointed as a consequence of the death or retirement (other than by operation of this sub-paragraph) of another Tenant Board Member (the **Predecessor**) under Articles 18(4) to 18(5) inclusive, the period of time for which the Tenant Board Member shall have held office shall, for the purposes only of Article 15(2), be deemed to include the period since the appointment of the Predecessor.
- (4) Prior to relevant annual general meetings, interviews shall be held among the Tenants to replace the Tenant Board Members who must retire in accordance with the operation of Article 15(2) appointed thereat. Only Tenants shall be eligible to be appointed as Tenant Board Members. Otherwise the mode and manner of any process to appoint Tenant Board Members under these Articles shall be as the Board may from time to time agree subject at all times to compliance with Article 13.

#### **RETIREMENT AND ELECTION OF INDEPENDENT BOARD MEMBERS**

16. (1) Subject to Articles 13 and 18, there are to be four Independent Board Members.
- (2) Independent Board Members shall serve for a period of two consecutive three-year terms, and shall retire at the annual general meeting nearest to the expiry of the term of office.
- (3) Where an Independent Board Member is appointed as a consequence of the death or retirement (other than by operation of this sub-paragraph) of another Independent Board Member (the **Predecessor**) under Article 18(2), the period of time for which the Independent Board Member shall have held office shall, for the purposes only of Article 16(2), be deemed to include the period since the last election or appointment of the Predecessor.



- (4) If, at the meeting at which an Independent Board Member retires in accordance with Article 16(2), there are no other candidates to fill the post the retiring Board Member shall, if willing to act, be deemed to have been re-appointed unless a resolution not to reappoint the Board Member is passed by the meeting.
- (5) No person other than an Independent Board Member retiring by rotation shall be appointed as an Independent Board Member at any general meeting unless they are recommended by the Board.
- (6) Subject to Articles 16(1) – (4) the Council may by ordinary resolution in general meeting appoint any eligible person who is willing to act as an Independent Board Member.
- (7) Not less than seven nor more than twenty-eight clear days before the date appointed for holding a general meeting, notice shall be given to the Council of any person (other than a Board Member retiring by rotation at the meeting) who is recommended by the Board for appointment or reappointment as an Independent Board Member at the meeting. The notice shall give the particulars of that person which would, if they were so appointed or re-appointed, be required to be included in the Organisation's register of Board Members.

#### **APPOINTMENT OF CHAIR**

- 17 (1) Subject to Articles 13 and 18 there shall be an independent Chair of the Board appointed by a competitive recruitment process and selected by an independent panel ~~comprising of a nominated representative appointed by the Council and two or more of the following:~~
- (2) The Chair shall serve for a period of six years from appointment, subject to review after three years. Continuation of service for the remainder of the six year term will be subject to the overall progress of the Organisation, reviewed by an independent panel, as set out in Article 17.1.
- (3) The Chair will be eligible for re-appointment thereafter by re appraisal or by a competitive recruitment process and selection, by an independent panel as set out in Article 17.1 which ever shall be deemed suitable by the nominated representative of the Council.
- (4) The maximum term of office for the Chair will be six years, with further one-year terms up to a maximum of nine years by exception, unless the Council determines otherwise as set out at Article 13.18.

#### **CASUAL VACANCIES**

- 18 Subject to Articles 13 and 20, vacancies on the Board may only be filled according to the following:-

- (1) For Council Board Members, by the Council. If the Council shall have failed within three months of a written request by the Board to make the appropriate appointments to the Board of a Council Board Member, the Board may fill the vacancies solely until the next annual general meeting;
- (2) For Independent Board Members, by the Council following a recommendation by the Board;
- (3) If the Board fails to make a recommendation within six months of a vacancy for an Independent Board Member, the Council may appoint any person who is willing to act as an Independent Board Member to the vacancy solely until the next annual general meeting. If the Council fails within three months of a written request by the Board to make the appropriate appointments to the Board of an Independent Board Member, the Board may fill the vacancies solely until the next annual general meeting;
- (4) For Tenant Board Members, where there remains more than one year until retirement by direct election according to Article 15(4) among the Tenants;
- (5) For Tenant Board Members where there remains one year or less until retirement by the Tenants' Federation; and
- (6) For the Chair, in accordance with Article 17.

**DISQUALIFICATION, SUSPENSION AND REMOVAL OF BOARD MEMBERS**

19. The Board may with immediate effect direct that a Board Member is suspended from office either:
  - (1) pending the outcome of a panel hearing which is held in accordance with the procedure for breach set out in the Board Members' Code of Conduct where pursuant to paragraph 8 of such procedure the Chair (or where appropriate the Chief Executive) considers the circumstances of the breach are such to merit suspension from office; or
  - (2) for a period determined by the panel following a panel hearing as referred to in (1) above, where the panel decides the allegation or complaint has been substantiated and a sanction of suspension from office is imposed pursuant to the sanctions set out in the Board Members' Code of Conduct.
20. A person shall be ineligible for appointment to the Board and if already appointed shall immediately cease to be a Board Member if the relevant individual:-
  - (1) ceases to be a Board Member by virtue of any provision of the Act or becomes prohibited by law from being a company director; or
  - (2) is or becomes a person disqualified from elected membership of a local authority; or

- (3) becomes bankrupt or makes any arrangement or composition with his creditors generally; or
- (4) is, or may be, suffering from mental disorder and either:-
  - (a) is admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act 1960; or
  - (b) an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his/her detention or for the appointment of a receiver, curator bonis or other person to exercise powers with respect to his property or affairs; or
- (5) resigns his office by notice to the Organisation; or
- (6) is removed from office by a resolution of (or written notice signed by) at least three quarters of all the other Board Members from time to time provided that the Board Member concerned has first been given an opportunity to put their case and to justify why they should not be removed as a Board Member; or
- (7) fails to attend a meeting of the Board following receipt of a letter from the Company Secretary requesting attendance at the meeting. Such a letter will be sent by the Company Secretary where the individual has been absent for two consecutive meetings of the Board without having sought in writing an approved leave of absence from the Board; or
- (8) in any period of 12 months, they shall have been absent from at least three of the meetings of the Board held during that period without having sought and obtained an approved leave of absence from the Board unless the Board resolves otherwise; or
- (9) in the case of a Tenant Board Member they cease to be a Tenant PROVIDED THAT this Article 20(9) shall not apply in respect of a Tenant Board Member temporarily ceasing to be a Tenant as a result of the demolition of or works carried out to that Tenant Board Member's home; or
- (10) is a Tenant Board Member and is (in the reasonable opinion of at least three quarters of all the other Board Members) in serious breach of their obligations as a Tenant; or
- (11) is a Council Board Member and is or becomes a Tenant leading to a breach of the limit in Article 13(2); or
- (12) is a Tenant Board Member and is or becomes a Local Authority Person leading to a breach of the limit in Article 13(3); or
- (13) is an Independent Board Member and is or becomes a Tenant or a Local Authority Person; or

- (14) is removed by resolution of the Council pursuant to Article 14(3); or
- (15) is convicted of any criminal offence (other than minor offences under the Road Traffic Acts or the Road Safety Acts for which a fine or non-custodial penalty is imposed); or
- (16) is or becomes a paid employee of the Organisation.

#### **POWERS OF THE BOARD**

- 21 Subject to the provisions of the Act, directions of the Council in general meeting and the Memorandum and Articles of Association, the business of the Organisation shall be managed by the Board who may exercise all the powers of the Organisation. No alteration of the Memorandum or Articles or directions of the Council shall invalidate any prior act of the Board which would have been valid if that alteration had not been made. The powers given by this Article shall not be limited by any special power given to the Board by the Articles and a meeting of the Board at which a quorum is present may exercise all powers exercisable by the Board.
- 22 The Board may, by power of attorney or otherwise, appoint any person to be the agent of the Organisation for such purposes and on such conditions as they determine, including authority for the agent to delegate all or any of his powers.
- 23 The Board may introduce or vary its procedures and agreements relating to Board Member conduct. In particular, the Board may from time to time amend the Board Members' Code of Conduct.

#### **BORROWING POWERS**

- 24 Subject to Clauses 4.13 and 5 of the Memorandum of Association the Board may exercise all the powers of the Organisation to borrow money without limit as to amount and upon such terms and in such manner as they think fit, and to grant any mortgage, charge or other security over its undertaking and property, or any part thereof, and to issue any debenture, whether outright or as security for any debt, liability or obligation of the Organisation or of any third party.

#### **DELEGATION OF BOARD MEMBERS' POWERS**

- 25 (1) The Board may delegate any of their powers to any committee consisting of such persons the Board considers fit to exercise such powers. They may also delegate to the Chair/or any vice or deputy Chair /sub committee or to any executive officer such of their powers as they consider desirable to be exercised by them.
- (2) Any such delegation may be made subject to any conditions the Board may impose, and either collaterally with or to the exclusion of their own powers and may be revoked or altered. Subject to any such conditions and this Article, the proceedings of a committee with two or more members shall be governed by the Articles regulating the proceedings of the Board so far as they are capable of applying.

### **ALTERNATE BOARD MEMBERS**

26 No Board Member shall be entitled to appoint any person as an alternate Board Member.

### **BOARD MEMBERS' EXPENSES**

- 27 (1) Board Members may be paid all travelling, hotel and other expenses reasonably and properly incurred by them in connection with their attendance at meetings of the Board or committees of the Board or general meetings or otherwise in connection with the discharge of their duties and such other sums as may be determined by the Council PROVIDED THAT no sum shall be paid to a Board Member in excess of that which would be permitted to be paid to a Board Member of a social landlord registered under the 1996 Act, and subsequent specifications issued by the Tenant Services Authority under Schedule 1 of the 1996 Act and PROVIDED FURTHER THAT no sum shall be paid to a Board Member who is an elected member of the Council in excess of that permitted by the Order.
- (2) Any person who is appointed by the Board to sit on a committee to which the Board has delegated any of its powers under Article 25 may be paid all travelling, hotel and other expenses reasonably incurred by them in connection with their attendance at meetings of such committee and such other sums as may be determined by the Council PROVIDED THAT no sum shall be paid to such person in excess of that which would be permitted to be paid to a board member of a social landlord registered under the 1996 Act, and subsequent specifications issued by the Tenant Services Authority under Schedule 1 of the 1996 Act and PROVIDED FURTHER THAT no sum shall be paid to such person who is an elected member of the Council in excess of that permitted by the Order.

### **BOARD MEMBERS' APPOINTMENTS AND INTERESTS**

- 28 A Board Member may not have any financial interest personally or as a member of a firm or as a director or senior employee (being an employee with managerial status) in any contract or other transaction of the Organisation unless it is permitted by these Articles and is not prohibited by Clause 5 of the Memorandum.
- 29 Each Board Member shall ensure that the Secretary has at all times an up to date list of:-
- (1) all bodies trading in which they have an interest as:
- (a) a director or senior employee,
  - (b) a member or partner of a firm,
  - (c) the owner or controller of more than 2% of the issued share capital in a company,

- (2) all interests as an official or elected member of any statutory body;
- (3) all interests as the occupier of any property owned or managed by the Organisation;
- (4) any other significant or material interest.

#### **PROCEEDINGS OF BOARD MEETINGS**

- 30 (1) Subject to any regulations established from time to time by the Organisation in general meeting and compliance with Section 10(1) of the Local Authorities (Companies Order) 1995 the Board may regulate their proceedings as they think fit and the quorum for the transaction of the business of the Board at the time when the meeting proceeds to business shall be four comprising no fewer than one Tenant Board Member, one Independent Board Member, one Council Board Member and one other Board Member PROVIDED THAT if either the number of Board Members in one or more category of Board Member falls below one or all the Board Members in one or more category are prevented from counting towards the quorum by Article 30 then the quorum requirement shall be reduced to none in respect of such category or categories.
- (2) Board Meetings may be held in person, by telephone, video-conference, internet or such other method as the Board may from time to time determine.
- (3)  $33\frac{1}{3}$  percent of the total number of Board Members (or such whole number of Board Members nearest to  $33\frac{1}{3}$  percent) may call a meeting of the Board. It shall not be necessary to give notice of a meeting to a Board Member who is absent from the United Kingdom.
- (4) If a quorum is not present within half an hour from the time appointed for a Board Meeting the Board Meeting shall, if requested by a majority of those Board Members present, be adjourned to the same day in the next week at the same time and place or to such other day and at such other time and place as the Board Members present may determine.
- (5) If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting then notwithstanding Article 30(1) the Board Members present shall constitute a quorum.
- 31 Questions arising at a Board Meeting shall be decided by a majority of votes and each Board Member present shall be entitled to one vote. In the case of an equality of votes, the Chair shall have a second or casting vote. Votes shall be by show of hands or at the discretion of the Chair, whose decision shall be final and conclusive, by secret ballot, administered by the Executive Officer.
- 32 (1) Any Board Member (which shall include interests of Family Members) having an interest in any arrangement between the Organisation and another person or body shall disclose that interest to the meeting before the matter is discussed by the Board or committee of the Board. Unless the interest is of the type specified in Articles

32(2) or 32(3) the Board Member concerned shall not remain present during the discussion of that item unless requested to do so by the remaining members of the Board or committee of the Board. Unless permitted by Articles 32(2) or 32(3) the Board Member concerned may not vote on the matter in question, but no decision of the Board or any committee of the Board shall be invalidated by the subsequent discovery of an interest which should have been declared.

- (2) Provided the interest has been properly disclosed pursuant to Article 32(1) a Board Member may remain present during the discussion and may vote on the matter under discussion where the interest arises because:
- (a) the Board Member is a Tenant so long as the matter in question affects all or a substantial group of Tenants; or
  - (b) the Board Member is a director or other officer of a company or body which is a parent, subsidiary or associate of the Organisation; or
  - (c) the Board Member is an official or elected member of any statutory body.
- (3) A Board Member shall not be treated as having an interest:
- (a) of which the Board Member has no knowledge and of which it is unreasonable to expect him to have knowledge;
  - (b) in the establishment of a policy in respect of Board Member expenses payable pursuant to Article 27.

33 If a question arises at a meeting of the Board or of a committee of the Board as to the right of a Board Member to vote, the question may, before the conclusion of the meeting, be referred to the chair of the meeting and his ruling in relation to any Board Member other than himself shall be final and conclusive.

- 34
- (1) The Chair of the Board will be the independent chair appointed for that purpose in accordance with Article 17.
  - (2) Unless they are unwilling to do so, the Chair so appointed shall preside at every meeting of the Board at which they are present. But if there is no Board Member holding that office, or if the Board Member holding it is unwilling to preside or is not present within five minutes after the time appointed for the meeting, the vice chair is to be chair of the meeting. In the event that this is not possible the Board may appoint one of their number to be chair of the meeting.
  - (3) The Board shall appoint one vice chair to act in the absence of the Chair on such terms as the Board shall think fit. The method of appointment shall be election annually at the annual general meeting and they may be removed at any time from that office by a majority vote.

35 All acts done by a meeting of the Board, or of a committee of the Board or by a person acting as a Board Member shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of any Board Member or that any of them were disqualified from holding office, or had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a Board Member and had been entitled to vote.

#### **DECISIONS OF THE BOARD**

36 With the exception of a resolution concerning the removal of a Board Member or auditor, the Board may make decisions either at a meeting of the Board or by means of a written resolution if signed by:

- (1) three quarters of all the Board Members entitled to receive notice of a meeting of the Board or of a committee of the Board; and
- (2) the Chair of the Organisation or of the relevant committee; and

which satisfies the quorum requirements of Article 30(1) shall be as valid and effectual as if it had been passed at a meeting of the Board or (as the case may be) a committee of the Board duly convened and held and may consist of several documents in the like form each signed by one or more Board Members.

#### **SECRETARY**

37 Subject to the provisions of the Act, the Secretary and any deputy or alternate Secretary shall be appointed by the Board for such term, at such remuneration and upon such conditions as they may think fit and any Secretary so appointed may be removed by them.

#### **MINUTES**

38 The Board shall cause minutes to be made in books and electronic records kept for the purpose:-

- (1) of all appointments of officers made by the Board Members; and
- (2) of all proceedings at meetings of the Organisation and of the Board, and of committees of the Board and of the Council in its capacity as the sole member of the Organisation, including the names of the Board Members present at each such meeting.

#### **RECORDS ACCOUNTS AND RETURNS**

39 The Organisation shall comply with the provisions of Part V of the Local Government and Housing Act 1989, the Local Authorities (Companies) Order 1995 and Part 15 and 16 of the Act in respect of:-

- (1) the keeping and auditing of accounting records;



- (2) the provision of accounts and annual reports of the Board Members; and
- (3) in making an annual return.

#### **THE SEAL**

- 40 (1) If the Organisation has a Seal it shall only be used with the specific or general authority of the Board or of a committee of the Board. The Board may determine who shall sign any instrument to which the Seal is affixed and unless otherwise so determined it shall be signed by a Board Member and by the Secretary or a second Board Member.
- (2) The Organisation may exercise the powers conferred by Section 49 of the Act with regard to having an official seal for use abroad, and such powers shall be vested in the Board Members.

#### **NOTICES**

- 41 Notice of a general meeting may be given to the persons entitled to receive it in any manner permitted by the Act from time to time including (but not limited to) in hard copy, by means of a website, or by other electronic means, subject in each case to compliance by the Organisation with any requirements prescribed by or pursuant to the Act.
- 42 The Council present by duly authorised representative at any meeting of the Organisation shall be deemed to have received notice of the meeting and, where requisite, of the purposes for which it was called.

#### **INDEMNITY**

- 43 (1) Every Board Member or other officer of the Organisation shall be entitled to be indemnified out of the assets of the Organisation against all losses or liabilities as are mentioned in Section 310(3) of the Companies Act 1985 (as amended, superseded, varied or replaced from time to time) which they may sustain or incur in or about the execution of the duties of his office or otherwise in relation thereto, and no Board Member or other officer shall be liable for any loss, damage or misfortune which may happen to or be incurred by the Organisation in the proper execution of the duties of his office or in relation thereto PROVIDED THAT this Article shall only have effect in so far as its provisions are not avoided by the Act or any re-enactment or statutory modification thereto.
- (2) The Board shall have power to purchase and maintain for any Board Member or officer of the Organisation insurance against any such liability as is referred to in Section 232 of the Act.

**Names & Addresses    Authorised Representative                      Witnessed**  
**Of Subscriber**

**Barnsley Metropolitan  
Borough Council  
Town Hall  
Barnsley  
South Yorkshire S70 2TA**

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Dated

## Data Protection under the Services Agreement - Practical Implementation

	Council	Berneslai Homes
Services under the agreement	Joint Data Controller for tenant & leaseholder personal data (see key below)	Joint Data Controller for tenant & leaseholder personal data
Support Services provided by the Council (e.g. IT) – <i>under separate data processing agreements</i>	Data Processor (see key below)	Data Controller
Data accuracy		Ensure information is kept up to date
Security		Appropriate technical & organisational measures to comply with GDPR & the DPA 2018. Safeguard against unauthorised access & system failure
Business continuity		Regular back ups & adequate recovery arrangements – where own IT systems used
Compliance	Provide access to BMBC Information Governance policies & procedures	Comply with Council Information Governance policies & procedures Attend BMBC IG Board & training Apply measures directed by the Council
Third party data processors		Responsible for non- compliance / breaches by third party data processors
Confidentiality		Restrict access to employees who need access & ensure employees have a duty of confidentiality
Data breaches – <i>working procedure to be developed</i>	Notify BH where it becomes aware of data breaches	Lead on data breaches & notify BMBC
Data subject requests/rights	Assist with Subject Access & other requests	Lead on Subject Access & other requests
Data Protection Officer – <i>ICO contact</i>	Head of Internal Audit, Anti-Fraud and Assurance	BMBC Head of Internal Audit, Anti-Fraud and Assurance
IG Assurance Programme	BMBC Internal Audit undertake annual IG assurance programme of BH	BH include in annual IA plan , agree areas of scrutiny and liaise with Internal Audit
Cooperation with ICO	Support & assist BH as required	Lead on cooperation with ICO and required improvement actions

	Council	Berneslai Homes
Data Protection Impact Assessments (DPIAs)	Support & assist BH as required	Lead on DPIAs
Expiry of Contract	Request return or deletion of data	Return or delete data as directed by the Council

Key

- (1) Data Controller – Under GDPR, the Data Controller determines the purposes for which and the manner in which personal data are to be processed and is responsible for making sure the personal data that falls under their remit complies with the regulations when being processed.
- (2) Data processor – A data processor processes data on behalf of the controller and must only process personal data in line with instructions from the data controller.

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

This 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 – Place

**COMMUNITY ASSET TRANSFER - LEASE RENEWAL OF DODWORTH MINERS WELFARE RECREATION GROUND, DODWORTH**

**1. Purpose of report**

- 1.1 The purpose of this report is for the Council to consider, in its role as trustee and in accordance with the relevant charities legislation, granting a new 50-year lease of Dodworth Miners Welfare Recreation Ground. The new lease will be granted to Dodworth Miners Welfare Scheme (the Scheme), to allow them to attract the external investment necessary to fund various site improvement works. The recreation ground is shown edged black on the attached plan (Appendix A).

**2. Recommendations**

- 2.1 **That, subject to terms being agreed and statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as trustee of Dodworth Miners Welfare Recreation Ground approves the grant of a new 50-year lease to the Dodworth Miners Welfare Scheme.**
- 2.2 **That the Corporate Asset Manager be authorised to finalise Heads of Terms for the proposed 50-year lease grant and surrender of the existing lease.**
- 2.3 **That the Executive Director Core (Legal Services) be authorised to complete the lease to the Scheme.**

**3. Introduction**

- 3.1 The Council is trustee of the land known as Dodworth Miners Welfare Recreation Ground by way of a scheme dated 5<sup>th</sup> April 1940 and a conveyance dated 10<sup>th</sup> December 1945. The trust stipulates the Council are to hold the land in perpetuity to provide a "*...Public Park and Recreation Ground for the benefit of the inhabitants of Dodworth and the neighbourhood*".
- 3.2 The land is currently subject to an expired 60-year lease (dated 22<sup>nd</sup> November 1956) to Dodworth Miners Welfare Scheme (registered charity number 523584). Under the terms of the lease the Scheme are responsible for the effective management of the site as a "*public park and recreation ground*" and for meeting all the costs associated with their occupation, including all repairs, maintenance and outgoings.

- 3.3 The Scheme has successfully overseen the management of the site as a multi-use sports and social facility throughout the duration of their existing lease. The site includes a gym, a clubhouse, a five-a-side pitch, bowling greens and both adult and junior football / rugby pitches. These facilities are made available to the local community through several established sports teams including a boxing club, junior and senior football clubs, a bowling club and a rugby club. The Scheme also hosts a successful brass band.
- 3.4 The Scheme is a registered charity, led by a board of trustees and directed by a governing document dated 5<sup>th</sup> August 2005. Their primary income is derived from annual membership fees paid by users of the site. A private trading-arm, Dodworth Miners Welfare Sports Social Club Ltd (company number 11720570), are also based on site and manage the running of the clubhouse. The profits from which are re-invested into the Scheme.
- 3.5 In its business plan, the Scheme has identified several projects necessary to continue its current provision and improve the site over the coming years. The projects include, but are not limited to:
- The relocation and redesign of the changing and storage facilities
  - All weather pitch provision with floodlights
  - Pitch improvement works
  - Footpath improvement works

The current outline cost estimate for these works is approximately £600,000. The Scheme hopes to meet these costs through an application to Barnsley MBC for Section 106 monies and a grant from the Football Foundation. A prerequisite for the Football Foundation grant is a demonstrable long-term interest in the property. As such, the Scheme has submitted a business plan in support of a new 50-year lease on similar terms to the existing agreement.

- 3.6 The Council as trustee will consult with CISWO and the NUM prior to granting the lease and make approaches to the Charity Commission where appropriate to ensure compliance with the relevant charities legislation.
- 3.7 Charities legislation allows for “charity-to-charity” transactions to be completed at less-than-best obtainable value, provided that the relevant authorisation can be obtained, and the transaction is in-line with the objectives of the Trust.
- 3.8 Simultaneous to the lease renewal, it is proposed to appoint two representatives of Barnsley MBC to the Scheme’s board of Trustees. This is a stipulation of the Scheme’s governing document and should ensure a joined-up approach to the site’s future management, helping the Scheme continue to meet the objectives of the Council as trustee.

#### **4. Proposal and justification**

- 4.1 It is proposed that subject to procedures under the Charities Act being adhered to, the Council as trustee approve the granting of a new 50-year lease of land at Dodworth Miners Welfare Recreation Ground to the Scheme.
- 4.2 The proposed lease terms will ensure the tenant remains responsible for maintenance and repairs to the land and buildings, along with all outgoing costs and utilities. Relevant property legislation would allow the Council as trustee to terminate the lease and retake possession in the event of material and continued tenant breach.
- 4.3 The proposal is in-line with the Council's Community Asset Transfer Policy (Cab 30.1.2016.6.3). However, this consent is not applicable to this transaction given this is a decision taken by the Council as trustee, rather than local authority. Such an arrangement is permitted under charities legislation as a "charity-to-charity" transaction and will enable the Council's charitable ambitions to be fulfilled as the Scheme will continue to meet the objectives of the trust.
- 4.4 The grant of a new 50-year lease, together with completion of the proposed improvement works, will enable the Scheme to protect the use of the site for local sporting competition and recreation purposes for the foreseeable future. The availability of community fitness and leisure facilities is considered important in fostering social cohesion and improving the physical and mental well-being of local residents.
- 4.5 Community groups or charities with observable vested interests in property are more likely to receive funding from external parties for the purposes of development and refurbishment. The proposed lease would assist the Scheme in securing the necessary investment for the site improvement works and provide confidence in their long-term ability to sustain themselves financially.

#### **5. Consideration of alternative approaches**

- 5.1 If the lease is not renewed, the Scheme will not be able to secure the required funding to begin work on the improvement projects and would instead be relying on the current facilities to maintain its current service provision. The specification and condition of the pitches and buildings means this is not a viable or sustainable long-term solution. The Scheme would also suffer from any future funding application being hampered by the lack of a long-term interest in the property, potentially bringing its existence into question.

Should the Scheme disband, and an alternative tenant could not be found, the site would return to the Council as Trustee landlord. The Council may find the management of the facility too onerous and in such an event the site would be closed, and a valuable community resource would be lost.

5.2 Transferring the freehold of the land in question to the Scheme is not possible due to the Council's trust obligations.

## **6. Impact on local people**

6.1 The proposal would help ensure the existing involvement, inclusion and empowerment of a third-sector sporting organisation in the local community continues for the foreseeable future.

6.2 Once the proposed works have been completed, the Scheme will be able to provide the facilities appropriate to meet the specific local demand for sporting and social activity, an objective outlined in their business plan.

## **7. Financial implications**

7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer)

7.2 The proposal to award the lease at a nominal rent ensures the best use of the asset and will have significant benefits to the local community as outlined within section 6 of this report.

7.3 There are no undue VAT implications arising for the Council as a result of the proposed lease to the Scheme.

7.4 For the purpose of IFRS the lease will be classified as a Finance lease.

7.5 As a result of the above there are no direct financial implications associated with this proposal.

## **8. Employee implications**

8.1 There are no implications for BMBC employees as a result of this report.

## **9. Communications implications**

9.1 The grant of the new lease will be subject to complying with the Charities Act 2011 and public open space legislation; where required the necessary public notices will be posted.

## **10. Consultations**

10.1 A list of stakeholders consulted during the preparation of this report includes:

- Core Services (Legal Services)
- Core Services (Financial Services)
- Environment and Transport (Sport and Active Recreation)



- 10.2 Local ward members have been consulted on the proposed recommendation and support the proposals as detailed within this report.

## **11. The Corporate Plan and the Council's Performance Management Framework**

- 11.1 The Scheme's commitment to managing and maintaining the facilities for the benefit of the local community is demonstrated by their work in the last 60 years and their occupation of the property. The grant of a new lease will allow the Scheme's work to continue into the future, an outcome which is in-line with the continuing development, consolidation, and expansion of community resources detailed in the Council's Corporate Plan.

## **12. Promoting equality and diversity and social inclusion**

The Scheme's business plan stipulates that the on-site facilities are open to all members of the public, regardless of age, sex, disability, ethnicity, sexual orientation, religion or other beliefs. The lease renewal will allow the Scheme to continue to provide sports and recreation accessible to all.

## **13. Tackling the impact of poverty**

- 13.1 There are no issues arising from this report.

## **14. Tackling health inequalities**

- 14.1 The lease renewal will allow the Scheme's provision of regular exercise for local residents to continue and develop. Moreover, by reaffirming their long-term interest in the site, the Scheme have an opportunity to safeguard their future in this location, ensuring the provision of regular exercise is accessible to subsequent generations.

## **15. Reduction of crime and disorder**

- 15.1 Failure to renew the lease increases the risk of the property becoming vacant. Vacant or under-used land and buildings can attract vandalism and unauthorised uses such as fly-tipping, substance abuse, and other anti-social behaviour.
- 15.2 The availability of community and sporting facilities is considered important in reducing crime and disorder, especially amongst younger age groups.

## **16. Risk management issues**

- 16.1 The Scheme's historic successful management of the site, together with the submission of a robust business plan, indicates they are a responsible custodian for this community asset for the foreseeable future. That said, it is possible that during the proposed term the Scheme are forced to disband, either through financial hardships or the changing priorities of personnel. In this event, the Council would take possession of the site and complete any

necessary repairs at cost. It is likely, given the stipulations of the trust, the Property would be made available to another community organisation with similar objectives as the Scheme. If no such group came forward, the management of the site would be reviewed.

- 16.2 The lease will contain the standard provision for the Council to instigate forfeiture proceedings if the tenant does not comply with material covenants. Additionally, the intention to include two BMBC representatives on the Scheme's trust board (paragraph 3.8) will help to ensure the management of the site continues to be in-line with both the stipulations of the trust and the Council's wider objectives.

**17. Health, safety and emergency resilience issues**

- 17.1 There are no direct health and safety implications arising from this report. After the lease is granted the Scheme will remain responsible for ensuring on site compliance with all health and safety best practice and legislation.

**18. Compatibility with European Convention on Human Rights**

- 18.1 This report recognises the promotion and importance of equality, diversity and human rights for all members of the local community and the wider borough.

**19. Conservation of biodiversity**

- 19.1 There are no direct issues arising as a result of this report. The impact on biodiversity of any of the proposed improvement works (paragraph 3.5) will be considered as part of the planning process if necessary.

**16. Glossary**

BMBC – Barnsley Metropolitan Borough Council  
CISWO – Coal Industry Social Welfare Organisation  
NUM – National Union of Mineworkers

**17. List of appendices**

Appendix A: Financial Implications

Appendix B: Site Plan

**18. Background papers**

Correspondence regarding this matter is held on the files in Property – Estates – not available for inspection, contains exempt information.

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:** Tim Hartley (14<sup>th</sup> July 2020)

## Report of the Executive Director of Place

## FINANCIAL IMPLICATIONS

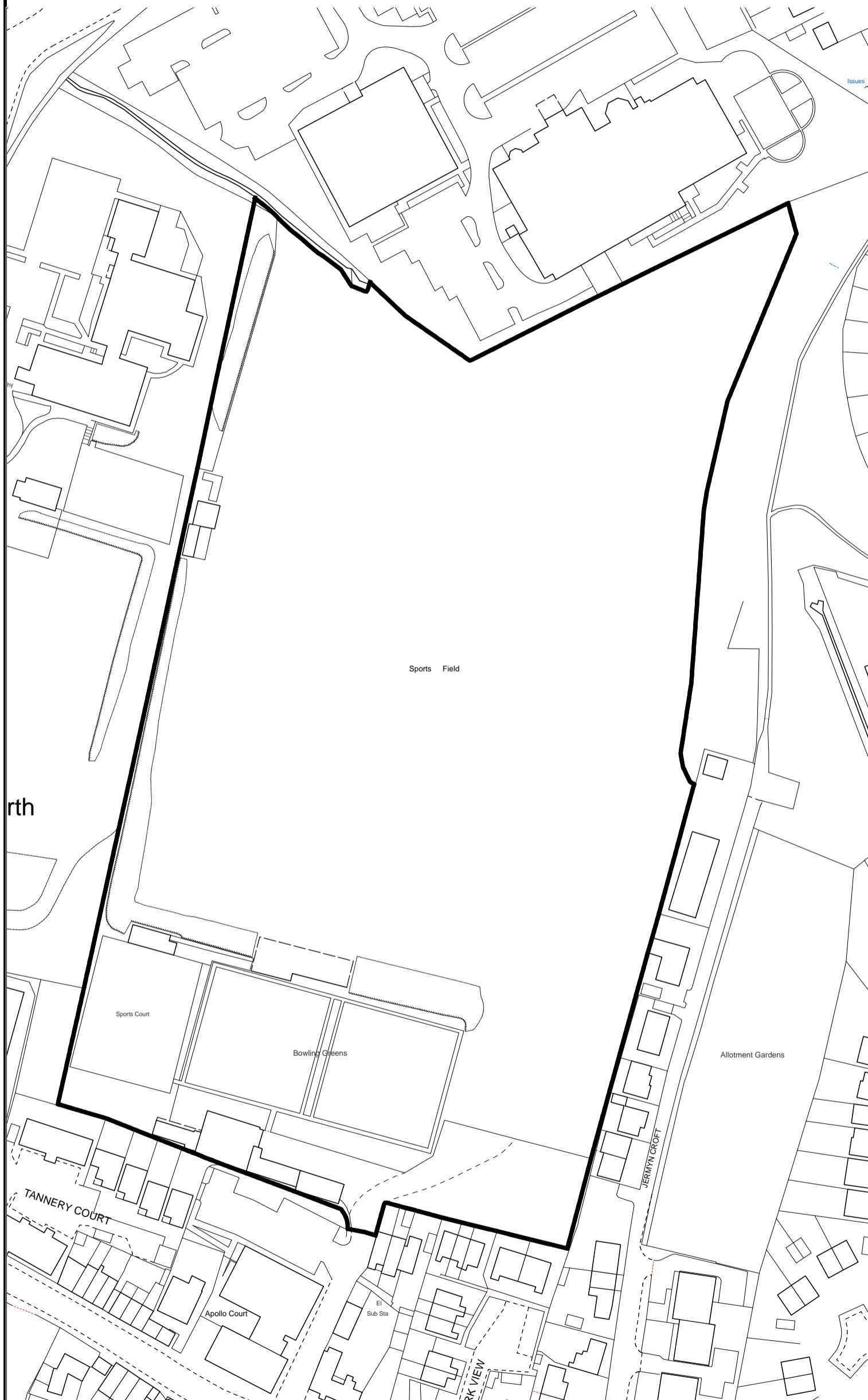
i) <b>Capital Expenditure</b>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	TOTAL
		£	£	
				0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>To be financed from:</b>				0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ii) <b>Revenue Effects</b>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	<u>FYE</u>
	£	£	£	£
<u>Expenditure</u>				
Total Expenditure	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>To be financed from:</b>				
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Impact on Medium Term Financial Strategy</b>	2020/21	2021/22	2022/23
	£	£	£
MTFS	0.000	0.031	3.879
Effect of this report	0	0	0
<b>Revised Medium Term Financial Strategy</b>	<b>0.000</b>	<b>0.031</b>	<b>3.879</b>

Agreed by: .... *D. Green* ... n behalf of the Service Director and Section 151 Officer -Finance

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**PLAN REFERRED TO:  
DODWORTH**



**Strategic Property and Procurement/Asset Management**  
PO Box 634, Barnsley, S70 9GG

e-mail: [Assetmanagement@barnsley.gov.uk](mailto:Assetmanagement@barnsley.gov.uk)  
website: [www.barnsley.gov.uk](http://www.barnsley.gov.uk)

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**Scale 1: 1,350**

Plan No: SH6059

Date: 28/01/2020

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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 for PLACE**

**Hoyland West Masterplan Framework**

**1. Purpose of report**

- 1.1 To update Cabinet on progress in developing the Hoyland West Masterplan Framework and to seek approval for adoption.

**2. Recommendations**

**It is recommended that:**

- 2.1 Cabinet notes the progress made in the development of the Masterplan Framework for Hoyland West;**
- 2.2 Cabinet recommends that the final version of the Masterplan Framework is presented to Full Council for adoption on 24<sup>th</sup> September 2020.**

**3. Introduction**

- 3.1 The Council's Local Plan was adopted on 3<sup>rd</sup> January 2019 (**cab 12.12.2018/8**). When the Local Plan was being examined it was agreed that for the larger, strategic sites it was necessary to prepare masterplan frameworks to ensure that sites could be developed in a comprehensive manner taking into account cumulative infrastructure requirements. Looking at large allocations in this way, rather than a piecemeal fashion dictated by land ownerships, ensures that we can make the best use of sites and secure sustainable and inclusive growth reflecting each of our corporate priorities. The first two masterplan frameworks were adopted by Full Council on the 19<sup>th</sup> December 2019 for Hoyland North and Barnsley West (MU1).
- 3.2 Whilst each masterplan framework will be bespoke to the area, the Local Plan prescribes that the Masterplan Frameworks shall contain the following:
- A planning policy summary, site location and description, land ownership, a summary of the existing evidence, site evaluation (opportunities and constraints), a land use framework, sustainable movement framework, protection of existing public rights of way routes and their incorporation within new development layouts, vehicular movement framework, green and blue infrastructure framework, place-making framework (including design guides for character and neighbourhood areas where applicable), sustainability and energy use, health and wellbeing, design evolution, conceptual masterplan, infrastructure and delivery phasing.

- 3.3 The Local Plan also states that Masterplan Frameworks shall be subject to public consultation and be approved by the Council prior to the determination of any planning applications on the affected sites.
- 3.4 This consultation took place in May and June and this report therefore seeks Cabinet approval to adopt the Masterplan Framework for Hoyland West, which has the capacity to deliver 101 housing units and 49.3hectares of employment land.
4. **Hoyland West Masterplan Framework**
- 4.1 The Hoyland West Masterplan Framework incorporates sites:
- **Housing site references HS57 and,**
  - **Employment site references ES13**
- 4.2 A Masterplan Board for Hoyland West was established at the start of the year. The Board consists of council officers and landowners/their agents and planning consultants with an interest in the above-mentioned sites. The final Masterplan Framework document has been produced by Cushman and Wakefield and FPCR on behalf of the Board.
- 4.3 Work commissioned to underpin the Masterplan Framework document includes a Drainage Strategy; Highways Infrastructure feasibility, traffic modelling and Traffic Impact Assessments, intrusive site investigations, Archaeological Desk Based Assessment, geophysical survey, trial trenching and ecology surveys.
- 4.4 Evidence provided in support of the Local Plan suggested that if developed in full, the employment site would be capable of providing approximately 3,000 – 3,500 jobs. As the masterplan site area includes one of the largest employment allocations in the Local Plan and consistent with the Government’s desire for the Planning Process to continue during lockdown, a six week public consultation exercise was undertaken in May/June 2020. Full details of the public consultation exercise are provided within the Statement of Community Involvement. In summary, the public consultation included:
- Council hosted online consultation material and questionnaire
  - Hard copy consultation packs hand delivered on request
  - Hard copy consultation packs available from the Forge Community Café and Hoyland Tesco
  - Consultation material provided to Forge Community Partnership for distribution to user groups of the Rockingham Centre
  - Email notification to the following community groups:
    - Mates of Milton
    - Rockingham Brass band
    - Hoyland Milton and Rockingham Joint Ward Alliance
    - The Friendship Group
    - Hoyland Brownies – for adult awareness
    - The Youth Group – as above
    - Salvation Army



- Owd Martha's Yard
  - Canon Richard Parker (St Peter's)
  - Media releases
  - Social media campaign including facebook and twitter
  - Letter drop to residents living close to the Masterplan sites
  - Email notification to internal and external consultees
  - 23 site notices erected around the site, public rights of way and main routes around the site
  - Discussion with Tankersley Parish Council
  - Online consultation events to replace physical drop in sessions
  - Telephone consultations with those unable to access online resources
- 4.5 Overall, the consultation exercise provoked a higher level of response to the questionnaire (113) than was the case last year when we sought views regarding the nearby Hoyland North Masterplan (79 responses). Accordingly, whilst methods of engagement did differ as a result of lockdown (and therefore attracted some criticism), it is not considered that lockdown has materially impacted on levels of public participation.
- 4.6 On this occasion an online petition covering the Hoyland West, North and South masterplan framework areas was submitted. It seeks to stop future development and attracted 1,420 signatures. However, members will be aware that the decision to allocate land around Hoyland for development was arrived at following an objective, evidence based planning process culminating in the adoption of the Local Plan in early 2019. Seeking to resist development of these sites is therefore unrealistic and would undermine our corporate objectives, particularly the creation of a strong and resilient economy, which is all the more important given the economic consequences of the pandemic.
- 4.7 Statement of Community Involvement and Design Evolution section of the Masterplan Framework explain how this feedback has shaped the final Masterplan Framework. In summary the main areas where the document as evolved following the consultation exercise are as follows:

*Tankersley Lane*

- 4.8 Views were sought on 3 possible options for how the deal with Tankersley Lane in light of the introduction of a spine road through the masterplan site. These included:
1. Closing Tankersley Lane to the east of the proposed link road to create a cul de sac for existing residents on Tankersley Lane that are most affected by the development. This would therefore introduce a slight detour via the new spine road for vehicles currently seeking to access the centre of Hoyland Common from Tankersley and Pilley but would retain the link to Chapeltown, Elsecar and beyond
  2. Leaving Tankersley Lane fully open and therefore introduce a crossroad junction,

3. Closing Tankersley Lane to vehicles the west of the link road to prevent possible rat running but severing the vehicular connection with Tankersley and Pilley of the link road
- 4.9 Some confusion arose with these options as many responders said “none”. However, having analysed e-mail responses and letters that were submitted separate to the questionnaire responses, option 3 was by far the least popular. This was on the basis that it would sever the vehicular link via Tankersley Lane forcing all traffic from Pilley and Tankersley to use J36 and Birdwell roundabout thus reducing the resilience of the highway network. Tankersley Parish Council favour option 2 and have made representations strongly advocating this or a variation to this that enables vehicles to continue across the link road to the existing crossroads. However, this is not favoured by Highway Officers due to safety concerns regarding conflicting manoeuvres at the crossroad junction. In addition, they do not support signals or a roundabout on Tankersley Lane given the purpose of the spine road is to act as a bypass for Hoyland Common, which necessitates a free flowing 40mph road).
- 4.10 Option 1 has therefore been chosen because, whilst this represents a slight detour for people travelling by car between Tankersley/Pilley and Hoyland Common, it at least maintains a safe vehicular route which can be used as an alternative to the M1 Junction and the A61. In addition, the option will also provide amenity and safety benefits for existing residents on Tankersley Lane, who are likely to be most affected by the development.

#### *Rockingham Sports Ground*

- 4.11 In the consultation responses, there was a desire to retain Rockingham Sports Ground as is. However, diverting traffic away from Hoyland Common was also identified as one of the most important points for guiding the design. As explained above, for the proposed spine road to be an effective bypass, it will have to be a direct and free flowing 40mph road. In recognition of this, the Local Plan allocates the rear part of Rockingham Sports Ground for employment use with a requirement that the area lost is relocated to an appropriate location within Hoyland.
- 4.12 Working closely with Forge Community Partnership, who are leaseholder and run Rockingham Sports Ground, a site south of Parkside to the west of Sheffield Road has been identified. This site is primarily within the Council's ownership and falls within the land covered by the Hoyland South Masterplan, which has also been subject to public consultation over the summer. The Parkside site is large enough to accommodate two full size football pitches and an archery facility. Planning permission is required for such a proposal as it entail cut and fill to create flat pitches and would also involve installation of boundary fencing and car parking. Nonetheless and without prejudice to the outcome of such a planning application, as a principle, the relocation to Parkside reflects the requirement of the Local Plan policy.

- 4.13 The remaining area of the Sports Ground is then proposed to be reconfigured with a football pitch turned 90 degrees and the cricket pitch remaining in situ until a new cricket facility is provided within the Hoyland North residential development after which the sports ground would be available for further employment use. This would also be subject to further investment occurring at the Parkside facility as part of a second phase. Such investment would be funded primarily through S106 contributions envisaged from the housing development anticipated to come forward from the housing allocations within the Hoyland South masterplan area, which would be capable of funding artificial grass pitches. This would again be subject to planning permission being forthcoming and the agreement of Forge Community Partnership.
- 4.14 The net effect of this would be two modern purpose-built facilities to the north and south of Hoyland within walking distance of the new residential sites and much of the existing settlement. This is consistent with the feedback received to the public consultation in which promotion of walking and cycling is identified as a main method of reducing the impact of new development.

#### *Sustainability, Landscape & Biodiversity Impacts*

- 4.15 The employment site was assessed to be one of the more sustainable locations for employment use being close to Hoyland and a key public transport route. The proposed the spine road will ensure that servicing vehicles requiring access to and from the motorway network will be able to do so without having to travel through residential areas and will also divert trips away from Hoyland Common Crossroads. Combined with the proposed link to Dearne Valley Parkway through the Hoyland North Masterplan site this will ensure that Hoyland Common Local Centre is not overwhelmed by additional traffic and the increased population (residents and workforce) that would be within walking distance of the centre should help to sustain its vitality and vibrancy in a way that is sustainable and healthy.
- 4.16 Being close to M1 J36, it is inevitable that the site will appeal to the logistics sector, which is one of the few sectors holding up during a period of unprecedented economic uncertainty. Logistics buildings are increasingly larger in footprint and height. The site does not lend itself to the 500,000 sqft + buildings that could potentially be accommodated on the large employment allocation at Goldthorpe (site ES10) but, due to its topography and relationship with the settlement, it is better suited for 200,000 to 400,000 sqft buildings than either the Hoyland North or MU1 sites.
- 4.17 In order to minimise noise impacts, the larger employment units are envisaged to be located towards the western boundary of the site, adjacent to the M1 and as far from existing residents as possible. This will help minimise noise impacts, which was a key issue raised by residents during the consultation. In turn, the buildings should not appear overbearing from residential properties but their likely scale and height with unavoidably impact on the landscape (even when taking into account mitigation such as soft landscaping and use of appropriate building materials). These are matters which will require detailed assessment when the planning application is considered. However, given

adverse landscape impacts are considered unavoidable, officers have considered how the masterplan can assist in ensuring the proposal makes a more positive contribution to the environment.

- 4.18 The Masterplan Framework therefore requires a minimum 10% net gain to biodiversity, consistent with the Government's Environmental Bill. This is above and beyond our Local Plan requirement, which is for an unspecified net gain to biodiversity. Precisely how the minimum 10% net gain is arrived would again be determined at the planning application stage but it is anticipated that this would include off site enhancements in addition to the on-site works such as the tree belts.
- 4.19 In all other respects, the masterplan reflects the requirements of local plan policies relating to sustainable construction, climate change resilience, drainage and sustainable travel and has been subject to a health impact assessment.

## **5. Planning Application 2020/0647**

- 5.1 Shortly after the Masterplan Framework public consultation closed a hybrid planning application was received seeking:
- Full planning permission for the development of plot 1 (31,571 sqm floorspace for use B8), associated earthworks and creation of access points including new roundabout
  - Outline planning permission for means of access and scale across 2 development plots (plots 2&3) of up to 71,515sqm of employment floorspace;
- 5.2 The timing of this application coming prior to the adoption of a Masterplan Framework has created confusion and concern particularly amongst those who responded to the masterplan framework expressing views that the employment site should not be developed or only partially be developed. This is entirely understandable but the timing of the submission was out of the Council's hands and is in part driven by occupier interest in the site.
- 5.3 Such interest in the site so soon after adoption of the local plan is welcomed and demonstrates that the site is an attractive proposition but the planning application is complex and is being considered in the usual way. The applicant has been advised that the applications will not be determined until the masterplan framework is adopted and that Planning & Regulatory Board is a separate decision-making body to the Cabinet. Whilst any decision to adopt the masterplan framework will be a step forward in enabling the planning application to be assessed against the framework, it does not prejudice the decision of the Planning & Regulatory Board.
- 5.4 Nonetheless, the arrival of the planning application in advance of the masterplan framework being adopted has enabled officers and consultees to look in more detail at site constraints and technical requirements. This has enabled a sense check of the masterplan framework to ensure that it is capable of facilitating sustainable development by including the necessary

safeguards to minimise adverse impacts as far as possible and requiring mitigation/compensation where adverse impacts cannot be fully avoided.

## **6. Consideration of alternative approaches**

6.1 The Council could have instructed an independent masterplanning consultant to produce the Masterplan Framework. However, Council officers have worked in partnership with developers to shape the scope and format of the final document. This approach is consistent with the Local Plan which promotes working with developers, partners and agencies to facilitate development on key sites.

6.2 The Council could decide not to adopt the masterplan framework but with a planning application under consideration, this would leave Planning & Regulatory Board having to determine the application without a framework in place against which to judge the application.

## **7. Proposal and justification**

7.1 The aim of all Masterplan Frameworks is to ensure that sites identified for development in the Local Plan are developed in a sustainable and appropriate manner consistent with the Local Plan objectives, which are to:

- Provide opportunities for the creation of new jobs and protection of existing jobs;
- Improve the conditions in which people live, work, travel and take leisure;
- Widen the choice of high-quality homes;
- Improve the design of development; and
- Protect and enhance Barnsley's environmental assets and achieve net gains in biodiversity.

7.2 Inevitably the Masterplan Framework is not able to positively address all the comments made during the public consultation. However, for the reasons explained in section 4 of this report, it would help to facilitate significant employment growth and a housing site within Hoyland Principal Town consistent with these Local Plan Objectives. In addition, the masterplan framework will secure benefits locally including the spine road to divert traffic away from Hoyland Common and a new sporting facility. It is therefore recommended that Cabinet approves the proposal to adopt the Hoyland West Masterplan Framework.

## **8. Implications for local people / service users**

8.1 The consultation process has allowed the local community and its stakeholders to help in the shaping and phasing of development in a comprehensive manner. The Masterplan Framework addresses key issues raised through the public consultation, including:

- The need to divert traffic away from Hoyland Common
- Not severing the vehicular link between Hoyland Common and Tankersley

- Securing a new Sports Facility to replace Rockingham Sports Ground
- Climate change and sustainability

8.3 Ultimately, the aim of the Masterplan Framework is to ensure environmental, social and economic conditions are balanced in order to promote sustainable development for the benefit of local people and service users. The masterplan creates an appropriate framework to help achieve this but it will be for Planning & Regulatory Board to decide whether the current planning application adheres to the Masterplan Framework, Local Plan policies and relevant Supplementary Planning Documents.

## **9. Financial implications**

- 9.1 Consultations on the financial implications have taken place with representatives of the Service Director – Finance (S151 Officer)
- 9.2 The cost of the masterplan work has been funded by the developers
- 9.3 The master plan, if approved, will contribute to the Council’s core Council Tax and Business Rate income target currently included in the ongoing medium term financial strategy.

## **10. Employee implications**

- 10.1 There are no issues arising directly from this report.

## **11. Communications implications**

- 11.1 A communications strategy and Statement of Community Involvement has been produced for the Hoyland West Masterplan Framework.

## **12. Consultations**

- 12.1 Consultations have already been undertaken with the Portfolio Holder for PLACE, Local Members, as well as local stakeholders and landowners; including representatives from the school and sports organisations as well as local residents and businesses through the public consultation exercise.

## **13. The Corporate Plan and the Council’s Performance Management Framework**

- 13.1 The Local Plan is a key Council strategy document that will support the achievement of each of the three main priorities set out in the Corporate Plan and the 8 Town Spirit objectives. The masterplan documents will ensure that housing and employment growth is delivered in a comprehensive manner with the support of the local communities they will enhance.

## **14. Tackling Health Inequalities**

- 14.1 A Health Impact Assessment has been produced to consider the Local Plan proposals on health. This considered the impact of the various policies within the plan on the health of various communities as well as whether they

contribute to the ambitions of the Corporate Plan and reduce health inequalities. It concluded that as a whole the plan would potentially improve the health of residents and help address health inequalities.

- 14.2 A representative from Public Health is a member of the masterplan board and will be responsible for assisting the master planners to produce a masterplan focussed Health Impact Assessment and Health and Well-being delivery strategy.

## **15. Climate Change & Sustainable Energy Act 2006**

- 15.1 Energy usage and sustainability will be a golden thread running through the Masterplan Framework document, with particular focus on sustainable movement framework including street hierarchy, pedestrian and cycle links, public transport provision and Travel Plan. The Masterplan Framework also include a Blue and Green Infrastructure Plan.

## **16. Risk Management Issues**

- 16.1 There is a risk that the Masterplan Framework is not well received by the local community. However, the community consultation exercise has presented an opportunity to involve local communities at an early stage to ensure that the Masterplan Framework addresses key concerns and is shaped as far as possible, by the views of the local community.
- 16.2 There is also a risk that the adoption of the masterplan framework is delayed. The consequence of this would be that planning applications cannot be determined for the site and BMBC fail to deliver against Local Plan targets.

## **17. Promoting Equality & Diversity and Social Inclusion**

- 17.1 The Local Plan was subject to an over-arching Equalities Impact Assessment which considered its policies and procedures. This concluded that all policies and proposals apply to all sectors of the community equally. The policies make provision for a range of housing types to meet differing needs. The design policy D1 also seeks to ensure that development is designed to be accessible to all. The SPD's and masterplan frameworks will support these policies in ensuring that equality, diversity and social inclusion are promoted.

## **18. Conservation of Biodiversity**

- 18.1 In recognition the feedback received in response to the public consultation, the location of the site within the Nature Improvement Area and the likely impact of the development on the landscape, the Masterplan Framework requires a 10% net gain to biodiversity following completion of the development. This is consistent with the Environmental Bill and goes beyond Local Plan requirements.

## **18. List of Appendices**

### **Appendix 1- Hoyland West Masterplan Framework document**

**Appendix 2 –Health Impact Assessment**

**Appendix 3 –Statement of Community Involvement**

**Appendix 4 – Equality Impact Assessment**

**Appendix A – Financial Implications**

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# HEALTH IMPACT ASSESSMENT

Land West of Sheffield Road, Hoyland

NEWLAND DEVELOPMENTS

191HA800

DEVELOPMENT & PLANNING | LEEDS

August 2020



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## Report Disclaimer

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Version	Prepared by	Approved by	Date
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## 1. Introduction

- 1.1 Cushman & Wakefield (C&W) have prepared this Health Impact Assessment to support the Masterplan Framework for Hoyland West. Hoyland West comprises of 52.5 ha of employment land (Policy ES13 in the Barnsley Local Plan) and land to accommodate circa 101 dwellings (Policy HS57 in the Local Plan).
- 1.2 The Masterplan Framework has been prepared by FPCR in conjunction with Barnsley Metropolitan Borough Council, Newlands Developments and other landowners. The purpose of the Masterplan Framework is to ensure that development at Hoyland West takes place in a comprehensive and sustainable manner taking account of all infrastructure requirements.
- 1.3 This report seeks to demonstrate that there will be no significant adverse impacts on human health as a result of the development of the Masterplan Framework area at Hoyland West. Where adverse effects are anticipated appropriate mitigation will be identified and applied.
- 1.4 Accordingly, this report is structured as follows:
  - Background: Section 2;
  - Site and Surroundings (including planning history): Section 3;
  - Development Proposals: Section 4;
  - Review of Planning Policy: Section 5;
  - Analysis: Section 6, and;
  - Summary and Recommendations: Section 7.

## 2. Background

- 2.1 The Hoyland Masterplan Framework area comprises of 49.3ha of employment land. The Masterplan Framework divides this into Plots 1, 2, 3 and 5. An additional area of land not forming part of the Local Plan allocation is also included and is referenced as Plot 4. Plots 1, 2, 3 and 5 collectively form part of Site ES13 in the Barnsley Local Plan. In addition, the Masterplan Framework includes allocation HS57 which is for circa 101 dwellings. Plots 1 and 2 are located to the west of Sheffield Road, with Plot 3 located north of Tankersley Lane. Immediately adjacent to the western boundary of the site is the M1, with Junction 36 of the M1 located to the north of parcel 3. Plot 5 is located. The housing plot is located adjacent to the existing settlement boundary in the north east of the site facing onto Sheffield Road. Barnsley town centre is located approximately 6.5km north of the Hoyland West.
- 2.2 The Masterplan Framework area comprises mainly of agricultural fields in use for grazing, although part of the site north of Tankersley Lane is currently used as sports facilities for cricket, football and archery.
- 2.3 To the west of the area is a tree belt that provides screening from the M1, to the south of the area is Bell Ground Wood and to the east and north is residential and commercial development. The eastern and northern edges of the site currently define the settlement edge of Hoyland. Field boundaries within the site are currently loosely defined by a series of semi-mature scattered hedgerows with the eastern boundary along Sheffield Road comprising of stone walls.
- 2.4 The overall Masterplan Framework area as defined by the Local Plan comprises of an area comprises of circa 53.50ha.
- 2.5 Hoyland West is within a sustainable location with good transport links. There are frequent bus services operating from various bus stops surrounding the site. These are within walking distance of the application site and offer services to Barnsley Town Centre (via Birdwell), Hoyland Town Centre, Chapeltown, Elsecar, Broomhill and Manvers (via Cortonwood).
- 2.6 Elsecar Rail Station is located approximately 3km east of the site. Rail services operate half hourly between Leeds (via Barnsley) and Nottingham (via Sheffield) Monday to Saturday with a reduced service on Sunday. This allows people to travel to and from the site via rail as part of a combined journey. The site is also close to local amenities detailed in Table 1 below.

Facility	Location	Distance
<b>Amenities</b>		
The Rockingham Community Centre	Sheffield Road, Hoyland Common	Currently adjacent to the northern boundary of the application site but to be relocated to Parkside as part of the application process approximately 500 metres east of the proposed Hermes facility
Rockingham Colliery Cricket Club	Sheffield Road, Hoyland Common	Currently located on land associated with Rockingham Community Centre but to be relocated to Hoyland North as part of the Masterplan Framework proposals
Barnsley YMCA Archery Club	Sheffield Road, Hoyland Common (outdoor facility) and Blucher Street, Barnsley	Currently located on land associated with Rockingham Community Centre but to be

	(indoor facility)	relocated to Parkside as part of the application process approximately 500 metres east of the proposed Hermes facility
Hoyland Common Working Men's Club	Fitzwilliam Street, Hoyland Common	400metres
King George V Playing Field	Tinker Lane, Hoyland Common	700metres
Hoyland Leisure Centre	West Street, Hoyland	1.5km
St Peter's Church, Tankersley	Black Lane, Tankersley	300m
St Peter's Church, Hoyland	Hawshaw Lane, Hoyland	1.6km
The Star Public House	Hoyland Road, Hoyland Common	750m
Tap and Brew Public House	Hoyland Road, Hoyland Common	720m
Saville Square Bar	Sheffield Road, Hoyland Common	650m
The Hare and Hounds Public House	Sheffield Road, Hoyland Common	660m
<b>Employment Opportunities</b>		
Hermes Distribution Centre	Off Sheffield Road, Hoyland Common	The application site
Employment sites	Off Sheffield Road, Hoyland Common	The application site
Shortwood Business Park	Shortwood Way	1.75km
Hoyland North Land Employment Sites	Off Dearne Valley Parkway, Hoyland	Within 1km
<b>Education Services</b>		
Hoyland Common Primary School	Sheffield Road, Hoyland Common	400m
West Meadows Primary School	West Street, Hoyland	1.4km
Kirk Balk Academy (Secondary)	West Street, Hoyland	1.4km
<b>Retail Services</b>		
Co-op Supermarket including Post Office	Hoyland Road, Hoyland Common	705m
Aldi	Sheffield Road, Birdwell	1km
Mace Convenience Store (at Jet Petrol Station)	Sheffield Road, Hoyland Common	500m
<b>Medical Services</b>		
Hoyland Medical Practice	Highcroft, Hoyland	2km
Fern Cottage Dental Practice	Hoyland Road, Hoyland Common	760m
Hoyland Family Dental Centre	Milton Road, Hoyland	2.3km
Well Hoyland Common Pharmacy	Hoyland Road, Hoyland Common	700m
Pure Physiotherapy	Hoyland Road, Hoyland Common	670m

## **Surrounding Area**

- 2.7 To the west of the site is the M1 motorway with agricultural land beyond this. To the south is agricultural land and land allocated for residential use (Hoyland South Masterplan area). To the east beyond Sheffield Road is residential development and to the north is land allocated for employment use (Hoyland North Masterplan area).

## **Planning History**

- 2.8 A search of the online planning register has been undertaken. There are no relevant planning application records for this site.

## 3. Planning Policy

### Wellbeing Initiatives

#### Public Health England Strategy 2020 to 2025 (2019)

- 3.1 The strategy sets the direction for keeping people safe, preventing poor health, narrowing the health gap and supporting a strong economy. The strategy identifies ten areas to target which will deliver the biggest impact for the public's health over the next five years:
- Smoke-free society
  - Healthier diets, healthier weight
  - Cleaner air,
  - Better mental health
  - Best start in life
  - Effective response to major incidents;
  - Reduced risk from antimicrobial resistance
  - Predictive prevention
  - Enhanced data and surveillance capabilities
  - New national science campus.
- 3.2 The Spatial Planning for Health Report 2017 assessed the impact of neighbourhood design, housing, transport, the natural environment and the food environment on health. The Report 2017 sets out that there is a link between health and the built and natural environment.
- 3.3 In addition to direct health benefits, enhancement of the built and natural environment can have an impact on people's attitudes, behaviours and perceptions of their environment.
- 3.4 Findings strengthen the argument for upstream shift to address key obstacles to healthy living and improve circumstances that produces unhealthy behaviours.

#### Marmot Review – 10 Years On (2020)

- 3.5 Since the Marmot Review, life expectancy has stalled, years in ill health have increased and inequalities in health have widened. The report provides an in-depth analysis of health inequalities in England and assess what has happened in key social determinants of health, positively and negatively in the last 10 years.
- 3.6 When a society is flourishing health tends to flourish. When a society has large social and economic inequalities there are large health inequalities. The health of the population is not just a matter of how well the health service is funded and functions, important as that is; health is closely linked to the conditions in which people are born, grow, live, work and age and inequalities in power, money and resources – the social determinants of health.



- 3.7 The question is not can we afford better health for the population but what kind of society we want. The recommendations made will create conditions for all members of society to lead flourishing lives to achieve their full potential and to enjoy levels of good health currently experience by people who live in the most advantaged circumstances.

#### **Health Survey for England 2019**

- 3.8 The document was intended to monitor the nation's health, to estimate the proportion of people in England who have specified health conditions, and to establish the prevalence of risk factors associated with these conditions.
- 3.9 The surveys provide regular information that cannot be obtained from other sources on a range of aspects concerning the public's health. The surveys have been carried out since 1994 by the Joint Health Survey Unit of NetCen Social Research and the Research Department of Epidemiology and Public Health at University College London.
- 3.10 The information from the Health Survey is used by central and local government for reviewing policies, monitoring health trends and planning future services.

#### **Active by Design – Designing Places for Healthy Lives (2014)**

- 3.11 The report sets out a new programme that will address one of the most serious health issues facing modern society: increasing levels of poor health and the development of certain chronic diseases, brought on by a combination of lack of physical activity and poor diet.
- 3.12 Active by Design promotes the use of good design to encourage greater levels of daily physical activity in buildings and public spaces in cities and towns and increase access to healthy and nutritious food.
- 3.13 It aims to make the most of health and wellbeing benefits of physical activity empowering people to be more active through the way development is designed, using well researched principles to influence how people interact with the built environment. The solutions aim to tackle major health, environmental and social challenges, adding value to projects and ultimately supporting public services by making people happier and healthier.
- 3.14 There are 10 design principles which support activity. These focus on three main areas; awareness, amenity and accessibility.

#### **The Local Plan – Health Impact Assessment Screening Report, 2016**

- 3.15 The report identifies that although the overall health of residents in Barnsley is improving, too many people are dying prematurely from diseases that are largely avoidable. There are considerable differences in life expectancy when compared with England, other local authority areas and within the borough. Men and women living in less deprived areas are more likely to live longer than those living in deprived areas.
- 3.16 The report identifies that in order to maximise employment opportunities in the borough it is essential to protect existing employment sites where possible. The loss of these sites to other uses could impact negatively on health inequalities. Any potential impacts should be assessed in consultation with communities potentially affected.
- 3.17 The locations of for new employment sites has the potential to bring positive benefits to health inequalities by supporting vulnerable people back into work.

### **Barnsley Our Borough Profile 2019**

- 3.18 The report identifies the resources required to make the most impact by providing services where they are most needed. The report provides the evidence required to understand where effective interventions will be required, to support strategic and local decision making. The report provides an insight into Barnsley’s population and it’s make up.
- 3.19 The report identifies a reduction in the number of most deprived wards in the country between 2010 and 2015.
- 3.20 The report identifies the social demographics of Barnsley, including life expectancy, educational attainment, employment and crime statistics.

### **Barnsley Public Health Strategy 2018 to 2021.**

- 3.21 The report identifies priority areas which are considered likely to have the greatest impact. The report provides action plans for these areas, and targets to be met. The strategy identifies three priorities to help achieve the vision. The three priorities are: thriving & vibrant economy; people achieving their potential; and strong and resilient communities.
- 3.22 With a focus on six health priorities where they can demonstrate a difference in a shorter time. These will contribute towards meeting four longer term public health outcomes. The six public health priorities are:
- Food;
  - Alcohol;
  - Emotional Resilience;
  - Oral Health of Children;
  - Smoke-free Generation; and
  - Physical Activity.
- 3.23 The vision is to contribute to achieving a brighter future and a better Barnsley by ensuring children have the best start in life and everyone enjoys a happy healthy life wherever they live and whoever they are.

### **Barnsley Local Plan, 2019**

- 3.24 Policy D1 of the adopted Barnsley Local Plan requires that all new development is of high-quality design that contributes to a healthy, safe and sustainable environment. The policy footnotes go onto state that through high quality and sustainable design, developers should look to create strong, locally-distinctive places that are safe, inclusive and accessible to all, that promote social interaction and a healthy and active lifestyle.

## **National Policy**

### **National Planning Policy Framework (2019)**

- 3.25 Paragraph \*91\* of the NPPF sets out a number of core planning principles to achieve health, inclusive and safe places which:

- Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- Are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourages the active and continual use of public areas; and;
- Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments, and layouts that encourage walking and cycling.

### **Planning Practice Guidance (2020)**

- 3.26 Planning Practice Guidance provides additional guidance on the role of health and well-being in planning. It identifies that planning and health need to be considered together in two ways: in terms of creating environments that support and encourage healthy lifestyles, and in terms of identifying and securing the facilities needed for primary and secondary and tertiary care, and the wider health and care system (taking into account the changing needs of the population). (Paragraph 001 Reference ID: 53-001-20190722).
- 3.27 The PPG also seeks to define a healthy place as one which supports and promotes healthy behaviours and environments and a reduction in health inequalities for people of all ages. It will provide the community with opportunities to improve their physical and mental health, and support community engagement and wellbeing. It is a place which is inclusive and promotes social interaction. The National Design Guide sets out further detail on promoting social interaction through inclusive design including guidance on tenure natural design and spaces that can be shared by all residents. (Paragraph 003 Reference ID: 53-003-20191101).

## 4. Baseline Conditions

4.1 This section presents the socio-economic and health data for Barnsley and at a more local level for the Rockingham Ward within which the site lies. The data provides an overview of health characteristics for the local population. Data has been used for ward level from the 2011 Census and using the most recent data available to Barnsley Council.

4.2 Information has also been taken from the following sources:

- Ward Profile: Rockingham Ward
- Public Health England Barnsley Local Authority Health Profile (2020)
- Barnsley Joint Strategic Needs Assessment
- Barnsley Our Borough Profile (2019)

### National Policy

4.3 Barnsley is ranked 38th out of 317 local authorities overall for deprivation by the Index of Multiple Deprivation (IMD). Health and Disability Deprivation ranks the highest in Barnsley with 34.7% of wards falling within the most deprived in the UK. Living Environment ranks the best with no wards falling within the most deprived within the UK.

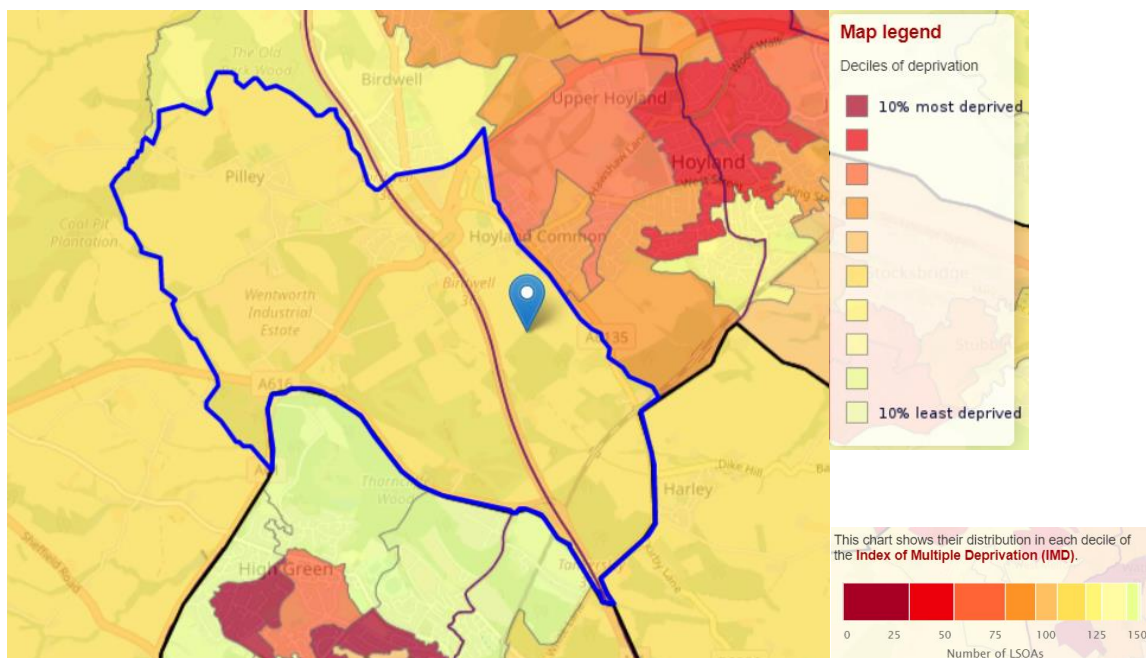
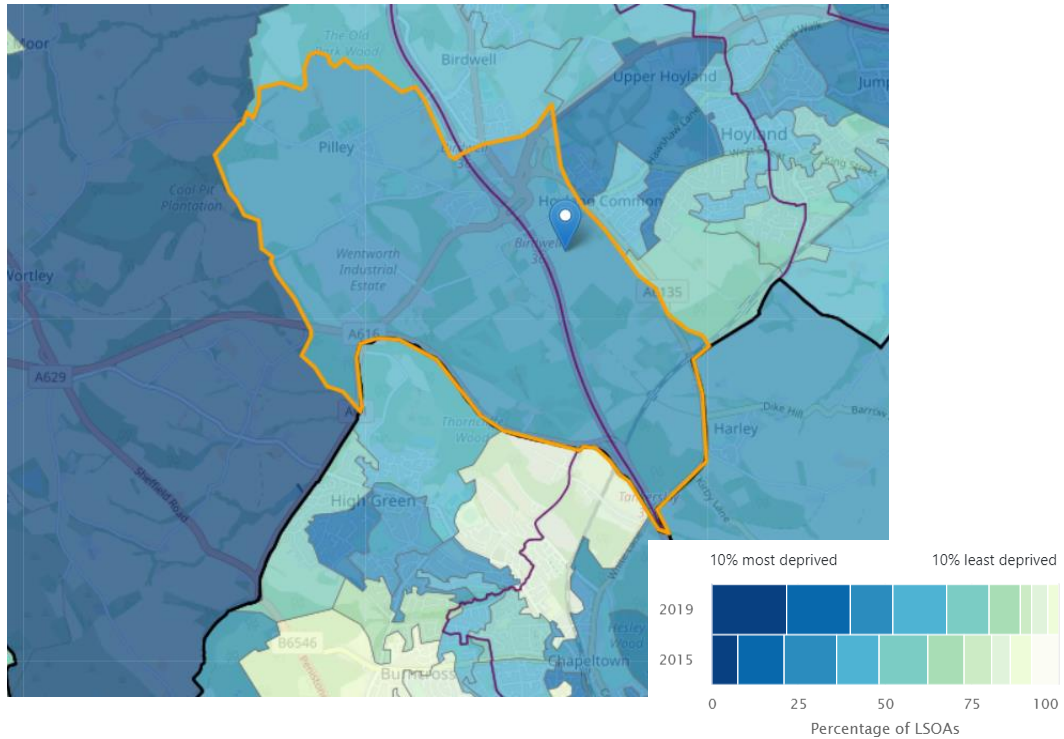


Figure 1: Site location and data from Local Government Indices of Deprivation Explorer 2020<sup>1</sup>.

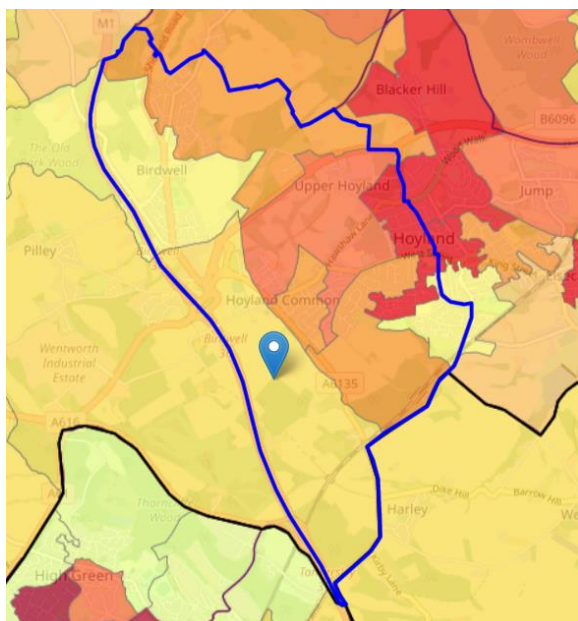
<sup>1</sup> <http://dclgapps.communities.gov.uk/imd/idmap.html>

4.4 The application site falls within Barnsley 028E Lower Super Output Areas (LSOA). In 2019, this LSOA was ranked 16,012 out of 32,844 LSOAs in England, where 1 is the most deprived LSOA. This is amongst the 50% most deprived neighbourhoods in the country. This LSOA has improved however, as it was previously ranked 19,217 in 2015. Crime is the worst ranked IMD indicator within the LSOA. Health Deprivation and Disability also ranks poorly for this LSOA.



4.5 The LSOA to the west (Barnsley 027A) is ranked 17,966 within the 40% least deprived. Whereas LSOA's in the east perform worse (LSOA 028B – 5,744 within the 20% most deprived). The surrounding area is in generally considered fairly affluent within the 40% least deprived (LSOA 028D, 030B and 030A).

4.6 There are notable disparities in deprivation levels between the east and west of Barnsley. In the east of the council there is a higher concentration of LSOAs within the most deprived in the country whereas in the west there is a higher percentage of LSOAs in the least deprived.





*Rockingham Ward. 2015 IMD*

- 4.7 There are similar deprivation disparities within the ward level of Rockingham. The development site lies within the most western part of the ward, on the border with Penistone East. Rockingham ward is the third least deprived LSOA within the overall ward. Penistone East to the west is the least deprived ward in Barnsley.

**Social Demographics**

- 4.8 Barnsley has a population of 243,341<sup>2</sup>. This represents a 4.9% increase from the 2011 census figure. The Borough's population is projected to grow further in the future, with projections suggesting growth of 27,000 or 11.5% between 2012 and 2033, to around 260,000 in 2033<sup>3</sup>.
- 4.9 Barnsley's population is however, ageing and the number of residents aged 65+ is projected to reach 60,800 by 2030; and increase of 33% from 2016. Barnsley has a comparatively low ethnic diversity with 96.1% of the population White British compared to 79.8% in England. In 2011, only 1 in every 100 people in Barnsley would not consider English to be their main language.
- 4.10 The area to the west of the M1 is predominately rural in character and is generally more affluent. The east of the borough has a dispersed settlement pattern of former mining settlements with relatively high levels of deprivation.
- 4.11 30% of Rockingham's adults are single, compared to a borough average of 31.5% and a national average of 34.6%. Just under half are married which is slightly more than the borough and national averages.
- 4.12 Just under two thirds of homes are privately owned and 22% live in social rented accommodation. These are both higher than national averages. However, fewer people live in privately rented accommodation (9.8%) compared to 12.8% regionally and 16.8% nationally.
- 4.13 A quarter of households do not have access to a car or van, although this is slightly less than the national and borough averages.

**Health Demographics**

- 4.14 The life expectancy at birth for males in Barnsley is 78.1 compared to 78.7 for the region. For females this still falls below the regional average (82.4) but is higher than for males at 81.9<sup>4</sup>. The Healthy Life expectancy from Birth (how long someone will live without a long-term illness) is 59.7 years for males and 61.0 for females Barnsley compared to 63.4 and 63.8 nationally.
- 4.15 In respect of health, 74.8% of the population describe their health as 'very good' or 'good' which is slightly fewer than the borough average but almost 7% fewer than the national average. Further still 8.7% feel their health is 'bad' or 'very bad' compared to the borough average of 8.4% and a national average of 5.4%.

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<sup>2</sup> From Barnsley Borough Profile 2019.

<sup>3</sup> Figures from Census 2011 and ONS 2012 Mid Year Population Projections.

<sup>4</sup> Health Inequalities – Barnsley Public Health England 2020.

- 4.16 Almost three quarters (74.38%<sup>5</sup>) of Barnsley respondents had a high happiness score in 2018/2019; slightly higher than the regions of 74.22% and lower than the national rate of 76.46%. This has increased from 66.15% in 2011/12.
- 4.17 Heart disease ranks as one of the highest percentages of cause of death in Barnsley (8.1%). Low back pain was the second highest ranked cause of death (6.3%) followed by chronic obstructive pulmonary disease (5.4%).
- 4.18 Children in Barnsley have comparatively good health. There are fewer children with excess weight or underweight compared to the region and nationally for ages 4-5 and 10-11 year olds. 80.2% of children aged 4-5 are of a healthy weight (76.6% nationally) and 66.2% of 10-11 year olds are also of healthy weight (compared to 64.3% nationally).
- 4.19 60.9% of adults aged 19+ achieve the nationally described 150 minutes of physical activity per week, below the national average (66.0%). This is likely due to a quarter of Barnsley residents in 2011 reported to have their day-to-day activities limited due to long term health or disability. This is significantly higher than the national (17.6%) and regional (18.8%) averages.

### **Employment Demographics**

- 4.20 36% of Barnsley residents in employment commute outside of the borough for work, whilst 23% of the jobs available within Barnsley are filled by commuters. It is considered that the local economy is unable to provide the necessary employment opportunities for the local labour force and there is a skills mismatch between local labour supply and business demands.
- 4.21 Within Barnsley 7.4% of jobs are classified as managerial compared to 10% nationally. Furthermore, the number of professionals is also under represented at only 13.1% compared to 19.9% nationally. Comparatively there is an over representation 12.5% of people working in sales and 8.0% who are plant and machine operatives. There are also an over representation of people working within Elementary occupations at 14% compared to 10.5% nationally. Elementary occupations include cleaners and domestic services, building caretakers and waste collectors.
- 4.22 Barnsley has a high proportion of long-term sick than the Regional and National average but a lower proportion of students.
- 4.23 One of the barriers to employment is the skill set of the resident population. Barnsley has seen an increase in the number of people with no qualifications (11%) which is above that of the national average (8.6%). Less than a quarter (22.8%) of all residents achieve an NVQ4 or above compared to 37.1% nationally.
- 4.24 Nevertheless, the number of pupils achieving a Pass in English and Maths at GCSE has slowly begun to increase from 59.1% in 2016 (below the national average) to 61% in 2018; national average was 59.4% in 2018.
- 4.25 School attendance rates and persistent absence are both worse than the regional and national averages in Barnsley. For Primary Schools attendance is 95.4% and at Secondary Level this is only 93.6%.
- 4.26 Since the decline in the mining industry there has been a shift from traditional manufacturing towards service-based industries. Barnsley's economy however still has a strong reliance on

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<sup>5</sup> Barnsley JSNA

manufacturing, construction and motor trades sectors. The following sectors are over represented: 15.2% of Barnsley's employees are within the manufacturing industries compared to only 8.5% nationally. 6.4% work in transportation and storage industries, only 4.5% nationally.

- 4.27 Barnsley records a higher proportion of small businesses; lower levels of micro businesses and similar levels of medium and large companies<sup>6</sup>.
- 4.28 Within Rockingham the percentage number of Job Seekers Allowance Claimants lie below that of Barnsley at 2.3% compared to 2.6% for Barnsley. Long term unemployment is also slightly below the Barnsley average at 4.9 compared to 5.0<sup>7</sup>.

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<sup>6</sup> Barnsley Employment Land Review 2016.

<sup>7</sup> Taken from Public Health England Local Health Data.



## 5. Proposed Development Scoping Assessment

- 5.1 This section summarises the development that will come forward in the Masterplan Framework area and its potential impact on health. The Hoyland West Masterplan Framework seeks to create a sustainable, high-quality development on the western edge of Hoyland, providing a pleasant environment in which to live and work. The employment led development would deliver 49ha of offices, light industry, warehousing and distribution units, along with around 100 new homes, and associated infrastructure. The proposed spine road will connect Hoyland West to the strategic road network, while providing additional benefit to existing Hoyland residents and businesses by reducing traffic along Sheffield Road. The proposals will respond positively to surrounding environment and will be set within Green Infrastructure.
- 5.2 As part of the Masterplan Framework proposals some of the existing pitch provision at The Forge, north of Tankersley Lane will be ultimately be relocated to Parkside to create a new community centre and enhanced sporting provision for both football and archery.

### Health Impact Assessment

- 5.3 Barnsley Council have a Rapid HIA toolkit with guidance. At the time the toolkit used was the HUDU London Rapid HIA toolkit. The HUDU toolkit outlines a number of impacts that should be considered when undertaking a HIA. The potential direct and indirect impacts of the development are summarised below under each heading.
- 5.4 Further information in respect of the health impacts of the proposed development can be found in Appendix 1 within the HUDU Rapid Health Impact Assessment Tool.
- 5.5 This addendum includes the additional information which is included in the Barnsley toolkit and not previously provided by the HUDU.

### Housing Quality and Design

- 5.6 The Masterplan Framework area makes provision for around 100 dwellings. The design of these new dwellings will be to a high quality and the mix of housing will support local demand.
- 5.7 The Masterplan Framework sets out design principles to ensure appropriate separation distances between employment uses and residential areas; both existing and proposed can be achieved. The exact details of the residential development has not yet been determined, including the exact mix or houses, types of houses or layout. The location of the housing is the most appropriate in terms of access to local services and away from sources of noise and air pollution. Mitigation including barriers along the spine road will ensure the protection of future resident's amenity.
- 5.8 To support the principles within the Masterplan Framework noise and air quality assessments have been undertaken and mitigation measures have been suggested to ensure a high level of local amenity for future and existing residents. Noise mitigation from a noise barrier to the east of the new link road, will protect residential amenity. Likewise during the construction phases appropriate mitigation measures will be expected to be in place to reduce the potential for dust.
- 5.9 Thus, the future development of Hoyland West is expected to have a positive impact on health and well-being of residents.
- 5.10 The design of the future development will be of a high quality that is sympathetic to its surroundings. The design will be expected to assimilate well into the existing landscape to minimise the impact on resident's visual amenity. The employment development is to be

located as far west as possible with significant amounts of structural vegetation to protect existing and future residents.

- 5.11 The design of future development will include a varied materials palette to blend the development into the landscape and surrounding area and to reflect where possible, the local vernacular.
- 5.12 The design of future development within the Masterplan Framework will be future-proofed by embracing a number of key measures including:
- Prioritising fabric energy efficiency and air tightness to reduce energy demand as far as possible and therefore negating the need for retrofit measures in the future which are expensive;
  - Optimising the form of buildings to maximise passive design through natural daylight and solar gain, whilst minimising summertime cooling demands;
  - Move away from fossil fuels and install air source heat pumps to provide low carbon and efficient heat and hot water;
  - Installing solar Photovoltaics to increase on site energy generation. and designing roofs to be 'solar-ready' to enable to 'Zero Carbon' to be met on-site in future;
  - Install active Electric Vehicle charging points to parking spaces, with ducting installed for future cabling to further spaces;
  - Implement a sub-metering strategy, in line with BMBC Sustainable Energy Action Plan (SEAP), so that useful in-use energy consumption data can be monitored and reported on in future.
- 5.13 The design principles set out in the Masterplan Framework aim to have a positive impact on local health. The quality will be of a high value such that it will be a pleasant environment in which to live and work, with state-of-the-art buildings with modern technology.
- 5.14 The residential dwellings themselves will be of a high quality providing for a range of tenures, affordable and accessible housing. The development will ensure sustainable homes which are energy efficient and lifetime homes. The exact details will be agreed as part of any future planning application.

#### **Access to Public Services and Social Infrastructure**

- 5.15 Hoyland West is already well served by local services including healthcare provisions. The Masterplan Framework will bring forward new infrastructure including a new link road. This road will link the Birdwell roundabout to the north with Hoyland South and will remove traffic off Sheffield Road, Hoyland. This will have positive health benefits for existing local residents who live on Sheffield Road.
- 5.16 The development of Hoyland West will be accessible to all users with numerous access points provided throughout the site and will be easy to navigate.
- 5.17 The new link road to be provided will be connected at three different locations within Hoyland and will include appropriate pedestrian and cycle facilities. A new green link will be created encouraging pedestrians and cyclists to use this space.

- 5.18 The development at Hoyland West will promote physical activity to accord with Active Design principles. New pedestrian infrastructure will be provided throughout the site. Covered and secure cycle parking will be provided. Travel Plans will be finalised which will encourage the use of public services. New bus stop provision within the site will encourage public transport usage by residents and employees.

#### **Access to Open Space and Nature**

- 5.19 The proposed development will result in the loss of some vegetation, including nearly all the existing hedgerows. However, any vegetation lost will be replaced and enhanced by incorporating blocks of native tree planting and new hedgerows. The proposals will provide extensive structural planting to promote corridors of movement and retain interest for species associated with the existing scrub and woodland. Impacts from the loss of hedgerows will likely be minimal. The replacement planting will seek to improve the existing position with a probable increase in health for residents as a result.
- 5.20 Development within the Masterplan Framework area will be expected to increase the amount and quality of local tree cover through additional new tree planting within areas of green space and landscape buffers.
- 5.21 Development will be expected to deliver 10% net Biodiversity Gain either through on-site mitigation or off-site compensatory measures.
- 5.22 There is evidence that the availability of green space has a relationship with improved perceived health. The Masterplan Framework sets out principles to improve the existing green space.
- 5.23 The Hoyland West development will be set within a comprehensive network of Green Infrastructure, comprising of retained vegetation, proposed areas of open space, amenity, recreation and drainage attenuation.
- 5.24 The scheme is likely to have a positive health impact as a result of improved green space in line with active by design principles. Although it has been raised by local residents as part of the consultation on the Masterplan Framework that the loss of green space is unwelcomed. It is not expected that the loss will result in any negative health impacts, as the Masterplan area will provide additional green infrastructure in compensation.
- 5.25 Bellground Woodland lies to the south of the site. The development of Hoyland West will not have a negative impact on the woodland but will seek to encourage the use of the area for walking and recreation by making the site more easily accessible to a larger number of local residents and workers.

#### **Air Quality, Noise and Neighbourhood Amenity**

- 5.26 An Air Quality Assessment has been carried out as part of the work on the Masterplan Framework. Mitigation measures will be required and subject to these measures being put in place, the development of the Masterplan Framework area will not result in adverse impacts on air quality and local amenity.
- 5.27 The Masterplan Framework sets out principles to ensure that the employment uses across Hoyland West will not have any significantly adverse impacts on local amenity. The employment sites have been located as far as possible from existing and proposed residential development.
- 5.28 Any construction works phase will be subject to a Construction and Environmental Management Plan (CEMP) which will ensure that all local amenity is protected.
- 5.29 Noise from the development within the Hoyland West Masterplan Framework area subject to mitigation measures is unlikely to result in any significant adverse noise effects and will be expected to comply with relevant national and local planning policy requirements. A noise barrier along the spine road is proposed to mitigate any adverse noise impacts.

- 5.30 There is potential for light pollution from development of this area which could result in sleep disturbances to residents living close by. This could have a negative health impact. Additional mitigation measures may need to be explored to reduce the potential health impacts.
- 5.31 The exact details of the mitigation measures required can be conditioned for each separate phase of the development to ensure that it will not result in any detriments to local health.

### **Accessibility and Active Travel**

- 5.32 The Masterplan Framework area lies within a sustainable location, the site lies within close proximity to junction 36 of the M1. Additional infrastructure works are required to incorporate the proposed extension and to meet required highway demands. The spine road will provide the necessary additional infrastructure to ensure that future development is connected, permeable and accessible by a variety of means of transport.
- 5.33 It is possible that the proposed employment development will create barriers to active travel and physical activity. It is likely that many workers will and do drive to sites such as these. By increasing the availability of alternative means of travel and by implementing Travel Plans this can encourage physical activity. There is strong evidence between employment sites such as these and low physical activity, which can have a negative impact on health.
- 5.34 Travel plans can be conditioned for each phase of the development to encourage the use of public transport, walking and cycling within the site. These will encourage a positive health impact from the development.
- 5.35 Sustainable transport links are central to the sustainability debate. Dedicated and safe cycle and pedestrian routes penetrate the Hoyland West development area, linking employment buildings with green spaces, such as Bell Ground, new council sports pitches, surrounding woodland, local cycling networks and public accessible pedestrian routes. This will encourage activity to and from work, as well as during lunchtimes and breaks.
- 5.36 The site is currently well connected by footways along its edge to Hoyland, with a number of Public Rights of Way within close proximity of the site. Footpath 28 runs along the southern site boundary. There are also strong cycling links within the site, including the Trans Pennine Trail. The existing connections will be strengthened to influence and encourage alternative modes of transport.
- 5.37 There are a number of existing bus routes within the site. It is probable that some new routes will be included and some existing routes re-routed this could have negative health impacts on those who rely on these existing routes. Additional bus services will have a probable positive impact as it encourages other forms of transport to be used by residents.
- 5.38 The scheme will be set within a comprehensive network of Green Infrastructure comprising of retained vegetation, proposed areas of open space, amenity, recreation and drainage attenuation. This accessibility to open space and greenery seeks to improve the health and wellbeing of workers at the employment site. It is well evidenced that access to green space is beneficial for mental health.

### **Crime Reduction and Community Safety**

- 5.39 The Masterplan Framework and individual plots will be designed to reduce the opportunities for crime. Secured by Design is the current police project focused on the design and security of new homes amongst other development types. The project supports the principles of 'designing out crime' through physical security and processes in new development. The Masterplan has been taken to the Design Panel for review together with the Design Councils guide to designing out crime to ensure the layout and materials of the development discourage crime and ensure preventable crimes are prohibited.

- 5.40 The Masterplan Framework encourages active frontages where possible to provide natural surveillance and discourage crime. Further mitigation measures will be agreed with the Police as necessary to ensure that crime is not a risk within the proposed development. These details will be agreed and presented within future planning applications.

#### **Access to Healthy Food**

- 5.41 The Masterplan Framework does not include any hot food takeaways or commercial developments which could provide unhealthy food options. There are a number of existing supermarkets and shops within walking distance of the Masterplan Framework area, providing access to healthy food options.
- 5.42 The development is expected to have a positive impact on local diet and nutrition. The Masterplan Framework lacks the provision of alternative associated uses which support employment development and provide the potential for linked trips; a key theme of active design principles. However, the site lies within walking distance of Hoyland Centre, which contains a variety of shops and services. Areas for allotments could look to be included within some of the proposed green spaces to further maximise the health benefits of access to healthy locally grown foods.

#### **Access to Work and Training**

- 5.43 The Masterplan Framework will provide local employment and training opportunities, both during the construction phases and once each phase becomes operational. The development will provide opportunities for work for local people. It is also anticipated that the construction phase will also result in supply chain opportunities for local businesses.
- 5.44 The increase in employment opportunities as a result of the development will have a positive impact on local residents who can as a result look to improve their job prospects. There is the potential for a skills however, between the existing population and the proposed development. It is possible that the jobs available to local people may be lower paid, part-time (elementary occupational) jobs offering a lower income than if they were unemployed. This could have a negative impact on their long-term health.
- 5.45 It is speculated that the increase in staff and users of the site will bring an increased prosperity to the area through an increase in local spending. Once operational it is likely that future employees within the Masterplan Framework development will travel to Hoyland during their lunch breaks to access local supermarkets and shops.
- 5.46 It is expected that the development will increase economic growth in Barnsley which will have both direct and indirect impacts on local health.
- 5.47 The proposal will generate up to 2,000 jobs across the Masterplan Framework development area, providing a large number of jobs for local people including a variety of roles and management positions. This will provide a diversity of job opportunities to the area to the benefit of local health factors.
- 5.48 In general, it is understood that being at work is better for your overall health than being unemployed. Although 'job strain' work characterized by a: frequently changing nature of work, high levels of repetitive work, stressful work, increased time pressures, increased work intensification and increased multi-skilling demands, can create health related problems. Additional information on the jobs to be provided and local access to these jobs will be agreed under separate future planning applications.

#### **Economy and Employment**

- 5.49 The Masterplan Framework does not make provision for Childcare facilities these will be down to individual commercial operators following discussions with the council at respective planning stage. This could lead to a mismatch in those who can apply for the roles available.
- 5.50 Once the type and style of residential development has been finalised under a planning application, negotiations on additional childcare and educational facilities can be undertaken and agreed with the council.
- 5.51 The Masterplan Framework encourages and allows for employment development including for start-up developments. Thus providing a positive health benefit to the local area.
- 5.52 Development within the Masterplan Framework area will be expected to meet BREEAM standards and Active Building Design Principles which encourage more active buildings will be negotiated with the council as planning applications come forward for development; where feasible and viable.
- 5.53 The location of the Masterplan Framework development area will create an attractive business location, which will encourage investment into Barnsley. Additional infrastructure proposed including the link road will ensure the development site is sustainably located.

### **Social Cohesion and Lifetime Neighbourhoods**

- 5.54 The Masterplan Framework has been subject to ongoing local community consultation, with comments, taken on board and changes made to the scheme to ensure the existing community have had an opportunity to engage with the development that will impact on their future. . The consultation on the Masterplan Framework has provided a positive opportunity for local involvement this is expected to have a positive health impact. Where residents do not feel that they have a voice can result negative mental wellbeing for existing residents.
- 5.55 The Masterplan Framework provides opportunities for social interactions between residents and future users of the site. Areas of open and useable green space will be incorporated providing opportunities for recreation and amenity. While pedestrian and cycle connections will be provided to the wider network, connecting to the existing settlement and countryside beyond.
- 5.56 The site lies within a 23min walk of the center of Hoyland. Local shops and services lie within a 5 min catchment of the site. Easy access to these services offers opportunities for positive social interactions with the existing community and a positive health impact.
- 5.57 The arrangement of housing will be carefully considered to integrate well with the existing dwellings on Tankersley Lane and Sheffield Road. Active frontages and a considered vernacular will help the Masterplan Framework development to assimilate with and minimise the visual impact on existing residents. The introduction of high-quality new housing development to replace the existing haulage depot will deliver positive amenity improvements to local residents. This is expected to have positive associated health impacts.
- 5.58 In order to integrate the employment development and residential development, adequate separation distances and appropriate boundary treatments have been proposed throughout the Masterplan layout. This is expected to deliver positive health outcomes. Offices and smaller employment units will be located closer to the existing settlement edge, with larger units set further back. Tree planting and landscaped/ ornamental planting will be provided to improve the landscaped setting and views of the development, to help assimilate with its surroundings. Thus reducing the potential for negative health and wellbeing impacts.

### **Minimising the Use of Resources**

- 5.59 The Masterplan Framework site will be designed to aid the transition to a Net Zero Carbon Borough by 2045. The Masterplan Framework seeks to optimise the form and orientation of



- buildings to maximise opportunities for natural daylight and passive solar gain. Priority will be given to fabric energy efficiency and air tightness to reduce energy demand from buildings. The Masterplan Framework will require a reduction of embodied carbons, by using less material, recycled aggregates and steel and design for flexibility, adaptability and disassembly.
- 5.60 Each development plot will be required to provide an Energy Statement that will set out measures to demonstrate how the development seeks to reduce carbon emissions. This is expected to have a positive health outcome.
- 5.61 The Masterplan Framework requires development to be innovative and sustainable meeting current and evolving standards with regards to construction, operations and use of materials. The buildings will be designed to achieve BREEAM 'Very Good' incorporating measures to reduce energy demand and carbon dioxide emissions and active design principles.
- 5.62 The development and construction of the Masterplan Framework Plots will be managed subject to appropriate mitigation measures to reduce the potential for dust and any impact on air quality. The Framework will ensure that any water run-off will be protected and mitigation measures will ensure no leakage to local soils from any development.
- 5.63 The scheme will deliver a minimum 10% net gain in biodiversity within the Masterplan Framework area. Furthermore, the existing geodiversity of the will need to be reviewed within individual planning applications to ensure the land is capable of accommodating the scale and type of development proposed, or appropriate mitigation can be put in place. The Masterplan Framework considers the former open-cast mining use of the site and will ensure contamination is mitigated against.

### **Climate Change**

- 5.64 The Masterplan Framework requires all built development be designed to aid the transition to a Net Zero Carbon Borough by 2045. This is expected to have a positive health impact on the local and future community.
- 5.65 Within the Masterplan Framework a minimum 10% net gain in biodiversity will be sought, and suitable drainage attenuation will be introduced for each development plot as necessary. Energy efficiency of materials and the layout and design will take account of and capitalise on passive solar gain and other natural environmentally friendly building ideals. Energy Statements will be required to support development, demonstrating positive health outcomes can be achieved through active design of buildings.
- 5.66 An attenuation basin in the south of the site is proposed to attenuate any run-off from the link road and commercial plots before draining to an existing outfall. This will ensure that the run-off rates are not greater than those experienced currently. It is possible that this will have a positive impact on health and wellbeing as local residents and businesses do not need to be concerned about additional development impacting on flood risk.
- 5.67 The Masterplan Framework lies within three catchments. In order to prevent impacting on the surrounding area, a drainage strategy has been prepared which includes an attenuation basin. The basin will safely deal with surface run off from the development. The Masterplan Framework site lies within Flood Zone 1 at the lowest risk of flooding. Nevertheless, mitigation measures may be required for development plots to reduce the potential for increasing flooding elsewhere. This would reduce the potential for negative health outcomes from flooding.
- 5.68 It is probable that the proposal will contribute towards climate change, making it possible that it will contribute towards a number of current and predicted negative health impacts on vulnerable populations.

### **Alcohol Tobacco and illegal drugs**

- 5.69 The Masterplan Framework will prevent the supply of alcohol and tobacco, as it does not provide for any bars or nightclubs or off licenses which would sell these types of products. Smoking shelters will be provided where necessary within the commercial parts of the development, in locations which make it less attractive for people to smoke and areas that will not impact on the amenity of other people using the site.
- 5.70 As mentioned within the crime section, the development follows secured by design principles and will not therefore encourage or support illegal drug use. Any public open space areas will be overlooked or secured making it difficult for illegal drug use at the site.
- 5.71 These design features will have a positive health impact.



## 6. Summary and Recommendations

- 6.1 This Health Impact Assessment considers that potential impacts of the development of Hoyland West on local health. It has been based on an analysis from the supporting Technical Reports which accompany this Masterplan Framework and considers how any impacts may affect different determinants of health (unemployment, fuel poverty, obesity).
- 6.2 This Assessment should be read alongside all the other documents which have been prepared in support of the Masterplan Framework. The Masterplan Framework seeks to create a sustainable high-quality development providing a pleasant environment in which to live and work. The employment led development will deliver 49ha of offices, light industry, warehousing and distribution units, along with around 100 new homes, and associated infrastructure. Following a review of the potential impacts, it is probable that the development will result in negligible health impacts over the long-term, subject to appropriate mitigation measures being put in place. There will be design considerations required to mitigate the impact of the development on the surrounding landscape. The Masterplan Framework will seek to integrate within its immediate context, new employment land should strive to lessen its impact on the surrounding landscape through well thought out and sensitively designed masterplanning to alleviate pressure upon existing amenity. It is probable that this will encourage community integration and social cohesion.
- 6.3 The Masterplan Framework seeks to positively respond to the local environment to improve the future for existing and future residents and occupiers.
- 6.4 An assessment of potential health impacts arising from the development has been undertaken and can be found in Appendix 1. The matrix of assessment is in line with the HUDU Rapid HIA toolkit methodology.
- 6.5 The proposed development is considered to be supported by national and local planning policy and has been subject to an EIA screening and found to comply. Therefore, the proposed development can look to be supported.

## **Appendix 1 – HUDU Rapid Health Impact Assessment Tool**

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# STATEMENT OF COMMUNITY INVOLVEMENT

Land West of Sheffield Road, Hoyland

NEWLAND DEVELOPMENTS

191HA800

DEVELOPMENT & PLANNING | LEEDS

August 2020



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Version	Prepared by	Approved by	Date
<b>Statement of Community Involvement</b>	Katrina Crisp MTCP, MRTPI	Katrina Hulse BA(Hons) MA, PGDipLaw MRTPI	August 2020

## 1. Introduction

- 1.1 Cushman & Wakefield (C&W) have prepared this Statement of Community Involvement to support the Masterplan Framework for Hoyland West. Hoyland West comprises of 49ha of employment land (Policy ES13 in the Barnsley Local Plan) and land to accommodate circa 100 dwellings (Policy HS57 in the Local Plan).
- 1.2 Further details of the proposed development are described in the accompanying Masterplan Framework prepared by FCPR and Barnsley Metropolitan Borough Council.
- 1.3 Cushman & Wakefield have been instructed to provide public relations and community consultation support for this proposal, incorporating a strategy for community engagement alongside Barnsley Council.
- 1.4 This Statement of Community Involvement has been prepared by C&W on behalf of Newlands Developments UK and Barnsley Council to support the preparation of the Hoyland West Masterplan. .
- 1.5 This Statement of Community Involvement sets out how Cushman & Wakefield together with Newlands Developments UK and Barnsley Council have engaged with the relevant stakeholders including elected members and local residents in the planning and development of this Masterplan.
- 1.6 The consultation process has included a community consultation for the Hoyland West Masterplan Framework. The Hoyland West Masterplan Framework covers an area of 52.5ha including land falling within Local Plan Policy ED13 and HS57. The Hoyland Masterplan Framework, once adopted, will provide the overarching development principles for Hoyland West. A copy of the Illustrative Masterplan Framework is in Appendix 1.
- 1.7 This community consultation strategy was agreed with Barnsley Council that due to COVID-19 the consultation of the Masterplan Framework has been online only and has included a series of question and answer sessions open to the local community.
- 1.8 A significant number of people within the community have responded to the consultation which has proven to be extremely useful for gaining local stakeholder and community opinion. The representations will be reviewed and where appropriate, amendments will be made to the Masterplan Framework.
- 1.9 Throughout the evolution of this Masterplan Framework including during the initial design stages, the design team and Newlands Developments UK have worked collaboratively with the Council and there have been a significant number of meetings and events held between the parties to work up the principles of the Masterplan Framework and provide advice and input into any forthcoming planning applications. This will continue up to the adoption of this Masterplan Framework. This collaborative working will enable the Masterplan Framework to be delivered expediently, thus speeding up the future planning process.



## 2. Objectives

- 2.1 The primary objective of this Community Involvement Procedure has been to inform the local community and key stakeholders of the details of the Masterplan Framework to seek feedback and opinions on the overall scheme prior to a final document being adopted. Once adopted the Masterplan Framework will be a material consideration for any future planning applications. This will ensure that the Masterplan development aligns with existing local needs and has local support.
- 2.2 The consultation has taken into account the aspirations of the Localism Act (2011), local planning policy and community involvement guidance. This engagement strategy has been developed alongside Barnsley Council to ensure continuous and ongoing negotiations with the local council and community. In line with National Planning Policy the scheme ensures the community remains involved throughout the evolution of the Masterplan Framework and any subsequent decision-making processes for planning applications of relevant development plots.
- Barnsley's Statement of Community Involvement requires a consultation period of at least four weeks for any supplementary planning documents (SPDs) including Masterplans. These are not subject to independent examination but are adopted by the council. *“the approach to involving people in the production of Masterplan Frameworks to date has been to follow how we consult on SPDs. In addition, site notices should be used to publicise consultation events. This approach will be taken with other Masterplan Frameworks where appropriate.*
- 2.3 The client and project team recognise the importance of undertaking early engagement to ensure a transparent and open process. Community engagement also has many known benefits to securing a long-lasting positive legacy within a community. Early engagement helps to open communications between the parties involved and to highlight at the beginning areas of conflict which could look to be resolved ahead of its adoption and any subsequent planning application submissions. Local communities that are more informed about the proposed development and how it affects them are more likely to support and contribute to the development process as there is a greater sense of understanding and transparency between the parties.
- 2.4 Formal consultation has been carried out with Barnsley Council to define the scope of the community engagement proposed for the Masterplan Framework.
- 2.5 Additional consultation was also undertaken with the Executive Director of Place as well as the Executive Level of the Council and Technical Workshops with relevant Council stakeholders.
- 2.6 An online consultation for the Masterplan Framework has been undertaken using online feedback forms available for residents and online Q&A sessions. The online Masterplan Framework consultation took place between 7 May and 18 June 2020. A special webpage on the council's website was made specifically for the Masterplan consultation.

### **3. Consultation Approach**

#### **Consultation with Barnsley Council**

- 3.1 The Council and Newlands Developments UK project team have worked together to develop the Masterplan Framework. This engagement with Barnsley Council has been extensive; it has included:
- monthly project meetings with the Head of Planning, the Project Manager and technical consultees within the Council such as highways and urban design;
  - Regular meetings with senior personnel in the Council's regeneration team, which has included discussions on the investment being brought forward, jobs and infrastructure funding;
  - Weekly steering group meetings with the Council's Estates team, the Forge Community Partnership and the developers on the relocation of the existing sports and community facilities;
  - Meetings on topic specific issues such as Highways Design;
  - Technical workshop with a wide range of internal consultees from the Council and the applicant's technical team (20<sup>th</sup> March 2020)
  - Design Review Panel was held on the 1<sup>st</sup> April 2020 – the Masterplan Framework and application designs were presented to a panel which included local architects, landscape architects, members of the Civic Trust and local councillors. We are proposing to present again in early July 2020 following the feedback from the Masterplan consultation and subsequent amendments to the scheme in light of local resident's feedback.
- 3.2 A presentation was given to the Council on the 14<sup>th</sup> May 2020 by Hermes, who wish to develop one of the employment plots within the Masterplan Framework. This provided an opportunity for Hermes to outline to the Council their business model, the scale of investment and the number and types of jobs that could be delivered on one of the plots once adopted.
- 3.3 These discussions with the council have enabled a collaborative approach to achieve the wider Masterplan objectives. This will ensure that the Masterplan Framework can be delivered to provide the improved outcomes for the local community and economy.
- 3.4 These discussions and early consultations are also likely to assist with a quicker decision-making process for any application submitted once the Masterplan Framework has been adopted.

#### **Public Consultation**

- 3.5 The public consultation of the draft Masterplan Framework was carried out in order to engage the local community and stakeholders on a fair, inclusive and meaningful basis prior to the formal adoption of the Masterplan Framework by Barnsley Council. It is the expectation of the consultation to provide easily accessible and understandable material and context to local residents of the proposed development. The Council's Communications Team have reviewed all material to ensure its suitability for community consultation.

- 3.6 The scope of the consultation allows the scheme to evolve to a reasonable level before the Framework is finalised and adopted by Barnsley Council. The public consultation included flyers sent out by Barnsley Council to all residents and businesses within a defined boundary of the site (see Appendix 2). Further notifications of the consultation were published in the local newspapers and on the council's website two weeks before the event, providing sufficient notification to local residents.
- 3.7 The dedicated website set up with the Council includes an online questionnaire for local residents to complete and FAQs document (See Appendix 3). The presentation boards provided online alongside the FAQs sets out to inform residents of the proposed Masterplan Framework and the principles that will guide future planning applications (see Appendix 4). The website was set up to host the consultation exercise for the six week period between 07 May and 18 June 2020.
- 3.8 The consultation event was publicised on the council's website. <https://www.barnsley.gov.uk/services/planning-and-buildings/local-planning-and-development/our-new-local-plan/hoyland-west-masterplan-framework/>
- 3.9 Residents have been aware of the proposed level of development here ahead of this Masterplan Framework consultation as the area includes an allocated employment site (ref: ES13) and housing site (ref: HS57) in the 2019 Barnsley Local Plan. Part of the Local Plan process requires public consultation in which residents have an opportunity at all stages of the process to make representations on all aspects of the emerging Local Plan and attend the independent Examination in Public.
- 3.10 It has been brought to our attention that since the approval of the Local Plan and the Hoyland North Masterplan Framework and following public consultation on Hoyland South and the preparation of this Hoyland West Masterplan Framework there has been a local petition which has gained over 1,271 signatures<sup>1</sup> from local residents against development in this area.

## Key Summary

- 3.11 We consider that the appropriate methods have been carried out during this consultation process and that they are in full accordance with the Barnsley Council SCI and national policy. A website for the Masterplan Framework and a dedicated email address has been set up for ongoing discussions and feedback from the local community to alleviate any concerns which arise over the course of the development of the Masterplan Framework. Furthermore, a dedicated news page has been set up on the Council's website to keep local residents informed of ongoing works within the whole of the Hoyland Development area, including North and West Hoyland Framework areas.

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<sup>1</sup> As of 03 June 2020.

## 4. Engagement Results

- 4.1 This section provides a summary of responses received and actions undertaken as a result of the consultation process. Focusing on the employment and design responses.
- 4.2 The Council's Communications team kept track of the feedback and comments that were received during the Masterplanning Framework consultation. It was considered that the community held a variety of concerns in relation to the proposed Masterplan development.
- 4.3 As expected from the consultation a variety of issues and local concerns were raised. A large number of which were against the principle of the development of the Hoyland West Masterplan area. The issue of the principle has already been confirmed through the adoption of the Barnsley Local Plan. Nevertheless, a petition has been signed by over 1,271 people opposing all development in Hoyland.
- 4.4 A total of 65 responses were received as of 04 June 2020. Given the online nature of the consultation it is difficult to know for definite how many different people have viewed the consultation and thus the response rate to the consultation.
- 4.5 Given the number of signatures on the petition (1,271 people), a total of 65 responses seems a low rate of response to the Draft Masterplan Framework consultation. This represents a 5% response rate.
- 4.6 The concerns that have been raised by this consultation are the subject of continued dialogue between the Council and the wider developer team, including the developer, who were involved with producing the Masterplan Framework.
- 4.7 The consultees were asked to provide feedback to a number of questions (26 in total) which relate to the Masterplan. A copy of the questionnaire with a summary of responses is available at Appendix 5.
- 4.8 Residents were asked whether they agreed with the vision of the Masterplan Framework. Almost three quarters (70%) of the responses received disagreed with the vision. There were some (10%) who did not know and 22% who were supportive and agreed with the vision.
- 4.9 The next question sought to understand what residents considered to be the most important features of the existing site. Unsurprisingly, given the high level of responses against the proposed development, the majority of responses related to the existing trees and vegetation and the wildlife (71% and 68% respectively).
- 4.10 Residents were also given the option to include anything not already listed. Of these responses; *it included that given the current climate, following COVID-19 it is essential to provide access to green space to support local mental health and wellbeing. One response even notes that there are plenty of brownfield sites in the area without the need to destroy the greenbelt land.*
- 4.11 When asked, what range of employment uses the respondents thought the Masterplan should seek to provide, a number of different opinions were given. Just under half of the responses received (51%) would prefer 'other uses' for the site; these were expanded further. Residents proposed that nothing further should be provided on the site, additional small businesses and offices, and to include some retail and service sector provision.

- 4.12 Office use was the second highest scoring response 42% would prefer to see offices in this location. Only 17% would like to see manufacturing/ general industrial uses at the site and/or storage and distribution uses as proposed.
- 4.13 Overall, there was some support for the proposed mix of industrial and commercial uses (B1, B2 and B8 uses) proposed within the Masterplan area. However, a higher majority would rather not have any additional industrial uses within Hoyland West or would rather the area provides for offices and starter units.
- 4.14 Design feedback was much more mixed. The following options were provided to residents when asked what they considered to be the most important points for guiding the design of the Masterplan Framework area:
- Creating views to important buildings and landmarks;
  - Considering local distinctiveness;
  - Display good design using high-quality materials;
  - Sustainable design and construction incorporating low carbon and renewable technology (use local materials, solar panels, high insulation levels, orientate buildings to maximise solar gain);
  - High quality outdoor space with clear distinction between public and private space;
  - Creating a suitable spine road to divert traffic away from Hoyland Common;
  - Healthy and safe environment;
  - Clear and obvious routes for pedestrians, cyclists and motorists;
  - Retaining Rockingham Sports Ground as is (rather than reconfiguring or relocating);
  - Providing adequate parking;
  - Other (please specify).
- 4.15 Again, residents were allowed to pick multiple responses to the above question (question 4). The majority of the responses considered that retaining the Rockingham Sports Ground (55%) and creating a suitable road to divert traffic away from Hoyland Common (48%) were the most important design considerations that should guide the development of the Masterplan Framework area.
- 4.16 Of the responses received 28% replied 'other' to the design questions. Of these responses over half of the comments advised that the Masterplan Framework should not be approved or built, that there was no need for additional development at the expense of a loss of the existing open space. Other responses requested that the design of the Masterplan should take account of existing views and local amenity and sufficient suitable planting should be put in place to mitigate the impact of the development.
- 4.17 Creating a healthy and safe environment was also very highly ranked (38%). On the other hand, the need to create views to important buildings and providing adequate parking were the lowest ranking response rates.

- 4.18 The questionnaire included additional requests for feedback on the proposed road layout and design of the Masterplan. The Masterplan Framework provided 3 different options for Tankersley Lane. Residents were asked which layout option they would prefer to see. Of the responses received 62% replied with none. Option A (cycle and pedestrian access only) received the second highest response rate 15%. Option C was shortly behind this (closed Tankersley Lane between M1 & dwellings) at 14%.
- 4.19 Residents were then asked to provide reasons why, and give thoughts on their preferred option. From the responses received it appears as though residents were not clear about the different options for Tankersley Road. Comments received included:
- We do not need anymore development;
  - Barnsley Council have already created chaos with the new roundabout system from the M1...nothing in the Masterplan Framework will help divert traffic away from Sheffield road.
  - The road should remain open to allow direct vehicular access from Tankersley to Pilley through to Hoyland. The other options are poorly conceived and will require longer journeys for local residents;
  - No option allows access to both the spine road AND ahead into Hoyland, which I think is a missed trick, traffic could be directed by a roundabout at the meeting point. Most of the people using Plots 3 and 4 would be using the motorway as a way of getting to and from home and their work place, but you could still retain the useful access to Allets Corner.
  - There is too much traffic on Tankersley Lane as it is...it cannot be widened or improved. It's so close to schools and care homes. So have to consider pedestrians safety.
- 4.20 While some residents were not sure altogether about the proposed road layout options put forward when commenting on the framework. The results as such are likely to be skewed and not representative to provide the best approach for the Masterplan based on local opinion.
- 4.21 Opinions were also gathered on how the impact of the total development can be minimised when viewed from the wider landscape. Of the four options provided almost all (54 out of 65) respondents noted the need to create a strong green landscaped buffer to minimise the visual impact of the master planned development on the wider landscape. Over half also considered that green roofs (partially or wholly covered with vegetation) would help assimilate the scheme into the landscape.
- 4.22 Residents were then asked to comment on how the impact of the Masterplan could be minimised on existing biodiversity features. The most common response was to introduce new areas for wildlife within the Masterplan area (wet and dry areas) with 68% of responses. Over half, 38 of the responders also considered that developing a landscaping scheme that encourages roosting, nesting, feeding and movement through the site was of importance and to leave areas of grass to grow wild to create wildflower verges and meadows (33 responses).
- 4.23 Not surprisingly of the 'other' responses received was the request for no additional development and to leave the wildlife and nature alone.

4.24 The final design related question (question 18) allowed residents to make any other comments they had in relation to the draft Masterplan Framework. The following themes came out from the responses received:

- It will turn the area into an ugly industrial estate, it was once a lovely sought after area;
- It has no consideration to the impact on social infrastructure including schools and doctors...;
- There will be added pollution;
- Threat to existing biodiversity including skylarks within the site;
- There are still empty units at J35 is there a need for more here in this semi-rural area;
- Re-siting the Sports Ground is unacceptable;
- Parking is already a problem and will only make it worse;
- Will increase journey times by car which defeats the green objectives of the local plan;
- It will impact on health through loss of green space and increase in fast food options; and
- Flooding problems will be made worse by the new development;
- The development will bring more jobs as such there is support for Plots 3 and 4.

4.25 Having considered the above, the responses to the masterplan provide useful feedback. Analysis of the consultation demonstrates that there is significant local objection to the proposed master planned development. This is likely due to a lack of understanding of the need for the development in this location, given the proposed developments at Hoyland North and South.

4.26 The need for additional significant development was one of the most prominent issues raised by local residents, often citing that there are a number of existing vacant industrial units already within the Barnsley District. Other points raised regarded how the delivery of the employment scheme will impact on future residential development of the site and how this affects local residents in the short and long term.

4.27 Resident's concerns have been taken into account regarding the development of the Masterplan Framework. These will inform the next stage in the adoption of the Masterplan Framework. Changes to the proposed Masterplan will be made where appropriate and feasible, taking into account comments received by residents and the design review panel, the exact nature of these will be determined once the consultation has come to a close and full analysis of the results finalised. This is expected by early July 2020.

## **Response to Issues**

### **Employment Needs**

4.28 There is clearly a concern amongst local residents that there is a limited requirement for additional industrial development and housing (if any) in Hoyland. This was reaffirmed in the



responses received and following the petition signed against development in Hoyland including that set out in this Masterplan Framework.

- 4.29 As a general point, there is both a quantitative and qualitative need for housing and industrial premises across Barnsley District Council, which has been identified in the allocation of these sites through the Local Plan. The case for this is set out in greater detail in the accompanying evidence base documents for the Adopted Local Plan.
- 4.30 With regards to the amount of development proposed, 49ha of employment land and 100 dwellings are considered necessary to meet demand within Barnsley. The exact details of proposed floorspaces will be determined through planning applications for each development Plot and once operators are identified.
- 4.31 The Masterplan Framework accords with the Council's adopted local policy and allocation requirements and will comprise a mix of unit types and sizes in order to provide for local employment opportunities and business needs and to meet an identified housing shortage.

#### **Traffic and Tankersley Lane**

- 4.32 Concerns were also raised about the impact of the Masterplanned development on traffic in Hoyland and the surrounding area.
- 4.33 Any planning applications for development plots will need to be accompanied by Transport Assessments which will assess the existing highway network and predicted traffic flows and the impact of traffic from the development of the site.
- 4.34 The proposed Masterplan Framework simply seeks to set out the proposed layout and amount of additional infrastructure required to ensure the sustainability of the Masterplan Framework. It seeks to ensure that sustainable measures including bus stops and pedestrian and cycle facilities are an integral part of the scheme. This will seek to reduce the reliance on the private vehicle and thus reduce the potential traffic impacts as a result of the proposed development.
- 4.35 The applicant has also sought to understand from local residents as part of the consultation which option was preferred regarding the use of Tankersley Lane; the intention is that this will improve the usability of the site.

#### **Design**

- 4.36 Local residents have raised concerns about the impact of the development on the visual amenity of residents and the loss of views. Issues were also raised regarding the loss of landscaping and biodiversity at the site.
- 4.37 Any development inevitably leads to changes in the landscape when viewed by residents, however the use of landscaping and green infrastructure as noted in the Masterplan Framework seeks to minimise these impacts where possible. This was also put forward by residents as their preferred option to minimise the impact of the development.
- 4.38 Comments have been sought from residents about the most important features of the proposed design to ensure that these can be applied as the Masterplan Framework progresses.
- 4.39 Mostly comments are concerned with the urbanisation of this semi-rural environment as a result of the development proposed. The Masterplan Framework includes parameters which reflects the need to respect the wider context of the site and its environment,. The proposed development will add positively to the area through careful management of the development.



**Other Issues**

- 4.40 A number of other issues as identified above have been raised relating to the scale of the Masterplan area being too large; the impact on local health and the environment; the need for the level of development proposed given existing vacant industrial units within the District.
- 4.41 These issues have been addressed during the preparation and adoption of the Local Plan. The Masterplan Framework includes employment allocation (ref: ES13) and housing allocation (ref: HS57). Therefore, no additional need or justification for the level of development proposed is required in support of this Masterplan Framework. Local residents have had their opportunity to comment on the appropriateness of the development during the Local Plan preparation.
- 4.42 The Masterplan Framework helps to set the parameters for how this area should be developed to ensure a successful, sustainable comprehensive development as opposed to piecemeal development.

## 5. Conclusion

- 5.1 The public consultation strategy that has been implemented has sought to be inclusive and take account of the different interests in the Masterplan Framework development area. The level of consultation with the local community meets the requirements of national and local policy guidance and the council's own Statement of Community Involvement.
- 5.2 The process has been formerly agreed with the council and has allowed the views of both local residents, and statutory consultees to be taken into consideration to inform the Masterplan Framework.
- 5.3 The consultation approach focused around an all-encompassing consultation; meetings and discussions were held with relevant stakeholders within the Council and local residents were invited to comment on the Masterplan Framework during a public consultation. The events have enabled open and honest discussions with the developers around the proposed scheme.
- 5.4 The Master Planned Framework accords with local policy allocations and provides an inclusive approach to deliver the identified employment land requirements and housing need. It provides a comprehensive approach to ensure that the development will deliver all the necessary infrastructure and economic benefits to the area in a sustainable manner.
- 5.5 The aim of the consultation is to involve the local community at all stages of the development plan making process. Feedback from the event was useful, although most of this was unsupportive of the level of development proposed. There were some positive supportive comments on the design approach and in particular on the use of Tankersley Lane which will help to ensure the most efficient use of the site.
- 5.6 A number of concerns have been raised by residents, the most frequent of which was the need for the urbanisation of this area of Hoyland. This and all other concerns have been addressed in the Allocation of these sites through the Local Plan process.
- 5.7 The applicant is considered to have positively and pro-actively sought the opinions of local residents, thoroughly investigated matters of concern and addressed these concerns where appropriate. The proposed Masterplan Framework is understood to form a sustainable form of development which can look to be supported. Details of all the responders to the consultation have been collected so that they can be kept informed throughout the Masterplan adoption

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# Equality Impact Assessment

## Hoyland West Masterplan Framework

### Stage 1 Details of the proposal

<b>Name of service</b>	Place
<b>Directorate</b>	Culture and Housing
<b>Name of officer responsible for EIA</b>	Lucie McCarthy
<b>Name of senior sponsor</b>	Joe Jenkinson
<b>Description / purpose of proposal</b>	Consultant to produce Hoyland West Masterplan Framework for BMBC and for 6 week public consultation period to be undertaken by BMBC which will feed information back into the masterplan framework to inform future development.
<b>Date EIA started</b>	23/12/19
<b>Assessment Review date</b>	01/02/2020

### Stage 2 - About the proposal

<b>What is being proposed?</b>	As part of the development of the Masterplan framework, BMBC will undertake a 6 week public consultation will be held. The consultation period will include dedicated webpages on the council website, hosting the proposed masterplan information, online questionnaire and monitoring form, consultation events with paper copy information and questionnaires and monitoring forms offering the opportunity to speak to the consultants and council officers. The information will also be made available in hard copy in local libraries. The results of the public consultation period will then feed into the masterplan framework.
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**Why is the proposal required?**

The Barnsley Local Plan was adopted in January 2019 and provides local planning policy to 2033. Some of the site allocations require the production of a Masterplan Framework. When completed, the masterplan framework should be robust enough to clearly influence and coordinate future planning applications, conditions and Section 106/Section 278 obligations. A public consultation exercise is important as it enables the existing community to be included in development future housing plans for the area.

**What will this proposal mean for customers?**

The public consultation period seeks the opinion of residents and businesses on the proposals set out in the Masterplan.

**Stage 3 - Preliminary screening process**

**Use the Preliminary screening questions (found in the guidance) to decide whether a full EIA is required**

Yes - EIA required (go to next section)  
 No – EIA not required (provide rationale below including name of E&I Officer consulted with)

**Stage 4 - Scoping exercise - What do we know?**

**Data: Generic demographics**

What generic data do you know?

For Rockingham Ward it is known that 98.5% of the population is white. 0.4% of households within the ward have no people with English as a main language. 70% of residents have a religion with Christianity being the most popular.

**Data: Service data / feedback**

What equalities knowledge do you already know about the service/location/policy/contract?

### Data: Previous / similar EIA's

Has there already been an EIA on all or part of this before, or something related? If so, what were the main issues and actions it identified?

EIA's have been undertaken during the Hoyland North Masterplan Framework and Barnsley West Masterplan Framework. These masterplan frameworks have recently been formally adopted by the council. An EIA has been prepared for the Hoyland South Masterplan framework which is also in the Rockingham Ward, these will be updated as work progresses on both masterplan frameworks and cross referenced.

### Data: Formal consultation

What information has been gathered from formal consultation?

We asked the following equality, diversity and inclusion questions to help us better understand the impact of the changes:

1. Do you agree with the vision of the Masterplan Framework which seeks to create a sustainable and inclusive community with high quality design and landscaping?
2. The Council will assess planning applications to ensure that an appropriate mix of housing is delivered. What kind of homes do you think the new development should provide? House Types
3. The Council will assess planning applications to ensure that an appropriate mix of housing is delivered. What kind of homes do you think the new development should provide?  
House Size
4. The Council will assess planning applications to ensure that an appropriate mix of housing is delivered. What kind of homes do you think the new development should provide? Tenure

To help answer these questions we did the following things (e.g. service user or staff consultation, data analysis, research etc):

1. Present the vision within the public consultation questionnaire, quantify the number of respondents that answer 'yes', 'no' and 'don't know'
2. Present a number of options within the public consultation questionnaire (house type – bungalow, apartment, terrace, semi-detached, detached). Asked participants to tick three options for house type preference. Allows the analysis of data and cross referencing with the Council's housing needs assessment for the area
3. Present a number of options within the public consultation questionnaire (house size – one bed, two bed, three bed, four bed, five bed). Asked participants to tick three options for house size preference. Allows the analysis of data and cross referencing with the Council's housing needs assessment for the area
4. Present a number of options within the public consultation questionnaire (house type – affordable rent and / or affordable home ownership, open market rent and/or owner occupation, mix of both). Asked participants to tick three options for housing tenure preference. Allows the analysis of data and cross referencing with the Council's housing needs assessment for the area

## Stage 5 - Potential impact on different groups

Considering the evidence above, state the likely impact the proposal will have on people with different protected characteristics

(state if negative impact is substantial and highlight with **red text**)

Negative (and potentially positive) impacts identified will need to form part of your action plan.

Protected characteristic	Negative '-'	Positive '+'	No impact	Don't know	Details
Sex			x		It is not anticipated that the proposals would impact on gender.
Age				x	Consultation responses will be monitored as a wide range of response is hoped for.
Disabled <i>Learning disability, Physical disability, Sensory Impairment, Deaf People, invisible illness, Mental Health etc</i>				x	Consultation responses received from people with a disability will be monitored.
Race				x	Consultation responses will be monitored against the baseline demographics to ensure that we reach all members of the community.
Religion & Belief			x		
Sexual orientation			x		
Gender Reassignment			x		
Marriage / civil partnership		N/A	x		
Pregnancy / maternity			x		

Other groups you may want to consider					
	Negative	Positive	No impact	Don't know	Details
Ex services				x	The inclusion of affordable housing within the proposal may be welcomed.
Lower socio-economic		x			The proposals within the masterplan framework will include affordable housing. This may be welcomed by some individuals.
Other ...					

### Stage 6 - BMBC Minimum access standards

If the proposal relates to the delivery of a new service, please refer to the Customer minimum access standards self-assessment ([found at](#))



If not, move to Stage 7.

Please use the action plan to ensure that the necessary steps are taken to ensure the new service complies with the Equality Act 2010. Reasonable adjustments for disabled people.

**Not yet live**

- The proposal will meet the minimum access standards.
- The proposal will not meet the minimum access standards. –provide rationale below.

## Stage 7 – Action plan

### To improve your knowledge about the equality impact . . .

Actions could include: community engagement with affected groups, analysis of performance data, service equality monitoring, stakeholder focus group etc.

Action we will take:	Lead Officer	Completion date
Community engagement with groups that are underrepresented within consultation responses – this will be established through monitoring responses weekly	Lucie McCarthy	Community engagement team were unable to offer support due to COVID-19 resourcing issues. All community groups that were known of were informed of the consultation. 7/5/2020
Consider consultation events having longer sessions to ensure that as many people as possible can attend eg outside of work hours	Lucie McCarthy	Consultation events were held online and over the telephone for those without internet access/unsure of the technology. These were held on a variety of days and times to maximise attendance. 15/05/2020
Offer information in different formats on request	Lucie McCarthy	5/05/2020
Ensure all physical locations hosting information are accessible – ensure the one copy of the information is in large format	Lucie McCarthy	All physical locations accessible, contact details left with organisations to request additional copies. Contact details on publicity material to request alternative

		versions. These had to be takeaway options due to COVID-19 restrictions.
Requests for hard copy information	Lucie McCarthy	Due to COVID-19, as post delivery was slower, copies were handed delivered to those who requested copies. Last copies were delivered on closure of the consultation.
Clarity over the masterplan framework proposals	Lucie McCarthy	A contact number was available to discuss the plans with an officer. Telephone appointments were offered when accessing the information was difficult.

### To improve or mitigate the equality impact . . .

Actions could include: altering the policy to protect affected group, limiting scope of proposed change, reviewing actual impact in future, phasing-in changes over period of time, monitor service provider performance indicators, etc.

Action we will take:	Lead Officer	Completion date
Increase social media presence if responses from younger age categories are low	Lucie McCarthy	Social media was used extensively throughout the consultation deadline.
Encourage households without English as a main language to contribute through targeted sessions	Lucie McCarthy	All materials provided contact details to request the information in alternative formats.

**To meet the minimum access standards . . .(if relevant)**

Actions could include: running focus group with disability forum, amend tender specification, amend business plan to request extra ‘accessibility’ funding, produce separate MAS action plan, etc.

Action we will take:	Completion date
<b>Not yet live</b>	

**Stage 8 – Assessment findings**

Please summarise how different protected groups are likely to be affected

<b>Summary of equality impact</b>	<p><b>Sex</b> - The majority of male respondents do not support the vision, have a preference for bungalows, semi-detached and detached properties, with 2,3 &amp; 4 beds and mixed tenure. The majority of female respondents do not support the vision, have a preference for bungalows, semi-detached and detached properties with 1, 4 &amp; 5 bedrooms and open market housing. The Masterplan Framework will deliver a range of property types and sizes and therefore will cater for these preferences.</p> <p><b>Disability</b> - The majority if people with a disability do not support the vision,have a preference for bungalows, semi-detached &amp; detached properties with a full range of bedroom numbers and support open market and affordable housing for a mixed tenure. The Masterplan Framework will deliver a range of property types and sizes and therefore will cater for these preferences.</p> <p><b>Ethnicity</b> - Feedback from BME people was limited. It is anticipated that this is low due to the level of ethnic diversity in this area.</p> <p>Of the responses that were received, all Asian or Asian Mixed respondents do not support the vision, have a preference for bungalows, semi-detached &amp; detached, 3/4/5 bed properties and a mix of tenures. All those identifying as any other ethnic groups or mixed/multiple ethnic groups did not support the vision, have a preference for bungalows, semi-detached &amp; detached properties, from 1 bed to 5 beds and mix of tenure. The Masterplan Framework will deliver a range of property types and sizes and therefore will cater for these preferences</p> <p><b>Age</b> – <i>Lowest support from age groups 19-24 &amp; 35-44.</i>The sites are allocated in the Local Plan therefore the principle of development has been established. It is anticipated that there is perhaps a misconception that resistance to the overall vision of the Masterplan Framework will stop development.</p>
<b>Summary of next steps</b>	<p>The consultation was successful in its aim of making the community aware of the masterplan framework proposals. The consultation received completed surveys than Hoyland North (79) undertaken 2019 and Hoyland South (also 79) which was consulted on during summer 2020.</p>

Whilst the masterplan framework was not supported, this has arisen from the principle of developing the site not being supported, rather than the content of the masterplan framework. Therefore a section will be included in the Masterplan Framework which confirms that the sites have been allocated in the Local Plan and that this vision relates to the Masterplan Framework.

A further action would be to review the updated SHMA (when available ) to see how the data collected correlates.

**Signature (officer responsible for EIA) Date**

Lucie McCarthy 13/09/2020

**\*\* EIA now complete \*\***

## Stage 9 – Assessment Review

**(This is the post implementation review of the EIA based on date in Stage 1 if applicable)**

**What information did you obtain and what does that tell us about equality of outcomes for different groups?**

The overall response (113 respondents) was split between 'yes' (25), 'no' (80), 'don't know' (8) . We suspect that the underlying reason for the negative response relates to individuals objection to the principle of development rather than the vision of the Masterplan Framework.

Gender:

- 25 male respondents (7 x yes, 15 x no, 3 don't know)
- 20 female respondents (3 x yes, 16 x no, 1 x don't know)
- 68 respondents preferred not to share their gender 14x yes, 48 x no, 5 x don't know)

Age:

- Highest level of support from age groups 65+, 45-54 and 55-64
- Lowest level of support from age groups 19-24 and 35-44

Disability:

- All of those identified as 'limited a little' by disability do not support the vision (100%)
- All respondents identified 'limited a lot' by disability do not support the vision (100%)
- The majority of respondents 'not affected by disability' do not support the vision (60%)

Ethnicity:

- The majority of people identifying as British, English, Scottish, Welsh, or Northern Irish did not support the vision (71%)
- All those identifying as Asian or Asian British did support the vision (100%)

2. The Council will assess planning applications to ensure that an appropriate mix of housing is delivered. What kind of homes do you think the new development should provide? House Types

Gender:

- Male response in order of preference (top three): bungalow, semi-detached & detached (65%)
- Female response in order of preference (top three): bungalow, semi-detached & detached (63%)

- 'Preferred not to state gender' response in order of preference (top three): bungalow, semi-detached & detached (60%)

Age:

- Age group 19-24 had greatest preference for bungalow, semi-detached & detached (100%)
- Age group 25-34 had greatest preference for bungalow, semi-detached & detached (100%)
- Age group 35-44 had greatest preference for bungalow, semi-detached & detached (50%)
- Age group 45-54 had greatest preference for bungalow, semi-detached & detached (56%)
- Age group 55-64 had greatest preference for bungalow, semi-detached & detached (50%)
- Age group 65+ had greatest preference for bungalow, semi-detached & detached (60%)

Disability:

- People 'limited a little' by disability had preference for bungalows, semi-detached & detached (100%)
- Majority of people 'limited a lot' by disability had preference for bungalows, semi-detached & detached (100%)
- Respondents not affected by disability had the greatest preference for bungalows, semi-detached & detached (57%)

Ethnicity:

- Respondents identifying as British, English, Scottish, Welsh, or Northern Irish had greatest preference for bungalows, semi-detached & detached (100%)
- Respondents identifying as Asian or Asian British had greatest preference for bungalows, semi-detached & detached (100%).

The Council will assess planning applications to ensure that an appropriate mix of housing is delivered. What kind of homes do you think the new development should provide? House size

Gender:

- Male response in order of preference, 2 bed, 3 bed and 4 bed (46%)
- Female response in order of preference 1 bed, 4 bed and 5 bed (100%)
- 'Preferred not to state gender' response in order of preference 1 bed, 2 bed and 3 bed (44%)

Age:

- Age group 19-24 had greatest preference for 1 bed, 4 bed & 5 bed (50%) and 1 bed, 2 bed & 3 bed (50%)
- Age group 25-34 had greatest preference for 2 bed, 3 bed & 4 bed (63%)
- Age group 35-44 had split preference between 2, 3 & 4 bed, 1,2 &3 and 3,4& 5 bed
- Age group 45-54 had greatest preference for 2,3 &4 beds (44%)
- Age group 55-64 had greatest preference for 2,3 &4 beds (50%)
- Age group 65+ had greatest preference for 1, 2& 3 beds (56%)

Disability:

- People 'limited a little' by disability had the greatest preference for 3, 4 & 5 bed (50%) and 2, 3 and bed (50%)
- Respondents 'limited a lot' by disability had the greatest preference for 1, 2 & 3 beds (100%)
- Respondents not affected by disability had the greatest preference for 2, 3 & 4 beds (43%) and 1, 2 & 3 beds (31%).

Ethnicity:

- Respondents identifying as British, English, Scottish, Welsh, or Northern Irish had greatest preference for 2, 3 & 4 beds (50%) and 1, 4 & 5 beds (50%)
- Respondents identifying as Asian or Asian British had greatest preference for 3, 4 and 5 beds (100%)

4. The Council will assess planning applications to ensure that an appropriate mix of housing is delivered. What kind of homes do you think the new development should provide? Housing tenure

Gender:

- Male preference: mix of both (50%)
- Female preference: affordable (37%)
- Prefer not to say: open market (43%)

Age:

- 19-24 had a split preference between open market (50%) and affordable housing (50%)
- 25-34 had a preference for affordable housing (50%)
- 35-44 had a preference for a mix of both (83%)
- 45-54 had a preference for a mix of both (67%)
- 55-64 had a split preference between open market (38%) and affordable housing (38%)
- 65+ had a preference for open market (67%)

Disability:

- Majority of people 'limited a little' by disability had an equal preference for open market (50%) and affordable housing (50%)
- Responded 'limited a lot' by disability had a preference for open market housing 100%
- Respondents not affected by disability had the greatest preference for a mix of both (46%)

Ethnicity:

- Respondents identifying as British, English, Scottish, Welsh, or Northern Irish had an equal preference for mix of both (50%) and open market (50%)
- Respondents identifying as Asian or Asian British had greatest preference for a mix of both (100%)

Report of the Executive Director Place

## FINANCIAL IMPLICATIONS

**Hoyland West Masterplan Framework**

i) <b>Capital Expenditure</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
	<b>(£M)</b>	<b>(£M)</b>	<b>(£M)</b>	<b>(£M)</b>
Capital Receipts				
<b>To be financed from:</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
ii) <b>Revenue Effects</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
	<b>(£M)</b>	<b>(£M)</b>	<b>(£M)</b>	<b>(£M)</b>
	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>To be financed from:</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

Impact on Medium Term Financial Strategy

Not applicable in this report

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

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