

MEETING:	Full Council
DATE:	Thursday 3 February 2022
TIME:	10.00 am
VENUE:	The Assembly Room - The Civic

AGENDA

1. Declarations of Interests

To receive any declarations of interest of a pecuniary or non-pecuniary nature from Members in respect of the items on this agenda.

2. Minutes (*Pages 9 - 28*)

To approve as a correct record the minutes of the meeting of the Council held on 25th November, 2021.

3. Communications

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

Substantive Items

4. Appointment to Outside Bodies

Shaw Lands Trust

Proposed – Councillor Sumner for a term of 3 years

Recommendations to Council

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

5. Outcomes of the Joint Local Area Inspection of Services for Children and Young & People with Special Educational Needs in Barnsley (Cab.15.12.2021/8) (*Pages 29 - 44*)

RECOMMENDED TO COUNCIL:-

That the outcomes of the Joint Local Area Inspection, together with the next steps, including the resulting action plan, be considered by Council.

6. Housing Revenue Account - Draft 2022/23 Budget and Investment Proposals 2022-27 (Cab.12.1.2022/6) (*Pages 45 - 58*)

RECOMMENDED TO COUNCIL:-

- i. To note the HRA Medium Term Financial Strategy (MTFS) as set out in

Section 4;

- ii. To approve the Housing Revenue Account Draft Budget for 2022/23, as outlined in Section 5, including the proposed revenue investments and savings, as outlined in Section 6, with any final amendments being delegated to the Cabinet Spokesperson for Place and the Executive Director for Place in consultation with the Cabinet Spokesman for Core Services and the Service Director – Finance (S151);
- iii. To approve a rent increase of 4.1%, in line with the Government's rent setting policy;
- iv. To note that there is no proposed change to non-dwelling rents, service charges and district heating charges for 2022/23;
- v. To approve the 2022/23 Berneslai Homes Management Fee at paragraph 7.11, with any final amendments delegated to the Cabinet Spokesperson for Place and the Service Director, Regeneration & Culture in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);
- vi. To approve the 2022/23 Berneslai Homes Management Fee for both Gypsy & Traveller Sites and in respect of the European Social Fund (ESF) Grant, both of which are charged to the Authority's General Fund, detailed at paragraph 7.12;
- vii. To approve in principle, the proposed emerging capital priority schemes as detailed in Section 8 of the report, subject to individual reports as appropriate, in line with the Council's governance arrangements;
- viii. To approve the Core Housing Capital Investment programme for 2022/23 and that the indicative programme for 2023/24 through 2026/27, outlined in Section 8, be noted;
- ix. To note that a further report will be submitted outlining the Council's energy efficiency and de-carbonisation plans for its housing stock.

7. Youth Employment Programme to Apprenticeships - Pay Options (Cab.12.1.2022/9) (Pages 59 - 66)

RECOMMENDED TO COUNCIL:-

That approval is given for those transitioning from Youth Employment Programme to an apprenticeship, do so on the same rate of pay, with cost implications decentralised to the relevant service.

8. BMBC Lettings Policy - Homelessness Banding (Cab.12.1.2022/10) (Pages 67 - 130)

RECOMMENDED TO COUNCIL:-

- i. That the proposed change to banding for Full and Relief Homeless

applicants be approved;

- ii. That Berneslai Homes implement the policy change and for the Lettings Policy to be updated to reflect the banding change.

9. Taxi and Private Hire Licensing Policy (Cab.26.1.2022/9) (Pages 131 - 238)

RECOMMENDED TO COUNCIL:-

- i. That the Hackney Carriage and Private Hire Licensing Policy appended to the report be published in accordance with the statutory requirements and adopted by the Council;
- ii. That the Institute of Licensing Suitability Guidance be adopted in its entirety;
- iii. That the requirement for a driver medical report to be produced every year from the age of 60 be retained;
- iv. That the D4 medical reports from a company called 'Doctors on Wheels' be no longer accepted for the reasons detailed within the report;
- v. That the application fee charged be non-refundable on the grounds that the Council is permitted to charge for the administration involved in the processing and granting of a licence; and
- vi. That the topographical test be maintained as a means of ensuring that all licenced drivers have a good working knowledge of the area.

10. Grant of Easement: New Foot/Cycle Bridge (Cab.26.1.2022/11) (Pages 239 - 276)

RECOMMENDED TO COUNCIL:-

- i. That the Service Director of Legal Services in consultation with the Corporate Asset Manager is authorised to undertake any necessary consultation processes, serve public notices and deal with any objections in relation to the grant of easement;
- ii. That it is noted that the Charity Commission and the Coal Industry Social Welfare Organisation (CISWO) have been consulted about the Grant of Easement between Barnsley Metropolitan Borough Council as Trustee of Pogmoor Recreation Ground to Barnsley Metropolitan Borough Council who have provided their written consent to the construction of the footbridge subject to conditions;
- iii. That the Grant of Easement between Barnsley Metropolitan Borough Council as Trustee of Pogmoor Recreation Ground to Barnsley Metropolitan Borough Council be approved to facilitate the new Foot and Cycle bridge;
- iv. That the Service Director of Legal Services in consultation with the

Corporate Asset Manager is authorised to liaise with the Charity Commission to facilitate the formal approval of the order authorising the easement as this transaction is between connected parties; the Council as trustee and the Council as statutory authority.

11. Barnsley Place-based Investment Plan (Cab.26.1.2022/12) (Pages 277 - 334)

RECOMMENDED TO COUNCIL:-

That the approval of the Barnsley Place-based Investment Plan be noted.

12. Appointment of the Council's External Auditor 2023-2028 and Update on Measures to Improve Local Audit (Pages 335 - 344)

RECOMMENDED TO COUNCIL:-

- i. That the options for the Council in respect of the routes available for the procurement of external audit services be noted;
- ii. That the Council opts into the sector led scheme for appointing auditors as detailed within option 3 outlined in the report;
- iii. That the Government's proposals to improve the local audit process be noted.

Minutes of the Regulatory Boards

13. Planning Regulatory Board - 21st December, 2021 (Pages 345 - 348)
14. Planning Regulatory Board - 18th January, 2022 (Pages 349 - 350)
15. Audit and Governance Committee - 19th January, 2022 (Pages 351 - 360)
16. General Licensing Regulatory Board - 22nd December, 2021 (Pages 361 - 362)
17. General Licensing Panel - Various (Pages 363 - 364)
18. Appeals, Awards and Standards - Various (Pages 365 - 366)

Minutes of the Scrutiny Committees

19. Overview and Scrutiny Committee (Growing Barnsley Workstream) - 2nd November, 2021 (Pages 367 - 372)
20. Overview and Scrutiny Committee (Healthy Barnsley Workstream) - 30th November, 2021 (Pages 373 - 378)
21. Overview and Scrutiny Committee - 11th January, 2022 (Pages 379 - 384)

Minutes of the Area Councils

22. Central Area Council - 10th November, 2021 (Pages 385 - 390)

23. Dearne Area Council - 15th November, 2021 (*Pages 391 - 396*)
24. Dearne Area Council - 25th November, 2021 (*Pages 397 - 398*)
25. North East Area Council - 25th November, 2021 (*Pages 399 - 404*)
26. North Area Council - 29th November, 2021 (*Pages 405 - 410*)
27. Penistone Area Council - 2nd December, 2021 (*Pages 411 - 416*)
28. South Area Council - 17th December, 2021 (*Pages 417 - 420*)

Minutes of the Cabinet Meetings

29. Cabinet - 17th November, 2021 (*Pages 421 - 424*)
30. Cabinet - 1st December, 2021 (*Pages 425 - 430*)
31. Cabinet - 15th December, 2021 (*Pages 431 - 434*)
32. Cabinet - 12th January, 2022 (*Pages 435 - 440*)

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

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

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

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

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

34. South Yorkshire Pensions Authority - 9th December, 2021 (Draft) (*Pages 441 - 450*)
35. South Yorkshire Fire and Rescue Authority - 22nd November, 2021 (*Pages 451 - 462*)
36. South Yorkshire Fire and Rescue Authority - 10th January, 2022 (Draft) (*Pages 463 - 472*)
37. Police and Crime Panel - 13th December, 2021 (Draft) (*Pages 473 - 490*)
38. Sheffield City Region Mayoral Combined Authority (Draft) - 15th November, 2021 (*Pages 491 - 500*)

39. Questions by Elected Members

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

a) Councillor Osborne

“What actions have been taken to alleviate the risk of flooding in Darfield ward, especially in Low Valley?”

b) Councillor Kitching

“At the last Full Council meeting on November 25th 2021, this council resolved to undertake its own assessment into the financial implications of bus franchising, in order to establish whether their impact on the Council’s finances and on taxpayers is reasonable.

Could the Cabinet member please update us on the progress of this assessment so far?”

c) Councillor Osborne

“Following a recent spate of illegal flytipping of tyres in Darfield, waste tyres have been collected by council clean up teams. What happens to the tyres?”

d) Councillor Fielding

“Now that the developer of the allocated housing site adjacent to the M1 at Dodworth is proposing not to use the access point created by the Council demolishing 2 recently improved four bedroomed Council Houses in 2020 on South Road, Dodworth, can the Cabinet Member please detail the financial loss to the Council of this action? In particular can the cabinet member detail the costs of the following:

- *The costs of rehousing the sitting tenants including the purchase of alternative accommodation*
- *The costs of demolishing the 2 houses and making good the site afterwards.*
- *The loss of rental income from the date that the tenants were evicted to present*
- *The loss of Council Tax income from the date of eviction to present*
- *The value of the loss of the assets of the 2 Council Houses”*

e) Councillor Hunt

“At the Full Council meeting in July 2021, in response to my question, the Cabinet Support member confirmed that the Digital First project had created the capability of providing status updates to residents in relation to online requests. It was indicated that residents would start to receive these status updates by the end of last year. This timescale does not appear to have been met. Please can an update be provided?”

f) Councillor Hunt

“In 2020 the council purchased new speed indicator devices and radar boxes. Please provide the locations where the speed indicator devices have been deployed over the last 3 months.”

Notice of Motion submitted in Accordance with Standing Order No 6

40. Membership of Overview and Scrutiny Committee

Note: this motion was moved and seconded at the Council meeting on 25th November, 2021, and has stood adjourned without further discussion in accordance with standing order 41.

Proposer – Councillor Kitching

Seconder – Councillor Hunt

That this Council:

Notes section 9FA of the Local Government Act 2000 which clearly states that “members of the executive* cannot be members of a scrutiny committee”.

Also notes point 25 of the Government’s 2019 document “Overview and scrutiny: Statutory guidance for councils and combined authorities” which recommends that “Authorities should ensure that, ‘as a minimum, members holding less formal executive* positions ... do not sit on scrutinising committees looking at portfolios to which their roles relate.’”

Considers that the Authority should hold itself to a higher standard than the minimum, particularly in matters of scrutiny.

Feels that the presence of cabinet support members on the Overview and Scrutiny committee creates a potential conflict of interest, and therefore undermines the necessarily robust, open and transparent process of scrutiny within the authority.

Therefore, this Council resolves that:

- i. Cabinet Support Members should not take up seats on the Overview & Scrutiny committee.
- ii. Amend standing order point 25 (4) to: “Neither Cabinet Members nor Cabinet Support Members will be members of the Scrutiny Committee.”
- iii. These changes will be implemented immediately.

Question by a Member of the Public - for information only

To note the following question received from a Member of the public together with a response provided by the Cabinet Spokesperson Place (Environment and Transportation)

1. Mr P F

A handwritten signature in black ink, appearing to be 'SN', followed by a long horizontal line extending to the right.

Sarah Norman
Chief Executive

Wednesday 26 January 2022

MEETING:	Full Council
DATE:	Thursday, 25 November 2021
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

The Mayor (Councillor Makinson)

- Central Ward - Councillors M. Dyson and Risebury
- Cudworth Ward - Councillors Hayward, Houghton CBE and Wraith MBE
- Darfield Ward - Councillors Osborne
- Darton East Ward - Councillors Crisp and Hunt
- Darton West Ward - Councillors A. Cave, T. Cave and Howard
- Dearne North Ward - Councillors Cain and Gollick
- Dearne South Ward - Councillors Coates, Danforth and Noble
- Dodworth Ward - Councillors Fielding, Wray and Wright
- Hoyland Milton Ward - Councillors Franklin and Stowe
- Kingstone Ward - Councillors Ramchandani and Williams
- Monk Bretton Ward - Councillors Green and Richardson
- North East Ward - Councillors Ennis OBE
- Old Town Ward - Councillors Lofts, Newing and Pickering
- Penistone East Ward - Councillors Barnard, Hand-Davis and Wilson
- Penistone West Ward - Councillors Greenhough and Kitching
- Rockingham Ward - Councillors Andrews BEM, Lamb and Sumner
- Royston Ward - Councillors McCarthy
- St. Helen's Ward - Councillors Leech, Platts and Tattersall
- Stairfoot Ward - Councillors Bowler, K. Dyson and Gillis
- Wombwell Ward - Councillors Eastwood, Frost and J. Higginbottom
- Worsbrough Ward - Councillors Bowser, Clarke and Lodge

120. Declarations of Interests

Councillor J Higginbottom declared a non-pecuniary interest in in Minute 156 'Minutes of the Sheffield City region Mayoral Combined Authority Board' in view of his employment for Mr D Jarvis MP who was also the Sheffield City Region Mayor.

Councillor Newing declared a non-pecuniary interest in any items relating to the NHS in view of her being an employee of the NHS.

Councillor Wright declared a non-pecuniary interest in Minute No 159 'Notice of Motion – Better Busses for Barnsley' in view of him being employed by a bus company.

121. Suspension of Standing Orders

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

RESOLVED that Standing Order 13(5) of the Council be suspended in respect of Minute 122 only 'Report to Those Charged with Governance (ISA 260) – Presentation' insofar as it related to restrictions on Members speaking more than once.

122. Report to Those Charged with Governance (ISA 260) 2020/21

Mr G Mills (Engagement Lead) representing Grant Thornton, the Authority's External Auditor, made a presentation on the ISA 260 report 2020/21, the report to those charged with Governance.

Mr Mills outlined the roles and responsibilities of the External Auditor with specific reference to the work undertaken in relation to the Accounts, the Use of Resources and Value for Money arrangements to date as well as explaining how this role was undertaken. He also referred to the revised timescales involved and the reasons for this revision.

The following points were noted:

- In relation to the findings in the 2020/21 accounts
 - An unqualified 'clean' audit opinion was expected to be issued
 - Regular liaison had been undertaken with the Finance Team and wider Management Team
 - Good working papers had been provided and feedback sessions had been held
 - No major weaknesses in the financial systems had been identified
 - There were no audit adjustments impacting on useable reserves
 - A small number of other audit adjustments and presentational amendments had been suggested.
 - The key accounting matters related to the valuation of the Council's land and buildings and accounting for the Council's share of the South Yorkshire Pension Fund

- In relation to the Key findings in 2020/21 in respect of Value for Money (VFM)

- A new audit approach to the use of resources audit work had been undertaken which involved a review of the Council's arrangements in three areas namely:
 - Financial sustainability
 - Governance
 - Improving economy, efficiency and effectiveness – the 'three E's' (service delivery, performance and outcomes)
 - In accordance with the 2020/21 timetable the VFM Review was to be completed within three months of the accounts sign off
 - There were no significant weaknesses in the Council's arrangements to date
 - There were no issues preventing the External Auditor from signing off the accounts
- In relation to the key findings in 2020/21 in relation to the £1.4m bank fraud it was noted
 - The fraud was sophisticated, determined and a carefully planned attack on the Council
 - The issue had been brought to External Audit attention by the Section 151 Officer within 24 hours of it occurring
 - The Council had engaged with the relevant authorities and £1m had been recovered with the remaining being covered by the self-insurance fund
 - Internal Audit had undertaken a review and an assurance had been given that this was a 'one off'
 - The Annual Governance Statement had been updated in respect of this issue
 - The Council had sufficient reserves to fully mitigate any impact on services
 - The Council had taken appropriate actions since the fraud had been identified
- In summary:
 - A clean audit opinion was expected to be issued
 - No material issues had been identified
 - There was a good level of engagement from the Council during the audit
 - The Council was in a good financial position despite sector challenges
 - The governance arrangements remained appropriate despite the fraud
 - No significant weaknesses had been noted in the Value for Money work to date

The External Auditors also recorded their thanks for the work for the Service Director Finance, for staff within the Finance Directorate and within Internal Audit, for SMT and all other staff who had contributed to ensuring that the Council received an unqualified opinion.

In response to questioning, Mr Mills indicated that Barnsley took great pride in the annual accounts process and in the level of engagement with officers. There was always a desire to try to make the process as smooth as possible and to become more efficient year on year. As indicated within the ISA 260 report, there were no fundamental or significant recommendations to note.

Councillor Sir Steve Houghton CBE (Leader of the Council) also placed on record thanks and appreciation for the work of the External Auditors for the way in which the audit had been conducted, to the Director of Finance and his Team and to the Senior Management Team and to all officers and Councillors involved in the process. He commented that there would always be lessons to learn from the process and as ever, Barnsley would strive to do that.

Councillor Franklin, Cabinet Support Member of Core Services, also commented on the work of the External Auditors and to the Director of Finance and his Team for all their hard work in what was an exceptionally difficult year.

The Council then considered the External Auditors Audit Findings (ISA 260) report for the Council for 2020/21 and this was:

Moved by Councillor Franklin – Seconded by Councillor Howard; and

RESOLVED:-

1. That the External Auditor's (ISA 260) Report 2020/21 be approved;
2. That the findings on the effectiveness of the Council's internal controls and the current position with regard to the Value for Money conclusion be noted; and
3. That the findings from the audit work in relation to the 2020/21 financial statements be noted.

123. Audit and Governance Committee Minutes - 17th November, 2021

Moved by Councillor Lofts – Seconded by Councillor Barnard; and

RESOLVED that the minutes now submitted of the proceedings of the Audit Committee held on the 17th November, 2021 be received.

124. Audited Statement of Accounts 2020/21

Moved by Councillor Franklin – Seconded by Councillor Howard; and

RESOLVED that the revised audited Statement of Accounts 2020/21 be approved.

125. Final Annual Governance Statement 2020/21

Moved by Councillor Franklin – Seconded by Councillor Howard; and

RESOLVED that the final Annual Governance Statement 2020/21 be approved and adopted.

126. Councillor P Markham

The Mayor, Councillor Makinson, was sure that all Members would want to join her in wishing Councillor P Markham all the best for a speedy recovery from a most horrific assault in Broomhill Park recently. She reported that Councillor Markham had received a lot of support from her colleagues and from local residents within the

community in which she served who were greatly disappointed, angered and upset at this most unwarranted attack.

Councillor Osborne then read a statement from Councillor Markham in which she thanked everyone for their kind words and support. She also thanked the Mayor and all her staff within the Town Hall for the lovely flowers she had received, she also thanked the South Yorkshire Ambulance Service and staff at Barnsley Hospital for all the support and care they had given her. She stated that she would be taking a short break and would resume her duties as soon as she was well enough.

Councillors Osborne, Greenhough, J Higginbottom and Sir Steve Houghton CBE on behalf of all members expressed their best wishes for a speedy recovery. They also expressed their abhorrence that such an incident should take place.

Sir Steve Houghton stated that sadly this was not an isolated incident because as recently as two days ago Councillors were receiving serious threats. He also commented on and stressed the importance of Members being careful in their use of social media. Social media was used by some residents as a tool to generate a feeling of unrest and unease. Indeed, the Council had had to use legal processes against some people who had posted inappropriate statements. In such circumstances the Council would continue to do so in order to protect all Members of the Council so that they could carry out their duties in the way that they should. He felt that all people had the right to go about their business in safety. The Council would be working with the Police to try to bring the perpetrators of the attack on Councillor Markham to justice and appropriate punishment.

127. Minutes

The minutes of the meeting held on 30th September, 2021 were taken as read and signed by the Chair as a correct record.

128. Carlton Masterplan Framework (Round 2 Adoption) (Cab.3.11.2021/9)

Moved by Councillor Frost – Seconded by Councillor Sir Steve Houghton CBE; and

RESOLVED:-

- (i) That the progress made in the development of the Masterplan Framework for Carlton (Sites MU2/MU£) be noted; and
- (ii) That the final version of the Masterplan Framework be approved and adopted.

129. Proposed Revisions to the Scheme of Delegations Relating to Planning Decisions (Cab.3.11.2021/10)

Moved by Councillor Frost – Seconded by Councillor Tattersall; and

RESOLVED that the proposed delegations from the Planning Regulatory Board to specified officers/posts be amended as per the Terms of Reference of the Full Council, Regulatory Boards and Committees and Functions Delegated to Officers attached to the report.

130. Communications

(a) Mr M Gladstone – Executive Director Place

The Chief Executive stated that she was sure that all Members of the Council would want to join with her in congratulating Matt Gladstone (Executive Director Place) in being appointed as the new Chief Executive of Peterborough City Council.

Matt had a wealth of public sector experience as before joining Barnsley initially as the Executive Director Corporate Services, and then latterly as the Executive Director Place, he previously worked as Assistant Chief Executive and Director of Commissioning, Policy and Performance at Rotherham and also worked for four years with the Audit Commission.

As Members would know, in his role as Executive Director Place he had responsibility for the environment, transport and economic regeneration services and, of course, had played a key role in Barnsley's transformation journey over the last seven years. He had also played an integral part in the regeneration of the Town Centre which had culminated in the opening of The Glass Works in September.

Matt was thanked for everything he had done for Barnsley. He would be missed greatly and was given best wishes for his future in Peterborough.

Councillor Sir Steve Houghton CBE (Leader of the Council), Councillor Andrews BEM, Councillor Lamb (Cabinet Spokesperson for Place (Environment and Transportation)), Councillor Frost (Cabinet Support Member for Place (Regeneration and Culture)), Councillor Hayward and the Mayor (Councillor Makinson) all expressed their thanks for Matt's hard work and dedication to Barnsley and particularly for the work that had led to the continuing transformation of the Town Centre. They gave him their best wishes for the future.

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

(b) Covid Memorial Sculpture

The Chief Executive stated that all Members would be aware that the Covid Memorial Sculpture had been unveiled in Glassworks Square on the 22nd November, 2021. To the best of our knowledge this was the first permanent memorial of its kind in the Country and only the second in the world. The sculpture was also one of a very few pieces of public art worldwide that recognised ordinary working people.

The Covid Memorial Sculpture marked an important moment in our history, it remembered the people that had lost their lives to this disease and paid tribute to key workers, volunteers and communities that continued to support us though the pandemic.

It had been designed and produced by artist Graham Ibbeson in, collaboration with Lockbund Sculpture Foundry and developed, by a Multi Agency Partnership, involving Ian McMillan, Barnsley, Council, Berneslai Homes, Barnsley College, Barnsley Community and Voluntary Services, Barnsley Hospital NHS Foundation Trust, South Yorkshire Police, Fire and Ambulance Services, Barnsley Clinical Commissioning Group, Barnsley Youth Council, the Chamber of Commerce and Mayor Dan Jarvis MP.

The project had received unprecedented levels of positive media coverage, right from international to regional and local level.

Thanks were extended to all who worked with such dedication on this very complex project, on the engagement programme and the exhibition and for delivering such a wonderful and fitting event.

The Mayor, Councillor Makinson, commented that this had been a very emotional event and she had sent a personal message to all officers and staff and to all who had been involved in its planning.

Councillor Sir Steve Houghton CBE (Leader of the Council) extended his own thanks to all the partner bodies who had supported the project. Particular thanks were given to Lord Sentamu and Dr R Jenkins the Chief Executive of Barnsley District General Hospital who had attended the unveiling. Dr Jenkins had stated that the memorial was not only a reminder of people who had been lost but was also a reminder of what was still going. Thanks were also given to the young people and children who had attended and one family in particular had attended to pay tribute to a husband and father who had been lost due to the pandemic.

Councillor Frost, (Cabinet Support Member for Place (Regeneration and Culture)) thanked the members of the Culture and Events Team for what had been achieved and in ensuring that something spectacular and long lasting was in place for the people of Barnsley. The media coverage itself had shown how much this meant for the people of the area and also raised the profile of Barnsley. Particular thanks were given to Sue Thiedeman, Alex Hanner, Matt Mitchell, Dominic Somers, Gareth Webb, Karen Buttery and Sara Mair for their work and to staff from the Yorkshire Sculpture Park and the fantastic artists Graham Ibbeson and his Team.

The Mayor, Councillor Makinson, then commented on the wonderful service that had been held to mark the unveiling of the sculpture.

Councillor J Higginbottom stated that his own grandfather was one of the people remembered on the plaque on the sculpture and it would, therefore, be remis of him not to express his own thanks to everyone involved in making this sculpture a reality. The unveiling ceremony had been a truly honouring and humbling experience and the sculpture was a lasting tribute both to those who had lost their lives but also the key workers who had worked so tirelessly. As the Chief Executive had stated this was one of the rare pieces of public art in the world that celebrated working class people and working class communities. The perfect summation of the whole sculpture and unveiling event were the words engraved on the plinth 'Barnsley's fierce love will hold you forever in its heart'.

131. Appointment of an Additional Independent (Co-Opted Member) to the Police and Crime Panel

The report of the Executive Director Core Services seeking endorsement of the Police and Crime Panel's decision in relation to the appointment of an additional Independent Co-opted Member to that Panel was:

Moved by Councillor Howard – Seconded by Councillor Franklin; and

RESOLVED that the Police and Crime Panel's decision taken on the 20th September, 2021 to commence the process to appoint a third Independent (Co-opted) Member be endorsed.

132. Local Government Act 1972: Section 85: Absence from Meetings of the Authority: Councillor Felton

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

RESOLVED that, in accordance with Section 85 of the Local Government Act 1972, the absence from meetings of the Authority by Councillor Felton be approved on the grounds of ill health and pending the receipt of medical certification that she is fit to resume her duties.

133. Audit and Governance Committee - 15th September, 2021

Moved by Councillor Lofts - Seconded by Councillor Barnard; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Audit and Governance Committee held on the 15th September, 2021 be received.

134. General Licensing Regulatory Board - 29th September, 2021

Moved by Councillor Green – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board meeting held on the 29th September, 2021 be received.

135. General Licensing Regulatory Board - 27th October, 2021

Moved by Councillor Green – Seconded by Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board held on the 27th October, 2021 be received.

136. Planning Regulatory Board - 26th October, 2021

Moved by Councillor Richardson - Seconded by The Mayor (Councillor Makinson); and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on the 26th October, 2021 be received.

137. Appeals, Awards and Standards - Various

Moved by the Mayor (Councillor Makinson) – Seconded by Councillor Howard; and

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

138. Health and Wellbeing Board - 7th October, 2021

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Health and Well Being Board held on the 7th October, 2021 be received.

139. Overview and Scrutiny Committee (Sustainable Barnsley) Workstream - 12th October, 2021

Moved by Councillor Ennis OBE – Seconded by Councillor Newing; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee (Sustainable Barnsley Workstream) held on the 12th October, 2021 be received.

140. Overview and Scrutiny Committee (Growing Barnsley) Workstream - 2nd November, 2021

Moved by Councillor Ennis OBE – Seconded by Councillor Newing; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee (Growing Barnsley Workstream) held on the 2nd November, 2021 be received.

141. Central Area Council - 1st September, 2021

Moved by Councillor Williams - Seconded by Councillor Bowser; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on the 1st September, 2021 be received.

142. Dearne Area Council - 6th September, 2021

Moved by Councillor Noble – Seconded by Councillor Coates; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on the 6th September, 2021 be received.

143. North Area Council - 20th September, 2021

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the North Area Council held on the 20th September, 2021 be received.

144. North East Area Council - 23rd September, 2021

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on the 23rd September, 2021 be received.

145. Penistone Area Council - 7th October, 2021

Moved by Councillor Barnard – Seconded by Councillor Wilson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on the 7th October, 2021 be received.

146. South Area Council - 22nd October, 2021

Moved by Councillor Franklin - Seconded by Councillor Stowe; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on the 22nd October, 2021 be received.

147. Cabinet Meeting - 22nd September, 2021

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on the 22nd September, 2021 be received.

148. Cabinet Meeting - 6th October, 2021

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on the 6th October, 2021 be received.

149. Cabinet Meeting - 21st October, 2021

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 21st October, 2021 be received.

150. Cabinet Meeting - 3rd November, 2021

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

RESOLVED that the minutes as printed and now submitted of the Cabinet Meeting held on 3rd November, 2021 be received.

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

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

152. South Yorkshire Pensions Authority (Draft) - 9th September, 2021

RESOLVED that the minutes be noted.

153. South Yorkshire Fire and Rescue Authority - 13th September, 2021

RESOLVED that the minutes be noted.

154. South Yorkshire Fire and Rescue Authority (Draft) - 11th October, 2021

RESOLVED that the minutes be noted.

155. Police and Crime Panel (Draft) - 20th September, 2021

RESOLVED that the minutes be noted.

156. Sheffield City Region Mayoral Combined Authority Board (Draft) - 20th September, 2021

RESOLVED that the minutes be noted.

157. Questions by Elected Members

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

(a) Councillor Fielding

'Given that this Council has declared a climate emergency and has both zero 40 and zero 45 ambitions, what is the Councils current policy and attitude to permitting the extraction or recovery of coal under any circumstances in our borough?'

Councillor Lamb, Cabinet Spokesperson for Place (Environment and Transportation) thanked Councillor Fielding for his question and stated that in the current political climate, it was highly unlikely that any mining license would be granted for the extraction of thermal coal by the Coal Authority, the statutory body set up to manage the UK's remaining mining industry.

It was also highly unlikely that Barnsley Council would grant planning permission for any new surface or underground mine. However, there may be a situation where coal must be removed for safety reasons under an Incidental Coal Agreement granted by the Coal Authority. This was where coal outcrops found near the surface by earthworks had to be removed for safety purposes.

Councillor Fielding thanked Councillor Lamb for his response and, as a supplemental question asked whether he was aware of the role of the Planning Authority in the granting of Incidental Coal agreements.

Councillor Lamb responded by stating that he was aware of the Authority's role in this matter.

(b) Councillor Hunt

'At the Overview and Scrutiny Committee meeting on 1 December 2020 it was revealed that the Council does not have a Road Safety strategy. When will this be in place?'

Councillor Lamb, Cabinet Spokesperson for Place (Environment and Transportation) thanked Councillor Hunt for his question and stated that following the Overview and Scrutiny Committee meeting on 1 December 2020, a local strategic Safer Roads Working Group had been formed by officers from across the Council and partner organisations, including South Yorkshire Police, South Yorkshire Fire and Rescue and the South Yorkshire Safer Roads Partnership.

One function of the Group was to set the strategic vision, ambition and priorities to improve road safety and reduce the number of road traffic collisions occurring on the network.

The Group had met monthly since August 2021 and had begun developing Barnsley's new Road Safety Strategic Plan. It was currently undertaking a scoping exercise to determine Key Performance Indicators and what resources were available across the partnership.

Once the Group had established this baseline position, the Group would further develop the local Strategic Plan. The aim was to have agreed and published a local Road Safety Strategic Plan for April 2022.

In addition, a local Road Safety Action Plan had been produced, which collated all the actions and recommendations from the Health Needs Assessment and the Overview and Scrutiny meeting in December 2020. The coordinated partnership working, creation of the Working Group and development of the Strategic Plan were all included in the Action Plan.

At a regional level, South Yorkshire Safer Roads Partnership was also developing a new strategy that would be published imminently. The Safer Roads Working Group would ensure that Barnsley's Road Safety Strategic Plan set out how Barnsley would contribute to the regional strategy and, importantly, local priorities and ambitions about Road Safety.

Councillor Hunt thanked Councillor Lamb for his response. He stated that last week was Safeguarding Awareness Week. It was also Alcohol Awareness Week as well as Anti-Fraud Week. All these were well covered by the Council on its social media channels. It was also Road Safety Week last week which received zero coverage and he, therefore, asked as a supplementary question why the Council did nothing to mark Road Safety Week.

Councillor Lamb commented that he thought he had seen coverage of this, however, he had no responsibility directly for the Communications Service and he was not, therefore, aware of what the situation was in this respect.

(c) Councillor Kitching

'When compared to the established structure, is there currently a shortage of Social Workers in Barnsley?'

In answering please can the Cabinet member provide staff numbers at the start of 2021, details of how many Social Workers have both left and joined the authority since then and the current number of staff analysed between permanent and agency employees’.

Councillor T Cave, Cabinet Spokesperson for Children’s Services thanked Councillor Kitching for her question and stated that there was currently a national, and local, shortage of Social Workers to meet the nationally reported increase in demand to children’s services.

Compared to the established structure:

On 1 January 2021, Barnsley Council employed 118.73 FTE Social Workers equating to 127 actual staff members (some staff worked part time). The range included in these figures included newly qualified, Social Workers and experienced Social Workers. It did not include any Social Work Managers.

On 18 November 2021, Barnsley Council employed 111.22 FTE staff equating to 117 Social Workers. This was an overall reduction of 7.51 FTE social work capacity.

There was a proactive, rolling recruitment programme in place to recruit new Social Workers to the borough.

Barnsley Council had invested in 12 additional Social Workers until 2023.

Children’s Services have employed 9 additional Family Support Workers to work alongside and support Social Workers in light of the national and local increase in demand and workload pressures.

There had been no agency Social Workers employed during this period.

Councillor Kitching thanked Councillor Cave for his response and asked as a supplementary question whether the Cabinet Member felt that this current deficit in Social Workers of 7.51 FTE was having an impact on the delivery of social care to children and families in the Barnsley borough.

Councillor Cave thanked Councillor Kitching for her supplementary question. He responded by sharing with Council the national picture around children’s social care and he referred Members to the Association of Directors of Children’s Services recent report. As of the 31st March, 2020 there were an estimated 2.5m initial contacts with Local Authorities an increase of 5% in the last two years. There were 642,980 referrals to Children’s Social Care in 2019/20 and increase of 19% since 2008. Adults encountering domestic abuse, mental health difficulties or substance misuse were the most common reasons why children came to the attention of early help and/or children’s social care services. The number of Section 47 enquiries continued to rise, 162% since 2008.

Many authorities had reported a reduction in funding ranging between 15-30% and indeed the funding for the Troubled Families Programme continued to prop up delivery of early help services in Children’s Services. In relation to the impact of the Covid pandemic on Children’s Services in the 6 months to 30th September 2020 it was estimated that 81,900 children were in care an increase of 34% in 12 years and it was up 6% since 2018/19. There were an estimated 284,000 referrals to Children’s

Social Care in the 6 months up to September 2020. There was a 4% increase in the number of children who were subject to Child Protection Plans as at the 30th September, 2021 compared to the same period last year. These figures clearly demonstrated increasing pressure and demand.

It was not surprising that all Council's and Children's Services were under significant pressure including Barnsley's and this was particularly felt by front line staff.

Councillor Cave wanted to express how proud he was of the way Barnsley's front line staff had continued to deliver right through the pandemic despite the pressures and the performance figures were testament to that and would continue to be. There were, of course, worries and he continued to be concerned about the pressure on the front line social work staff. He was particularly concerned as it was children that were being affected not just social workers, carers and families.

In Barnsley today, at least one in four children lived in poverty and this was not right. In addition, in relation to the take up of free school meals, 30% of those identified as being entitled to those meals did not take them up. This was also not right and needed to be addressed as a matter of urgency.

Unlike most local authorities Barnsley had a stable and experienced work force with no agency social workers being used for over four years. The Council had responded to the pressures and had invested in an additional 12 Social Workers and 2 additional Team Managers until 2023. There were ongoing proactive recruitment campaigns to recruit to the large number of additional posts, but this was challenging as people were not changing their employer and moving during the pandemic. The Authority had also recruited 9 additional Family Support Workers who would work alongside Social Workers to support them pending the recruitment to all posts. It had also now been agreed to seek agency Social Workers for a limited time and further recruitment and retention initiatives were being considered to strengthen future resilience in the work force. The Authority was, therefore, massively focused on having an effective Social Work Team in place.

(d) Councillor Hunt

'In August 2020 Cabinet considered and approved the response to the Scrutiny Task and Finish Group's findings and recommendations in relation to poverty. One of these recommendations was for additional investment to enable a locally delivered boroughwide outreach provision. The Cabinet report states "As part of our recovery arrangements we are reviewing the advice services available within each locality area as part of the alignment of Area Councils recovery work. As part of this we will review whether there is scope to recommission as a borough-wide provision." Please can an update be provided as to how this review is progressing and whether a borough wide provision is to be recommissioned'.

Councillor Platts, Cabinet Spokesperson for Adults and Communities Services thanked Councillor Hunt for his question and stated that the pandemic response had impacted upon the capacity and ability to follow up on the recommendation and work was ongoing with a view to presenting a report to Cabinet in early 2022. Work had, however, continued with Barnsley communities through extensive support offers including the Covid-19 support programmes, Holiday Activity Fund programme, and the new £2.3m Household Support Grant which the Council was matching with a further £1 million of investment to support communities through the Winter period and

the 'cost of living' crisis. She also reported that Area Councils were still commissioning advice and support services and during the pandemic these services had continued via the telephone and indeed as many contacts had been made during the pandemic as before. She was sure that these services would continue until the review was completed.

Councillor Hunt thanked Councillor Platts for her response which was very much welcomed. Both he and Councillor Platts were members of the North Area Council and they saw what fantastic work the CAB and DIAL did with regard to outreach in the area and this type of work was continuing in other areas of the borough. He then asked as a supplementary question whether Councillor Platts envisaged that the service levels that were likely to be in place following the review would be at least in line with what was currently seen in the North Area but throughout the borough.

Councillor Platts stated that she was not able to predict what would come out of the review, but it was hoped that there would be at least the same cover as was currently in place. In addition, it may be possible that going forwards Area Councils were able to purchase additional provision should they wish to do so. This would, however, be dependent upon the findings of the review.

158. Membership of Overview and Scrutiny Committee

The following Motion submitted in accordance with Standing Order No 6 was:

Moved by Councillor Kitching – Seconded by Councillor Hunt

That this Council:

- a) Notes section 9FA of the Local Government Act 2000 which clearly states that “members of the executive* cannot be members of a scrutiny committee”.
- b) Also notes point 25 of the Government’s 2019 document “Overview and scrutiny: Statutory guidance for councils and combined authorities” which recommends that “Authorities should ensure that, 'as a minimum, members holding less formal executive* positions ... do not sit on scrutinising committees looking at portfolios to which their roles relate.”
- c) Considers that the Authority should hold itself to a higher standard than the minimum, particularly in matters of scrutiny.
- d) Feels that the presence of cabinet support members on the Overview and Scrutiny committee creates a potential conflict of interest, and therefore undermines the necessarily robust, open and transparent process of scrutiny within the authority.

Therefore, this Council resolves that:

- i. Cabinet Support Members should not take up seats on the Overview & Scrutiny committee.
- ii. Amend standing order point 25 (4) to: “Neither Cabinet Members nor Cabinet Support Members will be members of the Scrutiny Committee.”
- iii. These changes will be implemented immediately.

Note: As this Motion referred to an amendment to Standing Orders, in accordance with Standing Order No 41, it would now stand adjourned without further discussion until the next ordinary meeting of the Council.

159. Better Busses for Barnsley

The following Motion submitted in accordance with Standing Order No 6 was:

Moved by Councillor Kitching – Seconded by Councillor Fielding;

That this Council:

(a) agrees with the former UN Special Rapporteur on Extreme Poverty and Human Rights, Prof. Philip Alston, that access to affordable and reliable transport is fundamental to guaranteeing Barnsley residents the quality of life they deserve and that “abandoning people to the private market” by deregulating bus services “is incompatible with human rights requirements.”;

(b) notes that since 2014 the South Yorkshire bus network has been reduced by over 12 million kilometres, forcing many Barnsley residents to travel by car or – if car travel is not an option - cutting them off from education, employment, family and friends;

(c) understands that we are living through a cost-of-living crisis and that since buses were deregulated in 1986 bus fares have more than doubled in real terms, while motoring costs have decreased, and that transport costs are the largest expenditure of the average household budget;

(d) notes that we are living through a climate emergency and that in South Yorkshire one-third of our local emissions come from transport with 71% of journeys to work made by car while bus passenger journeys declined by over 20% between 2009/10 and 2018/19;

(e) acknowledges that the current bus driver shortage has revealed the long-term exploitation of our drivers - who are expected to work long shifts, with few facilities and little support, for wages that are decreasing in real-terms - and believes that public control would allow us to guarantee the conditions needed to deliver a world-class service;

(f) understands that the Government's impact assessment of the Bus Service Act (2017) highlighted that public control would better address six out of seven Local Transport Authority objectives compared to an enhanced partnership and was the only method likely to deliver a “significant increase in patronage.”;

(g) understands that the South Yorkshire Combined Authority intends to establish an Enhanced Partnership with bus operators, leaving final say over the network in their hands, despite the evidence that, according to the Centre

for Cities, partnerships are a “fudge which stops mayors from delivering the quality bus networks their electorate rightly expect” while a former UN Special Rapporteur on Extreme Poverty called for them to be “phased out.”;

(h) welcomes the recommendations of the “South Yorkshire Bus Review,” published in June 2020, that the “legal and financial investigation of franchising in South Yorkshire begin immediately” and that “a decision be made no later than 3 years after publication of this report.”;

(i) notes that a legal and financial investigation, as outlined in the Bus Services Act 2017 and National Bus Strategy has not yet been launched and requires the release of a statutory “notice of intent to prepare a franchising assessment.”;

Therefore this Council requests that the Administration:-

- (i) informs the South Yorkshire Combined Authority of its support for conducting a statutory assessment of franchising.
- (ii) requests a Combined Authority vote to release a “notice of intent to prepare a franchising assessment” within 6 months.

An Amendment submitted in accordance with Standing Order No 8 was then:

Moved by Councillor Sir Steve Houghton CBE – Seconded by Councillor Andrews BEM;

Items (a) – (i) as per the original Motion

Therefore this Council requests that the Administration:-

(i) & (ii) – as per the original Motion

Add the following:

- (ii) recommendations (i) & (ii) (above) only to be implemented once the financial implications become clearer and their impact on the Council’s finances and on taxpayers is considered to be reasonable

As the meeting had been ongoing for three hours, the maximum permitted in accordance with Standing Orders, the Mayor, Councillor Makinson, proposed and it was unanimously:

RESOLVED that in accordance with Standing Order No 42, Standing Order No 2(2) (insofar as it relates to the time permitted for meetings) be suspended to enable the remaining business on the agenda to be transacted.

On being put to the vote, the Amendment was WON.

The Amendment was then put as the Substantive Motion and:

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

RESOLVED:

- (i) that the Council inform the South Yorkshire Combined Authority of its support for conducting a statutory assessment of franchising;
- (ii) that the Council requests a Combined Authority vote to release a 'Notice of intent to prepare a franchising assessment' within six months; and
- (iii) that resolutions (i) and (ii) above only be implemented once the financial implications become clearer and their impact on the Council's finances and on taxpayers is considered to be reasonable.

160. Questions by Members of the Public

The Council received written questions from Members of the Public together with the responses provided by the relevant Cabinet Spokespersons:

- Mr M S – Barnsley
- Mr M S – Barnsley
- Mr M W – Worsbrough

RESOLVED that the questions and responses be noted.

161. Mayor's Announcements

(a) Barnsley Bright Nights Festival

The Mayor (Councillor Makinson) reminded Members that tonight was the start of the Barnsley Bright Nights Festival which would commence with the switch on of the Christmas Lights at the Town Hall at 6.00 pm. This was a lovely spectacle and she encouraged all Members to spread the news of the event. More information was available for download from the Council's website.

Other highlights of the Festival included:

- Luminous Birds by acclaimed artist Kathy Hinde in the Cooper Gallery
- World famous Luke Jerram's MARS in Barnsley College
- Barnsley's fantastical beasts by night in the Churchfields Peace Gardens
- Songs with Barnsley Live in St Mary's Church
- Activities in the Library at the Lightbox

The finale was STORM a 10m high mechanical puppet in a parade from the Digital Media Centre to the Glassworks on Saturday evening, 27th November, 2021 from 5.30pm to 7.30pm.

She then reported that the opening of three new Barnsley Museums Units in the Glassworks would coincide with the event, and the Barnsley Museums Gallery@Glassworks would be showing the Covid Memorial Sculpture Exhibition, a digital experience and Barnsley Museums Discover, dedicated to showcasing Barnsley.

The Authority was also very fortunate to have one of the best bright night festivals anywhere and thanks must go to all the Culture, Arts and Events staff involved. She hoped all Members would support the event.

(b) Civic Carol Service

The Mayor then referred to the Civic Carol Service which was to be held at 4.00 pm on the 16th December, 2021 in St Mary's Church to which all were invited.

(c) Mayor's Christmas Raffle

Finally, the Mayor reported that a Christmas Raffle was to be held in support of her two charities and any donations would be gratefully received.

(d) National Living Wage for Carers

The Mayor then invited Councillor Sir Steve Houghton, Leader of the Council, to speak on this item.

Councillor Houghton was pleased to inform Members that the Council, working with South Yorkshire Integrated Care System, was able to bring forward the implementation of the new National Living Wage for all carers from the 1st April, 2022 to the 1st December, 2021. That gave all carers an additional four months additional money in their wages and bearing in mind also, that the Council would continue to pay an additional pound above that as previously agreed. It was hoped that this would also help to stabilise the care market that Members were so worried about.

Thanks were extended to the Executive Director Adults and Communities and her Team for negotiating this on the Council's behalf. This was exciting and positive news for some really important people within the Borough.

The Mayor and Members of the Council expressed their appreciation and thanks in the usual manner.

(e) Covid Memorial Event – Memorabilia

The Mayor announced that there were a limited number of pin badges and memorial programmes remaining from the Covid Memorial Event and these could be obtained from the Mayor's Office and provided fitting mementos of a fantastic day.

.....
Chair

This page is intentionally left blank

Item 5

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 (CHILDREN'S SERVICES) TO CABINET

(15th DECEMBER 2021)

OUTCOMES OF THE JOINT LOCAL AREA INSPECTION OF SERVICES FOR CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS IN BARNSELY

1.0 PURPOSE OF REPORT

- 1.1 To inform Cabinet of the outcomes of the Joint Local Area Inspection of Services for children and young people with special educational needs, including a disability (SEND) which was recently undertaken in the Borough by the Care Quality Commission (CQC) and Ofsted, together with the next steps.

2.0 RECOMMENDATIONS

- 2.1 **That the outcomes of the Joint Local Area Inspection, together with the next steps, including the resulting action plan, be recommended for consideration at a meeting of Full Council.**

3.0 INTRODUCTION

- 3.1 Barnsley's Local Area SEND Inspection took place during the period 20th to 24th September 2021. The inspection was led by one of Her Majesty's Inspectors from Ofsted, with a team including an Ofsted inspector and a children's services inspector from the CQC.
- 3.2 The purpose of the inspection was to review how well the local area meets its responsibilities for children and young people (aged 0-25) who have SEND. The inspection team looked at evidence for how well children and young people with SEND are supported through three distinct areas:
1. How well we identify the needs of this group of children and young people.
 2. How well we assess and meet the needs of such children and young people.
 3. How successful we are at getting the best outcomes for children and young people with SEND.

- 3.3 During the week before the inspection, and throughout the week-long inspection period, the inspectors were provided with information about Barnsley's children and young people with SEND, as well as the available services on offer to support them and their families. Inspectors looked at case files, data, reports and other information that is published online or internal to Barnsley services.
- 3.4 Over thirty focus groups and meetings were held with a wide range of participants from education, health and children's social care services. This included leaders, managers and front-line practitioners who work directly with children and young people. The inspectors visited several settings, including primary and secondary schools, special schools, our further education college, alternative provision providers and early years settings to gather evidence.
- 3.6 It is estimated that inspectors met or interviewed around two hundred people, during the inspection. In addition, the Barnsley SEND Youth Forum, and children and young people in local schools/settings, had meetings with the inspection team and over six hundred parents and carers' completed an online survey in preparation for the joint inspection.

4.0 PROPOSAL AND JUSTIFICATION

- 4.1 The letter which details the outcome of the joint local area inspection was published on 19th November 2021 and is appended to this report. The inspection letter noted the significant progress which local statutory partners had made in addressing the needs of children and young people with SEND, together with their families and reported many strengths in the inspection letter.
- 4.2 We know that whilst significant progress has been made, we are not where we need to be, particularly in respect of the following two areas identified in the inspection letter as being areas of significant concern:
1. The engagement of, and communication with, parents and carers. Local statutory partners need to ensure that the lived experience of families is influencing their strategic plans for services and provision.
 2. Improving the identification of, and provision for, children and young people with SEND but without an Education and Health Care Plan.
- 4.3 Next Steps Following The Inspection
- 4.4 To address these areas, the Council, together with the Barnsley Clinical Commissioning Group (CCG) supported by the Barnsley Alliance for Schools and other partners will produce and submit a Written Statement of Action (WSoA) to Ofsted, no later than Monday 28 February 2022, which sets out our plan for improving these areas of significant concern. The process will consist of the following steps:

- i. The local area must submit a WSoA, within 70 working days of receiving the inspection report to, Ofsted and the CQC, and publish this on its Web site.
 - ii. Ofsted and CQC will review the fitness and purpose of the WSoA usually within 10 working days (if deemed 'not fit for purpose' the local area must re-submit within 20 working days).
 - iii. When the WSoA is deemed 'fit for purpose', the DfE, working with NHS England, will provide support and challenge to the local area, including on the development of the WSoA, with a minimum of four review meetings over an 18-month-period. Wider support will also be provided through funded delivery partners.
 - iv. As is the case for Barnsley, areas inspected after June 2021 requiring a WSoA will not be re-visited under this current framework. Any subsequent visit or inspection activity for these areas will be under the new area SEND inspection framework, which is currently being developed.
- 4.5 Once the WSoA has been approved by Ofsted and the CQC, the local statutory partners will continue to work together to implement these actions. This will form part of the ongoing Borough SEND Improvement Programme, which is already established and includes representatives from across the local area from education, health and children's care services. Cabinet will receive updates on progress through the quarterly SEND Finance and Performance reports schedule

For more information and advice on services and support available as part of our 'local offer' to families who have children and young people with SEND please visit our [local offer website](#).

5.0 CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 The purpose of this report is to inform Cabinet of the outcomes of the recent joint local area inspection of services for children and young people with SEND and their families, together with the next steps

6.0 IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The two significant areas of concern emerging through the joint inspection will be addressed particularly through the WSoA and the SEND Improvement Plan with the intention of improving and ensuring a consistent level of practice and provision across all areas of the Borough

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications directly arising through consideration of the inspection letter. However, it is unclear at this stage if the required Written

Statement of Action (which sets out our plan for improving these areas of significant concerns) to be submitted to Ofsted would give rise to any financial implications to the Council.

8.0 EMPLOYEE IMPLICATIONS

8.1 There are no implications for the children's services workforce directly arising through consideration of the inspection letter.

9.0 LEGAL IMPLICATIONS

9.1 There are no implications concerning the level of local compliance with statutory responsibilities and guidance emerging through the inspection letter. The areas of weakness identified in the inspection letter relate to the extent to which the quality of provision and practice has been fully embedded .

10.0 CUSTOMER AND DIGITAL IMPLICATIONS

10.1 The references in the inspection letter to engaging children, young people and families with the Web page for the SEND Local Offer, will be progressed via the WSoA and the SEND Improvement Plan

11.0 COMMUNICATIONS IMPLICATIONS

11.1 Similarly, improving the engagement of and communications with parents and carers, as part of ensuring their lived experience informs our SEND plans and strategies will also be addressed within the WSoA and SEND Improvement Plan

12.0 CONSULTATIONS

12.1 As well as the Barnsley CCG, the Council's Senior Management Team has been informed of the outcomes of the SEND local area joint inspection, together with the steps to be taken to address the two significant areas of weakness identified as part of the inspection.

13.0 EQUALITY IMPACT

13.1 Cabinet will note that the inspection letter also provides extensive reference to areas of strength, together with areas for development within the quality of SEND practice and provision. No formal equality impact assessment is required as children and young people with SEND have a protected characteristic under the Equality Act and the WSoA together with the SEND Improvement Plan will ensure that continual improvement is made to further promote their inclusion

14.0 THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

14.1 The percentage of children receiving SEN support is one of the critical success

factors within Outcome 5 of the 'Be Even Better' Strategy and our performance against the target will be reported to Cabinet as part of the quarterly SEND Performance and Finance schedule.

15.0 TACKLING THE IMPACT OF POVERTY

15.1 Our ambition is to enable all vulnerable children and young people to be able to achieve their aspirations through promoting inclusion and social mobility, particularly through improved health and education outcomes. External assessments such as the joint inspection will help focus our attention on those areas of practice and provision in need of further development, notably ensuring the continued expansion of in-Borough, mainstream school places for SEND pupils.

16.0 TACKLING HEALTH INEQUALITIES

16.1 The Ofsted and CQC inspection letter commends access to health provision for children and young people with SEND, together with use of the Borough's Joint Strategic Needs Assessment in meeting future health needs as part of reducing any inequality and promoting wellbeing..

17.0 REDUCTION OF CRIME AND DISORDER

17.1 There are no implications for tackling crime, disorder and anti-social behaviour emerging through the outcomes of the inspection.

18.0 RISK MANAGEMENT ISSUES

18.1 Any risks potentially impacting upon our progress in addressing the two significant concerns highlighted in the inspection letter will be managed and mitigated through the SEND Improvement Plan and Risk Register

19.0 HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

19.1 There are no implications for health, safety or emergency resilience arising through the report.

20.0 COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

20.1 The outcomes of the inspection will support the Articles and Protocols of the Convention, particularly the rights of children.

21.0 CONSERVATION OF BIODIVERSITY

21.1 No implications have emerged through consideration of this report

22.0 GLOSSARY

22.1 None, applicable

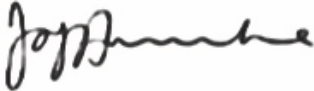
23.0 LIST OF APPENDICES

23.1 Appendix 1: CQC and Ofsted Inspection Letter (15th November 2021)

24.0 BACKGROUND PAPERS

24.1 If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Nina Sleight (Service Director: Education, Early Start and Prevention)

<p>Financial Implications/Consultation</p>  <p>Joshua Amahwe (24/11/2021)</p> <p>..... <i>(To be signed by senior Financial Services officer where no financial implications)</i></p>

Ofsted
Agora
6 Cumberland Place
Nottingham
NG1 6HJ

T 0300 123 1231
Textphone 0161 618 8524
enquiries@ofsted.gov.uk
www.gov.uk/ofsted
lasend.support@ofsted.gov.uk

15 November 2021

Melanie John-Ross
Executive Director of Children's Services
Barnsley Metropolitan Borough Council
1 Westgate
Western Street
Barnsley
S70 2DR

Jamie Wike, Chief Operating Officer, Barnsley Clinical Commissioning Group
Lisa Loach, Local Area Nominated Officer, Barnsley Metropolitan Borough Council

Dear Ms John-Ross and Mr Wike

Joint area SEND inspection in Barnsley

Between 20 September 2021 and 24 September 2021, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Barnsley to judge the effectiveness of the area in implementing the special educational needs and/or disabilities (SEND) reforms as set out in the Children and Families Act 2014.

The inspection was led by one of Her Majesty's Inspectors from Ofsted, with a team of inspectors including another Her Majesty's Inspector and a children's services inspector from the CQC.

Inspectors spoke with children and young people with SEND, parents and carers, and local authority and National Health Service (NHS) officers. They visited a range of providers and spoke to leaders, staff and governors about how they were implementing the SEND reforms. Inspectors looked at a range of information about the performance of the area, including the area's self-evaluation. Inspectors met with leaders for health, social care and education. They reviewed performance data and evidence about the local offer and joint commissioning.

As a result of the findings of this inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) has determined that a Written Statement of Action (WSOA) is required because of significant areas of weakness in the area's practice. HMCI has also determined that

the local authority and the area's clinical commissioning group (CCG) are jointly responsible for submitting the written statement to Ofsted.

In reaching their judgements, inspectors took account of the impact of the COVID-19 pandemic on SEND arrangements in the area. Inspectors considered a range of information about the impact of the pandemic and explored how the area's plans and actions had been adapted as a result.

This letter outlines our findings from the inspection, including some strengths and areas for further improvement.

Main findings

- Area leaders were slow to implement the 2014 reforms. This has led to high levels of dissatisfaction among parents and carers. Over the past two years, work has been done to start to mend what, leaders recognise, was a broken SEND system. Two key issues remain. First, the strategic influence of parents and carers is extremely limited. Second, the outcomes for pupils with SEND, without an education, health and care (EHC) plan, at SEND support are poor.
- Parents and carers have too little say in strategic decision-making about the area's services. Many parents and carers report dissatisfaction with their experience of the SEND system in Barnsley. The special educational needs and disabilities information advice and support service plays a significant role in supporting families and is effective.
- Leaders in the area do not communicate clearly with parents and carers. Parents and carers are not aware of ongoing improvement work or how to access support while waiting. They do not know about the significant improvement in waiting times for autism spectrum disorder assessments.
- Over time, many parents and carers have had to battle to get the provision and support their child needed. This is changing. In most cases, the voice of parents and carers is now listened to by practitioners. More and more individual plans are being co-produced with parents and carers. Co-production is a way of working where children and young people, families and those who provide the services work together to create a decision or a service which works for them all.
- There is a shortage of specialist education provision pre-16 years of age. There are insufficient school places locally for children and young people with SEND. This is leading to a reliance on out-of-area placements and late school placement decisions. Area leaders are aware of this and have plans to increase the amount of specialist provision locally.
- Outcomes for children and young people who have EHC plans are positive. Their placements are ambitious and meet their needs. However, the attainment, attendance and level of exclusions for pupils at SEND support are weak. The support provided to many pupils at SEND support does not meet their needs well.

Area leaders have developed training and monitoring systems to improve the help given to pupils at the SEND support stage. This work is not yet embedded.

- Barnsley local authority and the Barnsley clinical commissioning group (BCCG) have worked together to refresh and review the joint strategic needs assessment and the area's self-evaluation. The area's improvement plans explain clearly the work to be done in Barnsley. The priorities in the improvement plans fit well with the reforms in the Children and Families Act (2014). Since 2019, area leaders have worked on their priority areas with a true sense of purpose and commitment to the children and young people and their families in Barnsley. However, a significant amount of time was lost between 2014 and today. Many leaders were appointed since 2019 and are at the start of improving provision and outcomes for children and young people with SEND.
- Area leaders have taken advice from external advisers and reviewed waiting lists for services. This has led to changes in how services are organised. At local authority level, for example, the arrangements for managing requests for statutory assessment and the EHC plan process have changed. The BCCG reviewed the delivery of autism assessments. Steps taken by leaders have led to a reduction in the backlog of EHC plan assessments and improved waiting times for autism spectrum disorder diagnosis.
- The voice of children and young people with SEND is strong in Barnsley. Recommendations from the specialist youth forum have a clear route to the area's decision makers. Leaders have trained some young people with SEND as commissioners. As young commissioners, they advise on how services should be organised. The success of their work can be seen in the revised specification for the child and adolescent mental health service (CAMHS).
- In the early years of a child's life, health and children's services work together well. Staff from health, early years settings and family centres work in close partnership to offer effective support to parents and carers.
- The number of young people with SEND who progress into education or employment is strong. Area leaders ensure young people have targeted careers advice, guidance and support. Once a young person with SEND reaches Year 9, they are allocated a transition, individual advice and guidance (TIAG) team worker who supports them personally with their next steps post 16.
- The post-16 education and training offer is effective. Young people with SEND and their parents and carers are happy with the support and learning available at this point. Young people's studies broaden their awareness of themselves and help them to find employment.

The effectiveness of the area in identifying children and young people's special educational needs and/or disabilities

Strengths

- Area leaders use data to forecast the need for, and improve the effectiveness of, health and children's services. For example, health leaders redesigned the autism spectrum disorder diagnosis pathway to address long waiting times.
- Health services for children who are identified with SEND from birth are working well. The midwifery service identifies potential needs early and shares this information promptly with other services. Health visitors offer additional visits and support when needs are identified in pregnancy. Women and their families receive the right support from the earliest opportunity.
- Early years providers appreciate termly meetings with health visitors and the support available from the local authority's early years specialists and the area special educational needs coordinator. The local authority's early years advisory team, in collaboration with health and social care, has produced a progress check for two-year-olds in Barnsley. The information gathered by the progress check is used well by partners. Services are quick to identify a child who may need additional assessments or specialist support. Family support workers and services such as speech and language therapy (SaLT) get involved quickly when needed. Over the past 18 months, COVID-19 has caused some delay in the completion of some of the follow-up assessments. There is a plan in place to address these gaps.
- The portage service is spoken of highly by parents and carers. Portage practitioners work with parents and carers who have a child who is struggling to communicate and interact with others. Portage staff support the transition from home to early years settings well. Early years staff hit the ground running with what is already working well for children.
- Children and young people in care have access to an additional CAMHS offer commissioned by the BCCG. This resource helps identify any escalating social, emotional or mental health needs in this vulnerable group of young people.
- There is an early help support worker in the children's emergency department. This helps parents and carers get follow-on help from health and social care services following a hospital visit.

Areas for development

- Some parents and carers feel that schools do not have sufficient knowledge to understand the needs of their child fully. Parents and carers feel this leads to inflexibility when behaviour management systems are applied, or a lack of additional support. The SEND-related expertise of staff differs from school to school and across services. Leaders have recognised this and are working with schools and services to improve support for children and young people with

emerging needs. Leaders have recently introduced a SEND toolkit for use by practitioners. However, this toolkit and the training programme that goes with it are a recent development. There is no evidence of impact yet.

- School exclusions for pupils at SEND support are too high. Education welfare officers work with schools to identify early interventions for pupils at risk of exclusion. This development is at a very early stage. It is too soon to evaluate the impact of this work.
- School leaders have not been able to access prompt specialist SEND advice from the local authority consistently. Area leaders recognise this issue and are trying to improve the level of support available. For example, the local authority has invested in a core offer to schools from the educational inclusion service. Schools can now access an educational psychologist when they need one. This new arrangement has only just been explained to school leaders. There is no measurable impact of leaders' actions.
- There is a comprehensive local offer website. Unfortunately, many parents and carers do not know about the local offer or the website. Leaders have plans in place to redesign the website. Leaders know they need to improve communication with parents and carers about where to go for SEND-related information.
- Parents and carers of children and young people with SEND feel isolated. They are keen to meet others who have similar experiences. Some parents and carers have set up self-help groups and small networks. More needs to be done by partners across the area to help parents and carers share their experiences and learn from each other. Area leaders have plans to refresh forums for parents and carers and provide a route for them to contribute to local area decision-making.

The effectiveness of the area in meeting the needs of children and young people with special educational needs and/or disabilities

Strengths

- Children and young people with SEND access health therapies, such as SaLT, occupational therapy and physiotherapy, promptly. During the pandemic, the SaLT team developed new ways of conducting assessments and offering information and advice. For example, they used visualisers during assessments and developed digital games and videos to demonstrate interventions. This meant there was no interruption to the therapeutic offer despite periods of local restrictions necessitated by COVID-19.
- Barnsley's sensory programme is valued by parents and carers. This programme is designed by health partners to help parents and carers understand their child's sensory needs. This means that parents and carers are better able to meet their child's sensory needs in the home.
- There is effective provision for children and young people with visual and/or hearing impairment in Barnsley. The sensory impairment team includes specialist

teachers and habilitation officers. The habilitation officers for visual impairment, for example, help children and young people be more independent. The sensory team talk to children and young people with SEND and their families about their goals and build support plans around these.

- EHC plan processes and procedures have been weak over time. Statutory timescales were not met. Annual reviews were not completed. Pupils with an EHC plan did not receive the support they needed. However, area leaders have invested heavily in this area. The local authority has developed an online EHC hub that brings together many aspects of the EHC plan process. Additional staff have been appointed to deal with the backlog of EHC plan assessments and reviews. EHC plans more accurately reflect the needs of the child or young person. Now, reviews are generally held within the statutory timeframe.
- The TIAG team has a strong presence in the area. In Year 9, each young person is assigned a personal adviser who remains with them until they move into adulthood. Young people with SEND spoke highly of TIAG support and independent travel training. The TIAG support and the independent travel training are contributing well to the high numbers of young people with SEND who progress to post-16 education and training.
- The community children's nurse provision supports children with complex needs well. Health leaders have invested in this service. This has led to a reduction in the number of children with complex needs being admitted to hospital. The service also provides health education and care advice to out-of-school providers in the area. Children with complex needs have more access to appropriate support in holiday and after-school clubs because of this provision.
- Waiting times for autism spectrum disorder assessments are reducing. Area leaders have put in more support for children, young people, and their families during the assessment period. The autism spectrum disorder assessment team is jointly commissioned by the BCCG and Barnsley local authority. They identified a gap in services for children and young people who did not meet the threshold for diagnosis. There is a newly formed neurodevelopment family support team which offers an 18-week programme to children and young people with communication and interaction difficulties and their families. This is a positive development.
- Individual health services have made changes to their provision in response to what parents and carers told them. For example, health leaders consulted with parents and carers about the development of the children's emergency department assessment unit. Parents and carers said the unit needed to be more autism friendly and advised on changes that would help achieve this. The unit is now easier for families to use.

Areas for development

- Too many children wait too long for support for their social, emotional and mental health needs in the area. Leaders have recognised this. Plans are in place to address the outstanding issues.

- While there are improvements around the completion of EHC plans, the contributions from health and social care are of variable quality. Area leaders are aware of this and have put in place new quality assurance processes. These processes are in the early stages of development. Their impact on improving the consistency of contributions to EHC plans is not evident.
- Barnsley does not have an embedded 'tell it once' approach for the families of children and young people with SEND, especially across health services. Health leaders are aware of this and are piloting new ways of sharing information across different health partners.
- Transition to adulthood is underdeveloped in some health services. For some young people there is no equivalent adult health service. This causes anxiety for the young people and their families. Leaders are aware of this issue and there are ongoing pilots to identify solutions.
- Children and young people with SEND rely heavily on their schools to make friends and experience social events. In Barnsley, there is a limited range of opportunities and support for doing things outside of school. Social participation is not being identified as a need at EHC plan reviews consistently.

The effectiveness of the area in improving outcomes for children and young people with special educational needs and/or disabilities

Strengths

- The proportion of children and young people with SEND who progress to appropriate education, employment and training destinations at the end of key stages 4 and 5 is high. This is, in part, due to the breadth of provision available post 16 and the effective information, advice and guidance children and young people receive from schools and the TIAG team.
- Children in the early years and key stage 1, with an EHC plan, achieve well from their individual starting points. The area has improved their partnerships with early years providers. The training and support the area provides to schools and early years practitioners is now more closely linked to children's complex needs.
- The youth justice service has a specialist team, commissioned jointly by the BCCG and the local authority, which includes a learning disabilities nurse, dedicated time from an educational psychologist and two CAMHS workers. This team has helped officers in the youth justice service to better understand and meet the additional needs of the children and young people who are referred to them. As a result, rates of reoffending and the numbers of cases that lead to a criminal sentence are reducing.
- Outcomes for children with SEND in the early years and up to the end of Year 1 are improving. For example, 52% of boys were identified as having below-average levels of speech at two years old; this had reduced to 15% on entry to school. The area also provides support for children with SEND who are not fluent readers.

Areas for development

- The academic outcomes achieved by pupils at SEND support are weak. By the end of Year 1, approximately six in every ten pupils at SEND support do not reach the expected standard in reading. While there have been some marginal improvements of late, across all key stages in primary and secondary schools, pupils at SEND support achieve poorly.
- Leaders acknowledge that rates of absence and exclusion for children and young people at SEND support are too high. They are right to be concerned. For example, during the 2018/19 academic year, the proportion of suspensions for these pupils was nearly double the national average for the same pupil group. Furthermore, pupils at SEND support miss too many days of school. This contributes to weaker academic outcomes over time. Leaders have recently appointed a specialist education and welfare officer to work on this issue with school partners. There is no measurable impact yet.

There are insufficient opportunities in the area for children and young people with SEND to socialise with their peers. This is limiting the development of social skills that will help children and young people with SEND prepare for adulthood.

The inspection raises significant concerns about the effectiveness of the area

The area is required to produce and submit a WSOA to Ofsted that explains how it will tackle the following areas of significant weakness:

- The engagement of, and communication with, parents and carers. Area leaders need to ensure that the lived experience of families is influencing their strategic plans for services and provision.
- Improving the identification of, and provision for, children and young people with SEND but without an EHC plan.

Yours sincerely

Patricia Head
Her Majesty's Inspector

Ofsted	Care Quality Commission
Emma Ing Regional Director	Mani Hussain Deputy Chief Inspector, Primary Medical Services, Children Health and Justice
Patricia Head	Claire Mason

HMI Lead Inspector	CQC Inspector
Lee Elliott HMI	

Cc: Department for Education
Clinical commissioning group
Director of Public Health for the area
Department of Health
NHS England

This page is intentionally left blank

Item 6

BARNESLEY METROPOLITAN BOROUGH COUNCIL

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

JOINT REPORT OF THE EXECUTIVE DIRECTOR PLACE &
EXECUTIVE DIRECTOR CORE / S151 OFFICER
TO CABINET, 12 JANUARY 2022

HOUSING REVENUE ACCOUNT – DRAFT 2022/23 BUDGET & INVESTMENT PROPOSALS 2022-27

1) Purpose & Introduction

1.1 This report summarises the proposed HRA Medium Term Financial Strategy, the revised HRA Reserves Strategy, the 2022/23 HRA draft budget and the 2022/23 through 2026/27 Housing Capital Investment Programme.

2) Context & Strategic Overview

2.1 This report provides the 2022/23 update of the Housing Revenue Account (HRA) Business Plan and the 2022/23 revenue budget for the HRA.

2.2 The business plan and budget has focussed on combining the Council's strategic priorities and working with Berneslai Homes to ensure that the Council's regulatory requirements are satisfied.

2.3 The HRA Investment programme identifies resources for Housing Growth, the decarbonisation agenda and investing in further health and safety measures including fire safety improvements.

2.4 Resources have also been identified to deliver improvements to our tenants' homes to make sure they continue to be well maintained.

3) Recommendations

3.1 It is recommended that Cabinet:

- (i) note the HRA Medium Term Financial Strategy (MTFS) as set out in Section 4;
- (ii) approve the Housing Revenue Account Draft Budget for 2022/23, as outlined in Section 5, including the proposed revenue investments and savings, as outlined in Section 6, with any final amendments being delegated to the Cabinet Spokesperson for Place and the Executive Director for Place in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);
- (iii) approve a rent increase of 4.1%, in line with the Government's rent setting policy;
- (iv) note that there is no proposed change to non-dwelling rents, service charges and district heating charges for 2022/23;
- (v) approve the 2022/23 Berneslai Homes Management Fee at paragraph 7.11, with any final amendments delegated to the Cabinet Spokesperson for Place and the Service Director, Regeneration & Culture in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);
- (vi) approve the 2022/23 Berneslai Homes Management Fee for both Gypsy & Traveller Sites and in respect of the European Social Fund (ESF) Grant, both of which are charged to the Authority's General Fund, detailed at paragraph 7.12;

- (vii) approve in principle, the proposed emerging capital priority schemes as detailed in Section 8, subject to individual reports as appropriate, in line with the Council's governance arrangements;
- (viii) approve the Core Housing Capital Investment programme for 2022/23 and that the indicative programme for 2023/24 through 2026/27, outlined in Section 8, be noted;
- (ix) note that a further report will be submitted outlining the Council's energy efficiency and de-carbonisation plans for its housing stock;
- (x) resolve to recommend to full Council.

4) Medium Term Financial Strategy & HRA Reserves Strategy

Medium Term Financial Strategy (MTFS)

- 4.1 On 13th January 2021, the Council set a balanced HRA budget for 2021/22 and a framework for delivering a balanced budget in 2022/23. Table 1 describes the movement in the financial position from the previously reported baseline MTFS as described above, including the impact of the review of key assumptions that underpin both key expenditure lines and income streams, together with updates in respect of previously agreed decisions and other fixed and ongoing costs. **Recommendation i) refers.**

TABLE 1: HRA MTFS Position 2022-24

	2022/23 £M	2023/24 £M	Comments
Initial (Surplus) / Gap as at Jan 21	(0.094)	(0.644)	
Rental Income	(1.746)	(2.425)	4.1% in 22/23 compared to 2.0% estimated in Jan 21, plus estimated stock numbers higher than originally anticipated
District Heating Charges	0.080	0.160	Policy Decision during 21/22 to reduce charge to tenants
Repairs & Maintenance	0.414	0.402	Change in CPI Assumptions - 3.1% compared to 1%, 23/24 compounded effect of 22/23 increase
Provision for Bad Debts	0.053	0.073	Additional provision given increase in rents - % same
Other Costs	0.008	0.011	Other
Contribution to Capital	(0.213)	(0.284)	Reduction in capital requirement as result of change in component data & revised PRIP prices
Other Supervision, Management & Special Services	(0.065)	(0.011)	No inflation charged in 22/23, compared to 1% anticipated in Jan 21, savings proposed (£0.115M)
Repairs & Maintenance – Investments	1.202	1.402	Compliance & regulatory investment
BH Management Fee – Investments	0.222	0.035	Proposed investments
BH Management Fee – Inflationary Effects	0.139	0.281	Difference in CPI estimated in Jan 21 and actual requirement
Revised (Surplus) / Gap as at Jan 2022 Post Efficiencies / Investments	-	(1.000)	

- 4.2 The movement in the HRA position in 2022/23 is primarily as a result of the proposed increase in rents of 4.1%, compared to an assumed 2% in January 2021. This increase in resources is offset by the CPI rate being significantly higher than expected, at 3.1% (compared to an estimated 1% in January 2021). A significant level of HRA expenditure is contractually linked to this rate, therefore the costs of repairs and maintenance for example, have exceeded previous estimates. It should also be noted that this position includes £1.2M in 22/23 and a further £0.2M in 23/24, of required investments in respect of the Council's regulatory obligations.

- 4.3 It is proposed to increase rents to tenants as per the Government's Rent Policy (CPI+1%), ergo 4.1%.

5) Housing Strategy & Approach

- 5.1 The Council's strategic approach for investment in its housing services, mirrors the approach for general fund services, as agreed in the Council's Capital Investment Strategy and tracks the principles outlined in the Capital Investment Programme 2022/23 and External Funding Strategy (Section 8 refers). Available resources are identified over the medium term with housing priority proposals being submitted for consideration. This allows a more effective, robust, and consistent planning process together with maintaining a flexible approach in respect of addressing emerging issues.
- 5.2 A business planning workshop was held in September 2021 between the Council and Berneslai Homes with the aim of identifying key priorities and the overall strategic direction of the HRA moving forwards.
- 5.3 Strategic investment priorities were agreed which focussed on ensuring Regulatory Compliance alongside wider priorities such as, zero carbon and housing growth, which can be found in Sections 6 and 8 respectively.
- 5.4 The strategy and approach for defining longer term priorities will now be considered collaboratively as part of the Council's emerging 2030 Place Based Plan including subsequent updates to both the Council's and Berneslai Homes' corporate plans.
- 5.5 Officers within the Council and Berneslai Homes are working closely to develop a Sustainability Strategy; to include the development of a suite of costed retrofit options to improve the efficiency of our housing stock across the borough. This involves a commission with Savills, who are reviewing all property types within our stock portfolio and producing retrofit options to address both the energy efficiency of our homes and ways in which we can implement renewable solutions which remain cost effective for tenants. Current retrofit programmes are focussing on a fabric first approach to efficiency and are targeting properties with households experiencing fuel poverty and/or with energy performance below an EPC C rating in the first instance; aligned to the Government's Fuel Poverty Strategy and funding initiatives (Social Housing Decarbonisation Fund). The retrofit work will also include a review of the district heating systems where there is the potential to improve energy efficiency and reduce carbon emissions. Any changes to heating systems will be in full consultation with residents and be assessed to ensure that they are promoting a 'just transition' to net zero carbon targets in line with the Council's Sustainable Energy Action Plan.

6) Revenue Investment Proposals

- 6.1 In line with the strategy outlined in Section 5, and within the financial context explained in Section 4, a number of revenue investment proposals have been identified by both Berneslai Homes and Council Services for consideration.
- 6.2 These proposals have been assessed in line with the agreed process (per Section 5) ensuring that resources are aligned to the Council's housing and other strategic priorities. The investments prioritised for consideration are summarised in Table 2. Further information is available on request. **Recommendation ii) refers.**

TABLE 2: HRA Revenue Investment Priorities 2022-24

Permanent Revenue Investment Proposals	2022/23 £M	2023/24 £M	Investment Theme
HRA 1 – 3 rd Party Assurance Compliance	0.150	0.150	Repairs & Maintenance - Regulatory
HRA 2 – Sump Pump Inspection Programme	0.015	0.015	Repairs & Maintenance - Best Practice
HRA 3 – Water Testing / Gas Servicing	-	0.200	Repairs & Maintenance - Regulatory
HRA 4 – Structural Surveys 3 x High Rise	0.030	0.030	Repairs & Maintenance - Regulatory
HRA 5 – Stock Condition Surveys	0.152	0.152	Repairs & Maintenance - Best Practice
HRA 6 – EPC Testing	0.110	0.110	Repairs & Maintenance - Best Practice
HRA 7 – General Compliance e.g. Provision of Smoke / CO Alarms	0.744	0.744	Repairs & Maintenance - Regulatory
HRA 8 – BMBC Client Liaison Officer	0.056	0.056	GF Charges - Client Review
HRA 9 – BMBC Client Admin Support	0.010	0.010	GF Charges - Client Review
Sub Total – Investments	1.267	1.467	

7) Housing Revenue Account Proposed Budget

7.1 Table 3 shows the approved revenue budget for 2021/22 together with the proposed budget for 2022/23 and the indicative 2023/24 position, on the basis that the proposed revenue investments etc. are approved. The subsequent paragraphs provide further explanation of the key components of the budget, particularly where approval is required. **Recommendation ii) refers.**

TABLE 3 - HRA Proposed Revenue Budget 2022-24

	2021/22 Approved £M	2022/23 Draft £M	2023/24 Draft £M	Paragraph
<u>INCOME</u>				
Dwellings Rent	(70.688)	(73.533)	(75.300)	7.2 – 7.5
Non-Dwellings Rents	(0.361)	(0.361)	(0.368)	7.6 – 7.7
Heating Charges	(0.525)	(0.450)	(0.375)	
Other Charges for Services and Facilities	(0.465)	(0.465)	(0.465)	
Contributions Towards Expenditure	(1.057)	(0.911)	(0.849)	
	(73.096)	(75.740)	(77.357)	
<u>EXPENDITURE</u>				
Repairs and Maintenance (Including Fees)	18.976	20.696	20.707	
Berneslai Homes' Management Fee	13.266	13.760	13.849	7.8 – 7.11
Other Supervision, Management & Special Services	6.613	6.604	6.715	7.14
Rents, Rates, Taxes and Other Charges	0.257	0.265	0.270	
Provision for Doubtful Debts	2.269	2.207	2.259	
Depreciation of Fixed Assets	12.383	12.383	12.383	
Debt Management Costs	0.100	0.103	0.105	
	53.864	56.018	56.288	
Net Cost of Services	(19.232)	(19.722)	(21.069)	
Interest Payable and Similar Charges	11.256	11.256	11.256	
Investment Income	(0.057)	(0.057)	(0.057)	
Net Operating Expenditure	(8.033)	(8.523)	(9.870)	
<u>Appropriations</u>				
Transfer to/from Major Repairs Reserve	7.887	8.523	8.870	
Revenue Contribution to Capital	0.146	-	-	
Base Budget	-	-	(1.000)	

Dwelling Rents

- 7.2 The Government has previously confirmed that, from 2020/21, dwelling rents can be increased in line with CPI inflation (Consumer Price Index), plus 1% for the 5-year period through to 2024/25.
- 7.3 The rate of CPI as at September 2021 was 3.1%. It is proposed that dwelling rents will be therefore increased in 2022/23 by **4.1%** in line with the Government's rent policy. **Recommendation iii) refers.**
- 7.4 The proposed average rents for the various types of properties, for 2022/23 are shown in Table 4.

TABLE 4: Average Rent by Property Type

Property Type	Number of Bedrooms	Average Rent per Week (Based on 48 Weekly Bills)	
		2021/22 £	2022/23 £
Bedsit	0	60.71	63.20
Flat	1	70.56	73.45
	2	79.14	82.38
	3	85.06	88.55
Bungalow	1	71.87	74.82
	2	82.02	85.38
	3	96.39	100.34
	4	124.79	129.91
House	1	74.46	77.51
	2	82.10	85.47
	3	87.66	91.25
	4	95.14	99.04
	5	106.58	110.95
	6	123.25	128.30
Maisonette	3	88.40	92.02
OVERALL AVERAGE WEEKLY RENT		81.76	85.11

Non-Dwelling Rents, Service Charges and Heating Charges

- 7.6 The Council's finance team conducted a review of the Sheltered / Communal Housing District Heating Charges in August 2021 in the context of rising energy prices and the impact on tenants.

The review proposed revisions to the methodology for calculating the district heating KWH tariff chargeable to tenants and as a result a reduction in the price to tenants of 3.1p to 6.4p per KW-H from 1st September 2021, which represents an average saving of £134 per annum for each tenant.

Cabinet approved the revisions to the charging methodology (Cab.17.11.2021 refers)

- 7.7 The Council also recognises that there have not been any increases to the current level of non-dwelling rents and service charges respectively over the past few years. As a result of the Covid pandemic and the significant impact that it has had on people's incomes, it is therefore proposed that no changes are applied to the current level for the 2022/23 financial year. **Recommendation iv) refers.**

Berneslai Homes Management Fee

- 7.8 The proposed Berneslai Homes Management Fee in respect of the HRA is estimated at £13.760M for 2022/23 and indicatively £13.849M in 2023/24 as detailed in Table 5.

TABLE 5: Berneslai Homes HRA Management Fee

	2022/23 £	2023/24 £
BH HRA Management Fee Bfwd	13,266,082	13,760,082
<u>Fixed / Ongoing Costs</u>		
Pay Increments/ Pay Award (2%)	151,000	275,202
National Insurance Increase (1.25%)	70,000	-
CSC's / Inflation	42,000	-
Reduced Cashflow – Interest	10,000	-
	273,000	275,202
<u>Investment & Other Policy Decisions</u>		
Lettings Policy Implementation	66,000	(66,000)
Income Services Modernisation	155,000	(120,000)
	221,000	(186,000)
Proposed BH HRA Management Fee	13,760,082	13,849,284

Berneslai Homes Investments

- 7.9 The revised Lettings Policy, which has been formally approved by Cabinet, will require all current housing applicants to be reassessed and subsequent amendments made to the appropriate system to take account of the new policy. This is a significant change management process with approximately 8,000 customers affected. Ensuring that people are adequately and appropriately housed is a major factor in people's health and wellbeing which ensures housing is allocated to those most in need while supporting sustainable and balanced communities.
- 7.10 The modernisation of Income Services will ensure that there are earlier contacts with customers who have missed rent payments so that appropriate interventions and/or support is in place. Earlier interventions are less costly by avoiding escalation and potential court costs as well as providing the access to the right support at an earlier stage which supports the ambitions of Healthy Barnsley by seeing fewer people living in poverty.
- 7.11 On the basis that the proposed investments and efficiencies are approved, the BH management fee has been increased overall by a total of £0.494M from the 2021/22 fee, predominately as a result of the new investments proposed and payroll inflationary increases. The 2022/23 proposed management fees therefore totals £13.760M. **Recommendation v) refers.**
- 7.12 In addition to the proposed management fee charged to the HRA as per Table 5, Berneslai Homes also propose to charge the Council's General Fund in respect of two specific items which are described below:
- for the management of the Gypsy & Traveller sites in the Borough, which totals a proposed £0.072M for 2022/23 (£0.066M in 2021/22);
 - The Council and Berneslai Homes have been successful in securing European Social Fund (ESF) grant for two employment support projects, "Sector Routeways" and "Tenants First". The cost of the two projects are split between the two respective organisations. The Berneslai Homes' element is transferred to the Council's General Fund via the management fee with the Council receiving the full grant entitlement. The expected cost to Berneslai Homes totals £0.151M in 2022/23 (£0.134M in 2021/22).

Recommendation vi) refers.

- 7.13 Therefore, the proposed Berneslai Homes Management Fee to the Council in totality for 2022/23 totals £13.983M.

Other Supervision, Management & Special Services

- 7.14 The HRA is charged for its share of General Fund services that it consumes in providing services to tenants. The proposed changes are shown in Table 6.

TABLE 6: Other Supervision, Management & Special Services Budget 2022-2024

	2022/23 £	2023/24 £
Other Supervision, Management & Special Services Bfwd	6,612,963	6,603,968
<u>Fixed / Ongoing Costs</u>		
Inflation on General Fund Services	-	111,710
	-	111,710
<u>Investment & Other Policy Decisions</u>		
BMBC Client Liaison Officer	56,500	-
BMBC Client Admin Support	10,000	-
Other BMBC Housing Pressures	39,505	-
	106,005	-
<u>Savings Proposals</u>		
16-17 Year Old Supported Housing	(115,000)	-
Proposed Other Supervision, Management & Special Services	6,603,968	6,715,678

Efficiency Programme

- 7.15 As part of the Council's review of the 30 year HRA business plan, it is proposed to introduce an efficiency programme across the medium term financial strategy period, which is designed to drive efficiency within the HRA, encompassing a holistic approach that covers the full complement of HRA budgets, both capital and revenue in nature, including reviewing how the available resources are deployed. These efficiencies will allow key resources to be used on key investments in the Council's housing stock across the period and beyond.
- 7.16 The Berneslai Homes Value for Money (VFM) Strategy sets out the commitment to achieving VFM. The key aim of the strategy is to provide cost effective services that give a high level of customer satisfaction and maximise the resources available. Over the past 5 years, Berneslai Homes has identified £0.932M savings in respect of the management fee charged to the HRA, through restructures and zero-based budget reviews.

8) 2022 - 27 Council Housing Investment Programme

- 8.1 A fundamental review of existing HRA reserves has been undertaken by the Council's S151 Officer and a reprioritisation exercise completed, which reflects the current risk environment within the HRA. Furthermore, the S151 Officer has released a further £0.5M of resources to support future capital investment. The total level of resources therefore identified for investment purposes, totals **£11.447M**. Appendix 1 outlines the Council's HRA Reserves Strategy and provides details of the reprioritisation exercise.
- 8.2 The Council's Housing Capital Investment Programme consists of two components:
- **Housing Growth / Added Value** – These capital programmes relate to supplementary, added value investment in both the Council's housing stock and housing related activities; and

- **The Core Programme** – These capital programmes relate to maintaining the housing stock at decency, including reactive replacements and elemental works together with a number of supplementary capital programmes relating to works on adaptations and major structural works etc.

Housing Growth / Added Value

- 8.3 A number of capital investment proposals have been submitted by both Berneslai Homes and Council officers for consideration in line with the agreed process at Section 5. The investments prioritised at this stage, and requiring approval are summarised in Table 7, with further information available on request. **Recommendation vii) refers.**

TABLE 7: Capital Investment Priorities 2022 – 2027 (Subject to Approval)

<u>Theme</u>	<u>Investment Proposal</u>	<u>TOTAL £M</u>
Existing Commitments	Increased cost of Sprinklers - Fire Safety	0.350
Existing Commitments	Increased cost of Berneslai Close	0.346
Existing Commitments	Increased cost of Billingley View	0.269
Existing Commitments	Barnsley Road – Refurb	0.045
Existing Commitments	Capital Contingency	1.500
Regulatory	Fire Safety Budget - High Rise in Scope Buildings	1.500
Regulatory	Spandrel Panels	0.600
Regulatory	Asbestos Removal Aldham House & Royston	0.600
Regulatory	Mapplewell Floor Replacement Programme	0.900
Regulatory	Water Ingress 3 X High Rise	0.150
Regulatory	Flood Works Stacey Crescent	0.050
Zero Carbon Initiatives	SHDF Match *	0.437
New Build / Acquisition	Goldthorpe Market Phase 1	1.700
New Build / Acquisition	Goldthorpe Pre-1919 Housing Strategy	3.000
	2023/24 Capital Investments	11.447

* The Council has already set aside £0.563M for SHDF Match, as part of previous budget rounds, totalling £1.000M.

- 8.4 The schemes above have been included in Table 8 and are subject to formal approval.
- 8.5 The schemes that have, at this stage, been deferred, will form part of the Council’s pipeline of schemes moving forwards in line with the Council’s Capital Investment Strategy and External Funding Strategy, whereby should any further resources be identified, then these schemes will be considered accordingly.

The Council’s Core Investment Programme

- 8.6 The Council’s Decency Programme relates to the capital replacement of components [kitchens, bathrooms, heating systems, windows, external doors etc] within the Council’s housing stock, thereby maintaining the Barnsley Homes Decency Standard and thus the regulatory requirements to meet the Decent Homes Standard from the Regulator of Social Housing. Investment in the council housing stock ensures that properties remain lettable, and the rental income ensures the viability of the HRA. In terms of 2022/23, c.1,200 dwellings will be maintained at decency with the associated resources set aside totalling £14.006M. **Recommendation viii) refers.**
- 8.7 The Council also plans a series of supplementary investment works to support the Core Decency Programme in respect of supporting district heating networks, funding major adaptations to properties, providing works to void properties to bring them up to standard, and more fundamental structural works that are required to the Council’s housing stock. The investment proposed for 2022/23 totals £5.102M. **Recommendation viii) refers.**

- 8.8 Berneslai Homes have cleansed the PIMMS asset management data, which is used to measure the condition of the HRA stock, assist in financial planning in respect of how the Council invests in its assets and ensures that all of the properties are safe and healthy properties for our tenants. Furthermore, as part of the suite of revenue investment proposals detailed at Table 2 in Section 6, HRA 3 Stock Condition Surveys & HRA 5 EPC Testing will contribute towards the improvement of the asset data, ensuring that it is continuously improved over time which will yield a more effective approach to future investments in the housing stock in respect of Decency, Zero Carbon and statutory / regulatory requirements and that the Council's strategies are achieved.
- 8.9 Table 8 summarises the capital investment into the housing stock, including both the Core Programme and Housing Growth, and shows the funding stream proposed to fund these programmes.
- 8.10 Members should note that the capital programme for approval, as part of these budget proposals, totals £30.555M and is shown in the yellow column in Table 8, including the £11.447M Investment's proposals as outlined in Table 7.

TABLE 8: Council Housing Investment Programme 2022 - 2027

	2021/22 £M	Existing 2022/23 £M	For Approval 2022/23 £M	Indicative				TOTAL (inc. 2021/22) £M
				2023/24 £M	2024/25 £M	2025/26 £M	2026/27 £M	
Expenditure: Core Programme:								
1 Barnsley Homes Standard (inc. Replacement Items)	19.826	-	14.006	14.393	14.793	15.209	15.640	93.867
2 Heating Works	0.540	-	0.781	0.781	0.781	0.781	0.781	4.445
3 Major Adaptations	2.546	-	2.007	2.007	2.007	2.007	2.007	12.581
4 Structural Extensive Works	1.685	-	1.685	1.685	1.685	1.685	1.685	10.110
5 Other	0.944	-	0.629	0.629	0.629	0.629	0.629	4.089
	25.541	-	19.108	19.495	19.895	20.311	20.742	125.092
Housing Growth Investment:								
6 New Build	9.514	-	4.969	-	-	-	-	14.483
7 Acquisitions / Conversions	3.789	-	0.045	-	-	-	-	3.834
8 Regulatory / Compliance	0.967	0.867	4.150	-	-	-	-	5.984
9 Zero Carbon Initiatives	0.487	0.813	0.437	0.250	0.250	-	-	2.237
10 Other Housing Growth	2.067	1.195	1.846	1.195	-	-	-	6.303
	16.824	2.875	11.447	1.445	0.250	-	-	32.841
11 Total Expenditure	42.365	2.875	30.555	20.940	20.145	20.311	20.742	157.933
Resources:								
12 Major Repairs Reserve	(25.602)	-	(19.108)	(19.495)	(19.895)	(20.311)	(20.742)	(125.153)
13 Capital Receipts	(0.657)	-	(0.962)	-	-	-	-	(1.619)
14 1-4-1 Capital Receipts	(2.578)	-	-	-	-	-	-	(2.578)
15 HRA Reserves	(7.443)	(2.875)	(9.004)	(1.445)	(0.250)	-	-	(21.017)
16 Grants & Contributions	(6.082)	-	(1.481)	-	-	-	-	(7.563)
17 RCCO	(0.003)	-	-	-	-	-	-	(0.003)
18 Total Resources	(42.365)	(2.875)	(30.555)	(20.940)	(20.145)	(20.311)	(20.742)	(157.933)

- 8.11 A full breakdown per scheme of the Council's current housing growth investment schemes (£32.841M in total) can be found at Appendix 2, which includes the 2022/23 investments that are subject to approval.

9. PROPOSAL AND JUSTIFICATION

- 9.1 It is proposed that individual dwelling rents be increased by 4.1%, reflecting the allowable increase under the Government's rent policy. The capital programme is affordable over the five-year period and consistent with the Council's approved Housing Strategy.

10. CONSIDERATION OF ALTERNATIVE APPROACHES

- 10.1 The budget has been developed with the aim of ensuring wherever possible that existing approved policies and support of corporate strategies can continue to be delivered. From the many alternative approaches available the package of proposals in this report is considered to best achieve this intention.

11. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 11.1 The effective management of the HRA helps to consistently drive forward service improvements for the benefit of both council tenants and the wider community and ensure investment and maintenance in council housing.
- 11.2 The capital programme is designed to meet decency standards and has aspects within it to help reduce fuel poverty and to maximise opportunities to invest in affordable warmth initiatives. The major adaptations budget also supports the continued independent living of vulnerable people.

12. FINANCIAL IMPLICATIONS

- 12.1 These proposals set a balanced budget for 2022/23 with a framework to achieve a balanced position for 2023/24, including increasing rents to 4.1% which reflects the Government's rent policy of CPI + 1%.
- 12.2 The total estimated cost of the core capital programme (including 2021/22) is £157.9M and is affordable over this period.
- 12.3 In addition, there are proposals contained within the report totalling £11.4M of new investment in the Council house stock for 2022/23. The total estimated cost of the current Housing Growth Investment capital programme, including the £11.4M, totals £32.8M, which is to be funded by specific resources currently held within the HRA.
- 12.4 From these budget proposals, service provision to tenants and capital investment to maintain housing stock at decency levels have both been maintained.

13. EMPLOYEE IMPLICATIONS

- 13.1 Any employee implications will be addressed as detailed scheme proposals are developed and approved.

14. LEGAL IMPLICATIONS

- 14.1 None

15. CUSTOMER AND DIGITAL IMPLICATIONS

- 15.1 None

16. COMMUNICATIONS IMPLICATIONS

- 16.1 Communications and Marketing will work in partnership with Berneslai Homes to communicate the outcomes of this report through their established channels.

16.2 Berneslai Homes will use their established channels to engage with their tenants who will be directly affected by the proposed capital works.

17. CONSULTATIONS

17.1 Discussions have taken place with the Service Director – Finance (S151 Officer) and the Executive Director – Place.

17.2 Consultations have and will continue to take place with Berneslai Homes and tenants.

17.3 Consultations with local members on the Barnsley Homes Standard and on any other major capital schemes in their area will continue to take place.

17.4 Consultations on the Council Housing Capital Investment Programme have and will continue to take place with BMBC Planning and Highways, Legal Services, Internal Audit and NPS Barnsley where appropriate.

18. APPENDICIES

Appendix 1 – The HRA Reserves Strategy

Appendix 2 – Housing Growth Capital Programme

19. BACKGROUND PAPERS

19.1 Welfare and Work Act 2016

19.2 Housing and Planning Act 2016

19.3 Budget working papers containing exempt information - not available for inspection.

Report author: Neil Copley

Appendix 1

The HRA Reserves Strategy

- A1 A review of existing HRA reserves has been undertaken by the Council's S151 Officer and a reprioritisation exercise completed, reflecting the current risk environment within the HRA.
- A2 The HRA has accumulated reserves totalling £31.0M as at the end of the 2020/21 financial year, as reported in the Housing Revenue Account Final Accounts Report (Cab.16.6.2021/11 refers). (Table B refers).
- A3 Berneslai Homes Ltd has also accumulated a level of surpluses from previous few years. In 2018/19, the Council identified resources totalling £8.9M that were made available for Council and Berneslai Homes priorities.
- A4 Since that time, £3.4M has been incurred on those priorities, which leaves £5.5M remaining which has been fully prioritised against schemes identified as part of the 2021/22 budget setting process.
- A5 The Council also retains an element of the capital receipts that are generated from the sale of Council Houses. The Section 151 Officer has released a further **£0.5M** of these resources to support the housing capital investment programme from 2022/23.
- A6 The Council also receives Section 106 (S106) contributions from housing developers as part of the agreements to allow house building in the borough. The Council currently has restricted S106 funds of £3.3M specifically for housing purposes.
- A7 A review of existing housing schemes has been undertaken which has identified a number of schemes that are to be deprioritised, freeing up those resources for other priorities.

Review of Existing Housing Priorities

- A8 The total available housing resources for capital investment are currently fully committed to a range of previously prioritised schemes.
- A9 During the 2021/22 financial year, a number of key strategic housing priorities have emerged which has resulted in the Council undertaking a fundamental review of both the committed housing resources and current investment commitments.
- A10 In respect of the review into resources, and as outlined above, the S151 Officer has prudently made available future capital receipts expected during the 2021/22 financial year totalling **£0.5M**.
- A11 The review of the current suite of investment priorities was undertaken and a number of schemes / investments that were yet to commence, are proposed to be deprioritised. These are shown in Table A below:

TABLE A: Housing Capital Scheme Review

Current Investment / Commitments	Value £M	Rationale
Resources Held Pending Review of Business Plan	3.0	The S151 Officer has prudently agreed to release these resources following the review of the Council's 30 year business plan
New Build Bungalows	0.4	The resources remaining following completion of the new build bungalows schemes.
HRA Surveyor – Revenue	0.1	Role not required. Assets recruited additional staff to work on RTB/Land sales/acquisition, so internal resource not a priority.
Increase Equipment & Adaptations Budget	1.0	Work managed in existing budget.
King Street	2.3	Build scheme deprioritised – complexities over allotment land adjacent and other site constraints prevented it being delivered. The site remains in an area of high affordable housing need and may come forward at a later date.
Goldthorpe Hotel Redevelopment	0.6	The renovation of this site is being progressed by the property owner.
Overdale	0.6	The costs of acquiring and building out this site did not present VFM for the Council due to acquisition costs, access requirements and unit numbers.
Laites Lane - Residual	0.4	The resources held over and above the required level for the Laites Lane development
Existing Acquisitions - Uncommitted	1.3	This budget can be managed due to it involving the acquisition of individual units – as such, it has been de-prioritised to allow for the acceleration of key regen schemes in Goldthorpe which have secured time limited match.
Energy Efficiency: Air Source Heat Pumps	1.1	These resources are deprioritised to allow the Council to focus its resources on the Social Housing Decarbonisation Fund bid
Other Minor Schemes	0.1	Other residual resources relating to a number of completed schemes
GRAND TOTAL	10.9	

A12 Following the deprioritisation of the above schemes, the availability of funding for the Council's housing priorities therefore totals **£11.4M**, as shown in Table B below.

TABLE B: HRA Resources Position

HRA Resources	Reprioritised Reserves As at 1 st April 2021	Current Commitments	Remaining for Consideration
	£M	£M	£M
Resources Position:			
<u>Housing Reserves</u>			
<i>Earmarked For:</i>			
Housing Growth Reserve	17.656	11.926	5.730
Welfare Reform Reserve	2.000	2.000	-
New Build Bungalows Reserve	0.354	-	0.354
Review of 30 Year Capital Plan	3.142	0.142	3.000
Electrical Testing	0.396	0.396	-
Slippage in Council's Repairs System	0.100	0.100	-
Repairs Slippage	0.273	0.273	-
Legal Fees	0.030	0.030	-
Minimum Working Balance	7.000	7.000	-
Housing Reserves	30.951	21.867	9.084
Berneslai Homes Reserves	8.900	8.900	-
Capital Receipts	1.618	0.657	0.961
S106 Contributions	3.300	1.898	1.402
Total	44.769	33.322	11.447

APPENDIX 2 - Housing Growth Capital Programme	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	TOTAL
New Build	£M	£M	£M	£M	£M	£M	£M
Billingley View	2.435	-	-	-	-	-	2.435
Additional Cost of Billingley View	-	0.269	-	-	-	-	0.269
St Michael's Avenue	5.728	-	-	-	-	-	5.728
Laithes Lane	1.351	-	-	-	-	-	1.351
Goldthorpe Market Phase 1	-	1.700	-	-	-	-	1.700
Goldthorpe pre-1919 Housing Strategy	-	3.000	-	-	-	-	3.000
	9.514	4.969	-	-	-	-	14.483
Acquisitions / Conversions							
Acquisitions	2.806	-	-	-	-	-	2.806
Property Conversions	0.506	-	-	-	-	-	0.506
Empty Homes	0.477	-	-	-	-	-	0.477
Barnsley Road - Refurb	-	0.045	-	-	-	-	0.045
	3.789	0.045	-	-	-	-	3.834
Regulatory / Compliance							
Sprinkler Installation Scheme	0.867	0.867	-	-	-	-	1.734
Increased Cost of Sprinklers - Fire Safety	-	0.350	-	-	-	-	0.350
Fire Safety Works	0.100	-	-	-	-	-	0.100
Fire Safety Budget - High Rise in Scope Buildings	-	1.500	-	-	-	-	1.500
Spandrel Panels	-	0.600	-	-	-	-	0.600
Asbestos Removal Aldham House & Royston	-	0.600	-	-	-	-	0.600
Princess Street - Floor Replacement	-	0.900	-	-	-	-	0.900
Water Ingress 3 X High Rise / Flood Works Stacey Cres.	-	0.200	-	-	-	-	0.200
	0.967	5.017	-	-	-	-	5.984
Zero Carbon Initiatives							
Installation of Solar PV	0.250	0.250	0.250	0.250	-	-	1.000
Social Housing Decarbonisation - Match Funding	-	0.563	-	-	-	-	0.563
SHDF Match	-	0.437	-	-	-	-	0.437
LAD 2 - Match Funding	0.237	-	-	-	-	-	0.237
	0.487	1.250	0.250	0.250	-	-	2.237
Other Housing Growth							
Environmental Improvements	0.380	0.195	0.195	-	-	-	0.770
Affordable Warmth Boilers	0.030	-	-	-	-	-	0.030
Queens House	0.550	-	-	-	-	-	0.550
Feasibility	0.100	-	-	-	-	-	0.100
HRA Repairs System	-	1.000	1.000	-	-	-	2.000
Lang Avenue Flooding Resilience Works	1.007	-	-	-	-	-	1.007
Increased Cost of Berneslai Close	-	0.346	-	-	-	-	0.346
Capital Contingency	-	1.500	-	-	-	-	1.500
	2.067	3.041	1.195	-	-	-	6.303
TOTAL - PER TABLE 8	16.824	14.322	1.445	0.250	-	-	32.841
2022/23 Proposals							

Item 7

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, CORE SERVICES TO CABINET ON 12 JANUARY 2022

Public or private: Public

Youth Employment Programme to Apprenticeships – pay options

1. PURPOSE OF REPORT

- 1.1 Highlight potential drop in pay for young people transitioning from Youth Employment Programme to an apprenticeship with the Council
- 1.2 Request approval to bridge any drop in pay specific to those transitioning from Youth Employment Programme to an apprenticeship with the Council

2. RECOMMENDATIONS

- 2.1 Cabinet is asked to recommend to the meeting of full Council on 3 February 2022, that approval is given for those transitioning from Youth Employment Programme to an apprenticeship do so on the same rate of pay, with cost implications decentralised to the relevant service.

3. INTRODUCTION

- 3.1 Youth Employment Programme currently being delivered internally within the Council creating 12-month work placements paid at National Minimum Wage (NMW) relative to age for up to 80 young people. Young people must be aged 18-24 and in receipt of Universal Credit to be eligible.
- 3.2 The Programme has been developed to mitigate the risk of long-term unemployment for young people as a result of the Covid-19 pandemic.
- 3.3 It is the intention to off-board all young people participating in the programme into either paid employment or apprenticeships both internal and external from the Council.
- 3.4 For some, it may be appropriate to transition to an apprenticeship opportunity with the Council. However, for the first 12-months of an apprenticeship with the Council, the pay rate tracks NMW for 18-20 year olds (currently £6.56 per hour) and then reverts to NMW relative to age thereafter. Therefore, any young person 21-24 on the Youth Employment Programme would face a drop in pay for a 12-month period should they transition to an apprenticeship internally.

4. PROPOSAL AND JUSTIFICATION

4.1 It is proposed that any young person who transitions from the Youth Employment Programme to an apprenticeship with the Council remains on NMW relative to their age, rather than reverting to the NMW rate for 18-20 year-olds (which the new apprentice rate is pegged to for the first 12-months). This will remove a significant barrier for young people and ensure it is a viable pathway.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

5.1 Whether it be appropriate to recommend increasing the new apprentice rate of pay for all, not just those transitioning from the Youth Employment Programme to an apprenticeship position, has been considered. However, the existing rate is already a premium in the Borough and compares favourably against other Local Authority’s in the Sheffield City Region. Increasing the rate for all new apprentices would also likely attract older, more experienced candidates putting younger people at risk of being able to obtain an apprenticeship position with the Council. Besides, young people who have participated in the Youth Employment Programme will have already completed 12-months (or close to) service with the Council, therefore making it fair and equal they commence on NMW for an apprenticeship relative to their age, whereas other new apprentices to the Council be pegged to NMW for 18-20 year olds for the initial 12-months.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

6.1 The implication is positive in that it will increase the number of young people in Borough obtaining level 2 and or level 3 qualifications as well as being in employment.

7. FINANCIAL IMPLICATIONS

7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer). The cost implication for each young person 21+ can be seen in the table below:

Age	BMBC Apprentice Salary Year including on costs	NMW Salary including on costs	Difference
21-22:	14,719	19,763	5,044
23+:	14,719	21,063	6,344

For example, if x10 young people transitioned to apprenticeships from the Youth Employment Programme with x5 in each age bracket, the cost would be £56,940. Actual transition numbers and ages cannot be determined at this point and this is for example purposes only.

All costs associated with the increases in pay would need to be contained within the host department’s budget envelope.

8. EMPLOYEE IMPLICATIONS

8.1 There are no direct employee implications

9. LEGAL IMPLICATIONS

9.1 There are no direct legal implications

10. CUSTOMER AND DIGITAL IMPLICATIONS

10.1 there are no direct customer and digital implications

11. COMMUNICATIONS IMPLICATIONS

11.1 There are no direct communications implications

12. CONSULTATIONS

12.1 The following partnerships have been consulted:

- Apprenticeship Operational Group
- Workforce Development
- Employment & Skills
- Relevant Unions
- Job Centre Plus / Department for Work & Pensions
- DMT (CORE)
- SMT

13. EQUALITY IMPACT

13.1 Full Equality Impact Assessment completed

13.2 Proposal is to seek approval that ensures young people aged 21-24 participating in the Council's Youth Employment Programme do not receive a drop in pay, should they transition to an apprenticeship with the Council.

The aforementioned Youth Employment Programme provides a 12-month work placement for up to 80 young people, paid at National Minimum Wage relative to age (aged 18-24, receiving Universal Credit to be eligible). It will be appropriate for a small proportion of those benefitting from the programme to progress on to an apprenticeship with the Council.

However, the current starting pay rate for new apprentices to the Council is £6.56 per hour (Minimum apprentice rate is £4.30 per hour nationally) for the first 12-months, then reverts to National Minimum Wage relative to age thereafter. Therefore, any young person aged 21-24 (where National Minimum Wage is higher than £6.56 per hour) would receive a lower rate of pay than received whilst on the Youth Employment Programme. This would likely be a barrier for some and could potentially result in financial hardship whilst trying to adapt to a lower rate of pay.

A positive impact is identified against the protected characteristic of age, ensuring those 21-24 who may transition from the Youth Employment Programme to an apprenticeship do not realise a drop in pay.

Note: The following headings may be included in sequence, if there is considerable relevant detail to include (ie a list of headings with the comment "none" is not generally required). Otherwise, any information relevant to these issues may be incorporated in the above sections, with appropriate references:-

14. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

14.1 The proposal supports the Corporate Plan, specifically around 'Learning Barnsley'

15. TACKLING THE IMPACT OF POVERTY

15.1 There are no direct implications

16. TACKLING HEALTH INEQUALITIES

16.1 There are no direct implications

17. REDUCTION OF CRIME AND DISORDER

17.1 There are no direct implications

18. RISK MANAGEMENT ISSUES

18.1

Risk Detail	Probability and Impact	RAG	Mitigation
Scrutiny of fairness and equality of implementing NMW relative to age for those transitioning from Youth Employment Programme to an apprenticeship, but not doing so for 'new apprentices'	Probability – Medium Impact - Low	Green	There are clear factors outlined in this report that mitigate any scrutiny to fairness and equality of implementing the recommendation. Several stakeholders have been consulted including relevant Unions who are supportive of the proposal.
Financial implications	Probability – High Impact - Low	Amber	There is little to mitigate this. However, costs are relatively small when absorbed at service level.

19. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

19.1 There are no direct implications

20. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

20.1 There are no implications

21. CONSERVATION OF BIODIVERSITY

21.1 There are no implications

22. GLOSSARY

NMW = National Minimum Wage
DWP = Department for Work & Pensions
JCP = Job Centre Plus

23. LIST OF APPENDICES

Appendix A: Financial Implications


24. BACKGROUND PAPERS

Not applicable

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

Report author: Neil Wilkinson

Financial Implications/Consultation



.....



BARNLSLEY Metropolitan Borough Council

Barnsley Metropolitan Borough Council **Youth Employment Programme to Apprenticeships PAY options paper**

The council is currently delivering a Youth Employment Programme (YEP). This incorporates the Government Kickstart Scheme (6-months) and a matched commitment by the Council (6-months), equating to a 12-month paid work-placement. So far, 29 young people at risk of long-term unemployment are in post benefitting from this programme. The intention is to get as close to 80 young people on board before the end of 2021.

A key aim of the programme is to off-board young people into positive destinations during the final 6-months. There are two priority off-boarding destinations, these being:

- Permanent employment
- Apprenticeships

Young people on the YEP are paid National Minimum Wage (NMW) relative to their age. NMW relative to age can be seen below:

18-20:	£6.56
21-22:	£8.36
23+:	£8.91

New apprentices to the Council are paid £6.56 per hour for the first 12-months of their Apprenticeship and then revert to National Minimum Wage for the remainder. Therefore, as we try to off-board some young people from the YEP onto apprenticeships within the Council where appropriate, those who are 21 and over are disincentivised to do so as they would have a reduction in pay for the first year of their apprenticeship.

Financial implications

This appendix sets out the financial implications of the three options. Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

Option 1: Do nothing

This option disincentivises young people on the YEP aged over 20 to stay with the council as their salary would be reduced by £1.80/£2.35 per hour dependent on their age.

Failure to achieve apprenticeship starts and spend could also result in a potential loss of council levy through clawback.

Age	YEP NMW for age group	BMBC Apprentice Salary Year 1	Difference loss in Salary per Hour
18- 20	£6.56	£6.56	£0.00
21-22:	£8.36	£6.56	£1.80
23+:	£8.91	£6.56	£2.35

Option 2: Increase pay for those who have participated in the YEP to NMW from the inception of an Apprenticeship (recommended)

As its difficult to provide accurate numbers of those wishing to transition from the YEP onto an apprenticeship and their ages, some assumptions have been made.

If for example 50 young people start on a YEP programme with BMBC and 30 want to transition onto a BMBC apprentice schemes (a high estimate)

Assuming that the age profile is based on current Kickstart apprentices age profile, then of the 30 that may want to transfer onto BMBC Apprentice programmes, possibly 12 (40%) will be in the age bracket impacted.

The cost of increasing the salary to NMW level for 12 staff would be £60,528 this would incentivise apprentices, and reduce the levy clawback for their associated training costs

Age	Potential transfers	YEP (NMW) Salary* including on costs	BMBC Apprentice Salary Year 1 including on costs	Difference	Cost to convert YEP Apprentices to NMW
18- 20	18	£14,719	£14,719	-	-
21-22:	12	£19,763	£14,719	£5,044	£60,528
23+:	0	£21,063	£14,719	£6,344	-
Total	30				£60,528

* YEP kickstart salary including oncosts is the Full time equivalent salary as YEP work 25 hours

All costs associated with the increases in pay would need to be contained within the host department's budget envelope

Option 3: As Option 2 but also increase existing Apprenticeship pay to NMW from the inception of an Apprenticeship for ALL 'new Apprentices'

The current first year BMBC apprentices currently earning £6.56 per hour **ALL** fall in the first age category and therefore the existing apprentices would currently have no cost impact if option 3 is chosen. However, the increased cost could vary year on year, dependent on new apprentices age profile it would cost an additional £5,044/£6,344 per apprentice dependent on age.

Age	Current Apprentices on £6.56 p/h	BMBC Apprentice Salary Year 1 including on costs	NMW Salary including on costs	Difference	Cost to convert current staff
18- 20	8	14,719	14,719	-	-
21-22:	0	14,719	19,763	5,044	-
23+:	0	14,719	21,063	6,344	-
Total	8				-

Based on the assumptions above the estimated cost of the potential YEP kickstart transfers to a BMBC apprenticeship could be c. £60,528. The estimated cost of the non YEP route BMBC apprentices would not be impacted based on the current age profile, but the future cost could range between £5,044-£6,344 each dependent on age.

All costs associated with the increases in pay would need to be contained within the host department's budget envelope.

Author – Nicola Mason Strategic Finance Manager Core 3 December 2021

Item 8

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 PLACE TO CABINET ON 12 JANUARY 2022

Public or private: Public

Barnsley Council Lettings Policy – Homelessness Banding

1. PURPOSE OF REPORT

- 1.1 This report seeks approval to amend the Council's Lettings policy to change the priority banding criteria for both Full and Relief homeless applicants to Band 1.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 **Cabinet endorses the proposed change to banding for Full and Relief Homeless applicants and recommends progression to Full Council for approval at the earliest opportunity.**
- 2.2 **Barneslai Homes implement the policy change and for the Lettings Policy to be updated to reflect the banding change.**

3. BACKGROUND

- 3.1 On 3rd April 2018, the Homelessness Reduction Act 2017 came into force. The Act significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'. To ensure compliance with new legislation, and as recommended in the accompanying statutory code of guidance, the Council's Lettings Policy was reviewed jointly between BMBC, Barneslai Homes and representatives from the Tenant's Federation (the Review Panel) to give effect to the new duties set out in the 2017 Act.
- 3.2 On 19th September 2018, Cabinet approved a report which made minor changes to homelessness banding within the policy to ensure that the Council could best meet the duties within the Act. The changes are summarized in the table below:

Band	Change to Align with Homeless Reduction Act	Rationale
1	There was no change – FULL Duty homeless applicants ((eligible, homeless, priority need, not intentional, local connection).	It was envisaged that the new focus on preventing homelessness - working with those at risk of homelessness at a much earlier stage would ultimately reduce this category of applicant.
2	Band to provide reasonable preference to applicants threatened with homelessness and owed the Prevention Duty (section 195 (2)).	It was envisaged that prioritising those at risk of homelessness in band 2 would 1) give applicants a greater chance of securing accommodation before becoming homeless and 2) encourage those at risk of homelessness to seek early support and assistance.
3	Band to provide reasonable preference to applicants owed the Relief Duty (section 189B).	Band 3 priority was given to those applicants who were already homeless but who were not given Full Relief Duty.

4. CURRENT SITUATION:

- 4.1 In March 2021, Cabinet approved a full review of the Council’s Lettings Policy and the Northern Housing Consortium/Campbell Tickell were commissioned to undertake an external assessment and review of the existing Lettings Policy (adopted in 2018), with respect to its compliance with regulatory standards, supporting strategic objectives and in relation to the impact of several specific ‘drivers for change’ within the Barnsley operating environment. Amongst other things, this included homelessness and the impact of the 2018 Homelessness Reduction Act (HRA).
- 4.2 The review concluded that Full duty and Relief duty should sit within Band 1. Currently, relief duty sits within Band 3, and is having a significant impact on the cost of B&B and Temporary Accommodation. The number of homeless applications has significantly increased over the last 3 years as has the numbers of people placed in temporary accommodation and Bed and Breakfast (including couples and families). However, the lettings made to homeless applicants remains static in relation to increased demand. The level of demand faced by Barnsley is unsustainable and can only be addressed by identifying and supporting those most in need, making the best use of all housing resources available within Barnsley to meet their needs and by maximising the impact of multi-agency support partnerships.
- 4.3 It is proposed that preference to applicants at risk of homelessness (owed Prevention Duty) remains as Band 2.
- 4.4 Further to the recommendations within the independent review, a series of proposed policy changes have been developed, which will ultimately set a new framework for the allocation of council housing within our borough. These proposals have been shared with officers within the Council and Berneslai Homes, the Berneslai Homes Board and Cabinet Members. The next stage of the review

process is to develop a revised policy document which responds to identified policy changes and an implementation plan, which will include a 12-month review of the policy to review the impact on the waiting list, waiting times and allocations.

- 4.5 Given the current levels of homeless applications and the impact that this is having on demand for temporary and bed and breakfast accommodation, it is proposed that banding priority for homeless relief applicants be amended at the earliest opportunity rather than waiting for the development of the full new allocations policy and implementation period. This approach was supported by the Council's Senior Management Team and Members during the consultation process following the independent review. The amendment to the policy document itself, alongside any procedural/operational changes within Berneslai Homes and BMBC's Housing and Welfare Service, are considered minimal. At the point of policy implementation, the priority given to any existing homeless applicants who are entitled to Relief duty will be reviewed.

5. MEMBER CONSULTATION:

- 5.1 In line with the member engagement strategy agreed by Cabinet in March 2021, a key part of the consultants' commission was to ensure that Members had an opportunity to review the recommendations from the report and to discuss the wider impacts of any proposed changes. Officers from both the Council and Berneslai Homes, alongside representatives from the Northern Housing Consortium and Campbell Tickell, held a series of All Members Briefings between the 11th and 18th October 2021. At these sessions, Members were given a presentation which:

- Explained the purpose and the legislation associated with an Allocations Policy;
- Explored the robustness of the Council's current Lettings Policy and recommendations for amendment/review; and
- Explained the next steps in terms of developing a DRAFT Lettings Policy, timescales for the required extensive consultation and the development of an implementation plan.

- 5.2 Whilst the review and recommendations were, in the main, well received by Members, there were a few queries in relation to a couple of the recommendations. These included the suggestion that changes to homelessness banding (having both full and relief duty applicants in Band 1 (relief duty are currently in Band 3) should be progressed in advance of the development of the new policy and wider consultation piece. A proposal welcomed by the Housing and Welfare Advice Service due to the potential to reduce the reliance on temporary and Bed and Breakfast accommodation.

6. CONSIDERATION OF ALTERNATIVE APPROACHES

- 6.2 **Amend the Lettings Policy in Full before making any banding changes.** This is an option. However, there is an opportunity for the Council to take a decision on priority banding for homeless applicants on an accelerated basis. It is envisaged that this amendment to priority will assist the Council to make the best use of its housing stock by being able to better prioritise the re-housing of those applicants in the very greatest need. In this instance those in temporary or bed and breakfast accommodation. In turn reducing the time that applicants are spending in temporary

accommodation which is both disruptive for the tenant and expensive for the local authority.

7. PROPOSAL AND JUSTIFICATION

- 7.1 It is proposed that the changes to banding for Full and Relief Homeless applicants is approved in line with the report recommendations.

8. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 8.1 A review of the Lettings Policy, and any implemented changes, will ensure that the Council makes the best use of its available stock to meet the housing needs of residents across the borough.

9. FINANCIAL IMPLICATIONS

- 9.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 9.2 Members have previously discussed the approval to endorse the development of a new Lettings Policy which will review the eligibility bandings and update accordingly to ensure our housing resources are allocated to priority areas.
- 9.3 This report seeks approval from Cabinet to accelerate the amendment of priority bandings for homelessness applicants. This proposed change is in advance of the full submission to Cabinet of the Council's revised Lettings Policy.
- 9.4 The financial impact of this accelerated element of the policy change is unquantifiable at this stage. It is however envisioned that the current cost of temporary accommodation incurred by the Council will be reduced over the medium to longer term as the revised policy is embedded.

10. EMPLOYEE IMPLICATIONS

- 10.1 There are no direct employee implications arising from this report.

11. LEGAL IMPLICATIONS

- 11.1 Any proposed changes to the existing Lettings Policy will require consultation with the Council's Legal Team, who will also be included as a key stakeholder of the policy development group.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1 All proposed changes to the Lettings Policy will be fully assessed and comply with Equality and Diversity Issues. An updated Equalities Impact Assessment will be jointly produced by Berneslai Homes and the Council as the draft policy is produced.

13. TACKLING HEALTH INEQUALITIES

- 13.1 Any revisions to the Lettings Policy will allow the Council to ensure that it fully complies with its legislative requirements and makes best use of its stock to ensure that residents in the borough are appropriately housed. This includes for eligibility criteria for those applicants who require specific accommodation due to their age/health and the impact that living in temporary accommodation can have on the health and well-being of individuals.

14. REDUCTION OF CRIME AND DISORDER

- 14.1 Within the existing, and any proposed policy documents, safeguards will be in place to reduce ASB in new tenancies.

15. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 15.1 The review of the Council's Lettings Policy will ensure that it maximizes all opportunities to contribute to the Council's 4 corporate priorities – Healthy, Learning, Growing and Sustainable Barnsley.
- People will have access to healthy homes where they feel safe and independent.
 - People will have access to learning opportunities and the advice/support that they need to live their lives/manage their tenancy/pay their bills.
 - People are supported to have safe, warm, sustainable homes.
 - Our estates are places where people want to live and are proud to live.

16. SUSTAINABILITY WHEEL



16.1 Whilst the review of banding for homeless applicants will not have a huge direct environmental impact on the borough, ensuring that the Council makes the best use of the stock that it has available to address the needs of those residents who are homeless or who cannot access market housing significantly impacts on reduced inequalities, community cohesion and access to quality homes and neighborhoods.

17. APPENDICES
Appendix A – Draft amended Lettings Policy

Financial Implications/Consultation

[Handwritten Signature]

.....
 (To be signed by senior Financial Services officer where no financial implications)

Sarah Cartwright

**BARNSLEY METROPOLITAN
BOROUGH COUNCIL**

LETTINGS POLICY 2021

**Effective from (subject to
Cabinet Approval)**

Index

Section	Title	Page
1.	Introduction	4
2.	Aims and objectives	4
3.	Equality and Diversity	5
4.	Data Protection, Right to Confidentiality and Right of Information	5-6
5.	Summary and overview	7
6.	Applying for housing	7
6a.	Who is eligible to join the Housing Register	7-8
6b.	Age limit	8
6c.	Removing people from the Housing Register	8-9
6d.	Housing Register Qualification criteria	9
6e.	Suspending people from the Housing Register	9-10
6f.	Deferring applications from the Housing register	10
6g.	Applications from people with close family connections to BMBC/ Berneslai Homes	10
7.	How we decide priority	10-11
7a.	The Barnsley Housing Register Priority Scheme	11-12
7a(i).	Deliberately worsening of circumstances	12
7a(ii).	Local Connection	12-13
7b.	Band 1	14-15
7b(i).	Band 1 – Time Limit	15-16
7b(ii).	Band 1 – Applying for vacancies	16
7b(iii).	Band 1 – Refusals	16
7c.	Band 2	16-19
7c(i).	Band 2 – Time Limit	20-21
7c(ii).	Band 2– Refusals	21
7d.	Band 3	21-24
7d(i).	Band 3– Time Limit	24-25
7d(ii).	Band 3 – Refusals	25-26
7e.	Band 4	26-27
7e(i).	Band 4 – Time Limit	28
7e(ii).	Band 4 – Refusals	28
7f.	Band 5	28
7f(i).	Band 5 – Time Limit	28
7f(ii).	Band 5 – Refusals	28
8.	Assessment procedures	28-29
8a.	No fixed abode	29
8b.	Change of circumstances	29-30
8c.	Annual review	30
8d.	Incomplete application forms	30
8e.	Special Assessments procedure	30-31
8f.	Offers and Special Assessments	31

Section	Title	Page
9.	Lettings and offers	31
9a.	What type of tenancy will be offered?	31
9b.	Property-matching rules	32
9b(i).	Bedroom number rules	32-33
9b(ii).	Property type rules	33
9c.	Sensitive lettings' plans	35
9d.	Offer process	35
9d(i).	What will be advertised	36
9d(ii).	Priority restriction for vacancies	36-37
9d(iii).	Offer stages	37-39
9e.	Refusals	39-40
9e(i).	No response to offers	40
9e(ii).	Removing priority for refusals	40
9f.	Withdrawing offers	40
9g.	Monitoring offers and bypassing applicants	40-41
9h.	Nominations to Registered Providers (Housing Associations)	41
10.	Appeals	42-45
11.	Special Management Lettings	45-46
11a.	Incentivised Special Management lettings	46
11b.	Non-incentivised Special Management lettings	46-49
12.	The role of Elected Members	49
12a.	Formation, development and review of the Lettings' Policy	49
12b.	Sharing local knowledge	49-50
12c.	Representing their electorate and communities	50
12d.	Elected Members' role in appeals	50
12e.	Elected Members' role in monitoring performance	50
12f.	Information provided to Elected Members	51
13a.	Monitoring and performance reporting of the Lettings' Policy	51
13b.	Performance reporting	51
Appendix 1	Exclusion Statement	52-57

1. Introduction

This Lettings' Policy explains how Barnsley Metropolitan Borough Council (BMBC) lets Social Housing in Barnsley. The policy is implemented on behalf of BMBC by Berneslai Homes.

2. Aims and objectives

This Lettings' Policy reflects the National Government Agenda for Choice in Lettings and is consistent with legislative requirements set out in the 1996 Housing Act (as amended by the Homelessness Act 2002), The Localism Act 2011 and The Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (S1 2012/1869). This Lettings' Policy supports the Council's corporate objectives and its Tenancy Strategy and Tenancy Policy.

There are several key objectives of this Lettings' Policy.

- To contribute to the development of balanced and sustainable communities.
- To create and, wherever possible, maximise choice for housing applicants.
- To provide flexible and affordable housing options which meet needs and expectations.
- To promote social inclusion.
- To make effective use of the housing stock.
- To minimise relet void periods.
- To minimise the incidence of difficult to let property.
- To promote and achieve equality of opportunity.
- To let Council accommodation fairly in an open and transparent way.
- To adhere to relevant legislative and regulatory framework.
- To assist the Local Authority in meeting its statutory and corporate responsibilities towards Barnsley residents.

A comprehensive and transparent Code of Guidance and a set of clearly understandable information leaflets will support the policy.

3. Equality and Diversity

This Lettings' Policy recognises, respects and responds to the needs of diverse individuals and communities. The Lettings' Policy supports Barnsley Council's single equality scheme and key equality priorities and Berneslai Homes' Equality, Diversity and Inclusion Policy and Corporate Equality Action Plan.

We comply with equality laws, and we review all our policies regularly to ensure we work to best practise principles and keep up to date with changes in the law. By equality laws, we mean those covering people with the following protected characteristics:-

- Age
- Disability
- Gender
- Gender identity
- Marriage and Civil Partnerships
- Pregnancy and maternity
- Race, colour and national and ethnic origin
- Religion and belief
- Sexual orientation

The Lettings Policy has been subject to an Equality Analysis prior to implementation.

This policy enables all eligible applicants to access the Housing Register. It ensures we assess all applicants for housing on the basis of their individual needs. In addition, our assessment will identify any special requirements, so that we can remove potential barriers. For example, language barriers, barriers to making bids for vacant homes due to learning difficulties, visual impairments , mental health issues, or any other reason.

Where, in this policy, we refer to advising applicants 'in writing', we will ensure that, wherever possible, we use an alternative or preferred method to remove communication barriers. This could include large print, telephone or face to face interpreting (including British Sign language), email and verbal communication.

4. Data Protection and Rights to Information

We aim to provide excellent customer service to applicants for the Housing Register. This includes a right to confidentiality and right to certain information.

Right to Confidentiality

- We will not divulge (without their consent) information about a housing applicant. This includes the fact that they are an applicant.

This is in line with section 166(4) of the Housing Act 1996 as amended by the Homelessness Act 2002

Right to Information

- An applicant has the right to see information held about them on the Housing Register. We will provide this information within 30 days of their request and it will be free of charge.

This is in line with section 166(4) of the Housing Act 1996 as amended by the Homelessness Act 2002

- After we have completed a full assessment, we will inform an applicant about their priority on the Housing Register.
- We will provide information, through the Berneslai Homes' website (www.berneslaihomes.co.uk), about property types they are eligible for.
- We will provide, through Berneslai Homes website, feedback information about the lettings undertaken so that the applicant can estimate the length of time they are likely to have to wait before being rehoused. This will be provided on a weekly basis on Berneslai Homes' Website..

This is in line with Section 167(4A) (a) of the Housing Act 1996, as amended by the Homelessness Act 2002.

We will inform an applicant if they have been given any priority status on the Housing Register.

This is in line with section 167(4A)(ai) of the Housing Act 1996.

- An applicant has the right to request that we inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

This is in line with the Housing Act 1996 section 167(4a)(c) as amended by Section 16 of the Homelessness Act 2002.

- The applicant has a right of appeal against any decision we make about their application. Their right to appeal is set out in section 10 of this policy.

This is in line with the Housing Act 1996 section 167(4a)(d) as amended by Section 16 of the Homelessness Act 2002.

- We will publish the full copy of this Lettings' Policy and the associated Code of Guidance on Berneslai Homes' website (www.berneslaihomes.co.uk) and make it freely available to any person who requests it.

5. Summary and Overview

Barnsley Metropolitan Borough Council (BMBC) Housing Register is a combined register, which includes the following categories of applicant:-

- General applicants (those not currently a BMBC tenant).
- Transfer applicants (those who are currently a BMBC tenant).

It is fully choice based lettings system.

Applicants can apply for a range of property types within any area across the borough.

We assess eligible applicants into one of 5 priority bands according to their individual circumstances. Bands 1 to 3 are prioritised in date order of entry to the band and are time limited. Bands 4 and 5 are prioritised in date order of application.

We will advertise vacancies through Berneslai Homes website.

We encourage applicants to apply for suitable vacancies in accordance with any eligibility criteria

For 90% of all vacancies we will make an offer for a vacancy to the highest priority applicant who has expressed an interest in that vacancy and is eligible for it (subject to a final re-assessment). 10% of all vacancies will be offered on the basis of an applicant's time on the waiting list and not the priority of their application

We may reduce the priority of applicants in Bands 1-3, if applicants do not apply for vacancies or unreasonably refuse an offer.

In some instances we will not advertise a vacancy. These will be emergency cases where accommodation is needed immediately. For example fire, flood, or to meet other contractual or statutory obligations.

Applicants can appeal against any decision we make about their application (see Section 10).

6. Applying for Housing

6a. Who is eligible to join the Housing Register

We operate an open waiting list that, subject to certain exclusions, outlined overleaf, will be open to everyone over the age of 16 who is eligible for Social Housing in the UK.

Applications cannot be accepted from:

- People who are subject to immigration control within the meaning of the Asylum & Immigration Act 1996 or any subsequent Immigration legislation.
- People from outside the United Kingdom who fail the habitual residence test.
- People from outside the United Kingdom who are in breach of, or whose residence does not comply with, European Union of Rights of Residence Directive and Statutory Instruments.
- Applicants who are not a 'qualifying person' as set out in 6d and our Qualification criteria (Appendix 1).
- People from abroad who the Secretary of State determines are ineligible.

If we receive applications from people in the above categories we will inform them, in writing, that they are ineligible to appear on the Housing Register. This confirmation will be within 5 working days of the decision being made. Applicants deemed ineligible to appear on the Housing Register can appeal against that decision, however the council must follow legislation in respect on who is legally eligible to join the waiting list..

6b. Age Limit

The minimum age for inclusion on Barnsley MBC Housing Register is 16. There is no upper age limit.

However, we will only allocate a tenancy to an applicant under 18 in exceptional circumstances and after we have completed a Special Assessment which includes arranging a suitable support package and tenancy guarantor (litigation friend) and where the applicant can demonstrate being able to maintain a tenancy with or without support.

6c. Removing applicants from the Housing Register

The Housing Act 1996, as amended by the Homelessness Act 2002, allows us to remove people from the register for a temporary period for the following reasons:-

- They fail to provide further information that has been requested. This is determined by Section 166(3) of the 1996 Act as amended by section 15 of the Homelessness Act 2002 and any subsequent legislation/ Secretary of State statutory guidance.
- They appear to no longer be an eligible person.
- If new information comes to light which affects the original application.
- Where the applicant will not engage with support needed to maintain a satisfactory tenancy

Where we remove applicants from the Housing Register for any of the above reasons, we will advise them of the decision, in writing, within 5 working days of the decision being made.

Applicants have the right of appeal within 6 weeks of the receipt of the decision (see Appeals' Process section 10).

6d. Housing register qualification criteria

The qualification criteria for applicants wishing to join their housing register, is designed to address local priorities and needs. This includes giving reduced preference to applicants because of their previous conduct, which might include anti-social behaviour or rent arrears.

The following factors will be taken into account in deciding whether an applicant is a qualifying person:

- residence or local connection with the area
- previous/ current rent arrears
- previous/ current antisocial behaviour
- positive behaviour

Full guidelines are set down in the Qualification Criteria contained in Appendix 1 of this document.

6e. Suspending applicants from the Housing Register

There may be applicants whose circumstances mean that they do not qualify to join the Housing Register as set out in section 6d above and Appendix 1. However, we may, in some circumstances, suspend an application from the Housing Register, for up to a maximum of 12 months, whilst investigations take place or until the applicant remedies the issue. . Where we suspend an application, we will place a time limit on the suspension, which is based on the nature of the issue and reasonable prospects of making the changes necessary. We will automatically review our decision at the end of the period of suspension. The maximum suspension period is no more than 12 months, after which time an application will be reviewed. The applicant will then either be:-

- Advised that they do not qualify to join the Housing Register under the terms set out in Appendix 1 of this policy; or
- Allowed to appear on the register.

Grounds for suspension are set out in the Qualification Criteria set out in Appendix 1.

We will advise suspended applicants of our decision, in writing, within 5 working days of a decision being made. This will include the length of time the application is suspended and what steps are needed to qualify for joining the housing register.

Applicants have the right of appeal within 6 weeks of the receipt of the decision (see Appeals' Process section 10).

6f. Deferring applicants from the Housing Register

We do not defer housing applications as it is a fully choice based lettings system and applicants can choose to apply for properties or not. This would not apply to applicants in priority Bands 1-3 who will be expected to be actively looking for and making regular applications for vacancies. Applicants in Bands 1 to 3 not actively looking for accommodation or asking for their application to be deferred will be placed in Band 4 until they actively begin applying for vacancies and/or ask for the deferment to end. In either case a new assessment of priority will be made. .

6g. Applications from BMBC Councillors or Board Members of Berneslai Homes and their close relatives or staff of BMBC or Berneslai Homes and their close relatives

Councillors, Board Members, BMBC and Berneslai Homes' staff and close relatives of Councillors or staff can apply to join the Housing Register. Upon application, they must acknowledge their position within the Council or Berneslai Homes or their relationship to the Council or Berneslai Homes.

Upon joining the Housing Register they will be neither advantaged nor disadvantaged as a result of their position or relationship.

Lettings to Councillors, Board Members, staff and close relatives of Councillors, Board Members or staff where the Councillor, Board Member or member of staff has a position which could reasonably influence the Lettings' Process require approval by the appropriate service Director within Berneslai Homes. If there is a conflict of interest from this officer, then the offer must be considered for approval by the Berneslai Homes' Chief Executive Officer.

7. How we decide priority

The Housing Act 1996 Section 167 as amended by the Homelessness Act 2002, Homelessness Reduction Act 2017 and central Governments' Allocation of Accommodation: guidance for local housing authorities in England dated June 2012 and any subsequent statutory guidance received sets out the categories of people who we must give reasonable preference for accommodation. This includes the following categories.

- People who are homeless or threatened with homelessness (within the meaning of part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002 and The Homelessness Reduction Act 2017).
- People owed duties under section 190(2b), 192(2), 193(2) or 195(2) of the 1996 Housing Act as amended by the Homelessness Act 2002.
- People owed duties under section 195 of the Housing Act 1996 (Prevention) and 189B(2) (Relief) under The Homelessness Reduction Act 2017

- People living in overcrowded housing or housing which is in such poor condition that it is a risk to the health and safety of the occupants.
- People who need to move on medical or welfare grounds.
- People who need to move to a particular locality in the district and where failure to meet that need would cause hardship (to themselves or to others).
- Current and former members of HM Forces and the spouses of deceased members of HM Forces (see Section 7a ii)

This policy has been developed and is designed to give reasonable preference to such applicants.

When awarding priority we take into account:-

- A person's ability to resolve their own housing situation. This includes the financial resources available to a person to meet their housing costs.
- The reason for their current housing situation.
- Their housing requirements;
- Their support needs and desire to engage with any support needs identified; and
- Any local connection they have with the borough in accordance with the local connection criteria contained within this policy. .

The full priority scheme is listed below.

7a. The Barnsley Housing Register Priority Scheme

BMBC Housing Register is a combined register, which includes the following categories:-

- **General** applicants (those not currently a BMBC tenant).
- **Transfer** applicants (those applicants who are a current BMBC tenant).

We assess all applications as set out in section 8 of this policy.

We award priority according to the circumstances of the individual households.

We assess applicants into one of 5 priority bands (see below) according to their circumstances and needs. This assessment is a composite assessment and takes full account of the applicants combined circumstances **and** their ability to resolve their own housing situation. This means that an applicant having more than one lower priority need for re-housing may have a composite assessment for a higher priority band or it may mean that we award lower priority to an applicant with a high need for re-housing but who can resolve their own housing situation.

The bands are managed in date order. Bands 1 to 3 are managed in date order of entry to the band. Bands 4 to 5 are managed based on the original

application date. This means that the applicant who has been in each band for the longest period of time has the highest priority within that band. However, whilst the **primary** factor is waiting time in need, where necessary, we will make a final reassessment of priority between interested applicants in the **same** band before we make an offer. This final reassessment means that, in exceptional circumstances, or where there has been significant change in an applicant's circumstances, we **may** make an offer to an applicant who may not have been waiting as long.

This is to ensure that we take into account factors other than waiting time and make the offer to the right applicant based on:-

- Their re-housing priority for that particular vacancy.
- Their time in need.
- How well they match the requirements of the advertised vacancy.
- Any changes in their circumstances.
- Our obligations under law.
- Their need for a particular property type and/or locality; and
- Our need to make the best use of our housing stock.
- The need to maintain community cohesion on a particular estate.

There are clear guidelines around this final level of assessment in section 9g. Any decision to offer to an applicant who has been waiting less time will be authorised by a senior designated officer within Berneslai Homes and our reasons will be recorded as set out in section 9g.

The 5 bands are:

- **Band 1**
- **Band 2**
- **Band 3**
- **Band 4**
- **Band 5**

Applicants in bands 1 to 3 must reside in, or have a local connection with, the Borough as defined in this policy and by any current legislation.

7a(i) Deliberate worsening of circumstances

We do not award higher priority where we have evidence to suggest that an applicant has deliberately worsened their housing circumstances. In these instances we will award the priority that they would have been entitled to had they not worsened their housing circumstances.

7a(ii) Local Connection

A person has a local connection in the following circumstances.

- They have lived for 3 out of the last 5 years in Barnsley or have lived in Barnsley for 6 months out of the last 12 months.
- They are currently employed in the Barnsley area.
- They have close family who have lived in Barnsley for 3 out of the last 5 years or have lived in Barnsley for 6 months out of the last 12 months. Close family are parents, grandparents, sons and daughters and siblings
- Members of the Armed Forces and former service personnel, where the application is made within five years of discharge from HM Forces.
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or civil partner
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partly attributable to their military service.
- They have other special circumstances that connect them to Barnsley.
- They have been deemed to have a local connection under current homelessness law.

If a person has a local connection they are assessed as if they lived within the borough and as such can be awarded priority in bands 1 to 4.

However, if a person has **no local connection** with the borough they will be assessed into one of two priority categories:

- Re-housing need. – They will be added to band 4
- No Re-housing need – They will be added to Band 5

A person with no local connection cannot appear in bands 1 to 3.

7b. Band 1

This band is for people in emergency need who require immediate re-housing and who are unable to resolve their own housing need. We arrange priority within Band, 1 in the first instance, in date order of entry into Band 1 and not by the original application date. Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

It will be for the following categories of cases (but not exclusively). It may also be that some applicants who are awarded emergency priority have several urgent re-housing needs which, when combined, raises their priority to emergency.

- **Homeless full duty**

People determined as homeless with a full duty under the provisions of the Housing Act 1996 as amended by the Homelessness Act 2002.

- **Homeless relief duty**

This band will be awarded where, following an assessment, the Council's

Housing Options, Advice and Homeless Prevention Service is satisfied the applicant:

- (a) is homelessness, and
- (b) is eligible for assistance, and
- (c) has a local connection with the borough (as set out in s199(1) Housing Act 1996)

- **Severe medical needs**

This category includes people who have a severe and permanent physical medical need or severe mental health issues or severe sensory impairment. They will be at severe risk in the immediate future and their current housing is having a serious detrimental impact on their health and their ability to live independently. This includes applicants leaving hospital and who cannot return to their existing accommodation and those with a likely admission to residential care or hospital if they are not rehoused.

In awarding Band 1 priority for medical grounds we must be satisfied that there is a **severe** risk in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Severe social and welfare circumstances**

This category will include people who we are satisfied are at **severe** risk of harm in their present accommodation. This includes, but is not exclusive, applicants suffering domestic violence, racial harassment, homophobic harassment and witnesses of crime, victims of crime and those suffering as a result of Anti-Social Behaviour (ASB).

In awarding Band 1 priority for social and welfare grounds we must be satisfied that there is a **severe** risk of harm in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Demolition and Compulsory Purchase Orders (CPO)**

This category includes people who are affected by demolition and compulsory purchase orders issued through Barnsley Council. It includes any BMBC tenants and residents whose homes are being demolished through regeneration schemes and who we have assessed under our special management lettings' rules as requiring priority Band 1. (See section 11).

- **Special Management Applicants**

This category includes special management applicants who we consider to be Band 1 priority. See section 11 for more details about special management lettings.

- **Care leavers / Shared Lives**

This category is for young people leaving the care of Barnsley's Local Authority or older people leaving the Barnsley Council's shared lives service who are considered to be able to maintain a tenancy with or without support. Band 1 will be given to single applicants for a bedsit or 1 bedroom accommodation only, unless there are other factors to be taken into consideration. For example the applicant needs 24 hour on site support or the applicant has children/ live in carers etc

Care Leavers/Shared Lives Service leavers can make applications for 2 bedroom properties. However, the Band 1 priority will not apply for 2 bedroom homes unless there are any other factors e.g. medical conditions which establish a need for 2 bedroom accommodation.

7b(i). Band 1 - Time Limit on priority

To ensure that applicants take responsibility for securing alternative and suitable accommodation there is a 3 month time limit of their priority status. This also ensures that applicants in Band 1 are not simply waiting for a specific vacancy to the detriment of other priority applicants.

After 3 months we will reduce priority to Band 2 if the applicant has not been applying for suitable vacancies or has refused a suitable offer of accommodation. We will not remove priority where the applicant has been applying for suitable vacancies or where suitable vacancies have not arisen in the 3 month period.

If we reduce priority when they have previously been in Band 2, they will return to Band 2 from that assessment date. If they have not previously been in Band 2 they will enter Band 2 from the Band 1 assessment date.

We will warn applicants of this possibility in writing, to give the applicant the opportunity to raise any concerns. This gives them time to reconsider their options, make suitable applications for vacant properties or contact us to tell us if they believe we should reconsider their priority.

We will give them advice about the availability of properties and they will be encouraged to widen their choice of area, and/or property type, if immediate re-housing is not possible.

Where we have removed priority, we will inform applicants in writing. They then have up to 6 weeks to appeal against this decision if they disagree with the decision taken.

Homeless Full Duty applicants – time limit

We are prevented, under the terms of the Housing Act 1996 (as amended by the Homelessness Act 2002) and any subsequent Homelessness legislation, from automatically reducing priority for homeless applicants who have been in Band 1 for 3 months, unless BMBC Housing Options, Advice and Homeless Prevention Service have discharged the Council's duty under the terms of the

act. After 3 months, the Housing Options, Advice and Homeless Prevention Service will review the status. They will review the case and will either:

- Discharge duty by making one reasonable offer of accommodation; or
- Extend their right to remain in Band 1.

Where BMBC Housing Options, Advice and Homeless Prevention Service have discharged duty, the housing application will be re-assessed in line with the Lettings Policy and the appropriate level of priority awarded based on the individual applicants circumstances.

Homeless Relief Duty applicants – time limit

There is no blanket policy for the length of time a Band 1 award for homeless relief will be in place. On a case by case basis the award time scale will be based upon on-going assessment with consideration given to:

- The time scales provided in legislation for homeless relief
- The specific circumstances and needs of the applicant, and
- The applicant's cooperation with actions set out in the personal housing support plan.

A Homeless Relief band 1 award may be brought to an end where:

- The applicant refuses a suitable offer of accommodation, or
- Unreasonably refuses to cooperate with the actions in the personal housing support plan.

Ending a priority award for either of the reasons above may also have the effect of ending any on-going duty that may have been owed, however on-going duties to provide advice and assistance will continue up to the end of the relief duty.

The decision to end this priority status under Homeless Relief will be made by Housing Options, Advice and Homeless Prevention Service. If a decision is made to end this priority status for homeless applicants the priority will be reduced to Band 4 with the original date of application or suspended whilst further enquiries are made.

7b(ii). Band 1 - Applying for vacancies

Applicants within Band 1 will be able to exercise choice, through the open advertising process, about where and what property type they require. We will advise them of their need to actively apply for suitable vacancies and the possibility of having their priority reduced if they fail to make suitable applications for advertised properties.

We will, with the approval of the applicant and in accordance with the 'Search & Apply' service, routinely apply for suitable vacancies on behalf of vulnerable applicants in Band 1.

7b(iii). Band 1 refusals

Refusals of reasonable offers of accommodation, lack of co-operation or uptake of advice may result in the applicant being moved to Band 2 or being suspended whilst further investigations are completed.

Following a refusal of a property, where the applicant has previously been in Band 2 they will return to Band 2 from that assessment date. If they have not previously been in Band 2 they will enter Band 2 from the Band 1 assessment date.

We will advise applicants, in writing, of our decision to reduce priority. They have 6 weeks to appeal against this decision.

Refusals for homeless Full Duty Band 1 applicants

For homeless applicants, the refusal of a suitable offer of accommodation may result in the Authority determining that it has fulfilled its obligation under the 1996 Housing Act as amended by the Homelessness Act 2002 and any subsequent legislation. If this is the case the level of priority will be reduced. The level of banding to be awarded will be decided taking into account the specific circumstances and needs of the household.

If the authority decides that they have discharged duty written notification will be given to the applicant, and inform the applicant of their right to request a review within 21 days of the date they receive written confirmation. The appeal must be made to the Council's Housing Options, Advice and Homeless Prevention Service.

Refusals for homeless Relief Duty Band 1 applicants

Where an applicant is owed a homeless relief duty and unreasonably refuses a suitable offer of accommodation, this will have the effect of ending the relief duty and the band 1 award.

Where an applicant is owed a homeless relief duty and unreasonably refuses a suitable 'final' (s189B (9) (a)) offer of accommodation, this will have the effect of ending the relief duty and any subsequent (main housing) duty that may have been owed.

The applicant will be notified in writing that the relief duty has come to an end and advised of their right to request a review of the decision within 21 days to the Housing Options, Advice and Homeless Prevention Service.

Where Band 1 for Homeless relief is ended the priority award will be reduced to Band 4.

In situations where Band 1 is removed but there are issues affecting the household, other than homelessness, e.g. overcrowding, medical needs etc., a 'composite assessment' of the housing application will be carried out. This will take into account the whole housing needs of the household, to determine whether any additional priority may be awarded under the general lettings policy 'reasonable preference' criteria.

7c. Band 2

This band will be for applicants whose housing need is very urgent and who are unable to resolve their own housing circumstances.

We arrange priority within Band 2, in the first instance, in date order of entry into Band 2 and not by the original application date. Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

It may also be that some applicants who are awarded Band 2 priority have several less urgent re-housing needs which, when combined, raises their priority to Band 2.

As with Band 1, applicants within this band will be able to exercise their choice about where, and what property type, they require. We will give advice about the availability of their required property type and we will encourage them to widen their areas of choice if immediate re-housing is not possible.

This will include (but not exclusively) the following categories of applications.

- **High level medical needs**

This category includes people who we are satisfied have high level and permanent physical medical need or **high-level** mental health issues or high-level sensory impairment. They will be at **high** risk in the immediate future and their current housing is having a detrimental impact on their health and their ability to live independently.

In awarding Band 2 priority for medical grounds, we must be satisfied that there is a **high** risk in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **High level social and welfare grounds**

This category includes people who we are satisfied are at **high** risk of harm in their present accommodation. This includes applicants suffering domestic abuse, racial harassment, homophobic harassment, witnesses of crime, victims of crime and those suffering as a result of ASB.

In awarding Band 2 priority for social and welfare grounds we must be satisfied that there is a **high** risk of harm in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Foster Carers or Adoptive Parents**

This category is for those applicants who are Barnsley Council foster carers, prospective foster carers or adoptive parents whose current accommodation is unsuitable for fostering or adoption. References will be required from the appropriate Children's Service within BMBC.

- **Statutory overcrowding**

This category is for applicants who are overcrowded as defined by the Housing Act 1985.

- **Disrepair** (For non-Council or Housing Association dwellings)

This category is for applicants whose current home is in such poor repair, or lacking facilities, to such a degree as to be a risk to the health and safety of the applicant and others included in the application **but** where, under the terms of the Housing Act 1996 as amended by the Homelessness Act 2002, the applicants would not be deemed statutorily homeless.

Disrepair will be inspected and assessed by BMBC's Regulatory Services' section.

We will only award priority for this category in the following circumstances and where Regulatory Services recommend.

- Where the tenant has contacted the landlord but where there is too great a risk to the health and safety of the occupants to remain in the property whilst remedial work is undertaken.
- Where BMBC intends to commence enforcement action against the landlord and there is too great a risk for the applicant's health and safety to remain in the property whilst enforcement is progressed.

We will not award priority where the occupant is not co-operating with the landlord's attempts to rectify the defects.

- **Homeless Prevention Duty is Owed**

This band will be awarded where, following an assessment, the council is satisfied the applicant is —

- (a) threatened with homelessness and homelessness cannot be avoided, and:
- (b) Eligible for assistance

This award will be applied on condition that the applicant is cooperating with required actions, as set out in their personal housing plan, to resolve their housing problem.

This priority will not be awarded where applicants have deliberately worsened their housing situation.

- **Special management lettings category**

This includes applicants who we assess under our special management lettings rules as requiring Band 2 priority (See section 11).

- **Members of HM Forces due to leave the service within 13 weeks or bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.**

This category is for Forces Personnel or bereaved spouses/civil partners of forces personnel leaving HM Forces/Services Family Accommodation and is within 13 weeks of their confirmed discharge date/ date required to vacate Services Family Accommodation.

We may increase priority for this category of applicants where the date of discharge/ required to leave Services Family Accommodation is nearing and where they are determined as homeless within the terms of the Housing Act 1996 as amended by the Homelessness Act 2002 and subsequent legislation/ statutory guidance.

- **Current Barnsley Council or Housing Association tenants, living in Barnsley who are under occupying their current home**

This category is for people who are currently a tenant of a Barnsley Council or Housing Association home, who are under occupying that home and who, if moved, would release **two or more** bedrooms. For example, a single person living in a three bedroom Barnsley Council home who were seeking a one bedroom home.

- **Applicants who have a right to succeed to a Barnsley Council tenancy under Housing Act 1985 Part 1v**

This category is for people who have succession rights, as defined in the

Housing Act 1985 and subsequent legislation, but whose home is unsuitable for their current needs or a unit of specialist accommodation for which the successor does not qualify.

- **Applicants who currently hold a Flexible Tenancy with Barnsley Council where that tenancy has come to an end.**

This category is for people who currently hold a Flexible Tenancy with Barnsley Council under the Tenancy Policy applicable at the time of application, where that tenancy is coming to an end, there are no Anti-Social Behaviour issues, are able to maintain a tenancy and the tenant has no means to meet their own housing need.

Band 1 applicants who have exceeded their Band 1 time limit, have not been applying for vacancies, or have refused a reasonable offer of accommodation

7c(i). Band 2 – Time limit on priority

Homeless Prevention – Band 2

There is no blanket policy for the length of time Band 2 awards for homeless prevention will be in place. On a case by case basis the decision to extend or remove Band 2 will be based upon an on-going assessment and consideration to:

- The time scales for prevention activity provided for in legislation
- The specific circumstances and needs of the applicant,
- The applicant's cooperation with actions set out in the personal housing support plan, and
- Where remaining in Band 2 would prevent temporary accommodation placements.

A Homeless Prevention band 2 award may be brought to an end where:

- The applicant refuses a suitable offer of accommodation or
- Unreasonably refuses to cooperate with the actions in the personal housing support plan.

The decision to end this priority status will be made by Housing Options, Advice and Homeless Prevention Service. If a decision is made to end this priority status for homeless applicants the priority will be reduced to Band 3 with the original date of application.

The applicant will be notified in writing that the prevention duty has come to an end, providing an explanation as to the reason, and advised of their right to request a review of the decision within 21 days to the Housing Options, Advice and Homeless Prevention Service.

Other Band 2 awards

For none homeless applicants, to ensure that applicants take responsibility for securing alternative and suitable accommodation there is a 6 month time limit

on Band 2 priority status. This also ensures that applicants in Band 2 are not simply waiting for a specific vacancy to the detriment of other priority applicants.

After 6 months we will reduce priority to Band 3 if the applicant has not been applying for suitable vacancies. We will not remove priority where the applicant has been applying for suitable vacancies or where suitable vacancies have not arisen in the 6 month period.

If they have previously been in Band 3 they will return to Band 3 from that assessment date. If they have not previously been in Band 3 they will enter Band 3 from the Band 2 assessment date.

We will warn applicants of this possibility in writing. This will be 4 weeks before their priority is reduced. This gives them time to reconsider their options, make suitable applications for vacancies or contact us to tell us if they believe we should reconsider their priority.

Where we have reduced the priority for none homeless applicants we will inform applicants in writing. They then have up to 6 weeks to appeal against this decision.

7c(ii). Band 2 - Refusals

Homeless Prevention Band 2

Applicants refusing a suitable offer of accommodation whilst in Band 2 for homeless prevention will be notified in writing that the prevention duty has come to an end and advised of their right to request a review of the decision and reasons within 21 days to the Housing Options, Advice and Homeless Prevention Service.

In this situation the priority may either be reduced to band 3 or their application placed in pending whilst further enquiries are made.

Other band 2 applicants

Unreasonable refusals of offers, lack of co-operation or uptake of advice may result in the applicant being moved to Band 3 or being suspended whilst further investigations are completed.

If they have previously been in Band 3 they will return to Band 3 from that assessment date. If they have not previously been in Band 3 they will enter Band 3 from the Band 2 assessment date.

We will inform applicants of this decision in writing. They then have 6 weeks to appeal against this decision.

7d. Band 3

This band will be for applicants whose housing need is urgent and who are unable to resolve their own housing circumstances.

Priorities within Band 3 are arranged, initially, in date order of entry into Band 3 and not by the original application date.

Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

It may also be that some applicants who are awarded Band 3 priority have several low level re-housing needs which, when combined, raises their priority to Band 3.

As with Band 2, applicants within this band will be able to exercise their choice about where and what property type they require. We will give advice about the availability of their required property type and they will be encouraged to widen their areas of choice to resolve their housing need more quickly.

This will include (but not exclusively) the following category of applications.

- **Applicants needing supported housing or floating support**

This category includes those applicants referred, by nominated support providers, for re-housing and where support will be offered to the applicant in new accommodation and where there is a clear need for support and where re-housing is essential and urgent.

This category of applicant includes people who require supported housing which we can provide via a floating support package or through nomination to Supported Housing Providers. We will award Band 3 priority where their application is fully supported by and assessed as needed by their partner support providers.

We will work with support providers to establish a suitable support package.

Where offers are made to this category of applicant there will be an additional condition attached to their tenancy to ensure that they actively engage in the support provision agreed.

The composite assessment process may, in exceptional circumstances, increase priority for this category to Band 2.

- **Medium level medical need**

This category includes people who we are satisfied have a **medium** level of permanent physical health issues, **medium** level mental health issues or medium level sensory impairment. They will be at **medium** risk in the immediate future and their current housing is having an impact on their health and their ability to live independently.

In awarding Band 3 priority for medical grounds, we must be satisfied that

there is a **medium** risk in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Medium level social and welfare circumstances**

This category includes people who we are satisfied are at **medium** risk of harm in their present accommodation. This includes applicants suffering domestic abuse, racial harassment, homophobic harassment, witnesses of crime, victims of crime and those suffering as a result of ASB.

In awarding Band 3 priority for social and welfare grounds we must be satisfied that there is a **medium** risk of harm in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Re-housing of applicants leaving supported housing**

This category of applicant includes people who need to leave supported housing within the next 12 months, or in a planned time, and who are ready for independent living with, or without, support. We will award Band 3 priority where their application is fully supported by, and assessed as, needed by their current support providers.

Where there are support needs, we will work with support providers to establish a suitable support package.

Where offers are made to this category of applicant it will be a condition of their tenancy that they actively engage in any support provision identified at Special Assessment.

- **Children in flats where there are no lift facilities**

Applicants with children aged 5 or under who live in maisonettes, or flats on the first floor and above and there is no lift available.

- **Severe but non-statutory overcrowding**

This category includes those applicants who are overcrowded to an unacceptable level but where the provisions of the Housing Act 1985 do not determine statutory overcrowding. Re-housing into suitable accommodation must significantly reduce the overcrowding.

- **Urgent locational requirements**

This category includes applicants who have an urgent need to move to a particular locality where travel to that locality is difficult and where failure to move to the location is causing exceptional financial hardship to them or members of their household. This includes moving to:-

- Give and/or receive support.
- Be closer to employment.

- Access specialised medical care.
- Be closer to specialised and essential schooling.

- **Under occupation**

This category includes current BMBC or Housing Association tenants currently living in Barnsley who, by moving, would release one spare bedroom, e.g. a current Barnsley Council tenant living in a three bedroom home and wanting to move to a two bedroom home.

- **Applicants leaving Armed Forces tied-accommodation within 12 months of their application.**

This category is for those applicants, their spouse or civil partner, who are leaving the Armed Forces within 12 months from their application and who will, within 28 days of their date of discharge, become homeless and be owed a full re-housing duty by BMBC. They must be in a position to take up, and reside in, any property offered to them. We will award this priority when we receive written confirmation from their employer of their intended date of discharge.

We will increase priority for this category of applicants to Band 2 where the date of discharge is within 13 weeks and where they are determined as homeless within the terms of the Housing Act 1996 as amended by the Homelessness Act 2002.

- **Two for one transfers**

This category applies when 2 applicants, who are both BMBC tenants, want to live together and where both of the existing BMBC properties are unsuitable for their joint needs.

Special management lettings applicants

This includes applicants who we assess under our special management lettings rules as requiring Band 3 priority (See section 11).

- **Band 2 applicants who have exceeded their Band 2 time limit, have not been actively looking for accommodation or have refused a reasonable offer of accommodation.**

7d(i). Band 3 - Time limit for priority

To ensure that applicants take responsibility for securing alternative and suitable accommodation there is a **12 month** time limit of their priority status. This also ensures that applicants in Band 3 are not simply waiting for a specific vacancy to the detriment of other priority applicants.

After 12 months we will reduce priority to Band 4 if the applicant has not been applying for suitable vacancies. We will not remove priority where the applicant has been applying for suitable vacancies or where suitable vacancies have not arisen in the 12 month period. We will warn applicants of this possibility in writing. This will be 4 weeks before their priority is reduced. This gives them time to reconsider their options, make suitable applications for vacancies or contact us to tell us if they believe we should reconsider their priority.

When we have reduced priority we will inform applicants in writing. They then have up to 6 weeks to appeal against this decision.

7d(ii). Band 3 - Refusals

Unreasonable refusals of offers or lack of co-operation or uptake of advice may result in the applicant being moved to Band 4 and the date changed to the original application date.

We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

7e. Band 4

This band is the largest band and is for all applicants who have low level, minor needs or no need to move. It is managed in date order of the application date.

Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

The category of application included in this band (but not exclusively) is set out below.

- **Newly forming households or adults leaving home**
- **Moving to be closer to employment**

This includes applicants who do not fulfil the Band 3 criteria for locational moves.

- **Moving to give or receive support**

This category includes those wishing to move to give or receive low level support.

It is also for those giving higher level support but where travel is not unreasonable.

- **Those moving to be closer to education**

This category includes those applicants who want to move to be:-

- In a specific school catchment area; or
- Closer to a school or college of choice but who have no specific or urgent need to attend that school.

It also includes those who need a specific school on social and welfare grounds but where travel is not unreasonable.

- **Applicants with children 6 years of age and over living in flats on the 1st floor or above.**
- **Low level physical or mental health medical issues or low level sensory impairment where re-housing is a preference of the applicant rather than essential for their health and wellbeing.**

This also includes applicants with higher level medical issues but where re-housing will not reduce the issues caused by the medical condition.

- **Low level Social and Welfare need where re-housing is a preference of the applicant rather than essential for their health and well being**

This also includes applicants who have higher level social and welfare needs but where re-housing will not resolve or significantly reduce the issues.

- **Low level overcrowding**

This is where there is bedroom sharing but there is no overcrowding as defined under the Housing Act 1985 and does not satisfy the criteria for non-statutory overcrowding

- **Out of District applicants with no local connection but who have housing need.**

This category includes all out of district applicants with no local connection but who have emergency, very urgent or urgent re-housing needs. This includes those applicants that have approached Housing Options, Advice and Homeless Prevention as threatened with homelessness, who have no local connection and are owed the prevention duty.

Priority will always be awarded to this category of applicant from the date of their application and not any date for reassessment of priority needs.

- **Band 3 applicants who have exceeded their Band 3 time limit or made unreasonable refusals.**

7e(i). Band 4 - Time limit for priority

There is no time limit on this band.

7e(ii). Band 4 –Refusals

Where an applicant in Band 4 has refused five offers of accommodation, that are deemed reasonable to meet their needs, their housing application will be suspended for a period of six months.

We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

7f. Band 5

This band is for qualifying applicants who have no local connection with Barnsley and who have minor, or no, housing needs.

This band is managed in date order of application.

See Section 7a (ii) for local connection criteria.

7f (i). Band 5 - Time limit for priority

There is no time limit on this band.

7f (ii).Band 5 - Refusals

Where an applicant in Band 5 has refused five offers of accommodation that are deemed reasonable to meet their needs, their housing application will be suspended for a period of six months.

We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

8. Assessment Procedures

We assess applications from the information that has been provided on their application form, subsequent changes in circumstances received and/or from other routine checks which may include home visits or taking up references and/or to check for any potential fraud. We also take into account supporting information from other agencies and key workers involved with the applicant.

Qualifying applicants will then be placed on the Housing Register in the most appropriate priority band in accordance with this policy.

The current target times for the initial and subsequent assessment are available on request from Berneslai Homes.

We will advise applicants in writing of the outcome of their initial and any subsequent assessment.

We may need to conduct further investigations to establish:-

- Whether higher priority is appropriate.
- Whether they have a right to appear on the register; or
- Special circumstances that we need to address in dealing with their housing application.

We will advise applicants if we need to conduct further investigations to establish their final priority, or if we need to follow our Special Assessments Procedure.

Whilst we are conducting further investigations, or arranging a Special Assessment, the applicant will be placed in the most relevant priority band or, where our initial assessment cannot establish a right to appear on the register, we will place applicants in a pending status. If we place them in a pending status we will advise the applicant that they will not be considered for re-housing until these checks have been completed. We will inform the applicant of the outcome of our checks.

On **new** applications, when we have to make further investigations for final priority, we will backdate the final decision to the date of application.

The applicant will have the right of appeal against the decision as set out in section 10.

8a. No fixed abode

Where an applicant advises us that they have no fixed abode, we will ask for a correspondence address/ email address to which we may contact the applicant and encourage the applicant to contact the Housing Options, Advice and Homelessness Prevention Service.

8b. Change of circumstances

The applicant must tell us of a change in their circumstances and keep their application updated. We will re-assess their application in line with the current target assessment times as set out in section 8.

Where priority increases, we will backdate any new priority decisions to the date we received their Change of Circumstances form or were informed of the change of circumstances.

When we have updated an application form and where the update results in a change in priority we will advise the applicant where any changes affect their priority on the waiting list. Where any changes are minor and do not affect priority we will not routinely contact the applicant.

The applicant will have the right to appeal against any change in priority or decision made on their housing application. Any appeal will have to be made in accordance with this policy's appeals procedure and timescales.

8c. Annual review

We review every application at least once a year on the anniversary of the date of application, unless a review has taken place at an earlier date for reasons such as a change of circumstances or removal of priority.

If the review form is not returned within the timescales specified in the review documentation, the application will be cancelled and removed from the Housing Register. We do not advise customers that their application has been cancelled during the annual review.

After we have completed the review, we will inform the applicant of any changes to their priority only if the new circumstances of the applicant mean that priority has changed.

8d Incomplete application forms

If we have to return an incomplete Application Form, or Change of Circumstances Form, to the customer, we will assess the application, or changes, from the date we receive the fully completed form (i.e. not the original date of receipt).

8e Special Assessment procedure

Some applications, as set out below, may require a more specialised and sensitive assessment. This is to ensure that we offer the right type and size of property in the right area and that any need for support is taken into account and addressed as part of their re-housing.

- Applications from persons with either physical, mental or sensory disabilities.
- Applications from care leavers or other families where the Local Authority has parental responsibilities.
- Applications from people aged under 18.
- Applications from persons leaving prison, or under the supervision of the Probation Service, or having recent criminal convictions for Anti-Social Behaviour type issues.
- Applications from known sex offenders
- Applicants accepted as part of the National Witness Protection Scheme.
- Applications from people who have communication difficulties.
- Applications from minority groups where there are vulnerability issues.
- Applications from those suffering domestic abuse.

- Any other applications where there is other agency involvement and/or the person's re-housing needs are complex, or where it is deemed necessary to conduct a Special Assessment.

Where these applications arise, we will involve relevant agencies in a joint assessment procedure.

We will always ask the applicant for permission to conduct a Special Assessment and share relevant information with stated agencies.

We will also follow relevant, information sharing, protocols when working with partners and Support Agencies.

We will advise the applicant of the likely time it will take to conduct the Special Assessment and the outcome of the assessment.

We will advise the applicant of the outcome of the Special Assessment within 5 working days of the assessment being completed. The information will include the priority awarded and details of the property type/size and location the priority relates to and details of any support requirements to be arranged prior to any offer.

This assessment may result in the requirement for a support package to be written and agreed between relevant agencies. The objective is to assess the risk factors and draw an appropriate balance between the need of the applicant for Social Housing as a means of integration into the community and the need for the community to be safe. Where offers are made to applicants, and support is deemed necessary to maintain a satisfactory tenancy, it will be a condition of their tenancy that they actively engage in the support provision.

8f Offers and Special Assessments

An applicant undergoing a Special Assessment is entitled to apply for a vacant property. If they are then selected for an offer we will reserve the vacancy for up to 5 working days, even if the property is ready for letting, to allow for the completion of the Special Assessment. The offer may be withdrawn if the outcome of the Special Assessment determines that the offer is unsuitable or where support needs are identified and are unavailable.

9. Lettings and Offers

9a. What type of tenancy will be offered?

Tenancies will be offered in accordance with the Council's current Tenancy Strategy and tenancy policy and in accordance with the law at the time of allocation.

9b. Property-matching rules

In order to make best use of the housing stock within Barnsley and to ensure that accommodation offered matches the needs of the households who most need that property, we allocate in accordance with our property-matching rules. Part of our composite assessment process is to assess what type of properties applicants qualify for. When we offer accommodation, we will select the highest priority applicant from those households who have applied, and fulfilled, the property-matching rules for that vacancy.

Property-matching is completed in two stages:

Stage 1 – Bedroom number rules

Stage 2 – Property type rules

9b(i). Stage 1 - Bedroom number rules

This stage matches the number of people in the application to the number of bedrooms they require to be adequately re-housed. The Lettings' Database automatically assesses bedroom requirements. The table below sets out the general rules. However, there may be amendments to these rules depending upon the local area context, size of bedrooms and turnover of stock.

The size of the household includes the head of the household, which may be a single person or couple, plus the number of others to be re-housed with them.

For example, a household with 2 or more others could be:

- a single applicant with 2 or more children to be rehoused;
- a co-habiting couple with one child and expecting another; or
- a married couple with a daughter and an elderly relative.

Table 1: General bedroom matching rules

Size of household	Bedsit	1 bedroom	2 bedroom	3 bedrooms	4 bedrooms
One adult	✓	✓	✓		
Two adults		✓	✓		
Household +1 other person			✓	✓	
Household+ 2 other people			✓	✓	

Household+ 3 other people			✓	✓	✓
Household+4 other people				✓	✓
Household+ 5 other people				✓	✓
Household+ 6 or more other people				✓	✓

The Lettings' Policy enables households to meet their current housing needs and aspirations up to 1 extra bedroom. However, some where we have a particular shortage of a type of accommodation offers may be restricted to accommodation that meets presented need.

*Overcrowding will not be allowed when making an offer unless there is no alternative given the nature of the council housing stock and would significantly improve an applicants current housing situation./.

In some circumstances, when an applicant demonstrates the need for more bedrooms, we may consider them for larger properties. These are generally in the cases below.

The following rules apply when working out minimum bedroom requirements.

- People with a full time care responsibilities or specific medical or support needs who require an additional bedroom.
- The babies of expectant mothers, where the mother has medical confirmation of the expected date of confinement, will be included in the household type of the family.
- The children of separated or divorced parents will be included in the numbers of people within the family where evidence is supplied that the applicant has responsibilities for at least 2 or more nights each week.
- Households applying for foster care or adoption for children or to be part of the council's Shared Lives service (subject to support and confirmation from the appropriate council service).

9b(ii). Stage 2 – Property Type Rules

We have a wide variety of accommodation across the borough and there are a number of circumstances where we restrict access to the property type, based on factors such as age, disabilities, pets, household size and so on.

The main restrictions are in ground floor flats, sheltered housing, bungalows or adapted properties where, in most cases, we restrict access to people over 60 or who have disabilities that require a certain type of accommodation or facility, although we may also apply restrictions on an individual basis.

Where there are restrictions, the property advert will reflect the criteria so that applicants are fully aware of their eligibility.

If there are any non-routine restrictions, a nominated senior officer in Berneslai Homes must approve any amendments before we advertise the vacancy.

Where we have vacancies in restricted properties, we will only consider those applicants meeting the matching rule for that particular vacancy. This means that we may bypass a higher priority applicant if they do not match the property-matching rules.

Details of any household/property type matching rules will be included in the property advertisements. For example we may say “you have to be 60 or over or have medical or disability need for this type of property to apply for this vacancy”.

The rules are set out below.

General Rules

- **Age restrictions on flats and bungalows**

Some accommodation has restrictions on eligibility based on age and/or disability. Where such restrictions exist, details of any household/property type matching rules will be included in the property advertisements.

- **Larger Homes**

On occasions there may be a need to restrict access to larger properties to those requiring the specific number of bedrooms. This restriction will take account of turnover of stock in the area and demand from priority applicants needing larger homes.

- **Low demand areas**

In some areas the property-matching rules may be relaxed due to low demand, property differences or the needs of the community.

- **Barnsley Extra-Care Housing Schemes**

These schemes rely upon having a balance of tenants needing varying levels of care and support. For vacant properties in these schemes, Berneslai Homes will work with Social Services and other Support Providers to ensure that allocations are made with the relevant criteria. Generally, support needs, and not housing needs, criteria will determine a particular allocation. Allocation of extra care housing accommodation will be in accordance with the rules of the Housing Association and allocation panel for each scheme and not the standard Lettings Policy allocation criteria

- **No pets**

There are restrictions on most flats with shared entrances. Pets, such as dogs (other than guide dogs) and cats, are not allowed. The property advertisement will include details where pets are not allowed.

- **Disabled persons and adapted properties**

We may place restrictions on properties which have been purpose built or adapted for the needs of a disabled persons. Details will be contained in the property advertisement.

Details of any specific allocation criteria will be contained within the individual property advertisement.

9c. Sensitive Lettings' Plans

This policy allows the development of sensitive lettings' plans where a particular estate, group of properties or individual properties dictate the need to allocate using different criteria. We may vary property-matching rules to:-

- Make best use of the housing stock.
- Support community cohesion and development.
- Tackle estate based problems.

For example, where we have a problem with substance misuse on an estate, we may restrict applications to households with no substance misuse issues.

A senior designated officer must authorise any decision to vary property-matching rules at a local level. Any variances will be detailed in the property adverts.

Elected members will be consulted if there is a permanent, and/or sensitive variation, to the standard property-matching rules for a specific area.

Details of any sensitive lettings' plans will be made available via Berneslai Homes' website or in individual property advertisements.

9d. Offer Process

The objectives of the offer process are to:-

- Maximise choice for applicants.
- Meet housing and community needs.
- Ensure equality and consistency.
- Minimise void rent loss and speed up the turnaround of vacant homes.

9d(i). What will be advertised.

In most instances we will advertise all vacancies when they are available for re-letting. This is with the exception of the following categories.

- Properties required for temporary accommodation.
- Properties with specific adaptations, or suitable for specific adaptation, where we have identified an ideal match for the property from a high priority applicant.
- Properties required to allow permanent or temporary re-housing of Council tenants affected by fire, flood or other emergency.
- Properties required to allow permanent re-housing of those affected by redevelopment. We will only reserve properties for this category when we are at a critical stage in clearing a redevelopment scheme.
- Properties being monitored for potential demolition or redevelopment.
- Properties leased to support providers.
- Properties required to allow any other Special Management Letting as set out in section 11 of this policy.

9d(ii) Priority guidance/restrictions on applying for vacancies

In some instances we may restrict applications for vacancies to certain bands or category of applicant or advise applicants that we give preference to a certain band or category of applicants.

Allocations on waiting time only

To assist mobility and increase choice for applicants who have been on the Housing Register for a considerable period of time, 10% of all advertised vacancies will be offered on the basis of the original date of application and will be across all Bands 1-4. These restrictions will be equally placed in all property types across the borough, irrespective of demand. The percentage of restrictions will be reviewed annually to take account of changes in supply and demand. Any changes will be published. We will record this type of restriction on the property advert.

Applicants being re-housed due to redevelopment

To assist in the regeneration of our communities we may also restrict applications for some vacancies to those applicants who have to move out of accommodation to allow the redevelopment to take place. We will make these decisions on a scheme-by-scheme basis and, before applying such restrictions, we will consider the following factors:-

- The size of the redevelopment scheme.
- The urgency of clearing the site.
- The future redevelopment proposals (i.e. will it then provide additional housing?).

- The other demands on vacancies in the area from those applicants in bands 1 and 2.

The Right to Move

Right to Move- The Council will endeavour to allocate up to 1% of available homes to applicants subject to The Right To Move as per ' The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967).

Performance against this requirement will be made available quarterly on Berneslai Homes website

9d(iii) Offer stages

Stage 1 - Advertisement

All properties, with the exception of those in 9d(i), will be advertised in the following ways.

- On-line at www.berneslaihomes.co.uk .
- By direct email to applicants who have provided a valid email address
- By direct contact with people assessed as being in priority Bands 1,2 & 3 who have been assessed as requiring support through the Search & Apply Scheme.
- By email to Local Members, Partner Organisations and Support agencies providing support to waiting list applicants, on request

The property advert will contain, at the very least, the following information:

- Address (house numbers will not published for security reasons).
- Property type.
- Number of bedrooms.
- Heating type.
- Property-matching rules (e.g. minimum number in the household required or age restrictions).
- Rent and other charges.
- Bathing facilities.
- Any other letting restrictions.

Stage 2 – Applying for a vacancy

Any applicant can apply for vacancies as long as:-

- They meet the advertisement criteria.
- They have a current application on the Housing Register and their application is not excluded, suspended or in Pending status.

- They are an applicant for re-housing under the Special Management Lettings' Rules (as detailed in section 11 of this policy)
- They meet the bedroom matching rules.

Each property advertisement will indicate when the period for applications will close

Applicants can apply:-

- Online at www.berneslaihomes.co.uk.
- By e-mail to : Homeseeker@berneslaihomes.co.uk.
- In writing.
- By telephone: 01226 775555

The response will be recorded against their application.

Applicants can apply for a maximum of 3 vacant properties during each choice based lettings cycle.

If an applicant is currently 'under offer' for a vacancy, we will not consider them for any further properties they may apply for. We may remove priority where an applicant refuses an offer to enable them to qualify for a newly advertised vacancy

Shortlists, of eligible applicants who have expressed an interest in the vacant property, will be prepared at the time of offer. The shortlist will only contain those applicants who fulfil the general property-matching rules for the vacancy. The shortlist will be in band priority order and within bands in waiting time order (other than the 10% which will be advertised with priority being given to applicants based on the original date of application irrespective of the priority band).

We will then complete a final check of the applicants who are shortlisted to ensure that their circumstances have not changed and priority, on the register, has not been affected. The offer will then be made to the person highest on the shortlist who meets any eligibility criteria.

Section 9g explains our 'Bypassing' rules and processes.

Any decision to offer, out of time order, will be recorded and authorised by a senior designated officer. The fact that we have taken an offer out of sequence will be highlighted on our lettings' feedback publications.

Stage 4 - Offer

A formal offer will be made to the selected applicant.

Applicants have 3 working days to respond to a face-to-face or telephone offer or 5 working days to respond to a postal offer.

If this offer is refused, subsequent offers will be made (in line with stage 3) to the other eligible applicants who applied for the vacant property.

Stage 5 – Re-advertisement

If there are no suitable applicants, or no responses from the first batch of selected applicants, the offer process and identification of interest will be repeated.

With a view to relaxing, or tightening, the criteria, the Lettings' Team will work with the local Housing Management Team to ensure they take account of the local context when reviewing the property-matching rules.

A new advert will be placed and the offer process will be repeated.

9e. Refusals

Given the range of information and advice available to the customer, and the procedures that aim to match applicants' choice, refusals should not be common. However, where we receive refusals, the following rules apply:-

If applicants within bands 1 to 3 refuse a reasonable offer of accommodation, **consideration** is given to moving the application into the next, lower priority, band.

Section 7 outlines which bands applicants will move to should they make an unreasonable refusal of an offer.

The definition of a reasonable offer is set out below:-

- The property is reasonably close to school or employment.
- Medical or other proven need for support is available locally.
- It is suitable for any specific needs
- It will result in the applicant being free from fear and/or risk of violence.
- The property is adequate in size.
- The property has suitable facilities to meet the housing needs of the applicant.

If a homeless person, for whom the Authority has an obligation to secure accommodation, refuses a reasonable offer, the Local Authority may consider that it has discharged its duty under the 1996 Housing Act.

Applicants in Bands 4 or 5 will have their application suspended for six months should they refuse five reasonable offers. We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

9e(i) No response to offers

Where an applicant does not respond to an offer, we will assume they no longer require re-housing and we will cancel their application. We will advise them of our decision in writing and within 5 working days of cancelling their application.

9e(ii) Removing priority for refusals for homeless households

If we decide to move any Band 1, 2 or 3 homeless applicants into a lower category, we will hold the vacancy and will contact them to advise them of the consequences of their actions. We will allow them 1 working day to re-consider the offer. If they still refuse the property, their priority may be reduced and we will offer the property to another applicant. The applicant has the right of appeal to the Housing Options, Advice and Homelessness Prevention Service within the Council..

9f. Withdrawing offers

We reserve the right to withdraw offers in the following circumstances:-

- Where we have reason to believe the applicant has given false information.
- Where the applicant's circumstances have changed and this alters priority and/or makes them ineligible for the property or makes them ineligible to appear on the Housing Register.
- Where we require the property for another emergency reason.
- Where we have made the offer in error.
- Where information has come to light that would make the offer unsuitable.
- Where we ask for further information from the applicant and the information has not been provided within the timescales given.

9g. Monitoring offers and bypassing applicants

We will record all applications for vacant properties and all offers we make. The majority of offers are made in date order within the highest priority bands but we may occasionally have to bypass an applicant who has applied for a property and who is generally eligible for the vacancy, for another applicant below them on the register. We may also have to bypass an applicant on the general Housing Register to offer a property to an applicant under the terms of the Special Management Lettings' Rules (see section 11 of this policy).

The general (but not exclusive) reasons for bypassing applicants are as follows:-

- A reassessment has changed the priority of the applicant.
- The applicant does not meet the specific advertised criteria for the vacancy.
- To meet our obligations under law.
- The applicant has specific, or management, issues which would affect them, or the community, should they be located in this property. This should have been noted in their original assessment and the applicant advised of the decision at the time of the assessment. The authorised officer must approve this decision and the applicants advised of the decision.
- Allocating to a lower priority applicant will make better use of the housing stock.
- The property is an ideal match for another priority case.
- The property is an ideal match for a Special Management Letting and it is higher priority to make the Special Management Letting.
- The property is not suitable for the applicant.

This reassessment may include contacting the applicants for further relevant information.

Where we bypass an applicant we will record our decision and our reasons for making that decision.

Our decision will be based upon fact, and not assumption, about an applicant's choice.

A senior nominated officer must approve any bypassing.

9h. Nominations to Registered Providers (Housing Associations)

The Council have negotiated nomination agreements with registered provider's s with accommodation in the borough.

When we receive a request for nominations we will nominate applicants in priority order in accordance with our policy however, any offer will be subject to the individual provider's policies and procedures. This vacancy will be advertised (refer to 9d 'Advertisement').

The Lettings' Policy refusal criteria applies to registered provider's nominations. Where an applicant successfully obtains a home from a registered provider through the nomination process, this will satisfy the housing application which will be cancelled as status – 're-housed.'

10. Appeals

The Appeals' Process for the Lettings' Policy operates outside the scope of the Council and Berneslai Homes' complaints' procedures.

The Appeals' Process covers the "decision making" aspect of the Lettings' Policy. This includes the awarding of priority, removing priority for the refusal of offers, removing priority for failing to apply, exclusion, suspension and offers.

It does not apply to complaints about the policy or the way in which procedures have been followed. Complaints about such issues will be dealt with in line with Berneslai Homes' complaints' procedures.

The appeals' process has 2 stages outlined below:-

- **Homeless applicants - Appeals' Process**

This appeals' process does not apply where the applicant is appealing against a decision made by the Council under Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002 and The Homelessness Reduction Act 2017. In these instances the appeal process is managed by the Housing Options, Advice and Homeless Prevention Service.

- **None Homeless applicants appeals' procedure- Stage 1 Appeals**

The applicant, or their nominated representative, has to register an appeal within 6 weeks of being informed of a decision about their application.

A nominated officer in Berneslai Homes will consider the appeal. If all of the nominated officers were involved in the original decision, the Berneslai Homes' Customer Services' Team will conduct the review.

An applicant can register an appeal in various ways.

- By telephone.
- In person (or via a nominated representative).
- Over the internet at www.berneslaihomes.co.uk.
- By e-mail at: homeseeker@berneslaihomes.co.uk
- In writing to Berneslai Homes. PO Box 627, Barnsley, S70 9FZ

We will register the appeal and conduct investigations and considerations. We will advise the appellant of the outcome of the appeal within 20 working days. If the circumstances are particularly complicated and involve contacting other agencies etc. this timescale may be extended. We will however advise the appellant if this is the situation.

Stage 2 Appeals

Where the stage 1 appeal cannot be resolved to the satisfaction of the applicant, they have the right to formally appeal at stage 2 of the Appeals' Process. The applicant must register their second appeal within 6 weeks of receiving written confirmation of the first stage appeal decision. Berneslai Homes' Customer Services' Section arrange Stage 2 appeals.

An applicant can register a stage 2 appeal in various ways.

- By telephone.
- In person (or via a nominated representative).
- Over the internet.
- By e-mail.
- In writing.

Any applicant who appeals at stage 2 will have their case reviewed by a Panel made up of Berneslai Homes' Board Members and a representative from Barnsley Federation of Tenants' and Residents' Association. The applicant can appear at the appeal hearing and present their case.

A senior designated officer will attend in an advisory role. In certain cases it may also be appropriate for representatives from Social Services or other agencies to attend in an advisory role.

Appeals' Panel Members must declare an interest if they have had any involvement in the case or if the applicant is known to them.

Information to the Panel

Prior to the Panel hearing, members of the Panel and the appellant will receive a copy of the evidence to be presented at the hearing by Berneslai Homes. This evidence will be anonymous, thereby removing prejudices that may occur if an individual is named.

The identity of the appellant will be made known at the Panel Hearing.

Appeal Format

The applicant can make their appeal to the Panel in writing, in person or via a third party where they have given their permission.

The Berneslai Homes senior designated officer will attend the Panel and make verbal representations based upon a written report.

It will also be necessary for any officer involved in the decision to attend the hearing to answer any questions. For example, this could be a Housing Management Team officer or Rent Officer.

Berneslai Homes' Customer Services' team will arrange the Hearing and facilitate the Panel.

Process at the Hearing

- The Chair of the Panel will ask the officers to present their case.
- The Chair of the Panel will ask the appellant to present their appeal.
- The Chair of the Panel will give the appellant an opportunity to ask questions of the officers.
- The Chair of the Panel will give the officers an opportunity to ask the appellant any questions.
- The Panel will ask questions of the appellant.
- The Panel will ask question of the officers.
- The appellant will be asked to summarise.
- The officers will be asked to summarise.
- All parties will be asked to leave the room for the decision to be made. This is with the exception of the Panel and the Advisory Officer.
- All parties will be advised to return to the room for the Chair of the Panel to deliver the decision.
- The decision of the Panel will be based upon factual documentary evidence.

Role of Advisory Officers

If a specialist Advisory Officer attends the Panel, their role is to clarify issues, confirm points of law and give advice to the Panel. They are not part of the decision making Panel although it would be preferable that they leave, to be recalled only to clarify points of issues. The clerk should be the only officer remaining present during the decision making process.

Panel Members can ask questions of these officers at any point during the Hearing. They can also, if necessary, ask questions of these officers in private after the appellant and representing officers have been asked to leave.

It is at the discretion of the Chair whether the Advisory Officers are present during the decision making process.

Decisions

The decision of the Appeals' Panel is final.

There are a range of decisions that can be made by the Panel, dependent upon the reason for the appeal.

The main decisions are:-

1. Appeal Upheld.
2. Appeal Not Upheld.

3. Officers are asked to make further investigations and review their decision, which will come straight back to Panel if requested by the appellant
4. Appeal Upheld in Part.

The Chair of the Panel will deliver the decision to the appellant and make requests of the officers to take any necessary action.

Berneslai Homes will confirm the decision in writing to the appellant within 5 working days of the appeal hearing.

The appellant may still exercise his/her right to approach the appropriate Ombudsman service.

11. Special Management Lettings

The Lettings' Policy incorporates flexibility in **certain circumstances**, to allow re-housing to non-priority applicants, or applicants who are not at the top of the Housing Register, where there is a benefit in achieving the wider objectives of the Council. This includes making best use of Council stock, reducing crime and disorder and freeing up a particular property or property type.

Applicants for special management priority will be assessed in line with the guidelines below and will be added to the Housing Register into the relevant priority bands. They will be awarded a category of "Special Management Lettings" which does not award them overall priority for re-housing but ensures that we can, at any one time, identify the number, type and priority of applicants in this category. It also ensures that we can make direct offers to this category, or in the case of redevelopment schemes, restrict applications for a small percentage of vacancies to applicants in this category.

Special Management Lettings' applicants are encouraged to apply for any advertised vacancies and will be assessed in line with the banding system.

All offers to applicants in this category, whether they are direct offers or offers through the standard choice based route, must be authorised by a senior nominated officer.

Direct Offers

In some instances we may make a direct offer to an applicant in the Special Management category without open advertising.

Before we decide to allocate a property under these circumstances, we will consider the wider need for the special letting against the needs of the priority cases on the general Housing Register. This assessment will include the benefit to BMBC's best use of stock in making the allocation i.e. freeing up a much needed disabled person's property.

Restricted advertising

In some instances we may openly advertise a vacancy but we may restrict applications to applicants in the regeneration category of the Special Management Lettings.

Before we decide to allocate a property under these circumstances we will consider the wider need for the special letting against the needs of the priority cases on the general Housing Register.

11a Incentivised Special Management Transfers

In some instances we may need to create a vacancy of a particular property type in a particular area. In these instances we will authorise a Special Management letting and we may offer an incentive payment (which is agreed annually), to assist towards relocation. Incentives will only be offered where the relocation is of benefit to the Council.

The categories are set out below.

- Transfers which involve giving up a high demand property for a lower demand property, which will then make the high demand property available to people in housing need,
- Transfers to applicants who have an established need for adaptations to their current property and where the agreed option is to recommend re-housing.
- Transfers from people living in adapted, or disabled person's, property where they no longer require that property type and where there is an identified need for the property from an applicant on the Housing Register.
- Transfers for successors who have succeeded to a property that is too large, has adaptations not required by them or which they do not qualify to occupy.
- People who are prepared to transfer from a property, required for a tied tenancy for future employees or for other future use.
- People who are prepared to transfer to free up a property for use as a decent home.

11b Non Incentivised Special Management Lettings

- Applications from either Council tenants, or residents on Council estates, where the property is required empty for demolition, extensive repair or redevelopment. This includes victims of fire, flood or other emergency, in a Council property whose re-housing is permanent. In some instances these applicants may be entitled to disturbance or home loss payments.
- BMBC or Berneslai Homes' employees leaving tied BMBC tenancies, where the tied tenancy is required for future employees or other future use and where re-housing is in line with BMBC and Berneslai Homes' Human Resources' procedures.

- Transfers on management grounds where it is assessed that transferring offers the best solution to the management problem.
- Key Workers.

The definition of a Key Worker is:-

- A person taking up a position where the position could not have been filled locally and they are essential to introduce, or maintain, other employment in the Barnsley area or
- An incoming member of staff for the Local Authority or Berneslai Homes.

Any offers of accommodation to Key Workers will be for a temporary period and will not be secure.

Priority Bands for Special Management Lettings

The following table sets out the general bands which Special Management lettings' applicants qualify for. Depending upon individual circumstances the priority decision may be increased or decreased. We also reserve the right to make direct offers to these applicants outside of the scope of the banding system. The band assessment will only apply to offers that are made through the choice based, open advertised route and will mark the applicant's position against other applicants in the priority band.

Category	Band
Transfers which involve giving up a high demand property, which will then be available to people in housing need, for a lower demand property.	Band 3
Transfers to applicants who have an established need for adaptations to their current property where the agreed option is to recommend re-housing.	Bands 1 to 3 depending on the medical need and risk factor of remaining in the property. The assessment will follow the rules of medical priority assessment.
Transfers from people living in adapted or disabled person's property where they no longer require that property type and where there is an identified need for the property from an applicant on the Housing Register.	Band 1 to 3
Transfers for successors who have succeeded to a property that is too large, has adaptations not required by them or which they do not qualify	Band 1 to 3

to occupy	
People who are prepared to transfer from a property required for a tied tenancy for future employees or for other future use.	Band 3
People who are prepared to transfer to free up a property for use as a decent home.	Band 3
Applications from either Council tenants or residents on Council estates where the property is required empty for demolition, extensive repair or redevelopment. This includes victims of fire, flood or other emergency in a Council property whose re-housing is permanent. In some instances these applicants may be entitled to disturbance or home loss payments.	<p>Band 1 to 3. This decision will be based on:</p> <ul style="list-style-type: none"> • the severity of the problem. • the time required to clear a site. • security issues on the site. <p>A routine review will take place for these applicants and they can move up the priority band if our need to move them out increases or if they are at risk as the redevelopment scheme progresses.</p> <p>Priority will be awarded for regeneration applicants from the date of the decision to demolish their homes. Where more than one applicant is registered from the same date we will give priority to those with the longest tenancy history or those with other housing needs which put them at higher risk in their current accommodation.</p> <p>If we move a regeneration applicant up to a higher band we will award them a priority date from the date we made that decision.</p>
BMBC or Berneslai Homes' employees leaving tied BMBC tenancies, where the tied tenancy is required for future employees or other future use and where re-housing is in line with BMBC and Berneslai Homes' Human Resources' procedures.	Band 2
Transfers on management grounds where it is assessed that transferring offers the best solution to the management problem including	Band 1 to 3. Priority will be assessed under social and welfare grounds.

Family Intervention Tenancies.	
Key Workers	Band 3 – Licences will be fixed term for 6 months

12. The Role of Elected Members

Elected Members have a role to play in the letting of Council property. This role is:-

- Forming, developing and continually reviewing the policy.
- Sharing local knowledge.
- Representing the interests of the electorate and their communities.
- Assisting applicants in the Appeals' Process.
- Monitoring performance.

12a. Formation, Development and Review of the Lettings' Policy

To ensure this role is effective, the following activity will take place.

- Where requested, a senior designated officer will attend meetings with Elected Members to discuss general issues around the management of the Housing Register.
- Berneslai Homes may consult the Cabinet Spokesperson responsible for housing on the very rare occasion where there is a need to make a very sensitive letting outside of the scope of the Lettings' Policy and where Berneslai Homes' Chief Executive/ Director of Housing Management does not have delegated authority to approve the allocation. This does not include Special Management lettings or general, and necessary, bypassing of applicants.
- Berneslai Homes will consult the Council where there is a need to substantially and permanently amend the property-matching rules for either an individual property or range of properties.

12b. Sharing local knowledge

It is important that local knowledge is shared to ensure that the Lettings' Policy meets its aim of supporting sustainability and balance within our communities. Elected Members have good local knowledge and an obligation to support both the individual and collective needs of their community.

Members may advise officers of any substantive and supported information about a member of the public who they believe may be on the Housing Register. Officers will investigate this information in line with the Lettings' Policy and advise the Councillor of the outcome.

Members have the right to raise issues about the management of new tenancies and the management of the Housing Register. Performance information, as outlined in 13, will assist members in monitoring the effectiveness of the policy and will allow members to raise concerns.

12c. Representing the interest of the electorate and their communities

Elected Members have an important role within the community. Elected Members have good local knowledge and an obligation to support the individual and collective needs of their community.

The public may approach their Elected Members for assistance in applying for re-housing and/or to ask for assistance to express an interest in a vacancy.

The public may also contact Elected Members, for support or advice, if there are tenancy management problems on estates. Elected Members have an important role to play in the monitoring of Introductory Tenancies.

Officers will respond to any member referrals in accordance with the standard protocols and by following the terms of the Lettings' Policy.

- If asked to do so by the applicant, an Elected Member can apply for a vacant property on their behalf. The application will be accepted and considered in line with the policy. If the applicant is successful, we will contact them in the same way as if the applicant had made direct contact.
- Elected Members may make referrals on behalf of a client regarding their status or priority on the register. Officers will respond direct to the applicant and (with the applicant's permission) will copy the response to the elected member. Officers will consider the referral in line with the terms of the Lettings' Policy.
- Elected Members may make referrals regarding a breach of tenancy conditions. Officers will respond to this referral, direct to the complainant and will copy the response to the Elected Member.

12d. Elected Members Role in Appeals

Elected Members have no decision making role in the Appeals' Process except in the case where a Berneslai Homes' Board Member, sitting on a stage 2 appeals' Panel, is also an Elected Member. They can, however, provide information to support the customer and represent customers at appeal hearings.

12e. Elected Members' Role in monitoring performance

Members also have an important role at local level through the Council's Neighbourhood Management Initiative, where members can receive summary reports on the performance of the service in that area. Information provided would not be at an individual address level, but would summarise overall performance in line with the policy.

12f. Information provided to Elected Members

Elected Members will receive electronic copies of the following public information to assist them to fulfil their role.

- The public weekly vacant property advertisement.
- The public feedback report regarding lettings made is available to Elected Members via Berneslai Homes' website.

13a. Monitoring and performance reporting of the Lettings' Policy

Berneslai Homes closely monitors all elements of the Lettings' Policy. This to ensure that policy and our application of it is:-

- Meeting the stated aims.
- Meeting its targets.
- Collecting and submitting the required information for government and other statutory bodies;
- Being regularly reviewed; and
- Meeting its equality and diversity obligations.

Full details of the information gathered and monitored are set out in the Berneslai Homes' Quality Control procedure. The general monitoring covers a wide range of subjects including:-

- Priority.
- Eligibility.
- Suspensions.
- Length of waiting time.
- Offers.
- Refusals.

Monitoring will highlight any potential for discrimination or actual discrimination on any grounds.

13b. Performance reporting

Berneslai Homes will produce quarterly performance and monitoring reports relating to the management of the Housing Register.

These reports are included in Berneslai Homes' quarterly reports to the Council. Any concerns will be highlighted and dealt with in line with the Council/ALMO performance management framework.

Lettings' Policy - Appendix 1

Exclusion and Suspension Statement

This appendix provides additional details to support the information provided in section 6d and 6e of the Lettings' Policy 2013

1. Background

In section 6 of the Lettings' Policy, it is explained that some people are ineligible to appear on the Housing Register and it sets out the reasons why this is the case.

In section 6d, reference is made to a specific group of applicants who do not qualify to appear on the Housing Register as a result of their current, or previous, conduct and these applicants are described as being **excluded** from the Housing Register. This is because, for this category of applicants, a judgement has to be made on the extent that their conduct may impact on their ability to maintain a tenancy in a satisfactory manner. It is also possible that changes in the applicant's circumstances, or conduct, may result in a change in their eligibility to appear on the Housing Register so, although they may be assessed as not qualifying when they originally apply, they may be re-assessed at a future date and the decision may then be that they do qualify. This makes this group of applicants different from other ineligible applicants where there is no judgement to be made and where the applicant cannot do anything to change their eligibility status.

In section 6e, the main reasons why an applicant can be **suspended** from the register, for a temporary period, are set out. Again, the decision to suspend an application requires a judgement to be made and it is also possible that the applicant can take action which will address the reason for the suspension. Therefore this group of applicants also differs from the other categories of ineligible applicant.

Applicants that do not qualify and are excluded or suspended from the Housing Register will not appear on the Housing Register. They will not be able to apply for vacancies and they will not be offered a Council property.

This statement sets out the reasons why some people are excluded, or suspended, from the Housing Register and how the decision to exclude or suspend an application is made.

All decisions on an applicants qualification to join the Housing Register will be based on individual circumstance, objective criteria, proven evidence and will comply with the guidelines set out within this statement.

2. Exclusion - General principles

The Localism Act (2011) permits Local Authorities to determine what persons are or are not qualified to be allocated housing. For the purposes of this Policy, the Council considers a Housing Register applicant to be ineligible for the allocation of accommodation where:

- The applicant or a member of their household whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant of the authority; and
- In the circumstances at the time the application is considered, they are unsuitable to be a tenant of the authority by reason of that behaviour.

A three-stage test of '*suitability*' will be applied to every application for accommodation, to assess whether to exclude:

1. Has the applicant or a member of their household behaved in a serious and unacceptable manner, which is enough to make them unsuitable to be a tenant of the authority?
2. At the time of the application, is the tenant still unsuitable to be a tenant of the authority by reason of his behaviour, or the behaviour of a member of his household?
3. Was the unacceptable behaviour serious enough to entitle the landlord to consider commencing legal proceedings or to pose a risk to the community?

The current circumstances of the applicant and their household will be considered against any past unacceptable behaviour to determine whether there have been any changes that would make a decision to exclude unreasonable.

The following provides some examples of unsatisfactory conduct, or breaches of tenancy regulations, that are likely to lead to a decision to exclude an applicant:-

- Violence, or threats of violence, to and/or against:- the community, Elected Members, staff of BMBC and Berneslai Homes', their contractors or agents.
- Wilful damage or Abandonment of a property.
- Anti Social Behaviour by the applicant, a member of their household or visitors to their home.
- Current or former rent or mortgage arrears (where the rent or mortgage is deemed affordable).

- Drugs related behaviour causing nuisance/anti-social problems in neighbourhood.
- Criminal activity/convictions causing nuisance/anti-social problems in neighbourhood.
- Domestic violence.
- Social Housing Fraud

It should be noted that this list identifies only some of the key behaviours that could result in a decision being made to exclude an applicant and that there are other issues that could also result in a decision to exclude.

Any information, provided as part of the application process, that could result in the decision that the applicant does not qualify to join the waiting list will be considered very carefully.

Once a decision is made that an applicant is ineligible to join the Housing Register on the grounds of their current, or previous, conduct they will be referred to as an **excluded** applicant.

The excluded applicant will be informed in writing of the decision to exclude them from the Housing Register and of the reasons for this decision. This will be provided within 5 working days of the decision being made. Any excluded applicant will be advised that they have a right to appeal within 6 weeks of being notified of the decision.

We will tell applicants how long they will be considered to be excluded and what action they should take to prove that they are suitable prospective tenants.

The decision to exclude an applicant from the Housing Register will also take into account the existence of any support and supervision which may be provided by statutory or other agencies which could help reduce any potential risks to the satisfactory conduct of a tenancy to an acceptable level.

When it is determined that an applicant is to be excluded from the Housing Register, the Council will meet its statutory duties by ensuring that advice and assistance is provided to those who request it.

Any decision to exclude an applicant from the Housing Register will be authorised by a nominated Senior Lettings' Officer within Berneslai Homes.

3. Reapplying after being excluded from the Housing Register

It is the responsibility of an excluded applicant to reapply to join the Housing Register.

Any excluded applicant can reapply at any time and they will be advised of this right when they are notified of the decision that they are to be excluded.

However, the applicants will need to demonstrate that the reasons for the exclusion no longer apply or there has been some other significant change in their circumstances that merits a reapplication being made.

All applicants have the right to appeal against any housing application decision.

4. Suspending an applicant.

Further to the qualification criteria as set out above, in some cases an applicant may be suspended from the Housing Register for a set period of time. All applicants will be notified that they have the right to appeal against any decision to suspend an application.

The following list identifies some of the circumstances which may result in a decision to suspend an application and the possible outcomes following the period of suspension:-

- **The deliberate worsening of the applicant's housing situation**

Where there is good reason to believe an applicant has purposefully engineered their housing circumstances, in order to gain a higher level of priority, the applicant will be suspended from the Housing Register and a full investigation of their case will be carried out.

- If this investigation is unable to prove that the applicant has purposefully engineered their circumstances, the application will be re-instated from the original priority date.
- However, if the investigation proves the applicant has engineered their housing circumstances, priority will be awarded on the basis of what their circumstances would have been had this action not been taken.

- **The supplying of false or misleading information**

Where there is any reason to suspect that an applicant has provided false, or misleading, information in order to improve their chance of securing a Council Tenancy, the application will be suspended from the Housing Register to allow time for a full investigation of their circumstances to be carried out.

- If this investigation is unable to prove that the applicant has provided false, or misleading, information, the application will be re-instated with the original date of application, or the original priority date as appropriate.
- However, if the investigation proves the applicant has provided false or misleading information, the applicant will be informed that they have committed Social Housing Fraud and they will be advised of the consequences. Depending on the circumstances this could include the applicant being excluded from the Housing Register, or a change to the level of priority that was awarded based on the false information that was provided.

- **Promise to reduce rent or mortgage arrears**

An application may be suspended in circumstances where an applicant has former tenant rent arrears, tenancy related debts, or mortgage arrears, where they have not made regular payments to reduce arrears in the past but, upon

making an application to join the Housing Register, they make arrangements to clear their debt by instalments.

- Where such applicants demonstrate that regular payments have been maintained during the period that their application has been suspended, their application will be re-instated with the original date of application or the original priority date as appropriate.
- Where such applicants do not keep their promise to make regular payments to reduce their former rent or mortgage arrears, the application may be excluded or be subjected to a further period of suspension when it is reviewed.

• **Anti-Social Behaviour**

An application can be suspended where there have been previous / current issues of Anti Social Behaviour and where the applicant has begun to address those issues and is actively cooperating and working with agencies to improve the behaviour. In these instances the application may be suspended for up to 6 months to give the applicant the opportunity to demonstrate a change in behaviour.

- In this instance the decision to allow the applicant onto the Housing Register will be subject to a Special Assessment.

• **Applicants identified as 'Not Engaging' with Support Providers**

An application can be suspended where the applicant has been assessed as needing support and where support is in place but the applicant is not engaging with the support.

- When the applicant is able to demonstrate that they are actively engaging with the support that is being provided, the application will be re-instated with the original date of application, or the original priority date as appropriate.
- If the applicant continues to refuse to engage with the support that is assessed as being necessary, the application may be subject to a further period of suspension or may be excluded from the Housing Register when the automatic review of the suspension takes place.

It should be noted that this list identifies only some of key behaviours that could result in a decision being made to suspend an applicant and that there are other issues that could also result in a decision to suspend.

Period of Suspension

Applications which fall into the above categories will be suspended for a period of between 0 and 6 months. The application will, automatically, be reviewed at the end of this period, or sooner if the investigations are complete, or if the applicant provides other relevant information.

An applicant will be advised about the period of suspension, in writing and within 5 working days of the decision being made.

A suspended applicant will also be advised about the outcome of their review, at the end of the period of suspension. This will be in writing and within 5 working days of the review being completed.

Any decision to suspend an applicant from the Housing Register will be authorised by a nominated Senior Lettings' Officer within Berneslai Homes.

5. Use of Flexible Tenancies

As an alternative to, or as a result of, a period of suspension/exclusion an applicant may be advised that they have been assessed as being suitable to be offered a Flexible Tenancy, as set out in the Council's current Tenancy Policy.

This could apply where the applicant is demonstrating early signs of a change in their behaviour or are actively remedying any other issue that has, or could, result in their suspension or exclusion from the Housing Register.

A Special Assessment will be carried out on applicants whose circumstances indicate that they could be suitable for an offer of a Flexible Tenancy and it is likely that this will be as a result of a recommendation from Partner Agencies.

Any decision to recommend an applicant be approved as eligible, on the Housing Register, for a Flexible Tenancy only will be authorised by a nominated Senior Lettings' Officer within Berneslai Homes.

An applicant identified as being suitable for a Flexible Tenancy only, will be informed that they are eligible to be on the Housing Register for only a Flexible Tenancy and they will be given the reasons for this decision. This will be in writing and will be within 5 working days of the decision being made. Any such applicant will be advised that they have a right to appeal within 6 weeks of being notified of the decision.

Policy approved by council 27th September 2018

This page is intentionally left blank

Item 9

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 CORE SERVICES TO CABINET, 26th January 2022

Public or Private Report: Public

TAXI AND PRIVATE HIRE LICENSING POLICY

1. PURPOSE OF REPORT

- 1.1 In July 2020 the Department for Transport issued Statutory Standards and recommended that all licensing authorities must have due regard for the standards and incorporate these into a publicly available cohesive policy document that brings together all their procedures on taxi and private hire licensing by January 2022. Taking the Statutory Standards into consideration a draft policy was written, and a public consultation was held to seek the views and opinions of all interested parties. The consultation period is now concluded, and the responses received have been considered by the Licensing Service, SMT and the General Licensing Regulatory Board.

2. RECOMMENDATIONS

2.1 That Cabinet recommends to the Full Council that:

- (i) The Hackney Carriage and Private Hire Licensing Policy appended to the report be published in accordance with the statutory requirements and adopted by the Council.
- (ii) That the Institute of Licensing Suitability Guidance be adopted in its entirety;
- (iii) That the requirement for a driver medical report to be produced every year from the age of 60 be retained;
- (iv) That the D4 medical reports from a company called 'Doctors on Wheels' be no longer accepted for the reasons detailed within the report;
- (v) That the application fee charged be non-refundable on the grounds that the Council is permitted to charge for the administration involved in the processing and granting of a licence; and
- (vi) That the topographical test be maintained as a means of ensuring that all licenced drivers have a good working knowledge of the area

3. INTRODUCTION

- 3.1 The Department for Transport has recommended that all licensing authorities make publicly available a comprehensive policy document that brings together all their procedures on taxi and private hire licensing. This should include policies on convictions, a 'fit and proper' person or 'suitability' test, conditions of licence and vehicle specifications and standards.

The primary and overriding objective of our taxi and private hire policy is to protect the public by ensuring that the licensing regime protects the vulnerable.

The attached draft Taxi and Private Hire Licensing Policy complies with the statutory guidance, whilst reflecting local circumstances and responses received to public consultation carried out prior to the final policy being determined.

4. PROPOSAL AND JUSTIFICATION

- 4.1 We have a statutory duty to have regard to and fully recognise the importance of the new statutory standards. The draft policy sets out the requirements and standards that must be met by those working within the trade as drivers, vehicle proprietors or operators.

Changes have been made to some of our existing conditions of licence to ensure they are accurate and reflect current practises and to ensure that we are applying consistent standards with the other Licensing Authorities in South Yorkshire.

In response to the DfT Guidance and the responses received as part of the statutory consultation the following points were discussed and approved by the General Licensing Regulatory Board on the 22nd December 2021:-

- The suitability policy and whether or not the Council should fully adopt the Institute of Licensing Suitability Guidance
- Medical requirements and whether or not medical reports should be provided every year from the age of 60
- Application fees and whether or not these should be refunded in the event that a licence was not granted
- The driver topographical/knowledge test and whether this should be retained

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed.

Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in the statutory standards document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department for Transport therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

- 5.2 Whilst the Council could decide not to adopt a policy that complies with the statutory guidance, it would be failing to implement measures considered to provide the public with the best level of protection and would leave itself open to potential legal challenge.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The principal purpose of taxi and private hire licensing is to protect the public and promote public safety.

This policy sets out the requirements and standards that must be met by those working within the trade as drivers, vehicle proprietors or operators.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications arising from the approval of this policy.

8. EMPLOYEE IMPLICATIONS

- 8.1 There are no specific employee implications in approving this policy.

9. LEGAL IMPLICATIONS

- 9.1 Adoption of the policy will meet the Council's obligations under the statutory guidance

10. CUSTOMER AND DIGITAL IMPLICATIONS

- 10.1 None arising directly from the adoption of the policy

11. COMMUNICATIONS IMPLICATIONS

- 11.1 The draft policy has been subject to a 10 week public consultation period and all stakeholders received notification of the consultation.

Once adopted the Policy will be published on the Councils website and will therefore be available to all interested parties.

12. CONSULTATIONS

- 12.1 In determining this policy statement, the Council has consulted with the following:

- The Police
- Elected members
- The Local Safeguarding Board
- Taxi and private hire licence holders (or their representatives)
- Representatives of local businesses and residents' organisations
- Public transport providers
- Local Chamber of Commerce / BID
- Local Authority Testing Stations
- Taxi Conversion Companies
- Home to School Transport
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

The policy consultation ran for 10 weeks commencing on 25 June 2021 and finishing at 00:00 hours on 3 September 2021.

The views of all consultees were duly considered and given proper weight.

Four representations were received in total which are set out below, together with any action proposed by the Council in response

- 1) Cllr Sarah Jane Tattershall:-

The policy is detailed and well thought out. However I would like to see that car cameras that can record both internally and externally are fitted to all licenced Taxi vehicles across Barnsley and the country to protect the driver and passengers during the course of their journey and after drop-off.

this footage can then be reviewed by the licensing team or police if required to show any wrong-doing by ether party should it be requested. the driver does have a duty of care to all passengers to ensure they get from A to B and to C if required in a safe and comfortable manor. if anyone has cause for concern this should be reported as soon as possible so this issue can be looked into. Camera footage will be very beneficial to this process and will help with the enquiry.

as a member of the licensing panel, at present we only have the word of the driver and the passenger(s). dash cam footage would help all involved to determine the situation better and the outcome. it would also make passengers feel relaxed on their journey and give the driver, and their family confidence overall.

Presently it is not proposed to mandate CCTV in licensed vehicles, and to do so would require further consultation with the trade. However, the draft Policy was amended to include paragraph 2.110, which recognizes the importance of keeping this matter under active review during the currency of the policy.

2) Cllr Steve Hunt:-

I am supportive of the new policy but have one huge concern.

In 2019 the council declared a climate emergency. We should be ensuring that taxis and private hire vehicles are becoming greener. I appreciate that to move to electric vehicles overnight would not be achievable or give taxi drivers sufficient time to change their vehicles. However surely the policy should contain enforceable targets of reducing CO2 emissions in all vehicles over the period from now to (say) 2025.

This was outside the scope of the draft policy that went out for consultation. However, a note has been included in paragraph 2.121 which acknowledges the importance of identifying means by which the uptake of electric or hybrid vehicle by the trade can be encouraged.

3) Zahid Qureshie:-

Page 15 "Promoting Equality" - need to add the protected characteristic of "marriage and civil partnership"

This omission is now included in paragraph 2.106 of the Policy.

4) David Wilson – Licensing Consultant on behalf of Blueline taxis:-

A lengthy response to the consultation was received for consideration, the majority of which was agreed by amended wording or clarification to the draft policy document. A report to the General Licensing Regulatory Board on the 22nd December 2021 detailed all points that required Member recommendation.

The recommendations in paragraph 2.1 (ii) to (vi) are made as a result.

The consultation responses were reported to the General Licensing Regulatory Board on the 22nd December 2021 for consideration and recommendation to Cabinet and Council for final approval

13. EQUALITY IMPACT

The statutory guidance, upon which the draft policy is based has been subject to equality impact assessment by the DfT.

14. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 14.1 A modern, efficient and well-regulated taxi trade operating within a policy framework that recognises national standards and provides that all reasonable and proportionate steps are taken to ensure public safety and protect the vulnerable, contributes to a healthy and growing Barnsley where people are safe and feel safe and have a positive experience when using taxis to enjoy the town centre and principal towns as destinations for work, shopping, leisure and culture.

15. TACKLING THE IMPACT OF POVERTY

- 15.1 No impact

16. TACKLING HEALTH INEQUALITIES

- 16.1 No impact

17. REDUCTION OF CRIME AND DISORDER

- 17.1 Whilst the vast majority of people working in the taxi trade are honest, respectful and law abiding, it is unfortunately the case that some who are not will seek to enter the trade to abuse their position by taking advantage of the vulnerable. The measures set out in the policy will assist in guarding against such people entering the trade and, if they do, help to ensure that they are detected and dealt with robustly. This should have a positive impact on the reduction of crime.

18. RISK MANAGEMENT ISSUES

- 18.1 Failure to have a cohesive policy which has regard for the DfT statutory standards could result in legal challenges to the council's decisions.

19. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

- 19.1 Safety issues are identified within the body of the report

20. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- 20.1 No Charter rights are infringed by the adoption of this policy

21. ENVIRONMENTAL IMPACT

21.1 Whilst not formally part of this Policy the Council will continuously explore any opportunities available through national or regional schemes and initiatives to encourage or incentivise the uptake of electric or hybrid vehicle by the trade, in support of the Councils 2040 carbon neutral target for the Borough. The government offers grants to support the wider use of electric and hybrid vehicles via the Office of Low Emission Vehicles (OLEV). Licensed drivers are encouraged to find out more on [GOV.UK electric vehicle grant scheme](#). Consideration will be given to the numbers and locations of charging points available to the trade. Any future targets for reducing CO2 emissions in licensed vehicles would be subject to further consultation.


22. LIST OF APPENDICES

Appendix 1: Draft Hackney Carriage and Private Hire Policy

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

Report author: Debbie Bailey

Financial Implications/Consultation



26.10.21

.....

(To be signed by senior Financial Services officer where no financial implications)

This page is intentionally left blank



Draft Taxi and Private Hire Licensing Policy 1st January 2022 to 31st December 2026

**Barnsley Metropolitan Borough Council
Legal Services
PO Box 634
Barnsley
S70 9GG**

Telephone: (01226) 773555
Email: licensing@barnsley.gov.uk
Website : www.barnsley.gov.uk

CONTENTS

The need for a policy –	page 4
Introduction –	Page 4
General principles and legislative requirements –	page 5
Aims and Objectives of the Policy –	page 6
Decision Making -	page 7
Administration, Exercise and Delegation of Functions –	page 8
General Licensing Regulatory Board –	page 8
General Licensing Regulatory Board Panel –	page 9
Delegations to Officers from the General Licensing Regulatory Board –	page 9
Human Rights and the Right to a fair hearing –	page 10
Enforcement –	page 11
Safeguarding and Child Sexual Exploitation –	page 12
Department for Transport’s Statutory Taxi and Private Hire Vehicle Standards –	page 13
Disclosure and Barring Service (DBS): Criminal Record Checks –	page 14
DBS Referrals by the Council –	page 15
Gathering and Sharing information –	page 16
Sharing licensing Information with other Licensing authorities –	page 16
Multi-Agency Safeguarding Hub (MASH) –	page 16
Working with the Police –	page 17
Common Law Police Disclosure –	page 17
Licensee self-reporting –	page 17
Promoting Equality –	page 18
Educating the Public –	page 18
CCTV in licensed vehicles –	page 18
Consultation –	page 19
Conditions of Licence –	page 19
Compliance with Conditions and requirements of Licensing Authority –	page 20
Barnsley 2040 carbon neutral target -	page 20

APPENDICES

Appendix A – Driver Licenses – Conditions of Application

Appendix B – Vehicle Licences – Conditions of Application

Appendix C – Operators Licences – Conditions of Application

Appendix D – Private Hire Vehicle Licence Conditions

Appendix E – Hackney Carriage Vehicle Licence Conditions

Appendix F – Dual Driver Licence Conditions

Appendix G – Private Hire Operator Licence Conditions

Appendix H – Bylaws in Relation to Hackney Carriage Drivers and Vehicles

Appendix I – Determining Dispensations from the Display of Private Hire Vehicle Licence Plates

Appendix J – Policy Guidance to Assist with the Assessment of Suitability with regard to all Private Hire Driver, Private Hire Vehicle Proprietor, Hackney Carriage Driver, Hackney Carriage Vehicle Proprietor and Private Hire Operator Licences

Appendix K – Driver Badge Application Checklist

Appendix L – Legal Services Enforcement policy

Appendix M – Licensed Driver Code of Good Conduct

Appendix N – Staying Safe in Taxis

Taxi and Private Hire Licensing Policy: 2022 to 2026

Barnsley Metropolitan Borough Council

The need for a policy

1.1 This is the policy of Barnsley Metropolitan Borough Council ('the Council') in respect of its powers when exercising taxi and private hire licensing functions.

1.2 The Department for Transport (DfT) has recommended that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include policies on convictions, a 'fit and proper' person or 'suitability' test, conditions of licence and vehicle specifications and standards.

1.3 When formulating any taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public by ensuring that the licensing regime protects the vulnerable.

1.4 In order to reflect any changes in the taxi and private hire sector, either locally or nationally, the Council undertakes to review this policy at least once every five years but will also consider a policy review at any time should there be significant issues arising in the interim.

Introduction

2.1 The Barnsley Future Council plan defines an achievable vision for the future in which Barnsley is an innovative and vibrant 21st Century market town at the centre of a modern dynamic economy and is a great place to live. Priorities to transform the Borough include plans for regeneration of the town centre, which will provide a safe, vibrant and diverse environment whilst achieving a new and sustainable economic future.

2.2 The urban core of Barnsley is home to 82,000 people. Barnsley town centre is the focus for the Borough's main shopping, administrative, commercial and entertainment activities. It has long been famous for its market, and more recently has become noted for its expanding club scene and night life. To the west of the urban core is the lightly populated attractive hilly country centred on the neighbouring market town of Penistone. To the south and east, and separated by open land, are the dispersed towns and villages of the former coalfield, which are the home to some 95,000 people.

2.3 The Barnsley Urban Area will play a pivotal role in regeneration and the town centre itself will be transformed into a modern urban living space offering shoppers and visitors exciting retail, recreational, entertainment and cultural experiences that will enable it to compete successfully with neighbouring centres. Regeneration in the Borough's rural areas will be based on diversification and sustainable development. Cultural and leisure facilities, appropriate in type and scale, will be encouraged in the smaller market towns.

2.4 Integral in making Barnsley a great place to live is ensuring that its communities are attractive, safe living environments with convenient access to good quality local services and amenities, including leisure, entertainment and cultural facilities.

2.5 Neighbourhoods must be clean, safe and secure and their environments respected and cared for. They must also be friendly and caring places where people are welcome from all backgrounds and cultures and both young and old alike will feel part of the community.

2.6 In this regard, the Council recognises local residents' needs for a safe and healthy environment in which to work and live and the importance of having both safe and well-run taxi and private hire services in the Borough.

2.7 The Council therefore acknowledges the valuable contribution that taxi and private hire vehicles make to the local economy.

General principles and legislative requirements

2.8 The Council is responsible for the regulation of taxi and private hire services within its area.

2.9 In exercising its discretion when carrying out its regulatory functions, the Council will have regard to the powers contained in the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976.

2.10 In addition, The Policing and Crime Act 2017 enabled the Secretary of State for Transport (DfT) to issue statutory guidance on exercising taxi and private hire vehicle licensing functions which was designed specifically to protect children and vulnerable individuals over the age of 18 from harm when using these services.

2.11 The Council fully recognises the importance of these new statutory standards published by the DfT in July 2020 and has a statutory duty to have regard to the DfT's Guidance. Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, it is considered that all passengers will benefit from the recommendations contained in it.

2.12 The Council will work in partnership with other local authorities, statutory bodies and agencies, especially those located in South Yorkshire, to ensure, wherever possible, that a consistent approach is taken on licensing matters across the region.

2.13 The principal purpose of taxi and private hire licensing is to protect the public and promote public safety.

2.14 This policy sets out the requirements and standards that must be met by those working within the trade as drivers, vehicle proprietors or operators.

2.15 Reference in this policy to a **taxi** means a licensed hackney carriage. A hackney carriage or taxi is a vehicle immediately available to transport the public with no more than 8 passenger seats, and which is licensed to ply for hire. This means that it may

stand at ranks, be hailed in the street, in the borough of Barnsley and by members of the public or even be pre-booked anywhere in England, Wales and Scotland.

2.16 A **private hire vehicle** is a vehicle licensed to carry no more than 8 passengers, but which must be pre-booked in advance by a customer through a licensed private hire operator. Unlike a taxi, a private hire vehicle cannot ply for hire in the street or any public place and can only be hired in advance by booking with an operator.

2.17 The Council will carry out its licensing function with a view to promoting the following:

- The protection of the public
- Safeguarding children and the vulnerable
- The safety and health of the public
- Vehicle safety, comfort and access
- Environmental sustainability

2.18 Too restrictive an approach can work against the public interest so in carrying out the licensing function the Council will aim to strike a fair balance between protecting the public and encouraging local taxi and private hire businesses to thrive

2.19 The Council's licensing requirements will be proportionate to the risks they are designed to address, the priority being to ensure that drivers and operators are 'fit and proper' persons to hold a licence, and vehicles are safe, comfortable and appropriate for use, and maintained in a safe condition for the duration of the licence

[Aims and Objectives of the Policy](#)

2.20 This policy, along with the accompanying appendices, sets out the Council's approach when it comes to exercising the taxi and private hire licensing function. The Policy is intended to guide the General Regulatory Licensing Board, its Panel, and any officers acting with the delegated authority of the Board, when considering applications for driver, vehicle and operator licences.

2.21 Included in the various appendices, are:

- The Council's current conditions of licence
- The hackney carriage byelaws
- The Council's approach to applicants/licensees who have criminal convictions
- General guidance notes and conditions of the application
- Enforcement policy
- Codes of practice

2.22 The policy also aims to provide guidance to applicants on the general approach to licensing in the Borough.

2.23 *Every application to the Council will be dealt with on its own individual merits.*

2.24 The policy will be reviewed at least once every five years but will be kept under review during that time in case any amendments or additions are required at any time.

2.25 The policy is not intended to limit the powers of the Council or to remove any discretion it has within the law, which allows it to depart from this policy if the individual circumstances of any case merit such a decision. In such cases, the Council will always set out, in writing, any reasons for departing from its policy.

Decision Making

2.26 The powers of the Council may be carried out by:

- The General Licensing Regulatory Board
- The General Licensing Regulatory Panel, or
- by one or more officers acting under the delegated authority of the Council

2.27 Many of the licensing processes and procedures will be largely administrative with no obvious areas of contention. In the interests of efficiency and effectiveness officers of the Council will generally carry these out.

2.28 Authorised officers of the Council will also investigate complaints and take any action as appropriate, in accordance with the Council's Enforcement Policy.

2.29 Each application for a licence will be considered:

- On its own individual merits
- In accordance with this policy
- With reference to the 1976 Act and/or Town Police Causes Act 1847
- In accordance with DfT Best Practice Guidance
- In accordance with DfT Statutory Guidance 2020
- In accordance with the Regulators' code
- Having regard to the Public Sector Equality Duty

2.30 The Council is responsible for the regulation of taxi and private hire services within its own area. This means it is able to reach its own decisions on policy and also on individual licensing issues.

2.31 The overriding aim, in all cases, will be to ensure the safety and protection of the public.

2.32 When making decisions, or taking other action, the Council will aim to be open and transparent and will be prepared to give full and detailed reasons for those decisions. All those that have the power to make decisions will be required to undertake training which will cover not only licensing procedures, but human rights, natural justice, safeguarding, disability and equality awareness and the legal principles involved in decision making.

Administration, Exercise and Delegation of Functions

2.33 A policy is only effective if it is administered properly. The taxi and private hire licensing functions are classed as 'non-executive' in that they are functions of the Council rather than its Executive (such as the Cabinet).

2.34 These non-executive functions include the determination of licence applications, along with the attachment of conditions and the power to suspend or revoke licences. All of these functions can be delegated to a committee, a sub-committee or an officer of the Council.

The Council has established the General Licensing Regulatory Board to administer the wide range of licensing decisions and functions which the Council is required to administer.

2.35 The Board has been delegated certain powers and functions and has established a General Licensing Regulatory Panel to deal specifically with matters relating to the regulation of taxi and private hire services.

2.36 The power to decide all of the non-contentious applications has been delegated to officers.

2.37 The agreed delegation of decisions and functions to the General Licensing Regulatory Board, its Panel and officers is set out below.

2.38 Within this agreed delegation of decisions and functions officers still have the discretion to refer an application or other matter to the Board or its Panel if Officers consider it appropriate in the circumstances.

General Licensing Regulatory Board

(GLRB)

2.39 Subject to:

- The overall policy framework of the Council; and
- Having regard to the Council's safeguarding arrangements and duties and particularly in relation to the prevention of Child Sexual Exploitation.

The Board exercises the functions of the Council in relation to:

2.41 Taxi and private hire licences:

- a) Determining licence applications which have not been determined by the Service Director, Legal Services pursuant to their delegated powers, where consideration the Sub-Committee is not appropriate;
- b) Receiving reports for information on the suspension and revocation of licences and also to suspend and/or revoke licences where adverse reports have been received in those instances where the Service Director, Legal Services has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate;

- c) Receiving, at regular intervals, a report of all licences issued, renewed, or refused;
- d) Receiving an annual report of all hackney carriage and private hire licences issued or renewed where the vehicle in question is over the age of five years;
- e) Receiving periodic reports of the Service Director, Legal Services on random inspections carried out on drivers and vehicles;
- f) Varying, amending or revoking the standard conditions of taxis, private hire operators, vehicle and drivers' licences;
- g) Determining the fees payable for the issue and renewal of hackney carriage and private hire licences (including inspections), subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate;
- h) Determining the hackney carriage fare tariff from time to time, subject to the consideration of any policy aspects by Cabinet and/or full Council as appropriate;
- i) After consultation with the Head of Highways and Engineering to approve the siting or relocation or removal of hackney carriage ranks and to authorise the appropriate statutory notices;

General Licensing Regulatory Board Panel (GLRB Panel)

2.42 The GLRB Panel is comprised of any 3 Members of the General Licensing Regulatory Board:

- a) To determine taxi and private hire licence applications which have not been determined by the Service Director, Legal Services pursuant to their delegated powers;
- b) To suspend and/or revoke taxi and private hire licences where adverse reports have been received in those instances where the Service Director, Legal Services has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate;
- c) To determine appeals against the suspension or revocation of taxi or private hire operators, vehicle and drivers' licences;
- d) To determine applications for or suspension / revocation of licences or appeals against suspension or revocation of licenses falling within the remit of the General Licensing Regulatory Board when referred to it for a decision by the Service Director, Legal Services;

Delegations to Officers from the General Licensing Regulatory Board

2.43 The Service Director, Legal Services is delegated the powers:

- a) To exercise the Council's powers in relation to the Licensing aspects of the following legislation:
 - Local Government Miscellaneous Provisions Acts 1976
 - Town Police Clauses Act 1847

And, notwithstanding the generality of the above:

- b) Under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 to:
- i. Issue taxi licences and private hire licences, when he / she is satisfied that the application fulfils the statutory requirements and any criteria or policies of the Council for the time being in force;
 - ii. In consultation with the Chairperson of the GLRB, refuse applications for taxi and private hire licences where he is not satisfied that the application fulfils the statutory requirements and any criteria or policies of the Council for the time being in force, subject to any such decisions being reported for information to the next meeting of the Licensing Regulatory Board;
 - iii. To suspend Hackney Carriage and Private Hire Vehicle Licences on vehicle defects being found;
 - iv. To suspend or revoke licences in other circumstances to those at (iii) above, and to report the action to a subsequent meeting of the GLRB;

[Human Rights and the Right to a fair hearing](#)

2.44 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for the Council to act in a way that is incompatible with the Convention right.

2.45 In conducting its business, the Council will have particular regard to the following relevant provisions of the first protocol of the European Convention on Human Rights:

Article 1 - Every person is entitled to the peaceful enjoyment of his or her possessions, for example the possession of a vehicle or operator's licence.

Article 6 - That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2.46 Public safety remains the paramount consideration in all licensing decisions, but the discharge of licensing functions will also be undertaken in accordance with the following general principles:

- Policies will be used as internal guidance and supported by a member/officer code of conduct;
- Any implications of the Human Rights Act will be taken into account;
- The rules of natural justice will be observed;
- All decisions will be reasonable and proportionate;
- Hearings will be conducted fairly and will allow for appropriate consideration of all relevant factors;
- Those with the powers to make decisions will avoid bias (or even the appearance of bias) and any predetermination;

Enforcement

2.47 The principal purpose of taxi and private hire licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.

2.48 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. The key principles of consistency, transparency and proportionality will be maintained.

2.49 The Council endorses the principles of good enforcement as set out in the Enforcement Policy published and adopted by Barnsley Metropolitan Borough Council – see **Appendix L**.

2.50 The Council will take enforcement action where it considers it necessary and proportionate to do so.

2.51 The Regulator's Code was brought into force in 2014 and states that Regulators, including the Council in relation to taxi and private hire licensing must have regard to the Code and should:

- Carry out their activities in a way that supports those they regulate to comply and grow;
- Provide simple and straightforward ways to engage with those they regulate and hear their views;
- Base their regulatory activities on risk;
- Share information about compliance and risk;
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
- Ensure that their approach to their regulatory activities is transparent;

2.52 If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.”

2.53 The Council will work closely with its neighbouring authorities in South Yorkshire, including where the need arises, jointly authorising officers from other authorities in the area so that compliance and enforcement action can be taken against licensees from outside the Barnsley area.

2.54 The Council will ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions for failing to do so.

2.55 The Council will also provide a clear, simple and well-publicised process for the public to make complaints about drivers, vehicle proprietors and operators. This will enable the Council to better target compliance and enforcement activity and will also

provide a further source of intelligence when considering the renewal of licences and of any additional training for licensees if it is considered appropriate in the interests of public safety.

The Council will provide an impartial and clearly explained route to appeal against any decision.

Safeguarding and Child Sexual Exploitation

2.56 The protection of children from harm includes their protection from physical and/or psychological harm. The Council recognises the Barnsley Safeguarding Children Board as the responsible authority for the protection of children from harm. The Council will consult with the Barnsley Safeguarding Children Board on any matter which raises concerns regarding the safety of children.

2.57 One of the key aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason, the Council believes that all applicants for a driver's licence, and all existing licensed drivers, should undertake basic safeguarding training.

2.58 All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues, either accompanied or alone, on a regular basis, and they suspect the young person may be subject to exploitation, they are required to report their concerns to South Yorkshire Police.

2.59 The Council considers that those in the taxi and private hire vehicle industry can play a crucial role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, those working within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults.

2.60 However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger. To that end the Council provides appropriate safeguarding advice and training to the taxi and private hire trade. This is delivered by a Designated Officer for safeguarding. As a minimum, all licensed drivers must undertake safeguarding training.

2.61 The Council's programmed has been developed to help drivers and operators:

- Provide a safe and suitable service to vulnerable passengers of all ages;
- Recognise what makes a person vulnerable;
- Understand how to respond, including how to report safeguarding concerns and where to get advice;

2.62 Safeguarding awareness training will include the ways in which drivers can help to identify 'county lines' exploitation by being aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;
- Travelling at unusual hours (during school time, early in the morning or late at night);
- Travelling long distances;
- Unfamiliar with the local area or do not have a local accent;
- Paying for journeys in cash or prepaid;

2.63 The key purpose of safeguarding training is to make licensees aware of what to do if they believe a child or vulnerable person is at risk of harm.

2.64 Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the suspension or revocation of the driver's licence.

2.65 Responsibility to report matters of concern is not solely confined to drivers and other licensees. The Council itself is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.

2.66 Employees and others who work with the Council can often be the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Indeed, it may also be the case that someone with a concern is not aware how best to raise concerns.

2.67 The Council therefore has a 'Whistle-blowers' Policy which is a vital element of the Council's governance arrangements and is designed to allow those employed by the Council to come forward and raise concerns of wrongdoing involving the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities.

2.68 The Council is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest. It is important to stress that any concern raised through this Policy will be treated confidentially and with the utmost seriousness.

2.69 The Whistle-blower's policy can be found here:

<https://barnsley.mbc.moderngov.co.uk/documents/s60691/Confidential%20Reporting%20Policy.pdf>

Department for Transport's Statutory Taxi and Private Hire Vehicle Standards
(Statutory Standards)

2.70 The DfT's Statutory Standards were published in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).

2.71 The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.

2.72 The standards have been set by DfT to address directly the safeguarding of the public and any potential impact of failings in that regard. The Council agrees that the importance of thoroughly considering the standards cannot be overstated.

2.73 The primary focus of the Statutory Standards is on protecting children and vulnerable adults, but all those travelling in a taxi or a private hire vehicle will benefit from the DfT's recommendations which are designed, in the main, to better regulate taxis and private hire vehicles

2.74 Therefore, in this policy, particular regard has been had to the recommendations set out in the DfT Guidance published in July 2020:

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

2.75 The recommendations made in the Statutory Standards Guidance are the result of detailed discussions by DfT with representatives of the trade, regulators and safety campaign groups. DfT therefore expects the recommendations to be implemented by all local authorities, unless there is a compelling local reason not to do so.

2.76 In the interests of transparency, the Council will publish its consideration of the measures contained in the Statutory Taxi and Private Hire Vehicle Standards, and any changes in policy that arise.

2.77 For its part, DfT will be monitoring local authorities to ensure the effectiveness of the standards in achieving the protection of all passengers but particularly children and vulnerable adults.

2.78 The Statutory Standards do not purport to give a definitive statement of the law however, so decision making in individual cases remains a matter for the Council.

[Disclosure and Barring Service \(DBS\): Criminal Record Checks](#)

2.79 The Council is entitled to request an enhanced criminal record certificate check of the barred lists from the DBS for all applicants for a driver's licence or the holders of a driver's licence.

2.80 The Council considers that all individuals applying for or renewing a taxi or private hire driver's licence should be subject to a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check.

2.81 Once licensed, drivers will be required through their conditions of licence to evidence continuous registration with the **DBS update service** so that the Council can routinely check for new information every six months.

2.82 If, as a result of registering for the DBS update service, a conviction or other matter comes to light which might affect the suitability of a driver, it may not necessarily lead to the automatic suspension or revocation of the driver's licence.

2.83 Each case will still be determined on its own individual merits but additional matters the Council may take on board would include:

- a) Whether the conviction(s)/matter in question was disclosed on the driver's application form;
- b) Any failure by the driver to report the conviction(s) to the Council in accordance with the conditions of licence;

2.84 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the Barred List. This means that an individual subject to barring would not be automatically prevented by law from being licensed to drive a taxi or private hire vehicle. However, the Council will take an individual's barred status into account alongside other information available when deciding the suitability of someone to drive members of the public for hire.

2.85 In the interests of public safety, unless there are exceptional reasons for doing so, the Council will not issue a licence to any individual that appears on either Barred List.

2.86 If the Council considers there to be exceptional circumstances in a particular case in which they consider an individual who is named on a Barred List to be 'fit and proper', their reasons for reaching this conclusion will be specifically recorded for transparency.

DBS Referrals by the Council

2.87 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council to make a referrals to the DBS. The power for the Council to make a referral in this context arises from undertaking its safeguarding role.

2.88 DfT recommends that the Council should make a referral to the DBS when it is thought that:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult;
- An individual has satisfied the '[harm test](https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#what-is-the-harm-test)' <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#what-is-the-harm-test>; or,
- Received a caution or conviction for a relevant offence; and
- The they are referring is, has or might in future be working in regulated activity;

2.89 If any of the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a Barred List.

2.90 These referrals may result in the person being added to a Barred List and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is available online:

Gathering and Sharing information

2.91 The Council will consider the full range of information available when making a decision as to whether an applicant is a suitable person to be granted a licence, or whether a licence should be suspended or revoked. Among other things, the Council will also consider, if it is deemed relevant, any information:

- Shared by other local authorities;
- Received from the Council's Safeguarding team;
- Received from any local multi-agency Safeguarding Hub (MASH);
- By way of common law disclosure from the Police;
- Provided by the applicant, or licensee;
- Contained on the NR3 database of refusals and revocations (see below)*

*The Local Government Association (LGA) commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). Tools such as NR3 can be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.

2.92 The simple objective of the NR3 database is to provide a mechanism for licensing authorities to record details of where a taxi or PHV drivers' licence had been revoked, or an application for one refused and the records will be retained for 25 years. This allows licensing authorities to check new applicants for taxi/PHV licences against the register and make an informed decision on whether an applicant is fit and proper based on any previous licensing history.

Sharing licensing Information with other Licensing authorities

2.93 Applicants and licensees are required to disclose to the Council if they hold, or have previously held, a licence with another authority. Similarly, they are required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. The Council's application forms make it clear that making a false statement or omitting to provide the information requested may be a criminal offence.

2.94 The Council will communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision making.

Multi-Agency Safeguarding Hub (MASH)

2.95 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. The **MASH** principles are:

- Information sharing;
- Joint decision making;
- Co-ordinated intervention;

2.96 As part of the South Yorkshire Group of Licensing Authorities, the Council will assist in establishing and facilitating the objectives of a **MASH**, i.e. the sharing of necessary and relevant information between stakeholders. One of the most effective ways to minimise any risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that licensing decisions are made with the fullest knowledge and information.

Working with the Police

2.97 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person so it is important for the Council to have a genuine partnership with the local police to ensure that any relevant information is shared as quickly as possible.

2.98 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can also gain valuable intelligence where necessary from drivers and operators.

Common Law Police Disclosure

2.99 In addition to DBS checks on applicants and licensees, common law police disclosure ensures that where there is a public protection risk, the police are in a position to pass information to the Council which would allow them to act quickly to prevent or mitigate any perceived danger.

2.100 This information is normally passed on at the time of arrest or charge, rather than on conviction, which may be some time after, allowing any preventative measures to be put in place immediately.

2.101 The Council will therefore maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place.

Licensee self-reporting

2.102 All licence holders are subject to conditions requiring them to give written notification to the Council **within 5 working days** of any conviction or caution for any offence, including motoring offences and endorsements.

2.103 It is a further requirement that licence holders must notify the Council in writing, **within 48 hours** of any arrest and release, charge or conviction for any sexual offence, or any offence involving dishonesty or violence. An arrest for any offence may lead to a review of the licence to decide whether the licence holder is fit to continue holding a licence.

2.104 In such cases the Council will have a discretion as to whether the licence should be suspended or revoked. It is for the Council to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

2.105 Failure by a licence holder to disclose an arrest or charge as specified above could be seen as behaviour that questions the honesty and integrity of the licence holder, and consequently the suitability of the person to hold a licence, regardless of the outcome of the initial allegation.

Promoting Equality

2.106 The Public Sector Equality Duty places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: marriage and civil partnership, age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

2.107 In seeking to support a community in which diversity is encouraged, the Council will expect all licensees to take steps to ensure that no person is treated differently on the grounds of race, colour, religion, ethnic or national origins, age (unless an age-related event), sex (unless a single sex event), sexual orientation (unless a gay or lesbian event), or disability, and that the management and practices of operators comply with all race relations, equal opportunities and anti-discrimination legislation.

Educating the Public

2.108 Educating the travelling public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services to stay safe will help to protect all passengers. **Appendix N** to this Policy contains further information on what the public need to do to stay safe when travelling in a taxi or private hire vehicle.

CCTV in licensed vehicles

2.109 DfT recognises that, in certain circumstances, CCTV in licensed vehicles can give confidence and reassurance to both drivers and passengers.

2.110 The issue of whether CCTV should be installed in Barnsley MBC licensed vehicles is something the Council has been keeping under review and will continue to do so. Should local circumstances indicate in future that there is a case for mandating in-car CCTV this will be subject to further consultation.

2.111 In the meantime, the Council will continue to encourage any driver or vehicle proprietor who individually wishes to install CCTV, (meaning an inward facing camera and possible audio recording facilities) in their vehicle. If any drivers wish to install CCTV or a dashcam they should be aware of the requirement to register with the ICO and be aware of the following guidance at <https://ico.org.uk/media/for->

[organisations/documents/1542/cctv-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf) and the Home Office's Surveillance Camera Code of Practice at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf .

2.112 The DfT is currently asking all licensing authorities to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users.

Consultation

2.113 The Council will normally consult on proposed changes in licensing policy that may have significant impacts on passengers and/or the trade.

2.114 The Council also recognises that any decision taken to alter the existing licensing regime could have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas. The Council therefore regularly engages with other authorities in South Yorkshire through regional officer consultation groups and, more formally, councillor liaison meetings.

2.115 Before determining this policy statement, the Council has consulted with the following:

- The Police
- Elected members
- The Local Safeguarding Board
- Taxi and private hire licence holders (or their representatives)
- Representatives of local businesses and residents' organisations
- Public transport providers
- Local Chamber of Commerce / BID
- Local Authority Testing Stations
- Taxi Conversion Companies
- Home to School Transport
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

Conditions of Licence

2.116 The Council will only impose conditions on licenses and certificates which are proportionate and necessary for ensuring the safety and protection of the travelling public. In doing so the Council will aim to strike the right balance and not impose undue or unnecessary burdens on the trade

2.117 Similarly, in developing its Policy the Council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However, nothing in this policy is intended to revoke or replace the need for applicants to act in accordance

with legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

2.118 The Council's current set of licensing conditions are attached as appendices to this policy document.

2.119 The appendices also include the Council's approved byelaws for hackney carriage vehicles and drivers.

Compliance with Conditions and requirements of Licensing Authority

1.120 A written warning will be issued to any driver found to be in breach of any condition of licence. Where a person receives three written warnings in a 12 month period, the person will be asked to attend a hearing of the Licensing Board. Where the breaches could affect public safety the Licensing Board will normally revoke the persons licence.

Barnsley 2040 carbon neutral target

2.121 Whilst not formally part of this Policy the Council will continuously explore any opportunities available through national or regional schemes and initiatives to encourage or incentivise the uptake of electric or hybrid vehicle by the trade, in support of the Councils 2040 carbon neutral target for the Borough. The government offers grants to support the wider use of electric and hybrid vehicles via the Office of Low Emission Vehicles (OLEV). Licensed drivers are encouraged to find out more on [GOV.UK electric vehicle grant scheme](#). Consideration will be given to the numbers and locations of charging points available to the trade. Any future targets for reducing CO2 emissions in licensed vehicles would be subject to further consultation.



BARNSLEY

Metropolitan Borough Council

DRIVERS LICENCES

CONDITIONS OF APPLICATION

(Requirements for Applicants)

All applicants for a private hire / hackney carriage driver licence must satisfy the Council that they are 'fit and proper' people to be granted a driver licence. They must then remain a 'fit and proper' person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

Any reference in these conditions to the "Act of 1976" means the Local Government (Miscellaneous Provisions) Act, 1976, and "the Council" means the Barnsley Metropolitan Borough Council.

Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length of three years for taxi and private hire driver licences.

Shorter duration licences will only be issued if the Council thinks it is appropriate in the specific circumstances of the case, for instance, if a licensee has specifically requested one, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

1. In the case of Private Hire Drivers the Council may, in the circumstances of any particular case, impose such additional conditions as they may think fit;
2. The applicant must satisfy the Council that he is a fit and proper person to hold a licence. All new applicants will be required to complete and pass a specified theory test [online](https://bluelamptrust.org.uk/) and driving assessment prior to the licence being granted (via <https://bluelamptrust.org.uk/> or <https://www.kpcohsp.co.uk/>);
3. Before a driver's licence is granted the applicant must:
 - a. Complete and submit to the Council an application on the form prescribed by the Council;

- b. Submit such further information as the Council may require under Section 57 of the Act of 1976;
- c. Satisfy the Council that he is medically fit to drive a Private Hire Vehicle. For this purpose the applicant shall produce a certificate in the form prescribed by the Council signed by a medical practitioner on first application; at the age of 45 and then every five years until the age of 60 when a certificate will be required annually. Whether or not such a certificate has been produced, the applicant shall, if required by the Council, undergo a medical examination by a registered medical practitioner to be selected by the Council. Holders of HGV or PSV drivers' licences are not required to submit a medical certificate but will be required to produce such licence for inspection;
- d. Complete a satisfactory enhanced Disclosure & Barring Scheme (DBS) check prior to the first licence being granted and sign up to the DBS online checking system;
- e. Satisfy the Council that he has a minimum of 2 years driving experience.
- f. Satisfy the Council he has held for at least twelve months prior to, and is at the date of application, the holder of a driver's licence (not being a provisional licence) granted to the applicant under Part III of the Road Traffic Act 1988 or the corresponding provisions of any later enactment authorising the applicant to drive a motor car. To check if you can drive with a foreign driving licence please visit www.gov.uk/driving-nongb-licence .Such driving licence must be produced with the application;
- g. The driver of a Private Hire Vehicle may not ply for hire;
- h. For Foreign Nationals or for UK citizens who have worked or lived at some point overseas the following will apply:
 - If you have lived outside the UK for a period of 5 years or more, you must provide confirmation of such previous residential addresses, together with a list of previous UK residential addresses within the last five years;
 - In all other cases the applicant should request a Certificate of Good Repute/Letter of Good Conduct from the Embassy of those country/countries. If this is not in English a translation will be required (the translator must be approved by the Licensing Section prior to the translation taking place). Any cost incurred in obtaining relevant certification under this section will be at the applicant's expense. Applicants who are, for whatever reason, unable to provide the required Certificate of Good Repute/Letter of Good Conduct will have their application referred to The General Licensing Sub-Committee for determination;
 - Your identity will be checked against the UK Border Agency records;
 - You will need to prove you have the right to work in the UK

Any changes which might render invalid any of the information on this form, including any part thereof, must be immediately reported to licensing@barnsley.gov.uk;



BARNSLEY

Metropolitan Borough Council

VEHICLE LICENCES

CONDITIONS OF APPLICATION

(Requirements for Applicants)

1.1 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length of one year for taxi and private hire vehicle licences.

1.2 Shorter duration licences will only be issued if the Council thinks it is appropriate in the specific circumstances of the case, for instance, if a licensee has specifically requested one, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

1.3 Hackney Carriage and Private Hire vehicle licences may be applied for by a company or partnership; the Council will apply the 'fit and proper' test to the company as well as any directors or partners in that company or partnership.

1.4 Any changes which might render invalid any of the information on this form, including any part thereof, must be immediately reported to licensing@barnsley.gov.uk;

1.5 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

[Criminal record checks for vehicle proprietors](#)

1.6 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity.

1.7 Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers

are appropriately licensed and so maintain the safety benefits of the licensing regime.

1.8 Enhanced DBS and barred list checks are not available for vehicle licensing, but the Council requires that anyone holding a vehicle licence should be subject to a basic DBS check at least once annually, unless already licensed as a driver or private hire operator.

The Council will treat as valid for this purpose a Basic DBS check that is less than 12 months old.

1.9 Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). The Council will consider whether an applicant or licence holder with a conviction for offences provided (other than those relating to driving), meets the 'fit and proper' threshold.

1.10 The Council acknowledges that in many cases individuals that hold a vehicle license may already be licensed as a driver and/or private hire operator. In those circumstances the Council will not normally require those seeking to licence a vehicle to provide a basic DBS check as part of the application process as it would not provide any additional information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver/operator assessment.

Vehicle Specification

1.11 Hackney carriages and private hire vehicles are subject to much greater annual mileages and more intensive use than normal private vehicles. The resulting accelerated rate of component wear requires a regular and thorough maintenance programme if the vehicle is to remain safe.

1.12 Safety is of paramount importance to the Council, for this reason hackney carriage and private hire vehicles must be inspected by authorised testing stations throughout their service life.

1.13 Every vehicle that is to be used for hackney carriage or private hire work will be inspected by an authorised testing station against the standards laid down in this manual: <https://www.barnsley.gov.uk/media/18840/hackney-carriage-and-private-hire-inspection-and-specification-manual.pdf>. The framework for this manual is provided by the Hackney Carriage and Private Hire National Inspection Standards produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group.

MOT Testing

1.14 Licensed vehicles may now be tested at any one of the DVSA registered garages on the Councils approved list.

1.15 All private hire and hackney carriage vehicles regardless of age, will be MOT tested twice per year. Vehicles which successfully pass both tests first time will have their test requirement reduced to one test per calendar year and remain at this level

unless the vehicle fails its next MOT test, at which point it will return to being tested twice per year.

1.16 If a proprietor replaces his licensed vehicle with a new vehicle that is younger than the currently licensed vehicle or is an electric or hybrid vehicle then the MOT status is maintained at one test per calendar year. However, if the replacement vehicle is older than the existing licenced vehicle the MOT requirement will revert to twice a year.

1.17 For the purposes of licensing a vehicle or renewing a vehicle licence an MOT certificate will only be accepted 4 weeks from the date of the MOT certificate.

Payment

1.18 The compliance centres charge the cost of the test directly to the vehicle driver/operator. There is no income generated on behalf of the Council. The Council is seeking a cost effective but high quality service for drivers and operators.

Location and Number of Centres

1.19 The Council will only approve centres within the Barnsley Council boundary. The Council has authorised fourteen compliance test centres to test Class 4 vehicles. The list of approved garages can be found here:

<https://www.barnsley.gov.uk/services/licensing/taxi-licences/hackney-carriage-and-private-hire-vehicle-licences/>

1.20 The Council reserves the right to vary the number of approved premises to meet the requirement of the efficient provision of compliance testing across the borough.

The geography of the borough and its surrounding urban areas means there is an uneven distribution of drivers and operators. Therefore the Councils' aim is to ensure that an even distribution of centres is applied.

Standard of Service

1.21 In order to ensure consistent and unbiased assessment of professional standards the Council will use the outcomes of the DVSA assessments for all vehicle testing stations. This is a national system overseen by DVSA using fully trained and qualified staff.

1.22 In order to provide the highest standard of service to drivers and operators the Council has selected testing stations given a 'green' status by DVSA.

1.23 The Council will also consider the comments made by DVSA inspectors as part of the routine assessments. Where significant differences are found between the proposal and the inspection, the Council will not enter into a contract and centres may be excluded from submitting future proposals.

Insurance

1.24 It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle;
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward;
- A Private Hire Vehicle requires insurance to cover hire and reward only;
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity;
- When licences are issued following the production of cover note of insurance the Certificate of Insurance must be produced on or before the expiry of the cover note, or a further cover note produced to ensure continuity of insurance. Failure to do so will render the licence void (SUSPENDED);
- In the event of the applicant for a vehicle licence defaulting in payment of fees, the licence automatically becomes void (SUSPENDED);

1.25 As part of its enforcement duties the Council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.



BARNSLEY

Metropolitan Borough Council

OPERATORS LICENCES

CONDITIONS OF APPLICATION

(Requirements for Applicants)

1.1 Any reference in these conditions to the “Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976, and “the Council” means the Barnsley Metropolitan Borough Council.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length of five years for private hire operator licences.

1.3 Shorter duration licences will only be issued if the Council thinks it is appropriate in the specific circumstances of the case, for instance, if a licensee has specifically requested one, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

1.4 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

1.5 As with driver licensing, the objective in licensing private hire operators is to protect the safety of the public, who may be using operators’ premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that the Council can satisfy itself that those who are granted a private hire operator licence also pose no threat to the public, have no links to serious criminal activity, and are therefore fit and proper persons to operate private hire vehicles.

1.6 Although private hire operators may not necessarily have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

1. The Council, before granting an operator's licence, must be satisfied that the applicant is a fit and proper person to hold such a licence;
2. The applicant must pay the appropriate fee to the Council for the licence;

3. Any changes which might render invalid any of the information on this form, including any part thereof, must be immediately reported to licensing@barnsley.gov.uk;

1.7 No person is allowed, in a controlled district, to operate any vehicle as a private hire vehicle unless he holds a current operator's licence under Section 55 of the Act of 1976. This is a separate form of licence from those granted to a proprietor or driver.

1.8 A driver or vehicle proprietor who is also in business on his own account as an operator to invite and accept bookings for a private hire vehicle would also need to obtain a private hire operator's licence. A private hire operator's licence is not required to invite and accept bookings for a hackney carriage.

1.9 Enhanced DBS and barred list checks are not available for private hire operators but the Council will still request a basic disclosure from the DBS on an annual basis. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC).

1.10 The Council will consider whether an applicant or licence holder with a conviction for any offences disclosed (other than those relating to driving), meets the 'fit and proper' threshold. The Council acknowledges that in some cases individuals that are licensed as a private hire operator may already be licensed as a driver.

1.11 Because the Council undertakes DBS checks every six months for its drivers it will not require private hire operators, or those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process since a basic DBS would not provide any information in addition to that disclosed already.

1.12 If the private hire operator licence is in the name of a company or partnership, the Council will apply the 'fit and proper' test to the company in addition to each of the directors or partners in that company or partnership.

[Booking and dispatch staff used by private hire operators](#)

1.13 Private hire drivers are not the only direct contact that users of the service have with private hire operators' staff, for example, contact in the main will usually be with a person or 'dispatcher' taking bookings (be it by phone or in person).

1.14 A dispatcher decides which driver to send to a user, a position that is open to exploitation by those seeking to exploit children and vulnerable adults. In line with recent DfT Statutory Standards it is therefore considered appropriate that any of the operator's staff who have contact with the public and are involved in the booking and dispatching of vehicles, should not present an undue risk to the public or to the safeguarding of children and vulnerable adults.

1.15 In order to satisfy itself that private hire operators are able to demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public, the Council will attach a condition to private hire

operator licences, requiring the operator to, firstly, keep a register of all staff responsible for taking bookings or dispatching vehicles.

1.16 Secondly, the conditions will require operators to evidence that they have had sight of annual Basic DBS checks for all individuals listed on their register of booking and dispatch staff and employment of persons with prior convictions are compatible with the operators own policy on employing ex-offenders. Before individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

1.17 The failure by an Operator to ensure the appropriate checks are carried out may call into question the Operators fitness and propriety.

1.18 The register should maintain records of all those in either a booking or dispatch role to be kept for the same duration as booking records themselves are required to be kept. This will enable cross-referencing between the two records.

1.19 A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register.

1.20 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults and therefore there is a requirement to have sight of basic DBS checks for all those booking and/or dispatching vehicles.



BARNSLEY
Metropolitan Borough Council

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1.1 These are the Standard Conditions attached to a private hire vehicle licence. Breach of these conditions may constitute an offence **under the Local Government (Miscellaneous Provisions) Act 1976**.

1.2 **The commission of any criminal offence could result in the licence being reviewed, which could result in revocation in addition to any criminal prosecution that might be brought by the police, the Council or any other prosecuting authority for the original offence.**

1.3 **In addition, it is an offence under that Act to obstruct an authorised officer or Police Officer in his/her duty.**

1.4 Vehicle proprietors should read these conditions carefully and ensure they understand and abide by them.

1.5 These conditions are to be read in conjunction with the appropriate sections of the Local Government (Miscellaneous Provisions) Act, 1976, Part II.

1.6 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.7 In these Conditions:

- “authorised officer” means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- “the Council” means the Barnsley Metropolitan Borough Council;
- “private hire vehicle” has the same meaning as in the Local Government (Miscellaneous Provisions) Act 1976;

- “licence plate” and “interior licence plate” mean any plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;
- “Proprietor” means the person or persons or body named in this Licence as the Proprietor of the Vehicle and includes a part Proprietor;
- “the vehicle” means the private hire vehicle in respect of which this Licence is issued;

General

1.8 The licensed vehicle can only be driven by a person who is a Barnsley MBC licensed driver.

1.9 The vehicle can only be used for hire for pre-booked journeys made in advance through a Barnsley MBC licensed Private Hire Operator.

1.10 The vehicle cannot be used as a hackney carriage, i.e. by plying, standing, waiting for touting for hire (such activity may constitute illegal plying for hire, whether or not an actual hiring took place).

Notifications

1.11 The proprietor shall notify the Council in writing of any change of his/her address during the period of the Licence within 7 days of such change-taking place.

1.12 The proprietor must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice, warning or reprimand imposed on him/her during the period of the licence.

1.13 Specifically, the proprietor must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence. An arrest or charge for any offence may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.14 Failure to notify the Council could be seen as behaviour that questions the honesty of the proprietor and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

1.15 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

Insurance

1.16 The vehicle must have valid insurance for the purpose of hire and reward, the carriage of passengers and public liability, which must also comply with the requirements of Section 143 of the Road Traffic Act 1988.

1.17 On request by an authorised officer or constable the proprietor must produce a relevant and fully compliant certificate of insurance.

MOT Testing and alterations, modifications to the vehicle

1.18 The licensed vehicle must, when in use as a private hire vehicle, have a current MOT / Statement of Compliance issued by one of the Council's Appointed Garages or any other Testing Station the Council may specify.

1.19 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior written approval of the Council at any time while the licence is in force.

Fixing and display of licence plates

1.20 The Proprietor shall cause the number of the Licence to be fixed and displayed on the vehicle at all times during which the vehicle is used as a private hire vehicle in the manner prescribed in a) and b) below. Such number to be displayed by means of the licence plate/s and the interior licence plate issued by the Council to the Proprietor.

- a) The interior licence plate shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clearly visible to any passengers being conveyed in the vehicle;
- b) Licence plate/s shall be fixed and displayed outside and on the front and rear of the vehicle in a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible;

1.21 All licence plates shall remain the property of the Council and shall be returned forthwith to the Licensing Section of the Council if the Private Hire Vehicle licence expires, is suspended or is revoked.

Vehicle capacity and seatbelts

1.22 The Proprietor shall not allow more passengers to be carried in the vehicle than the maximum number specified on the licence, subject to the availability of an MOT compliant seatbelt for each person carried.

Other signage and operator livery

1.23 The vehicle when working must display on its front doors the words **Private Hire Vehicle Advanced Booking Only**, and must display on the rear offside and near side doors of the vehicle the **operator's trade or business name and telephone number**. No other signs or words whatsoever shall be displayed.

1.24 The "**Private Hire Vehicle Advanced Booking Only**" signage must be in a contrasting colour to the vehicle, be at least 19" x 6" in area and be in a prominent position in the centre of the door panel.

1.25 Except for the signs permitted by law and this condition and without prejudice to the generality of the prohibition upon all other signs it is stated for the avoidance of doubt that the proprietor shall not display, suffer or permit to be displayed on or from the vehicle any word (including the words **taxi** and/or **cab**), sign, notice, mark, illumination or other feature which, having regard to the time and place at which it is displayed and to the circumstances, may suggest to any person that the vehicle is available for the purpose of carrying passengers for hire or reward as a licensed hackney carriage.

1.26 The company name on the door panels must be exactly the same as the name on the operator licence.

1.27 Operator livery shall not be displayed on any part of the vehicle other than the rear nearside and rear offside doors unless prior written authority is obtained from the Senior Licensing Officer.

1.28 No goods or services shall be advertised in, on or from the vehicle.

Requirement to carry a fire extinguisher and first aid kit

1.29 All licensed vehicles must carry a fire extinguisher which must be a minimum of 1kg dry powder type and comply with British Standard EN3. This must be located and securely fixed in an accessible location.

1.30 All licensed vehicles must carry a first aid kit. The contents should contain sufficient items, which would meet any minor emergency.

Regular maintenance checks

1.31 Before the vehicle commences work each day the proprietor must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept on the vehicle for a minimum of 30 days and then for a further six months by the licence holder. On being so required by an authorised officer, the driver of the vehicle shall produce, to that officer, the recorded daily checks kept on the vehicle and the licence holder, on request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

1.32 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition

1.33 The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly

1.34 The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.

1.35 The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage.

Proprietor's responsibility for the driver

1.36 Before the proprietor allows any other person to drive the private hire vehicle, the proprietor must:

- a) Ensure that the driver holds a current Barnsley MBC dual driver's licence; and
- b) Must retain a copy of that driver's licence until such time as the driver ceases to be employed to drive the vehicle;

Use of CB radio and radio scanning devices

1.37 The use of a Citizen Band (CB) transmitter/receiver and the use of radio scanning devices is prohibited and must not be fitted or carried in a licensed private hire vehicle at any time.

Reporting accident damage to the vehicle

1.38 Without prejudice to the Provisions of Section 170 of the Road Traffic Act 1988, the Proprietor of a private hire vehicle licensed by the Council shall report to the Senior Licensing Officer, in writing, as soon as reasonably practicable, and in any case **within seventy two hours** of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle, or the comfort or convenience of persons carried therein.

1.39 Without prejudice to the provisions of the previous condition the Proprietor shall present the vehicle for inspection and testing by or on behalf of the Council within such a period and at such a place within the area of the Council as they may by notice reasonably require provided that the Council shall not under the provisions of this condition require the Proprietor to present the same vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

Transfer of the proprietor's interest in the vehicle

1.40 If the Proprietor transfers his interest in the private hire vehicle he shall **within fourteen days** after such transfer give notice in writing to the Principal Licensing Officer of the Council, specifying the name and address of the person to whom the private hire vehicle has been transferred.

1.41 With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred must supply the Council's licensing office with the information required by the transfer of a private hire vehicle licence application form, within the **period of 14 days** specified in the said section.

Taximeters in private hire vehicles

1.42 If the licensed vehicle is fitted with a taximeter the proprietor shall notify the Council immediately if, for any reason, this meter's seal is broken. Vehicles fitted with a taximeter shall not operate unless the meter is in working condition and has been checked and sealed by an independent qualified engineer supplying or fixing the meter and a written certificate to this effect had been delivered to the Council. "No Smoking" signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.

Parking the vehicle when not carrying passengers

1.43 The licensed vehicle shall not be parked or positioned in such a manner as to cause obstruction on a public highway.

1.44 The licensed vehicle shall not be parked at such 'public' locations or positions whereby the vehicle's appearance makes it look like the vehicle is available for immediate hire or wait / park in a location which may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire.

Vehicles constructed or adapted for wheelchair use

1.45 No person, other than a Barnsley MBC licensed driver who has satisfied the Council of their competency to safely load, unload and secure a wheelchair and its passenger, may drive the proprietor's private hire vehicle. **Notwithstanding** that they are a licensed private hire vehicle driver."

Trailers

1.46 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to a Licensing Officer.

1.47 An additional vehicle licence plate, which shall be obtained from the Council, must be clearly displayed on the rear of any trailer used, this licence plate is in addition to that on the rear of the vehicle.

1.48 The contents of the trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects and where required, the licensed driver must hold the appropriate licence category as issued by the DVLA.



BARNSLEY
Metropolitan Borough Council

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

1.1 These are the Standard Conditions attached to a hackney carriage vehicle licence. Breach of these conditions may constitute an offence **under the Local Government (Miscellaneous Provisions) Act 1976**.

Vehicle proprietors should read these conditions carefully and ensure they understand and abide by them.

1.2 These conditions are to be read in conjunction with the appropriate sections of the Town (police Clauses) Act 1847, the Local Government (Miscellaneous Provisions) Act, 1976, Part II, and the Council's own Hackney Carriage byelaws.

1.3 The commission of any criminal offence could result in the licence being reviewed, which could result in revocation in addition to any criminal prosecution that might be brought by the police, the Council or any other prosecuting authority for the original offence.

1.4 In addition, it is an offence under that Act to obstruct an authorised officer or Police Officer in his/her duty.

1.5 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.6 In these Conditions:

- "authorised officer" means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- "the Council" means the Barnsley Metropolitan Borough Council;
- "hackney carriage" has the same meaning as in the Town Police Clauses Act, 1847;

“licence plate” means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage duly licensed by the Council;

- “Proprietor” means the person or persons or body named in the Licence as the Proprietor of the vehicle;
- “the vehicle” means the Hackney Carriage in respect of which this Licence is issued;

General

1.7 The licensed vehicle can only be driven by a person who holds a Barnsley MBC Dual driver’s licence.

Notifications

1.8 The proprietor shall notify the Council in writing of any change of his/her address during the period of the Licence within 7 days of such change-taking place.

1.9 The proprietor must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice, warning or reprimand imposed on him/her during the period of the licence.

1.10 Specifically, the proprietor must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence. An arrest or charge for any offence may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.11 Failure to notify the Council could be seen as behaviour that questions the honesty of the proprietor and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

1.12 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

Insurance

1.13 The vehicle shall have valid insurance for the purpose of hire and reward, the carriage of passengers and public liability, which must also comply with the requirements of Section 143 of the Road Traffic Act 1988.

1.14 On request by an authorised officer or constable the proprietor shall produce a relevant and fully compliant certificate of insurance.

MOT Testing, alterations and modifications to the vehicle

1.15 Licensed vehicles must, at all times, have a current MOT / Statement of Compliance issued by one of the Council’s Appointed Garages or any other Testing Station the Council may prescribe.

1.16 No material alteration or change in the specification, design, condition, or appearance of the vehicle is made during the period of the Licence without the prior approval of the Council;

1.17 The vehicle must be fitted with glass which is in accordance with current Road Vehicle (Construction and Use) Regulations prescribed in respect of the normal zone of vision. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle. Tinted glass will only be permitted in accordance with the manufacturers or specialist coach builder's specification.

Fixing and display of licence plates

1.18 The Proprietor shall cause the number of this Licence to be fixed and displayed on the vehicle at all times, such number to be displayed in the prescribed manner, set out in a) and b) below:

- a) The interior licence plate shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clearly visible to any passengers being conveyed in the vehicle;
- b) The exterior licence plate shall be fixed and displayed outside on the rear of the vehicle in a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible;

1.19 All licence plates shall remain the property of the Council and shall be returned forthwith to the Licensing Section of the Council if the Hackney Carriage licence expires, is suspended or is revoked.

Types of vehicle, signage and advertising

1.20 Any vehicle other than a purpose built hackney carriage shall be white with black bonnet and boot, subject to the discretion of the Senior Licensing Officer. Purpose built vehicles must be black. A roof sign of the design approved by the Council must be displayed.

1.21 The vehicle shall display on the external surface of the front doors the Barnsley Metropolitan Borough Council crest and the wording "Barnsley Metropolitan Borough Council Licensed Hackney Carriage" any other sign or marking shall be at the discretion of the Council.

1.22 The Proprietor shall not allow more passengers to be carried in the vehicle than the maximum number specified on this licence, subject to the availability of a useable seatbelt for each person carried.

Requirement for fire extinguisher and first aid kit to be carried

1.23 The Proprietor shall cause to be carried on the vehicle an efficient fire extinguisher of a make and type approved by the Council and suitable for use on motor vehicles such extinguishers to be fixed on the vehicle in such a position as to be readily available for use and maintained in good working order at all times.

1.24 All licensed vehicles must carry a first aid kit. The contents should contain sufficient items, which would meet any minor emergency.

Taximeters

1.25 The vehicle shall be equipped with a taximeter, it shall not be used for hire unless such taximeter has been tested and approved by or on behalf of the Council.

1.26 Any person who:

- Tamper with any seal on any taximeter without lawful excuse or alters any taximeter with intent to mislead; or knowingly causes or permits a vehicle of which he is the Proprietor to be used in contravention of sub-section (1) of Section 71 of the Local Government (Miscellaneous Provisions) Act 1976 shall be guilty of an offence.

1.27 Where a replacement or new taximeter is fitted to a Hackney Carriage it must be calendar controlled compliant.

1.28 Any authorised officer of the Council or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney-carriage licensed by the Council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney-carriage or as to the accuracy of the taximeter he may by notice in writing require the Proprietor of the hackney-carriage to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:-

1.29 Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months; the said licence shall, by virtue of this section, be deemed to have been revoked.

Reporting accident damage to the vehicle

1.30 The Proprietor of a Hackney Carriage vehicle licensed by the Council shall report to the Principal Licensing Officer, in writing, as soon as reasonably practicable, and in any case within seventy two hours of the occurrence thereof, any accident to such vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

1.31 Without prejudice to the provisions of the previous condition the Proprietor shall present the vehicle for inspection and testing by or on behalf of the Council within such a period and at such a place within the area of the Council as they may by notice reasonably require provided that the Council shall not under the provisions of this condition require the Proprietor to present the same vehicle for inspection and testing on more than three separate occasions during any one period of twelve months

Transfer of interest in the vehicle

1.32 If the Proprietor transfers his interest in the Hackney Carriage he shall **within fourteen days** after such transfer give notice in writing to the Principal Licensing Officer of the Council, specifying the name and address of the person to whom the vehicle has been transferred.

1.33 With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred must supply the Council's licensing office with the information required by the transfer of a private hire vehicle licence application form, within the **period of 14 days** specified in the said section.

Regular maintenance checks

1.34 Before the vehicle commences work each day the proprietor must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept on the vehicle for a minimum of 30 days and then for a further six months by the licence holder. On being so required by an authorised officer, the driver of the vehicle shall produce, to that officer, the recorded daily checks kept on the vehicle and the licence holder, on request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

1.35 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition.

1.36 The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly.

1.37 The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage.

1.38 The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.

Proprietor's responsibility for the driver

1.39 Before the proprietor allows any other person to drive the private hire vehicle, the proprietor must:

- a) Ensure that the driver holds a current Barnsley MBC dual driver's licence; and
- b) Must retain a copy of that driver's licence until such time as the driver ceases to be employed to drive the vehicle;

CB Radios

1.40 A Citizen Band radio may only be installed or used in the vehicle subject to the following:

- a) That permission for the installation or use of C.B. radios in the vehicle may be withdrawn by the Principal Licensing Officer at any time without notice;
- b) That only mid-band C.B. radios shall be installed or used in the vehicle;
- c) The C.B. radios shall only be used to advise other Hackney Carriage drivers of the availability of ranks or to summon help in any emergency;
- d) No information about the identity and/or home address of any customer or passenger shall be issued in a C.B. radio transmission;
- e) No obscene, offensive or abusive language shall be used;

Parking

1.41 No Driver or Proprietor shall contravene parking restrictions whilst using or being in charge of the vehicle.

Smoking

1.42 'No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.

Re-inspections

1.43 If a licensed vehicle fails an MOT test the vehicle licence will be immediately suspended until the vehicle has been rectified to the satisfaction of the testing station and the MOT standards.

Parking the vehicle when not carrying passengers

1.44 The licensed vehicle shall not be parked or positioned in such a manner as to cause obstruction on a public highway.

Vehicles constructed or adapted for wheelchair use

1.45 No person, other than a Barnsley MBC licensed driver who has satisfied the Council of their competency to safely load, unload and secure a wheelchair and its passenger, may drive the proprietor's private hire vehicle. **Notwithstanding** that they are a licensed private hire vehicle driver."

NB *This condition applies to all licences issued on or after 1st January 2011, where the vehicle is constructed or adapted for wheelchair use and applies at all times irrespective of whether or not the vehicle is carrying passengers.*

Trailers

1.46 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to a Licensing Officer.

1.47 The vehicle licence plate must be clearly displayed on the rear of any trailer used, this licence plate is in addition to that on the rear of the vehicle.

1.48 The contents of the trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects and where required, the licensed driver must hold the appropriate licence category as issued by the DVLA.



BARNSLEY
Metropolitan Borough Council

Appendix F

DUAL DRIVER LICENCE CONDITIONS

1.1 These are the Standard Conditions attached to a dual driver's licence. Breach of these conditions may constitute an offence under the Local Government (Miscellaneous Provisions) Act 1976. Drivers should read these conditions carefully and ensure they understand and abide by them.

1.2 These conditions are to be read in conjunction with the appropriate sections of the Local Government (Miscellaneous Provisions) Act, 1976, Part II, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws.

1.3 The Council has a separate set of byelaws which govern the use of a hackney carriage by drivers which are contained in **Appendix H** of the Council's Taxi and Private Hire Policy.

1.4 Failure to comply with any of the conditions attached to this licence may result in the suspension or revocation of the licence to drive a private hire vehicle.

NB Although a 'dual' licence authorises a driver to drive both a private hire vehicle and a hackney carriage, these conditions only apply to the driver's use of a private hire vehicle.

1.5 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

1.6 The Local Government (Miscellaneous Provisions) Act, 1976, s 57(2)(a), allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a hackney carriage or private hire driver's licence should be granted and whether conditions should be attached.

1.7 The driver shall at all times when driving a private hire vehicle carry a copy of these conditions and shall make it available for inspection by the hirer or any other passenger(s) on request.

1.8 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.9 In these Conditions:

- "authorised officer" means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- "the Council" means the Barnsley Metropolitan Borough Council;
- "driver" means a driver licensed by the Council to drive a hackney carriage or private hire vehicle
"private hire vehicle" has the same meaning as in the Local Government (Miscellaneous Provisions) Act 1976;
- "hackney carriage" has the same meaning as in the Town Police Clauses Act, 1847;
- "road" means any highway or road to which the public has access, including bridges over which a road passes;

General

1.10 The driver's licence is issued in respect of the person whose details are printed on the licence and is **non-transferable**. If at any time during the period of the Licence the holder does not wish to retain any of the Licenses, they may surrender the Licenses to the Licensing Office at the Council. Until surrender, the driver remains bound by these Conditions.

1.11 The driver must not carry more passengers than the number prescribed in the licence for the vehicle, regardless of the age or size of the passenger.

Accepting bookings for a private hire vehicle

1.12 The driver cannot accept a private hire vehicle hiring unless it is **pre-booked in advance** through a Barnsley MBC licensed private hire operator

Fares

1.13 The driver cannot charge more than the fare agreed with the operator or displayed on the meter.

1.14 The driver must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.

1.15 Upon request by the hirer, the driver shall provide a receipt for the hiring, showing the date and fare paid, and shall be signed by the driver. Any such receipt shall also be in a form as to identify the driver or operator with whom the hiring was made

Notifications

1.16 The driver shall notify the Council in writing of any change of his/her address during the period of the Licence within 7 days of such change-taking place.

1.17 The driver must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice, warning or reprimand imposed on him/her during the period of the licence.

1.18 Specifically, the driver must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest or charge for any offence may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.19 Failure to notify the Council could be seen as behaviour that questions the honesty of the driver and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

Touting or soliciting

1.20 The driver shall **not** while driving or in charge of a **private hire vehicle**:

- a) Tout or solicit on a road or other public place for the purpose of hire and reward or to be carried for hire in any private hire vehicle;
- b) Cause or procure any other person to tout or solicit on the road or the public place to hire or be carried for hire in any private hire vehicle;
- c) Offer that vehicle for immediate hire while the driver or the vehicle is on a road or located within a public place;
- d) Accept an offer for the immediate hire of that vehicle while the Licence Holder or that vehicle is on the road or located within a public place, except where such an offer is first communicated to the Licence Holder by telephone or by apparatus for wireless telegraphy fitted to that vehicle;

The driver's badge

1.21 The driver shall at all times when acting in accordance with this licence, wear in such a position as to be plainly and distinctly visible the badge issued to him/her by

the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976. Hanging from the internal mirror is not acceptable.

1.22 The driver's badge shall remain the property of the Council and if their licence is revoked or not renewed he/she shall return the badge to the Council within ten working days subject to the exercise by the licensee of any rights of appeal in respect of such decision in which event they may retain possession of the badge pending the outcome of such appeal.

1.23 The driver must report the loss of their driver badge and or licence to the Council as soon as such loss becomes known. The driver badge remains the property of the Council and should be returned on expiry of the licence or surrendered on demand of an authorised officer of the Council or Police Constable.

Driver's conduct

1.24 The driver must at all times operate in a professional manner and comply with the Council's Code of Good Conduct (see **Appendix N** of this Policy).

1.25 The driver must at all times be smart, clean and respectable in his / her dress and person, and behave in a polite and courteous manner to passengers and other members of the public and road-users alike.

1.26 The driver must take all reasonable steps to ensure the safety and comfort of all passengers being transported in, entering, and leaving the vehicle and offer all reasonable assistance with any luggage or other baggage that the passenger may have.

1.27 The driver must not eat or drink in his / her Vehicle whilst carrying fare paying passengers.

1.28 The driver is not allowed to carry his/her own dog in a private hire vehicle whilst it is in use as a licensed vehicle.

1.29 The driver must not without the consent of the hirer play any radio, cassette or CD player or allow any of the equipment to cause annoyance to any person, whether inside or outside the private hire vehicle;

1.30 The driver must not sound the horn of their vehicle to notify the passenger of his / her arrival. The sounding of the horn is only to be used within the guidelines as set out in the appropriate legislation and the Highway Code.

Insurance

1.31 The driver must make sure that any private hire vehicle or hackney carriage they drive has a valid insurance certificate which covers themselves to drive before they do so (a copy of which must be deposited with the operator) and a valid certificate of compliance (or MOT) for the vehicle.

Regular maintenance checks

1.32 There is a requirement on vehicle proprietors to make regularly safety checks of their vehicles. In many cases, the proprietor will also be the driver. However, where the driver of a vehicle is not the proprietor then the driver is required by these conditions to undertake safety and other basic checks each day before the vehicle is used for private hire purposes.

1.33 Before the vehicle commences work each day, the driver must take steps to ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended.

1.34 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition

1.35 The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly

1.36 The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage;

1.37 The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.

1.38 The driver must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept on the vehicle for a minimum of 30 days and then for a further six months by the licence holder. On being so required by an authorised officer, the driver of the vehicle shall produce, to that officer, the recorded daily checks kept on the vehicle and the licence holder, on request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

Reporting accident damage

1.39 The driver must immediately report to their operator and the vehicle proprietor the occurrence of any accident / incident involving their licensed vehicle, whether or not any damage materially affecting the safety, performance or appearance of the vehicle has occurred.

Maintaining medical fitness to drive

1.40 The driver must immediately report to their operator (if someone other than themselves) and the Council of any changes in his / her medical condition, whether such change should result from aging, illness, injury or any other cause and includes any deterioration of eyesight, diabetes or any other condition or illness

1.41 If the driver cannot satisfy the required medical standards, they may not be entitled to drive any vehicle and so their private hire or hackney carriage drivers licence could be subject to suspension, revocation or not renewed.

Carrying passengers with a disability

1.42 The driver must carry a guide dog or other assistance dog belonging to a passenger free of charge unless the driver has a certified medical condition that would preclude such action **and** has been given a Medical Exemption Certificate from the Council.

1.43 Such a certificate must be carried by the driver at all times when driving a private hire vehicle.

1.44 A driver of a wheelchair accessible vehicle must before the commencement of any journey ensure that all wheelchairs are firmly secured and that the brakes of all wheelchairs have been applied.

1.45 If, for some reason, a passenger in a wheelchair cannot be secured properly using the appropriate equipment installed in the vehicle, the driver must arrange with the operator for a suitable alternative vehicle to be provided for the safe passage of the hirer.

Vehicles constructed or adapted for wheelchair use

1.46 No person, other than a Barnsley MBC licensed driver who has satisfied the Council of their competency to safely load, unload and secure a wheelchair and its passenger, may drive the proprietor's private hire vehicle. **Notwithstanding** that they are a licensed private hire vehicle driver."

Use of CB radio, radio scanning devices and other mobile communications

1.47 The use of a Citizen Band (CB) transmitter/receiver and the use of radio scanning devices in any private hire vehicle is prohibited. Such equipment must not be fitted or carried in a licensed private hire vehicle at any time.

1.48 The driver must not use any handheld communications or navigation devices or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving. All Communications Devices must be securely fitted within the vehicle and appropriately located as to not interfere with operation of the vehicle.

Smoking in the vehicle

1.49 The Smoke Free Regulations 2007 state that any private hire or hackney carriage vehicle shall be smoke free if used by a member of the public whether or not for hire and reward.

1.50 A driver is not allowed to smoke in their vehicle **at any time** or permit any other person to smoke in their vehicle, whether they are working or not. Under the Health Act 2006 all private hire / hackney carriage vehicles are required to be smoke-free **at all times** even when not being used for work purposes.

1.51 'No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution

1.52 The use of electronic / vapour cigarettes is also **not** permitted to be used in a licensed vehicle.

Punctuality

1.53 The licensed driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

Parking

1.54 The driver shall not park or position the vehicle in such a manner as to cause obstruction on a public highway.

1.55 The driver of a private hire vehicle shall not park the vehicle at such 'public' locations or positions whereby the vehicle appears as if it is available for immediate hire. Similarly, the driver must not wait or park in a location, especially near to a place of entertainment hospitality or leisure which may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire.

Lost Property

1.56 At the end of every journey the driver shall carefully search the vehicle for any property which may have been accidentally left in the vehicle. If the driver finds any such property, or it is handed by any other person carried in the vehicle, the driver must hand the property over to the Operator with whom the booking was made.



BARNSLEY
Metropolitan Borough Council

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

1.1 Any reference in these conditions to the “Act” means the Local Government (Miscellaneous Provisions) Act 1976. The operator shall comply with all relevant statutory requirements contained in Part II of the Local Government (Miscellaneous Provisions) Act, 1976.

1.2 The Licence is issued in respect of the person(s) and premises whose details are named on the licence, and is non-transferable. If at any time during the period of the licence the operator for any reason does not wish to retain the Licence, the licence may be surrendered to the Licensing Officer at the Council.

1.3 Failure to comply with any condition may also constitute an offence under Section of the Local Government (Miscellaneous Provisions) Act 1976.

1.4 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.5 In these Conditions:

- “authorised officer” means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- “the Council” means the Barnsley Metropolitan Borough Council;
- “operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;
“vehicle” means the private hire vehicle in respect of which a private hire vehicle licence has been issued, and has the same meaning as in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976

General

1.6 Every contract for the hire of a licenced private hire vehicle is deemed to be made with the operator who initially accepts the booking for that vehicle whether or not he/she provides the vehicle.

1.7 No person holding a Section 55 operators licence may operate a private hire vehicle without that vehicle and its driver each being licenced separately by Barnsley MBC.

1.8 The Operator can only operate vehicles and drivers licensed by Barnsley MBC.

1.9 The Operator must not allow the use of unlicensed drivers or vehicles under any circumstances.

1.10 It is the responsibility of the operator to obtain appropriate planning, building control or any other relevant permission in respect of the premises.

Notifications

1.11 The operator shall notify the Council in writing of any change of his/her address during the period of the Licence within 7 days of such change-taking place.

1.12 The operator must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice, warning or reprimand imposed on him/her during the period of the licence.

1.13 Specifically, the operator must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence. An arrest or charge for any of the offences listed above may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.14 Failure to notify the Council could be seen as behaviour that questions the honesty of the operator and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

1.15 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

Requirement to keep records of vehicles and drivers

1.16 The operator shall keep comprehensive records of all licensed drivers including any hackney carriage driver undertaking private hire work, such as:

- The licensed driver's full name;

- Current address;
- Telephone number – mobile and home;
- Copy of the driver's DVLA licence;
- The driver's licence issued by Barnsley MBC;
- The vehicle licence;
- Vehicle details, i.e. make, model, colour, registration number;
- Vehicle identification documentation i.e. MOT, insurance certificate(s) / cover notes. Copies of these documents will demonstrate continuing insurance cover;
- The date when the driver began working for the operator and subsequently the date they stopped;
- Driver's call sign (if any);

1.17 All records kept by the operator shall be produced upon request to an authorised officer of the Council or Police Officer.

1.18 All records kept by the operator shall be kept for a period of 12 months following the date of the last entry.

1.19 The operator shall ensure that a full up to date list of drivers and vehicles working for the company is completed and presented to the licensing team when requested by the licensing office.

Records to be kept of each booking

1.20 The operator must keep a true and proper record of every booking of a private hire vehicle invited or accepted by him.

1.21 The record shall either be kept in a suitable book with consecutively numbered pages, or a proprietary computer booking and dispatch system.

1.22 Either way, the operator must, before each journey commences, enter the following:

1. The name of the passenger;
2. Date and time the booking was received;
3. The pick-up point;
4. The destination address;
5. How the booking was made, i.e. in person, by telephone;
6. The fare, if agreed, for the journey;
7. Name of the dispatcher unless dispatch carried out by computerised system;
8. Time the vehicle was despatched;
9. The name of the driver (including call identification)
10. The driver's licence number;
11. The vehicle registration number of the vehicle (including call sign);
12. The daily start for each driver;

1.23 In addition, the daily finish time of each driver should also be recorded.

Employment of ex-offenders

1.24 The operator is required to evidence that they have had sight of annual Basic DBS checks for all individuals listed on their register of booking and dispatch staff and employment of persons with prior convictions are compatible with the operators own policy on employing ex-offenders. Before individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

Insurance

1.25 Operators must make sure that all hackney carriages and private hire vehicles operated are fully insured for use as a hackney carriage or a private hire vehicle at all times and has a valid Certificate of Compliance and a valid licence in force.

Retention and display of licence

1.26 The operator licence holder shall at all time keep on public display at the premises from which he/she operates, a copy of the Licence.

1.27 If the public do not have access to the premises, the operator shall produce the licence issued to him/her by the Council, upon request by an authorised officer.

Conduct of Operator

1.28 The operator shall provide a prompt, efficient, and reliable service and for this purpose shall in particular:

1.29 Ensure that when a vehicle has been booked, the driver and vehicle attend at the appointed time and place punctually, unless unforeseeably delayed or prevented by sufficient cause. If there is a known delay, the customer should be informed of this as soon as possible;

1.30 Ensure that all drivers, when working, are presentable and wearing their driver badge. All vehicles should be clean, roadworthy and that the vehicle licence plate issued by the Council is affixed to the vehicle in such a manner and position as prescribed by the Council.

1.31 The Operator shall not permit or encourage drivers to wait in any private hire vehicle at such 'public' locations or positions whereby the vehicle's appearance makes it look like it is available for immediate hire and / or its location may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire (which may or may not result in an actual hiring) which, had the driver / vehicle not been at that location, might not otherwise have been requested.

1.32 The operator, controller(s), driver(s) or anyone else connected with the business must not refuse a booking or otherwise discriminate against a customer or

other member of the public either directly or indirectly on the grounds of gender, age, marital status, social class, race colour, ethnic or national origin, religion, disability (including the carrying of assistance animals) or sexual orientation.

Advertising

1.33 The operator shall not cause any advertisement in respect of his / her business or the vehicles used for that purpose to include the words '**taxi**' or '**cab**', whether in the singular or plural, or any such other words that may be similar in meaning or appearance to either of those words, whether alone or as part of another word(s).

1.34 In addition to this requirement the operator should use best endeavours to ensure the vehicle when working must display on its front doors the words **Private Hire Vehicle Advanced Booking Only** and must display on the rear offside and near side doors/panel of the vehicle the operator's trade or business name and telephone number. No other signs or words whatsoever shall be displayed.

1.35 The "**Private Hire Vehicle Advanced Booking Only**" signage must be in a contrasting colour to the vehicle, be at least 19" x 6" in area and be in a prominent position in the centre of the door panel.

1.36 The operator shall not cause or permit any licensed vehicle operated by him / her / the company to display operator livery that has not been approved by the Council in writing.

Sub-contracting

1.37 Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed operator holding a private hire Operators licence granted by another local authority. **A booking must not be sub-contracted directly to a licensed driver.**

1.38 The operator must advise the customer that the booking is being sub-contracted to another licensed operator and provide the customer the details of that licensed operator

NB If a journey is sub contracted to another operator the details above must still be recorded and kept in accordance with these conditions by the operator who took the initial call.

1.39 The operator shall at all times have valid Employers' Liability Compulsory Insurance in place and Public Liability Insurance. A copy of both of these certificates shall be displayed on the premises where the public can view them.

Complaints

1.40 The operator must have a complaints procedure in place, which can be audited and checked by the licensing authority at any time on request.

1.41 Any complaints made against the operator, driver(s), vehicle(s), or any other aspect of the business, must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.

1.42 Any complaint received should show what action has been undertaken and if the complaint has been resolved. There must be in place a complaint / procedure policy giving details of what procedures will be followed if a complaint is made. This document must be made available for inspection by an authorised officer.

1.43 At the request of the Council, an operator must produce at a date to be agreed, all records of complaints received during that period of time.

1.44 All records shall be kept for a period of not less than 1 year from the date of the last entry and any records stored electronically must be capable of being downloaded and/or printed.

1.45 All complaints of a serious nature should be reported to the Licensing Officer within 24 hours.

Lost Property

1.46 The operator shall keep a record book of particulars of any property accidentally left in a vehicle. Items found containing personal data should be reported to the issuing authority i.e., DVLA (Driving Licence), Home Office (Passport), Bank Card, (issuing bank), if you are unable to do this, the property can be handed in to the Police. In any event, it is the Operator's responsibility to make reasonable efforts to trace the owner.



BARNSELEY
Metropolitan Borough Council

BYELAWS IN RELATION TO HACKNEY CARRIAGE DRIVERS AND VEHICLES

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Metropolitan Borough of Barnsley with respect to hackney carriages in the Metropolitan Borough of Barnsley.

Interpretation

1. Throughout these byelaws:
 - a. “the Council” means the Council of the Metropolitan Borough of Barnsley;
 - b. “the District” means the Metropolitan Borough of Barnsley;

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2.
 - a. The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
 - b. A proprietor or driver of a hackney carriage shall:-
 - i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible;

Provisions of regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
 - a. Provide sufficient means by which a person in the carriage may communicate with the driver;

- b. Cause the roof or covering to be kept water-tight;
 - c. Provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d. Cause the seats to be properly cushioned or covered;
 - e. Cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - f. Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g. Provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h. Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - i. Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
 - j. Furnish the carriage with an efficient lamp so constructed and affixed as to afford sufficient lighting for the interior of the carriage;
 - k. The proprietor of a hackney carriage shall cause the carriage to be fitted with a sign which bears the words "**FOR HIRE**" in letters two inches in height and is fitted with the means whereby these words may be electrically illuminated; such sign shall be fitted in the centre at the front of the canopy of the carriage in such a manner that the aforesaid words are clearly and distinctly visible and legible at all times when the sign is illuminated;
 - l. The driver of a hackney carriage shall cause any sign bearing the words "**FOR HIRE**" which is affixed on the carriage in accordance with the requirements of the foregoing byelaw to be electrically illuminated so as to be clearly visible both by day and by night at all times when the carriage is standing or plying for hire within the district, but not hired;
4. The proprietor of a hackney carriage shall within twelve months of the date of confirmation of these byelaws cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-
- a. The taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "**HIRED**" to appear on the face of the taximeter;
 - b. Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c. When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - d. The word "**FARE**" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e. The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;

- f. The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
5. The driver of a hackney carriage provided with a taximeter shall:-
 - a. When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b. As soon as carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "**HIRED**" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c. Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer;
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - a. Proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - b. If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c. On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d. From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - e. When the first carriage on the stand remain with the carriage and be ready to be hired at once by any person;
8. The driver of a hackney carriage shall not, save with the express consent of the hirer, smoke at any time whilst the carriage is occupied by a passenger or passengers;
9. A proprietor or driver of a hackney carriage shall not use or permit the carriage to be used or occupied by any person for any indecent immoral or improper purpose;
10. The driver of a hackney carriage who is standing or plying for hire shall at any time when required by any person produce a copy of these byelaws;
11. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose;

12. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle;
13. The proprietor or driver of a hackney carriage who has agreed or had been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place;
14. The driver of a hackney carriage when hired to drive to any particular destination, shall subject to any directions given by the hirer, proceed to that destination by the shortest available route;
15. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage
16. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible;
17. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - a. Convey a reasonable quantity of luggage;
 - b. Afford reasonable assistance in loading and unloading;
 - c. Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person;
18.
 - a. The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaws in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures;
 - b. The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire;

[Proprietors securing the safe custody and redelivery of property accidentally left in hackney carriages and fixing the charges to be made in respect thereof](#)

19. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein;
20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
 - a. Take the property as soon as practicable to a Police Station within the Barnsley Borough area;
 - b. Be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds;

Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each date during which the offence continued after the conviction therefore.



BARNSLEY

Metropolitan Borough Council

DETERMINING DISPENSATIONS FROM THE DISPLAY OF PRIVATE HIRE VEHICLE LICENCE PLATES

1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that the Council must issue a private hire vehicle licence with an identity plate or disc and that the proprietor should not use, or permit the use of that vehicle without displaying the plate in the manner prescribed by the Council.

1.2 The Act also gives the Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle in certain circumstances.

1.3 The clear identification of a licensed vehicle is considered a crucial safety aspect, particularly when visiting such places as airports and the centres of large towns. Each application for a dispensation will therefore be considered on its own merits with the overriding consideration being the safety of the public.

1.4 Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the vehicle proprietor to the Council. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor. Dispensations will normally be granted only where the work is carried out mainly or wholly outside the Borough. Journeys conducted wholly or mainly within the Borough will not normally be granted a dispensation unless there are exceptional reasons to do so.

1.5 The type of vehicle that might be considered appropriate for dispensation will, by necessity be of the 'luxury' or 'executive' type and will need to be in immaculate condition both inside and out with no visible defects or marks. Photographs of the proposed vehicle will normally be requested as part of the application.

1.6 The type of work which would be considered for the grant of a dispensation would be termed 'executive style' and, although not limited to, could include:

- a) Contracts with senior personnel of large companies to carry a managing director or their clients;

- b) Contracts with national or local government, or similar agencies, to carry senior personnel and guests on official business;
- c) The carriage of well-known personalities such as sports stars or other celebrities

1.7 The Council expects that vehicles proposed for exemption will be engaged solely or substantially in the provision of the above type of executive work or similar. Other situations will be considered on their individual merits. Applicants may be required to provide further details and supporting documentation, for example, a business plan including contracts and the reasons for requiring exemption from displaying the normal private hire markings.

1.8 Where a dispensation is granted the vehicle must not display any indication that it is a private hire vehicle. This includes window/door stickers, advertising, company names, telephone, numbers and web site addresses or any form of advert or display that indicates that the vehicle is a private hire vehicle or is available for future hire.

1.9 Drivers of vehicles that have been granted dispensations will be expected to be dressed smartly at all times i.e. suit and tie, tailored dress etc.

1.10 For vehicles that qualify for a dispensation, the following additional conditions will apply:

1. The vehicle will be luxurious and of a higher specification than standard model vehicles. It should be relatively new, ideally under 3 years old (*though age will not preclude the licensing of a vehicle in exceptionally good condition*) and be of suitable size, appearance and design;
2. All bookings requiring an exempt vehicle must be made by way of a written contract. Such contracts must be in place for no less than 24 hours prior to the commencement of the journey. Written contracts shall be made available for inspection by an Authorised Officer or Police Constable at any reasonable time and be retained for a period of not less than 12 months;
3. Exempt Vehicles that conduct Private Hire work without a written contract in place as per condition 2 above could have their exempt vehicle status withdrawn. They will then be required to display the Council's standard Private Hire Vehicle Licence plates both internally and externally on the vehicle;
4. Exempt Vehicles shall not display any external markings e.g. operator details or advertisements;
5. Vehicles will be required to display the rear license plate mounted internally to the boot lid and the vehicle's front licence plate should be carried in the front passenger glove box indicating that the vehicle is a licensed private hire vehicle with the Council;
6. A paper copy of the private hire vehicle and Exemption Notice must also be carried within the vehicle and must be available for inspection (on request) by any interested party;
7. The hirer must be advised in advance of the journey that the vehicle dispatched to collect them will not be displaying the standard private hire vehicle licence plates;

8. A vehicle which is awarded exemption remains a licensed private hire vehicle and, as such, can only be driven by a Council licensed private hire driver and booked in advance through a Council licensed private hire operator;
9. While the licensed vehicle is covered by the dispensation, the vehicle must not undertake any “regular” private hire work;

NB Any breach of the exempt vehicle conditions could result in the vehicle having its exempt vehicle status withdrawn and the vehicle must then display the private hire vehicle licence plate.



BARNSLEY
Metropolitan Borough Council

Policy Guidance to Assist with the Assessment of Suitability with regard to all Private Hire Driver, Private Hire Vehicle Proprietor, Hackney Carriage Driver, Hackney Carriage Vehicle Proprietor and Private Hire Operator Licences

(This suitability guidance has been adopted from the Institute of Licensing)

**Version 6
Revised – June 2021**

Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which

serves the public interest in consistency, certainty and confidence in the system of licensing.

Adherence to the guidance may also provide protection to licensing authorities on appeal. The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Chapter 1: Introduction

1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.

1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.

1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.

1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti-Fraud Network database on refusals and revocations of hackney carriage and private hire licences.

1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.

1.7 A licensing authority policy can take a 'bright line approach' and say “never” in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds v Security Industry Authority)*.

1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.

1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.

1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

Chapter 2: Offenders and Offending – An Overview

2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'. With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a “fit and proper person” to hold a licence.

2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.

2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of reoffending and harm. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

2.6 Flaud noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place.

2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.

2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%. It is also widely accepted that generally persons with a large

number of previous offences have a higher rate of proven reoffending than those with fewer previous offences.

2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.

2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

Risk of re-offending

2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time".

2.22 Kurlychek, 2007 in her study noted that "a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age".

2.23 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males.

2.24 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some

individuals may never desist. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.

2.25 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”.

2.26 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

Chapter 3: ‘Taxi’ Licensing Overview

3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver’s hands.

3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.

3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT “*Taxi and Private Hire Licensing – Best Practice Guide*” para 8 which states: “The aim of local authority licensing of the taxi and PHV trades is to protect the public.”

3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.

3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.

3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.

3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

Taxi Drivers

3.10 The term “taxi driver” encompasses two different occupations: hackney carriage drivers and private hire drivers. “Taxi driver” is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person.

3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

3.13 An applicant must also have the right to remain, and work in the UK.

3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.

3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*. Silber J said:

“... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record,

their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”

3.16 This is reflected in a test widely used by local authorities: ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’

3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers’ licence?

3.19 The local authority has the power to require an applicant to provide: “such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.” This “information” can include any pre-conditions or tests that they consider necessary.

3.20 Some of these are universal, such as medical assessments. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks and to provide this to the Licensing Authority. All

Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.

3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability.

3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.

3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.

3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.

3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person.

3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-

booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?

3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.

3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.

3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an

interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

3.47 A suitable test would be:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”

Chapter 4: Guidance on Determination

4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and

private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks
- Specifications, e.g. minimum number of doors, minimum seat size, headroom, boot space;
- Mechanical tests and tests of the maintenance of the vehicle, e.g. ripped seats;
- Emission limits / vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti-Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographical area;
- Spoken and written English tests;
- Disability awareness training;
- Child Sexual Exploitation and Safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government

(Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.

4.9 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership is "safe and suitable" to hold the licence.

4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not

connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not

take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

[Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving](#)

4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

[Other motoring offences](#)

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

[Hackney carriage and private hire offences](#)

4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

[Vehicle use offences](#)

4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

[Compliance with Conditions and requirements of Licensing Authority](#)

4.46 The Licensing Board may take into account a person's history whilst holding a licence, from this or any other authority. The Licensing Board may take into account,

in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with licence conditions and their willingness to cooperate with the reasonable requests of Licensing Officers. Where a person received three formal warnings for an offence or breach of licence conditions in a 12-month period, the person will be asked to attend a hearing of the Licensing Board. Where these breaches could affect public safety, for items such as failure to complete daily vehicle checks, defective tyres, incorrect signage, the Licensing Board will normally revoke the persons licence.

Private Hire Operators

4.47 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

4.48 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.49 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.50 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

4.51 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

4.52 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.53 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.54 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.55 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.



BARN斯LEY
Metropolitan Borough Council

Driver Badge Application Checklist

Hackney Carriage and Private Hire Driver Theory Test Guidance

1.1 This Guide has been compiled to assist you in preparing for the Taxi Theory Test. Take some time to digest the contents and learn the relevant legislation, conditions and locations so that you have the best possible chance of being successful.

1.2 The test comprises eighty questions in five sections and you will be required to correctly answer at least 12 questions from each section to pass the test. Most of the questions are multiple choice and a total of four possible answers are provided, one correct answer is required per question

1.3 When submitting your application, please ensure the following documentation is completed and uploaded. You must make your application online at:
<https://www.barnsley.gov.uk/services/licensing/taxi-licences/apply-for-a-new-taxi-drivers-licence/>

Application form

1.4 Including character references, disclosure of convictions and medical if required (medical exempt if you possess an HGV or PSV driving licence).

Application should be made online via:
<https://www.barnsley.gov.uk/services/licensing/taxi-licences/apply-for-a-new-taxi-drivers-licence/>.

Theory Test

1.5 Applicants should book and pay for the test [online](#);

1.6 Applicants must bring a form of photo ID, such as a driving licence or passport when they sit the exam. Failure to produce acceptable ID will result in the individual being refused entry into the exam without refund;

1.7 All cancellations are non-refundable and anyone failing a theory test must pay a further fee to re-sit the test.

Driving Test

1.8 Driving tests are conducted through the Blue Lamp Trust and Taxi Driving Solutions.

Blue Lamp Trust – to book a test through the Blue Lamp Trust you can telephone 0333 700 0157 Monday to Friday 9.30 – 15.00 or by visiting their [website](#);

Taxi Driving Solutions – to book a test through Taxi Driving Solutions you can telephone 01423 298398 or by visiting their [website](#);

Taxi Driving Solutions can also offer the enhanced taxi assessment which includes a wheelchair exercise.

1.9 A certificate of completion must be produced as part of your application.

DBS (Disclosure and Barring Scheme) Check

1.10 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.

1.11 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults.

1.12 Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the DBS at <https://www.gov.uk/government/collections/dbs-filtering-guidance>

1.13 As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer, acting in accordance with specific

Home Office guidance, reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure.

DBS Checks

1.14 IT IS STRONGLY RECOMMENDED THAT YOU CHECK THE COUNCIL'S GUIDELINE POLICY ON CRIMINAL CONVICTIONS PRIOR TO MAKING AN APPLICATION FOR A LICENCE. WHILE EACH APPLICATION IS DEALT WITH ON ITS OWN MERITS, IT IS UNLIKELY THAT YOU WILL BE ABLE TO OBTAIN A LICENCE IF YOU FAIL TO MEET THIS GUIDELINE POLICY, UNLESS THERE ARE EXCEPTIONAL MITIGATING CIRCUMSTANCES.

1.15 All prospective applicants will be expected to complete an enhanced DBS check prior to obtaining their licence. Under NO circumstances can the Council issue a licence until the appropriate DBS check has been satisfactorily completed.

1.16 To ensure that information contained within a DBS Certificate is up to date this document will only be valid for a maximum of three calendar months from the date of issue.

1.17 All drivers will also be required to evidence that they have signed up to the on-line DBS checking system and that they have given the Licensing Office the required permissions to complete a further enhanced DBS check every six months while they hold a current dual driver's license with Barnsley MBC.

1.18 Typically, a DBS check can take up to 4 weeks but can take substantially longer, to be returned, from the Disclosure & Barring Service. The council has no control over this process and so advises that you may wish to apply for your DBS check relatively early in the application process.

1.19 Due to the way that information can be provided by the Disclosure & Barring Service only checks completed by the Council's Human Resources Section will be accepted.

1.20 The Council's Human Resources Safeguarding Team deals with DBS applications at Westgate Plaza One, Westgate, Barnsley S70 2DR. These are undertaken on an appointment only basis and appointments can be made by telephoning 01226 773428. The fee for an enhanced DBS Check (£64) must be paid at the time of making the DBS application; payments can be taken via chip & pin only.

1.21 Please ensure you have proof of your National Insurance Number, Address evidence (less than three months old) and your Driving Licence (if you have a current Driving Licence, then a photo card or old style paper Licence are both acceptable) with you when you make the application. If you have a valid passport, you must also submit that. An email address must also be provided as paper applications are no longer accepted.

1.22 At the point of calling to make a DBS check appointment, you will again be advised of the correct documents to submit. In the absence of either a valid passport or Driving Licence, you will be informed of alternative acceptable documents.

1.23 For foreign Nationals or for UK citizens who have worked or lived at some point overseas, the following will apply:

- If you have lived outside the UK for a period of 5 years or more, you must provide confirmation of such previous residential addresses, together with a list of previous UK residential addresses within the last five years;
- In all cases the applicant should request a Certificate of Good Repute/Letter of Good Conduct from the embassy of those country/countries. If this is not in English, a translation will be required (the translator must be approved by the licensing section prior to the translation taking place).

1.24 Any cost incurred in obtaining relevant certification under this section will be at the applicants' expense.

The Disclosure and Barring Service Update Service

1.25 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.

1.26 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.

1.27 The Council will be able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).

1.28 A DBS certificate is currently £64, signing up to the on-line system will cost £13 per year and save the inconvenience of having to arrange and attend a DBS appointment.

1.29 If any licensed driver chooses not to sign up to the online system then in line with the Statutory Standards we will still DBS check drivers every 6 months and so a driver will still be required to apply for and provide a fully enhanced disclosure certificate to the Licensing Office every 6 months.

Medical Questionnaire

1.30 You will also be required to complete a medical questionnaire (unless you hold a current HGV or PSV driver licence). This will be required to be certified and stamped by a Doctor to prove that you are medically fit to drive a licensed vehicle.

1.31 You will be required to complete further Medical forms at specific time periods if you continue to hold a licence e.g. at 45 years of age and then every 5 years until 60 and then on an annual basis.

1.32 Your completed application should be submitted within 3 months of the date your medical form was signed by the doctor.

Character References

1.33 Your completed application should be submitted within 3 months of the earliest date your character reference form was signed by a referee.

Licence Fees

1.34 All licences issued are dual licences (combined Hackney Carriage / Private Hire) and run for 1 or 3 years depending on the duration of licence applied for and fee paid.

- A 1 Year Licence costs £137
- A 3 Year Licence costs £221

Please be aware that fees are subject to change.

Age

1.35 Before you apply for a licence you must:

- Be over 21 years of age – hackney carriage;
- Be over 19 years of age – private hire, subject to production of insurance cover if under 21 years;
- Have held a full UK domestic driving licence for at least 12 months. (Driving a car under the authority of a provisional licence or certificate of passing test does not count as part of the 12-month period.)

1.36 Since 8th June 2015, paper counterparts for NEW licences are no longer issued and have no legal status.

1.37 The following link may be of use to Drivers:

<https://www.gov.uk/view-driving-licence>

Knowledge Test

1.38 The next step is to take a written "knowledge of the Metropolitan Borough" test. Appointments for taking the test can be made online via:

<https://www.barnsley.gov.uk/services/licensing/taxi-licences/apply-for-a-new-taxi-drivers-licence/>

1.39 First attempt at the theory test is £65, subsequent tests will be charged at £60.

1.40 The test is multiple choice and will last a maximum of one hour and will include five sections. Each section consists of 16 questions.

- Highway code
- Local knowledge
- Licence / local conditions
- Disability / customer care
- Numeracy and literacy

1.41 More information is provided in a separate theory test guidance document which is available within the licensing online at www.barnsley.gov.uk.

1.42 To pass the test you must get at least 12 questions correct from each section. Any person failing the test will be required to retake the FULL TEST and the appropriate fee will be charged.

1.43 Where an applicant fails three theory tests, it will be unlikely that the person will have the appropriate skills and attributes to be a licensed driver with this Authority, therefore, the person will be barred from undertaking any further theory tests for a period of **six months** from the date of the last failure, to allow the person to develop the necessary skills.

Declarations of Convictions

1.44 All prospective drivers, and every driver when they renew their licence, will be required to complete a declaration of convictions form.

1.45 On this form you will be required to declare any convictions, formal cautions or fixed penalty notices (e.g. motoring offences) that you have ever received. Failure to declare any convictions, cautions or fixed penalty notices or giving a false declaration will constitute reasonable cause for the Council to refuse to grant or revoke the licence.

Other information

1.46 Please note that any fee paid in respect of a licence is an 'application fee' and is not refundable and therefore you should ensure that you meet all the requirements to become a driver and submit all the relevant documents at the time of the application. Failure to do so may result in your application being refused.

All fees listed in this document are subject to change.



BARNSLEY
Metropolitan Borough Council

LEGAL SERVICES ENFORCEMENT POLICY

Signed:

A handwritten signature in black ink, appearing to read 'Garry Kirk', is written over a light blue horizontal line.

Name: Garry Kirk – Service Director, Legal Services

Date: 11 June 2019

1. Enforcement Policy Statement

The purpose of this Policy is to set out the general principles of enforcement to be followed by officers in Legal Services, in order to ensure that enforcement decisions are consistent, appropriate, balanced, fair, targeted, accountable, transparent and proportionate.

2. Introduction

Legal Services is a public authority for the purposes of the Human Rights Act 1988. Officers in Legal Services will apply the principles of the European Convention on Human Rights in accordance with the Act. The Service will follow the provisions of the Regulators' Code in its regulatory activities, taking a supportive, risk-based approach to businesses. It will provide clear information and guidance on compliance and will act with fairness and transparency. Formal enforcement action will normally be a last resort, but where it is deemed appropriate, this Policy will be applied.

This policy sets out the general regulatory options available to Legal Services Officers to ensure compliance with relevant legislation. Officers will be suitably trained, qualified and experienced, as set out in their job profiles, and they will be familiar with, and follow, the provisions of this Policy.

Each case is unique and must be judged on its own merits. However, there are general principles that apply in the way each situation must be approached. This document sets out the factors to be taken into account when considering appropriate enforcement action to be taken. Officers will follow this Policy, except in exceptional circumstances.

Where the Service becomes aware of a situation for which it is not the enforcing authority, it will contact the relevant enforcement agency. Where there is a shared role with another enforcement agency, officers shall liaise accordingly with that agency.

Legal Services enforce a wide variety of legislation and use powers that enable officers to issue verbal advice, send letters, serve formal notices, issue simple cautions, and prosecute in the courts. This list is not exhaustive and other enforcement options are available, as detailed later in this document. The officer will choose the most appropriate method of achieving compliance from the range of actions available.

The aims of the Service in taking action are:

- To protect the public and business from offenders;
- To change the behaviour of the offender;
- To eliminate any financial gain or benefit from non-compliance;
- To restore the harm caused by regulatory non-compliance in appropriate cases;

3. Enforcement Options

There are a number of options available when legal contraventions are found:

a) No Action

In exceptional circumstances contraventions may not warrant any action. This could be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal action is inappropriate, e.g., the offender is elderly and frail. A decision to take no action must be recorded in writing and must take account of health, safety, environmental and nuisance implications of the contravention. A decision to take no action does not preclude further investigation or review of the case at a later date, or when there is material change in the circumstances.

b) Informal Action

Informal action to secure compliance with the legislation includes offering advice, issuing warnings and requests for action. It may be appropriate to use informal action in the following circumstances:

- The act or omission is not serious enough to warrant formal action;
- From the individual's/organisations past history it can be reasonably expected that informal action will achieve compliance;
- Where the original approach is from person(s) seeking advice or assistance – although if serious breaches are found, formal action may be appropriate;

When an informal approach is used to secure compliance, this may be verbal or written. Any written documentation sent to individuals or businesses must include:

- All the information necessary to understand what action is required and why;
- The legislation being contravened and measures which will achieve compliance;
- Clear distinction between legal requirements and recommendations;

c) Statutory notices, Seizing Equipment, Closing Premises

Notice can be served to require persons to cease contravening activities, give offenders reasonable time to rectify a contravention or require people to provide information. Notices may require contravening activities to cease immediately where circumstances relating to health, safety, environmental damage, or nuisance demands. In other circumstances, the time allowed must be reasonable, but must also take account of the implications of the contravention.

Specific guidance is available on circumstances under which notices shall be served, equipment seized or premises closed, and this varies according to the legislation and type of notice.

The use of statutory notices may take place in conjunction with other enforcement options set out in this policy.

d) Refusal/Revocation of Licence/Approval/Permit

Licences, Approvals and Permits are issued under specific legislation and the circumstances that allow refusal or revocation of a licence etc. shall be taken into account in accordance with the specific legislation and relevant Codes of Practice. In order to justify such an action, the applicant/licence/approval/permit holder must meet one or more of the following criteria:

- Engage in fraudulent activity;
- Deliberately or persistently breach legal obligations;
- Deliberately or persistently ignore warnings or formal notices;
- Endanger, to a serious degree, the health, safety or wellbeing of people, animals or the environment;
- Fail to pay renewal fees.

In relation to licensing matters, cases may also be referred to the General Licensing Sub-Committee.

e) Works in Default

Where provided for under the legislation, work may be carried out in default. Such action will be dependent upon public risk and strategic considerations.

f) Injunctions

In exceptional cases, it may be considered that an injunction is the best course of action to remedy contraventions or dangerous circumstances. For example, where there is an immediate risk to public health, or where there is an extraordinary statutory nuisance.

g) Enterprise Act Actions

The Enterprise Act 2002 gives some officers in the Service the authority to seek civil remedies for certain breaches of legislation. Officers will consider these remedies, such as undertakings and injunctions, where they are the most appropriate course of action.

h) Fixed Penalty Notices

Fixed Penalty notices will be issued under certain legislation. If a fixed penalty is not paid within the prescribed period, legal proceedings shall be instituted.

i) Simple Cautions

In some cases, Simple Cautions may be used as an alternative to prosecution. In order to offer a Simple Caution, there must be enough evidence for the matter to proceed to Court by way of prosecution, and the offender must admit guilt.

j) Prosecution

Without prejudicing the right of the Council to prosecute for any offence within its jurisdiction, prosecution will be considered in the case of serious offences, matters of significant public concern, failure to comply with a statutory notice, and repeated infringements.

Particular circumstances in which prosecution will also be considered include:

- The contravention involved fraud;
- The contravention involved deliberate or persistent breach of legal responsibility;
- The contravention was through gross negligence or carelessness and caused, or was likely to cause, significant loss or prejudice to another individual;

- The contravention led to, or contributed to, the health safety or well-being of people, animals or the environment being seriously compromised, or contributed to damage to the reputation or economic well-being of the Borough;
- The contravention involved the obstruction of an authorised officer in carrying out his or her duties, or violence or aggressive behaviour towards them;
- The contravention was an absolute offence under the legislation;
- The matter relating to the offence is widespread throughout the borough.

Cases will only be submitted for prosecution when it is considered that the sufficiency of evidence and the public interest requirement fall within the guidelines as laid down by the Attorney General and Crown Prosecution Service Code of Crown Prosecutors. Before deciding whether or not to prosecute, consideration will also be given to the following:

- The calibre and reliability of witnesses;
- The probable public benefit of a prosecution and the importance of the case – e.g., the possibility of establishing legal precedent;
- The contravention is trivial;
- Whether a Simple Caution would be more appropriate or effective;
- Cost effectiveness – a need to balance likely overall cost against the ‘value’ of the likely outcome;

4. References

The Code for Crown Prosecutors

http://www.cps.gov.uk/publications/code_for_crown_prosecutors/

Regulators Code <https://www.gov.uk/government/publications/regulators-code>

Simple Cautions <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-andprosecutors>



BARNSLEY

Metropolitan Borough Council

LICENSED DRIVER CODE OF GOOD CONDUCT

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, Barnsley Metropolitan Borough Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements produced by the Council.

1. Responsibility to the Trade

Licence holders shall endeavor to promote the image of the Hackney Carriage and Private Hire trade by:

- (a) Complying with this Code of Good Conduct;
- (b) Complying with all the Conditions of their Licence, Hackney Carriage Byelaws and the Councils Hackney Carriage and Private Hire Licensing Policy;
- (c) Behaving in a civil, orderly, non-discriminatory and responsible manner at all times.

2. Responsibility to Clients

Licence holders shall:

- (a) Maintain their vehicles in a safe and satisfactory condition at all times;
- (b) Keep their vehicles clean and suitable for hire to the public at all times;
- (c) Attend punctually when undertaking pre-booked hiring;
- (d) Assist, where necessary, passengers into and out of vehicles;
- (e) Offer passengers reasonable assistance with luggage and other personal effects;
- (f) When requested provide receipts to passengers.

3. Responsibility to Residents

3.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) Not sound the vehicle's horn illegally;
- (b) Keep the volume of radio/cassette player and VHF radios to a minimum;
- (c) Switch off the engine if required to wait;

- (d) Take whatever additional action is necessary to avoid disturbance to residents in the neighborhood.
- 3.2 At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:
- (a) Rank in an orderly manner and proceed along the rank in order and promptly;
 - (b) Remain in the vehicle.
- 3.3 At private hire offices a licence holder shall:
- (a) Not undertake servicing or repairs of vehicles;
 - (b) Not allow the use of radio/cassette players or VHF;
 - (c) Take whatever additional action is necessary to avoid disturbance to residents of the neighborhood which might arise from the conduct of their business.

4. General

Drivers shall:

- (a) Pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) Wear the badge provided by the Council on his person at all times when in charge of a licensed vehicle, such badge to be worn in a position and manner as to be plainly visible;
- (c) Be polite, helpful and fair to passengers;
- (d) Unless otherwise directed by the hirer the driver shall proceed to the destination by the shortest possible route;
- (e) Not without the express consent of the hirer drink or eat in the vehicle;
- (f) Not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (g) Drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (h) Obey all Traffic Regulation Orders and directions at all time;
- (i) Not to smoke in the vehicle or to allow fare paying passengers to smoke in the vehicle;
- (j) Not to carry more passengers in a vehicle than it is licensed to carry;
- (k) Not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (l) Not drive while having misused legal or illegal drugs.

PLEASE NOTE:

The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Staying Safe in Taxis

If you need to travel by taxi it is important that you keep yourself safe. Here is a safety checklist for you to use:

1. Make sure you only travel in a licensed cab. This should either be a "Hackney Carriage" (the London style cabs) or a private hire vehicle. A private hire vehicle can be either a family size car or a people carrier, but it must also have a **licence plate**.
2. An unlicensed cab will not have a licence plate, so **look for this before you get in the vehicle**. The licence plate will also have **Barnsley Council logo** on it.
3. You should **never flag a car down in the street**, you may be getting into an illegal, uninsured vehicle which could be potentially very dangerous. A hackney cab that is for hire will have an illuminated (usually orange) sign on the roof of the vehicle which indicates that it is for hire.
4. If you **pre-book your taxi** and ask for the call back facility, if it is available. When the taxi arrives, always make sure that the vehicle is from the taxi company that you called. It should have **the company's stickers on the doors**. Check the driver is wearing an **identification badge**, there may also be one on display at the front of the vehicle or on the partition between the driver and passengers.
5. When ringing for a taxi make sure **no-one can overhear you give personal details** such as your name and address, because anyone could turn up and pretend to be your driver.
6. Before you go out, make sure you have **put your taxi fare in a safe place** that is separate to the rest of your money. In doing this, you are less likely to spend it, making sure you can get home safely.
7. Make sure you have enough money to pay for your journey. **Ask the driver how much the fare will be before you start the journey** to avoid any difficulty or embarrassment. It is a criminal offence to hire a taxi without the means to pay the fare. The taxi driver is within his / her right to call the police if you are unable to pay the full fare.
8. **Let someone know you are in the vehicle and on your way**. Let them have the taxi licence number and if possible, make sure someone is waiting for you at your destination. The number of the licence will be on display in the vehicle, as well as on the plate on the rear of the vehicle.
9. If you are travelling alone you may **feel safer sitting in the back** of the vehicle on the opposite side of the driver, so that you can see him / her in their mirror.
10. If you chat to the driver, make sure you **don't give out any of your personal details**.
11. **Never share a taxi with a stranger**.
12. If you feel threatened or uncomfortable for any reason, **ask the driver to stop in a busy area, pay your fare and get out of the car**.
13. If you are unhappy with the taxi or private hire service, you can **make a complaint** to the licensed operator or to the Licensing Section at Barnsley Council. You can contact them at **licensing@barnsley.gov.uk**. It would be helpful if you have a note of the license plate or vehicle registration.

Notes

Amendments may have been made to relevant parts of this document and/or its appendices to correct any grammatical or spelling errors, provide clarity where required, meet government digital accessibility standards, or for other reasons to facilitate understanding.

Item 10

BARNSELY METROPOLITAN BOROUGH COUNCIL

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

REPORT OF THE EXECUTIVE DIRECTOR PLACE TO CABINET ON 26th January 2022

Public

Grant of Easement: New Foot / Cycle Bridge

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is;
- 1.2 To seek approval for Grant of Easement between Network Rail, Barnsley Metropolitan Borough Council as Trustee of part of Pogmoor Recreation Ground and Barnsley Metropolitan Borough Council as owner of Penny Pie Park to facilitate the new Foot and Cycle bridge as per the approved Proposed New Foot and Cycle Bridge (Cab:22.07.2020/9) and New Foot and Cycle Bridge: Award of Contract (Cab 03.11.2021/13)
- 1.3 To seek the necessary approvals to undertake all necessary consultation procedures in relation to the grant of easement required to deliver the proposed new foot and cycle bridge linking Penny Pie Park with Pogmoor Recreation Ground as detailed in section 4 below.

2. RECOMMENDATIONS

- 2.1 **It is recommended that Cabinet recommends to the meeting of full Council on 3rd February 2022 that:**
- 2.2 **the Service Director of Legal Services in consultation with the Corporate Asset Manager is authorised to undertake any necessary consultation processes, serve public notices and deal with any objections in relation to the grant of easement**
- 2.3 **It is noted that the Charity Commission and the Coal Industry Social Welfare Organisation (CISWO) have been consulted about the Grant of Easement between Barnsley Metropolitan Borough Council as Trustee of Pogmoor Recreation Ground to Barnsley Metropolitan Borough Council who have provided their written consent to the construction of the footbridge subject to conditions.**

2.4 The Grant of Easement between Barnsley Metropolitan Borough Council as Trustee of Pogmoor Recreation Ground to Barnsley Metropolitan Borough Council be approved to facilitate the new Foot and Cycle bridge.

2.5 The Service Director of Legal Services in consultation with the Corporate Asset Manager is authorised to liaise with the Charity Commission to facilitate the formal approval of the order authorising the easement as this transaction is between connected parties; the Council as trustee and the Council as statutory authority.

3. INTRODUCTION

3.1 In July 2020, Cabinet authorised all the commencement of the necessary steps, statutory consultations and procedures, including a planning application submission to ultimately facilitate delivery of the approved Proposed New Foot and Cycle Bridge (Cab.22.7.2020/9) over the railway linking Penny Pie Park and Pogmoor Recreation Ground, recognising that the proposal would

- Connect two existing greenspaces which are currently severed by the Sheffield / Huddersfield railway line,
- provide connectivity links between two community areas of Dodworth and Pogmoor (wards being Old Town and Dodworth),
- Provide a safe crossing point which does not exist currently, for children going to and from Horizon Community College as well as the wider general public,
- Provide a safe active travel route for the residents of the borough,
- Help with addressing the Network Rail recorded incursions onto the line by children in the Barnsley area.
- Complement and enhance the delivery of the approved A628 Dodworth Road / Broadway Junction Improvement scheme (Cab.25.07.2018/15)

3.2 On Tuesday, 13th April 2021, the Council's Planning Regulatory Board (PRB) resolved to grant the planning application (Ref 2020/1038) for the Provision of new foot and cycle bridge over the existing Barnsley to Huddersfield rail line linking Penny Pie Park to Pogmoor Recreation Ground and associated new footways.

3.3 Subsequent to the planning permission being granted detailed design work has been sufficiently advanced to enable dialogue with stakeholders to continue and to enable a full procurement exercise to be undertaken.

3.4 The detailed design including the associated new footways to be delivered on land north of the railway (Pogmoor Recreation Ground) is partly registered at the Land Registry recording Barnsley MBC as trustee of the recreation ground which is held subject to charitable trusts.. Therefore, a Deed of Easement is required to be granted by Barnsley Council as Trustee of Pogmoor Recreation Ground to Barnsley Council as owner of Penny Pie Park. Rights of access will also need to be reserved

for the Council from the bridge over the footways created from the bridge to Glendale Close.

4. PROPOSAL AND JUSTIFICATION

- 4.1 The proposal is for the Council to undertake the necessary public notices and procedures in relation to the grant of an easement required to deliver the proposed new foot and cycle bridge linking Penny Pie Park with Pogmoor Recreation Ground
- 4.2 Barnsley Metropolitan Borough Council as Trustee of Pogmoor Recreation Ground are required to grant an easement to Barnsley Metropolitan Borough Council to facilitate the new Foot and Cycle bridge as per the approved Proposed New Foot and Cycle Bridge (Cab:22.07.2020/9) and New Foot and Cycle Bridge: Award of Contract (Cab 03.11.2021/13) Given that the Council is acting as Trustee, the decision to approve the grant of easement is required to be a full Council decision.
- 4.3 As the land is held in trust and governed by the Charities Act 2011 the Council as Trustee instructed Fowler Sandford to undertake an independent valuation of the effect that the granting of an easement in relation to the bridge would have on the Recreation ground, this was received on 4th October 2021.
- 4.4 The Charity Commission are required to formally approve the order authorising the easement as this transaction is between connected parties; the Council as trustee and the Council as statutory authority.
- 4.5 The report (attached at Appendix 1) concludes that the granting of the Deed of Easement would not have a detrimental effect on the market value of the Recreation ground and given the changing demographics of Barnsley, as with any other mining communities this recreation ground created by way of funding from the Miners Welfare fund already benefits a wider sector of the local community and the construction of the bridge will not adversely affect the use of Pogmoor Recreation Ground by way of inviting the wider community onto the grounds.
- This report has been shared with CISWO (the Coal Mining charity) who have provided their written consent to the proposal to grant a the deed of easement.
- 4.6 Public notices consulting and advising of the proposal to grant the easement will be carried out as per the statutory guidance.
- 4.7 Details of the granted easement along with the responses from CISWO will be provided to the Charity Commission as per the requirements of the Charities Act.
- 4.8 The scheme, once completed, will complement and enhance the delivery of the approved A628 Dodworth Road / Broadway Junction Improvement scheme (Cab.25.07.2018/15), it will
- i. Connect two existing greenspaces which are currently severed by the Sheffield / Huddersfield railway line,
 - ii. provide connectivity links between two community areas of Dodworth and Pogmoor (wards being Old Town and Dodworth),

- iii. Provide a safe crossing point which does not exist currently , for children going to and from Horizon Community College as well as the wider general public,
- iv. Provide a safe active travel route for the residents of the borough,
- v. Help with addressing the Network Rail recorded incursions onto the line by children in the Barnsley area.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 The previously approved Proposed New Foot and Cycle Bridge (Cab 22.7.2020/9) presented the alternative approaches that were considered and discounted
- 5.2 **Do nothing:** The delivery of the greenspace enhancements as part of the approved A628 Dodworth Road / Broadway Junction Improvement scheme (cab.25.07.2018/15), excluding the new foot and cycle bridge is underway. However, this does not provide the wider connectivity between the two existing greenspaces which are currently severed by the Sheffield / Huddersfield railway line.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The scheme will provide connectivity links between two community areas of Dodworth and Pogmoor. The new foot/cycle bridge will provide a safe crossing point, which does not exist currently for children going to and from Horizon Community College and the wider general public and will provide a safe and active travel route for the residents of the borough.

7. FINANCIAL IMPLICATIONS

- 7.1 Consultation on the Financial Implications of this report has taken place with representatives of the Service Director (Section 151 Officer) Finance.
- 7.2 Thus report contains no “new” asks for financial support - the financial implications in relation to the delivery of the scheme were fully contained within the previously approved New Foot and Cycle Bridge: Award of Contract (Cab 03.11.2021/13).

8. EMPLOYEE IMPLICATIONS

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

9. COMMUNICATIONS IMPLICATIONS

- 9.1 A robust communications plan developed with representatives from Executive Director of Core Services exists for the entire A628 Dodworth Road / Broadway Junction Improvement scheme. This will be updated to incorporate the proposed new foot /cycle bridge to ensure that timely and accurate information is provided through

appropriate means such as press releases, social media/website updates, local member briefings, engagement with key stakeholders and consultation with local residents.

10. CONSULTATIONS

- 10.1 Public notices consulting and advising of the proposal to grant the easement will be carried out as per the statutory guidance.
- 10.2 Throughout the development of the A628 Dodworth Road/ Broadway Junction Improvement Scheme discussions have been held with local members, the local Member of Parliament and Highways England. The need for the highway improvement scheme is acknowledged and supported.
- 10.3 Public information and stakeholder events have taken place as part of the statutory planning and land appropriation process regarding the Highway improvement scheme.
- 10.4 Public consultation will take place with representatives of Core Services Directorate regarding the financial implications, asset management and risk management issues.
- 10.5 Consultation has taken place with representatives of Communities Directorate, Core Services Directorate and Place Directorate regarding the greenspace implications and potential compensatory measures.

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 11.1 One of the Council's key priorities is to create a thriving and vibrant economy, create more and better jobs, good business growth, and to connect local people with these opportunities. The delivery of the project will enhance the approved A628 Dodworth Road / Broadway Junction Improvement scheme (Cab.25.07.2018/15) that will facilitate employment and housing opportunities identified in the Local Plan, contributing to the provision of employment land to attract new investment and / or allowing existing businesses to stay in the area and expand.
- 11.2 Additionally, the scheme also contributes to the delivery of the Strong and Resilient Communities. The approved enhancements to the park area and the proposed foot/cycle bridge will provide connectivity links between two community areas, a safer walking route to school and an active travel link for residents in the borough.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1 Better connectivity, affordable and inclusive travel, a cleaner environment and a healthier population are all key aims of the Barnsley Transport Strategy 2014 – 2033.

12.2 The proposed scheme supports the principles of the Barnsley Transport Strategy 2014 – 2033, and once completed will provide better connectivity and opportunities for local people to access work and assisting in addressing social exclusion.

13. RISK MANAGEMENT ISSUES

13.1 The overall project benefits from a detailed risk register which is reviewed on a regular basis by officers and the Council's Risk and Governance Manager.

13.2 Risk reporting by exception is provided to the Strategic Transport in Barnsley Board.

14. HEALTH, SAFETY AND ENVIRONMENT (HS&E)

14.1 Health and Safety and Environment matters will be identified during scheme preparation and addresses in accordance with The Health and Safety at Work Act 1974, The Environment Act 1995, The Management of Health and Safety Regulations 1999, The Construction (Design and Management) Regulations 2015 and the regulations issued under those Acts or any subsequent relevant legislation.

15. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

15.1 The delivery of the proposed scheme does not require private property rights. The rights of individuals are safeguarded through the statutory planning process of securing planning consent for the scheme.

16. CONSERVATION OF BIODIVERSITY

16.1 All relevant ecological, noise and air quality surveys that are required to feed into the statutory processes including planning application will be completed to ensure that any issues that are identified can be fully considered.

17. LIST OF APPENDICES

Appendix 1: Fowler Sandford Valuation Report

Appendix 2: Location Plan

18. BACKGROUND PAPERS

Proposed New Foot and Cycle Bridge (Cab:22.07.2020/9)

New Foot and Cycle Bridge: Award of Contract (Cab 03.11.2021/13)

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

Financial Implications/Consultation



.....
*(To be signed by senior Financial Services officer
where no financial implications)*

This page is intentionally left blank



Surveyors Report – The Charities Act 2011 –
Part of Pogmoor Recreation Ground, Pogmoor
Road, Barnsley S75 2LP

On behalf of Barnsley MBC as Trustee of Pogmoor Recreation Ground

Contents

1.	Instructions	1
2.	Background Information	1
3.	Identification and status of the valuer	2
4.	Client and any other users	2
5.	Purpose of Report	2
6.	Property to be valued	3
	Address of the property	3
	Interest to be valued	3
	Tenancies	3
	Type and use of the property	3
	Location	3
	Description	3
	Accommodation	5
	Site area	5
7.	Basis of Value	5
8.	Valuation Date	5
9.	Special Assumptions	5
10.	Assumptions and extent of investigations	6
	Inspection	6
	Title	6
	Tenants	6
	Condition of buildings	6
	Services	6
	Planning	6
	Highways	7
	Business Rates	7
	Statutory Regulations (General)	7
	Contamination and hazardous or deleterious materials	7
	Ground Conditions	8
	Mining	8
	Flooding	8
	Sustainability	8
	Taxation	8
11.	Sources of Information	8
12.	Restrictions on publication	8
13.	Third party liability	8
14.	RICS Valuation Standards (and departures from those standards)	9

15.	Valuation & Recommendations.....	9
	Commentary.....	9
	Valuation	10
	Charities Act Requirements.....	10
16.	Limitations on Liability.....	12
	APPENDIX 1 - INSTRUCTIONS.....	
	APPENDIX 2 – DESIGN PLAN	
	APPENDIX 3 – SITE PLAN	

Barnsley MBC as Trustee of Pogmoor Recreation Ground
Estates - Regeneration & Property - Place Directorate
Barnsley MBC
PO Box 634
Barnsley S70 9GG

Our Ref: JRW/V.13025

04 October 2021

FAO : Tanya Hunter

Dear Sirs,

SURVEYORS REPORT – THE CHARITIES ACT 2011

PROPERTY ADDRESS: PART OF POGMOOR RECREATION GROUND, POGMOOR ROAD, BARNSLEY S75 2LP

1. Instructions

1.1 In accordance with your recent instructions in respect of the above as set out in our Terms of Engagement of 18 June 2021 (copy at **Appendix 1**), we are pleased to present our report below.

2. Background Information

- 2.1 Pogmoor Recreation Ground ('PRG') comprises an area of open space, which was originally established as a recreation ground in 1925 with money allocated from the Miners Welfare Fund by the Miners Welfare Committee
- 2.2 The Fund was established under S20 of the Mining Industry Act 1920 to be used for purposes connected with the social well being, recreation and conditions of living of workers in or about coal mines. Until 1935 the Trustees of PRG are understood to have comprised of individuals from the local mining community, but in 1935, Barnsley Corporation (now Barnsley MBC) became the Trustee of PRG. CISWO is now the successor to the Miners Welfare Committee.
- 2.3 It is understood that PRG remains in use for its original purpose including as football pitches, although users are now the general population of the local area and beyond, and are not limited to any individuals who have connections to the historic coal mining industry.
- 2.4 The nearby Penny Pie Park is currently being redeveloped around a new gyratory scheme which encompasses the realignment and upgrade of Pogmoor Road and Dodworth Road. The new park will provide an enhanced children's play area, a new MUGA and quality landscape improvements. This Park is separated from PRG by a railway line.
- 2.5 Barnsley MBC are promoting Active Travel through journeys by physically active means. The proposal is to build a cycle/footbridge linking Penny Pie Park to PRG for which an Active Travel Bridge is required over the railway line. We are informed that its aims are to:-
- a) enhance three green spaces (Penny Pie Park, Pogmoor Recreation Ground, Stocks Lane / Sugden's Recreation Ground).
 - b) improve connectivity between two community areas (Pogmoor and Dodworth).

- c) provide a safer walking route to school and residents and promote cycling uptake.
- 2.6 We understand that Barnsley MBC has been awarded £1.5 million from the 'Getting Building Fund' to put towards the funding of the cycle/footbridge and provision of one vertical footpath from the footbridge to Glendale Close.
- 2.7 Additional benefits for PRG have been funded via the A628 Dodworth Road Gyratory Scheme as compensatory greenspace. Following completion of the works PRG will benefit from: -
- Reformation of the football pitches to include an Under 8's as well as an Under 11's as well as the adults.
 - Two flexi-pave footpaths to be laid where the desire lines are already visible
 - One horizontal to the North servicing St. Owen's Drive and Glendale Close.
 - One vertical from the footbridge to Glendale Close.
 - Two benches for people for spectators and walkers
 - Joint dog fouling and litter bins
 - 30 x native trees to be planted
 - 30,000 spring bulbs to be planted
- 2.8 We understand that a further footpath may be laid towards Stocks Lane.
- 2.9 The Active Travel Bridge will span from Penny Pie Park (on land owned by Barnsley MBC) to PRG, which is land for which Barnsley MBC is the Trustee. Therefore, an easement is required to be granted by Barnsley MBC as Trustee of PRG to Barnsley MBC. The wording of the easement will allow for the placing of the bridge landing areas on PRG.
- 2.10 PRG is held in trust and is therefore subject to legislation governing Charities. Disposal of land including an easement requires preparation of a written report by a member of the RICS addressing certain points.

3. Identification and status of the valuer

- 3.1 The Valuer on behalf of Fowler Sandford LLP with responsibility for this instruction is Jeremy Wilson BSc FRICS, Registered Valuer.
- 3.2 The Valuer is acting as an External Valuer.
- 3.3 We confirm that the Valuer has sufficient knowledge of the relevant market, and the skills and understanding to undertake the valuations competently.
- 3.4 We confirm that we do not have any material connection or involvement which would give rise to a conflict of interest and that we are in a position to provide objective and unbiased valuations.

4. Client and any other users

- 4.1 We are instructed by Barnsley MBC as Trustee of Pogmoor Recreation Ground.
- 4.2 No liability is accepted to any third party for the whole or any part of this valuation report.

5. Purpose of Report

- 5.1 We understand that the report is required to comply with S119 of the Charities Act in connection with the granting of an easement over PRG.
- 5.2 Section 119 requires Charity Trustees to: -
- (a) Obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by the Trustees and acting exclusively for the Charity.
 - (b) Advertise the proposed disposition for such period and in such manner as the surveyor has advised in their report (unless the report states that it would not be in the best interests of the Charity to advertise the proposed disposition).

- (c) Decide that they are satisfied, having considered the surveyor's report, that the terms on which the disposition is proposed to be made are the best that can reasonably be obtained for the Charity.

6. Property to be valued

Address of the property

- 6.1 Pogmoor Recreation Ground, Pogmoor Road, Barnsley S75 2LP.

Interest to be valued

- 6.2 The grant of an easement by Barnsley MBC as Trustee of Pogmoor Recreation Ground to Barnsley MBC for the right to erect a bridge on part of PRG and for a right of access to it from the public highway.

Tenancies

- 6.3 The property is subject to vacant possession.

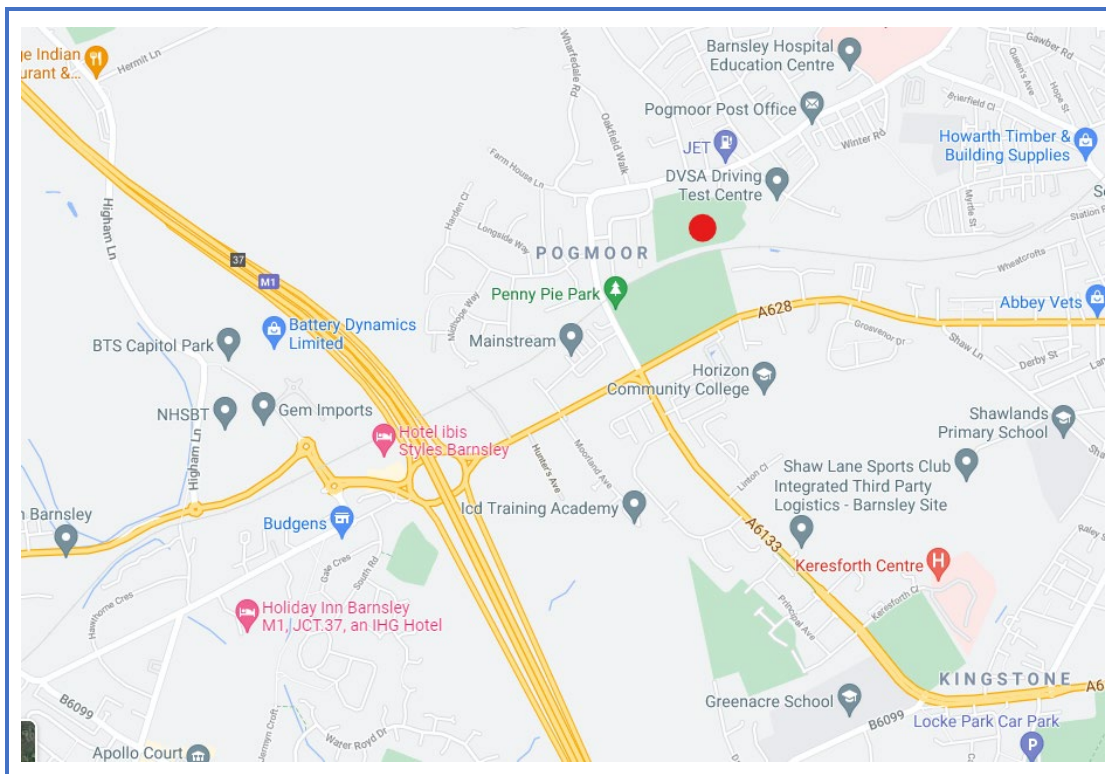
Type and use of the property

- 6.4 The property is used as a recreation ground to which there is open access to the public.

Location

- 6.5 The area subject to the proposed easement is situated within PRG which is located in the Pogmoor area of Barnsley. It lies approximately 0.5 miles east of J37 of the M1 and 1 mile west of Barnsley town centre. A railway line runs along the southern boundary of PRG to which the subject area is adjacent. The western and northern boundaries of PRG are bounded with residential properties whilst to the east is land used for commercial purposes.

- 6.6 The location of the property is shown on the map below:-



Description

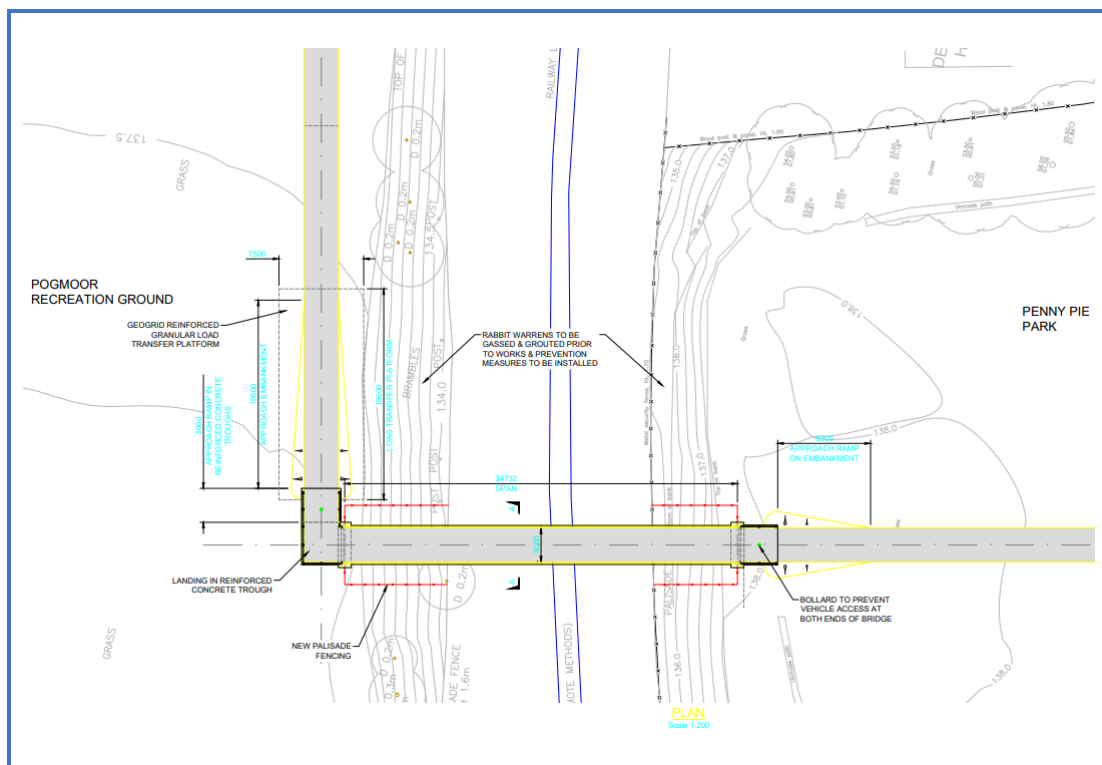
- 6.7 The proposed easement will relate to a small area of the wider recreation ground on which to set the landing and transfer areas of a proposed bridge. PRG is predominately covered with grass and used for

sport and recreation. There is a small car parking area on its northern boundary and a telecommunications mast towards its eastern boundary.

The extract from the scheme Masterplan below shows the proposed bridge linking Penny Pie Park to the south of the railway line to PRG to the north and a proposed route for public access to the bridge, although we note that there is open public access to PRG.



6.8 The current proposal for the design of the bridge is set out at [Appendix 2](#). The extract below shows the detail of the potential landing and transfer platform areas.



Accommodation

6.9 There are no buildings forming part of the property that is the subject of this report.

Site area

6.10 In a conveyance dated 7th January 1935 the area of PRG of which Barnsley MBC is Trustee of is stated as comprising of 4.875 acres or thereabouts. The approximate area transposed from the plan within the conveyance is edged red on the attached plan at **Appendix 3**. Please note that we cannot reconcile exactly the boundaries on the conveyance plan with current day boundaries. The approximate area that is proposed to be subject to the easement for the bridge itself is shaded blue.

7. Basis of Value

7.1 Our valuation will be undertaken on the following basis in accordance with the RICS Red Book: -

7.2 Market Value (MV):

Market Value is defined as:

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

8. Valuation Date

8.1 4 October 2021.

9. Special Assumptions

9.1 None.

10. Assumptions and extent of investigations

10.1 We have undertaken verbal and web-based enquiries as set out in the following. This information has been relied on us as being accurate and complete.

Inspection

10.2 The property has been inspected from the site boundaries in June 2021 and by the use of aerial imagery from Google Maps.

Title

10.3 We do not undertake searches or inspections for title. We have assumed that good Title can be shown and that the property is not subject to any unusual or especially onerous restrictions, encumbrances or outgoings. Where the Client obtains a Title Report, the contents of which conflict with this report, it should be referred to us for further consideration.

10.4 The interpretation of title documents is ultimately a matter for lawyers. Any assumptions as to title or interpretation of title documents we make in this report must be checked by your legal advisor. No responsibility or liability will be accepted for the true interpretation of any legal title in the properties.

Tenants

10.5 We will reflect a general understanding of any tenant's status in our valuations, however we are not qualified to advise you on their financial standing. Where appropriate, we will make limited enquiries about financial status and in the context of investment property where a covenant is significant; such assumptions that affect the valuation approach will be commented upon in the relevant section of the report.

10.6 It is assumed that we will have been informed if tenants are in default of rental payments, or where there appear grounds for concern. We will assume that appropriate enquiries were made when leases were originally exchanged or when consent was granted to tenants to assign or underlet, and that tenants are therefore not in breach of covenant.

10.7 There is a Telecommunications mast located on PRG which we assume is subject to a lease. The proposed easement would not have any impact on it. Otherwise, we have not been informed of any leases, licences or other forms of tenancy having been granted on land forming part of PRG.

Condition of buildings

10.8 PRG comprises of open land and is free of buildings.

Services

10.9 We understand that there are no services connected to the area of the proposed easement, although there may well be services such as gas, electricity, water and drainage connected to the wider area of PRG.

10.10 No tests have been carried out on any of the services which we have assumed are in good working order.

Planning

10.11 It is assumed that the property complies with all necessary Planning, Listed Building and Building Regulation approvals as required.

10.12 We have consulted the planning portal on the website of Barnsley MBC. The following planning permission has been granted: -

Application Reference Number	10.13 2020/1038
------------------------------	-----------------

Description	Provision of new foot and cycle bridge over the existing Barnsley to Huddersfield rail line linking Penny Pie Park to Pogmoor recreation ground and associated new footways
Site Address	Penny Pie Park, Dodworth Road, Barnsley
Decision	Approve with Conditions

Highways

- 10.14 We have not made enquiries of the relevant Highway Authority. We have assumed that all highways bounding the property are adopted.
- 10.15 We have assumed that there are no highway or other statutory schemes that adversely affect the property and that it has an unfettered right of access to an adopted public highway.

Business Rates

- 10.16 We believe that PRG is not assessed for rating purposes.

Statutory Regulations (General)

- 10.17 We have carried out such inspections and investigations as are, in the Valuer's professional judgement, appropriate and possible in the circumstances. These will include verbal /web-based planning enquiries. It is an assumption that the property and its value are unaffected by any matters which would be revealed by a local search and replies to the usual enquiries or statutory notice and that neither the property, its condition, its use, nor its intended use is or will be unlawful. It is recommended that verification is obtained from solicitors that:
- a. the position is correctly stated in the report;
 - b. the property is not adversely affected by any decisions made or conditions prescribed by Local Authority;
 - c. that there are no outstanding Statutory Notices.
 - d. The valuation is prepared on the basis that the property complies with statutory regulations including fire regulations, building regulations etc.

Contamination and hazardous or deleterious materials

- 10.18 We are not environmental specialists. We do not undertake any environmental testing as part of a normal valuation inspection. However, should it be established subsequently that contamination exists at the property or on any neighbouring land or that the premises have been or are being put to any contaminative use, this might reduce the values reported.
- 10.19 When valuing property where we suspect contamination may exist this will be reported to the Client. The Client, when considered appropriate, should commission a report from an approved Environmental Consultant and should refer the report obtained to us for confirmation of, or adjustment to the original valuation.
- 10.20 We will refer to the consultant's report in identifying the nature of any contamination and adjust the valuation having regard to the estimated cost and likely liability for treatment. However, should it be established subsequently that other contaminants exist at the property or on any other neighbouring land, or that the premises have been or are being put to any contaminative uses, this may reduce the value reported.

- 10.21 However, whilst carrying out our valuation inspection and subsequent enquiries, we have not been made aware of any uses conducted at the subject property that would give us cause for concern as to possible environmental contamination.
- 10.22 We have assumed that no deleterious or hazardous materials or techniques were used in the construction of the property or have since been incorporated.

Ground Conditions

- 10.23 Investigations have not been undertaken on the site in the form of any geotechnical report to determine the suitability of ground conditions or services for any new developments. We have assumed that there are no adverse ground conditions and that the load bearing qualities of the site are sufficient to support current buildings or any building/structures to be constructed thereon.

Mining

- 10.24 We have not investigated the possibility of the property being underlain by former mine workings and have assumed that it is not adversely affected by such.

Flooding

- 10.25 In order to assess if the subject property is at risk from flooding, we have consulted gov.uk on which the Environment Agency provides a 'Long term flood risk assessment for locations in England' to assess the risk of flooding from the sea, rivers and surface water.
- 10.26 Only a small area of PRG has a flood risk, this being from surface water and it does not impact on the area subject to the proposed easement.

Sustainability

- 10.27 UK legislation requires that all properties when constructed are provided with an Energy Performance Certificate (EPC). In addition, existing properties when sold or rented must have an in date EPC.
- 10.28 Furthermore, under the Energy act 2011 it is now unlawful to rent a property which has an 'F' or 'G' energy efficiency rating.
- 10.29 An EPC is not required for the property as it does not comprise of any buildings.

Taxation

- 10.30 We have made no allowance in our valuation for expenses of realisation or for taxation which may arise in the event of a disposal and our valuation is expressed as exclusive of any VAT that may become chargeable. Properties are valued disregarding any mortgages or other charges.

11. Sources of Information

- 11.1 We have relied on information provided by our client, (and professional advisors) and assume the information to be correct. Information relied upon is detailed in the relevant areas of this report.
- 11.2 Where we have expressed an opinion of legal issues, your legal advisors should confirm our opinion is correct before our valuation can be relied upon or published.

12. Restrictions on publication

- 12.1 Neither the whole nor any part of this report nor any reference to it may be included in any published document, circular or statement nor published in any way without our written approval of the form and context in which it may appear.

13. Third party liability

- 13.1 Fowler Sandford LLP accepts responsibility to the Client alone that the report will be prepared with the skill, care and diligent responsibility to be expected of a competent Valuer and accepts no responsibility whatsoever to any parties other than the Client. Any third parties rely upon the report at their own risk.

14. RICS Valuation Standards (and departures from those standards)

- 14.1 This valuation has been undertaken in accordance with RICS Valuation – Global effective from 31 January 2020, incorporating the UK National Supplement issued November 2018. References to the “Red Book” refer to both of these documents.

15. Valuation & Recommendations

Commentary

- 15.1 The subject matter of this report is the granting of an easement by the Trustee to allow a foot and cycle bridge spanning the adjacent railway line to sit on part of the land held in Trust and to provide access thereto from a public highway.
- 15.2 We have not had the benefit of seeing the current trust deed, however when the land was conveyed to Barnsley Corporation as trustee in 1935 it was stated in the conveyance that it was to be used for purposes connected with the social well being, recreation and conditions of living of workers in or about coal mines.
- 15.3 The conveyance further states that in the event of the said recreation ground being sold, that the net proceeds of such sale shall held upon such trusts and for such purposes connected with the social well being, recreation and conditions of living of workers in or about coal mines and with mining education and research as the Charity Commissioners shall approve.
- 15.4 Whilst at the time that Barnsley Corporation became Trustee of PRG it is likely that a significant part of the local community were directly involved or had indirect links to coal mining, this will have declined as the years have passed and given the time that has now passed since the closure of the coal mining industry in Barnsley it is likely that only a small proportion of the community now fit into the categories set out above. PRG is now functioning as a recreation ground for the local community in general.
- 15.5 Arguably if a landowner were to allow a third party to take benefit of an easement over its land it would look to receive some consideration, usually of a financial nature, either a capital or annual payment.
- 15.6 However, when looking at the current function of PRG it is for use of the local community for recreation purposes. For those residents situated to the south of the railway line, however access is by a lengthy walk for some. The bridge would therefore provide improved access to the park for the wider community. The bridge would also have benefit for those residents to the north of the railway line as it would provide improved access for students to Horizon Community College.
- 15.7 In addition to the access benefits, the funding for the bridge brings with it financial benefits that will fund improved facilities on PRG, these to include:
- Reformation of the football pitches to include an Under 8’s as well as an Under 11’s as well as the adults.
 - Two flexi-pave footpaths to be laid where the desire lines are already visible
 - One to the North servicing St. Owen’s Drive and Glendale Close.
 - One horizontal from the footbridge to the Glendale Close.
 - Two benches for people for spectators and walkers
 - Joint dog fouling and litter bins
 - 30 x native trees to be planted
 - 30,000 spring bulbs to be planted
- 15.8 Whilst we do not have the benefit of knowing the costs of providing these facilities, given that the financial package for the bridge is circa £1.5 million, it would seem that PRG would be benefitting financially from significantly more than the notional value of the easement.
- 15.9 We do not consider that there is a Market Value or Market Rent for the easement. Any such payment would depend on the negotiating positions of the parties and the financial benefit that the grantee would derive. In this case there would not appear to be a financial benefit to Barnsley MBC, only a social benefit for the wider community.

- 15.10 We understand that CISWO acknowledges that this wider community use accords with the purpose set out in the original conveyance.
- 15.11 On the basis of PRG providing a facility for the general community and that PRG is benefitting from improvements at nil cost, in our opinion it would not be appropriate to make a charge for the benefit of the easement. The proposal for a bridge over the railway, would appear to provide benefits to PRG in terms of access and would also bring with it some improved facilities. It may provide an opportunity to increase casual revenue form the site assuming that the improved football pitches were to be hired out to local teams.
- 15.12 In our opinion the granting of the proposed easement would not have a detrimental effect on the value of the freehold interest of PRG.
- 15.13 We would recommend that the access to the bridge should not create a public right of way across the site as this may impact on future marketability of the site in the event that either it was to be sold to a party who would wish to control access to the site, for example a football club; or for redevelopment purposes where the line of a footpath may impact on the development potential of the site.
- 15.14 CISWO have been approached for consent, which it has agreed to subject to the following: -
- The Council have complied with the requirements of the Charities Act 2011.
 - The deed of easement includes a lift and shift clause to enable the route to be amended in case of future redevelopment of Pogmoor Recreation Ground.
 - That access rights over the bridge and from Glendale Close will be permissive only and the Council will take the necessary steps to ensure no definitive rights of way are acquired.
 - The improvements to Pogmoor Recreation Ground detailed in the draft Surveyors Report by Fowler Sandford are completed before the footbridge is opened for use.
 - The freehold title of the site has been registered appropriately with the Land Registry ie under Proprietorship the register should record Barnsley MBC as trustee of the individual mining trust, Pogmoor Recreation Ground, and there should be the usual Charities Act 2011 restriction. In addition, the easement should be registered noting the charitable capacity in which the Council have granted the easement.
 - All other necessary consents and permissions having been obtained prior to the Works being carried out (and if planning permission is required this consent extends to the making of the necessary application, provided that a copy of any planning permission actually granted is forwarded to CISWO for our records as soon as possible).
 - The construction of the footbridge and associated works including improvements to Pogmoor Recreation Ground are carried out in a good and workman-like manner using appropriate materials and having regard to all relevant legislation, regulations and codes of practice (including without limitation those relating to Health and Safety).
 - The Trustees will keep the footbridge and improvements to Pogmoor Recreation Ground in good repair and condition throughout the term.
 - Payment of CISWO's fees in this matter which are £350 + VAT.

Valuation

- 15.15 Having considered the matter, we are of the opinion that there is no general market for the interest under consideration and therefore the proposed easement does not have a Market Value.

Charities Act Requirements

- 15.16 Under the terms of the Charities (Qualified Surveyors' Reports) Regulations 1982 (SI 1992/2890) we are obliged to consider a number of issues: -

Question	Yes/No	Comment
Easements/Covenants/Charges		
Are there any easements or restrictive covenants or charges benefiting or burdening the property:	Yes	The conveyance of 1935 stipulates the use for PRG for purposes connected with the social well being, recreation and conditions of living of workers in or about coal mines. The property is currently put to wider public use No public right of way should be allowed to be created by development of the bridge.
Repair		
Are the buildings in good repair:	N/A	No buildings on site
If No: would it be in the best interests of the Charity to carry out repairs prior to disposal?	N/A	
If Yes: what repairs and estimate of cost?	N/A	
Alterations		
Would it be in best interests of the Charity to alter any buildings or seek a change of use prior to disposal?	No	No buildings on site. Change of use is not required. Barnsley MBC will be responsible for obtaining any planning permission required for the bridge.
If Yes: What?	N/A	
Method of Disposal		
Should the land be divided into separate lots?	No	The easement is required over a specific area of land.
Should the property be advertised?	No	There is no general market for the property. This disposal is for a specific use of public benefit.
If Yes: what period and manner of advertising?	N/A	
If No: Why?		There is only a single party, Barnsley MBC that has a requirement for the easement
Do you consider the disposal should be delayed?	No	

VAT		
Is VAT chargeable on the disposal?		The VAT status of the property is not known to us however we would suspect that the property is not registered for VAT purposes and therefore VAT would not be chargeable.
If Yes: what effect does this have on the valuation of the property?		Given no consideration is to pass, VAT is unlikely to be chargeable in any event. The appropriate advice should be sought.

16. Limitations on Liability

- 16.1 No claim arising out of or in connection with this report may be brought against any member, employee, partner or consultant of Fowler Sandford LLP. Those individuals will not have a personal duty of care to any party and any claim for losses must be brought against Fowler Sandford LLP.

Yours faithfully

Jeremy Wilson BSc (Hons) FRICS

RICS Registered Valuer

RICS Registered Number: 0081375

**Authorised to sign on behalf of Fowler Sandford
LLP**

APPENDIX 1 - INSTRUCTIONS

Identification and status of the valuer	<p>The Valuer on behalf of Fowler Sandford LLP with responsibility for this instruction is Jeremy Wilson BSc (Hons) FRICS, Registered Valuer.</p> <p>The Valuer is acting as an External Valuer.</p> <p>We confirm that the Valuer has sufficient knowledge of the relevant market, and the skills and understanding to undertake the valuation competently.</p> <p>We confirm that we do not have any material connection or involvement which would give rise to a conflict of interest and that we are in a position to provide an objective and unbiased valuation.</p>
Client ('you') and any other users	<p>Barnsley MBC as Trustee of Pogmoor Recreation Ground</p> <p>Estates - Regeneration & Property - Place Directorate Barnsley MBC PO Box 634 Barnsley S70 9GG</p> <p>Client Contact: Tanya Hunter</p>
Property to be valued	<p>Pogmoor Recreation Ground, Pogmoor Road, Barnsley S75 2LP.</p> <p>Grant of Easement to Barnsley MBC.</p>
Currency	<p>£ Sterling.</p>
Purpose of the Valuation	<p>We understand that the valuation is required in connection with an easement to be granted to Barnsley MBC for construction of a bridge crossing an adjacent railway line.</p> <p>Our report is to comply with Section 119 of the Charities Act.</p>
Basis of Value	<p>The following definitions of Basis of Value will be used. They are derived from the International Valuation Standards.</p> <p>Market Value. 'The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion'.</p> <p>Market Rent. 'The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion'.</p>
Valuation date	<p>Date of Report.</p>



RICS Registered Valuers
Regulated by RICS

Partners: **J.N. Robinson** BSc (Hons) MRICS **J.A. Swann** BSc (Hons) MRICS
Consultant: **M.D. Holmes** BSc (Hons) MRICS

Fowler Sandford LLP is a limited liability partnership registered in England and Wales under number OC 392226.
Registered office: 8 St James Street, Sheffield S1 1XN
Fowler Sandford LLP uses the word 'partner' to refer to a member of Fowler Sandford LLP

Special Assumptions

None

**Assumptions
And extent of
investigations and any
limitations on the scope
of work**

We will carry out such inspections and investigations as are, in the Valuer's professional judgement, appropriate and possible in the circumstances.

Our Valuation Report will incorporate the following assumptions.

a) Inspection

We have undertaken a visual inspection of the exterior and interior of the property to the extent which is accessible with safety and without undue difficulty and as can be seen whilst standing at ground level and within the boundaries of the site, and adjacent public/communal areas, and whilst standing at the various floor levels, which the Valuer considers reasonable in order to provide the service having regard to its purpose.

b) Title

We do not undertake searches or inspections for title. We have assumed that good Title can be shown and that the property is not subject to any unusual or especially onerous restrictions, encumbrances or outgoing. Where the Client will be obtaining a Report on Title which, if in conflict with this report, should be referred to us for further consideration.

The interpretation of title documents is ultimately a matter for lawyers. Any assumptions as to title or interpretation of title documents we make in this report must be checked by your legal advisor. No responsibility or liability will be accepted for the true interpretation of your (or in the case of a valuation for secured lending; the Borrowers) legal title in the property.

c) Tenants

We will reflect a general understanding of any tenant's status in our valuations, however we are not qualified to advise you on their financial standing. Where appropriate, we will make limited enquiries about financial status and in the context of investment property where a covenant is significant, such assumptions that affect the valuation approach will be commented upon in the relevant section of the report

It is assumed that we will have been informed if tenants are in default of rental payments, or where there appear grounds for concern. We will assume that appropriate enquiries were made when leases were originally exchanged or when consent was granted to tenants to assign or underlet, and that tenants are therefore not in breach of covenant.

d) Condition of buildings

We have not carried out a condition survey or inspected those parts of the property which are covered, unexposed or inaccessible nor have raised floor boards, moved any fixed apparatus or arranged for a test of the electrical, heating or other services. We are unable to confirm whether the property is free from any significant or urgent defects.

We have assumed that any buildings are in good repair and free from structural faults, rot, infestation or other defects

e) Services

No tests have been carried out on any of the services which we have assumed are in good working order.

f) Fixtures, fittings and process plant & machinery

Unless otherwise stated, all items normally associated with the valuation of land and buildings are included in the valuation and reinstatement costs to the extent that they existed at the date of inspection, including:

fixed space heating, domestic hot water system, lighting, mains services supplying these, sprinkler systems and associated equipment, water, electricity, gas and steam circuits not serving industrial or commercial processes, sub-station buildings, lifts and permanent structures including crane rails where forming an integral part of the building structure, suspended ceilings, drains, sewers and sewerage plants not primarily concerned with treating trade effluent, air conditioning except where part of a computer installation or primarily serving plant and machinery, carpets and fixed demountable partitions except where these are tenant's fixtures.

Unless otherwise specified the following items are excluded, except in the case of the Trading Related valuations where they are specifically included, unless stated to the contrary:

all items of process plant and machinery tooling and other equipment not primarily serving the building cranes, hoists, conveyors, elevators, structures which were ancillary to or form part of an item of process plant and machinery, sewerage plant primarily concerned with treating trade effluents, air conditioning where part of a computer installation or primarily serving plant and machinery and water, electricity, gas, steam and compressed air suppliers and circuits serving industrial and commercial processes.

Unless otherwise specified no allowance is made for the cost of repairing any damage caused by the removal from the premises of items of plant, machinery, fixtures and fittings.

g) Planning

It is assumed that the buildings comply with all necessary Planning, Listed Building and Building Regulation approvals as required.

We have consulted the planning portal on the website of the relevant planning authority. The information contained thereon is assumed to be accurate and up to date; however it should not be relied upon as this does not constitute a formal planning enquiry.

Written enquiries can take several weeks for response and incur charges. Where reassurance is required on planning matters, we recommend that formal written enquiries should be undertaken by the client's solicitors.

h) Statutory Enquiries

It is an assumption that the property and its value are unaffected by any matters which would be revealed by a local search and replies to the usual enquiries.

The valuation is prepared on the basis that the property has been constructed, or is being constructed, and is occupied or used in accordance with statutory regulations including fire regulations, building regulations etc and that there are no outstanding statutory notices.

i) Highways

We have not made enquiries of the relevant Highway Authority. We have assumed that all highways bounding the property are adopted.

We have assumed that there are no highway or other statutory schemes that adversely affect the property and that the property has an unfettered right of access to an adopted public highway.

j) Business rates

We have made enquiries of the VOA website to establish the entry for the property in the 2017 Rating List.

k) Council Tax

We have made enquiries to establish the Council Tax Band of the property (residential only)

l) Contamination and hazardous or deleterious materials

We are not environmental specialists. We do not undertake any environmental testing as part of a normal valuation inspection. However, should it be established subsequently that contamination exists at the property or on any neighbouring land or that the premises have been or are being put to any contaminative use, this might reduce the values reported.

When valuing property where we suspect contamination may exist this will be reported to the Client. The Client, when considered appropriate, should commission a report from an approved Environmental Consultant and should refer the report obtained to us for confirmation of, or adjustment to the original valuation.

We will refer to the consultant's report in identifying the nature of any contamination and adjust the valuation having regard to the estimated cost and likely liability for treatment. However, should it be established subsequently that other contaminants exist at the property or on any other neighbouring land, or that the premises have been or are being put to any contaminative uses, this may reduce the value reported.

We have assumed that no deleterious or hazardous materials or techniques were used in the construction of the property or have since been incorporated.

m) Ground Conditions

Investigations have not been undertaken on the site in the form of any geotechnic report to determine the suitability of ground conditions or services for any new developments. We have assumed that there are no adverse ground conditions and that the load bearing qualities of the site are sufficient to support current buildings or any buildings to be constructed thereon.

n) Mining

We have not investigated the possibility of the property being underlain by former mine workings and have assumed that it is not adversely effected by such.

o) Flooding

In order to assess if the subject property is at risk from flooding we have consulted the website gov.uk on which the Environment Agency provides a 'Long term flood risk assessment for locations in England' to assess the risk of flooding from the sea, rivers and surface water.

p) Sustainability

UK legislation requires that all properties when constructed are provided with an Energy Performance Certificate (EPC). In addition, existing properties when sold or rented must have an in date EPC.

Furthermore under the Energy act 2011 it is now unlawful to rent a property which has an 'F' or 'G' energy efficiency rating.

EPC's are recorded on a Government register. We have checked the register to ascertain if the property has an EPC and if so it's rating.

q) Taxation

We have made no allowance in our valuation for expenses of realisation or for taxation which may arise in the event of a disposal and our valuation is expressed as exclusive of any VAT that may become chargeable. Properties are valued disregarding any mortgages or other charges.

Sources of information

We have relied on information provided by our client, and professional advisors and assume the information to be correct. Information relied upon is detailed in the relevant areas of this report

Where we have expressed an opinion of legal issues, your legal advisors should confirm our opinion is correct before our valuation can be relied upon or published.

Where our advice is based around comparable evidence, this evidence is often based on enquiries of other parties and its accuracy cannot always be assured. We will base our advice only on comparable evidence we have reason to believe is accurate. In most cases we will not have inspected any comparable properties referred to.

Restrictions on publication

Neither the whole nor any part of this report nor any reference to it may be included in any published document, circular or statement nor published in any way without our written approval of the form and context in which it may appear.

Third party liability

The report is provided for the stated purpose and for the sole use of the Client. Fowler Sandford LLP accepts responsibility to the Client alone that the report will be prepared with the skill, care and diligent responsibility to be expected of a competent Valuer and accepts no responsibility whatsoever to any parties other than the Client. Any third parties rely upon the report at their own risk.

RICS Valuation Standards (and departures from those standards)	The Valuation and Report will be prepared in accordance with the RICS Valuation – Global Standards (effective 31st January 2020) and UK National supplement (effective 14th January 2019) – ‘Red Book’.
Description of report	The report will comply with the requirements of the Red Book. It will be made available in pdf/hard copy form.
Fee	£850 plus VAT
Complaints	The firm operates a Complaints Handling Procedure in accordance with RICS guidelines. A copy is available upon request.
RICS Monitoring	The firm and valuer are registered with RICS Valuer Registration. Please note that our files may be subject to monitoring under the institution’s conduct and disciplinary regulations.
Limitations on liability	No claim arising out of or in connection with this report may be brought against any member, employee, partner or consultant of Fowler Sandford LLP. Those individuals will not have a personal duty of care to any party and any claim for losses must be brought against Fowler Sandford LLP. Our maximum total liability for any direct loss or damage caused by our negligence or breach of contract or otherwise is limited to £1 million. We do not accept liability for any indirect or consequential loss, (such as loss of profits).
Terms of Business	<p>a. Fowler Sandford LLP is a Limited Liability Partnership</p> <p>Registered Number: OC392226 VAT Registration Number: 172 5503 74</p> <p>Address: 8 St James Street Sheffield S1 1XN</p> <p>b. The details of our professional indemnity insurance will be provided to you on request by the Fowler Sandford person with responsibility for this instruction.</p> <p>c. English law shall apply in every respect in relation to the valuation. The Agreement with the client which shall be deemed to have been made in England. In the event of a dispute arising in connection with the valuation, the client and any third party using the valuation will submit to the jurisdiction of the English Courts irrespective of where the client or the property is located.</p> <p>d. Our fee basis and the fee payable date is as set out above. If an invoice remains outstanding for more than 28 days beyond the later of the fee payable date or the date the invoice was issued to you then we reserve the right to charge interest at 3% above the base rate for the time being of Lloyds Bank plc.</p> <p>e. In the event that we find it necessary to employ legal representatives or collection agents to recover monies due, you will be required to pay all costs and disbursements so incurred.</p>

- f. Should the instruction be terminated by you, or materially changed or delayed, Fowler Sandford reserve the right to charge an abortive fee calculated on the basis of reasonable time and expenses incurred.

We accept these terms of engagement as an accurate summary of the instructions to provide a valuation.

Signed:

Signed:

**Name: Jeremy Wilson BSc (Hons) FRICS
For and on behalf of: Fowler Sandford LLP**

**Name:
For and on behalf of Trustees of the Pogmoor
Recreation Ground**

Dated: 18 June 2021

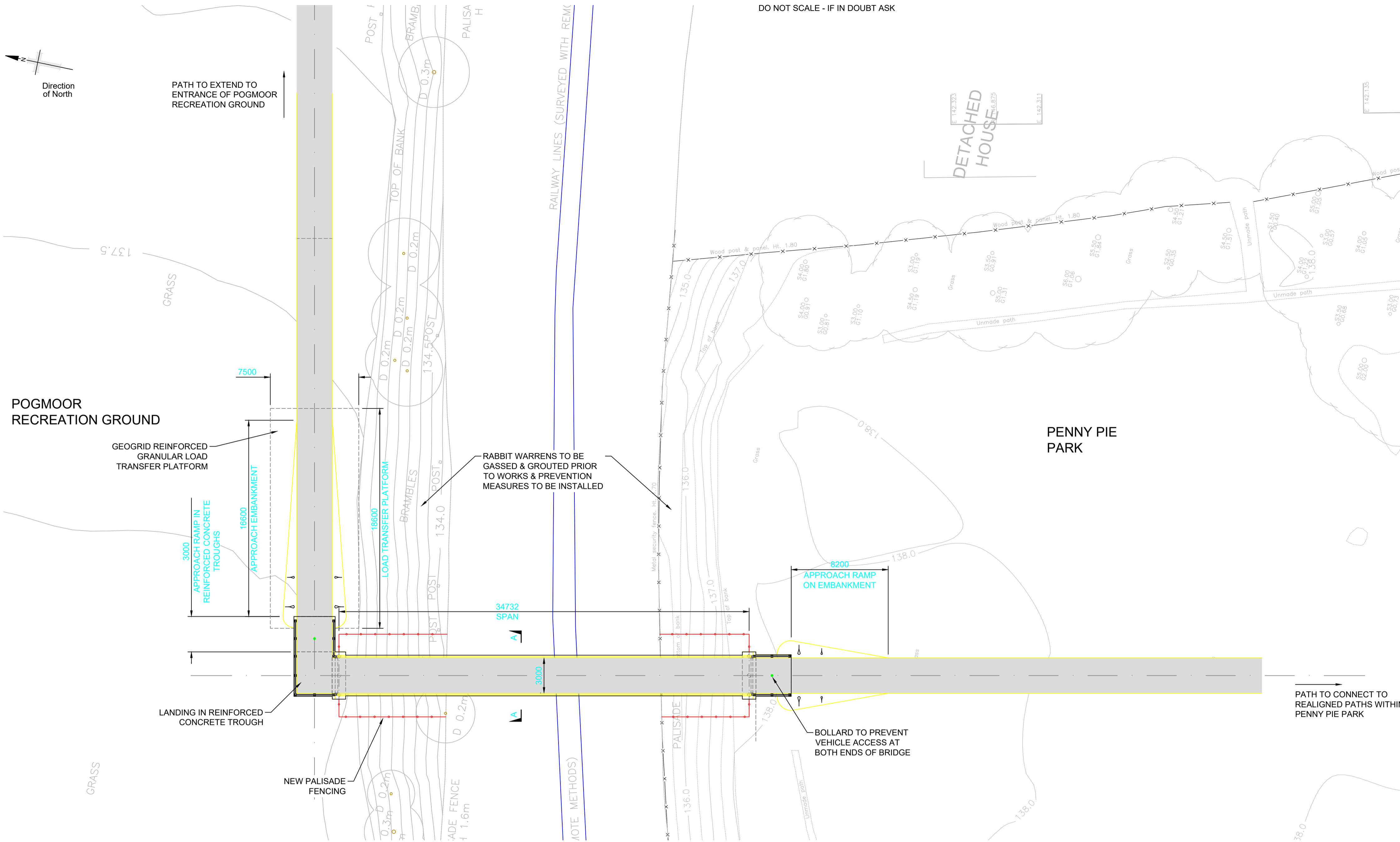
Dated:

APPENDIX 2 – DESIGN PLAN

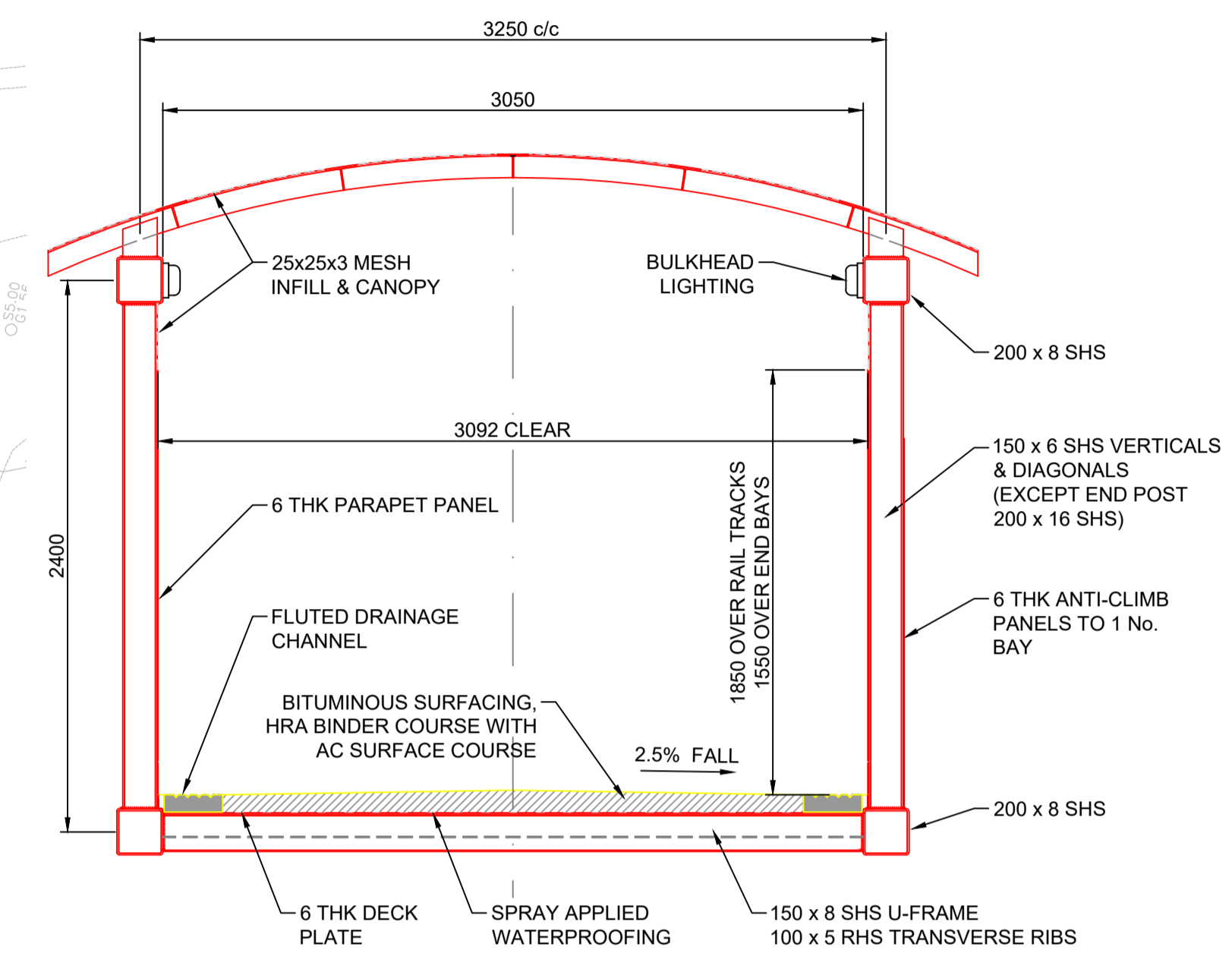
DO NOT SCALE - IF IN DOUBT ASK

NOTES

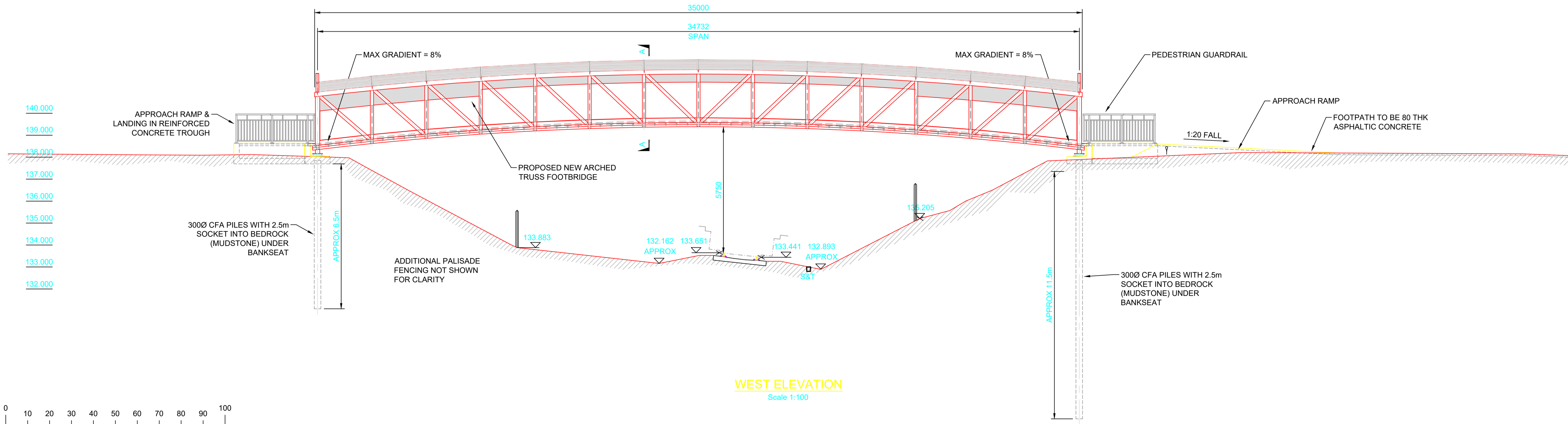
1. DO NOT SCALE OFF THIS DRAWING.
2. ALL DRAWINGS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
3. NEW FOOTBRIDGE USING SQUARE HOLLOW SECTION STEELWORK, SIMILAR TO NEW BRIDGE ON WAKEFIELD GREENWAY.
- 4.



PLAN Scale 1:200



SECTION A-A Scale 1:25



WEST ELEVATION Scale 1:100

REV	DESCRIPTION	BY	CHK	APP	DATE
P02	MESH CANOPY ADDED	JB	RH	JL	20/02/20
P01	INITIAL ISSUE	JB	RH	JL	22/01/20

REVISION TABLE

HBPW
CONSULTING ENGINEERS

43 BRIDGEGATE
RETFORD
NOTTINGHAMSHIRE
DN22 7UX
TEL: (01777) 869896
www.hbpw.co.uk

CONTRACTOR:

BARNSELEY
Metropolitan Borough Council

HBPW PROJECT NUMBER: SL06524

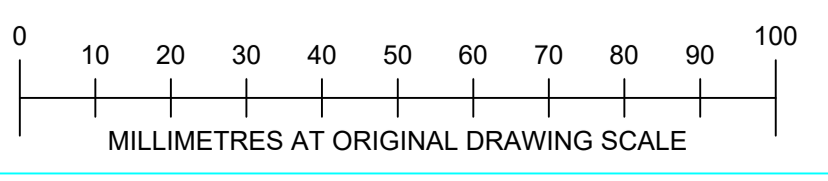
PROJECT: Penny Pie Park / Pogmoor Recreation Ground Footbridge

DRAWING: OPTION 3
ARCHED TRUSS FOOTBRIDGE

PROJECT ENGINEER: J Livesey	DRAWN: J Bent
CHECKED: R Hardy	APPROVED: J Livesey

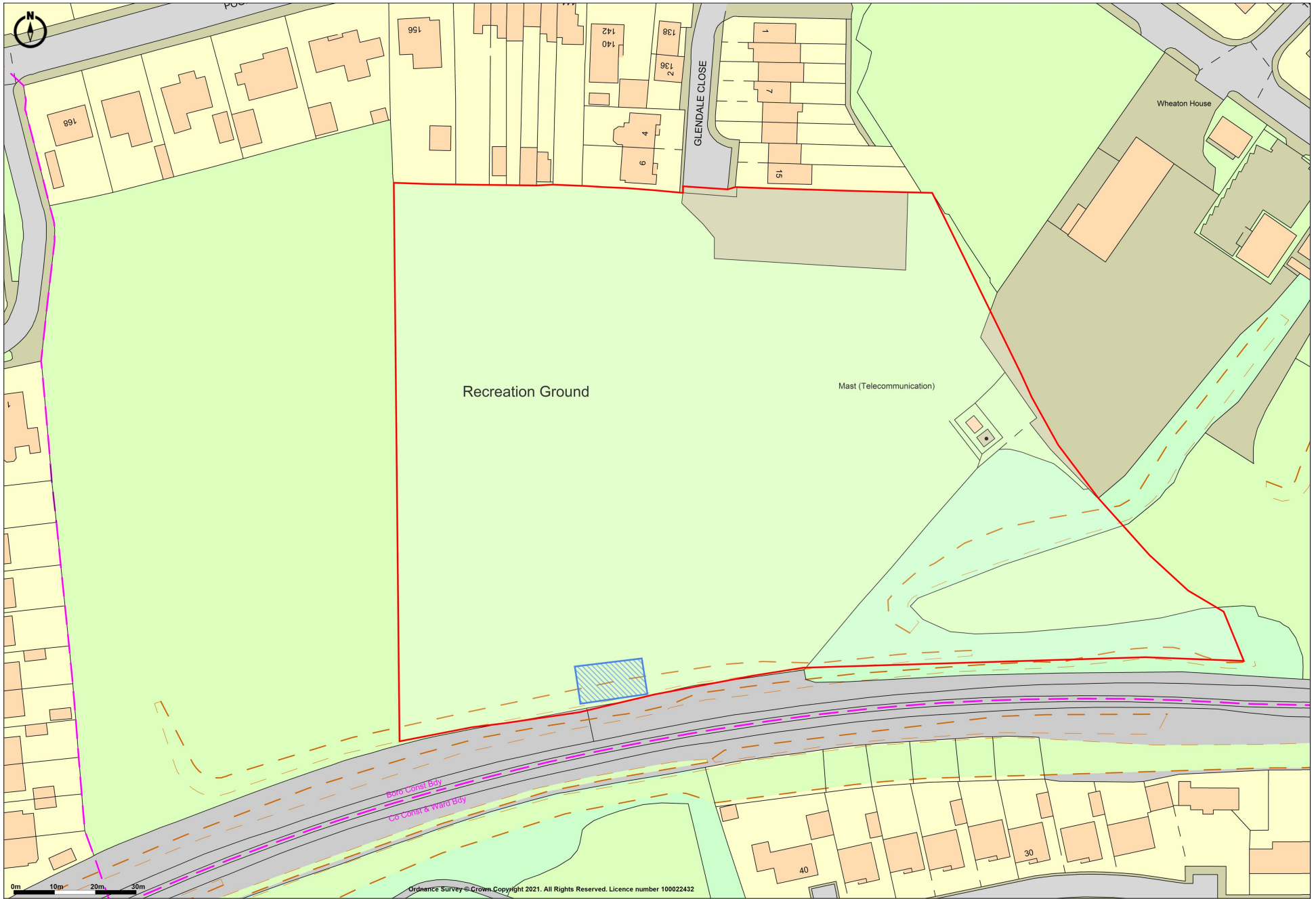
DATE: 22.01.2020	SCALE: AS SHOWN	SIZE: A1	SUITABILITY: -	REVISION: P02
---------------------	--------------------	-------------	-------------------	------------------

DOCUMENT REFERENCE NUMBER: SL06524-HBPW-xxx-DRG-C-CV-1003

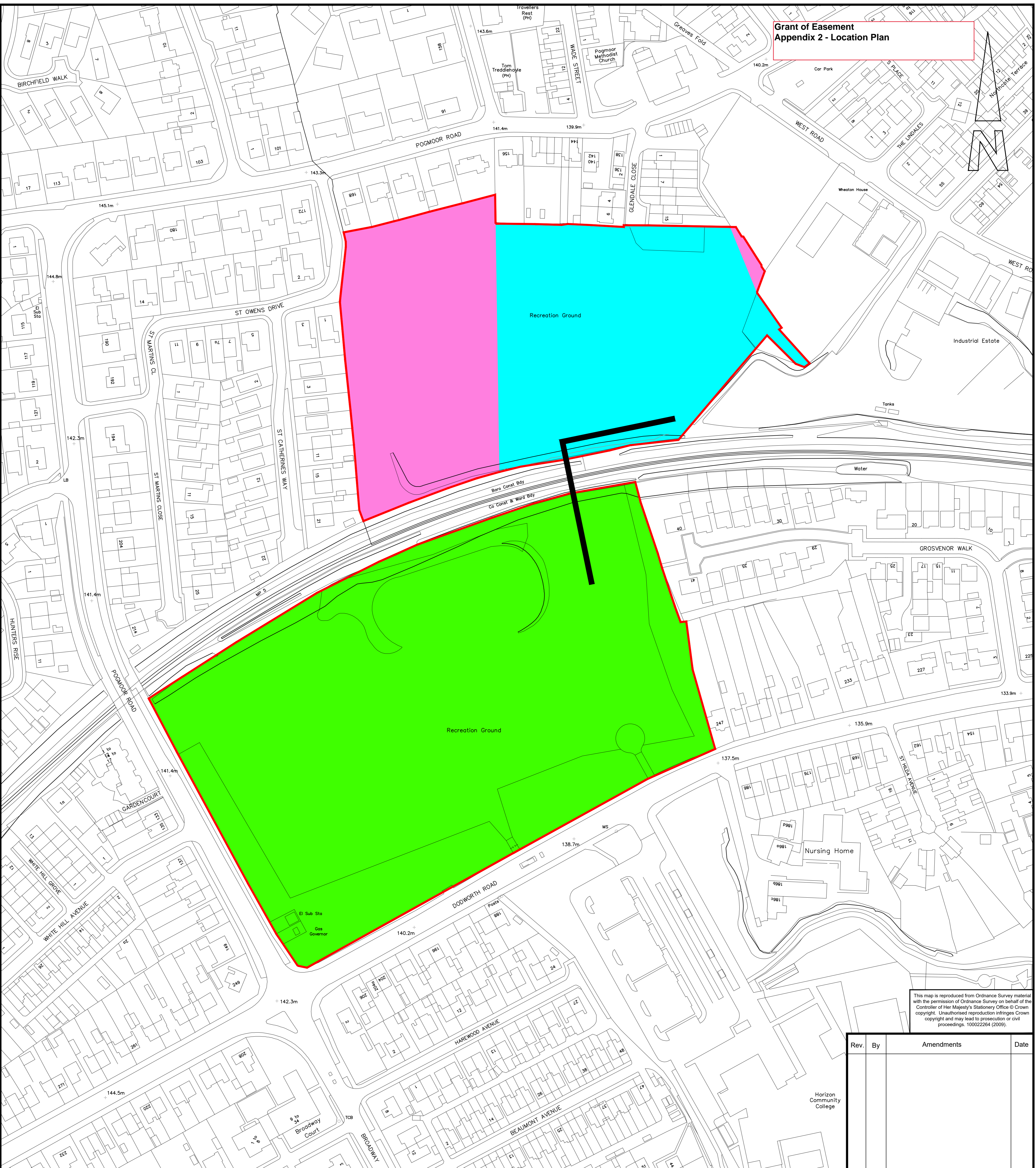


APPENDIX 3 – SITE PLAN

Pogmoor Recreation Ground



This page is intentionally left blank

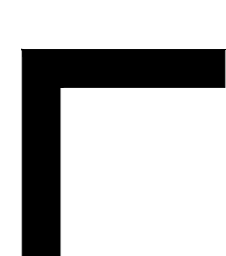


This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100022284 (2009).

Rev.	By	Amendments	Date

KEY

- Land in Council Ownership - Pogmoor Recreation Ground
- Land in Council Ownership - Penny Pie Park
- Land held by the Council as Trustee - Pogmoor Recreation Ground



Proposed bridge and associated approach ramps/footways

BARNSELEY
Metropolitan Borough Council

Project
Penny Pie Park/Pogmoor Recreation Ground - Footbridge and Civils Works

Drawing title

Scale 1:1000 @ A1	Drawn GSJ	Checked	Date Nov 21
Drawing No. HD/7122127/C/LP/1			File

Kathy McArdle Service Director Place Directorate
Regeneration & Culture (Business Unit 4)
P.O. Box 609, Barnsley.
Barnsley S70 9FH
Tel. (01226) 770770 Fax. (01226) 772222

This page is intentionally left blank

Item 11

BARNSELY METROPOLITAN BOROUGH COUNCIL

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

REPORT OF THE EXECUTIVE DIRECTOR PLACE
Cabinet, 26 January 2022

Public or Private: Public

Barnsley Place-based Investment Plan

1. PURPOSE OF REPORT

- 1.1 To present to Cabinet the Barnsley Place-based Investment Plan.
- 1.2 To seek approval to submit the Barnsley Place-based Investment Plan to South Yorkshire Combined Authority as the strategy for South Yorkshire Renewal Fund investment priorities in Barnsley.

2. RECOMMENDATIONS

- 2.1 Cabinet adopts the Barnsley Place-based Investment Plan.
- 2.2 Cabinet approves the submission of the Barnsley Place-based Investment Plan to South Yorkshire Combined Authority, as the strategy for South Yorkshire Renewal Fund investment priorities in Barnsley.

3. INTRODUCTION

- 3.1 In March 2021, the South Yorkshire Mayoral Combined Authority (SY MCA) Board agreed the principle of a South Yorkshire Renewal Fund (MCA Board March 21) drawing on the £30m p.a. resources secured through the Devolution Deal with Government ('Gainshare') supplemented by prudential borrowing.
- 3.2 The SY Renewal Fund is intended to support investment which helps to meet the SY MCA's strategic objectives for economic, social and environmental enhancements across South Yorkshire, as articulated in the Strategic Economic Plan (2020). It is expected to bring a more coherent approach to the management of the range of national government funds for which SY MCA becomes responsible (e.g. Transforming Cities Fund, Housing (Brownfield) Fund, Active Travel Fund etc.). It will also use additional funds from prudential borrowing to add value to / fill gaps between discreet and ad hoc government funding such as the Future High Streets Fund and Levelling Up Fund.
- 3.3 SY MCA has established four principles upon which the fund will be managed and allocated:
 - a. *Social Value. Investment to create jobs and grow the economy must also deliver greater inclusion for people and communities.*
 - b. *Outcomes. Delivery of 'Strategic Economic Plan' outcomes and local priorities.*
 - c. *Subsidiarity. Funds should be devolved to the most appropriate level, whilst maintaining accountability and responsibility.*
 - d. *Equity. Every area will get an equitable share of programme funds.*

- 3.4 MCA officers are developing a 'place-based' framework for the deployment of the SY Renewal Fund based upon: a) assessing investment impact on SY MCA outcomes and b) upon local priorities at a district level. As part of this process each of the four constituent local authorities has been asked to prepare its own 'Place-based Investment Plan' as the strategy for potential SY Renewal Fund investments in that area.
- 3.5 Place-based Investment Plans will principally focus upon priorities for capital investment under the SY Renewal Fund. However, it is also anticipated that the Plans will be used to demonstrate the rationale for future investment opportunities, including any possible future rounds of the Levelling Up Fund and revenue programmes under the proposed UK Shared Prosperity Fund.
- 3.6 This report precedes a further report on the Principal Towns and Local Centre Investment Plans and capital programme, due in spring 2022. This is as a result of the timing of the SY MCA's process for completion of Place-based Investment Plans and the opening of the SY Renewal Fund in April 2022. Whilst the Place-based Investment Plan (Appendix A) includes some elements of the Principal Towns and Local Centres plans which could be funded through 'Early Delivery' of SY Renewal Fund in 2022/23, it is important to note that it does not represent the entirety of Council's proposals for capital investment in principal towns and local centres, which is reflected in the forthcoming plans.

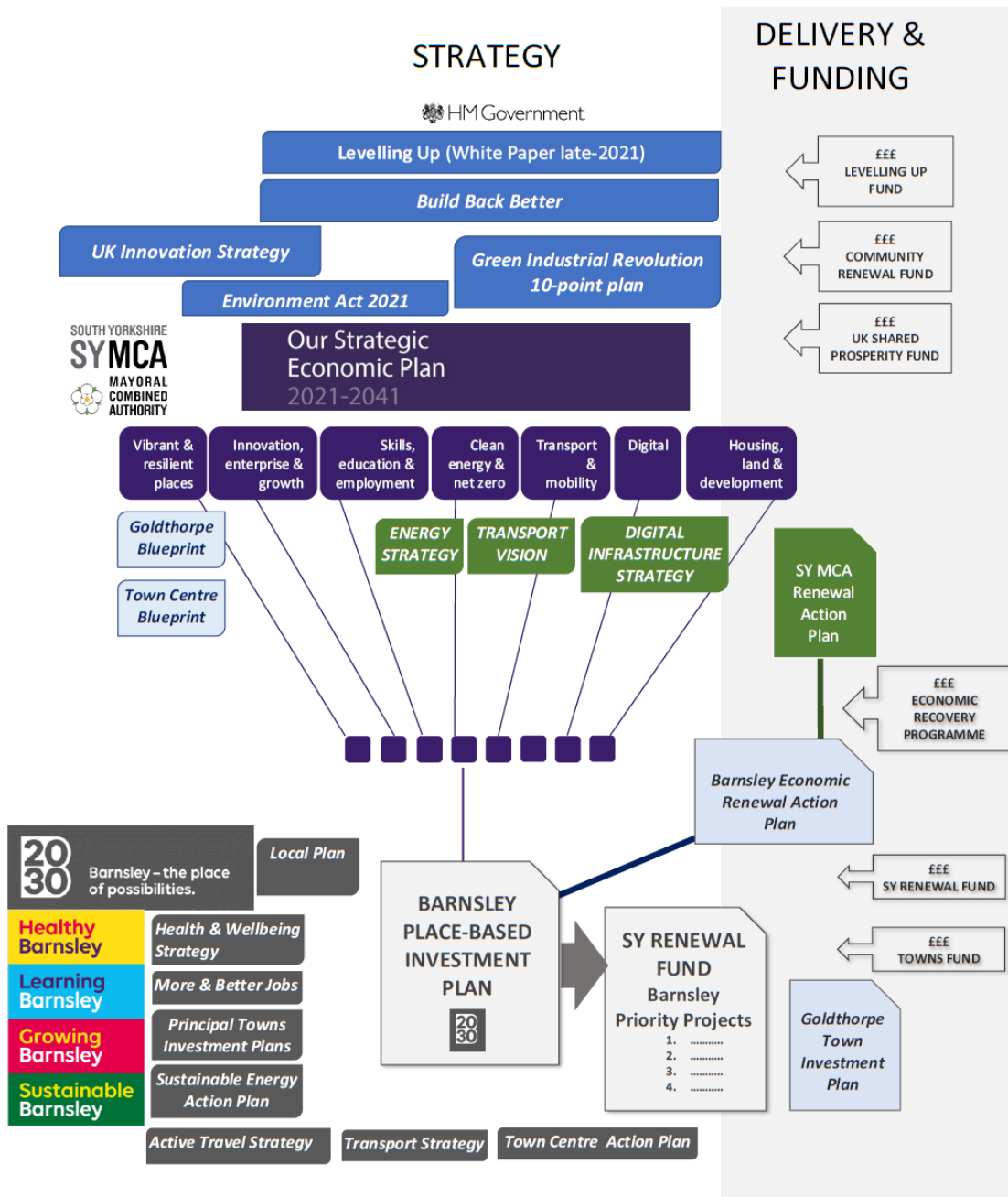
4. PROPOSAL AND JUSTIFICATION

- 4.1 Barnsley Council officers have developed the 'Barnsley Place-based Investment Plan' (Appendix A) with the intention that this is submitted to SY MCA for consideration in January 2022, prior to the opening of the SY Renewal Fund in April 2022.
- 4.2 The 'Barnsley Place-based Investment Plan' outlines the following key information and summary investment proposals to SY MCA:
- a. Vision and objectives for investment in Barnsley aligned to *Barnsley 2030*;
 - b. Evidence-base and rationale for investment;
 - c. Focused investment plans for 8 themes – directly aligned to the SY *Strategic Economic Plan* and mayoral priorities: i) Vibrant & resilient places; ii) Culture & visitor economy; iii) Innovation, enterprise and growth; iv) Skills, education and employment; v) Sustainability and net zero; vi) Transport and mobility; vii) Digital; viii) Housing, land and development;
 - d. Priority projects for early SY MCA investment in Barnsley; and
 - e. Governance and delivery.
- 4.3 Whilst the eight investment themes are directly drawn from SY MCA's strategic investment priorities, it is considered that they also closely reflect the current and future priorities for strategic regional-level investment in Barnsley. Local Barnsley-specific programmes are identified for investment over the next 5 years on each of the themes, including:
- i. Vibrant & resilient places: Seam Digital Campus; Town Centre Plan; and Principal Towns Investment Plans.
 - ii. Culture & visitor economy: Culture and Visitor Economy Capital Programme.
 - iii. Innovation, enterprise and growth: Business innovation support; Business centres capital programme; and Commercial property and inward investment programme.

- iv. Skills, education and employment: Technical sector skills academies; and Employment and skills capital programme.
- v. Sustainability and Net Zero: Innovation in energy; and Circular economy.
- vi. Transport: Principal Towns Transport Network.
- vii. Digital: Gigabit City; Smart Barnsley; and Digital inclusion.
- viii. Housing, land and development: Housing growth; and Employment growth.

4.4 The Place-based Investment Plan aligns with priorities outlined in other Council strategies, for example the More and Better Jobs strategy and Sustainable Energy Action Plan. It is also informed by, and aligned with, emerging UK Government policy and associated funding opportunities, particularly associated with the Levelling Up White Paper.

Figure a. Diagram outlining strategic, delivery and funding alignment of the Place-based Investment Plan



4.5 A number of projects have been identified as early investment priorities in this version of the Plan (Appendix A), with additional investment opportunities identified for further development for the first 5 years of the SY Renewal Fund. However, it is intended that the list of Investment Plan projects can be updated to reflect emerging priorities and changes in project circumstances. This principle is being developed in collaboration with SY MCA officers.

4.6 It is also intended to update the existing Local Economic Impact Assessment tool which has been successfully used by the Council to assess and demonstrate the economic impact and value for money of investment propositions to UK Government and SY MCA (Sheffield City Region as was) over the last few years. The update will include alignment with the core outcomes and metrics used by SY MCA to assess SY Renewal Fund proposals and will include compatibility with UK Government's 'land value uplift' approach to measuring economic impact.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

5.1 SY MCA has developed its preferred approach to the development of local investment priorities in the form of 'Place-based Investment Plans' and therefore no alternative approach to developing Barnsley's strategy for the SY Renewal Fund was available.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

6.2 Strategically, the anticipated indirect benefits of the investment ask to SY MCA will be to support the Council and its partners to deliver investment in the Borough's social, economic and environmental infrastructure to lead to positive outcomes for Barnsley residents and businesses.

7. FINANCIAL IMPLICATIONS

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

7.2 There are no financial implications of the recommended actions in this report. However, the adoption and submission of the Place-based Investment Plan is expected to support future investment resource from SY MCA, enabling the Council to fulfil its economic growth aspirations. All future investment decisions will be subject to full business case scrutiny and legally binding grant agreement which will be considered on a case-by-case basis as they emerge.

8. EMPLOYEE IMPLICATIONS

8.1 There are no employee implications associated with this report.

9. LEGAL IMPLICATIONS

9.1 There are no anticipated legal implications at this stage of the Council's engagement with SY MCA on the SY Renewal Fund. All future investment decisions will be subject to full business case scrutiny and legally binding grant agreement which will be considered on a case-by-case basis as they emerge.

10. CUSTOMER AND DIGITAL IMPLICATIONS

10.1 The Place-based Investment Plan will be publicly available on the Barnsley Council website. A digital publishing plan is being developed with Communications officers.

11. COMMUNICATIONS IMPLICATIONS

11.1 The Place-based Investment Plan will be a published Council document. A publishing plan is being developed with Communications officers.

12. CONSULTATIONS

12.1 The Barnsley Place-based Investment Plan has been developed in consultation across Regeneration & Culture, with the Strategic Director of Finance, Executive Director of Place, key delivery organisations across the Borough and officers of the South Yorkshire Mayoral Combined Authority.

13. EQUALITY IMPACT

13.1 An equality impact assessment is being developed in line with the timetable for Cabinet approval.

14. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

14.1 The 'Place-based Investment Plan' is based upon, and directly aligned to, the Council's Barnsley 2030 aspirations. The document directly highlights the anticipated impact of each investment theme upon the achievement of the aims for:

- Healthy Barnsley
- Growing Barnsley
- Learning Barnsley
- Sustainable Barnsley

The delivery of the Place-based Investment Plan will directly contribute to a range of Corporate Performance Critical Success Factors, whilst also supporting regional and national policy objectives as shown in Figure A.

15. TACKLING THE IMPACT OF POVERTY

- 15.1 The evidence-base of the 'Place-based Investment Plan' outlines the following guiding principles for investment in Barnsley, which are anticipated to have a direct and indirect effect on addressing economic disadvantage in the Borough:
- a. Redressing the jobs deficit and providing opportunity for higher levels of economic engagement
 - b. Harnessing private investment to grow our business base and drive higher-value activity
 - c. Fostering an inclusive economy
 - d. Supporting population, housing and employment growth

- e. Making our urban centres fit for the future
- f. Maximising the value of our cultural and heritage assets

16. TACKLING HEALTH INEQUALITIES

16.1 Tackling health inequalities is considered an important element of the ‘inclusive economy’ guiding principle for investment within the Plan.

17. REDUCTION OF CRIME AND DISORDER

17.1 Reduction of crime and disorder will be considered on a case-by-case basis in the future design of all capital asset investments.

18. RISK MANAGEMENT ISSUES

18.1 Key risks include:

Risk	Mitigation
Strategic – Barnsley’s Place-based Investment Plan misaligned or contradictory to SY MCA economic and investment ambitions	The Barnsley Place-based Investment Plan is purposefully based upon the SY MCA’s key investment themes from the Strategic Economic Plan. This structure has been shared and discussed with SY MCA officers who are supportive of BMBC’s approach. Continued engagement is taking place with SY MCA officers, including through the Local Resilience Forum
Financial – SY MCA not able to fund all of BMBC’s investment aspirations through the SY Renewal Fund	The Place-based Investment Plan proposes a flexible approach to bringing forward priority investment projects that will allow the programme to be rationalised or adapted as necessary. The Plan will also be used as the investment rationale for future bids to other funds outside SY Renewal Fund.

19. GLOSSARY

SY MCA - South Yorkshire Mayoral Combined Authority


20. LIST OF APPENDICES

Appendix A: Barnsley Place-based Investment Plan
Appendix B: Place-based Investment Plan Project Summary

21. BACKGROUND CABINET PAPERS

None

Report author: Paul Clifford (Head of Economic Development)

<p>Financial Implications/Consultation</p>  <p>..... (To be signed by senior Financial Services officer where no financial implications)</p>

Barnsley place-based investment plan

Final DRAFT v4.2

January 2022

Contents

1.1	Vision	3
1.2	Our Barnsley 2030 ambitious goals	4
1.3	Aligning our strategies to deliver the vision	5
2	BARNSELY: OUR PLACE	7
3	OUR PLACE-BASED APPROACH TO INVESTMENT	10
3.1	Investment plan: our theory of change	10
3.2	Investing in place	11
3.3	Matching Barnsley's place-based investment plan to South Yorkshire priorities	12
4	BARNSELY INVESTMENT PLAN	13
	Theme 1: Vibrant and resilient places	13
	Vibrant and resilient places: 3 key strategic issues and opportunities for Barnsley	13
	Vibrant and resilient places: place-based approach	13
	Barnsley 2030 ambitious goals	14
	(1) Vibrant and resilient places: Barnsley Investment Plan	14
	Theme 2: Culture and visitor economy	16
	Culture and visitor economy: 3 key issues and opportunities for Barnsley	16
	Culture and visitor economy: place-based approach	16
	Barnsley 2030 ambitious goals	17
	(2) Culture & Visitor Economy: Barnsley Investment plan	17
	Innovation, enterprise and growth: 3 key issues and opportunities for Barnsley	19
	Innovation, enterprise and growth: place-based approach	19
	Barnsley 2030 ambitious goals	20
	(3) Innovation, enterprise & growth: Barnsley Investment Plan	20
	Theme 4: Skills, education and employment	21
	Skills, education and employment: 3 key issues and opportunities for Barnsley	21
	Skills, education and employment: place-based approach	21
	Barnsley 2030 ambitious goals	22
	(4) Skills, education & employment: Barnsley Investment Plan	22
	Theme 5: Sustainability and net zero	23
	Sustainability and net zero: 3 key issues and opportunities for Barnsley	23
	Sustainability and net zero: place-based approach	23
	Barnsley 2030 ambitious goals	24
	5) Sustainability & net zero: Barnsley Investment Plan	24
	Theme 6: Transport and mobility	25
	Transport and mobility: 3 key issues and opportunities for Barnsley	25
	Transport and mobility: place-based approach	25
	Barnsley 2030 ambitious goals	26
	(6) Transport & mobility: Barnsley Investment Plan	26

	Digital: 3 key issues and opportunities for Barnsley	27
	Digital: place-based approach	27
	Barnsley 2030 ambitious goals	28
	(7) Digital: Barnsley Investment Plan	28
Theme 8: Housing, land and development		29
	Housing, land and development: 3 key issues and opportunities for Barnsley	29
	Housing, land and development: place-based approach	29
	Barnsley 2030 ambitious goals	29
	(8) Housing, land and development: Barnsley Investment Plan	30
5	DELIVERING THE BARNLSLEY INVESTMENT PLAN	34
5.1	Capacity to deliver	34
5.2	Programme governance	34

1.1 Vision

Barnsley is a **place of possibilities**. This ambition has been generated from the community, businesses and the Borough's anchor institutions through **Barnsley 2030**: our vision of how our place will be by the end of the decade. This *Place-based Investment Plan* is a key tool in realising that vision. It outlines the opportunities to continue to make our Borough a better place; and redefines our offer to public and private sector investment partners.

**20
30**

**Barnsley – the place
of possibilities.**

The Barnsley 2030 Vision

In Barnsley we want everyone to have a good life. This means everything from a quality place to call home, to good physical and mental wellbeing and a sense of self-worth through diverse and secure employment opportunities. It's also about having access to the best possible local facilities in a community that values our people and our place.

In Barnsley we want to ensure that everyone has the opportunity to learn, develop new skills and, most importantly, to achieve their personal potential.

Barnsley aims to be an exemplar place to live and a great place to do business. We want to both retain and attract new people and businesses to the area, creating an inclusive and diverse community enriched with skills, knowledge and experiences. We want to meet the needs of today, without compromising the needs of the future and encourage people to connect to each other as well as to our place.

It's time to believe in the possibilities of Barnsley, to look to the future with excitement and optimism. Our borough is a place that fosters and grows ambition, enabling everyone to be the best they can be.



1.2 Our Barnsley 2030 ambitious goals

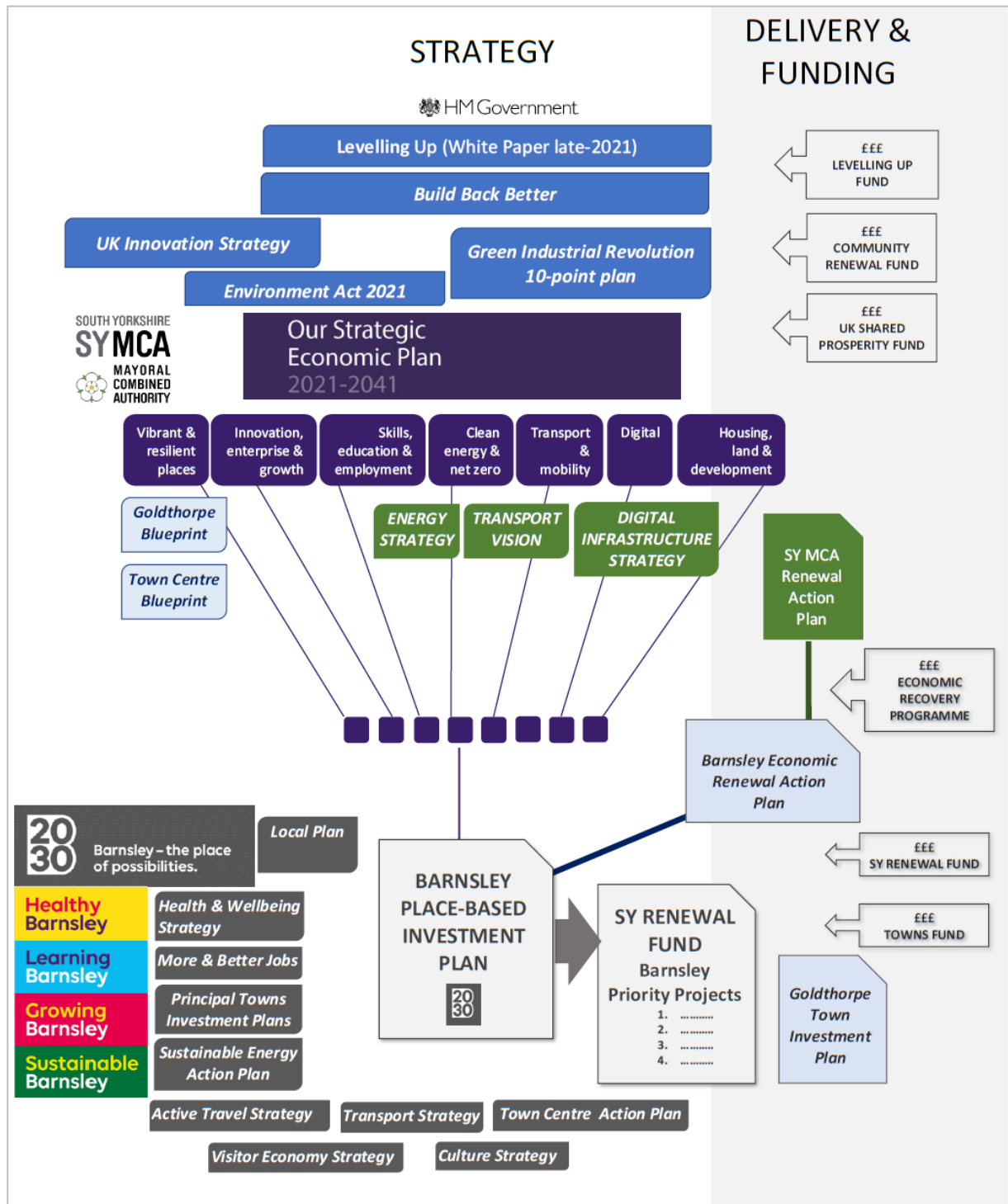
We have set ourselves a series of challenging goals to meet in our work to continue to improve social, economic and community life in Barnsley by 2030:

- By 2025, over 8,000 new jobs will have been created in Barnsley. This will rise to more than 15,500 new jobs by 2030
- 850 new businesses (start-ups) have commenced operation across Barnsley and 400 more businesses have invested in the borough
- Annual footfall in our town centre and urban centres will have grown from 3.5m baseline (2020-21) to 10m by 2030
- Percentage of the Barnsley population with a qualification at Level 4 or above will increase to 40%
- The percentage of Barnsley residents employed in 'higher-skilled jobs' has increased from 42.1% in 2020 to 48%, with ('higher skilled' defined as: Standard Occupational Classification 1-3)
- Increase in the coverage/availability of gigabit-capable broadband across Barnsley to 100% by 2030
- The number of people visiting cultural/heritage sites and museums across Barnsley doubles from 1 million to 2 million in 2030
- Over 10,000 new homes to be built in the borough by 2030
- Every young person attends a 'good or outstanding' school or early years setting and all pre to post-16 settings are performing above the national average for: EYS, Primary, Secondary and Post-16
- Reduce carbon emissions (greenhouse gases) across the borough by 80%
- More people than ever before are choosing to use sustainable methods of travel, resulting in a modal shift as follows: an increase in people cycling (3%), walking (12%), taking the bus or travelling by train (25%), and therefore less people travelling by private car (60%)
- There is 100km of additional 'off-road cycle routes' newly available across the borough and 100km of the borough's 'Public Rights of Way' have been improved
- Self-reported wellbeing has increased to over 80% of our population

1.3 Aligning our strategies to deliver the vision

Our Place-based Investment Plan is aligned to our existing strategies and the external policy environment. The touchstone is **Barnsley 2030**. This provides the structure of our Council Plan and the framework for all collective action across the Borough over the next decade: fostering a **healthier community**; providing **greater learning opportunities**; supporting population and employment **growth**; and ensuring **sustainability**.

Figure a. Diagram outlining strategic, delivery and funding alignment of the Place-based Investment Plan



This Plan is focused on **actions and investment opportunities** - outlining our ambitious South Yorkshire Renewal Fund programme. It provides the means to deliver the partnerships, infrastructure and capital assets needed to support our spatial and economic priorities – which are outlined in our key topic-focused strategies, such as the Local Plan (2019-33), *More & Better Jobs*, and the *Sustainable Energy Action Plan*.

It also represents the progression of our current investment actions plan – the **Barnsley Economic Action Plan** – which contains the planned and ongoing investments in the immediate phase of pandemic economic recovery until October 2022.

The **Goldthorpe Town Investment Plan** is the investment deal brokered and agreed between the Goldthorpe Town Board and the Government, to deliver the £25m Town Deal regeneration programme for Goldthorpe and wider Deane area under the Government’s Towns Fund. This is an additional *live* investment action plan – which integrates with our ambitions for the South Yorkshire Renewal Fund.

The proposed investments outlined in this Plan are expected to have economic and social value for Barnsley, and also at a regional scale – helping to deliver on the priorities of the Mayoral Combined Authority.

The core themes of this Place-based Investment Plan directly respond to the South Yorkshire Combined Authority’s **seven priority themes** for future investment, as outlined in the **Strategic Economic Plan** (SEP) plus the mayoral priority theme of culture and visitor economy. Spatially, the SEP outlines **eight key growth areas across South Yorkshire** including Barnsley Town Centre and Goldthorpe, in recognition of the importance of these two localities to future inclusive growth in our Borough. This is echoed in our inclusion of priority investments in the town centre and Goldthorpe (under the Town Centre, Principal Towns and Local Centre investment category).

Under these themes we have two categories of investment:

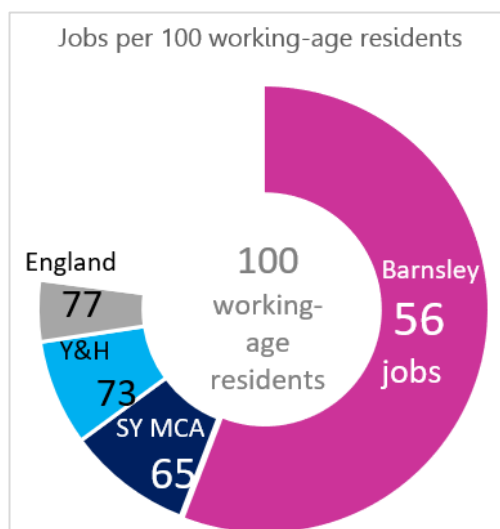
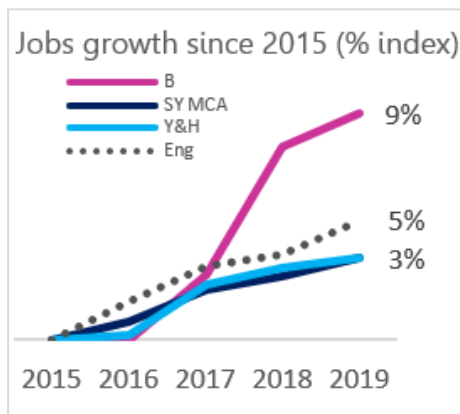
1. **Early Delivery:** priority projects which can be developed to Full Business Case stage within 6 months and demonstrate spend in 2022/23.
2. **5-year future investment potential:** priority projects for investment before 2027 which continue to be developed.

2 Barnsley: our place

Our plan is 'place-based': we know what makes the borough work as a place and the challenges to overcome as a catching up economy. Our key issues and opportunities are:

a) Redressing the jobs deficit and connecting people to employment opportunities

Great progress has been made in recent years – but there's still **not enough jobs**: 13,900 more are needed to match South Yorkshire average employment density.



Some sectors have seen significant growth but face challenges in the supply of skilled labour. We also need to **attract, develop and retain residents with higher-level skills** to support more value-added activity in Barnsley, including growing our service sector.

Further jobs growth provides the opportunity to **raise levels of economic engagement: this is consistently below average in Barnsley** (73% compared to national average 80% in 2020).

Residents with degree-level or equivalent qualifications (NVQ4+)	
Barnsley	29%
Yorkshire and Humber	37%
Great Britain	43%

	B	SY MCA	Y&H	ENG
% jobs in production	23%	17%	19%	15%
% jobs in services	77%	83%	81%	85%
% jobs in KIBS	6%	10%	11%	15%

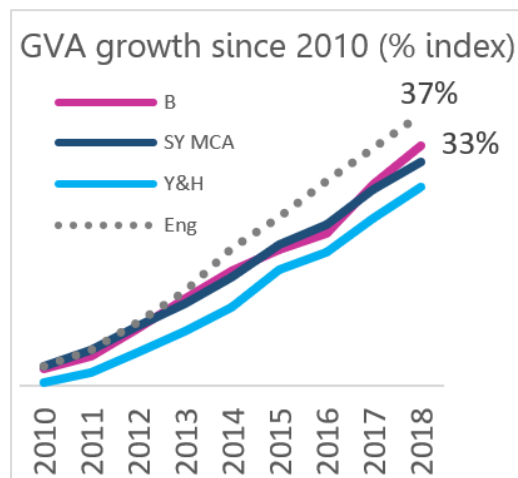
b) Harnessing private investment to grow our business base and drive higher-value activity

Growing business base: There are 1,500+ more businesses in 2010 than 2020; and start-ups are increasingly resilient businesses – average 3-year new business survival better than national average.

Continued business growth is needed to **catch up with levels of entrepreneurship** seen outside Barnsley.

Additional businesses required in Barnsley to meet wider average numbers of businesses per head	
South Yorkshire	+330
Yorkshire and Humber	+1,900
England	+3,900

The overall value of our economy continues to grow. Investment in higher-value economic activity is needed to **close the productivity gap**. This needs to be backed up by increased economic engagement to get residents into jobs.



Productivity gap between Barnsley and SY economy	
GVA per job	-3%
GVA per head	-23%

c) Fostering an inclusive economy

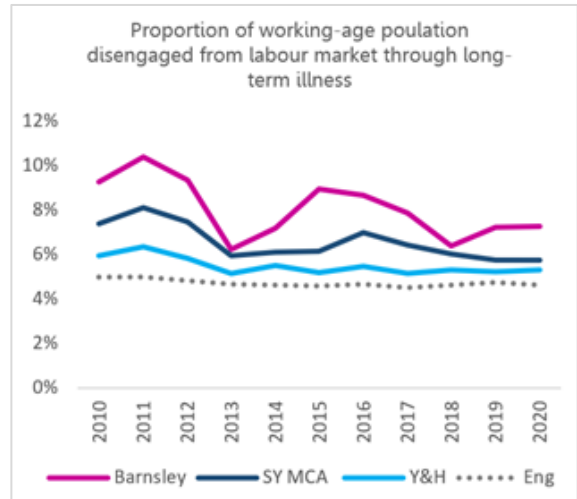
Overall prosperity continues to grow, but **not all Barnsley residents benefit**: since 2015 the average resident in work has earned less than the average job in Barnsley pays.

Average annual earnings of in-work residents	
Barnsley	£26,900
Yorkshire and Humber	£28,100
England	£30,700

Pockets of deprivation persist: driven by below average economic engagement. By 2019, 56% of Barnsley's neighbourhoods were in the lowest third nationally in the Index of Multiple Deprivation.

The proportion of people who are economically inactive through ill health in Barnsley has been consistently higher than regional and national averages for more than a decade

Health outcome inequalities: Life expectancy at birth is 1.6 years lower than average for women and 2 years below for men.

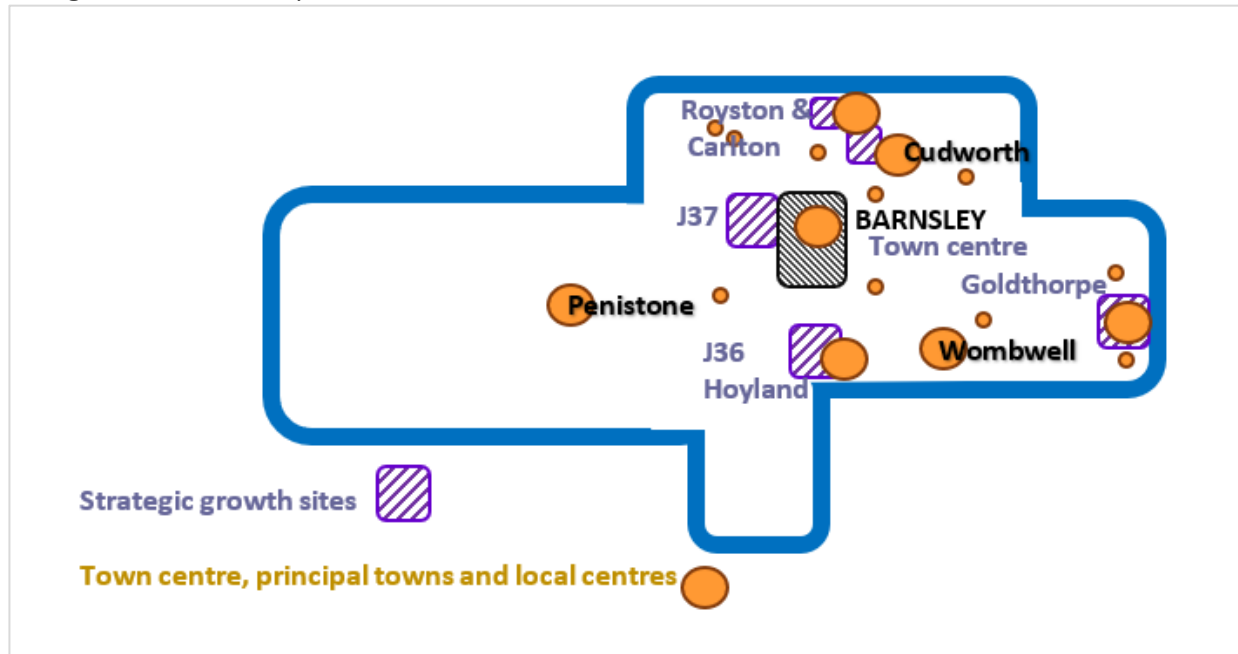


d) Supporting population, housing and employment growth

The population of the borough of Barnsley is almost quarter of a million (248,100): having grown 14% since 2000.

Development and investments will support our **population growth, projected to be faster than national and regional averages** over the next 20 years.

2019 Local Plan: Housing, employment and mixed-use development sites are allocated across the borough – to deliver **21,500 new homes** and capacity for almost **29,000 jobs** by 2033.



Strategic growth locations:

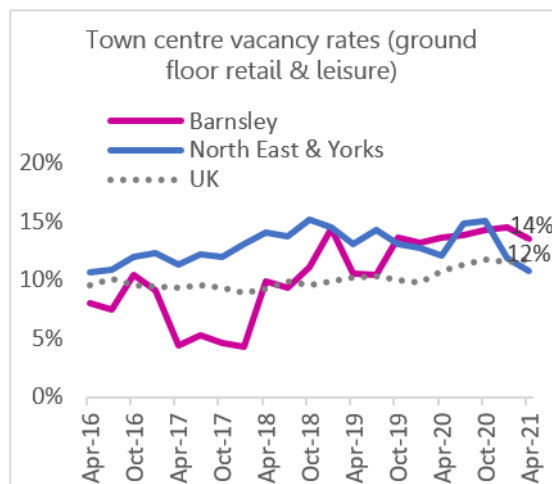
- J37 Barnsley West (1,700 homes, 43 ha employment land)
- Carlton (2,900+ homes)
- J36 Hoyland (2,000 homes; 114ha employment land)
- Royston (c.1,000 homes)
- Goldthorpe (73 ha employment land)

e) Making our urban centres fit for the future

Barnsley Town Centre: Contraction and consolidation of retail activity is following national trends: the town centre vacancy rate has increased to 14%. Planning and investment is needed to bring new reasons to visit and new higher-value activity: footfall is recovering strongly post-COVID 19 lockdowns on the back of the opening of the Glass Works: the new civic and leisure heart of Barnsley.

Principal towns: All of our principal towns are still important local service centres; but their function is shifting away from shopping – leaving physical assets and economic activity to be refreshed.

Travel to work and study in and around our urban centres is still dominated by car transport: 75% of journeys use car according to surveys.



g) Maximising the value of our cultural and heritage assets

Key visitor attractions: include Cannon Hall Museum, Park and Gardens – one of the top-10 most visited free attractions in England, and Experience Barnsley – shortlisted for UK Museum of the Year in 2021.

Growth of the cultural and visitor economy can drive employment and business growth – jobs in creative, arts and entertainment increased by 200% between 2014 and 2019 – and also increase levels of local cultural engagement.

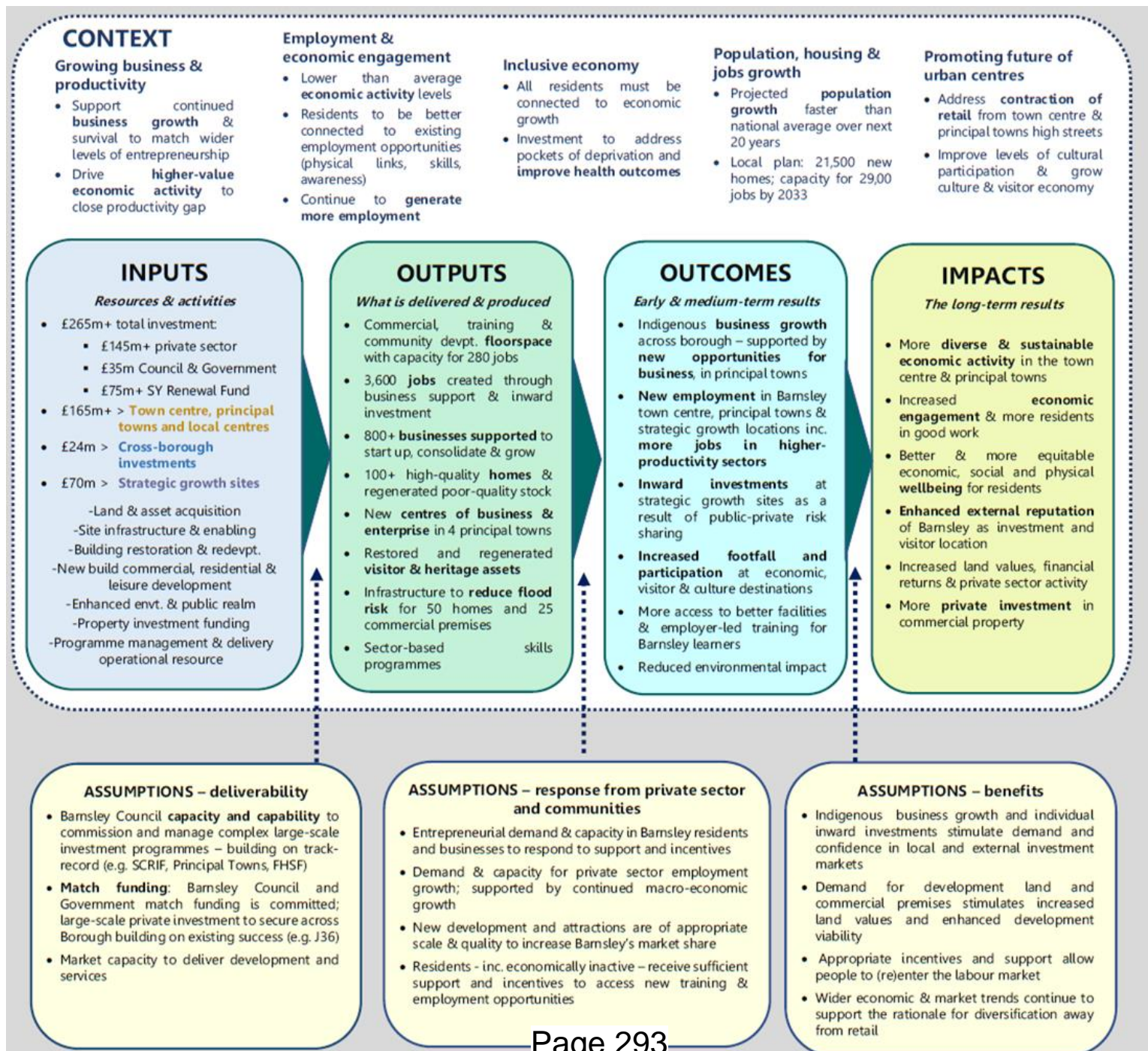
Levels of cultural engagement: The Active Lives Survey estimates only 39% of adults resident in Barnsley engaged with the arts or a museum three or more times annually, placing Barnsley 63rd out of the 72 local authorities in the north of England, and significantly below the national average of 50%.

3 Our place-based approach to investment

3.1 Investment plan: our theory of change

The 'theory of change' model below summarises the story of what we're trying to achieve over the next five years— in line with the vision. It outlines:

- **Context:** summary of the evidence base, issues and opportunities
- **Inputs:** summary of the required investments and activity for 'early delivery' under the South Yorkshire Renewal Fund
- **Outputs:** assets and services delivered and their associated measurable outputs
- **Outcomes:** the market, investment, institutional, community, and individual response to our investment programme
- **Impacts:** the longer-term positive changes for Barnsley and South Yorkshire society and economy



3.2 Investing in place

Barnsley is a diverse and far-reaching place – stretching from the moorland fringes of the Peak District in the west to the Dearne Valley wetlands in the east. It takes in town, village and rural communities; national road infrastructure; strategic employment locations; and a rich cultural, heritage and natural environment. **Our approach to planning investment in Barnsley over the next five to ten years is firmly rooted in our understanding of how the borough works as a place** – spatial, economic and community interrelationships and the way we connect with the world beyond the borough boundary.

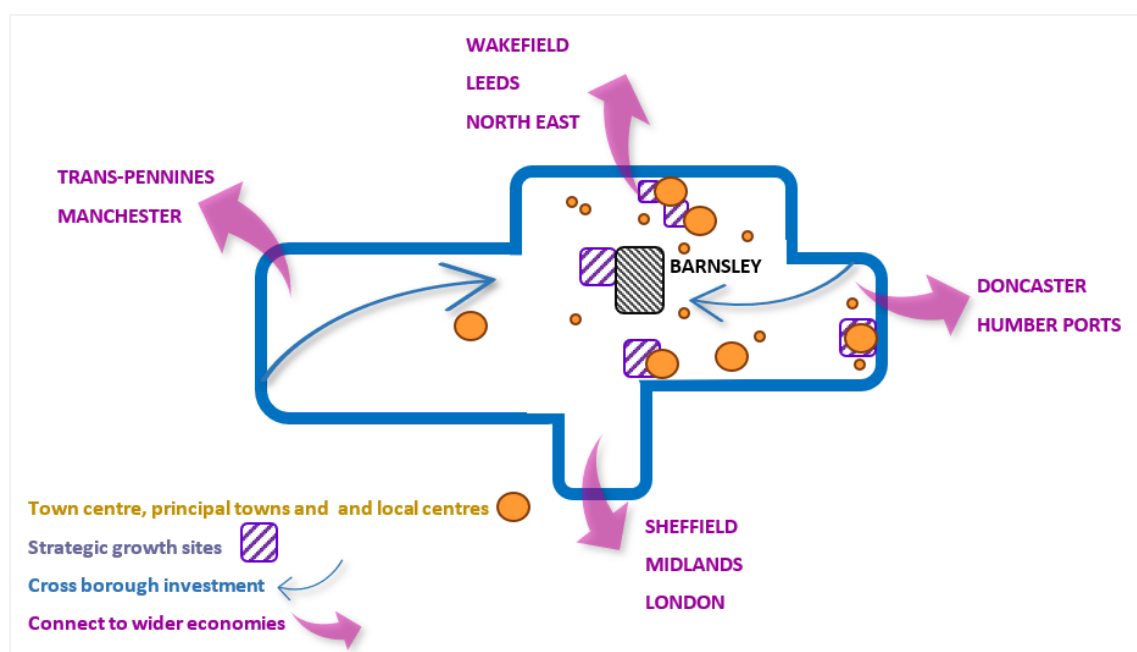
The Investment Plan (Section 4) is structured thematically, based on the investment priorities of the South Yorkshire MCA (SCR as was) *Strategic Economic Plan*. Each of the proposed investments is also categorised by one of the four **spatial categories** outlined below which shape the priorities defined in Barnsley’s economic and spatial planning policy.

Town centre, principal towns and local centres: The town of **Barnsley is the established economic centre of the Borough** – the town centre is the commercial heart. **Six principal towns** and **ten local centres** are located across the borough – with high streets and social assets serving our historic communities.

Strategic growth sites: Our Local Plan was adopted in 2019. It identifies the **strategic locations of significant housing and employment growth** – Junctions 36 and 37 of the M1, Hoyland, Goldthorpe, Royston and Carlton – to accommodate almost 29,000 jobs and over 21,500 new homes by 2033.

Cross-borough investments: **Infrastructure, and community and learning assets** connect people and places across the borough. Investment priorities include digital infrastructure, public transport and community & skills capital.

Connecting to wider economies: As an outward-facing borough we require continued investment to enhance our **connections to sub-regional, national, international economies** and maintain our **commitment to protecting the global environment**.



3.3 Matching Barnsley’s place-based investment plan to South Yorkshire priorities

The South Yorkshire MCA (SCR) **Strategic Economic Plan** (SEP) is based upon three **overarching policy ambitions**:

- **Growth: A Stronger South Yorkshire – Growing the economy for all**
- **Sustainability: A Greener South Yorkshire – Driving low carbon opportunities within the economy and delivering net-zero emissions**
- **Inclusion: A Fairer South Yorkshire – Ensuring that everyone has an opportunity to contribute to and benefit from economic growth**

To achieve these ambitions, the SEP outlines seven priority themes for investment:

- Vibrant and resilient places
- Innovation, enterprise and growth
- Skills, education & employment
- Clean energy & net zero
- Transport and mobility
- Digital
- Housing, land and development

In addition, arts, culture and heritage is also a recognised Mayoral priority. The table below shows how each of the SEP themes matches our priority spatial categories:

Mapping Barnsley’s place-based investments to South Yorkshire (SCR) SEP themes				
<u>SOUTH YORKSHIRE MCA STRATEGIC ECONOMIC PLAN</u>	TOWN CENTRE, PRINCIPAL TOWNS & LOCAL CENTRES	STRATEGIC GROWTH LOCATIONS	CROSS-BOROUGH INVESTMENTS	CONNECTING TO WIDER ECONOMIES
VIBRANT & RESILIENT PLACES >	Thriving, healthy and inclusive places across the borough			
CULTURE, ARTS & HERITAGE >	Sustainable and competitive cultural and heritage assets		Developing the visitor economy – strengthening the cultural sector	
INNOVATION, ENTERPRISE & GROWTH >	Affordable and supportive environments for business start-up and growth	Connected and enabled places for business growth, innovation and high-value investment		
SKILLS, EDUCATION & EMPLOYMENT >			Skills centres and programmes to support higher-value employment	
CLEAN ENERGY & NET ZERO >			Community-owned renewable energy across Barnsley – developing the sector	Reducing Barnsley’s impact on the global environment
TRANSPORT & MOBILITY >			Affordable, reliable and low-carbon travel within the borough	Fast and efficient transport to wider economic centres
DIGITAL >	Develop the Seam as South Yorkshire’s centre of digital excellence		High-quality and affordable digital connections – Growing digital capability	A UK-competitive digital business environment
HOUSING, LAND & DEVELOPMENT >	Supporting housing growth and thriving local centres	High-quality, affordable & energy efficient housing to support inclusive growth		

4 Barnsley Investment Plan

Theme 1: Vibrant and resilient places

Vibrant and resilient places: 3 key strategic issues and opportunities for Barnsley

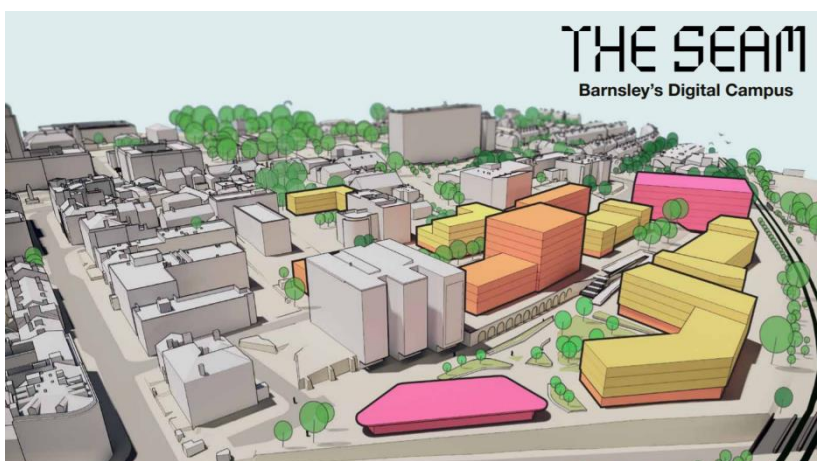
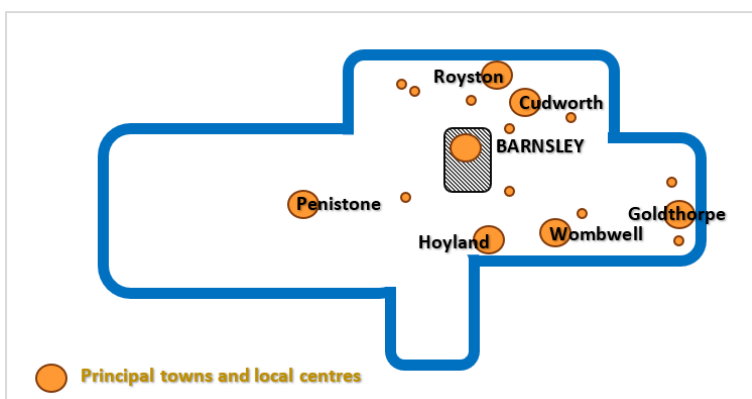
The three key strategic issues and opportunities for vibrant and resilient places in Barnsley are to:

1. Continue to develop and support **new reasons to visit Barnsley town centre**, consolidate the retail offer and diversify towards new and higher value types of economic activity;
2. Ensure the **economic resilience of the borough's six principal towns** and ten local centres by growing jobs and business outside retail whilst enhancing the local built and natural environment; and
3. Provide the local **infrastructure and environment** to support communities to **close health & economic equality** gaps.

Vibrant and resilient places: place-based approach

Our investment plan for vibrant and resilient places is focused on place-based investments in our **town centre, principal towns and local centres**. These are the core centres of population and economic activity in the Borough. For us this means our place-based priorities are to:

- Deliver five **Principal Towns Investment Plans** using our **Goldthorpe Town Deal** as an exemplar
- Enable the **masterplan for the Seam- Barnsley's Digital Campus**; to provide the platform for future investments under the 'INNOVATION, ENTERPRISE & GROWTH' and 'DIGITAL' themes



- Implement our **Town Centre Plan**
- Support and enable place-focused investments under the 'CULTURE & VISITOR ECONOMY' theme – such as the 'Forging Ahead' programme to make Elsecar a 21st century business and visitor destination.

Barnsley 2030 ambitious goals

The priority investments for **vibrant and resilient places** will contribute to a number of the ambitious goals for Barnsley 2030 – *the place of possibilities*:

Healthy Barnsley
Learning Barnsley
Sustainable Barnsley

- *Our diverse communities are welcoming, supportive and resilient*
- *Everyone has the opportunity to create wider social connections and enjoy cultural experiences*
- *People are proud of, and look after, their local environment*

The table below, and those in subsequent sections, outlines our priority investments for each of the SY MCA priority theme. Further detail on each project is included in the **proformas in Appendix A**.

(1) Vibrant and resilient places: Barnsley Investment Plan					
Key investment programmes	<ul style="list-style-type: none"> • The Seam – <i>Barnsley’ Digital Campus</i> • Barnsley Town Centre Plan • Principal Towns Investment Plans • Local Centres Investment Plan • Goldthorpe Town Investment Plan 				
	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	<i>The Seam</i>	The Seam – Barnsley’s Digital Campus (Phase 1)	£56m	£27m private sector £11m confirmed FHSF	STRONGER SY ✓ <i>Increased productivity</i> ✓ <i>Bigger, higher-value business base</i> ✓ <i>Digital connectivity</i> ✓ <i>R&D investment</i> ✓ <i>Consistent footfall</i> ✓ <i>More people in employment</i> FAIRER SY ✓ <i>Improved earnings</i> ✓ <i>Higher-order occupations</i>
	<i>Barnsley Town Centre Plan</i>	Young Town: Barnsley Youth Zone	£11.3m	£2.1m private sector	STRONGER SY ✓ <i>Consistent footfall</i> FAIRER SY ✓ <i>Better attainment</i> ✓ <i>Healthier, longer lives</i> ✓ <i>Greater cultural participation</i> ✓ <i>Reduced deprivation</i> ✓ <i>Enhanced wellbeing</i>
	<i>Barnsley Town Centre Plan</i>	Young Town: The NAVE: Barnsley Youth Choir	£3.8m	£1.7m	FAIRER SY ✓ <i>Greater cultural participation</i> ✓ <i>Enhanced wellbeing</i>

	<i>Programme</i>	<i>Project</i>	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	<i>Principal Towns Investment Plans</i>	Growing our Principal Towns: Placemaking Cudworth	£8m		STRONGER SY ✓ Consistent footfall
	<i>Principal Towns Investment Plans</i>	Growing our Principal Towns: Royston – Monkton Enterprise Park	£2.5m		STRONGER SY ✓ Increased productivity ✓ Bigger, higher-value business base ✓ More people in employment
	<i>Principal Towns Investment Plans</i>	Growing our Principal Towns: Wombwell – Enterprise Centre	£3m		STRONGER SY ✓ Increased productivity ✓ Bigger, higher-value business base ✓ More people in employment ✓ Consistent footfall
	<i>Goldthorpe Town Investment Plan</i>	Growing our Principal Towns: Goldthorpe – Pre 1919 Housing	£11m	£4.1m confirmed Towns Fund	GREENER SY ✓ Reduced carbon FAIRER SY ✓ Reduced fuel poverty ✓ Healthier, longer lives ✓ Reduced deprivation ✓ Enhanced wellbeing
	<i>Local Centres Investment Plan</i>	Growing our Local Centres	£5m	£4m	STRONGER SY ✓ Bigger, higher-value business base
	<i>Barnsley Town Centre Plan</i>	Retail: supporting our changing town centre	£5m		✓ More people in employment ✓ Consistent footfall
5-year investment potential (2022-27)	<i>Principal Towns Investment Plans</i>	Growing our Principal Towns: Hoyland			
	<i>Principal Towns Investment Plans</i>	Growing our Principal Towns: Penistone			
	<i>Barnsley Town Centre Plan</i>	Eldon Street Renewal Plan			
	<i>Barnsley Town Centre Plan</i>	Culture at Heart: The Civic			

Theme 2: Culture and visitor economy

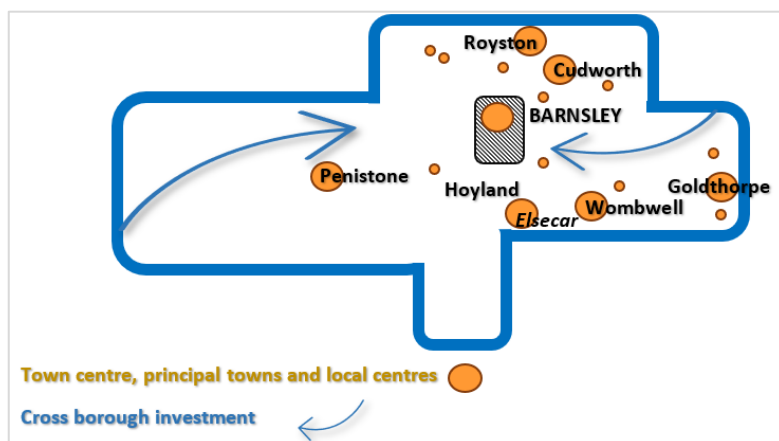
Culture and visitor economy: 3 key issues and opportunities for Barnsley

The three key strategic issues and opportunities for culture and the visitor economy in Barnsley are to:

1. Develop, improve, grow and connect our **asset base** of cultural and leisure attractions;
2. Grow indigenous **leadership and partnership** capacity in the creative and cultural industries; and
3. Target **cultural engagement** activity and events to create vibrancy and grow creative communities.

Culture and visitor economy: place-based approach

Our investment plan for culture and the visitor economy focuses on place-based investments in our **town centre, principal towns and local centres** as the location of our major heritage and cultural assets; as well as **cross-borough investments** to support sector growth.



Our-place based priorities are to:

- Invest to develop and sustain high-profile **visitor attractions**
- Develop strong and sustainable **creative communities and industries**
- Add value to investments in the 'VIBRANT & RESILIENT PLACES' theme through the placemaking role of heritage and culture
- Maximise opportunities for **health and wellbeing, learning, creating aspiration and building civic pride**

Barnsley 2030 ambitious goals

Our priority investments for **culture and visitor economy** will contribute to a number of the **ambitious goals** for **Barnsley 2030 – the place of possibilities**:

Healthy Barnsley

- *Our diverse communities are welcoming, supportive and resilient*
- *Everyone is able to enjoy a life in good physical and mental health*
- *Everyone has the opportunity to create wider social connections and enjoy cultural experiences*

Learning Barnsley

- *Children and young people aim high and achieve their full potential with improved educational achievement and attainment*
- *Lifelong learning is promoted and encouraged, with an increase in opportunities that will enable people get into, progress at and stay in work*

Sustainable Barnsley

- *People are proud of, and look after, their local environment*

Growing Barnsley

- *Barnsley is known as a great place to invest, where businesses and organisations provide diverse and secure employment opportunities, contributing to an economy that benefits everyone*

(2) Culture & Visitor Economy: Barnsley Investment plan

Key investment programmes

- Culture & Visitor Economy Capital Programme

	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	Culture & Visitor Economy Capital Programme	Elsecar Forging Ahead – The Sidings Creative Enterprise Village	£7.9m	£6.1m	<p>STRONGER SY</p> <ul style="list-style-type: none"> ✓ Increased productivity ✓ Bigger, higher-value business base ✓ Digital connectivity ✓ More people in employment <p>GREENER SY</p> <ul style="list-style-type: none"> ✓ Reduced carbon <p>FAIRER SY</p> <ul style="list-style-type: none"> ✓ Improved earnings ✓ Higher-order occupations ✓ Greater cultural participation

	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
	Culture & Visitor Economy Capital Programme	Worsborough Food & Nature Destination: phase 2	£1.5m		<p>STRONGER SY</p> <ul style="list-style-type: none"> ✓ More people in employment <p>GREENER SY</p> <ul style="list-style-type: none"> ✓ Reduced flood risk <p>FAIRER SY</p> <ul style="list-style-type: none"> ✓ Healthier, longer lives ✓ Greater cultural participation ✓ Enhanced wellbeing
5-year investment potential (2022-27)	Culture & Visitor Economy Capital Programme	Elsecar Forging Ahead: The New Yard and Ironworks – visitor, leisure and heritage redevelopment			
	Culture & Visitor Economy Capital Programme	Cannon Hall Masterplan			

Designer’s impression of Elsecar: Sidings Creative Enterprise Village



Theme 3: Innovation, enterprise and growth

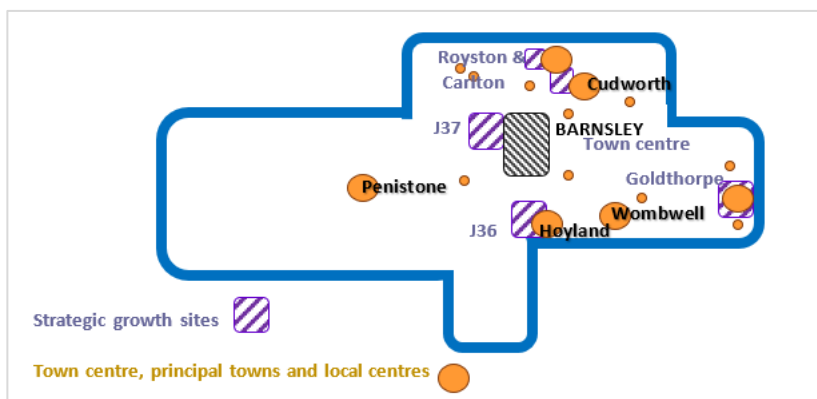
Innovation, enterprise and growth: 3 key issues and opportunities for Barnsley

The three key strategic issues and opportunities for innovation, enterprise and growth in Barnsley are to:

1. Transition from EU funding streams to **support the Enterprising Barnsley team to attract inward investors and deliver business support products**, helping businesses become more productive and competitive whilst creating new job opportunities.
2. **Create the pathway of business growth workspace** to drive inward investment and indigenous growth; explore models to evolve the relationship between public and private capital in property; and maximise the economic value of our business centres to support the 'VIBRANT & RESILIENT PLACES' theme.
3. Continue to develop our collaboration relationships with the University of Sheffield and Sheffield Hallam University to support innovation in our business base and grow R&D activity.

Innovation, enterprise and growth: place-based approach

Our investment plan for **innovation, enterprise and growth** focuses on place-based investments in our **town centre, principal towns and local centres** and at our **strategic growth locations**. These are the places where we want to continue to develop the physical and business infrastructure to support inward investment and indigenous business growth.



Our place-based priorities are:

- Maximising the business centre asset base.
- Driving inward investment and commercial property development.
- **Adding value to the Seam - Digital Campus** masterplan investment under the 'VIBRANT AND RESILIENT PLACES' theme through investment in specific managed workplace developments and location-specific revenue programmes such as TechAccelerators.
- Maintaining the **strong track-record of Enterprising Barnsley in attracting inward investment to our town centre and strategic growth locations.**

Barnsley 2030 ambitious goals

Our priority investments for **innovation, enterprise and growth** contribute to a number of the **ambitious goals** for **Barnsley 2030 – the place of possibilities**:

Sustainable Barnsley

- *People live in sustainable communities with reduced carbon emissions and increased access to affordable and sustainable energy sources*
- *Local businesses are thriving through early-stage support and opportunities to grow*

Growing Barnsley

- *Barnsley is known as a great place to invest, where businesses and organisations provide diverse and secure employment opportunities, contributing to an economy that benefits everyone*
- *Barnsley has significantly increased the number of people, businesses and organisations who are able to access and use digital resources, benefitting all aspects of daily life*

(3) Innovation, enterprise & growth: Barnsley Investment Plan

Key investment programmes	<ul style="list-style-type: none"> • Business innovation support • Business centres capital programme • Commercial property & inward investment programme 				
	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	Business Innovation Support	Enterprising Barnsley	£13.5m	£4.5m	STRONGER SY ✓ Increased productivity ✓ Bigger, higher-value business base ✓ More people in employment ✓ Digital connectivity ✓ R&D investment FAIRER SY ✓ Improved earnings
	Commercial property & inward investment programme	Invest in Barnsley	£20m	£17.5m	
5-year investment potential (2022-27)	Business centres capital programme		Business Centres Capital Programme		
	Business innovation support		Made Together: University of Sheffield innovation programme		

Theme 4: Skills, education and employment

Skills, education and employment: 3 key issues and opportunities for Barnsley

The three key strategic issues and opportunities for skills, education and employment in Barnsley are:

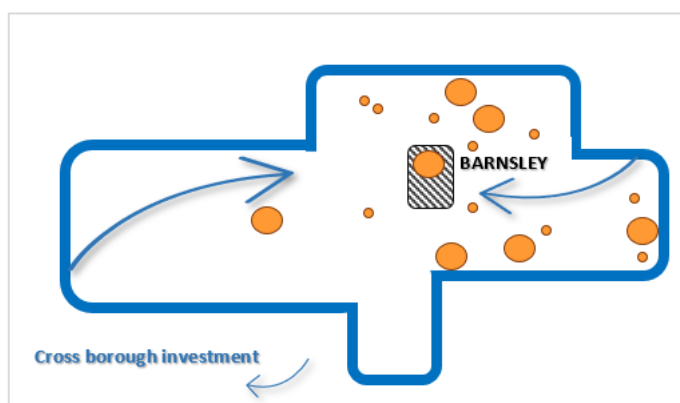
1. **Skills development training for higher skilled people** (above level 2) for career changers, higher skilled unemployed/new labour market entrants (i.e. in Digital Creatives and Creators).
2. **Delivery of the *More and Better Jobs* Employment and Skills Strategy for Barnsley.**
3. **Design, mobilisation and delivery of Sector Skills Academies** in active partnership with employers and stakeholders in the borough; to provide a way through for those unemployed or underemployed to progress careers and for employers to develop new business solutions to increase productivity in the workforce.

Skills, education and employment: place-based approach

Our investment plan for **skills, education and employment** is founded on **cross-borough investments**, ensuring that opportunities to learn and good work are available to all people regardless of where they live in Barnsley.

Our core ambitions across the Borough are:

- People **find and sustain good quality employment**, regardless of their age or personal circumstances.
- Individuals and business have the **skills for growth and recovery** to take advantage of the unfolding opportunities across Barnsley.
- People and businesses have the **digital confidence and skills** they need for modern life and work.
- Barnsley is a '**learning town**' and supporting our residents to achieve their goals.



Barnsley 2030 ambitious goals

Our priority investments for **skills, education and employment** will contribute to a number of the **ambitious goals** for **Barnsley 2030 – the place of possibilities**:

Learning Barnsley

- *Everyone fulfils their learning potential, with more people completing higher-level skills studies than ever before*
- *Lifelong learning is promoted and encouraged, with an increase in opportunities that will enable people get into, progress at and stay in work*

(4) Skills, education & employment: Barnsley Investment Plan

Key investment programmes	<ul style="list-style-type: none"> • Technical sector skills academies • Employment & skills capital programme • Community boost 				
	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	Technical Sector Skills Academies Programme	Technical sector skills academies (Logistics, health & social care, creative & digital)	£2.4m		STRONGER SY <ul style="list-style-type: none"> ✓ Increased productivity ✓ Bigger, higher-value business base ✓ More people in employment FAIRER SY <ul style="list-style-type: none"> ✓ More higher-level qualification ✓ Improved earnings ✓ Better attainment ✓ Higher-order occupations
	Employment & skills hub	Employment & skills hubs	£2.4m		
5-year investment potential (2022-27)	Employment & Skills capital programme	Barnsley Skills One Stop Shop			
	Employment & Skills capital programme	Growing Further; FE capital assets programme inc. Barnsley College Masterplan			
	Community Boost	Community-based skills for good work			

Theme 5: Sustainability and net zero

Sustainability and net zero: 3 key issues and opportunities for Barnsley

The three key strategic issues and opportunities for sustainability and net zero in Barnsley are:

1. The Council is committed to reducing the Borough's carbon emissions by 65% between 2017 and 2025. We can make a Barnsley-specific contribution to addressing the climate crisis and the inclusive economy by continuing to explore and deliver opportunities for **locally-generated and community-owned renewable energy sources**.
2. Address the Borough's **resource efficiency** ambitions and support the **circular economy** through our Borough waste management and recycling strategies.
3. Use the large-scale capital investment in energy-efficiency retrofit of housing stock (*theme 8*) to catalyse **skills development for sustainable building design** and management and **develop local supply chains** to maximise the local value of Barnsley investment.

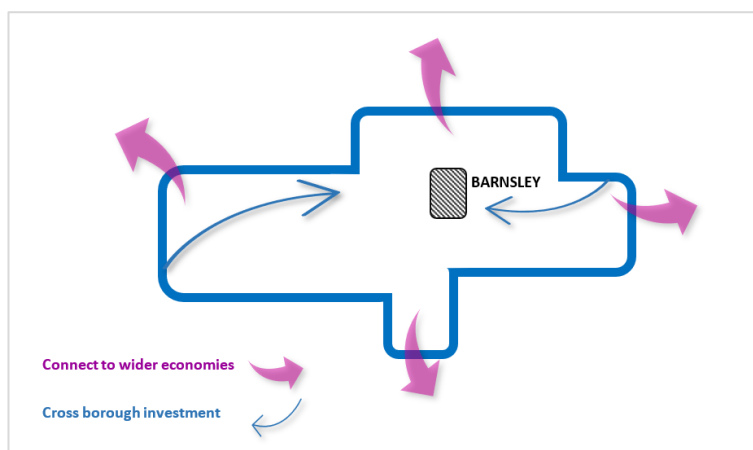
Sustainability and net zero: place-based approach

Our investment plan for **clean energy and net zero** includes **cross-borough investment** on strategic sustainability themes, and also recognises our obligations and **connections to wider economies** in making Barnsley's contribution to a global collective ambition.

In Barnsley, investment to achieve net zero specifically means supporting the delivery of our priority themes from the Barnsley

Sustainable Energy Action Plan:

- **Energy efficiency:** reducing overall demand for energy
- **Renewable Energy:** generating our energy from renewable sources
- **Decarbonisation of heat:** looking for alternative ways to heat our homes and offices
- **Resource efficiency:** minimising waste and developing new uses for waste products
- **Sustainable transport:** moving to fossil-fuel-free local travel, supporting and encouraging walking and cycling; supporting the delivery of the 'TRANSPORT & MOBILITY' theme



Barnsley 2030 ambitious goals

Our priority investments for **sustainability and net zero** will contribute to a number of the **ambitious goals** for **Barnsley 2030 – the place of possibilities**:

Healthy Barnsley

- Fewer people live in poverty and everyone has the resources they need to look after themselves and their families
- People are supported to have safe, warm, sustainable homes

Sustainable Barnsley

- Fossil fuels are being replaced by affordable and sustainable energy and people are able to enjoy more cycling and walking.
- People are proud of, and look after, their local environment

5) Sustainability & net zero: Barnsley Investment Plan

Key investment programmes	<ul style="list-style-type: none"> • Our reservoirs • Innovation in Energy • Circular Economy 				
	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	Our reservoirs	Our reservoirs; Worsborough and Elsecar	£6.4m	£1.8m	GREENER SY ✓ Reduced flood risk FAIRER SY ✓ Greater cultural participation ✓ Improved wellbeing
5-year investment potential (2022-27)	Innovate in energy	Zero carbon homes: retrofit challenge			
	Innovate in energy	Community-owned sustainable energy			
	Innovate in circular economy	Re-use: Barnsley's Circular Economy Centre			
	Innovate in circular economy	Sustainable waste centre			

Theme 6: Transport and mobility

Transport and mobility: 3 key issues and opportunities for Barnsley

The three key strategic issues and opportunities for transport and mobility in Barnsley are:

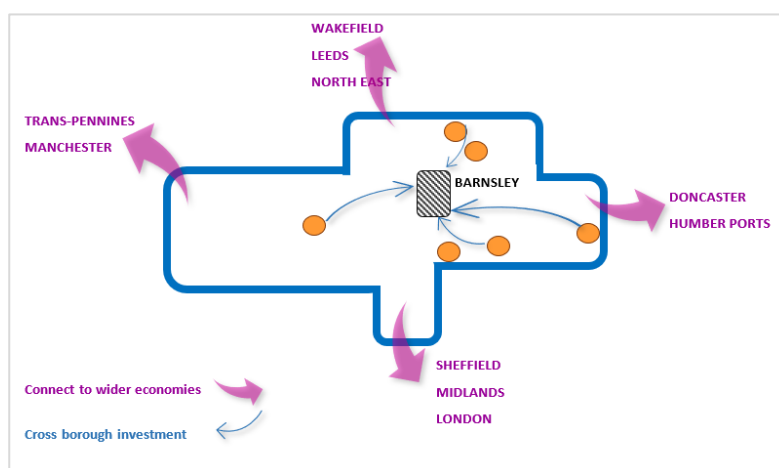
1. Delivering our ambitious targets for the share of journeys within the Borough which are made by different modes of transport: to **significantly increase the number of journeys made by active travel** (walking and cycling) and public transport to **reduce our collective reliance on cars**.
2. Dramatic **expansion and improvement of the network of routes for safe walking and cycling** across the Borough to meet our commitment to increase the number of active journeys to study & work by 50% by 2033.
3. Working with SY MCA on the Bus Service Improvement Plan (BSIP) to **improve bus services across the borough**, working with bus operators to have more influence over delivering the services our communities need

Transport and mobility: place-based approach

Our **transport and mobility investment plan** includes **cross-borough investments** to ensure efficient, affordable and sustainable transport connections across Barnsley; as well as strategic transport interventions to improve our **connections to wider economies**.

In the Barnsley context this means our specific objectives are:

- Delivery of transformational, area-wide transport improvements that prioritise and enable active travel modes, improve public transport and reduce the dominance of the car.
- Development and implementation of high-quality borough-wide walking and cycling networks.
- Improved public transport networks.
- Connecting residents with education, employment markets, leisure facilities and retail.



Barnsley 2030 ambitious goals

Our priority investments for **transport and mobility** will contribute to a number of the **ambitious goals** for **Barnsley 2030 – the place of possibilities**:

Healthy
Barnsley

- *Everyone is able to enjoy a life in good physical and mental health*

Sustainable
Barnsley

- *People can get around in Barnsley easier than ever, with an increase in cycle routes and better connections across the borough*
- *People live in sustainable communities with reduced carbon emissions and increased access to affordable and sustainable energy sources*

(6) Transport & mobility: Barnsley Investment Plan

Key investment programmes	<ul style="list-style-type: none"> • Principal Towns Transport Network • Rail Connections 		
	Programme	Project	South Yorkshire MCA outcomes
5-year investment potential (2022-27)	<i>Principal Towns Transport Network</i>	Principal Towns eco-bus priority network: completion of bus priority network beyond CRSTS schemes (see below)	STRONGER SY ✓ <i>Increased productivity</i> ✓ <i>More people in employment</i> GREENER SY ✓ <i>Reduced car use</i> ✓ <i>Reduced carbon</i> FAIRER SY ✓ <i>Better connections to jobs</i>
	<i>Town Centre Transport Network</i>	Glass Works highways enhanced junction	
	<i>Rail connections</i>	Dearne Valley Rail Station: capacity and facilities enhancements to Goldthorpe station to allow increased capacity for fast mainline services	
	<i>Rail connections</i>	Barnsley Rail Station: platform lengthening and capacity improvements to enable longer trains (e.g. London services)	
	<i>Rail connections</i>	New freight capacity: Feasibility studies into reopening rail lines for freight use	

This programme sits alongside our **City Region Sustainable Transport Settlement** priority programme, with proposals including:

- **Bus priority corridors** on routes between Barnsley and principal towns / local centres such as A635, A628 (Shafton) and Royston
- **New active travel** provision on routes such as A628, Darton to Yorkshire Sculpture Park, and A61 (Royston/Smithies); and active travel prioritisation for reconfigured Town End roundabout.
- **New Active Travel Hubs** in the Town Centre and at Goldthorpe and Darton.
- **Rail improvements** including platform capacity at Barnsley station and North midland line restoration.

Theme 7: Digital

Digital: 3 key issues and opportunities for Barnsley

The three key strategic issues and opportunities for the digital economy in Barnsley are:

1. Developing and delivering the **inclusive knowledge economy plan** for **The Seam** to enable a viable, visible and accessible tech-and-innovation ecosystem; and become South Yorkshire's centre of digital excellence.
2. Co-sponsoring and supporting activity under the 'SKILLS, EDUCATION & EMPLOYMENT THEME' to grow the **supply of high-skilled workers** into digital and technical roles to meet increasing demand.
3. Boosting **digital inclusion and sector leadership** by:
 - a. Developing and funding a **strategic approach to digital inclusion in Barnsley**, including staffing, research and delivery projects to address gaps in coordination with partners; and
 - b. Developing a '**Digital Leader**' function to provide strategic oversight and coordination of all areas of 'digital' activity in Barnsley Council and with partner organisations.

Digital: place-based approach

Our investment plan for digital requires a range of strategic **cross-borough investments** ensuring that the sector grows and that all communities and business have the most up-to-date infrastructure required to **connect to wider economies**.

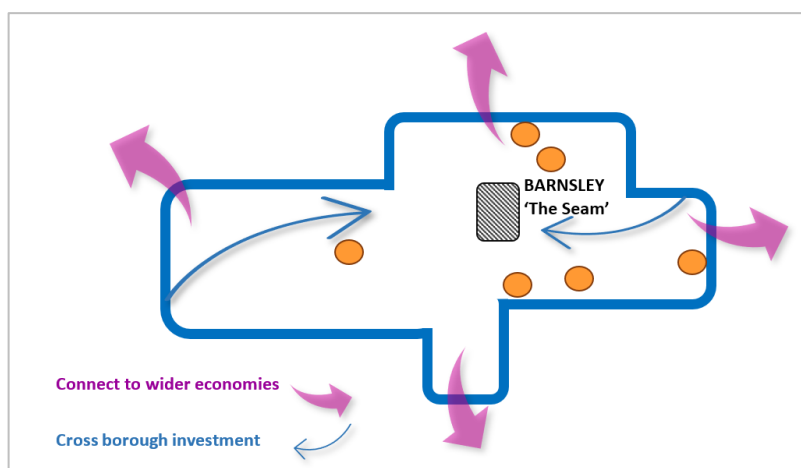
In Barnsley, our digital place-based investment approach is shaped across three agendas:

Digital Infrastructure:

- Lead delivery partner for South Yorkshire MCA Digital Infrastructure Strategy
- Continued Superfast South Yorkshire & commercial gigabit-capable broadband & 5G roll out
- Delivery of BDUK's Project Gigabit to connect 'hard to reach' areas

Digital Place:

- Digital Barnsley 2021 Onwards – Strategy: To create a digital town, enriching the lives of its citizens with modern, simple digital experiences, acting as a beacon for high value business investment and employment.
- Barnsley is a connected and accessible smart town and borough with a culture of inclusive innovation enabled and inspired by The Seam.



Digital Growth and Inclusion:

- Barnsley is a viable and visible ecosystem of high growth, knowledge-led businesses;
- Our businesses are investing in skills, innovation, inclusion, new technology to foster growth;
- Collaboration, strong digital leadership and digital inclusion.

Barnsley 2030 ambitious goals

Our priority investments for **digital** will contribute to a number of the **ambitious goals** for **Barnsley 2030 – the place of possibilities:**

**Growing
Barnsley**

- *Barnsley has significantly increased the number of people, businesses and organisations who are able to access and use digital resources, benefitting all aspects of daily life*
- *Local businesses are thriving through early-stage support and opportunities to grow*

(7) Digital: Barnsley Investment Plan

Key investment programmes	<ul style="list-style-type: none"> • Gigabit City • Smart Barnsley • Digital Inclusion 				
	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	Gigabit City	Gigabit City: delivering SY Digital Infrastructure Strategy	£0.6m		STRONGER SY ✓ Digital connectivity ✓ Increased productivity ✓ Bigger, higher value business base
	Digital Inclusion	Digital Inclusion	£1m		STRONGER SY ✓ More people in employment ✓ Digital connectivity FAIRER SY ✓ Improved earnings ✓ Greater cultural participation
5-year investment potential (2022-27)	Smart Barnsley		Smart Barnsley: scaling up our Internet of Things		
			The Seam: Digital infrastructure		

Theme 8: Housing, land and development

Housing, land and development: 3 key issues and opportunities for Barnsley

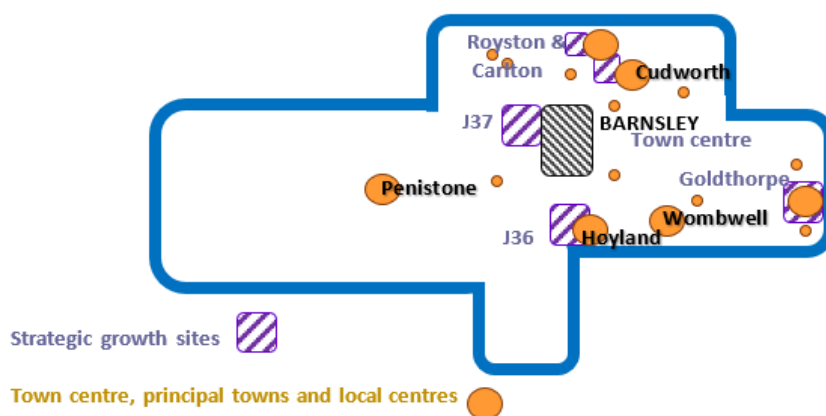
The three key strategic issues and opportunities for housing, land and development in Barnsley are to:

1. Diversify the town centre residential living offer;
2. Maximise the productive economic use of land to support the Borough's housing and employment ambitions; and
3. To address market failure and deliver good-quality, warm and affordable housing in Goldthorpe and the wider Dearne.

Housing, land and development: place-based approach

Our investment plan for **housing, land and development** will focus on our **town centre, principal towns and local centres** and at our **strategic growth locations** – as the main locations of: housing and business growth; development and change; and regeneration.

Our Barnsley-based approach is based on the following priorities:



- Barnsley's built environment response to Climate Emergency (in planning policy, new build standards, retrofit (existing stock))
- Delivering spatial growth sites (masterplans, principal towns, Dearne Regeneration)
- Supporting the delivery of the 'TRANSPORT & MOBILITY' theme

Barnsley 2030 ambitious goals

Our priority investments for **housing, land and development** will contribute to a number of the **ambitious goals** for **Barnsley 2030 – the place of possibilities**:

**Sustainable
Barnsley**

**Growing
Barnsley**

- *People are proud of, and look after, their local environment*
- *People live in sustainable communities with reduced carbon emissions and increased access to affordable and sustainable energy sources*
- *People have a wider choice of quality, affordable and sustainable housing, to suit their needs and lifestyle*

(8) Housing, land and development: Barnsley Investment Plan

Key investment programmes					
<ul style="list-style-type: none"> • Housing Growth • Goldthorpe Town Investment Plan 					
	Programme	Project	Total investment value	Co-investment potential	South Yorkshire MCA outcomes
Early Delivery (2022-24)	Housing growth	Sustainable housing growth fund	£50m	£45m	STRONGER SY ✓ Increased productivity ✓ Improved earnings FAIRER SY ✓ Maintain housing affordability
	Goldthorpe Town Investment Plan	Goldthorpe Property Investment Fund	£56.3m	£54.8m	STRONGER SY ✓ Increased productivity ✓ Bigger, higher-value business base ✓ More people in employment ✓ R&D investment

4.9 Early delivery projects summary

SEP theme	Project name	Project	Total project value	SY Renewal Fund	Private	BMBC	Other public	SYMCA Outputs
1. Vibrant & resilient places	The Seam - Digital Campus (Ph1)	Phase 1 - Resi, office, public realm, ATH, CP	£55.6m	£17.3m	£27.0m	£0	£11.3m	103 jobs 108 housing units 0.4ha housing land remediated
	Young Town: Barnsley Youth Zone	Multi-use youth centre @ Eastern Gateway	£11.3m	£8.2m	£2.1m	£1.0m	£0	50 jobs 2,360m ² new training floorspace
	Young Town. The NAVE: Barnsley Youth Choir	Redevelop Computer Centre building into the Northern Academy for Vocal Excellence (NAVE) as new home for BYC	£3.8m	£2.1m	£0.7m	£0.5m	£0.5m	800m ² new training / cultural space 4 jobs / 5 apprenticeships 15 new learners
	Growing our Principal Towns: Placemaking Cudworth	New business space and community square	£8.0m	£8m	£0	£0	£0	750m ² redeveloped commercial floorspace 5 jobs
	Growing our Principal Towns: Royston: Monkton Enterprise Park	Development of business units	£2.5m	£2.5m	£0	£0	£0	40 jobs 1,400m ² new commercial floorspace
	Growing our Principal Towns: Wombwell - Enterprise Centre	Acquisition and redevelopment as managed workspace	£1.5m	£1.5m	£0	£0	£0	420m ² redeveloped commercial floorspace
	Growing our Principal Towns: Goldthorpe housing regeneration	Pre 1919 Housing stock regeneration	£11.1m	£4.0m	£0	£3.0m	£4.1m	9 new housing units
	Growing Our Local Centres	Delivering the Local Centres Investment Plan	£5m	£1m	£0m	£4m	£0m	[In development]
	Retale: supporting our changing town centre	Supporting changes to retail landscape	£5m	£5m	£0	£0	£0	[In development]
2. Culture & visitor economy	Elsecar Forging Ahead - The Sidings	30-40 commercial units, café, Active Travel Hub	£7.9m	£1.8m	£6.1m	£0	£0	65 jobs 9,500m ² new public realm 2,960 m ² new commercial floorspace
	Worsborough Food & Nature Destination	Phase 2. multipurpose learning/activity hub & two commercial units; utilities & public realm	£1.5m	£1.5m	£0	£0	£0	130m ² new training floorspace 70m ² new commercial floorspace
3. Innovation, enterprise & growth	Enterprising Barnsley	Enterprising Barnsley (KAM, start-up, inward investment, SEAM) 3y prog.	£13.5m	£9.0m	£4.5m	£0	£0	3,000 jobs 810 business assists
	Invest in Barnsley	Property Investment Fund (PIF 4)	£20.0m	£2.5m	£17.5m	£0	£0	210 jobs 27,000m ² new commercial floorspace

SEP theme	Project name	Project	Total project value	SY Renewal Fund	Private	BMBC	Other public	SYMCA Outputs
4. Skills, education & employment	Work & skills hub & technical sector skills academies	Employment & skills support & sector academies	£4.8m	£4.8m	£0	£0	£0	[In development]
5. Sustainability & net zero	Our reservoirs: Worsbrough and Elsecar	Worsbrough Mill and Elsecar Park – to reduce and mitigate flood risk	£6.04m	£5.32m	£0	£0.72m	£0m	2.4 km improved active travel route 6,500m ² / 50 homes / 25 premises reduced flood risk
7. Digital	Gigabit City	3-year continuation of SFSY to deliver SY Digital Infrastructure Strategy	£0.6m	£0.6m	£0	£0	£0m	TBC
	Digital Inclusion	[In development]	£1m	£1m	TBC	TBC	TBC	[In development]
8. Housing, land and development	Sustainable Housing Growth Fund	Viability funding to allow enhanced sustainability standards & affordable housing to meet need	£50m	£5m	£45m	£0m	£0	500 new housing units
	Goldthorpe Property Investment Fund	Bespoke property investment fund to meet the challenges, opportunities and ambitions of delivering new and redeveloped employment floorspace in Goldthorpe	£56.3m	£1.45m	£45m	£0	£9.8m	391 jobs 4,645m ² new commercial floorspace 14,140m ² refurbished commercial floorspace
		TOTAL	£265.3m	£82.5m	£148m	£9.2m	£25.6m	£148m private investment 3,880 jobs 622 housing units 2,490m² new training floorspace 37,300m² new commercial floorspace 800+ business assists

4.9 5-year investment potential projects summary

SEP theme	Project name
1. Vibrant & resilient places	Eldon Street Renewal Plan
	<i>Growing Our Principal Towns: Hoyland</i>
	<i>Growing Our Principal Towns: Penistone</i>
	<i>Culture at Heart: The Civic</i>
2. Culture & visitor economy	Cannon Hall Masterplan
	Elsecar Forging Ahead – The New Yard & Ironworks
3. Innovation, enterprise & growth	Business Centres Capital Programme
	<i>Made Together: University of Sheffield innovation programme</i>
4. Skills, education & employment	Barnsley Skills One-Stop Shop
	<i>Growing Further: FE capital assets programme inc. Barnsley College Masterplan</i>
	Community-based skills for good work
5. Sustainability & net zero	Zero carbon homes: retrofit challenge
	Innovate in Energy: Community-owned sustainable energy
	Re-use: Barnsley's Circular Economy Centre
	Sustainable waste centre
6. Transport & mobility	Dearne Valley Parkway Rail Station
	Glass Works highways enhanced junction
	A to B: Principal Towns: eco-bus priority network
	Glass Works Highways junction enhancements
	Barnsley Rail Station
	New rail freight capacity
7. Digital	Smart Barnsley – scaling up our Internet of Things
	The Seam – Digital infrastructure

5 Delivering the Barnsley Investment Plan

5.1 Capacity to deliver

Barnsley's approach to delivering our ambitious South Yorkshire Renewal Fund programme – outlined in this Place-based Investment Plan – will build upon and enhance our existing delivery and governance structures. The Council has an excellent track-record of delivering multiple complex capital projects, often running concurrently, for example the Sheffield City Region Investment Fund (SCRIF) highways and infrastructure enabling projects across the borough and the Glass Works redevelopment of Barnsley Town Centre.

The proposed South Yorkshire Renewal Fund programme will fund projects expected to add economic and social value at a regional scale, and will sit alongside:

1. The Council's existing **capital programme** – focused on immediate local priorities such as housing, schools and local highways; and
2. Our **City Region Sustainable Transport Settlement** programme.

Project management, procurement and delivery experience and expertise is available across all relevant services. The Council also has a dedicated process and budget resource to fund feasibility and capital project development, including working up business cases and commissioning specialist services. This budget is fully allocated to develop the Council's existing capital programme and will need to be supplemented considerably to enable us to deliver our additional SY Renewal Fund investments which make a social and economic return at a regional scale.

Project development and delivery capacity will initially be focused upon the 'Early Delivery' projects; whilst those projects with 5-year investment potential will continue to be defined, developed and tested in the background.

5.2 Programme governance

The Place-based Investment Plan programme has been developed in collaboration with the Council's **Funding Pipeline Management Group (FPMG)** – a cross-directorate officer-level delivery group which manages external funding opportunities and strategic capital investments. The group includes senior officers from delivery services (Economic Development, Highways, Property etc.), and from Finance and Governance services. The FPMG will continue to oversee the development and delivery of the programme of projects.

The FPMG and responsible officers will report to the **Capital Programme Oversight Board** under existing governance mechanisms. This board meets quarterly. The lead responsible officer is the Director of Finance (Section 151 officers) and it is chaired by the Executive Director of Place, a member of the Council's **Senior Management Team**.

This page is intentionally left blank

Priority projects for Early SY Renewal Fund Delivery: Theme 1 Vibrant & resilient places

Programme

The Seam – Barnsley’s Digital Campus

Project

The Seam – Barnsley’s Digital Campus Phase 1

What we will deliver

Development of town centre Lower Courthouse site as Phase 1 of extended inclusive campus environment – the hub for the continued growth of the town’s digital economy.

To include:

- 108 high-quality residential units
- New office & commercial floorspace
- A new Active Travel Hub at heart of Barnsley New high-quality public realm
- Reprovision of 400 parking spaces
- Highways access inc. new junction
- Site remediation
- Enabling infrastructure

Page 319

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£17.2m	£27.0m	£11.3m
Delivery revenue	-	-	-
Total potential investment	£55.6m		

SY MCA strategic outcomes

STRONGER SY

- Increased productivity
- Bigger, higher-value business base
- Digital connectivity
- R&D investment

- Consistent footfall
- More people in employment

FAIRER SY

- Improved earnings
- Higher-order occupations

Value for money metrics

Direct land value uplift	✓	Affordable housing	✓
Wider land value uplift	✓	Monetised social value	
Amenity impact	✓	Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs

Jobs created	103	Homes with new/improved fibre connection	103	Hectares of housing land remediated	0.4
Apprenticeships		M ² public realm improved	✓	Commercial Floorspace Created (m2)	1,780
Housing units	108			Commercial Floorspace Occupied (m2)	1,780

Priority projects for Early SY Renewal Fund Delivery: Theme 1 Vibrant & resilient places

Programme

Barnsley Town Centre Plan

Project

Young Town: Barnsley Youth Zone

What we will deliver

A landmark community youth facility, on the Eastern gateway site, in close proximity to Barnsley town centre and transport interchange.

To be delivered in partnership with OnSide – a national youth engagement charity.

A typical Youth Zone offers a minimum of 20 different activities each evening in a facility that typically includes the following spaces:

- 4-court indoor sports hall
- Climbing wall
- Fully equipped fitness gym

- Dance studio
- Music suites with both instruments and recording equipment
- Outdoor 3G kick-pitch
- Specialist arts and crafts area
- Sensory inclusion room
- Break-out rooms
- A large open plan recreation area
- A café serving hot, nutritious meals for £1
- A boxing gym
- Skate park

Page 320

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£6.7m	£2.1m	-
Delivery revenue	£1.5m	£0.0m	-
Total potential investment	£10.3m		

SY MCA strategic outcomes

STRONGER SY

- Consistent footfall
- More people in employment

FAIRER SY

- More higher-level skills (NVQ3+)
- Longer healthier lives
- Greater cultural participation
- Reduced deprivation

Value for money metrics

Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	
Amenity impact		Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs

Jobs created	50	Number of new signalised junctions	1	Area of New or Improved Learning/Training Floorspace (m2)	2,360
--------------	----	------------------------------------	---	---	-------

Priority projects for Early SY Renewal Fund Delivery: Theme 1 Vibrant & resilient places

Programme

Barnsley Town Centre Plan

Project

Young Town: The NAVE: Barnsley Youth Choir

What we will deliver

- Repair to historic Old Courthouse to address structural issues
- Refurbishment work to create purpose-built Northern Academy of Vocal Excellence
- Establishment of major events & cultural education programmes across South Yorkshire
- International hub for vocal excellence, research & practice attracting national and international choirs
- Refurbishment of historic building in heart of Barnsley's Civic Quarter

- **1,428 m²** of gross internal floorspace brought back into productive use
- Creation of **171 m²** of new gross internal floorspace with creation of mezzanine floor
- Provision of learning opportunities for **1,900** young people per annum across South Yorkshire
- **5** training positions as Musical Assistants for older choir members, training to become professional Musical Directors
- Engagement of **37** freelancers p/a
- Engagement of **50** volunteers per annum

Page 321

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£1.5m	£0.5m	£1m
Delivery revenue	£0.6m	£0.2m	-
Total potential investment	£3.8m		

SY MCA strategic outcomes	
FAIRER SY	<ul style="list-style-type: none"> • <i>Longer healthier lives</i> • <i>Better school-level attainment</i> • <i>Greater cultural participation</i> • <i>Improved wellbeing</i> • <i>Reduced deprivation</i>
STRONGER SY	<ul style="list-style-type: none"> • <i>Consistent footfall</i>

Value for money metrics			
Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	✓
Amenity impact		Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs			
Jobs created	4	Number of New Learners Assisted in Courses Leading to a Full Qualification	15
Apprenticeships	5	Area of New or Improved Learning/Training Floorspace (m2)	800
		Commercial floorspace (m2)	150

Priority projects for Early SY Renewal Fund Delivery: Theme 1 Vibrant & resilient places

Programme

Principal Towns Investment Plans

Project

**Growing Our Principal Towns:
Placemaking Cudworth**

What we will deliver

- A renovated building to house a variety of public services
- Redesign/develop internal layout of building
- Redesign/develop external look of building and surrounding area
- Acquisition of 2 key buildings/areas
- Internal refurbishments completed
- External refurbishments completed

Page 322

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£8m	-	-
Delivery revenue	-	-	-
Total potential investment	£8m		

SY MCA strategic outcomes

STRONGER SY

- *Increased productivity*
- *Bigger, higher-value business base*
- *Consistent footfall*
- *More people in employment*

Value for money metrics

Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	
Amenity impact	✓	Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs

Jobs created **5** Commercial Floorspace Created (m2) **750**

Priority projects for Early SY Renewal Fund Delivery: Theme 1 Vibrant & resilient places

Programme

Principal Towns Investment Plans

Project

**Growing Our Principal Towns:
Royston – Monckton Enterprise
Park**

What we will deliver

Phase2: 4 500-1500 sqft workshop units
Phase 3: 10x 500-1500 sqft workshop units
Phase 4: Visitor centre and café

Immediate outputs:

- Workshop units will be built
- Car parking area will be developed
- Visitor Centre & café will be built

Page 323

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£2.5m	-	-
Delivery revenue	-	-	-
Total potential investment	£2.5m		

SY MCA strategic outcomes

STRONGER SY

- *Increased productivity*
- *Bigger, higher-value business base*
- *More people in employment*
- *Consistent footfall*

Value for money metrics

Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	
Amenity impact		Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs

Jobs created	40	Commercial Floorspace Created (m2)	1,394	Commercial floorspace occupied (m2)	1,394
--------------	----	------------------------------------	-------	-------------------------------------	-------

Priority projects for Early SY Renewal Fund Delivery: Theme 1 Vibrant & resilient places

Programme

Principal Towns Investment Plans

Project

**Growing Our Principal Towns:
Wombwell Enterprise Centre**

What we will deliver

- Acquisition of building
- Redesign/develop internal layout of building
- Redesign/develop external look of building
- Deliver managed workspace

Immediate outputs:

- Secure ownership
- Internal refurbishments completed
- External refurbishments completed

Page 324

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£1.5m	-	-
Delivery revenue	-	-	-
Total potential investment	£1.5m		

SY MCA strategic outcomes

STRONGER SY

- *Increased productivity*
- *Bigger, higher-value business base*
- *More people in employment*
- *Consistent footfall*

Value for money metrics

Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	
Amenity impact		Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs

Jobs created	14	Commercial Floorspace Created (m2)	420	Commercial floorspace occupied (m2)	420
--------------	----	------------------------------------	-----	-------------------------------------	-----

Priority projects for Early SY Renewal Fund Delivery: Theme 1 Vibrant & resilient places

Programme

Goldthorpe Town Investment Plan

Project

**Growing Our Principal Towns:
Goldthorpe pre-1919 housing
regeneration**

What we will deliver

- New homes to the Barnsley Low Carbon Standard in line with the Council's zero carbon 2040/45 & affordable housing ambitions
- Improved quality and EPC ratings of existing terrace properties through appropriate retrofit measures (subject to surveys).
- Improved quality and safety of the built environment (private and public amenity spaces)
- Achieving community 'buy-in', stewardship and pride in the area.
- Improved access to active travel links (bus, cycle, walking routes) and EV charging infrastructure.

Immediate outputs

- 9 new low-carbon homes.
- Reduction of in-use CO2 emissions via retrofit of existing properties to EPC rating 'C' or above.
- SQM of public realm enhanced.
- Measures delivered to promote active and sustainable travel (EV charging points, secure cycle storage, accessible routes).
- Contractor performance against Social Value Framework.
- Feedback from stakeholders, particularly residents.

Page 325

SY MCA strategic outcomes

STRONGER SY

- *Digital connectivity*
- *Reduced carbon*
- *Reduced car use*

FAIRER SY

- *Longer, healthier lives*
- *Housing affordability*
- *Reduced fuel poverty*
- *Improved wellbeing*

GREENER SY

Value for money metrics

Direct land value uplift	✓	Affordable housing	✓
Wider land value uplift	✓	Monetised social value	
Amenity impact		Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£4m	-	£7.1m Towns Fund & BMBC
Delivery revenue	-	-	-
Total potential investment	£11.1m		

SY MCA core project outputs

Housing units	9	Public realm improved (m2)	246
---------------	---	----------------------------	-----

Priority projects for Early SY Renewal Fund Delivery: Theme 2 Culture & Visitor Economy

Programme

Culture & Visitor Economy Capital Programme

Project

Elsecar Forging Ahead: The Sidings Creative Enterprise Village

What we will deliver

Key phase of transformational 'Elsecar Forging Ahead' programme to reinvent and enhance the Elsecar Heritage Centre. The programme will create new enterprise and events space, zero carbon energy and sustainable transport facilities, and transform existing assets to maximise future economic, social and cultural impacts.

The Sidings will create a 3,140m² waterfront suite of buildings on a cleared 1ha brownfield site alongside the canal. This will radically extend Elsecar's economically active space, delivering 40 new sustainable innovation workspaces, maker workshops, creative industries spaces and galleries, and a new waterfront cafe and supporting public realm creating a new gateway to the Elsecar Valley and Trans Pennine Trail.

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£1.3m	£6.1m	-
Delivery revenue	£0.5m	-	-
Total potential investment	£7.9m		

SY MCA strategic outcomes

	FAIRER SY
STRONGER SY	
<ul style="list-style-type: none"> Increased productivity Bigger, higher-value business base Digital connectivity More people in employment 	<ul style="list-style-type: none"> Improved earnings Higher level occupations Longer, healthier lives Greater cultural participation Reduced deprivation Improved wellbeing

Value for money metrics

Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	✓
Amenity impact	✓	Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs

Jobs created	65	Public realm improved (m2)	9,500	Commercial floorspace created (m ²)	2,960
Employment land remediated (ha)	1				

Priority projects for Early SY Renewal Fund Delivery: Theme 2 Culture & Visitor Economy

Programme

Culture & Visitor Economy Capital Programme

Project

Worsbrough Food and Nature Destination: Phase 2

What we will deliver

Phase 2. of plan to redevelop and enhance Worsbrough Mill & Country Park heritage and visitor asset: a multipurpose learning/activity hub & two commercial units; utilities & public realm

Page 327

SY MCA strategic outcomes

FAIRER SY

- *Longer, healthier lives*
- *Greater cultural participation*
- *Reduced deprivation*
- *Improved wellbeing*

STRONGER SY

- ✓ *More people in employment*
- ✓ *Bigger, higher-value business base*

GREENER SY

- ✓ *Reduced flood risk*

Value for money metrics

Direct land value uplift	✓	Affordable housing	
Wider land value uplift		Monetised social value	✓
Amenity impact	✓	Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£1.5m	-	-
Delivery revenue	-	-	-
Total potential investment	£1.5m		

SY MCA core project outputs

Jobs created	4	Public realm improved (m2)	500	Commercial floorspace created (m ²)	70
		New training floorspace created (m ²)	130		

Priority projects for Early SY Renewal Fund Delivery: Theme 3 Innovation, enterprise & growth

Programme

Enterprising Barnsley

Project

Enterprising Barnsley

Launchpad – Support Pre-start up to businesses with 5 staff.

Key Account Management (KAM) – Business support for strategically important businesses.

The Seam (DMC 01 & 02) – Business Support, sector development inc IOT accelerator.

Grant Projects (Business Productivity (low carbon)/ Digital Innovation Grants)

What we will deliver

Three-year programme continuation of Enterprising Barnsley:

- *Launchpad* – Staff costs, workshops, consultancy framework, marketing / web hosting.
- *KAM* - Staff costs, consultancy framework, marketing / web hosting & development.
- *The Seam* - Staff costs, consultancy framework, marketing / web hosting.
- *Grant Projects* – Staff costs, grants, marketing / web hosting & development

Immediate outputs

- Business Assists
- Jobs Created
- Jobs safeguarded
- New Inward Investors
- Productivity improvements
- New products / Processes
- Increased R&D
- CO2 Reduction
- New Businesses Created

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	-	-	-
Delivery revenue	£9m	£4.5m	-
Total potential investment	£13.5m		

SY MCA strategic outcomes	
STRONGER SY	<ul style="list-style-type: none"> • <i>Consistent footfall</i> • <i>More people in employment</i>
<ul style="list-style-type: none"> • <i>Increased productivity</i> • <i>Bigger, higher-value business base</i> • <i>Digital connectivity</i> • <i>R&D investment</i> 	GREENER SY <ul style="list-style-type: none"> • <i>Reduced carbon</i>
	FAIRER SY <ul style="list-style-type: none"> • <i>Improved earnings</i> • <i>Improved wellbeing</i>

Value for money metrics

Direct land value uplift	<input type="checkbox"/>	Affordable housing	<input type="checkbox"/>
Wider land value uplift	<input checked="" type="checkbox"/>	Monetised social value	<input checked="" type="checkbox"/>
Amenity impact	<input type="checkbox"/>	Monetised carbon reduction	<input type="checkbox"/>
Labour supply impacts	<input checked="" type="checkbox"/>	Gross jobs & GVA	<input checked="" type="checkbox"/>

SY MCA core project outputs					
Jobs created	3,000	Number of Enterprises Receiving Grant Support	360	Number of enterprises receiving non-financial support	450
Apprenticeships	<input checked="" type="checkbox"/>				

Priority projects for Early SY Renewal Fund Delivery: Theme 3 Innovation, enterprise & growth

Programme

Invest in Barnsley

Project

Invest in Barnsley
(Property Investment Fund 4)

What we will deliver

Fourth round of Barnsley's highly successful Property Investment Fund.

Property investment fund to support the development of new commercial employment premises in Barnsley.

Fund offering:

- Viability gap grant funding (with overage) and
- 18-month rental guarantees

The original Property Investment Fund the was created to accommodate expanding local businesses and attract new companies to the borough. It achieved great success with the creation of 230,000 sq ft of commercial property which brought £19 million of private sector investment to Barnsley.

Page 329

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£2.5m	£17.5m	-
Delivery revenue	-	-	-
Total potential investment	£20m		

SY MCA strategic outcomes	
STRONGER SY	<ul style="list-style-type: none"> • <i>More people in employment</i>
<ul style="list-style-type: none"> • <i>Increased productivity</i> 	GREENER SY
<ul style="list-style-type: none"> • <i>Bigger, higher-value business base</i> 	<ul style="list-style-type: none"> • <i>Reduced carbon</i>
<ul style="list-style-type: none"> • <i>Digital connectivity</i> 	FAIRER SY
<ul style="list-style-type: none"> • <i>R&D investment</i> 	<ul style="list-style-type: none"> • <i>Improved earnings</i> • <i>Improved wellbeing</i>

Value for money metrics			
Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	✓
Amenity impact		Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs					
Jobs created	210	Commercial floorspace created (m ²)	27,075	Employment land remediated (ha)	70
Businesses receiving grant support	4				

Priority projects for Early SY Renewal Fund Delivery: Theme 4 Skills, education & employment

Programme

Technical Sector Skills Academies Programme

Project

Work & skills hub & technical sector skills academies

What we will deliver

A work and skills hub for the borough (3-year programme) bringing together all employment and skills support and led by business providing supported routes into and within employment in key sectors

- Employment and skills support to adult residents (3 years)
- Employer Led Sector Based Academies in key employment growth areas (Logistics, Transport, Manufacturing, Health & Care, Digital)

Page 330

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	-	-	-
Delivery revenue	£4.8m	-	-
Total potential investment	£4.8m		

SY MCA strategic outcomes

STRONGER SY	<ul style="list-style-type: none"> • <i>Increased productivity</i> • <i>More people in employment</i>
FAIRER SY	<ul style="list-style-type: none"> • <i>Improved earnings</i> • <i>Higher level occupations</i> • <i>Longer, healthier lives</i> • <i>Reduced deprivation</i> • <i>Improved wellbeing</i>

Value for money metrics

Direct land value uplift	<input type="checkbox"/>	Affordable housing	<input type="checkbox"/>
Wider land value uplift	<input type="checkbox"/>	Monetised social value	<input checked="" type="checkbox"/>
Amenity impact	<input type="checkbox"/>	Monetised carbon reduction	<input type="checkbox"/>
Labour supply impacts	<input checked="" type="checkbox"/>	Gross jobs & GVA	<input checked="" type="checkbox"/>

Priority projects for Early SY Renewal Fund Delivery: Theme 5 Sustainability & net zero

Programme

Our reservoirs

Project

Our reservoirs: Worsborough and Elsecar

What we will deliver

Comprehensive programme of surveys and works at two key visitor and heritage economy locations – Worsborough Mill & Country Park and Elsecar Park – to reduce and mitigate flood risk.

- Additional structure and groundwork surveys
- Restored and enhanced landscaping Improved access inc. for wheelchair users
- Maintenance and reconstruction of embankments and reservoir walls to reduce flood risk

Page 331

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£5.32m	-	-
Delivery revenue	-	-	£0.72m
Total potential investment	£6.04m		

SY MCA strategic outcomes

GREENER SY	<ul style="list-style-type: none"> • <i>Reduced flood risk</i>
FAIRER SY	<ul style="list-style-type: none"> • <i>Longer, healthier lives</i> • <i>Greater cultural participation</i> • <i>Improved wellbeing</i>

Value for money metrics

Direct land value uplift	<input type="checkbox"/>	Affordable housing	<input type="checkbox"/>
Wider land value uplift	<input checked="" type="checkbox"/>	Monetised social value	<input checked="" type="checkbox"/>
Amenity impact	<input checked="" type="checkbox"/>	Monetised carbon reduction	<input type="checkbox"/>
Labour supply impacts	<input type="checkbox"/>	Gross jobs & GVA	<input type="checkbox"/>

SY MCA core project outputs

Length of improved active travel route (km)	2.4	Area of land with reduced likelihood of flooding (m ²)	6,500	Homes with reduced flood risk	50
Employment premises with reduced flood risk	25				

Priority projects for Early SY Renewal Fund Delivery: Theme 7 Digital

Programme

Gigabit City

Project

Gigabit City: delivering SY Digital Infrastructure Strategy

What we will deliver

3-year continuation of comprehensive programme management via Superfast South Yorkshire, to deliver the South Yorkshire Digital Infrastructure Strategy

- 85% gigabit capable connection provision across South Yorkshire by 2025

SY MCA strategic outcomes

STRONGER SY

- *Increased productivity*
- *Connectivity*

GREENER SY

- *Reduced car use*

FAIRER SY

- *Improved earnings*

Value for money metrics

Direct land value uplift	<input type="checkbox"/>	Affordable housing	<input type="checkbox"/>
Wider land value uplift	<input checked="" type="checkbox"/>	Monetised social value	<input type="checkbox"/>
Amenity impact	<input type="checkbox"/>	Monetised carbon reduction	<input type="checkbox"/>
Labour supply impacts	<input checked="" type="checkbox"/>	Gross jobs & GVA	<input type="checkbox"/>

Funding

	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	-	-	-
Delivery revenue	£0.6m	-	-
Total potential investment	£0.6m		

Priority projects for Early SY Renewal Fund Delivery: Theme 8 Housing, land & development

Programme

Housing Growth

Project

Sustainable housing growth fund

What we will deliver

Providing support to developers to enhance the sustainability credentials of new homes to exceed Future Homes 2022 (Future Homes Standards 2025) where viability prevents the developer from otherwise doing so

Funding on a grant/loan basis for affordable housing compliancy, where viability prevents this, or additional costs associated with specialist/larger property types that meet need.

Page 333

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£5m	-	-
Delivery revenue	-	-	-
Total potential investment	£5m		

SY MCA strategic outcomes	
<p>STRONGER SY</p> <ul style="list-style-type: none"> • <i>More people in employment</i> <p>GREENER SY</p> <ul style="list-style-type: none"> • <i>Reduced carbon</i> • <i>Improved air quality</i> 	<p>FAIRER SY</p> <ul style="list-style-type: none"> • <i>Housing affordability</i> • <i>Improved wellbeing</i>

Value for money metrics			
Direct land value uplift	✓	Affordable housing	✓
Wider land value uplift	✓	Monetised social value	✓
Amenity impact	✓	Monetised carbon reduction	✓
Labour supply impacts		Gross jobs & GVA	

SY MCA core project outputs	
Housing units	500

Priority projects for Early SY Renewal Fund Delivery: Theme 8 Housing, land and development

Programme

Goldthorpe Town Investment Plan

Project

Goldthorpe Property Investment Fund

What we will deliver

Bespoke property investment fund to meet the challenges, opportunities and ambitions of delivering new and redeveloped employment floorspace in Goldthorpe and wider Dearne, in line with the Towns Fund Investment Plan

Viability and enabling development funding:

- ES10 (70ha), ES11 and ES 12 new employment sites
- Existing business parks: Fields End; Thurnscoe; Goldthorpe
- Refurbishment of existing stock

Page 334

	Funding		
	Est. SY Renewal Fund £	Private sector potential £	Other potential £
Capital	£1.45m	£45m	£9.8m Towns Fund
Delivery revenue	-	-	-
Total potential investment	£56.3m		

SY MCA strategic outcomes	
<p>STRONGER SY</p> <ul style="list-style-type: none"> • <i>Increased productivity</i> • <i>Bigger, higher-value business base</i> • <i>R&D investment</i> • <i>More people in employment</i> 	<p>FAIRER SY</p> <ul style="list-style-type: none"> • <i>Improved earnings</i> • <i>Reduced deprivation</i>

Value for money metrics

Direct land value uplift	✓	Affordable housing	
Wider land value uplift	✓	Monetised social value	
Amenity impact		Monetised carbon reduction	
Labour supply impacts	✓	Gross jobs & GVA	✓

SY MCA core project outputs

Jobs created	391	Commercial floorspace created (m ²)	4,635	Commercial floorspace refurbished (m ²)	14,140
		Commercial floorspace occupied (m ²)	18,785		

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 OF CORE SERVICES /
S151 OFFICER TO AUDIT AND GOVERNANCE COMMITTEE
ON 19TH JANUARY, 2022**

**APPOINTMENT OF THE COUNCIL'S EXTERNAL AUDITOR 2023 – 2028 &
UPDATE ON MEASURES TO IMPROVE LOCAL AUDIT**

1. PURPOSE OF REPORT

- 1.1 To update Members on the available options for the procurement of external audit services for the 5-year financial years, from 2023/24 through 2027/28, and to appraise Members on the measures introduced by the Government to improve the local audit process.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 **Members note the options available for the Council in respect of the routes available for the procurement of external audit services.**
- 2.2 **Members agree that the Council seeks to opt into the sector led scheme for appointing auditors (Option 3).**
- 2.3 **Members resolve to recommend to full Council: and**
- 2.4 **Members note the Government's proposals to improve the local audit process.**

3. INTRODUCTION

- 3.1 Prior to the 2018/19 financial year, the Council's external auditor was appointed on the Council's behalf by the Audit Commission. The Audit Commission was abolished on the 31st March 2015 as enacted by the Local Audit and Accountability Act 2014.
- 3.2 Following the transition from the above arrangements, local authorities were given the power to make their own choice over the procurement route for external audit services.
- 3.3 Members will recall that there were a number of options available to the Council in respect of how this decision was made which effectively would represent the Council's procurement route for the subsequent 5 year period (2018/19 through 2022/23). The Council chose the sector led option, through which the Government's 'Appointing Person', Public Sector Audit Appointments Ltd (PSAA), as part of that procurement process, appointed Grant Thornton LLP (GT), one of the "big four" international auditing firms for that period.
- 3.4 The Council has a similar decision to make in respect of the next five-year

period (2023/24 through 2027/28) which, due to the significant lead in times in respect of the procurement process and the awarding of contracts etc, the Council has a deadline of 11th March 2022 (if opting into the sector led scheme).

4. PROPOSAL AND JUSTIFICATION

4.1 The 3 options available to the Council are akin to the options that were presented during the first, five year procurement exercise as described above. Each of these options are considered below, together with an options appraisal at Appendix 1.

Option 1 – Individual Tender for External Audit Services

4.2 Under option 1 the Council would individually tender for external audit services on a standalone basis.

4.3 If the Council was to choose this procurement route, it would have to establish an Audit Panel as per the statutory regulations, which would be an independent committee, consisting wholly (or the majority) of independent members.

4.4 The primary role of the Audit Panel would be to advise the Council on:

- The maintenance of an independent relationship with the appointed local auditor; and
- The selection and appointment of a local auditor.

Option 2 – Joint Procurement for External Audit Services

4.5 Under option 2 the Council would join other local authorities to establish a joint Audit Panel which would then procure external audit services on behalf of the individual authorities within the arrangement.

4.6 Should this option be chosen, then the same requirements apply to the joint Audit panel as described under option 1 [paragraphs 4.3 and 4.4 refer].

Option 3 – Sector Led Procurement of External Audit Services

4.7 Under option 3 the Council enters a sector led scheme, via the Government's 'Appointing Person' [PSAA] which would represent a continuation of the Council's current arrangements in respect of appointing the external auditor.

4.8 PSAA would procure the external auditor on the Council's behalf, utilising the experience gained in the first national contract including a key understanding of the nature of the audit market.

4.9 The Local Government Association (LGA) supports the Appointing Person arrangements and encourages as many principal bodies as possible to opt into this scheme.

4.10 The deadline for formally opting in to this arrangement to the PSAA is the 11th March 2022. Should no response be submitted by the Council, the PSAA will assume that the Council is opting for either an individual or collective (joint local authority) process instead.

- 4.11 It is important to note that the performance of local audits in the sector, particularly over the last few years, has been challenging in terms of delivering within statutory timelines as well as the fees agreed in the PSAA contract. This is for several reasons including the significant changes to auditing standards during the period which increases the workloads for auditors, the changes to the statutory deadlines in which the auditors operate and the general availability of suitably qualified auditors within the sector.
- 4.12 These issues have been recognised by the Government and reforms via the Redmond Review will shape the future of external audit provision moving forwards. The PSAA has worked closely with the Government on these reforms, particularly in respect of the fee setting element, which will stand them in good stead in terms of shaping the future and understanding the impacts of any changes from those reforms.

Preferred Option

- 4.13 The Council has undertaken an appraisal of the three available options, details of which can be found at Appendix 1.
- 4.14 The recommended option is **Option 3** – to opt in to the sector led procurement for external audit services. This continues the current arrangements that are in place and offers the potential for economies of scale and importantly a high probability of securing auditors with the necessary experience and knowledge to effectively audit the Council [as compared with Options 1 and 2].
- 4.15 If the Council approves this option, during the compulsory appointing period, then the Council will need to give notice to the Appointing Person (PSAA) of the decision to become an opted in council.

5. UPDATE ON THE GOVERNMENT’S MEASURES TO IMPROVE THE LOCAL AUDIT PROCESS

- 5.1 Local government audit plays a vital role in providing local authorities with accurate and reliable financial information to plan and manage their services and finances effectively. The timely completion of local audits also ensures local authority financial arrangements, including whether value for money is being achieved, are transparent to the taxpayer, and facilitates assurance for the public sector.
- 5.2 There have been several challenges around the timeliness of local audits in recent years with only 45% of 2019/20 audits completed by the deadline of 30 November 2020 and, most recently, only 9% of 2020/21 audits completed by the extended deadline of 30 September 2021 [the Council not being one of the 9% completed on time].
- 5.3 There are a variety of reasons for this including:
- Audit firms are seeing a high turnover of qualified staff.
 - Increase in audit scope and regulatory pressures; and
 - Local authorities have competing priorities and have often diverted their resources from the audit process to other areas, affecting their

preparedness for audit, exasperated by the COVID 19 pandemic [not applicable to BMBC].

- 5.4 The Government has therefore proposed new measures to address the issues above which are summarised in the table below with further detailed analysis provided at Appendix 2.

Section	Key Points / Measures
Section 1 – Measures relating to audit firms and timely completion of audits	Financial Reporting Council to revise Key Audit Partner guidance and CIPFA to develop local audit training diploma and provide technical advisory service to auditors.
Section 2 – Measures relating to local bodies and quality of accounts preparation	Government to provide additional resources to local authorities and CIPFA to publish guidance on audit committees.
Section 3 – Proposed measures relating to accounting and audit requirements	National Audit Office to review auditing requirements and CIPFA to review accounting requirements as well as delaying implementation of standardised statements.
Section 4 – Longer-term measures to help stabilise the market and address long-term supply issues	Extending deadline for audit of accounts, providing certainty of auditing requirements over the appointing period, development of industry-led workforce strategy.

6. CONSIDERATION OF ALTERNATIVE APPROACHES

- 6.1 Consideration of the other two options available to the Council is highlighted in Section 4 above.

7. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 7.1 None

8. FINANCIAL IMPLICATIONS

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

Appointment of the External Auditor

- 8.2 There are no additional financial implications as a result of adopting Option 3, subject to any new fees being broadly in line with revised fee levels for 21/22.

The Government's Proposed Measures to Improve Local Audit

- 8.3 The Government are proposing a suite of new measures, aimed at improving the local audit market and process [Appendix 2 refers].
- 8.4 Most of the measures are procedural and operational. The Government recognises that some of these new requirements will present a new burden on councils moving forward and are therefore proposing to provide additional funding to the sector, totalling £15M p.a. for 21/22 through 24/25. The Council's share of that is expected to total approximately £0.054M p.a.

Financial Implications/Consultation



.....
(To be signed by senior Financial Services officer
where no financial implications)

9. EMPLOYEE IMPLICATIONS

9.1 None

10. LEGAL IMPLICATIONS

10.1 None

11. CUSTOMER AND DIGITAL IMPLICATIONS

11.1 None

12. COMMUNICATIONS IMPLICATIONS

12.1 None

13. CONSULTATIONS

13.1 None

14. EQUALITY IMPACT

14.1 Not applicable

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

15.1 None

16. TACKLING THE IMPACT OF POVERTY

16.1 None

17. TACKLING HEALTH INEQUALITIES

17.1 None

18. REDUCTION OF CRIME AND DISORDER

18.1 None

19. RISK MANAGEMENT ISSUES

19.1 None

20. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

20.1 None

21. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

21.1 None

22. CONSERVATION OF BIODIVERSITY

22.1 None

23. GLOSSARY

NAO – National Audit Office

CIPFA – Chartered Institute of Public Sector Finance and Accountancy

DLUHC – Department for Levelling Up, Housing and Communities

24. LIST OF APPENDICES

Appendix 1 – Option Appraisal for Route of Appointment of the External Auditor

Appendix 2 – Summary of Proposed Measures to Improve Local Audit

25. BACKGROUND PAPERS

PSAA Website - <https://www.psa.co.uk/>

Proposed Measures - <https://www.gov.uk/guidance/measures-to-improve-local-audit-delays#section-1-measures-relating-to-audit-firms-and-timely-completion-of-audit>

Redmond Review - <https://www.gov.uk/government/publications/local-authority-financial-reporting-and-external-audit-independent-review>

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

Report author: Neil Copley

Appendix 1 – Option Appraisal for Route of Appointment of the External Auditor

OPTION 1 – INDIVIDUAL TENDER FOR EXTERNAL AUDIT SERVICES	
Benefits / Advantages	Risks / Disadvantages
Setting up an audit panel allows the Council to take maximum advantage of the local appointment regime and have local input into both the specification and appointment decision.	Recruitment and servicing of the Audit Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000 plus on-going expenses and allowances.
	The Council will not be able to take advantage of the economies of scale and reduced fees that could be available through joint or national procurement contracts.
	The assessment of bids and decision on awarding contracts will be taken by independent appointees and not solely by elected members. Hence BMBC members do not have any influence over the process or appointment.
	The external audit market has become very challenging, with firms unable to recruit staff. Often audited bodies nationally in the public and private sector have found that they have at most one bidder for their audit. Consequently single-procurement risks having very little or no choice of audit provider [and ergo potentially the quality].

OPTION 2 – JOINT PROCUREMENT FOR EXTERNAL AUDIT SERVICES	
Benefits / Advantages	Risks / Disadvantages
The costs of setting up the panel, running the bidding exercise and negotiating the contract will be shared across several authorities.	There will be the usual delays and time needed to negotiate and agree joint provision with other LA bodies, with the danger [if agreement cannot be reached in a timely fashion] that the Council is then too late to opt-in to the PSAA arrangements.
	The decision-making body will be further removed from local input, with potentially no input from elected members where a wholly independent audit panel is used, or possibly only one elected member representing each council, depending on the constitution agreed with the other bodies involved.
There is greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms.	The choice of auditor could be complicated if individual councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work, such as consultancy or advisory work for a council. Where these issues occur, some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint audit panel chooses a firm that is conflicted for this Council, then the Council may still need to make a separate appointment with all the attendant costs and loss of economies potentially available through joint procurement.
	The problems in obtaining a range of auditing firms prepared to bid, as discussed under Option One, are equally applicable under this option.
	Lack of enthusiasm for this approach from other LAs contacted [For several reasons there was little appetite for councils from across SY to participate in a joint procurement].

OPTION 3 – SECTOR LED PROCUREMENT OF EXTERNAL AUDIT SERVICES	
Benefits / Advantages	Risks / Disadvantages
The costs of setting up the appointment arrangements and negotiating fees will be shared across all opt-in authorities.	Individual elected members / independent representatives will have less opportunity for direct involvement in the appointment process other than through the LGA and/or stakeholder representative groups.
By offering large contract values, the firms should be able to offer better rates and lower fees than are likely to result from local negotiation.	In order for the national process to be run, councils must indicate that they wish to opt-in by the end March 2022.

OPTION 3 – SECTOR LED PROCUREMENT OF EXTERNAL AUDIT SERVICES

Benefits / Advantages	Risks / Disadvantages
Utilise PSAA expertise in compiling the tender, to undertake all the procurement process, so there would be no costs or resource requirements from the Council. Also, PSAA commit to the on-going contract management, QA of contract delivery, and agreement of additional fee requests. Given the Council's current budgetary position, officers would prefer not to devote time to an external audit appointment process.	The re-procurement exercise in 2017 resulted in very considerable reductions in audit fees. However, the auditing firms have not been able to deliver audits to the desired quality / timeliness for these fees, resulting in several increases in fees over the period. Appointing as part of a smaller group or individually might make the firms more reluctant to ask for fee increases, or at least the Council might have more influence over fee negotiations as these would be directly with the firm.
Any conflicts of interest at individual authorities would be managed by PSAA who have several contracted firms to call upon.	
The appointment and subsequent audit are demonstrably independent of the Council.	
PSAA manage any subsequent fee disputes and can apply their knowledge from other clients to determining a reasonable fee.	
Supports the LA collective national procurement process.	

Appendix 2 – Summary of Proposed Measures to Improve Local Audit

Section 1 – Measures relating to audit firms and timely completion of audit	
Measure	Practical Impact / Impact on BMBC
FRC to publish updated Key Audit Partner (KAP) guidance by spring 2022, including new routes for an experienced Registered Individual to become a KAP	Training support for external auditors to allow new route for auditors to become key audit partners.
Work with CIPFA to further develop the proposal for a new local audit training diploma in local government financial reporting and management aimed at different levels of auditor, and a new technical advisory service that could provide support to firms, and in particular new entrants	Designed to increase supply / quality in the audit market, external auditors will have a larger pool of talent to choose from. The Council should see a better quality of audit as a result.
Section 2 – Measures relating to local bodies and quality of accounts preparation	
Measure	Practical Impact / Impact on BMBC
DLUHC to provide further funding of £45 million over the course of the next Spending Review period to support local bodies with the costs of strengthening their financial reporting, new burdens related to appointment of independent members and other Redmond recommendations and increased auditing requirements.	The Council is due an element [approximately £0.054M] of the £15M for 21/22 to support new burdens from the new VfM requirements placed on audited bodies / external auditors. It is expected that the Council will be entitled to a similar amount p.a. for the next 3 year period (22/23 – 25/26).
DLUHC to provide via the Local Government Association sector grant for a number of targeted training events for audit committee chairs	See funding point above
CIPFA to publish strengthened guidance on audit committees by April 2022. The guidance will emphasise the role that audit committees should have in ensuring accounts are prepared to a high standard, alongside broader changes including appointment of independent members. Following consultation, CIPFA will consider making the guidance, audit committee / independent member processes a statutory requirement.	Council to provide Audit Committee training on new guidance. No other implications on independent members as already in situ [TBC].
Section 3 – Proposed measures relating to accounting and audit requirements	
Measure	Practical Impact / Impact on BMBC
NAO rolling over of amendments to 20/21 AGN 03 and 07 to allow for alteration of the timing of elements of the VfM arrangements work and to enable more focus on fully delivering opinions on the financial statements in line with statutory timeframes.	Audit of VfM for 2020/21 continues to the revised deadline, following issuing of audit opinion for the financial statements.
CIPFA/LASAAC is undertaking a project to improve the presentation of local authority accounts to inform the development of the 22/23 Accounting Code and comply with IFRS and statutory accounting principles. HMT to undertake thematic review of financial reporting valuations for non-investment properties to inform development of the Accounting Code from 22/23 onwards.	Potential change to the format / structure of the accounts from 22/23, to make financial information more transparent and accessible for lay people.
The government has asked CIPFA/LASAAC to consider the merits of a time-limited change to the Accounting Code for 21/22.	A potential change to how fixed assets are valued for 21/22 which may change both accounting and auditing requirements.
Delaying the implementation of standardised statements and associated audit requirements	Delay to the implementation of these proposals will allow Council finance officers to concentrate on the

	wider issues associated with the current accounting / auditing requirements.
Section 4 – Longer-term measures to help stabilise the market and address long-term supply issues	
Measure	Practical Impact / Impact on BMBC
PSAA to progress their proposed procurement strategy for the next round of local audit contracts from 2023/24	The Council's approach in terms of the next round of local audit contracts is detailed in the first part of this report.
Extending the deadline for publishing audited local authority accounts to 30 November 2022 for 21/22 accounts and the 30 September date for 5 years from 2023/24 – 2027/28.	The auditing period is extended which places elongated pressure on Council finance staff in respect of the resources involved in supporting the audit. Clarity is required on the proposed deadline in terms of whether the Council is still required to submit draft accounts by the end of May.
NAO to prepare for a re-laying of the Code of Audit Practice 2020 in parliament, so that it will apply for the whole of the next appointing period.	This provides clarity of the auditing requirements for the appointing period which will provide stability to audit firms.
Developing an industry-led workforce strategy, working with system leaders and audit firms, to consider the future pipeline of local audits, and associated questions related to training and qualifications.	Provides framework for audit services moving forwards.

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 December 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Coates, Danforth, M. Dyson, Eastwood, Fielding, Frost, Gillis, Greenhough, Leech, Lofts, Makinson, McCarthy, Smith, Tattersall and Wright

34. Declarations of interest

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

35. Minutes

The minutes of the meeting held on 26th October 2021 were taken as read and signed by the Chair as a correct record.

36. Land south of New Smithy Avenue, Thurlstone - 2021/0939 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0939** - Reserved matters application for 21 dwellings in connection with outline planning permission 2017/0088 with matters of appearance, layout, scale and landscaping under consideration at Land south of New Smithy Avenue, Thurlstone

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

37. Land south of New Smithy Avenue, Thurlstone - 2020/1221 - For Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2020/1221** Residential development of 28 no dwellings and associated works at Land south of New Smithy Avenue, Thurlstone.

A statement from Ms Emma Lancaster was read out at the Board in opposition to the Officer recommendation to refuse the application.

RESOLVED that the application be refused in accordance with the Officer recommendation

38. Land off Cemetery Road, Hemingfield - 2021/0054 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0054** - Reserved matters application for the erection of 14 no.

dwellings and associated works with layout, scale, design and landscaping under consideration (in connection with outline application 2017/0890) at Land off Cemetery Road, Hemingfield

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to the addition of conditions relating to the pond area with regards to the provision of life preservers/lifebuoys, appropriate safety signage, and management responsibilities

39. Land to the west of Sheffield Road, Hoyland, Barnsley - 2021/1159 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/1159** - Full Planning Application for the development of 2 No. storage and distribution units (Class B8) with ancillary offices, including creation of access roads, parking, associated landscaping and infrastructure, Plot 2, Land to the west of Sheffield Road, Hoyland, Barnsley

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

40. Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA - 2021/0664 - For Refusal

.The Head of Planning and Building Control submitted a report on **Planning Application 2021/0664** - Variation of conditions 3 (requirement to comply with indicative layout plan ref: 18 5221 SK04), 4 (indicative public open space arrangements), 15 (ecological mitigation) and 19 (requirement to submit archaeological evaluation prior to submission of reserved matters) of planning permission 2017/0753 - Outline planning application for approximately 250 residential dwelling houses (Use class C3), means of access and associated works, Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA

Mr Mark Johnson addressed the Board and spoke against the Officer recommendation to refuse the application.

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

41. Planning Appeals - October and November 2021

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2021/22

The report indicated that 10 appeals were received in October and November 2021.

It was reported that no appeals were withdrawn and 5 appeals were decided in October and November 2021. 22 appeals have been decided since 1st April 2021, 19 of which (86%) of which have been dismissed and 3 of which (14%) have been allowed.

RESOLVED that the update be noted.

42. Member Consultation report October 2021

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member consultation in lieu of the Planning Regulatory Board meetings scheduled for October 2021.

RESOLVED that the consultation report be noted.

43. Member consultation report November 2021

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member consultation in lieu of the Planning Regulatory Board meetings scheduled for November 2021.

RESOLVED that the consultation report be noted.

Chair

This page is intentionally left blank

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 18 January 2022
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Richardson (Chair), Bruff, Cain, Coates, Crisp, Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Hand-Davis, Hayward, D. Higginbottom, Lofts, Makinson, McCarthy, Mitchell, Smith and Tattersall

In attendance

44. Declarations of Interest

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

45. Minutes

The minutes of the meeting held on 21st December 2021 were taken as read and signed by the Chair as a correct record.

46. Land off Windhill Lane, Staincross - 2021/0747 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2021/0747 – Demolition of existing buildings and construction of sound design creation centre at land off Windhill Lane, Staincross

Mr John Sanderson addressed the Board and spoke in favour of the Officer recommendation to approve the application.

Ms Ann Gibson and Ms Cheryl Ann French addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be deferred so that further information can be received with regard to various technical aspects of the application.

47. Land to the north and south of Dearne Valley Parkway, Hoyland, Barnsley - 2021/1007 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2021/1007 - Erection of 3 no. buildings for industrial (class E(g)(iii)/B2) or storage and distribution (class B8) use with associated spur road, yards, parking, landscaping and drainage infrastructure (Reserved matters of outline planning permission 2019/1573 for Phase 2A.1 seeking approval of appearance, landscaping, layout and scale) at land to the north and south of Dearne Valley Parkway, Hoyland, Barnsley.

RESOLVED that

48. Planning Appeals December 2021

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that 5 appeals were received in December 2021.

It was reported that 23 appeals have been decided since 01 April 2021. Of these, 20 appeals (87%) have been dismissed since 01 April 2021, 3 appeals (13%) have been allowed.

RESOLVED that the update be noted.

49. Member Consultation report December 2021

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member consultation in lieu of the Planning Regulatory Board meetings scheduled for December 2021.

RESOLVED that the consultation report be noted.

50. Enforcement Update (Q3)

The Head of Planning and Building Control provided a report to update the Board on Planning Enforcement service activity covering Quarter 3 of the last reporting period 2021/2022 (October 2021 – December 2021 Inclusive). The report included a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

RESOLVED that the update report be noted.

Chair

MEETING:	Audit and Governance Committee
DATE:	Wednesday, 19 January 2022
TIME:	4.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

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

57. DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

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

58. MINUTES

The minutes of the meeting held on the 17th November, were presented and arising therefrom one Independent Member referring to Minute 50 'Annual Governance Statement' commented that his concerns around how, in his opinion, issues had been articulated within the AGS and press release regarding the bank fraud had not been recorded.

The Monitoring Officer reminded Members that the minutes of the meeting were not intended to be a verbatim record. He acknowledged that there had been a full and frank discussion of this matter and appropriate action had been taken by the Council. The Annual Governance Statement had subsequently been amended accordingly and the matter had also been raised when the report had been presented to Council. In his opinion, therefore, this issue had been fully and satisfactorily addressed and the matter was now closed*.

Taking account of the comments now made, the minutes of the meeting held on the 17th November, 2021 were then taken as read and signed by the Chair as a correct record.

***it was later confirmed that, whilst not recorded in the manner requested by the Independent Member, reference had, nevertheless, been recorded within Minute 56 'Review of Accounts Payable/Payment Processing' about concerns raised in relation to the AGS.**

59. STRATEGIC CONCERNS/RISK REGISTER

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report reminding Members that at the meeting in March 2021 it had been agreed that the Committee have a regular opportunity for a 'deep dive' of some of the strategic risks with the appropriate Executive Director in attendance to update and assure the Committee on the management of their risks.

Members were further reminded that the Strategic Risk Register contained 16 risks of which 6 had been classified as high (red rating), 9 risks had been classified as medium (amber) and 1 had been classified as low (green).

The Senior Management Team had reviewed the previous 'risks' and had made a number of changes reflecting the change in circumstances. Three new risks/areas of strategic focus had been added as outlined in the Appendix to the report, namely, Organisational Resilience, Threat of Fraud and Zero Carbon, Climate and wider environmental commitments.

All strategic risks had a number of actions identified to minimise/mitigate the risks and all actions had review/completion dates, status updates, progress RAG ratings and identified owners.

The Executive Director Adults and Communities attended the meeting virtually to provide the Committee with a review of her two strategic risks namely:

- Potential for a safeguarding failure in Adult Social Care
- Meeting out statutory responsibilities under the Care Act 2014.

The Executive Director gave details of the background to these risks and to why they were included within the Strategic Risk Register. She gave a brief resume of the risk factors that underpinned the Strategic Risks and detailed the actions taken to track and manage risks making particular reference to the documents, plans and arrangements in place to support the service in managing those risks.

The actions associated with the two risks were included in Appendix 1 to the report and Appendix 2 provided a high-level summary of all other strategic risks which included the high-level risk description, risks impact status and response ratings.

In relation to the first risk the Executive Director outlined the factors underpinning this risk and then made reference to the various action points:

- The assurance regarding the suite of policies and procedures in place and which were regularly reviewed – reference was also made to the schedule of review that was in place
- The suite of metrics, indicators and data that existed to be able to monitor risks
- Staff workloads which were adequately monitored to ensure consistency and adherence to good practice
- Changes that had occurred in working arrangements due to Covid 19 which were fully assessed to ensure the continuity of service and that they remained effective
- The multi- agency arrangements that were in place, the steps taken to ensure that they were robust, adequately governed and effective and that the Safeguarding Board arrangements that gave oversight and which ensured that the arrangements were fit for purpose and regularly reviewed
- Staffing levels within the Council and Care Homes that were closely monitored and the options for monitoring Care Home absences that were being looked at within daily situation report meetings. If there was a breach of agreed levels within the contingency plan, mitigation measures would be recommended for consideration by managers and the appropriate governance forum
- Case studies within Social Care Teams were monitored on a daily basis. These would be broken down into safeguarding/non-safeguarding related casework. If teams were struggling with stacked cases, contingency

measures would be recommended for consideration by managers at appropriate governance forum

- The number of delayed discharges, the situation at the hospital and the number of unsecured packages of homecare were reported at the daily situation report meetings and at other forums

In response to specific questioning, the following matters were raised:

- An assurance was given that partnership arrangements were solid and were monitored on a regular basis. It was noted that strong and effective leadership was in place and had been strengthened particularly over the last few months. It had been reported that Barnsley had one of the strongest health and care partnership arrangements within the North East Yorkshire Region
- Whilst risks could not be eliminated in their entirety the Executive Director was confident that all steps necessary had been taken to minimise risk. Strong leadership was in place and an open culture was encouraged so that anyone who had concerns could raise them and have them addressed

The Executive Director Adults and Communities then made reference to the risk in relation to meeting responsibilities under the Care Act 2014. She outlined the factors underpinning this risk and then made reference to the various action points:

:

- The way in which the service ensured issues, concerns and approaches were escalated, shared, and supported
- The collaboration arrangements with NHS providers in Barnsley alongside VSCE partners in order to use resources flexibly to meet need
- Influencing and lobbying to ensure appropriate lobbying regionally with the Chief Executive and Leaders Forum and with the North East Yorkshire NHS England/Improvement
- The managing of expectations and ensuring open dialogue and communication with individuals who received services, providers of services and carers
- The way in which data regarding future needs and demands was factored into the Medium Term Financial Strategy
- The assurances regarding the current and predicted status of Adult Social Care provision in the Borough
- The engagement with the market to explore options and build appropriate plans to address capacity and quality issues and concerns

In response to specific questioning, the following matters were raised:

- The Head of Internal Audit, Anti-Fraud and Assurance explained that the response rating reflected the degree of urgency and importance of the interventions and management rather than the inherent risk. He then gave details of when the risk ratings would change and the factors influencing this
- In relation to staffing in general and in relation to both risks, particular mention was made to the work of the Service Director Adult Social Care and Health and her Team as well as all Partners and other organisations who all contributed to the reduction and minimisation of risk

RESOLVED:

- (i) that the Risk Register and Strategic Concerns update be noted; and
- (ii) that Wendy Lowder, Executive Director Adults and Communities be thanked to attending the meeting and for answering Members questions.

60. APPOINTMENT OF EXTERNAL AUDITOR 2023/28 AND UPDATE ON MEASURES TO IMPROVE LOCAL AUDIT

The Executive Director Core Services and Section 151 Officer submitted a joint report updating Members on the available options for the procurement of external audit services for the 5 year financial years from 2023/24 to 2027/28 and appraising the Committee on measures introduced by the Government to improve the local audit process.

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

- The rationale for recommending Option 3 for appointing the External Auditor, a sector led scheme was discussed together with the plusses and minuses of the other options as outlined within the Appendix to the report. It was felt that the recommended option would not only be the most economic but was likely to be the best in terms of delivering a high-quality standard of audit
- There was a discussion of the importance of meeting statutory deadlines and the reasons why these had been missed in the previous year
- It was the intention that the Value for Money opinion would align back with the accounts opinion in future years
- In discussing the proposals to improve the local audit process, particular reference was made to the difficulties in appointing suitably qualified auditors to undertake public sector audits and of the steps being taken to try to address these issues

RECOMMENDED TO FULL COUNCIL:

- (i) That the options for the Council in respect of the routes available for the procurement of external audit services be noted;
- (ii) That the Council opt into the sector led scheme for appointing auditors as detailed within Option 3 outlined in the report
- (iii) That the Governments proposals to improve the local audit process be noted

61. LOCAL CODE OF CORPORATE GOVERNANCE

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report on the Local Code of Corporate Governance, a copy of which was detailed within Appendix 1, which had been substantially updated in 2020 and had been approved by this Committee in July, 2020.

The Code had been reviewed and, except for a few minor amendments to reflect the Board and Committee names, continued to reflect the corporate position.

The report, if accepted, would be referred to Cabinet for approval and would then be published on the Council's website.

RECOMMENDED TO CABINET that the Local Code of Corporate Governance as detailed within Appendix 1 to the report now submitted be approved and published on the Council's Website

62. ANNUAL GOVERNANCE REVIEW PROCESS

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report which was presented by Mrs A Salt (Corporate Governance and Assurance Manager) (who attended the meeting virtually) providing an update with regard to the Annual Governance Review (AGR) process that had been determined and used to influence and assist in the preparation of the Council's Statutory Annual Governance Statement for 2021/22.

It was noted that the Governance and Assurance Framework and the preparation of the AGS were key responsibilities of this Committee and the proposed timescales for the review process were outlined within the report. It had been assumed that the timescales for the publication of the Statutory Accounts in 2022 would follow a similar pattern to those in 2021 subject to any changes/impact which may occur due to the ongoing impact of the Covid 19 pandemic.

RESOLVED:

- (i) That the Annual Governance Review Process for 2021/22 be noted; and
- (ii) That further reports be submitted relating to the Review process for 2021/22 and on how the Review would be used to inform the development of the Annual Governance Statement.

63. EXTERNAL AUDIT PROGRESS REPORT UPDATE

Mr G Mills (representing the External Auditor) attended the meeting virtually and gave an update on the work in which he was involved. Particular reference was made to the following:

- The audit opinion had been issued on the 26th November, 2021 following the Council the previous day
- The audit had progressed within the revised timetable as previously reported and thanks were extended to the Service Director Finance and his Team for their commitment and engagement in the process
- The Teachers Pension Return had been completed in November, 2021
- The current focus of work was on the Housing Benefit audit which it was hoped would be concluded shortly
- Work was continuing on grants and receipts returns
- The work of Value for Money was due to be completed in February and it was hoped to present the findings to the meeting on the 31st March, 2022

RESOLVED that the report and update be received.

64. HEALTH AND SAFETY ANNUAL REPORT 2020/21

Mr S Dobby, Head of Corporate Health, Safety and Emergency Resilience, submitted his annual Health and Safety report for the period April 2020 to March 2021.

The detailed report indicated, amongst other things, that there had been further improvements in the Council's health and safety performance and also the implications of challenges faced in the delivery of these services and maintenance of this performance. He commented, however, that the year had been like no other and this had impacted on the performance data included within the report and, therefore, comparisons with previous years was not really possible.

The report gave details of the Health and Safety statistics with comparisons to the previous year, all of which were positive and had shown a decrease in the number of incidents. There were, however, some negative indicators in relation to an under-reporting of near miss accidents and presumed lower-level (and potentially all) incidents of violence and aggression.

The report also outlined areas for improvement and detailed the proposals for addressing them.

There had been no formal enforcement action by the Health and Safety Executive or the South Yorkshire Fire and Rescue Service and the Council had achieved the Royal Society for the Prevention of Accidents (RoSPA) Order of Distinction for Occupational Safety and Health and the British Safety Council International Safety Award. In addition, in relation to the latter, the Council had also won the Sector Award for the public sector and defence.

In the ensuing discussion, the following matters were highlighted:

- In relation to specific questioning, Mr Dobby outlined the action taken to support staff mental health and well being
- It was noted that the responsibility for health and safety extended into people's homes when working from home. The action taken to support staff, including the provision of chairs and workstations, was outlined
- Information was provided about how 'near miss' accident comparisons were made and why it was thought that there might be an under-reporting
- The difficulties in making statistical comparisons with other authorities was outlined together with the reasons for this. It was noted that many Councils no longer provided their own risk management services and this made it increasingly difficult to compare with other authorities
- In relation to current performance, the Service was currently analysing quarter 3 statistics which indicated a continuing low trend in accidents with no reports to the Health and Safety Executive

RESOLVED that the report be received and Mr Simon Dobby, Head of Corporate Health, Safety and Emergency Resilience, be thanked for attending the meeting and for answering Members questions.

65. BUSINESS IMPROVEMENT, HUMAN RESOURCES AND COMMUNICATIONS UPDATE REPORT

The Service Director Business Improvement, Human Resources and Communications submitted a report giving an overview of the five functions and core purpose of the Business Improvement, Human Resources and Communications Business Unit and outlining the role it had in ensuring assurance against various elements of the Annual Governance Statement.

It was reported that the Service was currently in the process of reorganisation and, therefore, certain changes would be introduced from the 1st June, 2022

The report also provided an update regarding progress made against the assurance programme in the areas of Performance Management and Equality and Inclusion.

Mr Michael Potter, Service Director and Mr Phil Quinn, Head of Service HR and OD, outlined respectively the work and performance of the Business Improvement and Intelligence Service and the Equality and Inclusion Team in some detail. They gave details of the various plans, strategies and arrangements in place and then outlined how they contributed to the development and improvement of the performance of the Council.

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

- Reference was made to the Performance Indicators measuring whether suitable applicants were received from Black, Minority and Ethnic backgrounds. It was noted that there was no similar information in relation to gender. This information was picked up elsewhere, however, this would be included in future reports
- Information about gender pay differentials would be provided. It was thought that Barnsley would be similar to most other authorities
- Arising out of the above, reference was made to the gender comparators in relation to senior and middle managers. It was noted that there were currently more female Senior Managers but a higher percentage of male middle managers. Information on this could be provided

RESOLVED that the report be received, and Mr Michael Potter, Service Director Business Improvement, HR and Communications and Mr Phil Quinn, Head of Service HR and OD be thanked for attending the meeting and for answering Members questions.

66. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN UPDATE REPORT

The Monitoring Officer submitted a report providing an update on the final requirements of the Local Government and Social Care Ombudsman following their report regarding a complaint.

Further to Minute No 24 of the meeting held on the 28th July, 2021, it was noted that the finding relating to a planning matter had been resolved, however, the Ombudsman had recommended that the Committee receive assurances more broadly regarding the Council's compliance with the Openness of Local Government Bodies Regulations 2014.

The report in outlining in detail how the Council fulfilled its statutory obligations in respect of these regulations as well as the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012 indicated that the Council was also undertaking a review of its Constitution and Scheme of Delegation over the next few months. To this end, a working group had been established and its findings would be presented to this Committee for consideration and assurance purposes.

In addition to the above, an Internal Audit had been commissioned to look at how the Council complied with the statutory Local Government Transparency Code 2015 and associated LGA Guidance with regard to the publication of specified categories of data. The findings of this audit would also be presented to this Committee in due course.

The Local Government Ombudsman had been informed of the progress made and had been provided with a copy of this report.

In response to specific questioning the following responses were provided:

- The Working Group looking at the review of the Constitution and Scheme of Delegation would comprise a variety of officers. The Monitoring Officer would seek information as to whether or not Elected Members were to be involved in this process. He gave an assurance, however, that regular update reports on progress would be submitted
- The Head of Internal Audit, Anti-Fraud and Assurance stated that it was the intention that Internal Audit would be part of the Working Group and would provide an element of objective check and challenge. He then went on to give a brief summary of the work that would be involved with the audit of how the Council complied with the Local Government Transparency Code. An update on this would be provided as part of the usual Audit Update report

RESOLVED that the report be received, and the actions taken and planned to address the Ombudsman's recommendations be acknowledged.

67. AUDIT AND GOVERNANCE COMMITTEE WORK PLAN

The Committee received a report providing the indicative work plan for the period 2nd July 2021 to 1st June, 2022.

Arising out of the above, reference was made to the following:

- The recruitment to the vacant Independent Member positions on the Committee. It was noted that a further recruitment exercise was to be undertaken and there was a discussion of the best ways of securing good quality applicants
- A questionnaire seeking members views on the effectiveness of the Committee, on training requirements and on ways in which improvements could be made was to be sent out shortly. The results of this exercise would be used to inform the review of the operation of the Committee

- It was suggested that future reports give an indication of items that had been re scheduled together with the rationale for those changes
- It was also suggested that a future report on the Glassworks include an update on the position with regard to the Alhambra so that the Committee could have an up-to-date picture of the current position with regard to the Town Centre

RESOLVED that, noting the above suggestions, the core work plan for meetings of the Audit and Governance Committee be approved and reviewed on a regular basis.

68. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting during the consideration of the following item because of the likely disclosure of exempt information as defined by Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

69. INTERNAL AUDIT CONSULTATION PAPER FOR 2022/23

The Head of Internal Audit, Anti-Fraud and Assurance submitted a report outlining the annual audit planning process and consulting the Committee with regard to potential projects for inclusion in the draft Internal Audit Plan for 2022/21.

A key part of the process was to ensure sufficient overall coverage was provided across the Council to enable the Head of Service to give an annual opinion on the effectiveness of the Council's control, risk and governance arrangements. In addition, and where possible, capacity would be provided for advisory support to management. A detailed 5 year analysis of audit work was provided at Appendix A covering the work undertaken in 2019/20, 2020/21, the current year and possible work for 2022/23 and 2023/24 to assist in the consideration of possible areas for audit coverage.

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

- Various suggestions were made by Members as to other potential areas for inclusion. These would be investigated for possible inclusion and a further update would be provided
- There was a discussion of the way in which Value for Money audits were undertaken and of the differing role of both Internal and External Audit in this area
- The Head of Internal Audit, Anti-Fraud and Assurance briefly commented on the current position with regard to the filling of vacancies in his service following a review as part of a wider Core Directorate restructure. Arising out of this, reference was made to the ways in which vacancies were advertised and to the use of apprenticeships across the Council

RESOLVED:

- (i) That the report be noted;

- (ii) That, in addition to the suggestions now put forward, Members of the Committee pass any further nominations for inclusion in the 2022/23 Internal Audit Plan through the Chair for notification to Internal Audit or, alternatively, for them to be passed directly to the Head of Internal Audit, Anti-Fraud and Assurance;
- (iii) That the Committee is satisfied that the planning process is sufficiently robust that it will determine a value-adding Audit Plan, informed by risk and through consultation with appropriate senior management; and
- (iv) That the professional responsibility of the Head of Internal Audit, Anti-Fraud and Assurance to ultimately determine the Plan of audit work be acknowledged.

.....
Chair

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 22 December 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Green (Chair), Bowser, Cherryholme, Danforth, Eastwood, J. Higginbottom, Hunt, Newing, Tattersall, Wilson and Wray

Also in attendance Mr D Wilson (Licensing Consultant) representing one of the respondents to the consultation on the Taxi and Private Hire Policy.

15 Declaration of Interests

Councillor Hunt declared a non-pecuniary interest in Minute No 17 'Taxi and Private Hire Policy Review Consultation Responses 2021' in view of him submitting a response to that consultation in relation to the climate emergency and use of electric vehicles. He took no part in the discussion and voting in relation to this part of the item.

Councillor Tattersall declared a non-pecuniary interest in Minute No 17 'Taxi and Private Hire Policy Review Consultation Responses 2021' in view of her submitting a response to that consultation in relation to the use or CCTV. She took no part in the discussion and voting in relation to this part of the item.

16 Minutes

The minutes of the meeting held on the 27th October, 2021 were taken as read and signed by the Chair as a correct record.

17 Taxi and Private Hire Policy Review Consultation Responses 2021

The Service Director Legal Services submitted a report requesting Members to consider the outcome of the consultation on the review of the Draft Taxi and Private Hire Policy and recommending that the policy be forwarded to the Cabinet and Council for formal approval.

Members were reminded that the Department for Transport had recommended that all licensing authorities make publicly available a cohesive policy document that brought together all their procedures on taxi and private hire vehicle licensing. It was suggested that this should include policies on convictions, a 'fit and proper; person or 'suitability' test, conditions of licence and vehicle specifications and standards.

The overriding and primary overriding objective of such a policy was to protect the public by ensuring that the licensing regime protected the vulnerable. A policy for Barnsley had subsequently been produced and a statutory consultation had been undertaken from the 25th June to 3rd September, 2021. The report summarised the main issues contained within the Draft Policy a copy of which was appended.

A total of four responses to the consultation exercise had been received and these were outlined within the report together with officers responses to each. The majority of the responses had been accepted and incorporated within the Policy as appropriate, however, there were five upon which a decision was required from members and these related to:

- The suitability policy and whether or not the Council should fully adopt the Institute of Licensing Suitability Guidance
- Medical requirements and whether or not medical reports should be provided every year from the age of 60
- Application fees and whether or not these should be refunded in the event that a licence was not granted
- The driver topographical/knowledge test and whether this should be retained
- A request to require operator livery to be semi permanently affixed to vehicles. It was noted that should the Board wish to pursue this option, this could not be incorporated within the current policy as it would require further consultation with the trade

After discussion of all the representations detailed above, it was:

RECOMMENDED TO CABINET AND COUNCIL that the Draft Taxi and Private Hire Licensing Policy 1st January, 2022 to 31st December, 2026, as amended in accordance with the report now submitted and incorporating the Boards recommendations on the consultation as detailed below, be approved:

- (a) That the Institute of Licensing Suitability Guidance be adopted in its entirety;
- (b) That the requirement for a medical report to be produced every year from the age of 60 be retained;
- (c) That the D4 medical reports from a company called 'Doctors on Wheels' be no longer accepted for the reasons detailed within the report;
- (d) That the application fee charged be non-refundable on the grounds that the Council is permitted to charge for the administration involved in the processing and granting of a licence; and
- (e) That the topographical test be maintained as a means of ensuring that all licenced drivers have a good working knowledge of the area

RESOLVED that the proposal to require operator livery to be semi-permanently affixed to vehicles be supported in principle and that a report on this matter be submitted to the Board following further consultation with the hackney carriage and private hire trade.

Chair

Item 17

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

11th January, 2022

Present: Councillors Green (Chair), Lodge and Shepherd.

Members of the Public and Press were excluded from this meeting.

1 Hackney Carriage and Private Hire Driver's Licence – Application – Mr K A S

An application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr K A S was allowed

The decision of the Panel was unanimous.

2 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr Z A

The Committee was asked to consider the determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr Z A.

Mr Z A was allowed to retain his licence subject to his licence being suspended for a period of 3 months and him being required to undertake a Council Approved Driver Awareness course at the earliest opportunity and at his own expense.

The decision of the Panel was unanimous.

3 Hackney Carriage and Private Hire Driver's Licence – Application - Mr S U

The Panel considered a report of the Service Director Legal Services on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr S U.

After considering all the information and representations made the Panel determined that the application for the grant of a Hackney Carriage and Private Hire Driver's Licence be refused on the following grounds:

- He had in excess of 8 Penalty Points recorded on his DVLA Licence which showed a clear lack of responsibility as a driver
- The concerns that, whilst being a taxi driver for a neighbouring authority, he did not inform that authority of those motoring offences as required by the Licensing Conditions of that authority. Had he complied with those requirements, that authority had confirmed that the licence would have been suspended until an Advanced Practical Driving Assessment had been completed and, depending upon the seriousness of the offences committed, this could have led to the revocation or refusal of that licence. In addition, his failure to declare these offences meant that he could have continued to drive a taxi for two years knowing that these offences were recorded against him and that he was in breach of the licencing conditions. He also failed to inform the Barnsley Licensing Service of the breach of licensing conditions with the neighbouring authority during the application process. Such actions raised concerns as to his honesty and truthfulness and questioned whether or not he would comply with the conditions of licence in Barnsley if he were granted a licence
- In considering all the evidence presented, the primary consideration for the Panel was the safety of the travelling public. The Panel deemed that he fell short of the Council's Guideline Policy for Criminal Convictions. He provided no extenuating circumstances to warrant a deviation from that Policy and he was not, therefore, deemed to be a 'fit and proper person' to hold a Hackney Carriage and Private Hire Driver's Licence

The decision of the Panel was unanimous.

(h) School Admission Appeals Panel – 16th December, 2021

All Saints Academy	1 Allowed
Barnsley Academy	2 Refused
Gooseacre	1 Allowed
High View PLC	1 Refused

(i) School Admission Appeals Panel – 17th December, 2021

Barnsley Academy	1 Withdrawn
------------------	-------------

(j) School Admission Appeals Panel – 13th January, 2022

Outwood Academy Carlton	1 Refused
-------------------------	-----------

(k) School Admission Appeals Panel – 18th January, 2022

Outwood Academy Shafton	1 Allowed
-------------------------	-----------

Appeals withdrawn prior to the allocation of a date

Athersley North	1 Withdrawn
Darton Academy	1 Withdrawn
Holy Trinity	1 Withdrawn
Keresforth	1 Withdrawn
Oakwell Rise	1 Withdrawn
St Michael and All Angels	1 Withdrawn

MEETING:	Overview and Scrutiny Committee - Growing Barnsley Workstream
DATE:	Tuesday, 2 November 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Ennis OBE (Chair), Cain, K. Dyson, Fielding, Gollick, Green, Hand-Davis, Hayward, Lodge, Markham, Noble, Osborne, Pickering, Smith, Stowe, Sumner, Tattersall, Wraith MBE and Wray

28 Apologies for Absence - Parent Governor Representatives

No apologies for absence were received in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

29 Declarations of Pecuniary and Non-Pecuniary Interest

Councillor Tattersall declared a non-pecuniary interest in Minute No. 31 as she is a Berneslai Homes Board Member.

Councillors Noble and Lodge also declared non-pecuniary interests in Minute No. 31 as they are Berneslai Homes Tenants. In addition, Councillor Lodge is employed by a social housing provider.

30 Minutes of the Previous Meeting

The minutes of the meeting held on 12th October (Sustainable Barnsley Workstream) were received.

31 Berneslai Homes Annual Report 2020-21

The following witnesses were welcomed to the meeting:

Amanda Garrard, Chief Executive, Berneslai Homes
 Arturo Gulla, Executive Director of Property Services, Berneslai Homes
 Dave Fullen, Executive Director of Customer & Estate Services, Berneslai Homes
 Kathy McArdle, Service Director, Regeneration & Culture, Place Directorate, BMBC
 Sarah Cartwright, Head of Strategic Housing, Sustainability & Climate Change, Place Directorate, BMBC
 Cllr Tim Cheetham, Cabinet Spokesperson – Place – Regeneration & Culture, BMBC.

The Committee received a report of the Chief Executive, Berneslai Homes and the Executive Director Core Services, BMBC regarding the annual performance of Berneslai Homes for 2020-21 together with the Berneslai Homes Together with Tenants Annual Report, which provided a more detailed reflection on the

achievements and challenges faced during the year and which was developed with their Tenant Voice Panel, a group of nine tenants who meet to share their views on how the service is performing.

Kathy McArdle and Sarah Cartwright introduced this item. It was explained that a review of the Council's existing client and contract management arrangements in relation to the Berneslai Homes had been undertaken by ARUM. This was timely as social housing had changed dramatically over almost 20 years since the inception of ALMOs and also changes in legislation around Building and Fire Safety. Berneslai Homes' new contract expires in 2030, which is also an important year for the Council. The Review outlines what 'good' looks like through observation and analysis of current arrangements against best practice and tenant engagement, and puts forward a number of recommendations around Governance (including meeting arrangements and scrutiny), Performance, Plans and budget setting, the Assurance Framework and roles and responsibilities. These will be taken forward through a robust implementation plan. Amanda Garrard then gave an overview of the Annual Review 2020/21, which had been a year like no other for both staff and tenants alike. Areas for Improvement and future priorities were outlined.

In the ensuing discussion, and in response to detailed questioning and challenge the following matters were highlighted:

Anti-Social Behaviour (ASB) is one of the hardest problems to deal with and has been identified as an area for improvement. Partnership working between Berneslai Homes, the safer Neighbourhood Teams (SNTs), Police, Probation and other agencies is crucial in tackling this issue, particularly when responsibility goes beyond Berneslai Homes and has to be escalated. It can be difficult to balance the needs of the individual and the community and can be particularly distressing when neighbours are vulnerable and/or older people. Decisions as to whether the perpetrator or the victim of ASB should move are not taken lightly, and involve social care, the Probation service, witness support, housing advice and homeless and others in order to achieve the best outcome for all. Cases are individually managed and work on behaviour change and addressing the root causes of the behaviour is undertaken rather than the ultimate sanction of people losing their home. Experience shows that tenants with problems will continue to live in Barnsley even when they are moved from their homes, which just means the problem is passed from one area in Barnsley to another. It was explained that over the last 12 months access to the Courts was suspended due to Covid restrictions so no evictions for ASB took place. Drug use by tenants does not necessarily lead to eviction. Figures from the previous year are available. There are very good working relationships and full cooperation in Barnsley with all agencies but in particular with South Yorkshire Police. The new Chief Superintendent invited Berneslai Homes to meet with him to strengthen this relationship and work towards the best solution to address ASB.

When a tenant moves into a Berneslai Homes property they are made aware of their rights and responsibilities under the tenancy agreement. Every new tenant is visited within 28 days. Where concerns are identified prior to the tenancy commencing and following a risk assessment they are allocated a Housing Coach to ensure they are adequately supported to enable them to commence and sustain their tenancy. The early signs of the impact of this service are positive. It was highlighted that sometimes perceived ASB is nothing more than lifestyle clashes, with young people living amongst elderly residents. It was explained that all properties have age

designations and under the choice-based lettings scheme, if an applicant qualifies for the property, they would be able to apply. This is also being examined as part of the lettings policy review.

Bank End in Worsbrough has been subject to high levels of ASB during the various lockdowns and the whole area has suffered as a result. It has not helped that a recent media article has stigmatised the area, referring to all residents as 'scum'. To combat the ASB pop-up Police stations have been developed with increased out of hours patrols. Berneslai Homes work closely with the Police around evidence, but some matters are the responsibility of the Police rather than the Landlord. Lamp post cameras have been erected but have not provided sufficient evidence. Injunctions have been used where appropriate. Close work with other agencies such as social care for those who need support has been developed. The situation is better than it was 12 months' ago but there are still areas for improvement. All concerned are committed to continue to work together and address these issues. There are no plans to increase the number of Housing Management Officers at the moment, although their role is being reviewed to evaluate if some of their tasks could be disseminated to others or if the current structure is still the most appropriate. The Safer Neighbourhood Service is also being reviewed in terms of staffing and structure to see if they could provide more 'out of hours' resources within the same budget envelope.

A Member was aware of the availability of funding for social housing through South Yorkshire Pensions. However, it was explained that in order to take advantage of this the Council would need to undertake more borrowing for larger scale social housing and also identify potential sites. Modular properties for vulnerable groups have been successful in other areas and are good in terms of sustainability and zero carbon, but the right sites and numbers of people have to be available, which is not the case in Barnsley. Doncaster has done some of work in this area but it is very expensive.

It was felt that with the various 'Masterplans' now coming through it is better to develop and grow housing stock linked to these sites using S106 agreements. The Council has conversations with developers when planning applications come through in order to get the best deal for Barnsley. It was explained that shared ownership schemes are not available within the HRA, but Berneslai Homes works closely with housing associations and other affordable housing providers to advertise their deals although it is not something they could deliver themselves.

Members were reassured that applications for Right to Buy on new social housing are covered by the cost floor, which means that nobody can purchase the property for 15 to 20 years. However, S106 properties can be a problem and a number of new build properties have been lost because of the discount. Last year around 100 properties were lost due to Right to Buy and this figure is expected to rise this year. Unfortunately, Right to Buy is subject to Government legislation so has to be adhered to. Tenants moving into bungalows with age designations (i.e. specifically for older people) are not covered by Right to Buy. Berneslai Homes is looking at designations of properties as part of the lettings policy review.

Satisfaction levels for Grounds Maintenance are an area for improvement, currently standing at 65%. Work is ongoing with Neighbourhood Services to see what can be

improved, looking at different options for some areas. This may include the development of wildflower meadows, mini forest work etc. with the aim of attracting wildlife, improving the general appearance and diversity of an area whilst enhancing the environment.

A Member was aware of tenants moving into properties which were of a very poor standard. Although Barnsley spends less on void properties than neighbouring Authorities, all properties let should be up to the minimum standard. In some instances, if an area will be subject to an upcoming programme -such as kitchen installations – a new tenant may have to wait for this type of work until the programme begins in the area.

A key priority for the period to April 2022 is to move away from gas heating to ground and air source heat pumps and retrofitting existing council homes. There is a need to ensure that the fabric of the property is right first before renewables are installed and lots of insulation work has been done already. Air source pumps are the favoured option as prices are coming down and systems are becoming more efficient. All Berneslai Homes new build properties will be built with air source heat pumps (with training for tenants), solar panels and battery packs. Help is available to help tenants to monitor energy efficiency, ensure they are on the right tariffs etc. £5m of grant funding for energy efficiency has been secured so far, which will be used primarily for private housing. However, there will be a huge shortfall in funding, which will need a creative solution, as is the case in the whole of the UK.

Another priority is to work with the Council to ensure communities have access to affordable broadband and can access services effectively. Lots of work has already been done within the community, supporting tenants with computers and giving them access to free Wi-Fi. Through ESF funding, 400 tenants will be supported into employment or training over the next 3 years. Barnsley is also on target for gigabit technology by 2030, working with Cityfibre and partners.

Funding bids have been submitted for the Darfield area as part of the South Yorkshire Flood Catchment Plan. This is managed by Matt Bell and is the responsibility of the Mayoral Combined Authority. Dan Jarvis has given assurances that Barnsley is a priority.

The report indicates that 7158 households are currently in rent arrears. This situation has multiple causes. Some will be due to a move to Universal Credit (and will need support in managing this transition) whilst other tenants may have been furloughed and have experienced a reduction in income. There has been a shift away from enforcement to a more understanding approach, with associated offers of help to prevent the situation escalating. £1.1m of additional benefit has been obtained over the last year through benefit maximisation and help has been offered for those in debt who are experiencing financial difficulties. Berneslai Homes funds a specialist Money Advice worker through Barnsley Citizens Advice Bureau and help is also available through Income Officer and Tenancy Support Officers. Housing Coaches are in place to identify new tenants at the beginning of their tenancy who may not have experience of managing a home, bank accounts etc. and will work with tenants to enable them to sustain their tenancies and manage their money successfully. The culture in Barnsley is predominantly that people want to pay their bills but have experienced financial difficulties and don't know what to do about it. It was reiterated

that the Courts have been closed for over a year so no evictions for arrears have taken place, although the aim is to keep eviction for rent arrears to a minimum.

The under-occupation charge (known informally as the 'bedroom tax') remains in place and is set down in benefit regulations. Discretion is always exercised for those people who may be classed as under occupying and face the bedroom tax but are looking at transferring to a more suitable property which they would not face the tax. Work with Benefits and Taxation is undertaken to try to help to alleviate the situation.

Members were aware of instances of contractor repairs carried out to poor standards of quality. It was explained that Berneslai Homes has its own workforce and aims to do most of the work itself. Quality checks are carried out on contractors and they are price checked. Members with a concern were advised to pass on any information about poor standards of work for further investigation.

There are currently 7482 people on the housing register, with 4800 in Band 4, the lowest priority. Those people in Band 1 are in, urgent housing need. Some of those in Band 4 are not actively bidding. All applicants are contacted at least once every 12 months to check they still want to be on the register. Between 125 and 150 new people join the register every week. Some may be on the list as a type of 'insurance policy'. A small number of properties are allocated on the basis of the length of time they have been waiting. This has been examined as part of the lettings policy review and will be going to Cabinet on 17th November.

RESOLVED that:

- (i) Witnesses be thanked for their attendance and contribution;
- (ii) Members note the report;
- (iii) Members be provided with eviction data for previous years
- (iv) The £20 charge for bins be looked at with Paul Castle and Neil Copley;
- (v) Information around flood bids for Darfield ward be provided;
- (vi) Contractor retention figures be provided;
- (vii) Members should continue to pass information about sub-standard works, voids and problem tenants on to Berneslai Homes for resolution;
- (viii) A workshop around ASB involving local councillors, Legal Services and partners be organised, and
- (ix) A copy of the Strategic Housing Needs Assessment should be made available to those Members who request a copy.

Chair

This page is intentionally left blank

MEETING:	Overview and Scrutiny Committee - Healthy Barnsley Workstream
DATE:	Tuesday, 30 November 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Ennis OBE (Chair), Bowler, Cain, Fielding, Gollick, Hayward, Lodge, Newing, Noble, Osborne, Smith, Tattersall, Wilson, Wraith MBE and Wray together with co-opted member Ms. G Carter (attended virtually)

32 Apologies for Absence - Parent Governor Representatives

No apologies for absence were received in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

33 Declarations of Pecuniary and Non-Pecuniary Interest

Councillor Ennis declared a non-pecuniary interest in Minute No. 36 as he is a non-Executive Director of Barnsley Health Federation. He vacated the Chair during discussion of this item. Councillor Newing also declared a non-pecuniary interest in Minute No, 36 as she is employed by the NHS.

34 Minutes of the Previous Meeting

The minutes of the meeting held on 2nd November 2021 (Growing Barnsley Workstream) were received.

35 Dental Services in Barnsley

The following witnesses were welcomed to the meeting:

Deborah Pattinson, Dental Commissioning Lead – Yorkshire & the Humber, NHS England and NHS Improvement
Michael Speakman, Secretary, Barnsley Local Dental Committee
Margaret Naylor, Chair of the Local Dental Network South Yorkshire and Bassetlaw

Deborah Pattinson introduced this item and provided the Overview & Scrutiny Committee (OSC) with an update from NHS England and NHS Improvement on dentistry, including dental provision in Barnsley; the impact of Covid 19; and the key challenges faced. A position statement was also provided by Healthwatch Barnsley to demonstrate what they are hearing from Barnsley residents, the work they have done and the next steps they plan to take to help improve dentistry services for residents across the borough.

In the ensuing discussion, and in response to detailed questioning and challenge the following matters were highlighted:

The Chief Dental Officer instructed all dentists to close at the start of the Covid-19 pandemic in March 2020 whilst at the same time establishing an emergency urgent dental care network, with a view to practices reopening in June. Practices have been delivering a much reduced dental service because of the measures which had to be put in place to keep staff and patients safe, with urgent care prioritised. This has led to a growing backlog of non-urgent work. Nationally there is also a contract restriction in place, managed locally and regionally. All finances are allocated within the dental contract in perpetuity and include orthodontics and community surgery. Flexible commissioning has been paused during the pandemic and a different type of contracting approach may be needed.

The tremendous difficulties facing dentistry at the moment were highlighted, including the increased need for PPE; the impact of social distancing requirements and stringent infection control measures which mean that following a dental procedure with a drill the surgery has to be left fallow for a significant period of time, which in turn limits the capacity of the dentist to do other routine and non-urgent work, including orthodontics referrals and oral surgery. However, it was reiterated that all patients in pain and/or vulnerable are seen as a priority and many of Barnsley's dentists have stepped up and volunteered to become urgent dental practices. There have also been difficulties in finding dentists and nurses to work in Barnsley, which will remain as a challenge when things return to normal.

Barnsley has no stand-alone urgent dental care centre but patients can access urgent dental care via a call centre and will be offered emergency dental care close to their address - although it seems that in practice patients are usually asked to travel to Sheffield. Each practice should act as an urgent dental care centre and should see patients regardless of their home address. Barnsley dentists have all worked extremely hard to continue to provide services. A separate 'hub' would require staffing with additional dentists and this would be difficult to do, given local and national recruitment difficulties. It is unclear why this is, although dentists from abroad have been lost due to Brexit (particularly from Spain and Portugal) and it will be a problem for the next 5/10 years. Training numbers remain fairly stable. It is a very long process to recruit dentists from overseas.

It is not possible to give a geographical breakdown of the areas of highest demand for urgent dental care as each dental practice records Units of Dental Activity (UDAs) delivered, not the geographical location of patients, although it may be possible to obtain this information through calls to the 111 service.

According to Healthwatch Barnsley, over 70% of calls received by them were in respect of patients being unable to access routine dental appointments. It was explained that routine active care appointments within 1-2 months. However, this does not include check-ups and this may mean that more dental work will be required in the future. This can't be helped, as urgent care must be prioritised.

It is not possible to determine how many dentists Barnsley needs, as practices keep their own staff records and some will be fully NHS and/or part private. Practices are currently putting in place new infection control measures in order to recommence

routine work, with a 65% activity target. Private dental practices are subject to the same decontamination procedures and must provide their own PPE. Where practices are able to they are already offering regular appointments and many Members had personal experience of receiving dental care during the pandemic and spoke very positively of the services received. Dental contracts are measured by Units of Dental Activity (UDAs), not how many full or part time staff are employed or the size of population they serve.

A member reported that there are 55 registered NHS dental practices in Barnsley. Some of these will provide services in other areas outside of Barnsley. GP contracts are based on population numbers and patient lists, but dental contracts work to a different delivery model and don't cater for 100% of the population. This model of contracting started in 2006, with no end date, and does not take account of population growth or the need for additional dentists in the area over time.

Remote working (as in primary care) for dentists is problematic as patients have to be physically present. As yet there is no technology available to assist with remote triaging. Ventilation systems have been installed in some practices, with tools which don't require aerosols - this will help to avoid cross contamination.

Elderly patients in care homes are usually brought into the surgery, although some dentists who have a contract to deliver services in care homes will visit the homes in full PPE if needed. However, many homes don't want people going in at the moment.

RESOLVED that:

- (i) Witnesses be thanked for their attendance and contribution;
- (ii) Thanks be expressed to the dental practices in Barnsley who have strived to deliver services throughout the pandemic; and
- (iii) Through local MPs, the delivery model for dental contracts should be reviewed nationally through Parliament, to look at both contract perpetuity and also financial provision for areas affected by population growth
- (iv) The possibility of Barnsley having a 111 walk-in UDC service should be investigated.

36 Barnsley Urgent & Emergency Care (UEC) Delivery Board Strategic Winter Plan 2021/22

The following witnesses were welcomed to the meeting, some of whom attended and contributed virtually:

Wendy Lowder, Executive Director Adult & Communities, BMBC

Julie Chapman, Service Director Adult Social Care & Health, Adults & Communities, BMBC

Andrew Osborn, Interim Service Director Commissioning & Integration, Adults & Communities, BMBC

Carrie Abbott, Service Director Public Health & Regulation, BMBC

James Barker, Chief Executive Officer, Barnsley Healthcare Federation
Bob Kirton, Chief of Delivery and Deputy CEO, Barnsley Hospital NHS Foundation Trust
Gill Stansfield, Deputy District Director and Clinical Transformation Lead, Barnsley General Community, South West Yorkshire Partnership Foundation Trust
Jamie Wike, Chief Operating Officer, Barnsley Clinical Commissioning Group
Councillor Jenny Platts, Cabinet Spokesperson Adult & Communities, BMBC
Harry Truelove, Yorkshire Ambulance Service.

Councillor Jenny Platts introduced this item, highlighting that winter itself is not an emergency but part of essential future planning, with local plans providing resilience to enable us to manage pressures. The Winter Plan for 2021/22 has had input from all health and care partners in Barnsley, with lessons learned from 2020/21.

Jamie Wike reiterated that the purpose of the winter plan is not to duplicate or replace any of the existing plans, but a plan to manage the additional pressures of winter. There are 4 key pressure points, linked to the pandemic, which have placed additional pressure on an already stretched health and care system:

1. Covid pressures remain very high
2. Non-covid health problems are move severe
3. The workforce is depleted by sickness and recruitment challenges, and
4. This pressure is across the whole of the health and care sector.

In the ensuing discussion, and in response to detailed questioning and challenge the following matters were highlighted:

There has been a reduction in covid case rates but these remain high. Hospitalisations are lower than the peak but are still very high. Death rates are 32 times greater in unvaccinated people. High vaccination rates equate to low infection rates and this will be crucial as we move through the winter plan. Non covid-related mental and physical health levels are close to pre pandemic levels. Workforce pressures (staff absences, recruitment etc) are severe across every part of the health and care sector. All of winter will be complicated and pressurised, but lessons have been learned and risks and challenges identified. 4 areas - preventing/minimising urgent care demand, access to urgent/same day care and treatment, treatment (in-patient care) and flow, discharge and out of hospital support.

The Winter Plan is monitored and assessed daily through health and care partner SitRep phone calls to consider presenting challenges, with a senior level system wide call several times a week. The Urgent and Emergency Care Board and Integrated Care Partnership are also involved in monitoring the plan. The flexibility and agility of services to respond is more challenging as the pace of response is often based on service capacity, staffing levels etc. Conversation take place every week and this has been successfully managed over the last few winters. The focus is on patient safety and escalation frameworks are in place, with trigger points across each organisation. The plan is followed every day, 7 days a week. Organisations across the whole sector work well together, flexing and adapting to peaks and troughs and other pressures.

Members felt that often people attend the Accident and Emergency Department when this is not necessary and that this should be discouraged. Strong navigation at the 'front door' and clear communication messages are in place but unfortunately some will choose to attend A&E rather than another setting, particularly if they have experienced difficulties accessing GP services. Many patients are frustrated at not being able to access services and the messages about waiting times, the importance of uptake of vaccination and the need for people to be sensible and do the right thing should be strengthened.

Yorkshire Ambulance Services (YAS) are experiencing unprecedented demand on Emergency Category 1 and 2 calls, but a reduction in Category 4, which seems to indicate that people are ringing the services they need. Response times are below optimum levels, which is due to demand and prioritising Category 1 and 2 cases. People are encouraged to call 101, which was created to reduce pressure on the 999 system. Recruitment of paramedics is challenging and more are needed. Pathways and career progression is being explored to address this, alongside creative ways of working around triage. Ambulance services in Barnsley are under more pressure than South Yorkshire neighbours but are nonetheless performing well. More information around performance will be provided.

GP services have been experiencing many pressures and challenges and work is underway to improve GP telephone systems but this will take some time and still requires staffing. It has helped that Barnsley now has just one Primary Care network, enabling GPs to work closely together. One improvement during the pandemic has been the aligning of Physiotherapists to individual GP practices.

Very few people experience delayed discharge from hospital due to strong discharge processes. However, the nature of the care market in Barnsley needs to change, working to 'home first' principles with good quality home based care. There is a gap in the market for residential care provision for those with dementia and mental health needs, which is being explored and developed. The Overview and Scrutiny Committee task and finish group are looking into early diagnosis of dementia alongside a network of organisations. Review findings will be reported back through Scrutiny. The Third Sector Dementia Alliance will also be holding a Member briefing on dementia.

Members were reassured that although some hospital departments - such as oral surgery - have experienced difficulties, patients are risk assessed and get the care they need. Elective care beds are protected throughout the winter to help with sustained recovery. The 2-week Cancer target is being achieved, although there is some pressure on the 62 day target. There is no evidence to suggest that people are deterred from seeking treatment and communication messages are clear that if people need to use services they should come forward.

Workforce issues are a universal challenge across the whole health and care community, with some organisations more affected than others. Recruitment to care is very difficult and it is impossible to recruit to some posts. The sector needs to work together to raise the profile of some posts/careers and also to address issues such as the implementation of the Living Wage and the development of a Health and Care Academy. Receiving the Pride of Barnsley award, the Covid-19 memorial and the Freedom of the Borough award go a long way to helping to recognise the valuable

work done across the health and care sector, which is much appreciated. We have to all work together and look after each other.

RESOLVED that

- (i) Witnesses be thanked for their attendance and contribution;
- (ii) Thanks be expressed to all health and social care workers for their hard work and commitment to Barnsley,
- (iii) Town centre provision to support individuals under the influence of excess alcohol be explored in order to reduce demands on A & E;
- (iv) A more rigorous approach be explored around communicating information relating to primary care options, e.g. Pharmacy First, NHS111 and iHeart to reduce unnecessary demand on A & E; and
- (v) Yorkshire Ambulance Service to provide the Committee with performance data in relation to response times.

Chair

MEETING:	Overview and Scrutiny Committee - Full Committee
DATE:	Tuesday, 11 January 2022
TIME:	2.00 pm
VENUE:	The Civic, Barnsley - The Civic

MINUTES

Present

Councillors Bowler, Bowser, Cain, Clarke, Coates, Fielding, Green, Hayward, Kitching, Lodge, Lowe-Fiello, Markham, McCarthy, Mitchell, Noble, Osborne, Smith, Stowe, Sumner, Tattersall, Wilson, Wraith MBE and Wray together with co-opted member Ms. G Carter

37 Apologies for Absence - Parent Governor Representatives

Due to the absence of Councillor Ennis, Councillor Noble was proposed as Chair for the meeting.

No apologies for absence were received in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

38 Declarations of Pecuniary and Non-Pecuniary Interest

Councillor Tattersall declared a non-pecuniary interest in Minute Nos. 40, 41 and 43 due to her role as Cabinet Support Member for Children's Services, membership of Barnsley Schools Alliance, Corporate Parenting Panel and her role as school governor. Councillors Bowser, Lodge and Wilson also declared non pecuniary interests in the same Minute Nos. above due to their roles as school governors

Gemma Carter (Parent Governor Representative) declared an interest in Minute Nos 40, 41 and 43 due to her role as Director of alternative provision.

39 Minutes of the Previous Meeting

The minutes of the following meetings: Full Committee – 7 September 2021; Sustainable Barnsley Workstream – 12 October 2021 and Growing Barnsley Workstream – 2 November 2021 were deferred to the next full meeting of the Committee.

The minutes of the Healthy Barnsley Workstream meeting held on 30th November were approved as a true and accurate record.

40 Provisional Education Outcomes Across the Borough 2020/21

The following witnesses were welcomed to the meeting:

Mel John-Ross, Executive Director Children's Services, BMBC
Jane Allen, Service Manager for Education Welfare, Children's Services Directorate, BMBC
Helen Collins, Business Improvement and Intelligence Advisor, Core Services Directorate, BMBC
Liz Gibson, Virtual Headteacher, Looked After Children and Vulnerable Groups, Children's Services Directorate, BMBC
Nina Sleight, Service Director, Education, Early Start & Prevention, Children's Services Directorate, BMBC
Neil Wilkinson, Projects and Contracts Manager, Place Directorate, BMBC
Anna Turner, Interim Head of Education and Partnerships, Children's Services Directorate, BMBC
Yiannis Koursis (CEO and Principal of Barnsley College)
Lee McClure, Headteacher at Springvale Primary School and Joint Chair of Barnsley Alliance
Ken Merry, Vice Principal for Quality, Barnsley College
Councillor Trevor Cave, Cabinet Spokesperson for Children's Services, BMBC

The Overview & Scrutiny Committee were provided with a report detailing the provisional education outcomes for children and young people in the borough for Key Stage (KS)4 and Key Stage (KS)5. It was explained that due to the impact of Covid, all GCSE and A level examinations were cancelled, and outcomes for all students nationally were awarded based on teacher assessed grades. Results are therefore not directly comparable to results from 2020 and 2019. Teacher assessed grades considered a range of evidence, including practice exams and coursework, whereas in 2020 GCSE students were awarded centre assessed grades based on what their teachers expected them to achieve in exams. 2019 was the last year that students achieved results based upon the examinations they sat.

In the ensuing discussion and in response to detailed questioning and challenge the following matters were highlighted:

T levels are being offered as an alternative to A levels as a pilot in 2020/21 in Barnsley. Students can access gold standard qualifications highly regarded by employers, which will add value to the workplace, introduce higher level skills to the area and mean that more students will be accessing university degrees in subjects they have already studied at T level 3, such as engineering. Entry requirements for T levels are currently 5 x GCSEs at grade 4 and above plus an assessment. In the future there may be options for awarding T levels at 4/5. The overall aim is to find entry placements with employers for all T level students. This can be challenging but can be overcome by working creatively and collaboratively with partners.

Numbers of NEET (Not in Education, Employment or Training) young people are difficult to establish and in January, February and March around 5.1% were unknown. This compares favourably to regional figures (6.3%) and national (5.5%). Numbers are kept low due to collaborative working between the Local Authority and partners such as Barnsley College. The TIAG team supports every single NEET person and provides targeted intervention. Current year data was taken during the time when the country went into lockdown, which hindered work as staff were not able to visit young people at home. 99.8% of young people are offered some form of education and training, a figure which has been consistent over a number of years.

The top skills required by employers are: working in teams, work readiness, communication, collaboration, readiness to learn and having aspirations. Through the Barnsley Alliance these skills are built into the curriculum, with close collaboration between all phases of education, from primary through to College. By starting in primary school with 'apprentice' type initiatives and experiences, this provides a fantastic opportunity for secondary education to work with.

Numbers of children Electively Home Educated (EHE) has risen by 35% during the pandemic, which is a concern as children may be missing out on social interaction and engagement and there may be safeguarding concerns. School attendance orders to enforce a return to school are not suitable. A EHE advisor visits families, assesses their abilities and if deemed unsuitable to home educate their children they are supported and the advisor will work alongside them. 84 former EHE children have returned to school in the last academic year without the need for a legal order. Families are visited at the point of notification and support is offered in partnership with the schools involved. A parental guide and a guide for young people is available setting out what EHE means and what resources and support is available. There is a suite of resources which parents are directed to, but it is parental choice. Health services remain in place for those with health needs and/or CIN plan. In the case of children with an EHCP or disability, the EHE advisor will support families in the annual review meeting and works alongside other professionals. EHE is overseen by the safeguarding partnership as it is a concern, particularly with the most vulnerable. Safeguarding relies on partnership working and information sharing. Children not in the school system are identified through health and the voice of the child is always captured. A review is currently underway, looking at how the young people are supported and if increased capacity is needed.

Reasons for EHE as a choice vary. It may be for philosophical reasons; due to health concerns since the pandemic or dissatisfaction with school. Lots of work takes place between the school and the family to find a way back. Children will be returned to their original school but if this is not appropriate the Local Authority would work with parents and the Barnsley Schools Alliance. Families do not always fully understand their responsibilities with regard to education whilst some children have thrived in the home environment during the pandemic.

The EHE advisor gets to know the families well and works with them to understand the reasons for their choices. Those who do it for the right reasons are fully supported and signposted to various community groups. The EHE advisor has recently been nominated (by a parent) for a national award.

During the first lockdown, disadvantaged and vulnerable pupils became a priority. A tracking system was introduced, working alongside Education Welfare, to ensure pupil safety, with a result that more vulnerable children were seen in school in Barnsley than elsewhere. The breadth of the curriculum is on offer to these children, including staying fit and healthy, citizenship and PHSE. Spend on vulnerable children is carefully monitored and time in the classroom is maximised. It has not been possible to benchmark this as data is limited but an excellent job has been done. The Barnsley Alliance shares assessment and prediction data in clusters. Pupils re assessed by schools and support targeted where appropriate.

Throughout the pandemic schools have been supporting each other, sharing best practice and working creatively to ensure pupils are in the best position to mitigate effects of the disruption. Children are enthusiastic to be back in school. There will be a mental health impact but work is ongoing with emotional wellbeing projects developed by the CCG to minimise this. Collaborative work with youth services takes place and schools are supported to access digital resources which have been developed. There is a collective focus on all children but particularly the most vulnerable. A full CPD and leadership programme is in place for staff. Children are supported through educational psychology and trauma informed practice. The Literacy Launchpad closes the gap in primary schools for disadvantaged children, alongside SALT programmes so that children catch up as soon as possible. Results for Looked After Children continue to improve year on year and every child is tracked closely. Children are taught in smaller groups in school, which has led to increased progress for some, particularly in phonics and reading skills.

Adolescents have found the return to school based learning challenging, but are helped to readjust and integrate, with a personalised service for every child.

Disadvantaged children are identified in a number of ways: through Pupil Premium, those accessing social care support and those with an EHCP. Pupil Premium is triggered by receipt of free school meals - parent have to self-identify and apply. It was felt that schools should promote Pupil Premium as it helps both children and schools. Looked After Children (and previously Looked After) and Forces children are automatically identified. Pupil Premium for Looked After Children is specifically for that child, whereas for other children it is given to the school for them to support the whole cohort, not just the individual child. It can help with a myriad of things and when used effectively will close the gap between disadvantaged and non-disadvantaged children. The introduction of universal free school meals removed the incentive for parents to register for Pupil Premium. Once a child receives this, it stays with them throughout their education and can help a school enormously.

A Post 16 Education Advocate works closely with TIAG to ensure that each looked after young person is supported individually, targeting specific interventions for those who are struggling and broader than focussing on education. There is a clear gender and attainment gap, with girls outperforming boys on a number of indicators. This has been a trend for some time and has not been helped by Covid. Specific strategies in Early Years, Primary and Secondary are needed, with early intervention and tracking essential. A key line of enquiry is looking at remote learning. Schools are able to track remote learning and who is engaged with it, inviting those who are not able to access remote learning are invited to stay in school.. Staff absence during Covid has had an impact and this is a national issue. Data will be available by the end of January and where concerns are identified Barnsley Alliance will intervene. Girls outperform boys in subjects such as engineering, but the data is skewed by student numbers.

Mental Health support for staff is available along with a wellbeing network for peer to peer support. The Local Authority is keen to ensure support is in place for employees. CPD is available through webinars. Barnsley Alliance meets weekly with cluster leads and representatives from their area.

It was felt that there is a consistency of approach across the Borough. Low numbers of appeals indicate strong communication with fair and accurate judgements. Internal monitoring and support takes place within schools and with peer challenge. Monitoring and assessment activities are built into schools' calendars. Assessment processes will recommence within the primary sector shortly.

RESOLVED that:

- (i) Witnesses be thanked for their attendance and contribution;
- (ii) Data relating to the number of NEET young people who have received interventions (and how many have been positively impacted) will be provided to the Committee, and
- (iii) For those families entitled to free school meals, schools should be advised to look at ways to increase the number that take them up.

41 Children's Social Care Performance Cover Report October 2021 (Redacted)

Members were invited to consider a cover report relating to Children's Social Care Performance. The redacted report was provided for information only.

RESOLVED that the report be noted

42 Exclusion of the Public and Press

RESOLVED that the public and press 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.

43 Children's Social Care Performance Cover Report October 2021 (Redacted)

Members were invited to consider a cover report relating to:

7a – Children's Social Care Performance Cover Report October 2021

7b – Children's Social Care Performance Report October 2021

7c – Understanding Children's Social Care Performance Public Document Pack

7d – Outcomes of the Annual Ofsted Conversation Between the Director of Children's Services and Ofsted

Mel John-Ross introduced the report, explaining that the service was last subject to a full OFSTED inspection in October 2018 and received a judgement of 'good'. A letter from Ofsted has now been received, following the most recent, annual engaged meeting with Ofsted. Items discussed within the letter included Ofsted inspection activity, care leavers in unsuitable accommodation,

school attendance (including persistent absence and exclusion) for Looked After Children, sector led improvement, social worker recruitment and retention, wellbeing and caseloads. The next inspection activity could be either a focused visit, a JTAI or a short inspection. Additional Family Support Workers (assigned to Social Workers) have been recruited whilst we recruit to the new and additional Social Worker posts. Barnsley is recognised as an 'Employer of Choice' for Social Workers.

RESOLVED that:

- (i) The performance report be noted;
- (ii) Members be provided with a breakdown of children not in suitable accommodation, and
- (iii) Members be provided with national and regional comparator data for caseloads.

Chair

MEETING:	Central Area Council
DATE:	Wednesday, 10 November 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Williams (Chair), Bowser, Clarke, K. Dyson, M. Dyson, Fielding, Gillis, Lodge, Ramchandani and Wright

15 Declaration of Pecuniary and Non-Pecuniary Interests

Councillor Williams declared a non-pecuniary interest in minute 18 due to his wife being on the board of the YMCA.

16 Minutes of the Previous Meeting of Central Area Council held on 1st September, 2021 (Cen.10.11.2021/2)

The meeting received the minutes from the previous meeting of Central Area Council held on 1st September, 2021.

RESOLVED that the minutes of the Central Area Council held on 1st September, 2021 be approved as a true and correct record.

17 Performance Management Report Q2 (Cen.10.11.2021/3)

The Area Council Manager introduced the item which covered quarter 2 of 2021/22. Thanks were given to Katie Ashworth who had helped to produce the report. It was noted that, in places, the report referred to contract management meetings that had taken place in quarter 1, however assurances were given that meetings had also taken place with regards to quarter 2.

Members noted the overall snapshot of performance that reflected the impact of Central Area Council investment.

In relation to the YMCA unity project, 64 term time sessions had been delivered, with 32 holiday sessions provided in addition. In total there had been 1,176 attendees to the sessions.

Under the environmental priority the Clean and Green service had engaged 51 new volunteers, contributing to a total number of 165 volunteers. 5 businesses had been supported in the quarter, and there had been 15 interventions with groups. Members noted that Twiggs Grounds Maintenance had made links with the NHS and individuals were being referred as part of social prescribing.

District Enforcement had continued to patrol, responding to complaints about dog fouling. 18 Fixed Penalty Notices had been issued for this within the quarter. However, it was noted that addressing dog fouling did become more difficult as days

became darker. Members were encouraged to continue to report issues, including key times and locations.

Both Service Level Agreements with the Safer Neighbourhood Service continued to perform well. Figures in relation to flytipping were high with 346 cases being dealt within the quarter, and 12 written warnings issued. However, it was felt positive that issues were being reported in order to be dealt with.

30 new tenant households had been supported by the Private Sector Housing officer with 18 households requiring intervention within the quarter. It was acknowledged that this was lower than previous quarters, however this reflected the complexity of cases and the degree of support required.

Following changes made to widen the scope of the contract, Family Lives had seen an increase in referrals, with 10 being received in the quarter. It was noted that families accessing the service did have multiple and complex issues and therefore required longer term support than originally envisaged.

The DIAL Advice Service continued to deliver effectively with 436 residents supported across the Central Area. £36,492 of unclaimed benefit had been generated in the quarter, with 436 residents receiving support from the service.

Members noted that Hope Connects was in their third year of finance, and support was being provided by the area team to apply for community fund finance in order to extend the service and provide sustainability.

In the quarter, Citizen's Advice Bureau had supported 327 clients to claim an additional £66,587 in benefits and manage £55,187 in benefits. Advice given was largely in relation to benefits, employment, and debt, but the service also provided support with a number of enquiries related to housing and legal issues.

Members heard how the Thriving Communities Project, Delivered by Mind, had fully mobilised, with 20 clients receiving one-to-one support and groups now being well attended.

In the quarter Age UK Barnsley had supported 84 individuals with personalised plans, and had engaged 27 volunteers within the area. Noted was the spread of activity throughout the central area.

Reds Connect had amended and altered provision as weather dictated, and was developing new services with service users. Exercise classes regularly saw 35 attendees, with around 27 attending walking football. Attendance at the supporting memories group was also increasing each week.

It was suggested that Members be kept informed of activities, in order that these can be promoted widely.

Both The Youth Association and Barnsley YMCA continued to provide user led street based youth work, with each ward having relevant provision. The Youth Association had successfully responded to request for a greater presence on the days leading up to bonfire night.

Members raised questions in relation to the Private Sector Housing SLA and the prevalence of Houses of Multiple Occupation (HMOs). It was noted that the majority of the focus of the officer was not related to HMOs.

Questions were raised in relation to direct contact with the officer allocated to assist with flytipping in the Central Area. It was noted that due to current pressures all work was being reported centrally and then allocated on a priority basis.

With regards to the Clean and Green Service, concerns were raised regarding the service spending significant time supporting the same areas, and also addressing areas which may be the responsibility of Neighbourhood Services. In addition, Members requested that they be made aware of activities in their ward in order to encourage engagement and support.

In relation to the District Enforcement contract and dog fouling, the issue of overflowing bins was raised, and the Area Chair agreed to take this issue forward.

Concerns were raised that the report featured individuals and residences that could be easily identified. It was suggested that assurances would be sought that appropriate approvals had been received for this and future reports.

RESOLVED:-

- (i) that the report be received;
- (ii) that services be reminded to circulate dates and times of their activities to Elected Members to allow wider promotion;
- (iii) that the Area Chair discusses the issue of emptying public litter and dog fouling bins at the next meeting of the Area Chairs.

18 Procurement and Financial Update (Cen.10.11.2021/4)

The Area Council Manager spoke to the report, previously circulated. The attention of Members was then drawn to the overview of all contracts. Thanks were given to all those who had attended workshops, where a review of all activity under the Clean and Green priority had taken place.

Those present discussed the indicative expenditure associated with the priority, and the recommissioning of a Clean and Green service. In addition, Service Level Agreements for services to support the reduction in flytipping, and to support those in private sector housing were also considered. In relation to the latter, it was suggested that the scope of this service be broadened to include all those living in private sector accommodation.

Members went on to consider the extension of Creative Recovery. Support had been provided through the Area Team in order to develop phase 2 of the project, which would sustain the employment of two posts and be delivered throughout the area. Finance of £15,000 per year, for two years, was required to match an Arts Council bid for £60,000.

An overview of finance was then provided, and a suggestion was made to discuss a number of areas for investment at the next meeting of the Area Council.

RESOLVED:-

- (i) that the overview of Central Area Council's current priorities, and overview of all current contracts, contract extensions, Service Level Agreements and Wellbeing Fund Projects, with associated timescales be noted;
- (ii) that changes be made to the Clean and Green Priority, as detailed in the report;
- (iii) that an indicative spend of £230,000 per year for 3 years, plus an additional £15,000 for enforcement if required, be approved for the Clean and Green priority;
- (iv) That the Private Sector Housing SLA be approved to continue for 3 years, subject to annual review, at a cost of £35,000 per year, and that approval be given to make changes to the Private Sector Housing SLA to include all private properties including those with tenancies longer than 6 months;
- (v) That the Flytipping SLA be approved to continue for 3 years, subject to annual review, at a cost of £35,000 per year;
- (vi) That approval be given to procure a Clean and Green Services at a cost of £160,000 per year for 3 years, subject to annual review, as detailed in option 2 within the report, and that the Executive Director Adults and Communities be authorised to agree all necessary documentation in order to procure the services, following consultation with Members of Central Area Council;
- (vii) That approval be given for Creative Recovery to deliver Uplift Phase 2, and that £15,000 per year for 2 years be approved, subject to securing Arts Council England match funding;
- (viii) That approval be given to YMCA to deliver the service to build emotional resilience and wellbeing in children and young people aged 8-14 years for a further year until 31st March, 2023 at a cost of £140,330;
- (ix) That the additional income of £113,272 from the Practical Support Grant be noted;
- (x) That the actual financial position to date for 2021/22 and the projected expenditure, including future proposals, to 2023/24 as outlined in the appendices to the report, be noted.

19 Notes of the Ward Alliances (Cen.10.11.2021/5)

The meeting received the notes of the following Ward Alliance meetings:-
Central Ward Alliance, held on 25th August, and 22nd September, 2021;
Dodworth Ward Alliance, held on 28th September, 2021;
Kingstone Ward Alliance, held on 22nd September, 2021;
Stairfoot Ward Alliance, held on 7th September, and 10th October, 2021; and
Worsbrough Ward Alliance, held on 16th September, 2021.

Members were made aware that Worsbrough Ward Alliance had invested in four defibrillator devices and a case for a fifth. Other Councillors were urged to invest in these life saving devices.

Congratulations were also provided to Worsbrough Community Pantry in celebrating its first anniversary supporting families.

The work of Bank End Friends was also celebrated with their contribution noted by a recent Ofsted visit.

Congratulations was also given to Hope in The Community on the opening of their support hub, and praise given to their work supporting over 150 families.

RESOLVED that the notes and feedback from the Ward Alliances be received.

20 Report on the Use of Ward Alliance Funds (Cen.10.11.2021/6)

RESOLVED that the report be noted.

Chair

This page is intentionally left blank

MEETING:	Dearne Area Council
DATE:	Monday, 15 November 2021
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Noble (Chair), Cain, Coates, Danforth and Gollick

Attending Virtually: Councillor Gardiner

24 Declarations of Pecuniary and Non-Pecuniary Interests

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

25 Minutes of the Previous Meeting of Dearne Area Council held on 6th September, 2021 (Dac.15.11.2021/2)

The meeting received the minutes from the previous meeting of Dearne Area Council.

RESOLVED that the minutes of the Dearne Area Council meeting held on 6th September, 2021 be approved as a true and correct record.

26 Children and Young People's Emotional Health and Wellbeing - Lauren Nixon CYP transformation lead. (Dac.15.11.2021/3)

Lauren Nixon, CYP Emotional Health and Wellbeing Transformation Lead, was welcomed to the meeting. Members were made aware of the work to date in this area. A mapping and scoping exercise had been undertaken in order to record all services supporting the emotional health and wellbeing of young people. From this a number of recommendations had been developed into an improvement plan.

A multi-agency group on the theme had been convened, which was well attended by a broad spectrum of organisations. The formation of the group was designed to enable strategic decisions to be made collectively.

The CAMHS service specification had also been reviewed and a model developed which puts the child at the heart. Members heard how the service was now in an implementation period. A Mental Health Support Team was also in the mobilisation phase. Specialising in early intervention and mental health support in schools, the service would be fully operational by March 2022, but was already operating in all secondary and special schools, and some primary schools.

Investment had been made to provide a physical space, with the CYP Emotional Health and Wellbeing Hub located in the town centre. This was partly operational but would be launched fully in the new year.

Members were made aware of the CYP Emotional Health and Wellbeing Improvement Plan which focused on 5 key areas:-

- Early Intervention and Prevention:- assistance is provided through a mental health support team supporting schools to embed a whole school approach to mental health including looking at the causes of mental health issues and how to support those with adverse childhood experiences;
- Workforce Development:- a training calendar has been developed which has been rolled out to educational settings;
- The role of schools and school settings:- lots of work has been undertaken with school, and investment has been made to provide support through mental health support teams,
- Improved support for vulnerable children and young people:- the Mental Health Support Team specifically work with groups such as LGBT, Young Carers, and those at risk of exclusion. It was noted that these groups were not exhaustive and were under review;
- Engagement and Co-production:- working with such as the Youth Council, there has been significant engagement over the summer, an engagement strategy was in development.

Members noted the ongoing workstreams, which included the Self Harm Strategy, All Age Eating Disorder Working Group, development of the Hub Building and the provision of a centralised multi-agency training offer. trained.

The demand for the bereavement support service was noted and Members heard that a business case was being developed for more sustainable funding.

Members discussed how to engage smaller organisations, and suggestions were welcomed. Questions were raised in relation to support for those Electively Home Educated, and it was noted that parents were made aware of support by the Education Welfare Service.

With reference to eating disorders and self-harming, questions were raised about support for families, and it was noted that this was available for the families of those suffering with eating disorders if referred through CAMHS. However, a gap had been identified in relation to self-harm and options were being considered how to address this.

With reference to the training offer and how this could be made more widely available, it was noted that anyone working with Children and Young People could set up an account on POD and access the training.

Those present discussed the waiting times to access CAMHS, it was noted that there had been some improvement with on average 7 days from referral to appointment and three months to assessment. However, it was noted that improvements made in young people accessing earlier interventions could also impact on this.

Discussions took place regarding support in schools, in particular in relation to reducing exclusions. it was noted that the SEND team had a SEND improvement officer to work with schools to review practice and support development in all areas of SEND provision. Mental health support teams would also provide one-to-one support for students and help identify gaps in support. It was noted that progress in reducing exclusions would be monitored by the Education Welfare Service.

Members asked to what extent were local schools engaging with the agenda, and it was noted that this did vary, but all secondary schools were engaged as were three primary schools in the area. It was hoped that Ofsted's increased consideration of this area, and the impacts seen from positive engagement, would further encourage schools to take part.

In relation to the local offer website, it was acknowledged that this was not easy to use. However, work was taking place with young people, including Barnsley Youth Council to update this.

RESOLVED that thanks be given for the presentation and update

27 Performance Report Q2 (Dac.15.11.2021/4)

The Area Council Manager spoke to the report which focused on performance in quarter two.

Twiggs Grounds Maintenance had worked with 258 volunteers, of which 57 were new, and had filled 454 bags of rubbish. 136 areas had been targeted and 8 cases of fly tipping reported.

In the quarter B:Friend had supported 77 isolating older neighbours and provided 468 hours of one-to-one befriender time. Staff had also provided 46 hours of staff visits or calls. The service had engaged 36 volunteers in quarter 2, with 11 of these being new. 52 hours of social group activities had also been arranged, with weekly sessions in Thurnscoe and Bolton-on-Dearne.

DECV had supported 47 learners within the quarter, of which 21 were new. Nine learners had achieved qualifications within the quarter, with five going into employment and 10 into further training.

The Private Sector Housing Officer had seen a slight increase in reports with 143 made in the quarter. These had led to 38 properties being improved and 37 people assisted to make positive changes. 41 cases of fly-tipping had been reported, with 31 houses making improvements after an initial contact.

In quarter two, Citizen's Advice Bureau had supported 60 people with 116 issues. The service had assisted residents to claim an additional £21,094 of benefits and manage £4,000 of debt.

DIAL had received 139 enquiries, and 248 had reported reduced anxiety as a result of using the service. In the quarter the service had supported £105,276 of additional benefit claims.

Members heard how TADS had provided 266 hours of support, with 40 children and young people engaged. In quarter two, online group support sessions had been launched, which had been well received. It was noted that this had been in addition to one-to-one support.

Questions were raised in relation to the provision of advice and guidance and whether DIAL and CAB would be returning to providing services in person. It was

noted that discussions had been taking place, with relevant risk assessments being undertaken, however feedback was still awaited.

RESOLVED that the report be received.

28 Finance Update (Dac.15.11.2021/5)

The Area Council Manager provided Members with an update in relation to the financial position of the Area Council.

From a starting balance of £207,783.34, £25,342.34 remained. However, £31,638 had been received from the practical support grant bringing the total available for allocation to £56,980.34. In addition £17,003.41 remained within the Dearne Development Fund.

RESOLVED that the report be noted.

29 Dearne Area Council Procurement Report - Future Commissions (Dac.15.11.2021/6)

The Area Manager introduced the item, referring to the Social Inclusion Service currently being delivered by B:Friend. The service currently cost around £27,000 per year to deliver, supported social groups and provided one-to-one support for social excluded residents aged 65+. It was acknowledged that the pandemic had further highlighted this as a priority within the area. In considering options for the service, it was agreed that any future service should relax age restrictions to ensure more residents can benefit from support available. It was also suggested that the service also ought to target men, who have been underrepresented in interventions so far.

Members were reminded of the previous agreement to extend the Housing and Migration service level agreement until 31st March, 2022, with discussions taking place within the Safer Neighbourhood Service about future provision.

Since that time discussions had indicated that any core service would be reactive, and that Area Council would be best placed to procure any more proactive service. It was therefore suggested that the SLA should be extended for a further year. Members noted that, as part of the discussions, the Safer Neighbourhood Service had agreed to underwrite any redundancy costs associated with the post.

Members were supportive of the recommendation and acknowledged the impact of the post in the area.

RESOLVED:-

- (i)** that the options set out in the report for future Dearne Area Council commissions be noted;
- (ii)** that the specification for a Social Inclusion Service be approved and that approval be given to procure this service for three years at a cost of £28,000 per annum, from 1st August, 2022, to 31st July 2025;
- (iii)** that approval be given to extend the Housing and Migration service level agreement for a further year, until 31st March, 2023 at a cost of £33,277.

30 Notes from the Dearne Ward Alliances (Dac.15.11.2021/7)

The meeting received the notes from the Dearne North Ward Alliance held on 21st September, 201 and Dearne South Ward Alliance held on 7th October, 2021.

The Dearne South Ward Alliance received an update in relation to the Principal Towns programme. A discussion was also had regarding the Renaissance Centre. The Neighbourhood Engagement Officer provided an update regarding their support of risk assessments for new and returning groups, and provided information about flu and covid vaccines. It was noted that the Ward Alliance will be reviewing their priorities and associated action plan. Group updates were also provided, and discussion took place about the autumnal fayre.

At the Dearne North Ward Alliance a presentation had been received about Section 106 finance. Two applications for finance had been considered, and the Neighbourhood Engagement Officer had provided an update on their work.

RESOLVED that notes from the respective Ward Alliances be received.

31 Report on the Use of Ward Alliance Funds (Dac.15.11.2021/8)

The Area Council Manager spoke to the report, previously circulated. The Dearne North Ward had supported five projects and had £3,989.92 remaining from a starting budget of £10,182,.92

The Dearne South Ward had £5,817.72 remaining from an opening balance of £11,317.72 after funding four projects. It was noted that there were a number of applications for funding in development in the Dearne South Ward.

RESOLVED that the report be noted.

Chair

This page is intentionally left blank

MEETING:	Dearne Area Council
DATE:	Thursday, 25 November 2021
TIME:	9.30 am
VENUE:	Meeting Room 3, Barnsley Town Hall

MINUTES

Present Councillors Noble (Chair), Cain, Coates, Danforth and Gollick

Attending Virtually Councillor Gardiner

32 **Declarations of Pecuniary and Non-Pecuniary Interests**

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

33 **Minutes of the Previous Meeting of Dearne Area Council held on 15th November, 2021 (Dac.25.11.2021/2)**

The meeting received the minutes from the previous meeting of Dearne Area Council.

RESOLVED that the minutes of the Dearne Area Council meeting held on 15th November, 2021 be approved as a true and correct record.

34 **Neighbourhood Engagement Officer (Dac.25.11.2021/3)**

The Area Council Manager introduced the item. It was noted that each of the six Area Councils had Neighbourhood Engagement Officers. These had been employed on fixed term contracts. The posts supported businesses, groups and residents in line with up to date covid guidance.

Members heard that, within the Dearne area, the role had become integral to the time and in addition to the covid specific work undertaken had also led on a significant number of added value pieces of work. These included updating community notice boards, mapping business in the area, developing 'feature Fridays' which served to promote local businesses, working with the Housing Officer to address unsightly houses and gardens, supporting pop-up Police stations, organising first aid courses, developing a mental health resource pack and developing the Best Bar None scheme in the area, amongst other things.

The report proposed allocating funding to extending the post for a further two years, with the second year being subject to funding availability, performance and the need for the post.

Members were very supportive of the proposal, noting the positive impact the officer had made within the Dearne, going above and beyond.

RESOLVED that approval be given to extend the Neighbourhood Engagement Officer Post for two years from 1st April, 2022 until 31st March, 2024, at a cost of

£33,500 per year, with the second year subject to performance, availability of finance and continued need for the post.

Chair

MEETING:	North East Area Council
DATE:	Thursday, 25 November 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Hayward (Chair), Ennis OBE, Green, McCarthy, Richardson and Wraith MBE

24 Declarations of Pecuniary and Non-Pecuniary Interests

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

25 Minutes of the Previous Meeting of North East Area Council

The meeting considered the minutes from the previous meeting of the North East Area Council held on 23rd September 2021..

RESOLVED that the minutes of the North East Area Council held on 23rd September 2021 be approved as a true and correct record.

26 Notes of the Following Ward Alliances with Feedback from each Ward Alliance Chair

The meeting received notes from the Cudworth, Monk Bretton, North East and Royston Ward Alliances held throughout September and October 2021. The following updates were noted:-

Cudworth – The St Johns garden has been planted up by volunteers. Christmas lights will be switched on on Monday, and the lights on the Christmas tree will be lit on 3rd December, with two children from each school in attendance. It was reported that the creative writing workshop run by Lawrence in the library is doing very well. A letter of thanks to Home Farm bakery has now been sent. The planter is to be planted up shortly. Thanks to the Area Council Manager, Cudworth park has now been cleared of wet leaves which were a health and safety hazard.

Monk Bretton – Burton Grange Christmas tree lights are now working, and the Christmas lights will be switched on the tree on 30th November, time to be confirmed. The vicar at St Paul's is moving to a Diocese Cheshire and will be sadly missed. Father Blair has now moved to St Peter's in Lundwood. The Silverdale Dementia club continues to be supported and is well attended. Christmas activities are being arranged. Discussions are taking place about setting up a food bank with Father Blair in the New Year.

North East – Christmas events have been organised in all four villages. More lamppost Christmas decorations have been installed than ever before, particularly in Grimethorpe. At the Remembrance Day Parade, two five feet high statues were made and put at the side of the Cenotaph. Unfortunately BMBC never adopted the

Cenotaph and walled gardens from Brierley Town Council so nobody owns the land at the Cenotaph. Negotiations are ongoing to allow Father Thomas at the Church to take this over, but it is proving difficult. It will be the Brierley winter fayre this weekend.

Royston – All planters have been planted up, Christmas trees will be lit on 1st December, with the lights turned on by the Mayor. Complaints have been received about the manner in which the trees in the park have been cut down. The Bowling green club is being supported. A bench has been obtained through the Poppy Appeal, but obtaining permission to locate it in the village is proving difficult.

RESOLVED that the notes from the Ward Alliances and associated updates be received.

27 Cancer Screening Behavioural Insights

Kaye Mann, Public Health Specialist Practitioner, BMBC, was welcomed to the meeting and updated Councillors with regard to the Cancer Screening Behavioural Insights initiative.

Members were reminded that 1 in 2 people get Cancer in their lifetime and that potentially 600 new cancers in Barnsley could be postponed or prevented each year. The leading causes of death from cancer in Barnsley are lung (72% caused by smoking), prostate and breast cancer, with around 1500 new case every year in Barnsley.

It was noted that living a healthy life does make cancer less likely, including being smoke free, keeping a healthy weight, and being more active.

Those present heard of the importance of early diagnosis, which leads to an improved chance of surviving cancer, with 8 in 10 surviving when diagnosed at Stage 1. Unfortunately, only 2 in 10 survive when diagnosed at Stage 2. The importance of screening for all cancers was also stressed.

Attention was drawn to the signs and symptoms of common cancers and the need for residents to have themselves checked if they experienced these symptoms.

An overview of behavioural insights and nudge theory was provided, and examples provided of where this could be utilised to increase cancer screening.

Members heard of the behaviour science trial being conducted. Based at the food bank in the Dearne, staff and volunteers speak to clients, and offer to refer to Care Coordinators at GP surgeries. They would then be able to proactively book appointments. It was noted that if successful, elements could be rolled out across the borough.

The meeting heard of the support services available for those recently diagnosed with cancer living in a Barnsley postcode or accessing services at a Barnsley Hospital. Members were asked to promote healthy lifestyle messages, raise awareness of the signs and symptoms of cancer and encourage the uptake of screening. The message of consulting a GP if something did not feel right was also emphasised. It was noted that GPs were extremely busy, but it was suggested that

awareness could be raised that if residents highlighted that their symptoms may be linked to cancer, this would help prioritise appointments.

Councillor Wraith had personal experience of the impact of cancer and is happy to continue to promote health messages wherever he can. Councillor McCarthy also requested copies of the slides in order to share the messages throughout her networks.

Life expectancy has traditionally varied by 10 years between the east and west of the Borough. Higher rates of unhealthy factors, Barnsley's legacy of coal mining and deprivation does have an impact on cancer rates. Efforts at sharing the messages will be concentrated on those who need it most. Covid has impacted negatively on cancer rates, with many people who have not come forward with signs and symptoms due to fears around the pandemic. Targets are in place to get back on track by March of 2022 but there remains a backlog.

RESOLVED that:

- (i) Kaye be thanked for her attendance and contribution;
- (ii) That the update be noted,
- (iii) Copies of the slides be shared with Councillor McCarthy so that she can share amongst her networks, and
- (iv) Members continue to support the work to share healthy lifestyle messages and work towards improving cancer detection rates.

28 North East Area Council Project Performance Report - update on the delivery of commissioned projects.

The Area Council Manager introduced this item and gave a detailed update on the delivery of commissioned projects. Projects highlighted included: Social Isolation Dementia Project, Age UK (who are working with schools to deliver hampers). Activities are restarting such as the Chatty Café, Tai Chi, walking groups, craft afternoon tea. It was reported that restarting activities in the care homes is proving more difficult due to Covid but it is hoped that this will improve in the New Year. A number of case studies were included within the report. District Enforcement have been involved in various activities across the North East Wards. The Community Listening event has proved useful and information will be shared with other agencies and will inform future plans. Concerns were expressed around the boxing club and the play equipment which had been removed and stored. The Area Manager agreed to look into these issues. Thanks were expressed to all those involved in getting trees cut at the Dorothy Hyman Sports Centre.

RESOLVED that

- (i) The update be noted;
- (ii) The Area Manager will look into issues around the boxing club and the play equipment; and

(iii) Thanks be expressed to the staff and volunteers who have worked so hard during these challenging times.

29 NEAC Financial Position and Procurement Update

The Area Council Manager introduced this item, reporting that the North East Area Council was on target for spend.

RESOLVED that the report be noted.

30 Report on the Use of Ward Alliance Funds

The Area Council Manager introduced this item, reporting that the Ward Alliances are a little behind in terms of spend.

RESOLVED that the report be noted.

31 Interim Financial Report

The Area Council Manager introduced this item, highlighting the following points:

In April 2022, the Environmental Enforcement Services will be procured through the Safer Neighbourhood Service with a single contract for a Boroughwide service, with no payment contribution required from the Area Council. If the Area Council require additional specific resource for their area then this can be paid for by contacting the Safer Neighbourhood Service direct, and as part of the new offer it will be commissioned from the single provider at the relevant costs.

As a result of the Stop Smoking Outreach Service being recognised as a Good Practice initiative, and being replicated in other Area Councils, Public Health will now fund the Stop Smoking Outreach Service across the North East Area Council communities for a period of 1 year from September 30th, 2021 until September 30th, 2022 at a cost of £28,215.

Members were asked to note that the additional £57,000 that has been requested via the Practical Support Fund will be reimbursed into the budget.

Members were asked to note that the Neighbourhood Engagement role, although initially COVID specific, has developed and become an integral role within the North East Area Team. It is recognised that adding more capacity and being able to engage with services and businesses that have not had a voice previously is even more important going into the Covid recovery period within our local communities. It is recommended that the Neighbourhood Engagement Officer contract is extended until April 1st, 2023, on a 1 + 1 year extension basis until April 1st, 2024, at a cost of £35,000 per annum.

Members were asked to note that the Private Sector Housing Management Officer service level agreement with Enforcement Services finishes on March 31st, 2022, and consider that it is renewed until April 1st, 2023, on a 1 + 1 year extension basis until April 1st, 2024, at a cost of £37,750.

RESOLVED that:

(i) Members note the single contract for a Boroughwide Environmental Enforcement Service and that the Stop Smoking Outreach Service across the North east Area Council will now be funded by Public Health;

(ii) Members note that the additional £57,000 for the Practical Support Fund will be reimbursed into the budget;

(iii) Members agreed that the Neighbourhood Engagement Officer contract is extended until April 1st, 2023, on a 1 + 1 year extension basis until April 1st, 2024, at a cost of £35,000 per annum.

(iv) Members agreed that the Private Sector Housing Management Officer service level agreement with Enforcement Services is renewed until April 1st, 2023, on a 1 + 1 year extension basis until April 1st, 2024, at a cost of £37,750.

Chair

This page is intentionally left blank

MEETING:	North Area Council
DATE:	Monday, 29 November 2021
TIME:	2.00 pm
VENUE:	Meeting Room 1 - Barnsley Town Hall

MINUTES

Present Councillors Leech (Chair), A. Cave, Howard, Hunt, Lofts, Newing, Pickering, Platts and Tattersall

31 **Declarations of Pecuniary and Non-Pecuniary Interests**

The Chair asked that get well wishes be sent to Rosie Adams, Area Council Manager, who is currently ill with Covid and also to Cllr Trevor Cave who is also ill at the moment.

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

32 **Minutes of the North Area Council meeting held on 20th September 2021**

The Area Council received the minutes of the previous meeting held on 20th September 2021.

RESOLVED that the minutes of the North Area Council meeting held on the 20th September 2021 be approved as a true and correct record.

33 **The Fleets Project Update - Yorkshire Wildlife Trust's Mike Winstanley and Lucy Brown**

Yorkshire Wildlife Trust's Mike Winstanley and Lucy Brown were welcomed to the meeting and updated Members with regard to the Fleets Project. Work completed since the start of the project in April 2019 included: 0.23ha community orchard created; planted 500 hedgerow trees and additional 33 orchard trees; 2,000 daffodils planted and 0.20ha wildflower meadow created. In addition, 120m² groundworks have been completed for the rain garden and 0.67ha of wet woodland improved. Between November 2021 and December 2022, benches will be installed, the sensory garden designed and installed alongside a community tools hub to involve the community. There are also plans to improve the steps and possible installation of a ramp. Interpretation boards detailing the work done to date and how the rain garden works will be erected. Mike and Lucy thanked the Council for its involvement and also for the grant funding and S106 contributions. It was highlighted that this is a strategically important area and when the capital works have been completed the site should continue to be developed as a community hub for the foreseeable future. A member expressed disappointment that Barnsley College had not been as involved with the site as originally envisaged.

RESOLVED that

- i. Members note the update;

- ii. The Yorkshire Wildlife Trust be thanked for attending the meeting and all the work done to date and that;
- iii. A visit to the area for Members of the North Area Council should be organised in the Spring/Summer of 2022.

34 Community Listening Update - Katy Ashworth

Katy Ashworth, Stronger Communities Project Officer, attended the meeting and updated Members with regard to the Community Listening initiative. Members of the community were asked four questions about what they loved about their community, what is needed now and in the future in the community, what would add to their quality of life and finally how life will be different as a result of the Covid-19 pandemic. Responses were predominantly from females in the 30-39 age group.

Key findings included: People love the friendliness and community spirit of the area, the beautiful environment and countryside, community facilities, events and activities and the supportive and helpful nature of the community. Respondents felt that more activities and facilities are needed for children and young people (including community events and activities) and that this would improve quality of life; parks and greenspaces should be adequately maintained and that they would like to see a reduction in perceived levels of crime and anti-social behaviour. 184 respondents expressed a view about how life will be different as a result of the pandemic. It seems that people are now more cautious, value their life and are thankful for what they have, looking forward to socialising again with family and friends. In summary, the survey identified lots of strengths, challenges and areas for improvement, which will help drive forward the work of the North Area Council.

A number of Members felt that there is a clash between aspirations and budgets, with more money needed for youth provision, which was cut by the Government many years ago. It may be possible to establish if there are differences across individual wards through further analysis. Drugs issues seem to be prevalent across all wards, but require a societal change.

The findings from the review will be put on the Area Council page and in the 'What's On' guide, pulling out key themes around young people in particular. The review highlighted the need to spread the message far and wide via various means (including word of mouth), as many residents seem unaware of what is happening in their area.

RESOLVED that

- (i) Members note the update; and
- (ii) Katy be tasked with carrying out further analysis of the findings to determine if there is a difference between the wards of the North Area Council.

35 Health and Wellbeing - Connecting Communities Grant Panel Outcomes

This item was introduced by Rachel Payling, Head of Service, Stronger Communities, who updated Members with regard to the outcomes from the recent

Connecting Communities Grant Panel Meeting. Cllrs Hunt and Platts reported that the exercise was very positive and that the bids that went through were the correct ones. Cllr Leech expressed disappointment at the lack of representation from Old Town ward.

RESOLVED that participants be thanked for their involvement and that the small amount of funding remaining should be repurposed as highlighted in the report.

36 Performance Report Q2 2021/22

This item was introduced by Katy Ashworth, who provided Members with a comprehensive North Area Council Performance Report for the period October to December (2021/22 Quarter 1).

Councillor Platts asked if it would be possible to put numerical information within the report rather than percentages as it is easier to understand, particularly when there are no targets set. Recognition of the work that the Council is doing itself should also be recognised.

It was highlighted that a number of groups have been formed with the support of Twiggs, but support for existing groups is not measured, which is also important. Katy reported that the report is a condensed version of information provided by Twiggs and she will look into their KPIs and ask them to report on that too. It seems there is a discrepancy regarding the YMCA/Ad Astra information. Katy explained that some of the transition work did not take place due to Covid and they are still in the 'settling in' period.

RESOLVED that

- (i) Members note the contents of the Performance Management Report;
- (ii) Katy to investigate Twiggs' support of existing groups with a view to incorporating this information within their KPIs and also more information about their future plans for each ward as current information received is not always comprehensive; and
- (iii) Rachel Payling to meet with Twiggs to address concerns raised by Members.

37 Commissioning, Project Development and Finance

Rachel Payling introduced this item, providing the Area Council with a financial position and forecast for expenditure based on the projects that have been proposed.

RESOLVED that:

- (i) Councillors note the final output figures for the Warm Connections Service delivered by DIAL Barnsley included in the performance report and that the service has now concluded
- (ii) Councillors note that the 'Connecting Communities' grant panel has met and moderated all applications;
- (iii) The North Area Council note the existing budget position, the existing funding commitments and the updated projected spend and the £20,000 Covid Recovery funding to support social inclusion, to be included in the Stronger Communities Grant opportunity for 2022/23.

38 Stronger Communities Grant 2022/23

This item was introduced by Rachel Payling, who sought Members' approval for the Stronger Communities Grant Panel's recommendation to make the grant funding available for 2022/23.

RESOLVED that:

- (i) Members agree to run the grants programme in 2022/23 and the terms of reference;
- (ii) Members agree the value of the grant funding pot for 2022/23 of £20,000 together with an additional £20,000 combined within base funding, and
- (iii) Councillors Howard, Lofts, Tattersall and Hunt be nominated to sit on the Grants Panel

39 Report of the Ward Alliance Fund

Rachel Payling introduced this item, updating the North Area Council on financial position the Ward Alliance budget for each ward for the 2020/21 period.

RESOLVED that

- (i) Ward Alliances pay particular attention to the Ward Alliance Covid-19 Recovery Plan document when developing projects during the remainder of 2021/22, and
- (ii) Each Ward in the North Area Council area prioritises the efficient expenditure of the Ward Alliance Funds 2021/22, in line with the guidance on spend.

40 Notes from the Area's Ward Alliances

The meeting received the notes from the Darton East Ward Alliance held on 14th September and 12th October, 2021; Darton West Ward Alliance held on 22nd September and 14th October, 2021; Old Town Ward Alliance held on 14th September and 12th October, 2021; and St Helen's Ward Alliance held on 9th September 2021.

Members of the North Area Council were updated regarding the progress made by each Ward in relation to Ward Alliance implementation. The following additional information was provided:

Darton East – A Christmas event was held on Friday evening, the location was changed to the Village Hall as it is the hub of the community and a safer location. The event was fantastic, well attended by over 500 people, with stewards to keep everyone safe, songs from the Primary school choir and a visit from Santa. 150 selection boxes were provided for local children. Thanks were expressed to Rebecca Battye for all her help. A video is on the Talbot Facebook page. The event scheduled for this evening at Woolley Colliery Village has been cancelled due to the weather and will now take place on Thursday.

Darton West – The Christmas event takes place tomorrow and Twiggs are installing a tree at Wilthorpe and Redbrook Community centre, others will follow shortly. The

Church choir and dancers from Horizon will be in attendance. Leaflets have not been distributed due to the bad weather. Funding has been granted to Pogmoor FC for video equipment to enable them to film the matches with a view to improve training etc. They have also received an additional £30k from the Football Association and plan to eventually build a pavilion. They have 22 football teams at the moment, including boys/girls and a disabled team. Thanks were expressed to the Vicar at Darton Church who provided water bottles for the graves as the tap is not available.

Old Town - The girls and disabled teams at the Pogmoor ground have been expanded. Winter winter warmer packs have been provided and funding for retirement groups granted. Cut Christmas trees are to be used this year while the planted trees grow. They will be installed on Wednesday and the lights switched on on Friday. A tree is to be planted at the Recreation ground, supported by Pogmoor FC. A bench is to be sited at the end of West Road. It was also reported that four fruit trees have been stolen. Defibrillators are to be installed on Rockingham Street and outside the recreation ground at Pogmoor

St Helens – Four Christmas events are taking place this year, at various locations. Some have planted trees whilst others are not yet big enough. Selection boxes will be distributed to children and choirs from local schools will be in attendance. 100 winter wellbeing packs with the Ward Alliance logo are to be distributed via community groups working in the area. A working budget of £1500 has been set aside for Christmas. Any underspend will go back into Ward Alliance funds. Various volunteers are dressing the trees and the Ward Alliance has only had to pay for the tree at the community shop. Funding was given for refreshments on Remembrance Sunday. Councillor Leech is sorting out the bench issue. £1500 was given for the firework display at Athersley Rec, which was well attended. Ad Astra have asked for funding to replace tables; Twiggs are seeking funding for summer holidays projects. Future plans include a Jubilee event, which will be discussed at the January meeting. Local groups are beginning to filter back now and have been advised to ask for funding to restart groups.

RESOLVED that the notes of the respective Ward Alliances be received.

Chair

This page is intentionally left blank

Item 27



MEETING:	Penistone Area Council
DATE:	Thursday, 2 December 2021
TIME:	10.00 am
VENUE:	Council Chamber, Penistone Town Hall

MINUTES

Present Councillors Barnard (Chair), Greenhough, Hand-Davis, Kitching and Wilson

23 Declarations of pecuniary and non-pecuniary interests

No Members declared an interest in any item on the agenda.

24 Minutes of the Penistone Area Council meeting held on 7th October, 2021 (Pac.02.12.2021/2)

The Area Council received the minutes of the previous meeting held on 7th October, 2021.

RESOLVED that the minutes of the Penistone Area Council meeting held on 7th October, 2021 be approved as a true and correct record.

25 Notes from the Penistone Ward Alliance held on 11th November, 2021 (Pac.02.12.2021/3)

The meeting received the notes from the Penistone Ward Alliance held on 11th November, 2021.

RESOLVED that the notes from the Penistone Ward Alliance held on 11th November, 2021 be received.

26 Report on the Use of Ward Alliance Funds (Pac.02.12.2021/4)

The Area Council Manager spoke to the report and members noted its content. The out of school activities funds were briefly mentioned with an overall agreement that they be kept aside for the February Half Term.

RESOLVED that the report be noted.

27 Performance Report Q2 (Pac.02.12.2021/5)

The Area Council Manager provided Members with an overview of performance for Quarter 2 and all contracted Services.

Members were reminded of the Area Council priorities and which Area Council funded contracts supported them. Members had their attention drawn to the significant increase in volunteer numbers both in Adults but particularly with under 18s, which was a consequence of new projects emerging supporting young people.

The Community Car Share Scheme had also seen a significant rise in people using the service. Members commented that whilst it may have been unfair to compare numbers to 2020, it was seen as an encouraging indicator of how things were moving forward in the journey out of the pandemic.

The Clean, Green and Tidy contract delivered by Twiggs Ground Maintenance continued to support volunteers and make progress with their outcomes with 214 volunteers being supported covering 551 volunteer hours. The number of rubbish bags collected was down from the previous quarter due to that period including different activities that had taken place around the Great British Spring Clean event. The numbers of Groups and parishes supported had increased to 13 from a target of 10 and work with 10 individual businesses had taken place with a further 14 joint working activities. In addition, support had been provided for 6 individual groups, 23 additional projects had commenced, and 17 individual litter picks had taken place. Members were informed that a new apprentice had been appointed due to the previous one moving on as part of the Job Ready Programme and that Twiggs were also involved in the restoration of benches identified as part of the Age friendly Barnsley 'Take a Seat' Campaign.

Age UK, delivering the support to vulnerable and isolated older people, had supported 238 people, made 517 interventions and had worked with 39 volunteers, with an estimated gain in benefits of £35,125.11.

Lot 1 focussed on social action and volunteering and quarter 2 had seen an increase in face to face interactions following the lifting of restrictions and an uptake in trips out for older people with one significant age friendly event at Cubley Hall taking place which had been well attended. 11 new service users had been provided with information and advice, 28 community car journeys had taken place and two new volunteers were in the processes of being trained. It was noted that there had been an increase in more complex needs resulting in the need for referrals to the Dementia Alliance and also an increase of falls in the home resulting in physical activities being increased with an offer of Tai Chi, Healthy Bones classes and walking groups.

Lot 2 concentrated on community activities and supporting people to become active and connect back into groups with an emphasis on health and wellbeing now that restrictions had been lifted. A number of activities had taken place across the Penistone Area with 2 new sessions started, one being a singing group at St Johns Church and a new group geared towards dementia held at the Happy Vibes Café in Penistone Leisure Centre. Members were informed that a survey had taken place in Carlecoates, Crow Edge and Dunford Bridge in order to establish whether there would be any interest in those areas for local group activities, once the results from the survey are collated members would be informed of the outcome. Men in Sheds had made links with Penistone Theatre Group and were working on the set design for their annual Pantomime with the potential to use the workshop in future.

Lot 3 focussed on the creation of SOPPA (The Supporting Older People in the Penistone Area) which was a network of people and groups who would support older and more vulnerable people in and around Penistone. Members were informed that what was happening in Penistone was significant in contributing to the Age Friendly

Barnsley Steering Group and making connections with Age Friendly Barnsley and influencing it across the Borough wide agenda.

The Barnsley Citizens Advice Service had supported 23 people and had assisted with £1million of debt management and £23,629 of claimed benefits. Members noted that the expected surge in debt recovery cases once County Courts had reopened and processed routine cases remained to be seen but that it was very much still anticipated. A wide range of issues were dealt with during the quarter with 37 issues in total, 35% of those being for benefits advice.

It was reported that the DIAL Barnsley contract had continually received high numbers focussing on benefits claims as opposed to debt recovery like the Citizens Advice contract. Members noted that 17% of advice had been around social isolation with the feeling this was around older people using the service resulting in continued work around welfare checks. 106 enquiries had been received in quarter 2, with 60 volunteer hours and £87,396 of benefits claims processed, resulting in a return of £23 for every £1 invested. Members were informed that all advice and guidance had been successfully dealt with over the telephone, but that there was an expectation for a return to face to face appointments in Penistone Town Hall in the near future once risk assessments had been made.

Members received an update that all projects funded through the Supporting Young People Grant Fund had commenced with the exception of Penistone Grammar School which had been unable to commence due to the significant impact of Covid-19 in the school.

Ad Astra had been into Penistone Grammar and supported 39 people through the 8 sessions they had delivered. 540 leaflets had been handed out and 600 conversations had been held with young people informing them of the work they were undertaking and why they were in school. One issue that had arisen was lack of confidential space but work was being undertaken to try and resolve this issue. Members were informed that some issues that had been discussed were around self-esteem, body image, diet, food issues, healthy lifestyles and concerns around positive healthy relationships. Twice weekly visits would be continued walking around the dining hall with a hope that a confidential space could be found.

Members noted that Angel Voices had carried out 5 workshops with 28 people in attendance and 13 volunteers resulting in £465 being raised for local charities from the community performance events and 13 people going on to formal training and qualifications. It was hoped that workshops would be able to move around the area but that there had been difficulties in getting in contact with people to organise these events.

The Active Minds Project, run by Penistone FM, had been launched in July, 2021 with 21 attending and taking part in podcasts for young people around their experiences during the pandemic and also links had been made with the NHS CAMHS service for referrals.

The development of a new 'Challenge' Badge project in the Girl Guides was being developed but was yet to be rolled out, 2 brownies had been declared joint winners from the competition for the design of the badge culminating in a planned activity day for the last Saturday in March, 2022.

Sporting Penistone had launched a number of activities but due to staffing changes and the effects of the pandemic some sessions were unable to commence at the time of the meeting. Of the activities that were able to commence, Smash Hit sessions were proving a success with 8 regular attendees and 14 volunteers were in training to support the Calm Kids programme which was aimed at 5-11 year olds to calm and reduce stress and anxiety and was planned to start in November/December.

RESOLVED that the report be noted.

28 Procurement and Financial Update (Pac.02.12.2021/6)

The item was introduced by the Area Council Manager who drew members attention to the Supporting Vulnerable and Isolated Older People Grant.

Members were reminded that a number of contract extensions had been agreed in previous meetings in order to defer the procurement exercise for a new service and that these decisions had been made due to the impacts of the pandemic. Members were informed that a change in the procurement procedure rules required a more detailed process which would take around 3 months to complete resulting in the need for a further short term extension to the contract. Initially a 3 month extension was proposed at a cost of £17,500 but following discussions members were concerned whether that would be a long enough period of time and it was agreed that it would be more preferable to be cautious and have a 5 month extension at a pro rata cost.

Members heard how no further applications had been received for the Working Together Fund and that the figure for allocation remained at £33,699.

It was reported that the Working Together Grant Fund – Supporting Young People projects that had been funded were initially delayed in starting due to the pandemic but that 4 out of the 5 had been able to start from July, 2021 with updates on those projects being made at the meeting.

Members were informed that the Clean, Green and Tidy Service was in the second year of its contract and it was agreed that they would be asked to provide a full year 2 performance report at the Penistone Area Council meeting to be held on 10th February, 2022 ahead of any decision to continue a further years delivery.

It was noted that the Penistone Ward Alliance had commenced the 2021/22 financial year with a budget of £26,925 with a further ring fence of £10,000 to encourage groups to come forward to submit applications for summer holiday activities during 2021. Members were informed that a number of applications had been received for Ward Alliance funds resulting in further approved projects totalling £6,000 which left a budget total of £12,295.13. From the £10,000 ringfenced budget, projects totalling £1590 had been approved leaving £8410 which, if unspent would be returned to the Penistone Area Council budget. Due to the upsurge in applications being received members agreed to allocate a further £10,000 from the Penistone Area Council budget in order to support the Ward Alliance budget to the end of the 2021/22 financial year.

A briefing workshop was held on the 4th November, 2021 in order to present Penistone Area Council members with information from the Housing Stock Modelling and database report which had been commissioned by Barnsley MBC to provide a detailed housing stock condition survey, details of which were being used to create a Private Sector Housing Plan for the Borough. Members were informed that, compared to the rest of the Borough, private sector housing stock in Penistone East and West Wards demonstrated the highest risk to occupants from excess cold and fuel poverty.

Following the workshop members were asked to consider a number of options in relation to a Private Sector Housing Support Officer who, amongst other things, would be the first point of contact within the community to identify early indications of neglect and inability to cope with properties in disarray leading to a possible health hazard to those living there and/or others in the area.

Members agreed there was a need in the area for something to help tackle the issues highlighted at the workshop, but also raised their concerns as to what type of support or enforcement the Housing Officer could have against a private landlord or a householder who did not wish to, or could not afford to improve their home/living arrangements. There was also a concern that this could be seen as an interference resulting in causing offence to people.

The 4 options for members to consider were:

- Commission a full time Housing Officer post for 12 months
- Commission a half time Housing Officer post for 12 months
- Commission a half time Housing Officer post to undertake research and feasibility and report back after 6 months
- No additional support and continue as

Following a lengthy discussion, members decided that Option 3 would be the most suitable to allow for the officer appointed to report back with their findings and whether it could make a difference in the area. The Area Council Manager agreed to bring a report to a future Area Council Meeting for a decision.

RESOLVED:-

(i) that members noted the update of contracts funded by the existing Supporting Isolated and Older People Grant fund and agreed a 5 month extension from January 2022 to the end of May, 2022 at a cost of £29,166 to accommodate the procurement process for future provision in support of this priority;

(ii) that the update on the current financial position of the Penistone Working Together Fund be received;

(iii) that the update on the ringfenced funds within the existing Working Together Fund to establish specific activities that will support young people in the wake of the Covid-19 pandemic be received;

(iv) that the update on the Clean, Green and Tidy contract which commenced in April, 2020 be noted and that the recommendation of a Year 2 update to be given at the Penistone Area Council meeting to be held in February 2022 be agreed;

(v) that the update on the Ward Alliance budget be noted and that the allocation of £10,000 from within the Penistone Area Council budget 2021/22 to enhance current Ward Alliance funds be agreed with approvals to be made through previously agreed mechanisms;

(vi) that the proposed options to procure a Private Sector Housing Support Officer resource be received and that Option 3 be agreed as the preferred way forward with a detailed report to be presented to members for approval at a future meeting of the Area Council; and

(vii) that the current financial position for the 2021/22 budget in light of the decisions made at the meeting be noted

Chair

MEETING:	South Area Council
DATE:	Friday, 17 December 2021
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Andrews BEM, Eastwood, Franklin, Frost, Lamb, Osborne, Shepherd, Smith, Stowe and Sumner

Members in virtual attendance: Councillors J Higginbottom and Markham

20 Election of Chair

RESOLVED that Councillor Stowe be appointed Chair for the purposes of this meeting only.

21 Declarations of Pecuniary and Non-Pecuniary Interests

Councillors Markham and Frost both declared an interest in minute number 27 due to their positions on the board of Age UK Barnsley.

22 Minutes of the Meeting of South Area Council held on 22nd October, 2021 (Sac.17.12.2021/2)

The meeting considered the minutes of South Area Council held on 22nd October, 2021.

RESOLVED that the minutes of the South Area Council held on 22nd October, 2021 be approved as a true and correct record.

23 Notes of the Ward Alliances (Sac.17.12.2021/3)

The meeting received the notes from the following Ward Alliances, Hoyland Milton and Rockingham held on 3rd November, 2021; Darfield held on 16th September and 18th November, 2021; and Wombwell held on 20th September, 2021.

RESOLVED that the notes from the Ward Alliances be received.

24 Public Health Update - Smoking Cessation - Dayna Towns (Sac.17.12.2021/4)

Dayna Towns, Community Stop Smoking Advisor (South), provided an update in relation to Yorkshire Smokefree Barnsley.

Members were informed that Dayna had been in post since August, 2021 and her main role was to promote and develop Yorkshire Smokefree Barnsley across the South Area.

Smoking prevalence in the South Area was reported as lower than the overall average across the Borough, but that smoking was one of the latest contributors to death in England and one of the leading causes of a wide range of cancers.

Yorkshire Smokefree provided 12 weeks of support including a combination of face to face clinics and free replacement therapy products such as nicotine patches and chewing gum in order to help clients achieve their goal of stopping smoking. Members noted that there were plans for group clinics to be held in the New Year in Darfield and the Hoyland Centre. It was noted that this would be achieved with close working relationships with the Area Council, GPs, Pharmacies and neighbourhood partners in order to open up pathways for referrals, plus promotional events would be held around the area to aid in the work towards a smokefree society by 2025.

Lisa Lyon, South Area Council Manager provided members with a background to how the posts had come about, informing them that 3 had been recruited in total for the South, Dearne and Central Areas. The roles had been devised from a pilot scheme that had been held in the North East area that had taken a traditional smoking cessation post and embedded it within community work with GPs, schools and community groups which was then rolled out to other area councils. The key being to work with members to find opportunities to embed the roles locally rather than in GP surgeries. It was noted however, that there had been some difficulty in holding events and any suggestions from members would be welcomed.

Members gave an indication that they would welcome the service in Wombwell and that the library had rooms available to hold some sessions plus there would be an opportunity for a market stall on Wombwell high street on market day.

Dayna informed members that clients could be referred through a number of pathways including calling themselves, their GPs who have a specific referral system they can use and also through hospitals. There was a desire to also have referrals through dentists but this was still being looked into.

The Yorkshire Smokefree Barnsley 12 week programme was welcomed by members, however concerns were raised around the use and safety of vaping devices and whether this was also used as an alternative to smoking. They were informed that vaping was relatively new and research on the safety was continually being undertaken but that the NHS did not provide vaping devices and the use of which was client choice. Diane Lee, Head of Public Health, informed members that smoking remained the one of the biggest causes of death and illness and the aim of the work being done around smoking cessation was to create an environment where people would want to quit. Members were offered a presentation of the latest research report on vaping at the next area council to which they agreed.

Members raised questions around the age demographic of clients and whether there was a particular age range that were affected the most. It was confirmed that in general it was the older age ranges that had been smoking for most of their lives and had illnesses such as COPD that were being referred and that it could take some clients more than one 12 week course to quit.

It was recognised that there was a desire and a need to push for advisers to return to schools in order to aid pupils in stopping smoking.

The Chair and members thanked Dayna for the presentation and hard work being undertaken.

25 Procurement and Financial Update (Sac.17.12.2021/5)

The Area Council Manager introduced the item and referred members to the two items for recommendation following a member workshop held on 2nd December, 2021.

Members were reminded that funding for the Private Sector Housing Officer was in place until the end of September, 2022 following a review at a previous meeting held on 25th June, 2021. Following that decision, a review of the posts had been carried out through BMBCs Safer Neighbourhood Services resulting in the post becoming permanent rather than fixed term contracts from the 1st April, 2022. This was deemed a positive move in order to keep Officers in post who had been out in the Community creating positive relationships and gathering intelligence and become familiar with the area.

Members were supportive of Option A in the report to extend the post for a further 2 years until September, 2024 at a cost of £34,000 per year.

Discussion then turned to the District Enforcement Limited contract and members were given a number of options based on the fact that Barnsley MBC would be providing Borough wide enforcement through one contract from 1st April, 2022 with the possibility of add on services being commissioned by Area Councils. Following discussions members were minded to approve a variation to the contract for 6 months. This would allow for members to see what the Borough wide provider offer would be and look like, as it was anticipated that parking enforcement would not be in the offer which was vital for Wombwell High Street, Hoyland Town Centre and Darfield Local Centre.

Members requested further information around where parking enforcement activities had taken place and how many tickets were issued or whether there were no tickets due to there being no problems. The Area Council Manager agreed to circulate the report from the workshop and would contact the Contract Manager for further information to be circulated to members.

An update was provided on the Area Councils financial situation with £24,800 remaining to be allocated in the current financial year. Members noted that an additional income of £37,996 had been received from the Healthier Communities Covid Pot with a further £20,000 from the Covid Practical Support Fund. Following the receipt of this money, work with Berneslai Homes was being undertaken to get support out for people struggling with food and fuel costs. An update would be provided in the next quarterly report to see what that would mean and what could be done to aid that support.

RESOLVED:-

- (i) that the update on the Private Sector Housing Officer SLA be noted and that the post be extended for a further 2 years to 30th September, 2024 at a cost of £34,000 per annum be agreed;

(ii) that a variation to extend the Environmental Enforcement contract with the current provider for a further 6 months at a cost of £10,831 and that £21,662 be ringfenced to purchase additional resources from the new provider as part of the Borough wide offer be approved; and

(iii) that the risk that the current provider, District Enforcement Ltd, may not have the resources to extend be acknowledged.

26 Report on the Use of Ward Alliance Funds (Sac.17.12.2021/6)

Members noted the available finance in each Ward Alliance funding pot and questioned whether any remaining funds would be eligible to be carried forward if unspent. They were informed that this would not be confirmed until around February, 2022.

RESOLVED that the report be noted.

27 Performance Report Q2 (Sac.17.12.2021/7)

The Area Council Manager presented members with the Quarter 2 performance report.

Members noted the recently added red, amber and green rag rating in the report in order to see at a glance when commissioned services were achieving their targets.

RESOLVED that the report be noted.

Chair

MEETING:	Cabinet
DATE:	Wednesday, 17 November 2021
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present: Councillors Andrews BEM (Chair), T. Cave, Howard, Lamb and Platts

Members in Attendance: Councillors Cherryholme, Eastwood, Franklin and Frost

Members in Virtual Attendance: Councillor Gardiner

130. Declaration of pecuniary and non-pecuniary interests

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

131. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 3 November 2021 had been called in.

132. Minutes of the previous meeting held on 3 November 2021 (Cab.17.11.2021/3)

The minutes of the meeting held on 3 November 2021 were taken as read and signed by the Chair as a correct record.

133. Decisions of Cabinet Spokespersons (Cab.17.11.2021/4)

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

134. Petitions received under Standing Order 44 (Cab.17.11.2021/5)

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

135. Adult Social Care Market Position Statement (Cab.17.11.2021/6)

RESOLVED that Cabinet:-

1. Supports the revision of the Adult Social Care Market Position Statement; and
2. Notes the change in delivery of the Market Position Statement from a paper-based document to a web page.

136. Private Sector Housing Plan 2030 (Cab.17.11.2021/7)

RESOLVED that Cabinet:-

1. Supports the ambition for our residents living in the private sector that 'Homes in Barnsley are safe, warm and sustainable and people feel invested in and connected to their home and local community'; and
2. Endorses the overall Private Sector Housing Plan encompassing 4 primary commitments and the implementation of the delivery plan.

137. Children Act (1989): Outcomes of an Early Independent Review of the Local Practice in Initiating Section 47 Investigations Concerning the Protection of Vulnerable Children (Cab.17.11.2021/8)

RESOLVED that Cabinet considered and noted the outcomes of the Early Independent Review together with the action to be taken by the Local Authority in response, as outlined particularly in Paragraphs 4.10 to 4.13 of the report.

138. A635 Quality Bus Corridor Scheme; Bus Rapid Transit (BRT) (Cab.17.11.2021/9)

RESOLVED that Cabinet:-

1. Notes the progress on the delivery of the Bus Rapid Transit (BRT) scheme;
2. Authorises Council officers to take over the design work on the BRT scheme with the agreement of the SYPTE (Option 1) as per Paragraph 6 of the report;
3. Approves acceptance of future grant funding post Outline Business Case for £0.950m to progress the scheme to Full Business Case (detailed design, planning consent, Stats diversions, TRO's etc);
4. Agrees a "break clause" prior to going out to tender and seek approval from SMT, once costs are established to ensure no cost overruns in order to mitigate associated risks to the Council; and
5. Agrees that If costs are within the indicative budget allocation (Para 7.11 of the report) then at this stage tender documents be prepared to procure contractors to deliver the works and that on the receipt of the final tender price, a Full Business Case be submitted to the SYMCA.

139. Update to Sustainable Travel and Affordable Housing Supplementary Planning Documents (Cab.17.11.2021/10)

RESOLVED that Cabinet approval is given to consult on the Supplementary Planning Documents and Planning Advice Notes covered in the report.

140. Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
141	Paragraph 3

141. Schools Catering Strategic Review (Cab 17.11.21/12)

RESOLVED that Cabinet:-

1. Approves that the Council continues to provide a schools catering service in line with the proposals outlined in the body of this report
2. Notes and agree the findings and recommendations outlined in the body of this report;
3. Notes the progress made to date and the efficiencies delivered since 2019;
4. Notes the risks and opportunities potentially arising for the service;
5. Notes the wider Public Health benefits and alignment to Corporate Priorities that a Schools Catering service can bring; and
6. Agrees that a report will be brought back in 2023/24 to provide an update on the position of the service.

.....
Chair

This page is intentionally left blank

Item 30



MEETING:	Cabinet
DATE:	Wednesday, 1 December 2021
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

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

Members in Attendance: Councillors Eastwood, Franklin, Frost, McCarthy and Tattersall

Members in Virtual Attendance: Councillor Gardiner

142. Declaration of pecuniary and non-pecuniary interests

Councillor Howard declared a non-pecuniary interest as a DWP employee in respect of Minute Number 147.

Councillor Tattersall declared a non-pecuniary interest as a Berneslai Homes Board Member in respect of Minute Numbers 149 and 151.

143. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 17 November 2021 had been called in.

144. Minutes of the previous meeting held on 17 November 2021 (Cab.1.12.2021/3)

The minutes of the meeting held on 17 November 2021 were taken as read and signed by the Chair as a correct record.

145. Decisions of Cabinet Spokespersons (Cab.1.12.2021/4)

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

146. Petitions received under Standing Order 44 (Cab.1.12.2021/5)

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

1. Containing the signatures of 239 signatories, in respect of Introduction of traffic/speed controls on Paddock Road from Shaw Lane to Wakefield Road, Staincross, Barnsley.

a. Having considered the request in detail the Traffic Team does not support the request for a road closure or traffic calming as the road in question does not have a history of personal injury collisions. In addition, traffic calming features would have a direct impact on a number of properties in the area and the views of those residents would need to be sought and considered

before making any permanent changes. We will add Paddock Road to the list of locations to be assessed for deployment of our Speed Indicator Devices.

2. Containing the signatures of 3,797 signatories, in respect of objections to the proposed development of MU2 and MU3 (Carlton, Monk Bretton and Cudworth).
 - a. *The petition was submitted by residents at the Cabinet meeting held on the 3rd November 2021 and was gathered contemporaneously with the public consultation period in June/July. The petition and matters raised within were considered within the report to Full Council on the 25th November 2021 and as such no further actions are recommended.*

147. Cost of Living Crisis - Household Support Grant (Cab.1.12.2021/6)

RESOLVED that Cabinet agrees:-

1. The approach to delivering the DWP £2.3m Household Support Grant (HSG) (to be named Cost of Living Crisis – Household Support Grant) which has to be spent by 31 March 2022 by working with the following BMBC teams:
 - Healthier Communities – to support people with food and wider essentials including essentials linked to energy and water.
 - Sustainability & Climate Change – to allocate funds to support people with energy and water bills.
 - Housing Options – to support people with emergency housing costs.
2. To utilise £1m BMBC match funding to vulnerable households which can be used post March 2022 when the HSG will cease.
3. To move to allocating Local Welfare Assistance (LWA) to vouchers to alleviate supplier and stock issues.

148. Annual Review of the Sufficiency of Early Years Provision (Cab.1.12.2021/7)

RESOLVED that Cabinet:-

1. Notes the outcomes of the annual review of the sufficiency of early years provision in the Borough; and
2. Endorses the actions to be taken to maintain resilience within the sector which supports the sustainability of provision as indicated in Section 5 of the report.

149. Corporate Performance Report Quarter 2 July - September 2021 (Cab.1.12.2021/8)

RESOLVED that Cabinet:-

1. Notes the contents of the Corporate Performance Report in relation to the delivery of the Corporate Plan priorities and outcomes; and
2. Agrees that the Performance Report is shared with the Overview and Scrutiny Committee to inform and support their ongoing work programme.

**150. Corporate Finance Performance Quarter Ending 30 September 2021
(Cab.1.12.2021/9)**

RESOLVED that Cabinet:-

CORPORATE FINANCE PERFORMANCE

1. Notes the forecast 21/22 General Fund financial pressure of £22.7 Million, mostly comprised of the ongoing impact of COVID-19;
2. Notes the overall improving net impact (after all specific Government funding) of £3.1Million;
3. Notes that this net impact will be funded from resources previously set aside within the 21/22 budget, effectively ensuring the delivery of a balanced budget this year;
4. Notes the current 21/22 forecast of a £0.4M overspend position on the Housing Revenue Account; and
5. Approves the write off of historic bad debts totalling £0.618M.

CAPITAL PROGRAMME PERFORMANCE

1. Notes the forecast position on the approved Capital Programme; and
2. Notes the ongoing review of the capital programme.

TREASURY MANAGEMENT

1. Notes the key messages from the Council's Quarter 2 Treasury Management activities.

151. The Cost-of-Living Crisis - Energy Prices for Council Tenants in Communal/Sheltered Accommodation (Cab.1.12.2021/10)

RESOLVED that Cabinet:-

1. Notes the contents of the report alongside the Household Support Grant report also submitted to Cabinet for consideration (Cab.1.12.2021/6);
2. Approves the proposed reduction in the price of energy charged to tenants by 3.1p per KW-H, [from 9.5p to 6.4p per KW-H] from 1 September 2021; and
3. Notes that the Council will review the pricing strategy in future years, given the current volatility in the energy market.

152. Town Centre Events Programme (Cab.1.12.2021/11)

RESOLVED that Cabinet approves:-

1. The long-term approach to events delivery;
2. That all stakeholders are invited to participate in delivery of the town centre events programme; and
3. That the financial recommendations highlighted in section 7 of the report be progressed.

153. Dearne Hall Road, Dearne Hall Lane and its side road junctions of Miller's View, Miller's Grove and Dearne Hall Park, Barugh Green, Barnsley - 'No Waiting At Any Time Restrictions' Objection Report (Cab.1.12.2021/12)

RESOLVED that the item be deferred.

154. Furlong Road, Prospect Road, Goldthorpe, Barnsley - 'No Waiting At Any Time Restrictions' Objection Report (Cab.1.12.2021/13)

RESOLVED that Cabinet:-

1. Agrees that the objections received be rejected for the reasons set out in the report and the objectors informed accordingly;
2. Approves the proposal to enact a Traffic Regulation Order (TRO) to introduce 'No Waiting at Any Time' restrictions on parts of Furlong Road and its junction with Prospect Road, as shown on Appendix 1 of the report submitted; and
3. Authorises the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council to make and implement the Traffic Regulation Order.

155. Manor Road/Barnsley Road junction, Cudworth, Barnsley - 'No Waiting At Any Time Restrictions' Objection Report (Cab.1.12.2021/14)

RESOLVED that Cabinet:-

1. Agrees that the objections received be rejected for the reasons set out in the report and the objectors informed accordingly;
2. Approves the proposal to enact a Traffic Regulation Order (TRO) to introduce 'No Waiting at Any Time' restrictions on the junction of Manor Road and Barnsley Road, Cudworth, as shown on Appendix 1 of the report submitted; and
3. Authorises the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council to make and implement the Traffic Regulation Order.

156. Warner Road, Barnsley - 'No Waiting At Any Time Restrictions' Objection Report (Cab.1.12.2021/15)

RESOLVED that Cabinet:-

4. Agrees that the objections received be rejected for the reasons set out in the report and the objectors informed accordingly;
5. Approves the proposal to enact a Traffic Regulation Order (TRO) to introduce 'No Waiting at Any Time' restrictions on parts of both sides of Warner Road and its junctions with Pennine Way, Hambleton Close, Cotswold Close, Mendip Close, Grampian Close and Malvern Close, as shown on Appendix 1 of the report submitted; and
6. Authorises the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council to make and implement the Traffic Regulation Order.

157. Exclusion of the Public and Press

RESOLVED that the public and press be excluded from the meeting during consideration of item number 158 (Community Asset Transfer) because of the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

158. Community Asset Transfer (Cab.1.12.2021/17)

RESOLVED that Cabinet approves:-

1. 'In principle' the community asset transfer of the Computer Centre building to Barnsley Youth Choir (BYC);
2. That the Service Director Regeneration and Culture, working with the Head of Property be delegated authority to finalise Heads of Terms for a 50-year lease to Barnsley Youth Choir Charitable Incorporated Organisation (CIO);
3. That the Service Director of Legal Services be delegated authority to complete the lease to Barnsley Youth Choir CIO, subject to the necessary fundraising planning consents being achieved;
4. That the Council agrees 'in principle' to provide up to £0.500m in grant funding to support the programme of capital works required to realize the planned development/refurbishment of the building by Barnsley Youth Choir – any release of grant to be conditional on the Council's Section 151 Office being satisfied with progress made by BYC in respect i) fundraising to support the totality of the proposed capital programme and ii) the ongoing viability/sustainability of their proposals;
5. That BMBC nominate the Service Director Regeneration and Culture to be the key point of liaison for the Choir throughout this project and hold regular review meetings throughout;

6. That, in the event of the Nave being completed, a nominated representative of BMBC would have observer status on BYC's Steering Group and / or Board of Trustees and convene regular review meetings of how the Asset Transfer is enabling the Choir to achieve its objectives for Barnsley.

.....
Chair

MEETING:	Cabinet
DATE:	Wednesday, 15 December 2021
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), Andrews BEM, T. Cave, Cheetham, Howard, Lamb and Platts

Members in Attendance: Councillors Cherryholme, Eastwood, Franklin, Frost, McCarthy and Tattersall

Members in Virtual Attendance: Councillor Gardiner

159. Declaration of pecuniary and non-pecuniary interests

Councillor Tattersall declared a non-pecuniary interest as Berneslai Homes Board Member in respect of Minute Numbers 168 and 170.

160. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 1 December 2021 had been called in.

161. Minutes of the previous meeting held on 1 December 2021 (Cab.15.12.2021/3)

The minutes of the meeting held on 1 December 2021 were taken as read and signed by the Chair as a correct record.

162. Decisions of Cabinet Spokespersons (Cab.15.12.2021/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 26 November 2021 were noted.

163. Action Taken under Paragraph B6 of the Responsibility for Executive Functions - Officer Delegations Contained in the Council Constitution (Cab.15.12.2021/5)

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

Winter Pressures: Recruitment and Retention

1. That Cabinet members support early adoption of National Living Wage increase and uplift in fees from 1st December to address recruitment and retention issues facing care providers during the coming winter period; and

2. Adult Social Care has been able to secure additional funds from South Yorkshire Integrated Care System to award contracted care providers an increase in current contracted fee rates from 1st December 2021 based on the increase to the National Living wage due to be implemented in April 2022.

164. Petitions received under Standing Order 44 (Cab.15.12.2021/6)

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

165. 6 monthly Analysis of Selective Voluntary Early Retirement and Voluntary Severance April 2021 to September 2021 (Cab.15.12.2021/7)

RESOLVED that the report be received in accordance with the required procedure.

166. Outcomes of the Joint Local Area Inspection of Services for Children and Young People with Special Educational Needs in Barnsley (Cab.15.12.2021/8)

RESOLVED that the outcomes of the Joint Local Area Inspection, together with the next steps, including the resulting action plan, be recommended for consideration the meeting of full Council on 3 February 2022.

167. Provisional Educational Outcomes 2021 (Cab.15.12.2021/9)

RESOLVED that Cabinet notes the provisional education outcomes in the Borough for 2021, together with the limitations of the data and the action to be taken to continually improve education outcomes.

168. Warm Homes and Sustainable Warmth Updates (Cab.15.12.2021/10)

RESOLVED that Cabinet:-

1. Notes the outputs from the Warm Homes team and the transfer of this function into the Strategic Housing, Sustainability and Climate Change Team;
2. Notes the position of the Affordable Warmth programme;
3. Accepts the Sustainable Warmth Funding allocation of £5.31M over the period of 2021- 2023;
4. Agrees to the funding conditions set by the Department for Business, Energy and Industrial Strategy (BEIS), as outlined in Section 4 of the report; and
5. Approves the recruitment of three temporary, fixed term Warm Homes Officers posts to support the delivery of the Sustainable Warmth Programme and wider warm homes agenda.

169. Town Centre Plan 2021 - 2026 (Cab.15.12.2021/11)

RESOLVED that Cabinet notes and supports the contents of the Town Centre Plan and Action Plan.

170. Staincross Planned Repairs Programme (Cab.15.12.2021/12)

RESOLVED that Cabinet:-

1. Approves the overall Timber Floor Replacement Programme and that the associated resources be drawn down on a phased basis;
2. Approves the commencement of an initial pilot scheme, as phase one of the Timber Floor Replacement Programme, specifically relating to two identified Council dwellings within Staincross, Mapplewell;
3. Approves that the release of the subsequent phases of the programme be at the discretion of the Section 151 Officer/ Executive Director Place, subsequent to gaining satisfactory cost estimates to support the delivery of the scheme within the identified resources; and
4. Authorises the appointment of Bernesai Homes Construction Services to undertake the works to all phases of the programme.

.....
Chair

This page is intentionally left blank

MEETING:	Cabinet
DATE:	Wednesday, 12 January 2022
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Andrews BEM, T. Cave, Cheetham, Gardiner, Howard, Lamb and Platts

Members in Attendance: Councillors Cherryholme, Eastwood, Franklin, McCarthy and Tattersall

Members in Virtual Attendance: Councillor Gardiner

171. Declaration of pecuniary and non-pecuniary interests

Councillor Tattersall declared a non-pecuniary interest as a Berneslai Homes Board Member in respect of Minute Numbers 176, 180 and 181.

172. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 15 December 2021 had been called in.

173. Minutes of the previous meeting held on 15 December 2021 (Cab.12.1.2022/3)

The minutes of the meeting held on 15 December 2021 were taken as read and signed by the Chair as a correct record.

174. Decisions of Cabinet Spokespersons (Cab.12.1.2022/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 10 December 2021 were noted.

175. Petitions received under Standing Order 44 (Cab.12.1.2022/5)

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

176. Housing Revenue Account - Draft 2022/23 Budget and Investment Proposals 2022-27 (Cab.12.1.2022/6)

RECOMMENDATION TO FULL COUNCIL ON 3 FEBRUARY 2022

RESOLVED that Cabinet:-

1. Notes the HRA Medium Term Financial Strategy (MTFS) as set out in Section 4 of the report;

2. Approves the Housing Revenue Account Draft Budget for 2022/23, as outlined in Section 5 of the report, including the proposed revenue investments and savings, as outlined in Section 6, with any final amendments being delegated to the Cabinet Spokesperson for Place and the Executive Director for Place in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);
3. Approves a rent increase of 4.1%, in line with the Government's rent setting policy;
4. Notes that there is no proposed change to non-dwelling rents, service charges and district heating charges for 2022/23;
5. Approves the 2022/23 Berneslai Homes Management Fee at paragraph 7.11 of the report, with any final amendments delegated to the Cabinet Spokesperson for Place and the Service Director, Regeneration & Culture in consultation with the Cabinet Spokesman for Core Services and the Service Director - Finance (S151);
6. Approves the 2022/23 Berneslai Homes Management Fee for both Gypsy & Traveller Sites and in respect of the European Social Fund (ESF) Grant, both of which are charged to the Authority's General Fund, detailed at paragraph 7.12 of the report;
7. Approves in principle, the proposed emerging capital priority schemes as detailed in Section 8 of the report, subject to individual reports as appropriate, in line with the Council's governance arrangements;
8. Approves the Core Housing Capital Investment programme for 2022/23 and that the indicative programme for 2023/24 through 2026/27, outlined in Section 8, be noted;
9. Notes that a further report will be submitted outlining the Council's energy efficiency and de-carbonisation plans for its housing stock; and
10. Recommends to full Council.

177. Calculation of Council Tax Base 2022/23 (Cab.12.1.2022/7)

RESOLVED that:-

1. The calculation of the Council's Tax Base for the year 2022/23 be approved;
2. The Council Tax Base for the year 2022/23 shall be 66,584,65. This figure has been calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012;
3. Calculated in accordance with the above regulations the Council Tax Base for the year 2022/23 in respect of each Parish being listed in the table below:

Parish Area	Band D equivalent chargeable properties	95% of Band D equivalent chargeable properties
Penistone	4,424.40	4,203.18
Billingley	97.70	92.82
Great Houghton	651.00	618.45
Little Houghton	182.50	173.38
Shafton	933.80	887.11
High Hoyland	70.80	67.26
Hunshelf	169.10	160.65
Langsett	109.40	103.93
Cawthorne	606.50	576.18
Dunford	254.60	241.87
Gunthwaite and Ingbirchworth	308.80	293.36
Thurgoland	807.30	766.94
Tankersley	729.60	693.12
Wortley	311.00	295.45
Oxspring	467.10	443.75
Silkstone	1,217.40	1,156.53
Stainborough	164.80	156.56
Barnsley and other Non-Parish areas	58,583.30	55,654.11
Total	70,089.10	66,584.65

178. 2022/23 Business Rates - Calculation of the Authority's Local Share (Cab.12.1.2022/8)

RESOLVED that Cabinet:-

1. Notes the process for estimating the retained Business Rate Local Share for 2022/23 and agree that the 'local share' for Barnsley will be £25.414M (excluding S31 Grants) in line with the Council's Medium-Term Financial Strategy (MTFS); and
2. Agrees that the final submission is approved by the Service Director Finance - S151 Officer, in consultation with the Cabinet Spokesperson for Core Services.

179. Youth Employment Programme to Apprenticeships - Pay Options (Cab.12.1.2022/9)

RECOMMENDATION TO FULL COUNCIL ON 3 FEBRUARY 2022

RESOLVED that Cabinet recommend to the meeting of full Council on 3 February 2022, that approval is given for those transitioning from Youth Employment Programme to an apprenticeship, do so on the same rate of pay, with cost implications decentralised to the relevant service.

180. BMBC Lettings Policy - Homelessness Banding (Cab.12.1.2022/10)

RECOMMENDATION TO FULL COUNCIL ON 3 FEBRUARY 2022

RESOLVED:-

1. The proposed change to banding for Full and Relief Homeless applicants be endorsed and progressed to Full Council for approval at the earliest opportunity; and
2. Berneslai Homes implement the policy change and for the Lettings Policy to be updated to reflect the banding change.

181. Berneslai Homes Strategic Plan 2021-2031 and Annual Business Plan 2022/23 (Cab.12.1.2022/11)

RESOLVED that:-

1. The revised Berneslai Homes 2021-31 Strategic Plan and Annual Business Plan for 2022/23 be approved;
2. The Head of Housing, Sustainability and Climate Change, in consultation with the Cabinet Spokesperson for PLACE, be authorised to approve any minor final amendments or additions to the Strategic Plan/Annual Business Plan and associated appendices as may be identified;
3. The Service Director Regeneration and Culture to sign off the final version of the refreshed Berneslai Homes 2021-31 Strategic Plan and the Annual Business plan as per the Services Agreement with Berneslai Homes; and
4. Once the Strategic Plan and Annual Business plan has received final approval and sign-off, the Strategic Plan Refresh should be published on the Berneslai Homes Website.

182. Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
183	Paragraph 3

183. Market Street, Goldthorpe - Housing Development (Cab.12.1.2022/13)

RESOLVED that Cabinet:-

1. Approves the direct delivery by the Council of nine residential properties. The homes will be Council owned HRA properties, managed by Berneslai Homes and let to applicants from the Council's Housing Register;
2. Approves demolition of the former market office building;
3. Approves the estimated scheme costs outlined at Appendices A and B of the report, which are proposed to be funded from a combination of Section 106 contributions and 1-4-1 Right to Buy capital receipts;
4. Approves a tender exercise to identify and appoint a building contractor, to deliver the construction works for the scheme; and
5. Accepts £0.225M Brownfield Funding from Sheffield City Region (subject to SCR Board approval in January 2022).

.....
Chair

This page is intentionally left blank

Item 34

SOUTH YORKSHIRE PENSIONS AUTHORITY

9 DECEMBER 2021

PRESENT: Councillor J Mounsey (Chair)
Councillor G Weatherall (Vice-Chair)
Councillors: F Belbin, S Clement-Jones, D Fisher, M Havard,
D Nevett, C Rosling-Josephs, A Sangar, M Stowe and N Wright

Trade Unions: N Doolan-Hamer (Unison) and D Patterson (UNITE)

Investment Advisors: A Devitt and L Robb

Officers: J Bailey (Head of Pensions Administration), G Graham (Director), G Kirk (Monitoring Officer), M McCarthy (Deputy Clerk), G Richards (Senior Democratic Services Officer), S Smith (Head of Investments) and G Taberner (Head of Finance and Corporate Services)

R Elwell and S Al-Nagar (Border to Coast Pensions Partnership Ltd)

Apologies for absence were received from Councillor S Cox and G Warwick

1 APOLOGIES

The Chair welcomed Cllr F Belbin to her first Authority meeting.

Apologies were noted as above.

2 ANNOUNCEMENTS

G Graham informed members that the Authority had won the Pensions for Purpose Impact Investing Adopter Award 2021. The award recognised the Authority's ambitions to achieve positive benefits with its investments as well as the leadership it had shown on key issues in this area.

Members were informed that, following the latest government announcement, a very small number of staff would be working in the office on essential tasks whilst the others would be working at home until further notice.

The next meeting of the Authority would be an in-person meeting in January unless the regulations changed.

3 URGENT ITEMS

The Director informed members that there was one urgent item which would be taken in the private part of the meeting.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS.

RESOLVED – That the urgent item, ‘Waiver of Contract Procedure Rules – Data Centre Connectivity’ would be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST.

None.

6 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

None.

7 MINUTES OF THE AUTHORITY MEETING HELD ON 9 SEPTEMBER 2021

RESOLVED – That the minutes of the meeting held on 9th September 2021 be agreed as a true record.

8 MEMBERSHIP OF THE AUTHORITY AND APPOINTMENT OF VICE-CHAIR

A report was considered which gave details of a change to the membership of the Authority and the appointment of the Vice-Chair following the resignation of Cllr Alan Law.

RESOLVED – That members:

- i) Note the change to the membership of the Authority.
- ii) Approve the appointment of Cllr Garry Weatherall as Vice-Chair of the Authority for the remainder on the Municipal Year.

9 PROGRAMME OF AUTHORITY MEETINGS 2022/23

A report was submitted that proposed a schedule of Authority meetings, including seminars, for 2022/23. It was noted that conferences and further training opportunities would be offered as they became available.

RESOLVED – That the proposed schedule of meetings at Appendix A is approved.

10 Q2 CORPORATE PERFORMANCE REPORT

G Taberner presented the Corporate Performance Report for Quarter 2 2021/22.

It was noted that key headlines were:

- Good progress on a range of corporate objectives.
- Fund value at a record high of £10.4bn and a funding level almost 115%.
- Operational budget forecast showed sufficient resources available for key projects in 2021/22.
- Underspends forecast against the budget – particularly staffing budgets due to 14% vacancy rate.
- Further increase in sickness absence levels compared to previous quarter.

Section 3 of the report provided information on the progress being made on delivering the various strategies which formed the corporate planning framework. A table provided updates in respect of developments during the quarter in delivering the programmes of work as well as updates in respect of activity that had taken place to deliver the ICT, HR and Equality strategies.

The report gave details of an increase in sickness absence for the quarter. The increase in long-term sickness absence was due to one continuing absence and three further absences during the quarter. Three of the four employees returned to work in quarter 2 on phased return and the fourth was due to return in quarter 3 therefore it was hoped that sickness absence would show a reduction at the end of quarter 3.

Members noted the quarter 2 financial performance and forecast outturn. The forecast underspend for the year was £195k at quarter 2; the majority of this related to employee costs. Detailed variances against budget for each of the service areas were contained within the report.

The Risk Register, was attached at Appendix A and had been reviewed in October resulting in the following changes:

- Removal of risk I3 – *Failure to implement effective arrangements for the oversight of investment management functions being undertaken by Border to Coast Pensions Partnership.*
- Reduction to risk I6 – *Contribution rates for employers are unaffordable due to business interruption.*
- Increase to risk P1 – *Failure to maintain a suitably qualified and experienced workforce which reflects the community which the Authority serves.*

Further details and commentary regarding the risks where scores had not changed was included in the risk register.

In answer to a question from Cllr Sangar regarding the creation of a dedicated project team to clear residual backlog cases, J Bailey explained that the previous project had some success but the subsequent attempt to deal with the backlog as business as usual had not worked.

The new project team would consist of four recently recruited Pensions Officers, with management oversight, and would not impact on business as usual. It was hoped the majority of the backlog would be cleared within 6 months.

With regard to sickness absence, members discussed the importance of support in the areas of mental health and wellbeing, especially during the extended period of at-home working. G Taberner gave details of the various means of support available.

RESOLVED – That the report be noted.

11 APPROVAL OF THE LEVY 2022/23

A report was submitted to gain approval for the Levy for 2022/23 under the Levying Bodies (General) Regulations 1992.

It was noted that the 2022/23 Levy had been calculated as £350,000, a reduction of £11,000 compared to the 2021/22 Levy.

The estimated apportionment of the 2022/21 Levy, based on the 2021/22 Council Tax Base shares was detailed within the report. It was noted that the actual apportionment would be re-calculated to reflect the approved 2022/23 Council Tax Base figures for each district as soon as the information was available.

RESOLVED – That Members approve a total Levy of £350,000 for 2022/23 in accordance with The Levying Bodies (General) Regulations 1992, to be allocated to the District Councils in proportion to their approved Council Tax base amounts for 2022/23.

12 ADVISORS COMMENTARY

A Devitt provided a market commentary on recent events.

Highlights included:

- Low interest rates and high inflation had combined to create expectations that the Bank of England would increase interest rates at their November meeting. Sterling fell as UK interest rates were maintained at 0.1%
- Supply chain issues and labour shortages continued to plague manufacturing and high energy prices remained a strain on input costs.
- As Covid's impact continued to muddy the post-Brexit economy, an ongoing fishing row and labour shortages were reminders of the complex implications of Brexit which was still "work in progress".
- The regulatory influence in China had continued to affect Chinese stocks.
- COP26 had attracted a huge amount of media attention as had the countries who had not attended (China, India and Russia) which served as a reminder of the inherent conflict in many of the conference's goals – especially with developing economies still committed to coal-fired production.

A Devitt commented that last quarter a climate of VULCA (volatility, uncertainty, complexity and ambiguity) was forecast. The conflict at the centre of COP26 illustrated why this complexity and nuance was important to understand. Inequality and the disparity of progress between developed and developing countries was at the heart of the conflict and had been seen to arrest the recovery from Covid as well as the race to address climate change. Bridging that gap would be essential in the year ahead. Other things to watch in the coming months were the supply chain, corporate earnings and next steps and the road from Glasgow.

The Chair thanked A Devitt for an informative and comprehensive update.

13 INVESTMENT PERFORMANCE - QUARTERLY REPORT TO 30 SEPTEMBER 2021

S Smith presented the quarterly Investment Performance report to 30th September 2021.

It was noted that the value of the Fund at the end of September 2021 was £10.4bn. At the end of November this had risen to £10.65bn compared to £9.84bn at the end of March 2021.

With regard to asset allocation, changes had been minimal compared to previous quarters.

As equity markets continued to improve the opportunity was taken to take profit. £15.5m was raised from legacy holdings and these proceeds were used to fund the drawdowns into the alternative funds.

£25m of legacy index-linked gilts was sold to maintain a neutral weighting to the category and £89m was invested into the alternative funds with £79m of this invested to infrastructure funds.

The current Fund allocation was detailed in the report and was shown against the strategic target.

It was noted that two categories were outside their tactical ranges, private equity and infrastructure.

There had been significant uplift in valuations from private equity holdings which led to being over the higher allocation. It was expected that some realisations would be completed over the next two quarters which would bring the allocation down.

As reported last quarter, the change in benchmark weighting for infrastructure funds had meant that the Fund was below the lower limit for this asset class. There had been significant drawdowns during the last quarter and further anticipated drawdowns should rectify the position during the financial year.

Members noted that for the quarter to the end of September, the Fund returned 2.3% against the expected benchmark return of 1.1% and for the year to date the Fund had now returned 6.4% against an expected return of 5.5%.

S Smith gave an update on the performance of Border to Coast funds. Charts within the report showed quarterly returns and also the longer-term position of each of the funds. It was noted that four of the five funds had outperformed their benchmark and matched the target return.

RESOLVED – That the report be noted.

14 RESPONSIBLE INVESTMENT UPDATE

Members considered the Responsible Investment update for Quarter 2.

Highlights over the quarter included:

- The casting of more than 1,000 votes at 89 different company meetings.
- A continued high level of engagement activity with more emphasis on climate issues and a continuing focus on social issues.
- The closing out of some of Robeco's engagement themes in line with their plan with some successes noted.
- Equity portfolios continued to demonstrate strong ESG performance relative to benchmark.
- The availability of new metrics for the commercial property portfolio.

- Some improvement in the forecast progress towards Net Zero of the equity portfolios following Border to Coast's commitment to Net Zero. It was noted that this was not sufficient to hit 2030.
- A continuing high level of collaborative and policy development activity.

With regard to the progress towards Net Zero, Cllr Sangar asked about the availability of data to support this.

There was a detailed discussion about the availability and accuracy of data and the progress of both SYPA and Border to Coast to obtaining the necessary data to make informed decisions.

R Elwell commented that this was a challenge for the entire industry and significant strides would need to be made in the next two years to ensure a consistent approach for the provision of data.

G Graham commented that SYPA may need to reconsider its Strategic Asset Allocation in the context of achieving Net Zero whilst ensuring returns were sufficient to pay pensions that were due.

Members also discussed the government's intention to legislate in relation to the taking of "foreign policy stances" in the context of LGPS investment. It was felt that this would be a difficult area and further advice and clarification would be needed from the Scheme Advisory Board and LAPFF.

RESOLVED – That Members note the activity undertaken during the quarter.

15 ANNUAL REVIEW OF BORDER TO COASTS RESPONSIBLE INVESTMENT POLICIES

A report was submitted to secure the Authority's endorsement for the various Border to Coast Responsible Investment policies following their annual review.

Members were reminded that Border to Coast conducts a review of its Responsible Investment Policy and Voting Guidelines so that they can be updated before the following voting season. In addition the Company had also developed, for the first time, a stand-alone Climate Change Policy. The three documents were attached as appendices to the report.

It was noted that the Responsible Investment Policy had been updated to reflect the creation of the separate Climate Change Policy and included two specific exclusions from the investment universe. These exclusions were pure coal and tar sands companies and were very common exclusions across the industry and would not result in any specific sales of stocks in the current equity portfolios. In all other aspects the substance of the policy remained the same but the policy did make clearer the process to be followed where a process of engagement had not achieved its aims. The policy also identified, following discussions with Partner Funds, the focus areas for engagement over the next three years which were detailed within the report.

The main changes to the Voting Guidelines were set out in the report and would all support the Authority's general position and reflect an ongoing raising of expectations with clear consequences in terms of the way in which votes were cast.

The Climate Change Policy was an entirely new document and had been developed through a process which had examined wider international best practice and was utilising similar tools to those adopted by SYPA such as the IIGCC framework in order to create an action plan as measure progress. The key statement within the policy was a commitment to Net Zero by 2050 or sooner.

With regard to responsible investment training, including climate change and maintaining and increasing knowledge and understanding of climate changes risks, Members requested that this was added to their training programme for the following year.

RESOLVED – That Members:

- i) Endorse the Border to Coast Responsible Investment Policy, the Corporate Governance and Voting Guidelines Policy and the Climate Change Policy, attached at Appendices A-C.
- ii) Welcome Border to Coast's adoption of a Climate Change policy and its adoption of a Net Zero commitment.
- iii) Request that climate change training be added to the training programme.

16 GUARANTEED MINIMUM PENSION RECONCILIATION AND RECTIFICATION

J Bailey presented a report which sought to secure approval for policies to be followed in implementing the rectification of Guaranteed Minimum Pensions (GMPs) in payment following completion of the reconciliation exercise.

Members were reminded of the background to the requirement for individuals to receive a GMP and the necessity to reconcile records held by HMRC with those held by pension funds to ensure that individuals were receiving the correct GMP benefit and then address anomalies.

SYPA had commissioned ITM to undertake this work and they had now reached a stage where they were in a position to make amendments to both benefits in payment and the benefit entitlements of members who had yet to retire.

The proposed policies were set out within the report and reflected practice adopted by other administering authorities and supported by the LGA.

To ensure appropriate transparency, once ITM had completed the work of implementing the rectification exercise, the Authority would be asked to approve the write-off of the amounts not to be recovered from scheme members who had previously been overpaid as a single block amount.

The intention was to complete the rectification exercise by July 2022.

RESOLVED – That Members:

- i) Note the position that had been reached in the GMP reconciliation exercise as set out in the report.

- ii) Approve the implementation of the policies outlined in paragraph 5.5 in relation to the rectification of GMPS already in payment.

17 PROCUREMENT OF ACTUARIAL SERVICES

A report was submitted which formally reported on the conclusion of the procurement process for actuarial services.

Members were reminded that at its meeting on 30th September 2020 the Authority agreed to undertake a procurement process for actuarial services using the new national framework agreement covering those services. The procurement was driven by a desire to seek opportunities to improve the service provided to employers through making greater use of technology and a need to better control costs both to the Fund and, for some pieces of work, the employers.

An invitation to further competition was issued to the four qualifying actuarial firms in September 2021 with three bids being received by 11th October. The bids were evaluated and interviews held with the three bidding firms before a decision was made.

The successful provider was Hymans Robertson LLP who had been appointed for an initial period of five years (with an option to extend this period).

The procurement process had now concluded and the process of transition from the incumbent to the new provider had begun. The process had reinforced the understanding that the market had moved on in terms of the nature of service provision and the cost of the service. The delivery of benefits would be based on the improvements in technology and in increased levels of self-servicing.

RESOLVED –Members note the outcome of the procurement process for actuarial services.

18 RECOMMENDATIONS FROM THE AUDIT COMMITTEE

A report was submitted to enable the Authority to consider recommendations made by the Audit Committee.

Members were informed that at its last meeting in October the Audit Committee considered two items on which it made recommendations to the Authority.

The first item was the process for procuring future external audit services, details which were set out at Appendix A to the report. The Audit Committee recommended that the Authority agree to participate in the national arrangements provided through Public Sector Appointments Ltd.

The second item was the annual report of Deloitte LLP, the Authority's external auditor (at Appendix B to the report). While there was no requirements for this to be considered by the Authority, it was considered good practice in terms of transparency and the wider governance responsibilities of all members.

RESOLVED – That members:

- i) Accept the recommendation of the Audit Committee that the Authority participate in the national audit procurement arrangements for the next procurement cycle as set out in Appendix A.
- ii) Receive the Annual Report of the External Auditor as set out in Appendix B and consider the comments of the Audit Committee set out in the body of the report.

Exclusion of the Public and Press

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

19 WAIVER OF CONTRACT PROCEDURE RULES - DATA CENTRE CONNECTIVITY

A report was submitted to seek approval for a waiver of Contract Procedure Rules in order to address the urgent need to provide internet connectivity to Oakwell House as a result of the failure of the previous contractor to deliver.

RESOLVED – That members:

- i) Authorise the Director to take action to extricate the Authority's current contractual arrangements due to failure to deliver.
- ii) Approve waiver of Contract Procedure Rules to allow the direct award of the Authority's contract for data centre connectivity to the company named within the report, should the ending of the arrangement with the current provider be possible and cost effective.

CHAIR

This page is intentionally left blank

Item 35

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

22 NOVEMBER 2021

PRESENT: Councillor T Damms (Chair)
Councillor C Hogarth (Vice-Chair)
Councillors: S Sansome, P Garbutt, B Johnson, S Ball,
J Paszek, D Hutchinson, S Ayris, R Frost, C Ross and
Dr A Billings

CFO A Johnson, DCFO C Kirby, ACO T Carlin, S Booth and
S Kelsey
(South Yorkshire Fire & Rescue Service)

M McCarthy, G Kirk, S Loach, L Noble and M Bray
(Barnsley MBC)

Apologies for absence were received from Councillor T Smith,
N Copley, M Potter, S Norman and M Buttery

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That the following agenda items be considered in the absence of the public and press:-

Agenda item 19 entitled 'Workforce Investment and Efficiencies Plan December 2021 – March 2023'.

Agenda item 20 entitled 'Contingency Crewing Contract Update'.

Agenda item 21 'Sargeant Immediate Detriment'.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

DCFO Kirby declared a personal interest in relation to agenda item 21 entitled 'Sargeant Immediate Detriment', as he was a member of the Firefighters' Pension Schemes.

6 REPORTS BY MEMBERS

In response to a question received by Councillor Sansome, L Noble confirmed that the community safety boxes for the four local authorities had been delayed, but were anticipated for delivery within the next two weeks.

Councillor Ross expressed his thanks to J Patrick, Strategic Intelligence Manager at SYFR, for the Power-bi link which had been embedded in a recent report to the Performance and Scrutiny Board. He requested that the Power-bi link be provided to all Members, and he urged Members to interrogate the system via the link.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC, OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT AND AS MAY BE DEEMED EXPEDIENT

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 11 OCTOBER 2021

Councillor Ayris queried how often the updates of the actions arising from the Authority meetings were added to the website via the link provided at the end of the Authority minutes.

Members noted that the link included at the end of the Authority minutes provided historical updates of the actions arising at the meetings. Since October 2020, an Actions Table had been included at the end of the Authority minutes which provided updates on the matters arising from the meetings. Given the papers are available publicly, this should remove the need to publish the action updates separately elsewhere on the website.

RESOLVED – That the minutes of the Authority meeting held on 11 October 2021 be signed by the Chair as a correct record.

10 COVID-19 UPDATE

Members were provided with an update on SYFR's response and recovery to the COVID-19 pandemic.

The Service's functions had now returned to 'business as usual'. The Service's Health and Safety Committee had considered whether the prevention, protection and control measures remained appropriate. Due to the persistently high COVID-19 case numbers within South Yorkshire, it had been agreed to maintain the current control measures which included the requirement for staff to continue to wear face masks within the workplace. The matter had been discussed at length

with the representative bodies, who were in agreement with this course of action. The situation would continue to be reviewed.

The Service continued to monitor the COVID-19 sickness absence levels within the organisation, which remained low. Staff continued to be requested to report when they had received a COVID-19 vaccination, although the Service could not make the vaccinations mandatory.

The Service remained actively involved in the Local Resilience Forum which dealt with the response and recovery measures to the pandemic, and met on a weekly basis.

A number of flu vaccinations had been purchased by the Service, to be offered to those members of staff that were not eligible for a free vaccination.

RESOLVED – That Members noted the update.

11 FINANCIAL PERFORMANCE REPORT QUARTER 2 2021/22

A report of the Chief Fire Officer/Chief Executive and Clerk and Treasurer was presented as the second in a series of reports that Members would receive throughout the financial year, to inform them as to the likely financial performance for the year ended 31 March 2022.

The report detailed the estimated revenue outturn position in comparison to the annual budget that had been set on 22 February 2021, it also provided an updated reserves position statement together with an update on the Capital Programme.

The approved operating budget for 2021/22 totalled £55.400m, and funding totalled £55.872m which resulted in a planned contribution to reserves of £0.472m. The Authority projected a net operating spend of £54.999m, with funding of £55.872m resulting in an overall forecast operating underspend of £0.873m or 1.5% of the budget.

The approved Capital Programme for 2021/22 totalled £7.704m, and the programme had been adjusted to £9.487m following approval of the 2020/21 Outturn Report on 21 June 2021.

Councillor Hogarth referred to the percentage increases in relation to rents which had a variation of £12,500 (40% above what had been budgeted for) and transport expenses of £8,220 (15% above what had been budgeted for). He requested further information in relation to the total for supplies and services.

In relation to the percentage increase for rents, it was noted that Age UK rented a floor within SYFR HQ which had primary rental values. The Service had anticipated a reduction in diesel cost, repairs and maintenance, and additional amounts had been factored in for the Service's ageing vehicle fleet. The underspend for the total amount for transport was mainly attributable to a reduction in fuel consumption. The Service purchased fuel through the Yorkshire Purchasing Organisation framework, which had been supplemented where required through

fuel cards for potential shortages. DCFO Kirby chaired the Service's Recovery Group which focused on collating and realising those benefits.

S Booth would provide Members with a written update in relation to the total for supplies and services.

Councillor Ayris referred to the overachievement of income, which related to the additional grant funding for Protection and New Burdens. He queried what this specifically related to and whether it had been anticipated by the Service.

S Booth would provide Members with a written update in relation to the overachievement of income.

In response to a question received by Dr Billings in relation to the £0.286m underspend for premises, S Booth referred to the professional ratings company that the Service had deployed to ensure matters were in line with expectations across the estate. The £0.286m was a permanent reduction, subject to the company undertaking a further review. The reduction had been taken into account in the Medium Term Financial Plan.

Councillor Sansome queried the Service's long term strategy in relation to electric vehicles.

Members noted that S Gilding, Head of Joint Vehicle Fleet Management, had proposed to introduce a new vehicle fleet strategy in the New Year, which would include the green plan for the Service. Members were referred to the new 'E1 EV0' fire engine that had been developed by Emergency One, which was the world's first all-electric pumping appliance that was being trialled in Glasgow, and a solar powered fire engine that was currently being trialled at Gloucestershire Fire and Rescue Service. The Service was ascertaining whether a passive charging infrastructure could be put in place. At present, charging points were available at SYFR HQ, Rivelin and Barnsley Fire Stations.

Members were referred to a recent Local Resilience Forum meeting which had discussed the scenario of a potential national power outage, as agencies moved to electric vehicles. A sustained power outage over 2 - 3 days would pose a significant issue and risk to the fire and rescue services. The matter would be kept under review by the Service's Strategic Fleet Board.

Councillor Ball referred to the technology that was continually developing in relation to electric vehicles and solar power at fire stations. Councillor Damms said he valued Councillor Ball's knowledge in this area and requested that he continue to provide updates and any support for the Service that they may find helpful.

RESOLVED – That Members noted:-

- i) The emerging underlying estimated revenue performance which was showing a potential operating underspend of £0.873m for the financial year ended 31 March 2022.

- ii) The underlying and significant financial risks and uncertainties facing the Service and Sector during the remainder of the financial year and into 2022/2023 and beyond.
- iii) The latest estimated change in General and Earmarked Reserves as set out in Section C of the report.
- iv) The current position of the Capital Programme for the financial year ending 2021/22, which was in line with expectations.

12 MEDIUM TERM FINANCIAL PLAN 2022 - 2025

A report of the Clerk and Treasurer was submitted which intended to provide an early insight and understanding as to the likely financial performance and position of the Service. The report was presented ahead of the Government's Spending Review and Settlement (December 2021) and the proposed Annual Revenue Budget and Council Tax Setting report that was due to be presented for consideration at the Authority meeting scheduled on 21 February 2022.

Members would be provided with a more detailed briefing, and scenario planning, at the Corporate Advisory Group meeting that was scheduled to be held in January 2022 (no date fixed as yet).

In response to a comment received by Councillor Ross regarding the need for the Service to have sufficient resources available to deal with major incidents in times of exceptional demand, DCFO Kirby referred to the national and regional resilience measures that were in place. The Service could also share its resources with other fire and rescue services to provide support in dealing with major incidents.

From 1 November 2021, Tankersley Fire Station as the final fire station to operate the CPC duty system, had reverted back to the 2-2-4 duty system which had enabled the Service's establishment figure to increase to 608. As at 31 December 2021, it was predicted that the Service's total establishment figure would be 559. As at 31 March 2022, a total establishment figure of 603 was predicted, dependent upon the transfers into the Service.

Councillor Frost supported the prudence of the Medium Term Financial Plan. He highlighted the potential struggles of individuals to pay the increase in council tax, following the £20 deduction in Universal Credit. He queried the duration of the temporary Youth Worker officer within the Service.

Members noted the National Fire Chiefs' Council's robust submission that had been made to the Treasury in respect of funding for the Fire and Rescue Service. The temporary Youth Worker officer position would be on a fixed term basis for 18 months - 2 years, and would help to support the Service's work with young people within the local communities in the prevention of secondary fires, injuries and fatalities. As soon as an individual had commenced in the role, an evaluation would be undertaken to determine the effectiveness of the post for both the Service and the support provided to young people. The Service also offered targeted and early intervention programmes through the Prince's Trust. Members were welcome to attend future passing out parades.

RESOLVED – That Members:-

- i) Accepted the updated MTFP for the financial years 2022/23 to 2024/25; noting the contents of the report, and in particular the likely implications of the different funding scenarios for the operational service and future financial position.
- ii) Endorsed the proposed approach for managing reserves as set out in Section C to the Report; in particular, the proposal to increase the Post Covid-19 by any in year (2021/22) operating underspend, and to note the likely use of those useable earmarked reserves over the term of the Plan.
- iii) Noted the up to date approved capital investment programme spending and financing projections 2022/23 to 2024/25 (Section D).
- iv) Agreed to consider new, additional capital investment schemes for approval into the current capital programme as part of the 2022/23 Budget and Council Tax Setting Report (Section D).
- v) Noted the known financial risks, uncertainties and events that would need careful consideration and management in the run up to and when setting the 2022/23 Budget and Council Tax (Section E) and beyond this date.

13 SYFRS PEOPLE STRATEGY - YEAR THREE EVALUATION

A report of the Chief Fire Officer and Chief Executive was submitted which provided a three year evaluation of the SYFRS People Strategy 2018 - 2022, which had been approved at the Authority meeting held in June 2018.

There were six inter-related strategic aims within the SYFRS People Strategy to support the delivery of the organisational strategic priorities and to further embed the Service's new cultural values and behaviours that were set out in 'Our Story'.

Councillor Ross referred to the recent Performance and Scrutiny Board meeting where the new National Core Code of Ethics for Fire and Rescue Services had been discussed. At the Board meeting, it had been suggested that the Code of Ethics should also include the Authority Members. He highlighted the importance of the principles within the Code of Ethics to be embedded throughout the Service.

In response to a number of questions received by Dr Billings in relation to the 1271% increase in on-call recruitment compared with previous years and the effectiveness of e-learning, S Kelsey referred to the relatively low numbers for on-call recruitment within the Service. A target had been set for the recruitment of 12 individuals into the Service twice per year, which so far had been achieved. E-learning was one element of the training techniques utilised by the Service, and a more formal evaluation would be undertaken.

RESOLVED – That Members noted the contents of the report for information only as the People Strategy 2018 – 2022 remained relevant and appropriate.

14 WORKFORCE DEVELOPMENT STRATEGY UPDATE

A report of the Chief Fire Officer/Chief Executive was presented which provided an update on the Workforce Development Strategy for the Service. A review had been undertaken of the current strategy, and the new approach would detail the strategy across all areas of the organisation whilst taking into account the current considerations and training requirements resulting from changes to delivery approaches, improved development programmes and pathways for all staff.

Members noted the timeline for implementation of the new strategy document and associated policies, which were highlighted within the report.

RESOLVED – That Members considered the content of the report and proposed timescales for the revised strategy delivery.

15 LOCAL PENSION BOARD - PROPOSAL TO EXTEND TENURE FOR INDEPENDENT MEMBERS

A report of the Clerk to the Fire and Rescue Authority was submitted for Members to consider the proposal to extend the tenure of the two Independent Members of the Local Pension Board.

On 1 April 2015, the Authority, as Scheme Manager, had established the Local Pension Board to oversee the Firefighters' Pension Schemes. The two Independent Members had sat on the Board since its inception, and they were happy to continue in the role.

Councillor Frost was a member of the Board, as the Scheme Manager representative. He considered that the two Independent Members provided an excellent role on the Board with a wealth of knowledge in a particularly technical area. He wished to place on record his support for the recommendation to extend their tenure.

RESOLVED – That Members agreed to:-

- i) Extend the tenure of the two Independent Members of the Local Pension Board (one of whom was Chair) for a further three years.
- ii) Review the situation with the existing members in November 2024, and provide a report to the Authority.

16 UPDATE OF THE LOCAL PENSION BOARD KEY ISSUES AND DRAFT MINUTES OF THE MEETING HELD ON 7 OCTOBER 2021

RESOLVED – That Members noted the update of the Local Pension Board key issues and draft minutes of the meeting held on 7 October 2021.

17 DRAFT MINUTES OF THE APPEALS AND STANDARDS COMMITTEE HELD ON 7 OCTOBER 2021

RESOLVED – That Members noted the draft minutes of the Appeals and Standards Committee held on 7 October 2021.

18 DRAFT MINUTES OF THE YORKSHIRE AND HUMBER EMPLOYERS' ASSOCIATION HELD ON 21 SEPTEMBER 2021

RESOLVED – That Members noted the draft Minutes of the Yorkshire and Humber Employers' Association held on 21 September 2021.

19 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

20 WORKFORCE INVESTMENT AND EFFICIENCIES PLAN DECEMBER 2021 - MARCH 2023

A report of the Chief Fire Officer/Chief Executive was presented which provided Members with an update on the workforce investment and efficiencies plan for December 2021 – March 2023.

RESOLVED – That Members approved the recommendation outlined within the report.

21 CONTINGENCY CREWING CONTRACT UPDATE

A report of the Chief Fire Officer and Chief Executive was presented which provided an update on the Home Office expectations of Fire and Rescue Services and the current arrangements regarding the business continuity plans for Industrial Action.

RESOLVED – That Members agreed to the recommendation outlined within the report.

22 SARGEANT IMMEDIATE DETRIMENT

A report of the Clerk to the Fire and Rescue Authority was submitted to provide Members with an update following the 2018 Court of Appeal judgement in Sargeant. An interim order had been made by the Employment Tribunal on 18 December 2019, which had provided that members who had brought claims (claimants) were entitled to be treated as if they had remained in the Firefighters' Pension Scheme 1992 (with further specific requirements).

RESOLVED – That Members agreed to adopt the approach specified at Option 1 of the recommendations within the report.

Actions Table

No.	Action	Timescale	Officer(s)	Status/ Update
1	To provide Members with the Power-Bi link.	ASAP	L Noble	<u>Update 29-11-21</u> Power-Bi link provided by e-mail to all Members. ACTION DISCHARGED
2	To provide Members with a written update in relation to the total for supplies and services.	Before the next Authority meeting on 10.01.22	S Booth	<u>Update 17-12-21</u> Please see the information sheets attached to the minutes. ACTION DISCHARGED
3	To provide Members with a written update in relation to the overachievement of income.	Before the next Authority meeting on 10.01.22	S Booth	<u>Update 17-12-21</u> Please see the information sheets attached to the minutes. ACTION DISCHARGED

CHAIR

Please follow the link below for further information on the updates of the actions arising from the Fire and Rescue Authority meetings:-

<https://meetings.southyorks.gov.uk/ecSDDisplayClassic.aspx?NAME=SD1250&ID=1250&RPID=402996&sch=doc&cat=13039&path=13039&zTS=D>

Updates in relation to Actions 2 and 3 on the Actions Table

At the meeting in November, a number of detailed variance analysis questions were asked by Members where a written response was expected with regard to Supplies and Services and Income.

Supplies & Services

BUDGET	CURRENT BUDGET	PROJECTED OUTTURN 2021/22	VARIATION
Equipment, Furniture & Materials	985,299	828,599	(156,700)
Clothing, Uniform and Laundry	227,066	225,166	(1,900)
Office Expenses	91,258	61,751	(29,507)
Services	757,480	749,440	(8,040)
ICT & Network Expenses	1,999,625	1,942,724	(56,901)
Other Miscellaneous	46,460	54,680	8,220
Stronger Safer Community Fund	337,176	315,975	(21,201)
	0	590,368	590,368
TOTAL SUPPLIES & SERVICES	4,444,364	4,768,703	324,339

The above table is a snapshot from Appendix A of the Quarter 2 Financial Performance Report relating to Supplies & Services. For each of the categories further details of the main under or over spends are provided:

- **Equipment, Furniture & Materials**
 - Hydrants – there is an underspend of £50,000 due to most of the repairs this financial year having related to major repairs the cost of which is met by Yorkshire Water. SYFR only cover the cost of minor repairs.
 - Furniture & Fittings – there is a potential underspend of £53,500 in this area, however some of this will offset the overspend of £24,000 of one-off equipment replacements necessary by Technical Services due to unexpected wear and tear ahead of the planned replacement.
 - Deaf Smoke Alarms and Heat Alarms – there is an underspend of £70,000 due to less home visits than expected as a consequence of the ongoing pandemic.

- **Clothing, Uniform and Laundry**
 - The slight underspend in this area is a result of the service being in a period of transition whereby the managed service Bristol Uniform Contract ended and the start of the new separate Laundry Contract (with Elis), aligned to the introduction of the new Structural firefighters kit.

- Office Expenses
 - Office Expenses such as photocopier charges, printing and stationary and office equipment are again low this year as a result of the continued pandemic, with a potential forecast underspend of £29,507. With hybrid agile working likely to become the new working norm, it is expected that this budget will be reviewed for 2022/23.
- Services
 - There is an underspend on the Property Services collaboration costs of £70,000 as a result of the de-coupling with SYP and the current ongoing restructure of the team. This has been reported as part of the Workforce Investment and Efficiencies Plan recently approved by the FRA. These efficiencies will be released as a budget saving in 2022/23.
 - There is an overspend on the joint Fleet collaboration costs of £39,500, however this is offset by underspends on support staff salaries, where the budget for some staff was originally set.
 - Property Services, aligned to the decoupling of the estate with SYP, decided to undertake full condition and fire risk assessment to help baseline future capital investment plans. Normally this would be done annually over a 5 year period. This is likely to result in a £20,000 overspend on professional services.
- ICT & Network
 - The carry forward budget for telephony upgrades to support agile working is fully committed. However, the annual budget allocation has a potential underspend of £78,000, some of which is due to the Service moving to Virtual Server technology. This budget will be reviewed as part of setting the 2022/23 budget.
 - Radio Airwave expenditure has a potential underspend of £30,385 and will be reviewed for 22/23 subject to knowing the final annual cost from Government.
 - IT hardware and software is forecast to have a net overspend of £83,000 mainly due to the service fast tracking the move towards agile working alongside the introduction of virtual service technologies that have helped partially offset this cost pressure.
 - The Financial Systems upgrade has a potential underspend of £28,000 due to a delay in implementation as a result of staff capacity and timing of the elements involved. A request to carry forward this amount will be made at the financial year end.
- Expenses
 - There is a slight overspend on expenditure on food at fires, however this will be offset at quarter 3 by the adjustment of the Fire Safety Volunteers forecast as a result of the continued pandemic.
- Other Miscellaneous
 - Expenditure in this area relates to grants, subsistence, hospitality, and subscriptions. The potential underspend of £21,201 relates to budgets that have been released, as in-year savings, as a result of the pandemic.

- Stronger Safer Community Fund
 - The forecast spend of £590,368 is not budgeted for as this spend is completely offset by a draw down from the SSCR reserve each year. The effect on the service's operating budget is net nil.

Income

BUDGET	CURRENT BUDGET	PROJECTED OUTTURN 2021/22	VARIATION
Government Grants	(253,560)	(443,672)	(190,112)
Customer & Client Receipts	(705,132)	(685,103)	20,029
Interest Receivable	(50,000)	(20,000)	30,000
TOTAL INCOME	(1,008,692)	(1,148,775)	(140,083)

As with Supplies & Services, the above table shows the snapshot relating to income. Below are the main factors for the over achievement of income currently being reported:

- Government Grants
 - The grants reported in this area are Firelink (National Resilience), New Burdens (Radio Comms), Protection and ESMCP (Emergency Services Network). Currently the Firelink grant is £33,346 above the amount expected when the budget was set and an additional £156,242 has been received in relation to the Protection grant funding to support Business Fire Safety.
- Customer & Client Receipts
 - Income relates fees and charges, other non-government grant income, sales and income from rents. There is an underachievement of £27,320 in relation to the historical budgeted amount, which will not be achieved as a result of the pandemic. This will be reviewed for 22/23.
- Interest Receivable
 - There is a potential £30,000 underachievement from income relating to investments due to the level of funding available and low interest rates.

Item 36

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

10 JANUARY 2022

PRESENT: Councillor T Damms (Chair)

Councillors: S Sansome, T Smith, B Johnson, S Ball, J Paszek, S Ayris and C Ross

CFO A Johnson, DCFO C Kirby, ACO T Carlin, S Slater, C Toovey and AM Strelczenie
(South Yorkshire Fire & Rescue Service)

M McCarthy, G Kirk, S Loach, M Bray and L Noble
(Barnsley MBC)

In attendance remotely: Dr A Billings (OPCC) and M Buttery (Office of the South Yorkshire Police and Crime Commissioner)

Apologies for absence were received from Councillor C Hogarth, Councillor P Garbutt, Councillor D Hutchinson, Councillor R Frost, N Copley, M Potter and S Norman

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That agenda item 19 entitled ‘Sargeant Immediate Detriment’ be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 REPORTS BY MEMBERS

None.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC, OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT AND AS MAY BE DEEMED EXPEDIENT

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 22 NOVEMBER 2021

RESOLVED – That the minutes of the Authority meeting held on 22 November 2021 be signed by the Chair as a correct record.

10 COVID-19 UPDATE

Members were provided with an update on SYFR's response and recovery to the COVID-19 pandemic.

From the outset of the pandemic the Service had continued to monitor the impact it had on staff absence, which had remained relatively low throughout 2021. Members noted the good management practices that were in place across the Service, which were internally audited, in relation to the compliance arrangements for infection, prevention and control measures across the workplaces.

Following the emergence of Omicron, the new strain of COVID-19, the Service had experienced an increase in staff absence during December 2021, which had reached a peak of 71 individuals towards the end of December 2021, 42 of which had been COVID-19 related. Dedicated staffing officers had monitored the position to ensure that fire appliances were made available at wholetime fire stations, with the flexibility of firefighters to move around the different fire stations. A comfortable level of staffing had now resumed. As at 10 January 2021, the total of 71 staff absences had reduced to 46, and the 42 COVID-19 related staff absences had reduced to 24. The Service continued to report its staff absence figures twice weekly to the National Fire Chiefs' Council (NFCC). In the event that staff absences reached a trigger level of 30%, the fire and rescue services could request additional support or resilience from other fire and rescue services. To date, there had been no requirement for the Service to request additional support or resilience from other fire and rescue services.

A recruitment process would be undertaken into March 2022, with a view to recruiting 37 new firefighters (two new trainee courses consisting of 18 firefighters, with one firefighter transferring in from the on-call establishment into wholetime). A total of 6 retirees were anticipated between now and March 2022.

Following the Government's introduction of Plan B to work from home wherever possible, the Service had observed a reduction in the number of corporate and support staff working from SYFR Headquarters, the Lifewise Centre and the SYFR Training and Development Centre. The infection, prevention and control measures had been reiterated to those members of staff that had to come into the workplace, with the emphasis to continue to wear face masks specifically when it was not possible to maintain a safe social distance i.e. whilst travelling in the same vehicle including fire appliances. The matter would be kept under review.

Since the major incident had been declared at the outset of the pandemic, the Service had remained an active member of the Local Resilience Forum (LRF). On 31 December 2021 a major incident had been re-declared due to the concern of the Omicron strain of COVID-19. The LRF would continue to meet on a regular basis as a strategic co-ordinating group.

A number of the Service's staff were now trained to offer the COVID-19 vaccinations, and they had volunteered to provide assistance to numerous vaccination centres across South Yorkshire. To date, staff had volunteered approximately 150 hours of their time to deliver more than 1,600 vaccinations to members of the public across the county.

DCFO Kirby chaired the Service's COVID-19 Recovery Group which considered the ways of working within the organisation. Members were referred to agile working and other potential benefits for the Service which had emerged from the pandemic. The Group would continue to meet with a view to making further improvements.

In response to questions raised by Councillors Sansome and Ball, Members noted that the Service was unaware of any members of staff that had contracted COVID-19 from volunteering at the vaccination centres. Some members of staff had been identified by their GPs as suffering from the effects of long COVID-19, which was being addressed and monitored by the Service's Occupational Health Department.

The National Fire Chiefs' Council continued to monitor the number of firefighters that experienced the effects of long COVID-19, and worked with the Firefighters Charity to ascertain what measures could be taken to assist the individuals in their recovery.

RESOLVED – That Members noted the update.

11 COMMUNITY RISK MANAGEMENT PLAN 2022 TO 2025

A report of the Chief Fire Officer was submitted which presented the annual review of the Service's current Integrated Risk Management Plan (IRMP) 2021 to 2024. The current IRMP had come into force from April 2021, following approval by the Authority in January 2021. There was a requirement for the Service to review the document annually.

Members noted the revised title of Community Risk Management Plan (CRMP) 2022 to 2025, to be consistent with the rest of the fire and rescue sector. The CRMP provided an up-to-date analysis of local risk and described how the Service would effectively coordinate the prevention, protection, response and resilience work to improve public safety and save lives.

An updated version of the CRMP would be presented to the Authority Meeting scheduled to be held in April 2022.

DCFO Kirby chaired the IRMP Board (to be renamed as the CRMP Board), which ensured standardisation across the Service. The Board was scheduled to next meet later in January 2022 to discuss the revisions to the document, with specific focus on updating a number of the charts within the CRMP. There were no proposed changes to the service delivery resources that were held within the CRMP.

Councillor Ayris considered that it would have been helpful for Members to have been provided with a list of the changes made to the IRMP. He added that the CRMP did not include a section on consultation, which had been included within the IRMP. He queried the position in relation to the consultation undertaken with members of the public. He highlighted that the CRMP referenced that Oakes Park was located within Healey, but that it was located within the suburb of Norton in Sheffield.

In response, DCFO Kirby commented that Members would be presented with a list of the changes made to the CRMP at the Authority Meeting scheduled to be held in April 2022. The Service had introduced a new suite of service delivery strategies for prevention, protection, response and resilience which were referenced within the CRMP. Measures would be undertaken to ensure that when the new service delivery strategies were approved through the internal Service Delivery Board, that they were consistent with what was stated within the CRMP. Consultation would be undertaken with members of the public in the event of specific changes to be made within the service delivery model. It was envisaged that a larger public consultation exercise would be undertaken when the next three year CRMP was produced, subject to any proposed changes to service delivery.

In relation to climate change and severe weather problems, Councillor Sansome queried the types of pressures faced by the Service and the input that it had in relation to flood defences. He also queried the input that the Service had within the local authority planning applications in relation to the access and egress of vehicles, people and pets.

Members noted that the Service had minimal influence in relation to the planning applications for large scale flood defence infrastructure projects. During the summer period of 2021, a number of fatalities had been experienced by individuals venturing into cold and still water environments. The Service had engaged with communities at local parks to provide education on the dangers of swimming in cold and open water to predominately young people and children. The Service was a statutory consultee in relation to building applications, regarding the access and egress for fire appliances and the proximity and access to the water supplies in the event of a fire.

Councillor Ross queried the accuracy of the Money and Resources section of the CRMP, which stated that the Service continued to operate from the same number of fire stations. There was a need to ensure that the CRMP detailed that there was a reduction in the number of fire stations. He provided Members with reassurance that the Performance and Scrutiny Board was keeping a watching brief in relation to response times.

In response, DCFO Kirby commented that he would look to build the detail regarding the number of fire stations into the response section. It was pertinent to capture historical context regarding fire stations and fire cover within the response section of the CRMP. The Service had an internal Fire Cover Committee, which had been established in 2021, to monitor the Service's performance to the response times and to ascertain how to make improvements.

In relation to planning applications, Councillor Smith had observed that it was very infrequent that the Service contacted BMBC regarding access, especially in relation to flood areas.

CFO Johnson commented that the local authorities consulted the Service in relation to new housing estates regarding the distance between hydrants and whether the fire appliances could turn in specific areas etc. The Service had never been consulted upon as to whether fire appliances could access an area if it became flooded.

DCFO Kirby referred to the number of questions received by Members in relation to the Service's role in terms of the planning process. He suggested that the Business Fire Safety Managers provided Members with a presentation to a future Corporate Advisory Group regarding the circumstances in which the Service were consulted in relation to planning applications or infrastructure projects across South Yorkshire.

RESOLVED – That Members noted the contents of the revised CRMP 2022 to 2025.

12 ANNUAL SERVICE PLAN 2022/23

A report of the Chief Fire Officer was submitted which presented the final draft of the Service's Annual Service Plan for 2022/23, which provided an explanation of the main areas of work that the Service would focus upon over the next 12 month period to improve the service provided to members of the public and to its staff.

The Annual Service Plan had been developed following consultation with the Service's staff and corporate planning events which involved senior leaders and Fire and Rescue Authority Members to identify the Service's short and medium term priorities. Following approval at the meeting, it was intended that the Annual Service Plan would go live from 1 April 2022.

In relation to succession planning, diversity, recruitment and retention within the Service, Councillor Ayris queried whether succession planning included progression planning for the lower tiers of the workforce to achieve the higher levels of leadership.

CFO Johnson referred to workforce planning within the Service. A number of individuals were currently undertaking temporary roles which enabled them to gain an understanding of what the roles entailed. The Service continued to run women's development programmes, race and gender groups to gain an understanding of any barriers that individuals may have to progress through the organisation; this was a huge issue nationally. The Service had observed an increase in the number of women progressing through the ranks, however difficulties were still encountered with black and ethnic minority individuals progressing through the Service, due to the small number that joined the organisation. The promotion and selection procedures had been revised, which had resulted in an increase in the number of individuals applying for promotion. The Diversity and Equality Team continued to encourage individuals to join the Service.

Councillor Johnson queried whether it was necessary for the agenda packs to be printed out in colour in an attempt to reduce costs, sustainability and the impact on the environment.

In response, DCFO Kirby commented that Members were given the option to receive printed agenda packs or to view the agendas electronically on their devices during the meetings, and if Members wished to receive an electronic pack, rather than a printed pack, then they should liaise with the Barnsley MBC Joint Authorities Governance Unit. The vast suite of the Service's corporate and policy documents were stored electronically.

RESOLVED – That Members approved the Service's Annual Service Plan for 2022/23.

13 CONFERENCE REPRESENTATION - LOCAL GOVERNMENT ASSOCIATION (LGA) ANNUAL FIRE CONFERENCE AND EXHIBITION 2022 ON 15 - 16 MARCH 2022

A report of the Clerk to the Fire and Rescue Authority was presented which sought expressions of interest from Members to attend the LGA Annual Fire Conference and Exhibition 2022 on Tuesday 15 March to Wednesday 16 March 2022, at the Hilton Hotel, Newcastle Gateshead.

Members recalled the recommendation made in 2018, for one Member from each District to attend the conference. Member attendance would be sought outside of the meeting.

RESOLVED – That Members considered and approved representation at the LGA Annual Fire Conference and Exhibition 2022.

14 KEY ISSUES ARISING FROM THE PERFORMANCE AND SCRUTINY BOARD HELD ON 18 NOVEMBER 2021

RESOLVED – That Members noted the key issues arising from the Performance and Scrutiny Board Meeting held on 18 November 2021.

15 DRAFT MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 22 NOVEMBER 2021

RESOLVED – That Members noted the draft minutes of the Audit and Governance Committee held on 22 November 2021.

16 CPC CLOSURE 2021 UPDATE - PRESENTATION

AM Strelczenie provided Members with an update on the closure of close proximity crewing (CPC) Stations within the Service, which had concluded in 2021. On 1 November 2021, Tankersley Fire Station had been the last CPC station to revert to the 2-2-4 duty system, and significant recruitment at the station had been completed.

All ex-CPC fire stations had now reverted to the 2-2-4 duty system and refurbishment works had been completed. The Service had worked closely on the matter with the Health and Safety Executive and the Fire Brigades' Union.

Members were provided with the presentation slides.

RESOLVED – That Members noted the update.

17 NFCC FIT FOR THE FUTURE - PRESENTATION

AM Strelczenie provided Members with an update on Fit for the Future which was an initiative developed in partnership between the National Employers (England), the Local Government Association (LGA) and the National Fire Chiefs' Council (NFCC) to set out a proposal for establishing a common picture, or vision, for the future of fire and rescue services in England.

Members were provided with the presentation slides.

RESOLVED – That Members noted the update.

18 GRENFELL PROGRAM UPDATE - PRESENTATION

T/AM Toovey provided Members with an update on the Grenfell Program, which provided information on the 46 recommendations for the Service, 13 of which had been signed off by the Service Improvement Board.

Members were referred to the BBC Podcasts on the Grenfell Tower Inquiry which were available online.

In response to a question raised by Councillor Ayriss, T/AM Toovey commented that a building of 18 metres and above (5 floors and above) was considered as a high rise building.

Members noted the summary of the work to be undertaken over the next 6 month period which included the completion of the suite of 'Fires in Tall Buildings' policies, to develop and deliver the 'Fire in Tall Buildings' training course, to roll out the Electronic Command Support software Modas across the Service, recruitment of an Information System Officer, to develop and test the 'Hazard Alert' electronic system, and to aim to complete 21 recommendations. This would result in 12 recommendations remaining from the initial 46 recommendations.

Members were provided with the presentation slides.

RESOLVED – That Members noted the update.

19 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

20 SERGEANT IMMEDIATE DETRIMENT

G Kirk provided Members with an update following the 2018 Court of Appeal judgement in Sergeant. An interim order had been made by the Employment Tribunal on 18 December 2019, which had provided that members who had brought claims (claimants) were entitled to be treated as if they had remained in the Firefighters' Pension Scheme 1992 (with further specific requirements).

Members agreed that an Extra Ordinary Fire and Rescue Authority Meeting would be held towards the end of January 2022, in order to discuss the matter in further detail.

RESOLVED – That Members:-

- i) Noted the update.
- ii) Agreed that an Extra Ordinary Fire and Rescue Authority Meeting would be held towards the end of January 2022, in order to discuss the matter in further detail.

Actions Table

No.	Action	Timescale	Officer(s)	Status/ Update
1	To present Members with a list of the changes made to the CRMP.	Fire Authority Meeting on 11.04.21	DCFO Kirby	
2	A presentation to be provided to Members regarding the circumstances in which the Service were consulted by the local authorities in relation to planning applications or infrastructure projects across South Yorkshire.	Future CAG Meeting	Business Fire Safety Managers	

CHAIR

Please follow the link below for further information on the updates of the actions arising from the Fire and Rescue Authority meetings:-

<https://meetings.southyorks.gov.uk/ecSDDisplayClassic.aspx?NAME=SD1250&ID=1250&RPID=402996&sch=doc&cat=13039&path=13039&zTS=D>

This page is intentionally left blank



SOUTH YORKSHIRE POLICE AND CRIME PANEL

13 DECEMBER 2021

PRESENT: Councillor R Haleem (Rotherham MBC) (Chair)

Councillor A Cherryholme (Barnsley MBC) (Vice-Chair)

Councillors: R Davison (Sheffield City Council), S Knowles (Doncaster MBC), B Lodge (Sheffield City Council), R Milsom (Sheffield City Council) and C Pickering (Barnsley MBC)

Independent Co-opted Members: W Carratt and Professor A James

M McCarthy, J Field, L Noble and A Shirt
(Barnsley MBC)

In attendance remotely:

Dr A Billings (South Yorkshire Police and Crime Commissioner)

M BATTERY, S Abbott, S Parkin, F Topliss and K Wright
(Office of the South Yorkshire Police and Crime Commissioner)

Apologies for absence were received from
Councillor T Baum-Dixon (Rotherham MBC), Councillor P Garbutt
(Sheffield City Council) and Councillor C Ransome (Doncaster MBC)

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting and reported that today's Panel meeting would be webcast live to the public.

2 APOLOGIES FOR ABSENCE

Apologies for absence were noted as above.

3 ANNOUNCEMENTS

None.

4 URGENT ITEMS

None.

5 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

6 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

7 PUBLIC QUESTIONS:-

7A TO THE POLICE AND CRIME COMMISSIONER

There were no public questions to the Police and Crime Commissioner.

7B TO THE POLICE AND CRIME PANEL

There were no public questions to the Police and Crime Panel.

8 MINUTES OF THE POLICE AND CRIME PANEL MEETING HELD ON 20 SEPTEMBER 2021

Councillor Davison asked that page 5 (paragraph 5) of the minutes be amended to read: Councillor Davison asked how the PCC and Force invested in reserves.

Councillor Milsom asked that the spelling of her surname be corrected in the minutes at page 15 (paragraph 7).

The Panel discussed and noted progress in respect of agreed actions captured on the Action Log set out in Appendix A to the minutes.

The Panel noted that the following actions were all currently 'live' actions and requested that they be retained on the Panel's Action Log for further updates:

Action No	Meeting Date	Action / Resolution
Action 11	03.02.21	Services for Victims of Crime: Progress Update.
Action 13	19.07.21	IEP's work on Stop and Search.
Action 9 (v)	20.09.21	To undertake further discussions with the Chair of the Independent Ethics Panel (IEP) and Chief Constable to try and find an acceptable way forward in relation to the publication of IEP agendas and minutes to the OPCC website.
Action 11 (v)	20.09.21	Information to be provided to Members setting out details of the data around Violence against Women and Girls which is provided to the Commissioner and also data which is provided to him in his role as Chair of the Local Criminal Justice Board, together with an explanation of their differences.
Action 13 (i), (ii)	20.09.21	Additional Independent Member.
Action 16 (iii)	20.09.21	Review of the PAB text contained on the OPCC website.

The Panel agreed that the following actions be marked as ‘discharged’ on the Panel’s Action Log:

Action No	Meeting Date	Action / Resolution
Action 8	19.04.21	Number of Wildlife Crimes reported to the Force and individuals prosecuted.
Action 12 (ii)	19.04.21	Timescale for the delivery on the IEP’s work in relation to priorities surrounding disproportionality and inclusion.
Action 12 (iii)	19.04.21	To provide a standalone report to a future Panel meeting on the IEP’s work in relation to priorities surrounding disproportionality and inclusion.
Action 10 (i)	07.06.21	Countywide Strategy on Violence towards Women and Girls – PCC update report.
Action 10 (ii)	07.06.21	The PCC had agreed to explore in further detail the request which had been made by the Home Office in relation to recording crimes motivated by sex or gender on an experimental basis.
Action 11 (ii)	19.07.21	Agenda and minutes of the IEP had not been published on the OPCC website.
Action 9 (iv)	20.09.21	Data kept by the Force in relation to rural crimes and wildlife crimes.
Action 11 (ii)	20.09.21	Analysis to identify the number of Domestic Violence Protection Orders which had been issued by the Force.
Action 11 (iii)	20.09.21	Noted that the Commissioner had agreed to look to respond to Mr Carratt’s request to include details of other safeguarding responsibilities in a future report.
Action 11 (iv)	20.09.21	Procurement data information would be circulated to Members after today’s meeting by K Wright.
Action 11 (v)	20.09.21	Information to be provided to Members setting out details of the data around Violence against Women and Girls.
Action 11 (vi)	20.09.21	Analysis of CSE data on a local district level to be provided to the Performance Sub-Group.
Action 12 (iii)	20.09.21	Terms of reference and work programmes for the Joint Independent Audit Committee and Independent Ethics Panel to be provided to Panel Members.
Action 13 (i)	20.09.21	Additional Independent Member.

Professor James referred to Action 11 (ii) of 19 July 2021 (agendas and minutes of the Independent Ethics Panel (IEP) had not been published on the OPCC website). Noting that more detailed IEP assurance reports would replace the exception reports presented at Public Accountability Board (PAB) meetings, he raised concerns that Panel Members would not get the opportunity to raise questions and scrutinise the Commissioner around the work of the IEP.

In response, the Commissioner said that Members of the Panel received the agendas and reports presented at the Public Accountability Board meetings. If Members had any questions, then essentially, they could be raised at Panel meetings.

Professor James referred to Action 11 (vi) of 20.09.21 (Analysis of CSE data on a local district level to be provided to the Performance Sub-Group). He felt that it would be very helpful to have other data (for example, protecting vulnerable people) to be presented to the Panel on a local district level. He considered that this would allow the Panel to fully scrutinise and compare the data. Furthermore, he believed that this would assist the Panel in being able to scrutinise how effective the Commissioner is in terms of addressing performance around his priorities.

The Commissioner reminded Members that it was the Panel's role to scrutinise him and not the Force. The Commissioner provided the Panel with assurances that he received countywide reports from the Force and District Commanders in relation to the ongoing work to tackle the priorities set out in his Police and Crime Panel.

RESOLVED –

- i) That subject to the above amendments, the minutes of the Police and Crime Panel meeting held on 20 September 2021 be agreed and signed by the Chair as a correct record.
- ii) Noted that the Panel's Action Log would be updated following discussion at today's meeting.

9 QUARTER 2 - CONSOLIDATED BUDGET MONITORING REPORT 2021/22

The Commissioner introduced a report which presented the consolidated financial position on the current budget and expenditure managed by the Chief Constable of South Yorkshire Police force and budgets managed by the Office of the Police and Crime Commissioner for the period 1 April 2021 to 30 September 2021.

The Commissioner reported that the Chancellor had announced a three year spending review on 27 October 2021, and he was awaiting the provisional settlement which was due to be announced before the Christmas parliamentary recess (expected on 16 December 2021). The final settlement was due four weeks after that.

In relation to next year's budget, the Commissioner said that he needed to take into account pressures around general inflation, significant increases in energy costs, police officer salaries now being open to a period of negotiation, increases in national insurance contributions and pension related issues. In addition, South Yorkshire also had legacy issues and CSE civil claims to factor into the budget.

A fundamental review of the funding formula had recently been announced, which would impact on the amount of grant South Yorkshire receives, which could make the medium to longer term planning difficult. The Commissioner had been invited to be a member of a Senior Sector Group, and would therefore be in a position of influence.

Councillor Davison queried how inflation would affect the police budget and if this would affect the number of additional officers the Force would be able to recruit.

Furthermore, he asked if the Force had details of its expenditure with regards to pension schemes.

The Commissioner replied that, with regards to inflation, the Force would need to take account of increased energy and fuel costs across its entire estate. In relation to recruitment, the Government had made it very clear that they did not wish PCC's to reduce officer numbers. In addition, the Government had pledged to continue to recruit 20,000 additional officers in England and Wales by 2023.

In relation to pensions, S Abbott said that a triennial review of each pension scheme was undertaken in order to understand what would need to be funded over a three year period. It was confirmed that the Police Officer Pension Scheme was an unfunded scheme with employer contributions received from the revenue account. The Police Staff Pension Scheme was a funded scheme administered by South Yorkshire Pensions Authority. Nationally, news was awaited with regards to the McCloud and Sargeant pensions ruling.

Referring to the report on today's agenda, S Abbott reported that the PCC had approved a revenue budget of £296.0m for 2021/22. The PCC had also approved a capital programme of £17.799m for 2021/21, anticipating that £17.412m borrowing would need to be undertaken during the year to fund the programme. The programme was increased to £19.6m in July 2021 to take account of slippage, re-phasing and adjustments.

Based on current assumptions, the forecast outturn position for the revenue budget was an underspend of £421k as at 30 September 2021.

As at 30 September 2021, the projected year end outturn position was a £42k underspend on the Chief Constable's budget, net of external funding. Full details were outlined in the Chief Constable's budget monitoring paper, attached at Appendix A to the report.

Councillor Milsom asked if the Panel could receive a breakdown of the projected outturn figures for police pay and overtime incurred during the last five years. Furthermore, she asked the Commissioner to provide comment in relation to what he expected would happen to the police officer pay and overtime budget when the Force had achieved its uplift in officer numbers.

The Commissioner acknowledged the request. He added that, due to the ongoing Coronavirus pandemic and the widespread impact of flooding across South Yorkshire back in 2019, it was difficult to compare one year to previous years due to abstractions from the Force due to a variety of reasons. Once the Force had achieved its officer uplift, he anticipated that overtime would reduce and not increase.

Councillor Lodge noted that there had been underspends in the call resolution unit at Atlas Court Communications of £0.21m and team leaders' posts of £0.16m. He asked if this was in relation to the 101 call handling service.

The Commissioner said that, in relation to the 101 call handling service, it was noted that staff had been affected by the Coronavirus pandemic. Call demand had

remained high on the 101 call service, despite asking people to use the call back service, online reporting and webchat service.

The Panel noted that ARV and 'Grip' funding confirmed after budget setting had created Police Officer pay underspends, which had enabled the recruitment of 24 Detective Now Officers.

Councillor Davison asked if information could be provided on the budget for training detectives and information on the quality of detective work.

The Commissioner replied that recruitment for filling detective roles was currently an immense national issue. The Force had been utilising recruitment of detectives via the Police Now National Detective Programme and other entry level programmes. He was assured that the training provided by the Force to new detectives was good.

The Commissioner queried if providing budget figures to Councillor Davison would be beneficial; he agreed to consider the request and look to provide information around the training provided to detectives after today's meeting.

The Panel noted that the PCC and OPCC budget forecast year end position was an underspend of £205k. The main reasons for the underspend and variances from the budget were presented within the report.

The PCC had approved a capital programme of £19.63m in July 2021. Expenditure to date amounted to £7.86m, and was currently projected to spend in full.

As at 31 March 2021, the overall level of revenue reserves available was £64.98m. This included general reserves of £42.2m, earmarked, and insurance reserves of £10.6m and £12.1m respectively. The expected movement in year, based on projections at the end of September 2021, was detailed in a table at paragraph 6 of the report.

Hillsborough, the Stovewood enquiry, and CSE civil claims were currently showing a combined underspend of £0.175m. The underspends would be transferred from the legacy reserve at the end of the financial year.

Paragraph 7 of the report set out a number of risks and uncertainties in the reported financial position.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report and commented on any matters arising.
- ii) Noted that the Commissioner would provide, if feasible, the Panel with a breakdown of the outturn figures for police pay and overtime incurred during the last five years.
- iii) Noted that the Commissioner would consider Councillor Davison's request for information around the budget and training provided to detectives.

10 MONITORING DELIVERY OF THE POLICE AND CRIME PLAN - QUARTERLY REPORT (JULY TO SEPTEMBER 2021)

The Commissioner presented a report which set out the Quarterly Police and Crime Plan Performance Report for the period July to September 2021 (Quarter 2 2021/22), produced from the Police and Crime Commissioner's (PCC's) Police and Partners Performance Framework.

The report aimed to provide information about how the police and partners, as well as the Office of the PCC (OPCC) are working to achieve the outcomes and priorities set out in the Police and Crime Plan for South Yorkshire.

The Commissioner paid tribute to the work of the Force throughout the COVID-19 pandemic which had resulted in an enormous amount of pressure and challenges being placed on them. The Force had responded and managed well during a very difficult time.

Professor James thanked the Commissioner and his staff for including information in the report around Modern Slavery and Human Trafficking.

Professor James asked if the Commissioner had any information with regards to the fall in victim satisfaction and if he was aware of any differences between the four districts and levels of satisfaction.

K Wright replied that victim satisfaction varied between quarters and across districts. He added that the main area where victims were least satisfied was around the Force follow up with victims regarding their case. The Force had recognised this as a weakness and were focusing its efforts to address this.

Mr Carratt referred to Protecting Vulnerable People and the Local Safeguarding Children Partnerships and recent media articles around child criminal sexual exploitation. He asked if the Commissioner could confirm if funding towards the South Yorkshire Local Safeguarding Children Partnerships had either increased, maintained or reduced since 2014.

Mr Carratt added that the role of the Local Safeguarding Children Partnerships in quality assuring the effectiveness of safeguarding arrangements in local areas was key. He asked if the Commissioner received Section 11 Self Assessments that South Yorkshire Police complete and submit to the Local Safeguarding Children Partnerships in line with the Children and Families Act 2014.

The Commissioner replied that funding levels had been maintained and were set in consultation with local authorities and the Force.

M Buttery referred to the recent troubling incidents highlighted by the media. She assured the Panel that specific questions had been raised with the Assistant Chief Constable responsible for safeguarding.

The Panel was informed that the Commissioner had statutory responsibilities in relation to holding the Chief Constable to account with regard to specific functions, of which, safeguarding was one single strand. She had asked for the OPCC's

assurance arrangements to be double checked to ensure that they are robust enough. M Buttery agreed to keep the Panel informed on progress in this area.

In response to a question from Mr Carratt, in relation to the Independent Custody Visitors Scheme, S Parkin confirmed that any person detained in custody who was deemed as vulnerable would be prioritised.

Mr Carratt noted that Remedi had received a potential 205 referrals into the service during the period. He asked why these were potential referrals and not confirmed referrals.

In response, K Wright said he was of the opinion that, referrals would only become live when both parties accepted that they would like Restorative Justice to take place. He agreed to clarify the position with Remedi and provide an update after today's meeting.

Councillor Milsom noted that the number of referrals to the Restorative Justice Service in the period July to September 2020 had been 142, and for the same period in 2021 there had only been 80 referrals. Councillor Milsom asked the Commissioner to comment on his perception of those figures and what they signify in terms of success or otherwise of the Restorative Justice Service.

The Commissioner said that it was very difficult to undertake a comparison year on year at the moment due to the ongoing Coronavirus pandemic and all the implications around this.

K Wright added that he would need to contextualise the data to be able to provide a detailed response.

Councillor Milsom asked if information could also be provided on referrals to the Restorative Justice Service during other quarters of the year. K Wright acknowledged the request.

Councillor Milsom referred to Section 2 of the report 'Tacking Crime and Anti-Social Behaviour'. She asked if the Panel could receive reports setting out information on a district level and month by month. This would enable the Panel to look at trends and comparisons.

M Buttery acknowledged the request and said that discussions would need to take place with the Commissioner and K Wright to consider provision of district level data to the Panel.

Professor James said he was concerned to note that, recorded levels of residential burglary in South Yorkshire had increased during Quarter 2 of 2021/22. He asked why South Yorkshire had higher levels of residential burglary in comparison to other Force areas.

In response, the Commissioner said that, he had also been very concerned for some time about levels of residential burglary in South Yorkshire. He did continue to ask the Force why South Yorkshire had high levels of residential burglary. However, there was no known answer for this, other than, it was historic. The

Commissioner outlined the various initiatives the Force was undertaking to tackle residential burglary.

Councillor Davison asked if there was any evidence to show if Neighbourhood Watch Schemes were effective in tackling residential burglary.

The Commissioner said that he would contact Neighbourhood Watch to ascertain if they have any evidence regarding their effectiveness.

Councillor Milsom asked if SmartWater schemes were perceived to be, or were recorded to be useful in tackling burglary. She also asked if SmartWater schemes were still being rolled out and funded across the region.

The Commissioner replied that SmartWater schemes had been successful, but a key part was advertising that SmartWater was being used in a particular area.

Professor James referred to Stop and Searches broken down by ethnicity. He noted that 16% of individuals had not stated their ethnic status during the 12 month period to the end of September 2021. He understood that there was an option for the Force to record their own assessment of a person's ethnicity and asked if this could be undertaken in South Yorkshire.

K Wright confirmed that there was an option for the Force to record their own assessment, but personally, he would not wish the Force to use this option as it was within someone's right not to give their ethnicity.

Councillor Haleem asked if there had been a rise in BAME victims of crime (not necessarily hate crime) over the past period.

Post meeting note - PAG have provided the following information: based on Investigations from 13th December 2020 to 12th December 2021 (current period) and compared to 13th December 2019 to 12th December 2020 (previous period).

In the 12-month period crime has increased by 3%, during the same period recording of BAME self-defined ethnicity has increased by 11%.

This does not necessarily mean there is more crime being recorded within our BAME communities.

Over half of self-defined ethnicity fields are blank within CONNECT – so there is insufficient data quality from which to make any assessment. It could be that in raising the data quality around ethnicity, there are increasing efforts to ensure ethnicity for people with minority ethnic backgrounds is completed – albeit it should just be all ethnicity being updated more on the system. It could also be more people with a minority ethnic background are reporting to the police rather than more crime, which may be a positive thing.

Councillor Haleem asked if the Force use face to face or telephone translators when they have victims of, e.g. modern slavery.

Post meeting note - PAG have provided the following information:

These are carried out by telephone in the majority of occasions to establish initial circumstances. There are two types of way that a victim may come to our attention:

1. SYP attend at a pre-planned or spontaneous incident and find a possible victim. On those occasions we use a telephone interpreting service to establish their welfare needs and whether any offences have been committed and to identify any urgent lines of enquiry. A pre-planned incident could involve SYP arranging for an interpreter to attend from the outset. However, we would not know for certain if a victim would be found and would be very unlikely to know the language or dialect that they speak.
2. SYP are contacted by the National Referral Mechanism who inform us that a potential victim of human trafficking has come to the attention of the authorities via a route other than ourselves and is now being housed in South Yorkshire. We would speak to the victim and again use a telephone interpreting system to see if the victim will engage with us and provide us with any information. This information would then be used to identify any criminal offences in this country or abroad. If in this country we would send details to the relevant force or arrange an interpreter to attend in person to obtain further evidence if required.

If it is clear that a criminal offence may have been committed and the victim wished to engage then a face to face interpreter would be used in order to carry out a video interview with the victim.

Councillor Haleem asked if the Force who go into schools have training and what topics do they present.

Post meeting note from Community Safety Manager Margaret Lawson:

Training of officers/staff:

Community Safety Project Officers and Community Safety Manager have a Level 3 Education and Training qualification and all resources utilised by the Community Safety are developed by these officers with consultation from Subject Matter Experts if required.

3 of the Project Officers have also attended Police in the Classroom National Training that was funded by NPCC for officers working in schools, however the last course of this training was cancelled at the beginning of COVID and we had 9 staff and officers booked to attend. The training has not been offered since although some forces have asked as part of the Mini Police programme if the training could be offered again.

Police Officers and PCSOs at district who have responsibility for schools do not necessarily have any formal training, although they are encouraged to utilise the resources that Community Safety are developing so that we have a corporate approach across the Force area. Resources held in SYP computer folder with police officers, staff and PCSOs being able to access this folder, these are updated by the community safety department.

Community Safety Department currently deliver the following training in schools:

Crucial Crew – all schools with year 6 pupils are invited and take part in 7 scenarios including:

- Knife/Hate crime
- Child Criminal Exploitation
- Home Safety – (with SYFR)
- Arson – (with SYFR)
- Road Safety – LA Road Safety team
- Travel Safe – First Buses
- Consequences in the Court – Magistrates

For the current academic year September 21 – July 22:

- Rotherham - 2936 pupils with 299 adults from 82 schools have attended, 2 more schools booked in, only 2 schools not currently attending
- Barnsley - 2847 pupils attended with 276 adults from 72 schools, 4 more schools booked in, 2 schools not currently attending
- Doncaster - 91 schools booked in for March/April, 1 schools already attended with 54 pupils, 3 schools not currently attending
- Sheffield – 121 schools booked in from January 2022, 3 schools not currently attending
- All SEND, Pupil Referral Units and alternative provision schools are also invited to Crucial Crew and the scenarios are tailored to meet the needs of the pupils.

Mini Police –delivered jointly by Project Officers and District PCSOs

- Year 5 and 6 pupils in over 30 schools currently
- Inputs include parking and speeding, personal safety/ASB and Communications and Phonetics,
- Schools are identified by the Neighbourhood Policing Team

Knife Crime – for secondary schools delivered by 2 CSD Project Officers to Years 7 to 9.

Since September 2021

- 32 Sessions
- 13 Schools
- 6170 Pupils
- 6 sessions planned for 2022 with 13,080 pupils
- Since 2017 in total 324 sessions, 56,622 pupils
- Primary school inputs are delivered where the NPTs have identified that there is an emerging trend/issue, but this is covered at Crucial Crew for all year 6 pupils

Your Life Your Choice – New input for 2021 as a result of an increase in firearms discharges in some areas of the County

- Delivered to year 9s in identified schools
- Based on the journey from becoming involved in County Lines and leading to carrying or using a firearm with the consequences of this

- The idea is that young people are taken on a journey using local stories and case studies and it's about them making the right choice
- Authorised Firearms Officers involved and bring the TACMED (medical) kit to show
- To date 2 sessions have been delivered to 400 pupils as part of a pilot

Social Media/ Sharing Images – delivered to primary and secondary schools Since September 2021

- 28 sessions have been delivered to 4460 pupils, 6 of these sessions were at primary schools

Child Criminal Exploitation – delivered as a request from Doncaster District at a local secondary school – 5 sessions to 1000 pupils. This resource has been developed by EPIC and PC Bloodworth. Community Safety Department Project Officers have now been trained to deliver this input.

Councillor Haleem asked if there were any attempts to raise awareness of cannabis growing with private landlords.

Post meeting note from Safer Neighbourhood Sergeant Martin Gamett.

PC Paul Davies, developed the Cannabis Grow Aware Scheme. Following his retirement from SYP, PC Sarah Brewis has commenced the re-launch of the scheme.

On Thursday 2nd December, PC Brewis had a face to face meeting with private providers to further promote the Cannabis Grow Aware Scheme, asking private providers to sign up to the scheme where they have not already done so, and in any case, to support the scheme by and retweeting/liking any related information when SYP publish it. The meeting was well attended with over 30 landlords present, 20 of whom signed up to the scheme for the first time. Further meetings are to be scheduled for the New Year, to continue generating awareness and 'take up' with local providers, and to generate further publicity for the scheme.

Further to this, PC Brewis has:

- Engaged with SYP media team to re-launch information about the cannabis grow aware scheme it on the SYP Facebook / Twitter pages. This will be published by the media team in due course. Posters have been requested for display in estate agents windows to further highlight the scheme.
- Commenced visiting local estate agents, to date visiting those in the Barnsley town centre and Penistone areas, re-introducing the scheme and establishing previous participation in the scheme since it was launched prior to lockdown.
- Liaised with Barnsley MBC's media team, requesting that they retweet SYP media information about the cannabis grow aware scheme when it is produced as a joint Barnsley MBC/SYP initiative.

In response to a question from Councillor Haleem, the Commissioner confirmed that all front line officers and call handlers received specialist intensive training and ongoing refresher training around identifying the signs of child sexual exploitation and child neglect cases.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report and commented on any matters arising.
- ii) Noted that M Buttery had agreed to keep the Panel informed of the assurance arrangements in place regarding safeguarding.
- iii) Noted that K Wright had agreed to clarify with Remedi why there were potential referrals and not confirmed referrals during Quarter 2.
- iv) Noted that K Wright had agreed to contextualise the number of referrals to the Restorative Justice Service in the periods July to September 2020 and July to September 2021.
- v) Noted that K Wright had agreed to provide data on the number of referrals to the Restorative Justice Service during other quarters of 2020 and 2021.
- vi) Noted that a discussion would take place between M Buttery, the Commissioner and K Wright to consider provision of district level data to the Panel.
- vii) Noted that the Commissioner had agreed to contact Neighbourhood Watch to ascertain if they have any evidence regarding their effectiveness and provide the Panel with an update after today's meeting.

11 OFFICE OF THE POLICE AND CRIME COMMISSIONER (OPCC) DELIVERY PLAN 2021/22

A report of the Police and Crime Commissioner was presented to provide Members with the Delivery Plan from the Office of the Police and Crime Commissioner (OPCC) which explained how the OPCC is contributing to delivery of the Police and Crime Commissioner's (PCC's) transitional Police and Crime Plan for 2021-2024 (due for substantial revision in February 2022).

The Panel noted that, as in previous years, the PCC had asked that the OPCC, and those he commissions (including the Chief Constable) to provide delivery plans to explain how each organisation intends to contribute towards delivering the priorities and areas of focus within the Police and Crime Plan.

In addition, the PCC also required assurance as to how each organisation would monitor and report on progress. It was expected that the content of the delivery plans would be proportionate to the level of funding provided to each organisation.

At the beginning of October, the OPCC had approved the Delivery Plan at Appendix B to the report to respond to the PCC's transitional Police and Crime Plan. The Delivery Plan also explained the work the OPCC was undertaking to

support the PCC and his two statutory officers in the discharge of their statutory responsibilities.

Appendix A to the report provided the Panel with a 'Plan on a Page' with the top half of the page giving a summary of the PCC's transitional Police and Crime Plan and the bottom half of the page summarising the OPCC's key activities this coming year and a supporting narrative.

Professor James welcomed the inclusion of activity in relation to Violence against Women and Girls in the Delivery Plan. He asked if the Panel could receive regular feedback on progress with regards to the round table discussions scheduled to take place with partners.

M Buttery confirmed that further updates would be included in the Commissioner's update report presented at every Panel meeting.

Professor James asked if the Commissioner was assured that ethical issues relating to digital policing were being addressed by the Force. Furthermore, he asked if there were any plans in place to scrutinise the Force's work following the Independent Ethics Panel's (IEP) report and recommendations presented to the Commissioner in December 2019 regarding Ethical Issues and Digital Policing.

M Buttery replied that the Force had embraced and welcomed the work of the IEP. The Force did actively use a checklist of questions every time conversations took place around new technology and when horizon scanning was taking place. It was noted that the Force had now implemented a new Digital Strategy, which M Buttery had requested to view on the Commissioner's behalf to ensure the checklist of questions were captured within the Strategy.

Mr Carratt referred to page 9 of the Delivery Plan. He queried if there should be inclusion in the Plan around the OPCC's interface with the Local Safeguarding Children Partnerships.

M Buttery replied that the Statutory Guidance stipulates that, Health Commissioners are a statutory partner in seeking assurance and overseeing the effectiveness of the Local Safeguarding Children Partnerships. However, it did not stipulate whether the responsibility rested with PCCs or police forces. M Buttery added that engagement could be strengthened with the Local Safeguarding Children Partnerships to provide assurances to the Commissioner and the OPCC.

Councillor Pickering asked if an awareness session could be arranged for Panel Members to provide them with an update on the work of the Violence Reduction Unit (VRU).

The Commissioner acknowledged the request and agreed to liaise with the Head of the VRU.

In response to a question from Councillor Milsom, M Buttery explained the relationship between the OPCC and the Community Safety Partnerships.

It was noted that the Commissioner had a holding to account responsibility, a convening responsibility and a funding responsibility with regards to the local Community Safety Partnerships.

In addition, the Commissioner had formed a countywide Community Safety Forum where each of the four local Community Safety Partnerships Chairs were invited to attend to discuss any co-commissioned initiatives and to share good practice around addressing crime and anti-social behaviour. The Panel also have observer status at the Forum, and dates are provided as part the Panel briefings.

Councillor Milsom commented that, she did not feel assured that there were targeted campaigns and strategies in place to address anti-social behaviour and low level crime in local communities.

In response, M Buttery suggested that, to help give assurance on this specific question, Councillor Milsom should view the reports submitted by the Force to the Commissioner's Public Accountability Board around tackling crime and anti-social behaviour. Furthermore, the Force's Neighbourhood Policing Model also set out their problem solving approach to tackling low level crime and anti-social behaviour in the local communities.

In addition, the OPCC also contributed to the annual Community Safety Partnership's Action Plans which detail how funds are to be utilised to tackle crime and anti-social behaviour in accordance with the specific needs of each district.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report and commented on any matters arising.
- ii) Noted that the Commissioner had agreed to arrange an awareness session for Panel Members to provide them with an update on the work of the Violence Reduction Unit.

12 POLICE AND CRIME COMMISSIONER'S UPDATE (INCLUDING DECISIONS MADE SINCE THE LAST MEETING)

A report of the Commissioner was presented to provide Members with an update on key PCC and OPCC activities since the Panel's last meeting held on 20 September 2021, under the headings within the OPCC's Delivery Plan.

The report also provided Members with information on the decisions taken by the PCC since the Panel's last meeting.

The key activities reported for the period were detailed in the Executive Summary of the report and noted by Members.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report and commented on any matters arising.

- ii) Asked questions on the matters contained in within the report, given that it explained how the PCC has over the period delivered his Police and Crime Plan, and discharged the wide range of his legal responsibilities.

13 LEARNING AND DEVELOPMENT UPDATE

A report was submitted to update Members on current events – national, regional and local, together with future plans in respect of learning and development for the Panel.

Suggestions for any other learning and development opportunities Members may have to support the Panel's learning and development were welcomed.

A summary of the events which had taken place since the last meeting together with details of proposed future events were set out within the report for Members' information.

Councillor Haleem and Mr Carratt wished to record their thanks to the Force and OPCC for arranging a very informative and enlightening Force Induction Day held on 12 November 2021.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the update.
- ii) Agreed to provide suggestions for future learning and development.

14 WORK PROGRAMME / PAB DATES

Members considered the 2022 Work Programme and were reminded that they could submit issues for the Work Programme that fall within the Panel's Statutory role in supporting and scrutinising the Commissioner.

All issues would be given full consideration by the Chair, Vice-Chair and Commissioner at the pre-agenda planning meetings.

L Noble reported that she would update the Work Programme for the February 2022 Panel meeting to include the results of the findings from a survey carried out by the National Association of Police, Fire and Crime Panels.

Additionally, Members were encouraged to attend the meetings of the Commissioner's Public Accountability Board (PAB) to increase their operational knowledge. These were currently being held virtually and Members could obtain details to 'dial in' to the meeting from L Noble or A Shirt.

Members were reminded that they could also submit questions for PAB through the OPCC, with 5 working days notice prior to the meeting.

Professor James said that it would be helpful if PAB agenda papers could be circulated well in advance of meetings to enable Panel Members to fully read and digest the reports.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the 2022 Work Programme.
- ii) Noted that the Work Programme for the February 2022 Panel meeting would be updated to include the results of the findings from a survey carried out by the National Association of Police, Fire and Crime Panels.

15 DATE AND TIME OF THE NEXT MEETING

RESOLVED –

- i) That the next meeting of the Police and Crime Panel be held on Friday 4 February 2022 at 1:00 pm in Barnsley Town Hall.
- ii) That a Panel Budget Familiarisation Session be arranged towards the end of January 2022 and Panel Members notified of the arrangements.

CHAIR

This page is intentionally left blank

MCA - MAYORAL COMBINED AUTHORITY BOARD

MINUTES OF THE MEETING HELD ON:

MONDAY, 15 NOVEMBER 2021 AT 10.00 AM

SOUTH YORKSHIRE MAYORAL COMBINED AUTHORITY,
11 BROAD STREET WEST, SHEFFIELD S1 2BQ



Present:

Mayor Dan Jarvis MBE (Chair)	SCR Mayoral Combined Authority
Councillor Chris Read (Vice-Chair)	Rotherham MBC
Councillor Terry Fox	Sheffield City Council
Councillor Sir Steve Houghton CBE	Barnsley MBC
Mayor Ros Jones CBE	Doncaster MBC

In Attendance:

Dr Ruth Adams	Deputy Chief Executive	MCA Executive Team
Helen Kemp	Director of Business & Skills	MCA Executive Team
Dr Dave Smith	Chief Executive	MCA Executive Team
Martin Swales	Interim Director of Transport, Housing, Infrastructure and Planning	MCA Executive Team
Steve Davenport	Principal Solicitor & Monitoring Officer	MCA Executive Team
Gareth Sutton	Chief Finance Officer/S73 Officer	MCA Executive Team
Stephen Edwards	Executive Director - SYPTE	SYPTE
Felix Kumi-Ampofo	Assistant Director Policy and Assurance	MCA Executive Team
Gillian Richards	Minute taker	

Apologies:

Councillor Simon Greaves	Bassetlaw DC
Damian Allen	Doncaster BMC
Stephen Batey	MCA Mayor's Office

1 Welcome and Apologies

The Chair welcomed everyone to the meeting.

There were no apologies.

2 Announcements

Mayor Jarvis expressed disappointment in the Government Spending Review and the available funding announced for the region relative to the scale of what was needed.

There had been some positive news – the MCA had secured £570m in transport funding which would give the opportunity to begin the transport infrastructure work needed to encourage people out of cars and onto the

region's buses, trains and trams.

Levelling up fund submissions in Doncaster, Rotherham and Sheffield had been successful and the £8m of Community Renewal Fund secured, although not enough, would be spent on revenue projects.

Despite the ambitious Bus Service Improvement Plan submission, the reduced funding which had been allocated to bus improvements was disappointing as was the rejection of the MCA's bus focussed levelling up fund proposal.

Resources were also needed for the region to achieve net zero, and Mayor Jarvis expressed disappointment in government's response to the scale and urgency of the challenge.

Despite this, there were reasons to be positive, South Yorkshire had a range of translational assets that could put the region at the forefront of the technological response to the crisis such as hydrogen generation, nuclear fusion and mine water heating, sustainable manufacturing and aviation fuel and zero emission transport. It was vital that the region and the MCA seized all available opportunities.

3 **Urgent Items**

None.

4 **Items to be Considered in the Absence of Public and Press**

None.

5 **Voting Rights for Non-constituent Members**

It was noted that Non-Constituent Members were welcome to participate in the discussion of every item on the agenda.

6 **Declarations of Interest by individual Members in relation to any item of business on the agenda**

Mayor Jones and Cllr Fox declared interests in respect of Item 14 with regard to schemes in their own council areas.

7 **Reports from and questions by members**

None.

8 **Receipt of Petitions**

None.

9 **Public Questions**

It was noted that two public questions had been received.

The following question was received from Green New Deal UK.

“The Secretary General of the United Nations has called the climate crisis a code red for humanity, and a thundering wake up call. Can the Mayoral Combined Authority look at itself in the mirror and honestly say that the ambition, scale and urgency of its current response matches up to this assessment? Professor Sir David King says the next 3-4 years will determine the future of humanity. What plans do intend to develop? What more is the MCA going to do?”

Mayor Jarvis replied that the simple answer to the question was no.

He commented that the global, national, regional and local responses did not yet match up to the scale of the crisis but the MCA were acting strongly on things within their remit. They were also looking at everything they did, both so that more could be done and so that delivery on net zero was not a niche concern but one that ran through all the work of the MCA.

Spending and investments were being reformed so that every penny created pressure on partners and clients to do their part to cut their emissions.

The MCA was investing in public transport to get people out of cars and the Bus Service Improvement Plan set out an ambitious vision to transform the service.

Hundreds of millions of pounds were being invested in an Active Travel Plan with the aim of creating a network of 640 miles of walking and cycling routes. A Woodland Creation Officer had been appointed to support ambitions for creating woodland and tree planting. The MCA had also made a strategic commitment to natural flood management.

In the next few months, the MCA would be determining the target spend per year for the next five years on decarbonisation measures and the principle that decarbonisation efforts were embedded across all MCA investment and spending.

Mayor Jarvis accepted that there were areas that could and must be improved and gave assurances that the MCA would do all that it could within the limits of its powers and resources.

The following question was received from South Yorkshire Freedom Riders.

“The self-financing £12 Metro Gold Card in Tyne and Wear has been a great success. It allows ENCT card holders to travel on Metro, the Shields Ferry and on Northern Rails services between Newcastle and Sunderland for free. It has health, social, environmental and local economy benefits including a £1m surplus from the scheme. The Freedom Riders previously raised the idea of a South Yorkshire Gold Card which would help compensate for the loss of train and travel benefits in 2014. Are there plans to implement a similar self-financing scheme for South Yorkshire’s 300,000 pensioners? If not, why not?”

In response, Mayor Jarvis commented that it was the MCA's ambition to encourage more people onto public transport and to enable pensioners and other groups to be able to travel more easily.

In direct answer to the question, it was worth noting that the situation in South Yorkshire was different to the situation in the north east. In South Yorkshire, rail services were predominantly operated by Northern Rail, whereas the Tyne and Wear Metro was owned and operated by the authorities in the area.

Officers had been asked to explore with Northern Rail what could be done to achieve a similar scheme in South Yorkshire and had been informed that this would require the MCA to meet the cost in full at a commercial cost that would be far more than the £12 charged on the Metro. Officers would continue to scope whether other arrangements may be possible.

The region's public transport system was still under enormous pressure and reliant on government funding. Any additional concessions would have to be at the expense of other concessions and investment to keep the system afloat. It was the duty of the Mayor, Leaders and MCA to make difficult decisions about what was done with the limited resources available.

More than £6m had been allocated to extend support for young people aged between 11 and 21 with the introduction of the Zoom Beyond pass and there were also a number of concession support schemes for the elderly, including a 50% discount on Northern Rail and the extension of ENCTS to the Supertram network.

Unfortunately, at the moment, without certainty on recovery funding from the government it was extremely difficult for any new funding commitments to be made although the situation would be kept under review.

10 **Minutes of the meeting held on 20 September 2021**

RESOLVED – That the minutes of the meeting held on 20 September 2021 be agreed as a true record.

11 **South Yorkshire Enhanced Partnership**

A report was presented which set out the necessary steps required to implement the MCA decision to enter into an Enhanced Partnership with Bus Operators across South Yorkshire.

The Board was reminded that the government's National Bus Strategy required all local authorities to submit a Bus Service Improvement Plan (BSIP) setting out ambitious plans to enter statutory arrangements with either an Enhanced Partnership or franchising to govern services in its area. It was noted that receipt of future financial support from government was conditional on one of these forms of governance being in place.

The MCA had submitted an ambitious BSIP to government on 29 October 2021 setting out the regions ambitions for bus services and building on the Bus Review.

The paper considered was a technical paper formally moving to the Enhanced Partnership process and commencing consultation, firstly with the Bus Operators followed by the public in the new year. The Enhanced Partnership Plan was attached at Appendix A.

It was noted that current funding uncertainty precluded agreeing a substantive investment programme but there remained the means to vary the scheme in the future as further funding became available.

The interventions and operator requirements proposed were set out in Appendix B and had been drawn from existing MCA/Operator funding commitments.

Cllr Read welcomed the paper and the positive steps being taken. The BSIP set out a number of practical real improvements for bus travellers across South Yorkshire and came after a number of tough years since deregulation. Whilst this was not a decision regarding franchising it was about moving forward in the right direction and was also a challenge to the Operators to step up to meet the ambitions contained within the BSIP.

Mayor Jones also welcomed the paper but stressed the need to see base levelling-up. There was a perception that Doncaster had less bus shelters than other regions and the most aged buses in service; this needed addressing.

S Edwards acknowledged the point and commented that the Enhanced Partnership Scheme was the first step to address the issues, subject to the availability of funding.

RESOLVED – That the Board:

- i) Approve the content of the Enhanced Partnership Plan at Appendix A.
- ii) Approve the proposed inclusion of the activities outlined in the Enhanced Partnership Scheme Summary Table (Appendix B), for formal inclusion in the Scheme.
- iii) Approve the content of the Enhanced Partnership Scheme at Appendix C.
- iv) Approve giving Notice to Operators of the proposal to mask an Enhanced Partnership Plan and Scheme.
- v) Approve the intention to give public notice and consult on the Enhanced Partnership Plan and Scheme.

12 **2021/22 Budget Revision 2**

A report was considered which provided revised Group budget forecasts to the end of the financial year 2021/22,

The report sought formalised approval for the deployment of some highways

maintenance funding and the final tranche of the Additional Restrictions Grant.

It also sought approval for officers to accept a debt-cap from HM Treasury which represented an important step in the devolution journey.

The mid-year budget revision exercise, which had been undertaken at the end of September 2021, had highlighted a number of notable issues that would influence the MCA's financial position over the remainder of the year, as well as planning for the medium term. These were detailed within the report.

RESOLVED – That the Board:

- i) Adopt the revised budget estimates.
- ii) Note the slower than forecast pace of the capital programme.
- iii) Approve the final distribution of Additional Restrictions Grant funding.
- iv) Approve the distribution of the excess Highways Maintenance grants received.
- v) Consent to borrowing powers for all functions of the MCA and approve the acceptance of the debt-cap of £171m for the year ending March 2022.

13 **Autumn Budget and Comprehensive Spending Review - Implications for the MCA**

The Board considered a report which provided a summary of the recent Budget and Spending Review, looking at the impact on South Yorkshire and considering the implications for the MCA.

The report contained details of the main funding announcements relevant to the MCA which included Transport Investment, the Levelling Up Fund, UK Community Renewal Fund and UK Shared Prosperity Fund.

It was felt that, despite some welcome funding announcements, there was a clear lack of funding – particularly regional investment – and devolution to make levelling up a reality, although it was recognised that the Levelling Up White Paper may redeem the situation.

The report also gave details of financial implications for the MCA.

It was felt that the Chancellor opting to impose limits on borrowing for day-to-day expenditure was significant as it could mean tightening/ongoing scarcity of revenue funding for MCA activity.

The Board noted that the government's successor to EU structural fund (which the government had promised to match) only amounted to £1.3bn for the first three years compared with c£1.5bn/year from the EU structural funds. This meant that SYMCA was unlikely to receive the funding it needed for the next few years.

Cllr Houghton commented that Barnsley had received nothing from the Levelling Up Fund which meant that the borough was in a minus position in terms of investment in its communities.

On a wider basis, local government had been promised just over £4bn next year which was welcome, but in the subsequent two years the funding was flat. In reality, the extra funding would not cover the rising costs of social care and children's services.

Cllr Houghton further commented that the Shared Prosperity Fund, which replaced EU funding, had been guaranteed for the three UK nations and Cornwall. South Yorkshire had benefitted substantially in the past from the EU funding and would have continued to do so at an increased level given that South Yorkshire's GDP level had fallen below the 75% European average. He suggested that a letter be written to Ministers objecting to the ring fencing for certain areas and emphasising the promise made that the previous EU funding would be matched and that no-one would be worse off after Brexit. He also suggested that all South Yorkshire MPs be requested to sign the letter.

This was agreed.

Mayor Jones agreed with Cllr Houghton's points and commented that if the distribution of the Community Renewal Fund was to be repeated on the allocation of the Shared Prosperity Fund, it would represent a major shift in resources to southern England and away from many places in need of levelling up. The government needed to be seen to fulfil their promises with regard to levelling up.

RESOLVED –That the Board:

- i) Note the report.
- ii) That a letter be written to Ministers regarding the distribution of the Shared Prosperity Fund as detailed above and that all South Yorkshire MPs be asked to sign the letter.

14 **Programme Approvals**

A report was presented which requested the progression of seven schemes, early release of development cost funding subject to conditions to be set out in the Assurance Summaries and delegated authority to enter into legal agreements for the schemes.

The report detailed the results of the assurance processes undertaken on three proposed business investment totalling c£12m.

The report also recognised that, whilst all three proposals met the threshold for consideration for investment, there was currently insufficient headroom within the MCA's residual LGF allocation to support all proposals. The report requested that the Board approve all proposals on their technical merit, consider how the balance of the LGF funding be deployed and consider

whether alternative funding could be used to support the balance of proposals, for example Gainshare.

Recognising the potential for further investment opportunities to arise by January and beyond, the report recommended that the Board authorised officers to develop a decision-making framework to support future decisions and give officers the licence to discuss more sustainable means of investment with prospective applicants beyond grant interventions.

RESOLVED – That the Board approve:

- i) Progression of “D0004 – R&D 2025” to full approval and award of £4.8m grant to a Sheffield based company subject to funding being available and the conditions set out in the Assurance Summary at Appendix A1.
- ii) Progression of “D0011 – Manufacturing, Research and Development” to full approval and award £2m grant and £3.2m loan to a company looking to locate in South Yorkshire, subject to funding being available and the conditions set out in the Assurance Statement at Appendix A2.
- iii) Progression of “D0003 – Accelerate” to full approval and award of £1.98m grant to a Rotherham based company, subject to funding being available and the conditions set out in the Assurance Statement at Appendix A3.
- iv) Progression of “West Doncaster Active Travel” from OBC to FBC and release of development cost funding up to £0.05m to Doncaster Borough Council, subject to the conditions set out in the Assurance Summary attached at Appendix B1.
- v) Progression of “050 Sheaf Valley Route” from OBC to FBC and release of development cost funding of up to £0.05m to Sheffield City Council, subject to the conditions set out in the Assurance Summary attached at Appendix B2.
- vi) Progression of “City Centre to Attercliffe and Darnall Active Travel” from OBC to FBC and release of development cost funding up to £1.2m to Sheffield City Council subject to the conditions in the Assurance Summary attached at Appendix B3.
- vii) Progression of “Park Hill Phase 4” project from OBC to FBC to Sheffield City Council subject to the conditions set out in the Assurance Summary attached at Appendix B4.
- viii) Commitment of Gainshare funding to support schemes 1-3 presented that cannot be progressed from the residual LGF allocation.
- ix) Development of a decision-making framework to support consideration of future investments.
- x) Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and monitoring officer to enter into legal agreements for the schemes covered above, subject to funding being available.

15 **Integration Update**

A report was submitted which provided an update on the programme of activity being undertaken to create a single integrated MCA organisation able to respond to the challenges and opportunities for South Yorkshire.

The report set out the timescales that were being worked to, to achieve a fully integrated executive by the end of financial year. It was noted that the timing of the Order to dissolve the PTE was a decision of government and there was potential for a delay. However, planning was due to commence to ensure that if the Order was not passed in time, the integration could largely be enacted with some minor workarounds due to the PTE legally remaining.

Section 2.2 of the report outlined the activity undertaken to date and the report also contained details of the next steps that were in immediate focus.

Section 2.4 outlined the governance arrangements around the integration process particularly the role of the Audit, Standards and Risk Committee and its Advisory Panel to scrutinise the plan and associated risks.

RESOLVED – That the Board approve the update on the integration process as set out in the report.

16 **Delegated Authority Report**

A report was considered which updated the Mayoral Combined Authority on:

- Decisions and delegations made by the MCA.
- Decisions and delegations made by Thematic Boards.

RESOLVED – That Members noted the decisions and delegations made.

I, the undersigned, confirm that this is a true and accurate record of the meeting.

Signed

Name

Position

Date

This page is intentionally left blank

Agenda Annex

PUBLIC QUESTIONS TO CABINET MEMBERS AND COMMITTEE CHAIRS **Council Meeting – 3rd February, 2022**

Question: 1.
From: Mr P F – by email

Response by: **Councillor Lamb (Cabinet Spokesperson for Place – Environment and Transportation)**

Question:

Do you think that putting a children's playground within a few metres of a 2/3 lane roundabout and next to traffic lights is a good idea? Especially as every car leaving the M1 at junction 37 and heading towards Barnsley and much local traffic, will go within a few metres of the play area, and many cars will be stationary.

Will you be putting air and noise monitoring devices close to the playground to ensure the children's (and adults) are not being exposed to high and illegal amounts of air and noise pollution?

Would you consider putting a playground 20 metres from a motorway slip road?

Response:

Taking account of previous assessment of air pollution concentrations at Pogmoor, along with the relative locations of the gyratory and the proposed play area, the Council's Pollution Control service does not envisage any breaching of UK air quality objectives at the play area.

To provide further reassurance however, Pollution Control started monitoring concentrations of nitrogen dioxide gas in December 2021 along the new gyratory road adjacent to the play area. Nitrogen dioxide gas is strongly associated with traffic emissions. It is acknowledged that the gyratory was not operational when monitoring commenced.

Pollution Control will be able to report on the subsequent data, however, this may take several months before meaningful data, which can be compared to the UK air quality objectives, is obtained. Furthermore, the monitoring will have to assess concentrations when the gyratory is fully operational in future, and an appropriate period of monitoring will be required to fully assess the impact of the gyratory when fully operational.

As there are no legislative standards to assess road traffic noise at locations such as play areas, as opposed to residential premises, Pollution Control will not be

undertaking any noise monitoring at this location, following the completion of the new gyratory road scheme.