MEETING:	Full Council
DATE:	Thursday, 26 May 2022
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present		The Mayor (Councillor Tattersall)
Central Ward	-	Councillors Moyes and Risebury
Cudworth Ward	-	Councillors Hayward and Houghton CBE
Darfield Ward	-	Councillors Markham, Osborne and Smith
Darton East Ward	-	Councillors Crisp, Denton and Hunt
Darton West Ward	-	Councillors A. Cave, T. Cave and Howard
Dearne North Ward	-	Councillors Bellamy and Gardiner
Dearne South Ward	-	Councillors Bowler, Coates and Danforth
Dodworth Ward	-	Councillors P. Fielding, W. Fielding and Wray
Hoyland Milton Ward	-	Councillors Franklin, Shepherd and Stowe
Kingstone Ward	-	Councillors Ramchandani and Williams
Monk Bretton Ward	-	Councillors Green and Richardson
North East Ward	-	Councillors Cherryholme, Ennis OBE and Peace
Old Town Ward	-	Councillors Lofts, Newing and Pickering
Penistone East Ward	-	Councillors Barnard, Hand-Davis and Wilson
Penistone West Ward	-	Councillors Greenhough and Lowe-Flello
Rockingham Ward	-	Councillors Lamb, Sumner and White
Royston Ward	-	Councillors Makinson, McCarthy and Webster
St. Helen's Ward	-	Councillors Leech and Platts
Stairfoot Ward	-	Councillors K. Dyson, Gillis and Shirt
Wombwell Ward	-	Councillors Eastwood, Frost and Higginbottom
Worsbrough Ward	-	Councillors Bowser and Lodge

1. Declarations of Interests

The Mayor (Councillor Tattersall) declared a non-pecuniary interest in minute number 31 due to her position on the board of Berneslai Homes.

Councillor Ennis OBE declared a pecuniary interest in minute number 4 due to his position as non-exec director of Barnsley Healthcare Federation.

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

2. Minutes

The minutes of the meetings held on 31st March and 13th April, 2022 were taken as read and signed by the Chair as a correct record.

3. Communications

The Chief Executive reported that there were no communications.

4. Senior Management and Cabinet Realignment (Cab.25.5.22/3)

Moved by Councillor Sir Stephen Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED:-

1. That Council approves:-

   a. The establishment of the position of Executive Director of Public Health and Communities with effect from 1 July 2022. The salary for this post will be based on current Executive Director pay;

   b. The deletion of the existing post of Director of Public Health with effect from 30 June 2022;

   c. The redesignation of the Directorate and the Executive Director of Adults and Communities to that of the Executive Director of Place Health and Adult Social Care for Barnsley from 1 July 2022. The Executive Director will also be an executive member of the South Yorkshire Integrated Care Board; and

   d. The realignment of the Service Director of Communities and the Communities business unit from the existing Adults and Communities Directorate to the new Public Health and Communities Directorate with effect from 1 July 2022.

2. That Council notes the proposed Leader's decision in relation to Cabinet and Cabinet portfolios with effect from 26 May 2022, pending approval of recommendations 1a-d by full Council on that date. Namely:-

   a. The change of the Deputy Leader's portfolio;

b. The redesignation of the Cabinet Spokesperson and Cabinet Support Member for Adults and Communities to the Cabinet Spokesperson for Place Health and Adult Social Care and the changes to their portfolio; and

c. The creation of the Cabinet Spokesperson and Cabinet Support Member for Public Health and Communities and their portfolio. The roles will be remunerated in line with the Cabinet Spokesperson's and Cabinet Support Member allowances.

5. Appointment to Regulatory Boards, Overview and Scrutiny Committee and Outside Bodies

Moved by Councillor Howard – Seconded by Councillor Cherryholme; and

RESOLVED that the following appointments be made:

Overview and Scrutiny Committee – Chair of Task and Finish Group 1

Councillor Clarke

Schools Forum

Councillor McCarthy

South Yorkshire Police and Crime Panel

Councillor Osborne (substitute member)

6. Audit and Governance Committee - 16th March, 2022

Moved by Councillor Lofts – Seconded by Councillor Richardson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Audit and Governance Committee, held on 16th March, 2022, be received.

7. Audit and Governance Committee - 13th April, 2022

Moved by Councillor Lofts – Seconded by Councillor Richardson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Audit and Governance Committee, held on 13th April, 2022, be received.

8. Planning Regulatory Board - 12th April, 2022

Moved by Councillor Richardson - Seconded by Councillor Makinson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 12th April, 2022 be received.

9. General Licensing Regulatory Board - 20th April, 2022

Moved by Councillor Green – Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board held on the 20th April, 2022 be received.

10. General Licensing Panel - Various

Moved by Councillor Green – Seconded by Councillor Shepherd; and

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

11. Statutory Licensing Regulatory Board - 20th April, 2022

Moved by Councillor Green – Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Statutory Licensing Regulatory Board held on 20th April, 2022 be received.

12. Appeals, Awards and Standards - Various

Moved by Councillor Shepherd – Seconded by Councillor Makinson; and

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

13. Appointment Panel - Executive Director Place - 10th February, 2022

Moved by Councillor Sir Stephen Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Appointment Panel held on 10th February, 2022 be received.

14. Appointment Panel - Executive Director Place - 11th February, 2022

Moved by Councillor Sir Stephen Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Appointment Panel held on 11th February, 2022 be received.

15. Appointment Panel - Executive Director Children Services - 25th March, 2022

Moved by Councillor Cave – Seconded by Councillor Sir Stephen Houghton CBE; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Appointment Panel held on 25th March, 2022 be received.

16. Overview and Scrutiny Committee (Growing Barnsley Workstream) - 8th March, 2022

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 8th March, 2022 be received.

17. Overview and Scrutiny Committee - 26th April, 2022

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 held on 26th April, 2022 be received.

18. North East Area Council - 24th March, 2022

Moved by Councillor Hayward – Seconded by Councillor Richardson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on 24th March, 2022 be received.

19. Central Area Council - 30th March, 2022

Moved by Councillor Williams - Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 30th March, 2022 be received.

20. Central Area Council - 27th April, 2022

Moved by Councillor Williams – Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 27th April, 2022 be received.

21. Penistone Area Council - 7th April, 2022

Moved by Councillor Barnard – Seconded by Councillor Greenhough; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 7th April, 2022 be received.

22. South Area Council - 8th April, 2022

Moved by Councillor Markham - Seconded by the Deputy Mayor (Councillor Stowe); and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on 8th April, 2022 be received.

23. Cabinet - 23rd March, 2022

Moved by Councillor Sir Stephen Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet held on 23rd March, 2022 be received.

24. Cabinet - 6th April, 2022

Moved by Councillor Sir Stephen Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet held on 6th April, 2022 be received.

25. Cabinet - 20th April, 2022

Moved by Councillor Sir Stephen Houghton CBE – Seconded by Councillor Lamb; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet held on 20th April, 2022 be received.

26. 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.

27. South Yorkshire Pensions Authority - 17th March, 2022 (draft)

RESOLVED that the minutes be noted.

28. Sheffield City Region Combined Mayoral Authority - 21st March, 2022 (draft)

RESOLVED that the minutes be noted.

29. South Yorkshire Fire and Rescue Authority - 11th April, 2022 (draft)

RESOLVED that the minutes be noted.

30. Police and Crime Panel - 25th April, 2022 (draft)

RESOLVED that the minutes be noted.

31. 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

"In February I learned that the Council was seeking advice from legal counsel to resolve a dispute with the contractor at the Penny Pie Park gyratory over the submitted costs of the works. What was the specific nature of the dispute and has it been resolved to both parties satisfaction?"

Councillor Frost, Cabinet Spokesperson for Place (Regeneration and Culture) responded by saying that the contract used industry-standard clauses that allow compensation events to be payable to the contractor for unforeseen events that occur or result in changes to works instructions that impact on their costings.

The Council had sought legal advice on a submission by the contractor for a compensation event to ensure that the council paid only what was due under the contract, and it was highlighted that this was still in the process of being resolved.

As the contract was still live, Councillor Frost stated that it would be inappropriate to comment on the issue further.

By way of a supplementary question, Councillor Fielding asked, in view of the fact that the Council was in a legal dispute with the contractor, the project was well behind schedule, and that numerous residents had cause to complain about the behaviour of the contractor, resulting in threats of legal action and Ombudsmen complaints, what lessons could the Council learn from this contract?

Councillor Frost, Cabinet Spokesperson for Place (Regeneration and Culture), replied stating that a report on Penny Pie Park and the gyratory would come back to Councillors at an appropriate time when the project was fully completed, and the finances had been reconciled.

b. Councillor Fielding

"What steps are taken by Berneslai Homes to ensure that tenants have sufficient information about asbestos in their homes to ensure their safety?"

Councillor Frost, Cabinet Spokesperson for Place (Regeneration and Culture) responded by saying that Berneslai Homes' Asbestos Policy was updated in September 2021 and would be reviewed every 2 years to ensure it remained fully compliant with the Control of Asbestos Regulations 2012 and fulfilled duties under other legislation, including the Health and Safety at Work Act 1974.

As per the Policy, Berneslai Homes would:

• Share information clearly and transparently, and ensure that information was available to tenants through leaflets and information on its website. All new tenants were issued with a hard copy of the leaflet.

• Provide leaseholders and tenants with an asbestos survey report for the property when requested. Tenants and leaseholders may also request a copy of the survey for communal areas of their block of residence.

• Provide advice about asbestos, including what to do if tenants wish to carry out DIY or employ a contractor to undertake work, including who to contact if asbestos-

containing materials are accidentally disturbed. This was done when tenants request permission to carry out works and when tenants enquire directly.

Councillor Frost also highlighted that Berneslai Homes were in the process of transferring the Asbestos Register (currently PIMSS) over to another provider (C365). The new provider has a Tenants Portal, which will allow tenants access to the Asbestos Register for their property online.

By way of a supplementary question, Councillor Fielding asked, why Berneslai Homes were not making their tenants aware of the findings of asbestos reports carried out on their properties as a matter of course?

Councillor Frost, Cabinet Spokesperson for Place (Regeneration and Culture) replied by saying that the information was available at any time, if requested, and the new system, when implemented, hopefully by the end of the year, would allow this to be accessed at any time.

c. Councillor Fielding

"What is the Council doing to prepare for mandatory food waste collections in 2023?

Councillor Higginbottom, Cabinet Spokesperson for Place (Environment and Transportation) replied by assuring Councillor Fielding that this was an issue that was very close to his heart.

He stated that this was a matter that he had personally raised with Councillor Lamb during his time on the Council and something he would be taking a keen interest in as Cabinet Member.

The Council had been responding to a series of government consultations on prospective amendments to the Environment Bill, including clarification on which elements were in fact mandatory. While this intent of the legislation was clear, the Council was not yet clear whether the current technological solutions (procured through the Barnsley, Doncaster and Rotherham Waste Partnership) qualified as an exemption.

The current waste disposal solution delivered the outcomes sought by mandatory food waste collections i.e. it was not sent to landfill and therefore does not contribute in a negative way to greenhouse gas emissions, but instead was processed in a way which creates a gas that powers the waste treatment facility. In short, a win-win solution.

Having to collect food waste separately at the kerbside and then take it to a dedicated anaerobic digestion facility could be a retrograde step and would, in fact, increase carbon emissions. For example, with more vehicles and travel throughout the process, without making any tangible improvements to the end product.

The Council was having these discussions with DEFRA and had fed this view into the consultation responses. No response had yet been received but the Council would continue to engage fully with Ministers and officials on this matter and, would fulfil their obligations as required by legislation and guidance.

In asking a supplementary question Councillor Fielding asked if the Council were doing enough to help people reduce food waste, which would be of help to the new service and to the environment as a whole. He asked what measures were being taken to encourage residents or to inform them about the reduction of food waste and whether the Council took part in the Food Waste Action week in March?

Councillor Higginbottom, Cabinet Spokeperson for Place (Environment and Transportation) responded by stating that it was important to inform and educate residents about the importance of reducing food waste, and that Barnsley performed very much above the national average with only 2.1% of waste going to landfill, when compared to 7.8%. He added that the focus of the Environment Bill had many elements, including waste prevention and that the Council would be taking every step to encourage this, including supporting residents. In relation to Food Waste Action week, as Councillor Higginbottom was new to the role, he did not have this information to hand, but provided assurance that a full and comprehensive response would be provided to Councillor Fielding.

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Chair