

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday 27 July 2022
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall
<b>PUBLIC WEB LINK:</b>	<a href="https://barnsley.public-i.tv/core/portal/webcasts">https://barnsley.public-i.tv/core/portal/webcasts</a>

## AGENDA

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

### Minutes

3. Minutes of the previous meeting held on 13 July 2022 (Cab.27.7.2022/3)  
(Pages 3 - 4)

### Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.27.7.2022/4)

### Petitions

5. Petitions received under Standing Order 44 (Cab.27.7.2022/5) (Pages 5 - 8)

### Items for Decision/Recommendation to Council

#### Place Health and Adult Social Care Spokesperson

6. Adult Social Care Fee Uplift 2022/23 (Community-Based Support including Residential and Specialist Provision) (Cab.27.7.2022/6) (Pages 9 - 20)
7. Safeguarding Adults Peer Review Findings (Cab.27.7.2022/7) (Pages 21 - 42)

#### Environment and Highways Spokesperson

8. Response to the Overview and Scrutiny Committee Task and Finish Group Report on Air Quality and Carbon Reduction (Cab.27.7.2022/8) (Pages 43 - 68)

#### Regeneration and Culture Spokesperson

9. Smoke and Carbon Monoxide Alarm (Amendment) Regulations (Cab.27.7.2022/9) (Pages 69 - 78)
10. Exclusion of Public and Press  
Appendix A to agenda item 11 is exempt. Therefore, if necessary when considering that item, the Chair will move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves 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.

## **Regeneration and Culture Spokesperson**

11. Proposed New Lease of the former Co-op Store, King Street, Hoyland  
(Cab.27.7.2022/11) (Pages 79 - 90)  
Reason restricted:  
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), T. Cave, Frost, Gardiner, Higginbottom, Howard, Lamb, Makinson and Platts

Cabinet Support Members:

Councillors Cain, Cherryholme, Eastwood, Franklin, Newing, Osborne and Risebury

Chair of Overview and Scrutiny Committee  
Chair of Audit Committee

Sarah Norman, Chief Executive

Sophie Wales, Interim Executive Director Children's Services

Wendy Lowder, Executive Director Place Health and Adult Social Care for Barnsley

Shokat Lal, Executive Director Core Services

Matt O'Neill, Executive Director Growth and Sustainability

Julia Burrows, Executive Director Public Health and Communities

Neil Copley, Service Director Financial Services (Section 151 Officer)

Sukdave Ghuman, Service Director Law and Governance (Monitoring Officer)

Michael Potter, Service Director Business Improvement, HR and Communications

Katie Rogers, Head of Communications and Marketing

Anna Marshall, Scrutiny Officer

Jason Field, Head of Legal Services (Deputy Monitoring Officer)

Corporate Communications and Marketing

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

Tuesday 19 July 2022



<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday 13 July 2022
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## MINUTES

**Present** Councillors T. Cave, Frost, Gardiner (Chair), Higginbottom, Howard, Makinson and Platts

**Members in Attendance:** Councillors Cherryholme, Franklin, Newing and Osborne

### 39. Appointment of Chair

The Deputy Monitoring Officer advised that apologies had been received from the Leader and Deputy Leader. Councillor Gardiner was voted as Chair of the meeting.

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

Councillor Newing declared a non-pecuniary interest as an employee of the NHS.

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

The Leader reported that no decisions from the previous meeting held on 27 June 2022 had been called in.

### 42. Minutes of the previous meeting held on 27 June 2022 (Cab.13.7.2022/3)

The minutes of the meeting held on 27 June 2022 were taken as read and signed by the Chair as a correct record.

### 43. Decisions of Cabinet Spokespersons (Cab.13.7.2022/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 1 July 2022 were noted.

### 44. Petitions received under Standing Order 44 (Cab.13.7.2022/5)

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

### 45. Barnsley Education Improvement Strategy (2022-25) (Cab.13.7.2022/6)

**RESOLVED** that Cabinet approves the Barnsley Education Improvement Strategy (2022-25) for adoption in the Borough.

### 46. Urbed Town Centre Urban Design and Sustainability Strategy Adoption (Cab.13.7.2022/7)

**RESOLVED** that Cabinet refers the report to full Council for approval to adopt the Town Centre Urban Design and Sustainability Strategy produced by Urbed.

**47. Response to the Overview and Scrutiny Committee Task and Finish Group Report on Dementia (Cab.13.7.2022/8)**

**RESOLVED** that Cabinet endorses the responses to each of the recommendations as outlined in Section 3 of the report.

.....  
Chair

## BARNSELY METROPOLITAN BOROUGH COUNCIL

Report of the Chief Executive

### Petitions received under Standing Order 44

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

To consider action in respect of petitions received by the Chief Executive under Standing Order 44.

#### **2. Recommendations**

##### **2.1 That Cabinet agree the action to be taken in response to the petitions referred to in the report in line with the Council's Petitions Scheme.**

#### **3. Background**

3.1 The Council's Standing Order 44 requires that "All petitions relating to a matter over which the Council ... has authority or which affects the Borough shall be presented to the Chief Executive who shall refer them to the relevant officer for investigation."

3.2 The Petitions Scheme, which was revised in April, 2013, requires petitions to be reported into Cabinet. This report sets out recent petitions received and the recommended response.

3.3 Whilst the report of petitions to Cabinet fulfils this duty requirement, Cabinet may wish to consider further action, such as referring any petition to the relevant Area Council.

#### **4. Details of Petitions Received**

4.1 Details of the petitions received up to this meeting of Cabinet are set out in the appendix attached, including a recommendation of the action to be taken for consideration. Members should note that individual petitions will not be the subject of further reports to Cabinet unless this is specifically requested at the meeting when the petition is reported.

#### **5. List of Appendices**

5.1 Details of Petitions received.

#### **6. Background Papers**

Petitions presented to the Chief Executive. Available for inspection in the Council Governance Unit, Town Hall, Barnsley, except where the petitions contain Exempt Information.

**Officer Contact:** Carol Tague **Email:** [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) **Date:** 7 June 2022

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**Petitions received under Standing Order 44 - Cabinet – 27 July 2022**

Issue	No. of Signatories	Date Received	Action recommended under the Petitions Scheme
Speeding Vehicles on A635 dual carriageway at Stairfoot and Ardsley, Barnsley	1,104 signatories (comprising 883 within Borough and 221 outside)	4 June 2022	<p>The introduction of average speed cameras has not been supported as the current criteria set by the Department for Transport for Speed camera implementation has not been met.</p> <p>BMBC recently installed 20mph Speed Limit signs on Doncaster Road in the vicinity of Oakhill Primary School.</p> <p>BMBC are developing a new Active Travel route along the A635 and three pedestrian / cycle crossings will be provided as part of that scheme.</p> <p>It is recommended that the traffic team will also undertake an assessment before the end of July, to determine whether additional signs could be appropriate to manage the road. The Head of Highways, Engineering and Transportation write to the lead petitioner to explain the situation and address the concerns of the petitioners.</p>





**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**REPORT OF: EXECUTIVE DIRECTOR PLACE HEALTH & ADULT SOCIAL CARE**

**TITLE: Adult Social Care Fee uplift 2022/23 (community-based support including residential and specialist provision)**

<b>REPORT TO:</b>	<b>Cabinet</b>
<b>Date of Meeting</b>	<b>27 July 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Place Health and Adult Social Care</b>
<b>Key Decision</b>	<b>No</b>
<b>Public or Private</b>	<b>Public</b>

**Purpose of report**

The purpose of this report is to inform Cabinet of the approach and decision to fees uplift for care provision in 2022/23. This covers the full range of adult social care provisions including residential care, home care, supported living, shared lives and direct payments.

**Council Plan priority**

The market's capacity directly impacts the authority's ability to make sure people who need extra support are provided with good quality care in their homes or a community setting. Performance on these arrangements forms part of the council's performance management framework and is part of national returns.

The proposals set out support the council's aim for promoting an inclusive economy, promoting a stable and sustainable environment that allows providers to grow and develop their businesses. It will help more people to work in the sector and encourage significant equity for roles across Barnsley.

**Recommendations**

That the Cabinet consider the approach taken in respect of the various community support provision and approve the uplift in fees for 2022/23 as outlined in section 4 of this report.

## **1. INTRODUCTION**

- 1.1 Section 5 of the Care Act establishes a duty on local authorities to ensure a sustainable market of care. This covers all care sectors and providers of care, including community-based support – which covers a range of provisions such as homecare, supported living, and day-care. It also includes a growing sector of individual people who use services through personal budgets to employ a personal assistant.
- 1.2 The approach to setting fees and agreeing to appropriate uplifts is set out in the ‘Adult joint commissioning, pricing and fee review strategy’. The strategy aims to assure all stakeholders, including care providers, that arrangements for determining fees and uplifts are robust and provide value for money. The approach allows for uplifts to be considered on an annual basis, with consideration given to changes in business costs/conditions faced by providers.
- 1.3 The implementation of the national living wage (NLW) in 2016 meant that local authorities need to consider annual wage increases in the decision-making process for setting fees or agreeing on uplifts. The Government has confirmed the national living wage for 2022/23 (effective from 1 April 2022) at £9.50 (for workers aged 23 and above).
- 1.4 The council continues to honour the commitment to support direct care workers financially through the decision made in February 2020, when the Leader of the council announced the intention to make sure all direct care providers were paid £1 above the national living wage under the council’s Adult Social Care contracts. Barnsley Clinical Care Group also supported this approach. This continues to ensure the majority of direct care workers are paid a minimum of £10.50 per hour across contracted services. £10.50 aligns favourably with NHS Band 3 posts which is a significant shift and gives recognition to work of the care sector.
- 1.5 Cost of living has had a significant impact on the market. Pressures across food, insurance and fuel prices have driven up costs across many areas, including how care and support is provided to people in Barnsley. The following paragraphs outline the approach and the proposed fee uplift for the various types of adult social care community-based support provision to ensure on-going market sustainability.

## **2. PROPOSAL**

### **2.1 Residential and Nursing Care (Older People)**

- 2.1.1 Barnsley currently has 44 care homes operating under a framework agreement for residential and nursing care. As from 20 May 2022, the council-funded 588 placements across those homes and a further 41 placements out of the borough at a gross cost to the Council of £23.325M (net of health funding).

- 2.1.2 In 2019, the council developed a cost of care model for determining the average cost of delivering residential care in Barnsley. The cost of care model was shared with the Barnsley Independent Care Home Association (BICHP (BARNSELY INDEPENDENT CARE HOME PROVIDERS)) as part of the council's consultation on fees. The association has previously rejected the costs of care model's fees; however, fee rates based on this model have been accepted for 2022/23.
- 2.1.3 Following discussions with the care home association (BICHP), the council has now reached an agreement on a 10.6% increase in the fee rates for residential and nursing care. The agreed fee rate for 2022/23 reflects the 6.6% increase in National Living Wage and takes account of other cost pressures such as the 1.25% National Insurance Contributions levy, Consumer Price Index (CPI) inflation, energy costs, etc.
- 2.1.4 Following a re-tender exercise for the residential care home framework, 31 out of 43 (72%) care homes have now accepted the enhanced rate (the rate that requires providers to pay the additional £1 above NLW); this is an increase of five from the 26 homes reported in the last financial year. Some homes continue to reject the enhanced rate for affordability reasons due to the balance of council-funded and self-funded people they support. The Council has made efforts in the last couple of years to increase the fee rate to address the affordability concerns in relation to the enhanced rate. The enhanced rate requires providers to pay all direct care staff £1 above the national living wage. The additional costs are factored into the weekly fee paid by the council; however, where a provider has a majority of non-local authority funded residents the fees paid may not cover the additional costs.
- 2.1.5 The current weekly baseline fee (for those providers who have not accepted the £1 above national living wage) and enhanced rate (for providers who have accepted the £1 above national living wage) for residential care in Barnsley is as follows:

2020/21 Weekly Residential fee	Baseline rate	Enhanced rate
Standard residential care	£607.44	£652.82
Residential care (dementia)	£654.94	£708.65

\* For Nursing care, the fees remain as above with the addition of the current FNC (Funded Nursing Care) rate of £209.19 FNC increased annually - Figure as of 1<sup>st</sup> of April 2022.

## 2.2 **Domiciliary Care**

- 2.2.1 In 2021/22 23% of home care provision was delivered via the Support to Live at Home (STLAH) framework contract, at an average hourly rate of £18.52 (baseline 2021/22). This includes the requirement for providers to pay staff £1 above the national living wage which all contracted providers signed up to. 77% of home care purchasing is with non-contracted providers under a spot purchasing arrangement at an average hourly rate of £19.68. The gross cost to the council of home care provision in 2021/22 was £9.271M (net of health funding).

- 2.2.2 There are currently four homecare providers within the STLAH framework. A further 50 providers operate outside the framework under a spot contract arrangement. The total number of commissioned home care hours for 2021/22 was 754,964.
- 2.2.3 The STLAH contract allows for an annual uplift in the hourly fee to be considered by the council considering market cost pressures and affordability. This will include but is not limited to increases in the national living wage, pensions, national insurance contributions, rising costs of utilities, increasing fuel costs, and general inflation e.g., Consumer Price Index (CPI) rate.
- 2.2.4 Providers have shared their concerns around the high levels of staff turnover, recruitment, and retention, stating that they may be unable to meet the demands for good quality care as specified in the contract.
- 2.2.5 To address the above pressures, an uplift rate of 9% has been agreed for contracted home care providers. The 9% uplift to the hourly rate equates to a £1.66 increase per hour, giving an average hourly rate of £20.18, and covers the government confirmed increase in national living wage (6.6%) and inflationary increases (5.4% CPI forecast rate) in non-staffing costs/overheads.
- 2.2.6 The council is not required to pay the proposed 9% uplift to non-contracted providers as there is no written contract for these arrangements and Providers are generally priced higher than contracted providers, with average rates for 2021/22 showing as £19.68.
- 2.2.7 To align costs across contracted and non-contracted providers, commissioners have offered non-contracted providers an increase of 6%. This uplift covers the 6.6% increase in staff costs associated with the increase in the national living wage and a nominal uplift for inflation. 23 providers have accepted the 6% offer giving an average hourly rate of £20.36. (Please note this includes 4 providers with rates of £23+) The average excluding outliers is £19.57.
- 2.2.8 The Commissioning Plan for 2022/23 includes creating a new framework agreement to address the levels of spot activity and mitigate the risk of increased costs. We expect most spot providers will join the newly commissioned framework contract.

### 2.3 **Supported Living**

- 2.3.1 Contracted providers deliver the council's supported living provision via the Adult Community Support and Enablement Service (ACSES) framework contract. This aims to make sure that a larger range of needs can be met in the community, so fewer people will need to be provided for in settings such as specialist residential care or hospitals. There are currently seven contracted providers under the framework delivering core support (building based provision) and standard care (individual client support).

2.3.2 The current hourly rates (21/22 baseline) under the ACSES contract vary between £16.59 and £20.24 to reflect the different provision types, with higher rates applicable to complex care provision. The gross cost to the council of the supported living provision in 2021/22 (net of health contributions) is £12.389M.

2.3.3 The hourly fees were initially set at the point of contract procurement, with uplifts to be considered annually, considering market cost pressures, which will include but are not limited to national living wage increases. Expected cost pressures are similar to those for domiciliary providers outlined in paragraph 2.2.3

2.3.4 A uniform uplift of 9% has been agreed for all contracted providers in the ACSES framework contract based on NLW increases and applied to the core and standard hours of care and sleep-in arrangements.

#### 2.4 **Specialist Residential (LD/MH)**

2.4.1 This covers specialist residential care providers (learning disabilities and mental health) in and outside the borough who are not part of the older people residential care home framework contract. Gross spend to the council in 2021/22 (net of health funding) is £8.966M, with the fee payable ranging from £696 to £3,459.37 per week due to wide variation in needs.

2.4.2 Provision is usually arranged on a non-framework spot purchase basis, with fees negotiated separately and sometimes determined using the Care Funding Calculator (CFC). Fees for such provision are determined at the time of the placement subject to agreement with the provider (and form the basis of a contractual arrangement) and are influenced by the level of need for the person.

2.4.3 There is no standard methodology for agreeing annual uplift (as it is a non-contracted provision). It is based on individual requests from providers and agreed on a case-by-case basis. However, work is currently ongoing with providers to establish a framework contract and an approach to determining fees (supported using the Care Funding Calculator).

2.4.4 A 6.8% fee uplift has been agreed for specialist residential care provision for 2022/23. This uplift takes account of similar financial pressures as those in the older people residential framework contract, such as increases in National Living Wage (NI), NI contribution levy, rises in energy costs, and general inflation (Consumer Price Index rate).

2.4.5 Given the wide variation in weekly fees and the range of specialist providers in use (in and outside the borough), the following approach has been agreed upon for 2022/23:

- Where costs have been set using the CFC and are currently within the agreed bandwidth, an update of the CFC will be completed. This would be subject to a case-by-case consideration following a request for uplift.

- For past or old care packages where the CFC has not been used in setting the fee, the uplift would be limited to a maximum of 6.8% subject to a case-by-case consideration on request for uplift received from the provider.

## 2.5 **Direct Payments**

2.5.1 Direct payments (DP) represent funding given to eligible adult social care clients to promote independence, choice, and control. It allows service users to manage their care or support (For example: employ a personal assistant or use a home care agency of their choice) to meet their assessed needs that the council would otherwise have managed for them. Total direct payments made in 2021/22 (net of contributions and funding clawback during the year) amount to £8.809M.

2.5.2 An increasing number of DP recipients employ personal assistants to meet their personal care needs. Assistants are paid a varying range of hourly rates., the person who uses services' is required as a minimum to comply with the national living wage requirements.

2.5.3 Under the Care Act, there is a requirement to meet the assessed care needs of those eligible for support. Whilst there is no specific legal basis to uplift the DP for national living wage increases, failure to do so would leave the Council open to challenge. It would mean the DP rate is significantly below the new home care rate and DP recipients would be unable to procure support to meet their assessed needs with the funding allocated to them. Given this, the following approach has been agreed for 2022/23:

- Uplift (by 9%) the current DP hourly rate from £17.24 to £18.79 per hour. Whilst this rate falls below the average hourly rate paid for home care there are a small number of providers whose fees are within this. This is an area that commissioners will be looking at further in 2022/23.
- Increase the rates paid for personal assistants to £1 above the national living wage.
- Increase the rates paid for personal assistants on a higher rate than £1 above the national living wage by 5.4% in line with the Customer Price Index (CPI) rate for inflation.

## 2.6 **Shared Lives**

2.6.1 This scheme provides financial support to individuals and families (carers) who offer a person with a learning disability a short break or long-term care in their own home. Shared lives carers are paid allowances (at different rates/banding that reflect needs) for the period of support/accommodation (long term or respite) provided to service users. The total gross spend for 2021/22 on the scheme is £1.947M.

2.6.2 There is no legal basis to apply uplift for national living wage increases (as shared lives carers are deemed 'self-employed'). However, there is a justifiable reason to consider an inflationary uplift to allowances to cover the increase in general living costs (and support provided by carers).

2.6.3 In light of the above, it has been agreed to apply a general inflationary uplift of 5.4% (CPI rate) to all the different rates/banding in the shared lives scheme.

## 2.7 **Other block and spot contracted provision**

2.7.1 These cover a range of building-based care provisions provided by the independent sector and mainly relate to day-care, short stay placements or respite provision within a residential or nursing home setting or in an adult placement scheme. Total contracted spend across this range of provision is £1.194M in 2021/22.

2.7.2 Placements are usually arranged with specific providers through block contract arrangements based on service specification and activity levels (e.g., number of beds). Alternatively, provision is arranged on a spot purchase / ad-hoc basis depending on the person who uses the services' needs.

2.7.3 Given the diverse nature of the service provided through these contracts (and the different contracting arrangements) an uplift up to the maximum of 6.8% has been agreed - to be considered and negotiated with providers on a case-by-case basis.

## 2.8 **National living wage**

2.8.1 Contracted providers benefitted from an additional increase in rates in December 2021. This increase was to allow providers to bring forward the increase to the national living wage and aid the recruitment and retention of care staff. Fees were increased by approx. 4% from 29 November 2021. This has now been included within the fee uplifts proposals for 2022/23.

## 2.9 **Social care reform – market sustainability and fair cost of care**

2.9.1 In December 2021, the government published a white paper, People at the Heart of Care, that outlined a ten-year vision that puts personalised care and support at the heart of adult social care. To support the implementation of this vision, the government set out guidance to local authorities requiring councils to set out a Market Sustainability Plan and engage with providers to complete the Fair Cost of Care assessment (FCOC). Evidence of this should be submitted to the government by October 2022 and will be used to support the future shaping of social care budgets.

2.9.2 The local authority is currently working with providers using toolkits developed by ARCC HR Ltd (for Home Care) in association with the Local Government Association (LGA) and Association of the Directors of Adult Social Services (ADASS) and Improvement and Efficiency Social Enterprise (IESE) (for residential care) to complete the FCOC exercise, a further, more detailed report will be brought to cabinet on completion of this exercise.

2.9.3 The government's impact assessment suggests increasing the basic costs of care that councils currently pay. This year £0.8M funding was made available to the council to support shifting the cost of care onto a more sustainable model. As a result, the above funding was used to support fee increases for

providers and start to address some of the challenges expected when fully implemented in 2023.

### 3 IMPLICATIONS OF THE DECISION

#### 3.1 Financial and Risk

3.1.1 The Council's S151 officer or representative has been consulted as part of drafting this report.

3.1.2 The initial funding requirement built into the ASC budget for 2022/23 for NLW / cost of care uplift across the range of care provision is £3.6M (excluding demographic growth impact). The following assumptions inform the council's budgetary provision for 2022/23:

- 2021/22 forecast spend / outturn (Q2) used as the baselines
- increase of 6.6% in National Living Wage (£9.50)
- continuation of the increased pay (NLW+£1) to frontline care workers
- new health & care levy, and rise in NI Contributions of 1.25% from April 2022
- rise in the cost of living and inflation (latest CPI inflation rate)
- exceptional factors, for example, rising energy/utility costs; etc

3.1.3 Concerns continue to be expressed, in discussions with care providers, regarding the Council's fee rates and the impact on capacity and market sustainability (i.e., not reflective of the true cost of providing care in Barnsley). As a result, the following approach was agreed upon:

- Review the 2022/23 cost of care models/uplift assumptions to address current sustainability concerns.
- Over the medium term, develop a sustainable cost of care model based on a fair fee rate as required under the Adult Social Care reforms and cost of care policy guidance.

3.1.4 The following details the agreed fee uplift and funding requirement following changes to the council's cost models/assumptions to address care providers' sustainability concerns:

	% Fee uplift rate	Funding Requirement £'000
OP residential care	10.6%	2.406
Specialist residential care	6.8%	0.614
Home care	9.0%	0.707
Supported living	9.0%	0.756
direct payment	9.0%	0.659
Block/spot contracts	6.8%	0.040
Daycare / Respite	6.8%	0.029
Shared Lives	5.4%	0.105
		<b>5,316</b>



3.1.5 The annual uplift is estimated to cost £5.316M (based on forecast spend and activity levels in 2021/22). The above funding requirement has been mainly addressed via the Council's medium-term financial strategy (MTFS) - £3.6m, with the balance to be funded as follows:

- £0.9m – market sustainability grant allocated for 2022/23. The grant conditions allow councils to use this grant funding to increase fee rates as appropriate to local circumstances.
- £0.6m – increase in Better Care Fund (BCF) funding for 2022/23 (subject to approval by the CCG/HWB). A growth of 5.3% is anticipated for the year.
- £0.2m – from within ASC baseline budget for 2022/23 (for example, from increased service user/health funding).

3.1.6 The following summarises some of the financial risks in relation to Adult Social Care budgets and cost of care for 2022/23:

- rises in demand for care / support (i.e., activity levels) over and above the level assumed in the budget
- there is the risk that negotiated uplift rates (e.g., specialist residential provision) may come in higher than planned
- Actual operating costs / prices are higher than assumed in the cost models and therefore budgets – which may impact on market sustainability.
- Increased cost pressures faced by care providers due to rising inflationary pressures (rise in general inflation and other costs e.g., energy / utilities, etc.).
- Service users with assessed care needs choose not to access care and support due to the cost of client contributions
- Increased debts as a result of non-payment of client contributions.

## **3.2 Legal**

3.2.1 The fee uplifts proposed in this paper align with existing contractual arrangements with care providers.

## **3.3 Equality**

3.3.1 Equality Impact Assessment Pre-screening completed determining full EIA not required

## **3.4 Sustainability**

3.4.1 Decision-making wheel not completed – report relates directly to fees paid to care providers for existing adult social care services.

## **3.5 Employee**

3.5.1 There are no implications for council employees associated with this report.

The intended impact will be to improve the pay and conditions for those employed in the independent sector market, encouraging better recruitment and retention of good quality staff.

### **3.6 Local people/service users**

- 3.6.1 Overall, the increase in fees will help secure sustainable and diverse adult social care support for people focusing on outcomes, wellbeing, quality, and choice, where service users will be safer and enjoy a better quality of life.
- 3.6.2 Ensuring care home fees are set within an appropriate cost model will support providers to remain sustainable maintaining current provision and therefore giving the people of Barnsley greater choice and avoiding the necessity of having to look outside the borough for a care home that can meet their needs.

### **3.7 Communications**

- 3.7.1 The council's approach and decision on fee increases for 2022/23 would need to be communicated to care providers. This is to assist care providers in their planning and to help agree on terms of pay with their care staff.
- 3.7.2 Barnsley council communications and marketing team will assist with messages and accompanying press releases, media communications and messages on council platforms linking in with our Proud to Care campaign, highlighting the benefits of working in care.

## **4. CONSULTATION**

- 4.1 Whilst no formal consultation is required to support fee uplifts, officers from the council have consulted with the Barnsley Independent Care Home Provider Association to discuss fee proposals for residential care homes. Further correspondence has also been received from a number of other care providers, and these will be responded to on a case-by-case basis.
- 4.2 The care sector is being consulted on the Fair Cost of Care as outlined in 4.9 of this report.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 There is a duty on the council to ensure the sustainability of the care market, including all care providers and those fees are set at a level that reflects the cost of providing care in the local area. This means that the council needs to consider market costs and other pressures facing providers in setting fees and deciding on annual uplifts. Section 4 of this report outlines the various approaches to determining fee uplift to providers for the different types of provision.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 Section 5 of the Care Act places a mandatory requirement on Councils to facilitate a diverse, sustainable high-quality market for their whole local population, including those who pay for their own care and to promote efficient and effective operation of the adult care and support market as a whole. Ensuring care providers are paid a fair fee requires councils to carry out annual fee reviews and where appropriate uplift fees to reflect increasing cost pressures such as national living wage and inflation.

6.2 The Health and Care Act 2022 places a requirement on councils to complete a fair cost of care exercise with its care market during the 2022/23 financial year. Ensuring fees are uplifted to reflect increasing costs should ensure that fees paid are reflective of the costs incurred by care providers.

**7. LIST OF APPENDICES**

None

**8. BACKGROUND PAPERS**

None

**9. REPORT SIGN OFF**

<b>Financial consultation &amp; sign off</b>	Joshua Amahwe (08/06/2022)
<b>Legal consultation &amp; sign off</b>	Approved by Deborah Broadhurst – Legal Services 15 <sup>th</sup> June 22

**Report Author: Sharon Graham/Joshua Amahwe**

**Post: Head of Service Adult Joint Commissioning/Strategic Finance Manager**

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**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**REPORT OF: EXECUTIVE DIRECTOR FOR PLACE HEALTH AND ADULT SOCIAL CARE**

**TITLE: Safeguarding Peer Review**

<b>REPORT TO:</b>	<b>Cabinet</b>
<b>Date of Meeting</b>	<b>27 June 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Place Health and Adult Social Care</b>
<b>Key Decision</b>	<b>No</b>
<b>Public or Private</b>	<b>Public</b>

**Purpose of report**

To provide Cabinet with the outcome of the Y&H Association of Director of Adult Social Services (ADASS) Safeguarding Peer Review.

**Council Plan priority**

Healthy Barnsley

**Recommendations**

That Cabinet: -

1. Accept the report, noting the areas of strength and recommendations
2. That Cabinet note that the recommendations will be monitored by the Barnsley Safeguarding Adults Board (BSAB).

**1. INTRODUCTION**

- 1.1 Barnsley Safeguarding Adults Board (BSAB) invited Yorkshire and Humber, Association of Director of Adult Social Services (ADASS) to complete a safeguarding peer review in 2019 however due to the pandemic this was postponed until March 2022.

The review team was as follows:

- **Richard Parry**, Lead Peer, DASS, Kirklees Council
- **Michelle Cross**, Service Director, Kirklees Council
- **Claire Smith** Head of Adult Commissioning (CCG, Rotherham Council)
- **Janet Kerr**, Head of Service, Sheffield Council
- **Jonny Oglesby**, Project Leader, ADASS Yorkshire and Humber
- **Venita Kanwar**, Peer Challenge Manager, LGA Associate, ADASS Associate

The review took place between 16 and 18 March 2022.

The Review focused on the following themes:

- Leadership, Strategy & Commissioning
- Outcomes for, and the experiences of, people who use services
- Service Delivery, effective practice and performance management

The programme for the hybrid Peer Challenge of onsite and virtual meetings included activities designed to enable members of the team to meet and talk to a range of internal and external stakeholders. These activities included:

- Interviews and discussions with councillors, senior officers, frontline staff, partners, voluntary sector, and a customer service group that included people using services
- Reading documents provided by the council including a self-assessment of progress, strengths, and areas for improvement against key areas of business. and consisted of a review of safeguarding cases, meetings with a wide range of colleagues from Barnsley who were asked to provide their views on how well the board works and what difference it makes to the safety of adults.

The reviewers highlighted a number of strengths and areas for consideration as per report at Appendix 1.

The peer review is referenced in the Safeguarding Adults annual report and our progress will be evaluated in the 2022/23 report for public scrutiny

BSAB has committed to developing and overseeing the action plan related to the board and the practice suggestions, identified for Adult Social Care.

## **2. PROPOSAL**

- 2.1 That Cabinet receive the report, noting the areas of strength and recommendations

That Cabinet note that the recommendations will be monitored by the Barnsley Safeguarding Adults Board (BSAB).

### **3 IMPLICATIONS OF THE DECISION**

#### **3.1 Financial and Risk**

Consultations have taken place with representatives of the Service Director (Finance) or Section 151 Officer)

There are no direct financial implications from the ADASS Adults Safeguarding Peer Review. It is envisaged that measures, in the proposed Action Plan, to address the areas for consideration identified in Peer Review report would be managed within available Adult Social Care resources and capacity.

#### **3.2 Legal**

No legal risks as not a statutory review/inspection

#### **3.3 Equality**

Not applicable - An EIA was completed in advance of the review and did not identify any areas that would negatively impact on any individuals or groups

#### **3.4 Sustainability**

The report will have no impact on the impact of the work of the Safeguarding Adults Board or the work of Adult Social Care.

#### **3.5 Employee**

No employee impacts

#### **3.6 Communications**

The board work closely with the communications and marketing team to cover all communications around these actions making sure our residents understand our plans around Safeguarding and the work we are going to do. This will link closely with additional marketing work aimed at helping people in the borough understand the importance of safeguarding and how they can assess services and report issues, so people can get additional care and support, at the right time and in the right place.

### **4. CONSULTATION**

- 4.1 BSAB and its subgroup members were active partners in agreeing on the terms of reference for the review and contributed to decisions around which organisations should be invited to attend meetings with the reviewers. The Safeguarding Adults Forum by Experience (SAFE), customer group, met with the reviewers independent of members of the Board/Board Manager to support honest feedback.

The action plan will be approved and monitored by the Board and its subgroups.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 BSAB receives quarterly updates from all partners about safeguarding the performance and holds annual learning/development events. The board agreed that whilst this could have been repeated, we valued the external scrutiny assurance that our evaluation of current strengths and growth areas were accurate. As BSAB is a statutory board, it is well placed to monitor the agreed action plan, which has elected member oversight, it is inappropriate to allocate the responsibilities to another board.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 BSAB offers a strong multi-agency forum to maintain current strengths and to take forward and deliver the action plan.

## **7. LIST OF APPENDICES**

Appendix 1: Peer Review

## **8. BACKGROUND PAPERS**

None

## **9. REPORT SIGN OFF**

<b>Financial consultation and sign off</b>	<i>Joshua Amahwe (06/06/2022)</i>
<b>Legal consultation and sign off</b>	<i>Marianne Farrell 1/6/2022</i>

**Report Author: Cath Erine**  
**Post: Safeguarding Adult Board Manager**  
**Date: 26 May 2022**





## **Barnsley Metropolitan Borough Council**

### **Safeguarding Adults Board Peer Challenge Feedback report.**

Yorkshire and Humber Regional Peer  
Challenge Programme  
March 2022

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## Introduction

Barnsley Metropolitan Borough Council asked for a regional safeguarding adults board (SAB) peer challenge as part of sector led improvement within the Yorkshire and Humber ADASS Region. The peer challenge was based on the LGA “Safeguarding Adults Standards for Safeguarding Adults Boards (2017)”

The specific priorities identified by the council for the team to focus upon within this framework were:

- Leadership, strategy and working together in partnership
- Outcomes for and the experiences of people using services

In addition, the peer challenge team provided reflections on

- Service delivery and effective practice

The Yorkshire and Humber ADASS regional peer challenge programme is not a regime of inspection and seeks to offer a supportive approach undertaken by ‘critical friends’. It is designed to help an authority and its partners assess current achievements and areas for development within the agreed scope of the review. It aims to help an organisation in identifying its current strengths along with what it should consider in order to continuously improve. All information was collected on the basis that no comment or view from any individual or group is attributed to any finding. This approach encourages participants to be open and honest with the team. The peer challenge team would like to thank all stakeholders who made themselves available to meet the team for their open and constructive responses during the challenge process and for making the team feel very welcome.

The members of this regional adult social care peer challenge team were:

- **Richard Parry**, Lead Peer, DASS, Kirklees Council
- **Michelle Cross**, Service Director, Kirklees Council
- **Claire Smith** Head of Adult Commissioning (CCG, Rotherham Council)
- **Janet Kerr**, Head of Service, Sheffield Council
- **Jonny Oglesby**, Project Leader, ADASS Yorkshire and Humber
- **Venita Kanwar**, Peer Challenge Manager, LGA Associate, ADASS Associate

The team were on-site from 16<sup>th</sup> March 2022 until 18<sup>th</sup> March 2022. The programme for the hybrid Peer Challenge of onsite and virtual meetings included activities designed to enable members of the team to meet and talk to a range of internal and external stakeholders. These activities included:

- Interviews and discussions with councillors, senior officers, frontline staff, partners, voluntary sector and a customer service group that included people using services
- Reading documents provided by the council including a self-assessment of progress, strengths and areas for improvement against key areas of business.

The key messages in this report reflect the presentation delivered to the council on 18<sup>th</sup> March 2022 and are based on the triangulation of what the team read, heard and saw. This report seeks to cover the areas Barnsley Metropolitan Borough Council were particularly keen for the team to explore. Detailed responses to the headline areas the council asked the team to focus on are outlined in this report. The team wanted to highlight that the peer challenge was delivered

in the broader context of significant change within the local and national health and social care system, for example:

- NHS/ CCG colleagues moving into Integrated Care Boards (ICB) arrangements in July
- Changes to charging and new inspection arrangements arising out of the social care white paper
- The front door planned changes and work with NDTI on strengths-based approaches in Barnsley

This is also against a backdrop of significant concerns on cost pressures and the implications for:

- risk and safeguarding activity
- stability of the provider market – domiciliary care has already felt the impact
- travel and utility costs for people

Finally, there is a need to recognise that social care and health services are currently dealing with the fallout from two years of pandemic during which time staff have maintained services for the residents of Barnsley.

Now is the time to keep a watchful eye on staff across the entirety of the system and plan to build and maintain staff resilience and build further on the wellbeing of Barnsley's staff. The leadership in Barnsley Adult Social Care recognise this.

The Safeguarding Partnership may want to consider the changes made to services over the last two years and the value of continuing to do some areas of work virtually as Barnsley recovers from the pandemic and take the best of what has been done, and build that into future ways of working. For example, whilst virtual meetings can be less effective at building relationships, they do enable some people to attend who otherwise would not be able to do so once travel and other time commitments are taken into account. Likewise, some people may feel more comfortable in a virtual environment where it is easier to control and manage interactions with others. The Board could consider what its annual cycle of activity looks like that is purposeful about when things will happen virtually and when they will be in person to maximise the advantages of both approaches.

## Leadership, strategy and commissioning

*"It has to be about purpose, the right people around the table and that everyone knows what they are doing- clear mandate to deliver the outcomes- accountability is taken on by all"*

### Areas of strength

- A strong commitment to safeguarding and good outcomes for the residents of Barnsley from elected members, the Chief Executive, the SAB chair and Board and the wider leadership team in the health and care system
  - A real sense that partnerships work well, relationships are strong and there is commitment to the work of the Board
  - A good blend of people who have been around for some time and some who have more recently stepped into the leadership space
  - Strategy – your four ambitions are clear and there is evidence of impact in practice
  - Passion and enthusiasm is evident
  - Commissioning – good innovative practice with issuing grants and working with micro sites in communities
1. The peer team heard a consistent and strong message of a commitment to safeguarding and for good outcomes to the residents of Barnsley, this came though particularly following our conversations with elected members. There is a sense of passion from elected members wanting to do the right thing for local residents and communities, using the knowledge that they have of their communities and to use their connections to make sure people are protected. The peer team heard about the strong community links that elected members had nurtured with people during their regular 'councillor walkabouts' in their wards and good links with housing and neighbourhood wardens. Members spoke about the approach of making every contact count. The Chief Executive for whom this agenda is very important not just for adults, but for people of all ages conveyed to the peer team a commitment and passion of the wider leadership across the whole system. It evident that the Chair of the SAB was very much committed to safeguarding adults in Barnsley and his depth of knowledge of Barnsley and involvement in the work of safeguarding is well recognised.
  2. As a result of the system leadership and commitment to safeguarding, it is apparent that partnerships and relationships are strong and are working well and there is commitment to everything from good outcomes for individuals to making sure that the Board and its arrangements deliver continuous improvement. Board members reported that they feel free to ask questions and that there is mutual respect, reflecting good partnership and relationships at that level.
  3. There is a good blend of people working in Barnsley, some who have worked for quite some while and who know people well, and new colleagues who have joined recently and who spoke of Barnsley being a much different place to work and where there is a genuine commitment to the borough, something that they had not experienced in other places that they had worked in before. The SAB in Barnsley have helped to support a number of people to step into the leadership space, including a volunteer who has taken on the leadership of one of the Board's subgroup, which has brought an objective dynamic to its work.
  4. There is a clear strategy with four ambitions:

- **Ambition 1:** To ensure that collectively we all work hard to prevent harm and abuse across Barnsley
- **Ambition 2:** To develop citizen led approaches to safeguarding
- **Ambition 3:** To continue to develop safe transition experiences for young people
- **Ambition 4:** Learning together and continually improving

Your strategy is a simple and accessible document, it is easy to read, and to understand what the Board is trying to achieve. There is evidence of impact of the strategy and your four ambitions in practice.

5. People have spoken about the great work being done, particularly in commissioning at the small-scale neighbourhood level. This demonstrates that the council is prepared to let go, and place trust in voluntary sector colleagues who know what good looks like for them and their communities, subsequently delivering good outcomes for people.

### Areas for consideration

- Build on the good relationships to ensure there is a wider distribution of leadership of the partnership arrangements, for example a shared approach by partners to the role of chair of the subgroups and leadership of activity so that more agencies carry a leadership role rather than it tending to fall to the Council.
  - Your passion might mean you focus too broadly, be clear about the focus of the safeguarding board and system and use evidence to prioritise your interventions
  - Ensure the volume of business allows the agenda, particularly in Board meetings, to move at a pace that allows different individuals to contribute.
  - Utilise the resources you have across the system (engagement for example. There are some great assets (people and groups) that are potentially not being used as much as they might be.
6. In Barnsley there are strong relationships in place, more so than in many other areas. Consider how you lever these relationships and enter into conversations that talk about how you could distribute leadership of the agenda widely. In other places, councils may step into the spaces because no other partner will, but the converse is true in Barnsley where relationships are strong. A question that Barnsley could consider further, is how it is creating the opportunities for everyone to play their part in leading on aspects of the safeguarding arrangements? What is the distribution of formal leadership activity, for example, in some other SAB arrangements, the SAR subgroup or equivalent is chaired by the Police or by Fire and Rescue Services because they have a skill set that is well suited to these activities. Whilst some partners will cover more than one SAB footprint, there are examples elsewhere of partners with similar constraints who still have a leadership role in each SAB arrangement.
  7. We reflected that because of the passion to get things right for the people in Barnsley, there could be a risk that the focus of the work becomes blurred and too broad in the safeguarding system. By that the peer team mean that there will exist a set of issues that are of high priority for the Board. There will then be a range of other important issues for example modern day slavery, human trafficking, the experience of people with a learning disability and their annual health checks, and fuel poverty. These are all extremely important issues, but for the Board and the system there needs to be clarity of the focus of the work of the Board and what are the issues that the Board ought to be clear upon and where the other important issues are being addressed in the system. The Board could have assurances brought to them, to understand that they are being

addressed and are being taken forward outside of the safeguarding system for example in other domains such as the Health and Wellbeing Board, the Community Safety Arrangements or the work being done on poverty more generally. The Board could reflect upon what they have “in sight”, knowing that other arrangements are leading on them and what is “in scope” of the SAB.

8. Focusing the work of the SAB onto those things that are “in scope” would then reduce the size of the agenda facing the Board and allow its work to be moved at a pace that allows participants to contribute. One of the risks associated with trying to do too much is that to cover all of the ground you need to move quickly and this can be difficult particularly for people who like to reflect on issues, or who don’t feel confident enough to speak up and to engage with the agenda. For people who need to reflect on the discussion in the meeting as it flows before commenting, does the Board know who these people are? Ensure that items are not closed down too early or that there are references to time constraints (as this signals not to offer comment) or purposefully invite them to comment towards the end of the conversation having, perhaps, agreed with them in advance that this will be the approach. Does the Board agenda have time and give permission towards the end of the meeting for people to make last comments on previous items (without re-opening decisions that have been made)?
9. The peer team felt that it is timely for the Board to review the balance of online and in person activity and be purposeful about how it will use time in each medium in the future to get the best of both worlds. Being only online, denies opportunities for colleagues on the Board to network and build an understanding of the different people around the table but it does enable better participation from some people who are more time constrained or who feel less comfortable in a physical meeting. This is an issue that all SABs will be grappling with. There is potentially a need to invest in some “in person” time that is about developing relationships and ways of working as this is as important as the more formal business of the Board. The more formal business could then be undertaken virtually if this enables better attendance from all partners.
10. There is a set of resources that are very strong in Barnsley which you may wish to tap into more. Your group of people with lived experience are strong, vocal, and committed. Could you make more use of them in terms of leadership of engagement activity? HealthWatch, who are also involved in the work of the Board, bring a real breadth of experience and insights and are able to relate to the public. Is it possible to work with HealthWatch and build on some of the great work that Barnsley HealthWatch have done to engage citizens to general practices and dentistry, and work with them to engage people around access to safeguarding arrangements and people’s understanding of those? The SAFE group have felt more and more welcome at the Board over the years and are keen to be represented. Their contributions to the Board could be strengthened further.
11. The Peer Challenge Team is aware that the current term of the SAB chair will be coming to an end and that Barnsley will need to commence a recruitment process for a successor. Given that many organisations and sectors are experiencing recruitment challenges, Barnsley may wish to give consideration to the timing of this process to ensure that an appointment that works for Barnsley can be made and a smooth transition happens. As part of this, Barnsley may need to weigh up the benefits of appointing someone with strong pre-existing local knowledge vs appointing someone who has no or very limited prior knowledge but who can, as part of acquiring that knowledge, ask “naïve” questions of Barnsley.

## Outcomes for, and the experiences of people who use services

*“We have a good strong directions panel which takes joint risk. If there's a breakdown in a young person's home we have a link person working with them that asks them about their thoughts and wishes and we've had some really good outcomes”*

### Areas of strengths

- People are passionate about getting it right for Barnsley
- Young and vulnerable people are well supported by the multi-agency Directions Panel
- Examples of good outcomes for residents through support from housing colleagues (in all tenures) and partners is evident
- Practitioners value the support they get through the Vulnerable Adults Panel
- There is a vocal and committed customer service group which has some long-standing participants
- The values of Making Safeguarding Personal (MSP) were evident...

12. People are passionate about getting it right for Barnsley, this was a message that came out loud and clear in almost every interview the peer team participated in. The involvement, engagement and collaboration of partners is evidence of this passion, for instance the shared work with housing officers supporting and keeping adults in Barnsley safe. Keep going team Barnsley!

13. The peer team were interested in and impressed by the work of the “Directions Panel” which was put in place to clarify and improve the pathway for transitions into adulthood. Managers in Barnsley noticed a cohort of young and vulnerable people who had experienced degrees of trauma during their childhood and who were coming through the system with little or no support as they approached adulthood. The Directions Panel, made up of a multidisciplinary team (Social care, health, CAMHS, Advocacy, PSW, Housing) was set up to support this group of young people on their journey into adulthood. The panel facilitate access to a link worker who engages with the young person directly, working to support their needs and wishes and thereby resulting in excellent outcomes for individuals which have included access to work and educational opportunities. The process raises aspirations and reducing the potential for the reliance on social care. As a result of putting the Directions Panel in place, there is now a clear pathway at the age of 18, which can see individuals potentially and ultimately moving into apprenticeships. The work of the panel has been presented to Westminster Council who requested information about this creative and person-centred practice.

14. The link between the Safer Neighbourhoods Team, Berneslai Homes and the Private Sector Housing team is exceptional and is resulting in good outcomes for people. Housing colleagues are picking up the work on self-neglect and hoarding and owning it as one of their priority areas of work and something that they feel able to do well. There is a strong commitment to this agenda which has been promoted across the Council and at Place.

15. Front line practitioners particularly valued the support they receive from the Vulnerable Adults Panel, a multi-disciplinary panel that was developed to prevent escalation of cases and where cases could be discussed at length. Also, a place where practitioners can go to for advice when they felt “*stuck on what to do with a case*”. This allowed practitioners to explore the best possible outcomes for the people they work with



16. There is a committed and vocal Customer Service Group with some long-standing members, who the peer team met with face to face. It was evident to the peer team that from the newest recruit to the most long-standing member of the group that their enthusiasm was infectious and they wanted to do their utmost to help and indeed to do more, if they could. They are proud of their work engaging with the public for instance at the market for safeguarding awareness week. Barnsley should consider whether there are other opportunities for their enthusiasm to be invested.
17. The values of Making Safeguarding Personal (MSP) were evident however it was a term that was not heard consistently across groups the peer team met and was not well evidenced and documented in cases. We heard that processes are a barrier to changing practice culture and constrictive to professional curiosity and decision making.

### Areas for consideration

- Explore how well the narrative and practice of MSP is embedded across all safeguarding arrangements. Consider the possibility of having a clear participation strategy that is understood and implemented by practitioners, so people feel included in safeguarding processes with a strong emphasis on advocacy support.
  - People's stories at the beginning of every SAB meeting could bring an outcomes focus to meetings.
  - Is there a role for HealthWatch and the SAFE group in raising awareness of safeguarding as a concept for communities in Barnsley and increasing referral rates from the public?
  - Is there an equal level of data, intelligence and insight about activity in all sectors e.g. domiciliary care and health?
- 18 It is worth exploring how well the narrative and practice of MSP is embedded across all safeguarding arrangements, so that it becomes a term that is used to describe the values that are clearly evident. It is not that there was not a strong emphasis on putting people at the centre of practice and in the work of the Board, but the team listened out for the term "Making Safeguarding Personal" and it rarely came up. It was not clear whether there has been a conscious decision in Barnsley to move away from using this term.
- 19 From the April 21 MSP audit, the peer team found that in several cases it was not clear (partly as a result of file redactions) that the conversation had taken place with a family member or representative in relation to the safeguarding concern, or that it was not evidenced that the person had been asked about their wishes, (it should be acknowledged however, that capacity is a key factor in these findings). The peer team felt the practice of recording conversations with individuals about their wishes could be strengthened. For example, in one case it was not clear if the person was asked about what outcome they would like to see nor about any involvement in decisions.
- 20 A good way to start every SAB meeting would be to hear a story about safeguarding in practice which would bring outcomes focus to the meetings. The peer team understand that this is something that used to happen at SAB meetings and because the stories were so engaging, they would take up a significant amount of time, leaving much less time for other agenda items. However, if the SAB take on board the suggestions mentioned in paragraph 7 above and make decisions of what is "in sight" and "in scope" for the work of the Board that could then free up the space on the agenda to hear the stories of people who have experienced safeguarding in Barnsley. By doing this the work of the Board would be grounded by how actual practice results in individual outcomes. This could also

be an opportunity to help all practitioners become familiar with the priorities and work of the Board. Having these as a feature of the main Board meeting rather than in a sub group would give them a greater profile.

- 21 The role for HealthWatch and the SAFE group and for the Customer Service Group could be built upon to help the SAB raise awareness of safeguarding and its process within communities, and subsequently improve the rates of referral from the public. Your colleagues around the table have ideas about what messages need to be conveyed and they could contribute richly to the opportunities the Board takes forwards to build public awareness. Building on the neighbourhood model and linking the work of safer communities board to promote keeping people safe rather than using the term safeguarding is one way to increase referrals, a good communication/media campaign that reaches into communities using plain and simple language.
- 22 The peer team wanted to pose a question around whether the SAB membership thought that there was equal visibility of data, intelligence and insight about activity across all of the sectors represented on the SABs and particularly for domiciliary care and healthcare. There was certainly good data around care homes but potentially less in domiciliary care and healthcare. This may be influenced by the level of organisational thresholds for safeguarding in some instances which leads some organisations to “consume their own smoke” rather than reporting an incident as a safeguarding issue. It would be good to encourage the same level of transparency and visibility for partners which would avoid some sectors feeling that they were singled out for attention. It would also ensure that there were not opportunities missed to identify thematic issues and near misses because there was a greater breadth of reporting.

## Service delivery, effective practice and performance management

*“The chair brings real value to the PMQA sub group, he is a scientist by background and really understands the data”*

### Areas of strengths

- The Safeguarding Board Manager brings real enthusiasm and organisation to the role
- The appointment of a dedicated Principal Social Worker (PSW) role has increased senior professional leadership capacity to good effect
- The multiagency trainer and training arrangements are well regarded across the system
- The apprentice is adding real value to the team
- Housing roles have embraced their contribution as part of the wider capacity to safeguard Barnsley residents, and are an example for other roles to follow

23. It is worth reflecting back to Barnsley on the impact of the investment made on capacity recently and how this has enabled you to move things forward, is real asset for Barnsley. For example:

24. The Safeguarding Adult Board Manager (SABM) brings real enthusiasm and organisation to the role which is infectious across the arrangements. Partners were very complimentary of the openness, availability, and engagement of the SABM, an asset to the Board.

25. The dedicated Principal Social Worker (PSW) role feels like it has brought increased leadership capacity around professional leadership and is being used to good effect to lever change not just across the safeguarding agenda but more widely.

26. People spoke very highly of the investment in your dedicated multi agency trainer and more broadly the multiagency training arrangements and the way in which people work together to have a systematic approach to training, ensuring that even very small organisations in which people's roles may not be specifically around safeguarding, but who may come across safeguarding issues, have as much access to the information and training that they may need, as do the people with very specialist roles or the statutory sector.

27. The apprentice within your organisation we have been told has worked above and beyond and built really good relationships with members of the public and specifically the Customer Service Group (SAFE). The nature of apprenticeships is that they are time limited, and the peer team would like to highlight the apprenticeship as a real asset to the service. The Board may wish to consider how this good work is sustained at the end of the formal apprenticeship period.

28. People in housing roles whether based in the Safer Neighbourhoods Service or Berneslai Homes understood and had embraced their contribution and wanted to be seen as part of the wider capacity to safeguard Barnsley residents. Housing colleagues really felt like they belonged to “Team Barnsley” around safeguarding and you could consider bringing them closer into the fold.

## Areas for consideration:

- Is there clarity of approach and architecture to quality improvement in all its forms across the health and care system, particularly in light of the upcoming changes in relation to CCGs and ICBs?
  - In light of the work on the social care front door, take the opportunity to review the end-to-end process to ensure that the right people are dealing with the right issues in a proportionate way, and referrers get the right feedback...does the redesign of the social care front door offer opportunities to develop “triage” arrangements that enable greater clarity about where an issue is best dealt with?
  - Ensure forms collate the data the Board requires, are user friendly and are proportionate. There was feedback that suggests the current forms don’t work well for a number of partners.
  - Broadening the role of neighbourhood arrangements both as part of “health” integration and within the council. There was feedback that suggests the current forms don’t work well for a number of partners.
  - Consider how community level insight and intelligence informs the work of the stronger communities’ partnership and wider safeguarding activity
29. The investment in training is to be commended, however the peer team heard the following messages about training
- a. that there was a significant focus on hoarding and self-neglect, and perhaps there could be more of a balance to take into account other areas of concern.
  - b. There were some issues expressed about the current mechanism for monitoring the embedding of practice following training, with very few forms returned following discussion between manager and attendee which reduces the opportunity to understand the impact of training on subsequent practice
  - c. There may be more work to do to align training to practice levels
30. The changes in the NHS arrangements over the next few months present an opportunity to review/be clear about how the new architecture will support all aspects of safeguarding from “upstream” preventative work on quality improvement in care homes to more formal “after the event” safeguarding activity. There is an opportunity to ensure that the new arrangements deliver an integrated approach to quantitative and qualitative insights across the system and which reflects people’s journey around a system rather than just within each organisation that they deal with. As part of this, consideration can be given to what activity occurs at a Neighbourhood/PCN level, at a Place (Barnsley) level and at an ICB (South Yorkshire) level. All 3 levels have a role to play and it will be helpful for the SAB to be clear about how Safeguarding activity is being managed at each of these levels in order that it is assured that the transition to the new arrangements maximises opportunity and minimises risk. For example, within the Neighbourhood level arrangements, what are the opportunities for raising public awareness, through local leadership and community influence, of safeguarding issues and, at the other end of the architecture, what is the relationship between the South Yorkshire and Bassetlaw ICB and the SAB in each of the places that make up the ICB. Does there need to be some form of MoU that sets out the relationship between the SAB and the ICB to avoid gaps or duplication.
31. The peer team reflected on learning from cases which are not SARs. In the case review for example one professional reflected that they could have considered other input which would have been timelier and therefore affected the outcome. Questioning practice in

this way could mean that there is greater confidence that multi-agency learning opportunities are taken, captured and disseminated.

32. There is some work being taken forward already in Barnsley, on strengths-based approaches, with TLAP and more generally around adult social care. The peer team felt that there may be an opportunity alongside this work (and the front door work) to look at the end-to-end process around safeguarding. This would help make sure that the right people are dealing with the right issues in a proportionate way, bringing clarity about whether issues are related to quality and/or safeguarding. The intelligence gathered will support commissioning colleagues in their partnership work with providers using a quality improvement lens rather than a contract compliance and safeguarding lens. By doing this you could also ensure that there is provision to provide feedback to the people that are raising issues. Police colleagues for example have a very broad role and they often come across people for whom they may raise a concern, however they sometimes weren't always clear about what had happened following the concern being raised. These concerns are often a broader welfare concern rather than necessarily a formal safeguarding issue. In some Councils, there is a multi agency (Police and LA) team that handles these "calls following a concern" activities to ensure that they are acted on and then closed down which assists with the feedback process.

There is always a dilemma around making sure that you capture all the information you need during a safeguarding assessment while making sure the process is proportionate and accessible. This ties into the work that could be done to analyse your end-to-end process mentioned in paragraph 28. It would be helpful to your staff teams if a review of the forms used could be done to make sure they work for a person-centred approach as well as for partners. There were some concerns by almost all of the organisations the team met that the structure of the forms were not as user friendly as they could be. They were felt to be cumbersome and repetitive. The case review identified that some forms were not completed. The peer team felt that the forms used identified and collated themes for the SAB, however when they are not completed they will not be capturing a true picture.

The understanding of professionals in completing 'paper'/word document forms, as demonstrated by the audit showed they were not completed, and it was not clear if there were agreed outcomes or if follow-up was needed.

Other comments received include the online safeguarding system forms not being user friendly - when needing to exit in particular and then also being process driven rather than by the person and their needs.

It may be worth undertaking a "lean systems" type review of a number of forms and processes which have been developed with the best of intentions but which may not be operating as intended as people develop work arounds.

33. Build on the great arrangements that exist at a local, neighbourhood level and consider these in the context of the integration level and what it might mean for incorporating primary care and general practice in the broader sense, as part of the development of the arrangements of the ICB mechanisms,
34. There are also within the council a set of services that are always based at neighbourhood level and that are out and about on the streets all of the time and have a great deal of knowledge about what goes on at local level and will see that an individual might not have

put out their bins for a number of weeks or someone's garden is unkempt or are concerned about the condition of someone's house. Are those people empowered, not to resolve the issue, but to understand who to go and speak with at a local level or within their organisation?

35. The peer team also felt that the programmes and grants that you have in Barnsley at the micro level produces some very rich insight that could be built upon in terms of neighbourhood work. Wider sharing of this data and outcomes analysis would benefit Place in particular, prevention and health inequalities in relation to both future commissioning activities and influencing partnerships across all parts of the system.

## Case file audit

### Areas of strengths

- The recording is clear, accessible, largely non-jargon based
- The recording is factual and informative
- There was strong oversight and support from management in most cases
- Capacity assessments appear to be undertaken appropriately
- There is a clear focus on partnership working which was very strong in most cases
- Information sharing is usually very good, effective and timely
- Timeliness was very good across the board and the persistence of staff was exceptional
- Coordinating between partners with clear and timely communication meant that the people and professionals involved knew what was expected and had information they needed.
- Used knowledge of legal frameworks to enable independence, choice and control
- Involvement of family members was compassionate and supportive

### Areas for consideration

- Auditors thought that it was not always clear that the views of the person were sought, documented and revisited throughout the process
- We know that action has been taken to improve the quality of sign offs, you may wish to review the impact that this has had...it was not always clear what scrutiny had taken place on actions or that there was the same process across all teams/variation in process was founded on a conscious design decision.

The case file audit process completed in this adult social care peer challenge follows the methodology outlined in the LGA Guidance Manual for Adult Safeguarding Peer Challenges. The records considered represented a mix of ages and include adults with mental health problems, people with learning and physical disabilities.

A total of twenty-eight case records were made available to the peer challenge team, of which fourteen were randomly selected, most of the categories in the LGA case file audit document were covered. The categories are:

- People who were not known to services (or not known for a number of years) prior to initial contact and where safeguarding was the reason for initial contact
- People living at home
- People living in registered residential establishments
- People in hospital
- People using personal assistants
- Adults with children in the household
- People who have been referred through domestic abuse services, hate crime, anti-social behaviour or other community safety routes

In terms of context, this selection equates to a sample of circa 0.8% of the referrals received by the team each year. The feedback given here is based on the files that the peer challenge team have read and seen, which contributed to the overall conclusion that the service demonstrated high standards and was protecting vulnerable people and keeping them safe. The case files audited covered the period of the last 6 months.

The case file audit of fourteen randomly selected files was carried out prior to the onsite visit by the peer team. The analysis was carried out by two of the members of the peer team and included a good mix of different client groups and scenarios (i.e., people living at home, with children, in care homes etc.).

The case file audit presented some difficulties for the team as a number of redactions on files, reduced the certainty of our findings. Therefore, the strengths and considerations presented in this report are based on the caveat that we did not have all the facts to hand. This was discussed with Barnsley colleagues at the time of the audit.

The reviewers found that there was evidence in all cases, of management oversight and good evidence of managers taking a strong lead on decision making, demonstrating good practice and leadership.

It was evident that there was good partnership working across cases and produced some good outcomes for individuals.

Capacity assessments were generally considered consistently although a variance to this was where a provider was asked to clarify capacity which wasn't provided or followed up. The team did not see sufficient case examples to identify this as a recurring theme, further evidence would be needed to establish this.

There were examples of social workers being determined and persistent in supporting adults in Barnsley in appropriate and well-coordinated approaches. This strongly demonstrates a professional approach that respects individuals and empowers them.

Auditors thought that the views of the person could be sought, documented, and revisited throughout the process in a stronger way. This is with the caveat that redactions did not always make it clear whether this had happened or not. A good practice example of this can be found at <https://leedssafeguardingadults.org.uk/safeguarding-adults/multi-agency-safeguarding-adults-forms>

It was not always clear what scrutiny had taken place on actions, for instance when another organisation had undertaken an investigation it was not clear if any findings were shared or where an action as a result of a safeguarding was to increase staffing levels to mitigate future risk, are you assured these actions happen? The fact that one enquiry had been closed when another investigation was being undertaken, raised some concern that this was not always effectively monitored. This may be a product of the redactions in the files but the review team could not be sure that this was the case.

In one case professionals felt on reflection they could have considered other inputs which would have meant a timelier outcome. It was felt that the opportunity for immediate and/or shared learning from cases could be lost. The peer team would ask, are points of learning from cases consistently highlighted and captured?

Several cases showed that the forms are not utilised to incorporate important information e.g., raised by, action taken, agreed outcomes and decision section. For instance, medicines management is a theme the Board is seeking to gather information about and this was not recorded correctly. Auditors also saw some errors between 'raising concerns / requesting an assessment' and 'organisational / individual safeguarding' which were mixed up or not recorded as intended.



## **Conclusion:**

We hope that this Peer Challenge has captured a flavour of the numerous examples of good practice that Barnsley should be proud of as well as opportunities for further development.

## Contact details

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## BARNSELY METROPOLITAN BOROUGH COUNCIL

**REPORT OF:** Executive Director of Growth & Sustainability and Executive Director Communities & Public Health

**TITLE:** Response to the Overview and Scrutiny Committee task and finish group's report on air quality and carbon reduction

<b>REPORT TO:</b>	<b>Cabinet</b>
<b>Date of Meeting</b>	<b>27 July 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Deputy Leader</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Public or Private</b>	<b>Public</b>

### **Purpose of report**

To report to Cabinet the coordinated response of the Executive Director of Place and Director of Public Health to the findings of the Overview and Scrutiny Committee (OSC) Air Quality and Carbon Reduction Task and Finish Group (TFG).

### **Council Plan priority**

- Healthy Barnsley
- Growing Barnsley
- Sustainable Barnsley
- Enabling Barnsley

### **Recommendations**

**That Cabinet considers and endorses the conclusions and recommendations set out below as a result of the TFG's review of air quality and carbon reduction.**

### **Introduction/Background**

The impact of climate change is already causing severe damage around the world. The United Nations Intergovernmental Panel on Climate Change (IPCC) report published in October 2018, warned of the rapid and far-reaching consequences of the earth's warming. It concluded that limiting global warming and the most extreme impacts of climate change would require a similarly rapid, far-reaching and unprecedented change in all aspects of society.

In response, Barnsley Council declared a climate emergency in September 2019, with an 'ambitious and realistic' vision for the borough to become net-zero carbon by 2045 and as an organisation to lead by example to become net-zero carbon by 2040.

In December 2020, as part of its work programme, the OSC scrutinised the council's

Sustainable Energy Action Plan (SEAP) 2020-2025, which sets out how the council will deliver on its vision. OSC agreed to continue their work and create a task and finish group (TFG) investigation into a related topic.

Over four months, the TFG met with council officers and a sustainability research expert from Sheffield University. They also engaged with young people who advocate for young people across the borough through their involvement with Barnsley Youth Council.

As a result of their investigations, the TFG has detailed a set of recommendations supporting further improvement.

The members of the TFG who undertook this investigation are as follows: Councillors Peter Fielding (TFG Lead Member), Jeff Ennis, Hannah Kitching, Kevin Osborne, Clive Pickering and Sarah Tattersall.

### Task and Finish Group recommendations and response

No.	Recommendation	Service response
1	<i>Introduce widespread monitoring of fine particulate matter (PM2.5)</i>	Supported
2	<i>Work towards achieving World Health Organization's (WHO) guideline values for ambient air for PM2.5, PM10 (coarse particulate matter) and nitrogen dioxide (NOx) across the borough and amend/introduce policies to reflect the aspiration.</i>	Supported
3	<i>Introduce consistent monitoring of air quality across the borough and increase the robustness of information gathering through the use of mobile measuring equipment and working with elected members and residents to reduce the use of modelling.</i>	This recommendation is partially supported
4	<i>Effectively use data to inform management decisions and communicate the information to residents in a clear and concise way so that they are aware of the quality of the air they breathe in the locations they frequent.</i>	This recommendation is supported
5	<i>To protect the health of children and young people, promote more schemes to reduce air pollution around schools and facilities frequented by children and young people.</i>	This recommendation is supported
6	<i>Utilise new powers within the Environment Act 2021 to strengthen enforcement to restrict the amount of smoke emissions from domestic burning.</i>	This recommendation is supported

7	<i>Work with front line health professionals to raise their awareness of the links between respiratory ill-health and the patients' environment.</i>	This recommendation is supported
8	<i>Adopt the electrification of fleets for vehicles within the organisation's control and work towards providing on-street electric vehicle charging points for those without private driveways.</i>	This recommendation is partially supported
9	<i>Review the active travel policies to ensure they realistically facilitate and encourage a move to sustainable transport, including the provision of cleaner, convenient, reliable, and affordable public transport.</i>	This recommendation is supported
10	<i>Increase the scrutiny and monitoring of sustainable travel plans and consider introducing penalties for non-compliance.</i>	This recommendation is supported
11	<i>Investigate the viability of a park and ride scheme for the hospital staff and visitors.</i>	This recommendation is supported
12	<i>Adopt a more appropriate review cycle to ensure planning documents such as the Local Plan and Supplementary Planning Document (SPD) reflect current guidance, knowledge, technologies, and priorities to ensure they are fit for purpose to meet the Zero40 and Zero45 ambitions and air quality aspirations.</i>	This recommendation is partially supported
13	<i>Introduce a higher carbon reduction requirement in all new properties before the Future Homes Standard is introduced and adopt the Future Homes Standard at the earliest opportunity</i>	This recommendation is partially supported
14	<i>Replicate the principles of the Public Sector Decarbonisation Plan across all council owned assets.</i>	This recommendation is supported
15	<i>Provide segregated litter bins to allow the recycling of litter in the town centre and surrounding areas.</i>	This recommendation is partially supported
16	<i>Work around the Zero40 and 45 ambitions and air quality aspirations should be added to future work programmes, as a significant content of the existing work streams of the Overview and Scrutiny Committee.</i>	This recommendation is supported

17	<i>Publish quarterly information and data as to how the Council is achieving its Sustainable Energy Action Plan (SEAP) targets and seek to find increasingly effective ways to engage with all residents on the Zero 40 and Zero 45 agendas.</i>	This recommendation is partially supported
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**1) Recommendation one:** Introduce widespread monitoring of fine particulate matter (PM2.5).

**Service response:** This recommendation is supported

We acknowledge what the TFG is recommending. We understand that the investigations on PM2.5 have shown it to be incredibly harmful to people’s health and that this can impact other services in time.

We understand that by determining the levels of PM2.5, we can work to prevent potential future health issues and increased demands on services.

The Secretary of State is tasked with introducing a National Annual Mean PM2.5 Air Quality Standard. As part of the Environment Act 2021, with a deadline of 31 October 2022 for a draft standard to be presented to parliament. The proposed Standard is a new target that we’ve not been required to monitor.

We’re currently discussing with Defra to have at least one real-time PM2.5 and PM10 monitor installed in Barnsley (we’ve identified a site at Gawber). This should be operating before the government confirms the proposed National Annual Mean PM2.5 Air Quality Standard.

PM2.5 is complex, and a large proportion of PM2.5 is created outside the borough. This is why we’re installing a monitor to assess the levels within the borough and see if we’re exceeding the government’s National Annual Mean PM2.5 Air Quality Standard.

It’s not necessary to install monitoring equipment in every ward. Our existing data highlights the areas with higher levels of pollution, and we continue to investigate areas where future problems could occur.

Our current monitoring program keeps a close eye on these locations of concern. Our real-time PM2.5 monitor will address risks according to the government’s new National Annual Mean PM2.5 Air Quality Standard.

Monitoring for pollutants is not new for Barnsley. For the last 20 years, Pollution Control Services have followed government requirements to monitor air quality pollutants across the borough.

This has provided us with a good understanding of the pollution causing a problem - Nitrogen Dioxide (NOx), which is mainly caused by traffic.

We’ve real-time monitors across the borough, supported by passive monitors located across major roads to monitor NOx levels. Maps are included in appendix B to show

the location of these monitors in 2010 and 2020.

We've relocated and reduced monitoring in many locations where results show levels below the legal standard of NOx.

The locations where we have higher levels of NOx are declared as Air Quality Management Areas (AQMAs). You can read more about this on Defra's website at [uk-air.defra.gov.uk/aqma](https://uk-air.defra.gov.uk/aqma)

The data from our monitoring forms part of our Air Quality Action Plan, and we're working with partners to take action to reduce the levels of NOx in Barnsley.

We originally had eight AQMAs, and we're pleased to have removed three due to the reduction in levels of NOx. We're continuing to monitor the NOx levels in the remaining five sites.

- 2) Recommendation two:** Work towards achieving World Health Organization's (WHO) guideline values for ambient air for PM2.5, PM10 (coarse particulate matter) and nitrogen dioxide (NOx) across the borough and amend/introduce policies to reflect the aspiration.

**Service response:** This recommendation is supported

Every improvement to air quality benefits both our residents and people outside of the borough. We support the TFG recommendation to work towards the WHO guidelines for ambient air for PM2.5, PM10 and NOx.

The Secretary of State is tasked with introducing a National Annual Mean PM2.5 Air Quality Standard. As part of the Environment Act 2021, with a deadline of 31 October 2022 for a draft standard to be presented to parliament.

We're currently discussing with Defra to have at least one real-time PM2.5 and PM10 monitor installed in Barnsley (we've identified a site at Gawber). This should be operating before the government confirms the proposed National Annual Mean PM2.5 Air Quality Standard.

PM2.5 is complex, and a large proportion of PM2.5 is created outside the borough. This is why we're installing a monitor to assess the levels within the borough and see if we're exceeding the government's National Annual Mean PM2.5 Air Quality Standard.

This will provide an excellent dataset for urban background PM2.5 levels.

We currently meet the National Annual Mean PM10 Air Quality Standard. In the next 12 months, we're looking to replace the PM10 monitor at Kendray with a new monitor that analyses both PM2.5 and PM10.

Once the monitor is installed, we'll be able to measure and encourage improvements and take enforcement action once the National Annual Mean PM2.5 Air Quality Standard is legally introduced.

If our monitoring shows levels below any national UK standards, we'll continue to take action to improve air quality. This may involve local actions and improvements and engagement with other local authorities and government.

Our current monitoring locations are Gawber, Pogmoor and Kendray.

- **Pogmoor** is located at the crossroads coming off the M1 and is one of the busiest junctions for traffic pollution. Our monitor provides real-time data for NOx pollution from traffic at this location. We also use this data to compare the passive monitors located across the borough.
- **Gawber** is a site Defra regard for providing excellent urban background data regarding NOx, Sulphur Dioxide and Ozone. It's not directly affected by traffic pollution, allowing us to compare the urban background impact of the different sources of these pollutants.
- **Kendray** currently monitors for background PM10 pollution and is located at a site that picks up localised sources (domestic and traffic) and potential regional sources.

It's not necessary to install monitoring equipment in every ward. Our existing data highlights the areas with higher levels of pollution, and we continue to investigate areas where future problems could occur.

Our current monitoring program keeps a close eye on these locations of concern, and we're targeting resources to try and achieve improvements to the areas that we have declared as AQMAs. Our real-time PM2.5 monitor will address risks according to the government's new National Annual Mean PM2.5 Air Quality Standard.

- 3) Recommendation three:** Introduce consistent monitoring of air quality across the borough and increase the robustness of information gathering through the use of mobile measuring equipment and working with elected members and residents to reduce the use of modelling.

**Service response:** This recommendation is partially supported

We agree with what the TFG is seeking to achieve with this recommendation to increase the mobile air quality monitoring network while setting out the current position and challenge to support this fully.

We currently have three fixed real-time monitors reporting daily statutory information to Defra. We're required to collect this data using Defra approved analysers.

However, as stated in recommendations one and two, except for PM2.5 monitoring, we've real-time monitors located across the borough, supported by passive monitors located across major roads. This provides us with data on air quality issues across the borough.

Installing more real-time monitors would add to the resource required to manage and oversee the new assets. It would impact our capability to focus on the known areas of concern as agreed by the Air Quality Steering Group.

Defra and our Regulatory Services support modelling to predict air quality.



Air quality modelling involves using several parameters to model the air quality of proposed developments. It includes 'sensitivity analysis', where certain factors can be altered to model worst-case scenarios to see what the effect on air quality may be. This can provide assurance on the conclusions made within the modelling exercise on predicted impacts of new development or current traffic impacts.

Following some modelling exercises, we've installed diffusion tubes in areas around new developments to help verify the accuracy of the modelling exercise. This has shown modelling to be a realistic and accurate predictor of air quality.

We need to invest time in explaining the interpretation of modelled and actual data to help demystify this area for elected members and the public.

- 4) Recommendation four:** Effectively use data to inform management decisions and communicate the information to residents in a clear and concise way so that they are aware of the quality of the air they breathe in the locations they frequent.

**Service response:** This recommendation is supported

We support the TFG recommendation to better use captured data, and we fully support making this easier to find for residents.

Air quality information is sent to Defra by our real-time sites. Anyone can access this information on the Air Quality England's website at [airqualityengland.co.uk/local-authority/?la\\_id=19](https://airqualityengland.co.uk/local-authority/?la_id=19)

Defra provides a mapping tool which provides the real-time data for air quality levels currently being experienced across the nation, along with an explanation of the health impact information. You can find this on Defra's website at [https://www.airqualityengland.co.uk/local-authority/?la\\_id=19](https://www.airqualityengland.co.uk/local-authority/?la_id=19)

[uk-air.defra.gov.uk/air-pollution/daqi#band](https://uk-air.defra.gov.uk/air-pollution/daqi#band)

We produce an annual status report, which is submitted to Defra. It sets out air quality levels monitored from the real-time sites and passively monitored locations in the borough. This report also sets out the actions we're taking to improve the air quality in the borough. The 2021 Annual Status Report is available on our website at [barnsley.gov.uk/media/19969/asrtemplateengland2021v20-1-barnsley-abc.pdf](https://barnsley.gov.uk/media/19969/asrtemplateengland2021v20-1-barnsley-abc.pdf)

You can view more information on our website at [barnsley.gov.uk/services/pollution/air-pollution/air-quality/](https://barnsley.gov.uk/services/pollution/air-pollution/air-quality/)

- 5) Recommendation five:** To protect the health of children and young people, promote more schemes to reduce air pollution around schools and facilities frequented by children and young people.

**Service response:** This recommendation is supported

We support the TFG recommendation to protect the health of children and young people by promoting more schemes to reduce air pollution around schools and facilities used by children and young people.

In the womb, maternal exposure to air pollution can result in low birth weight, premature birth, stillbirth or organ damage. There's evidence of reduced lung capacity and worsening existing respiratory issues such as asthma in children. Furthermore, children tend to be more exposed to air pollution as they breathe deeper and faster than adults.

Several schemes to protect children's health and reduce air pollution around schools and the entire borough have occurred over recent years. These include the Eco Driver Training Scheme, Smoke-free Schools, Eco Stars Scheme, and School Street Road Closures project.

The School Street Road Closures project ran successfully across 2021 and included ten road closures with the following objectives:

- Raise awareness about the health issues linked to poor air quality and inactivity
- Reduce harmful air pollution and improve road safety outside schools
- Increase physical activity and improve health by encouraging more walking, scooting and cycling
- Consult openly with residents, parents, and children
- Gauge public support for more regular/permanent school street closures across Barnsley

The evaluation of the project found that 59% of pupils, 42% of school staff, and 33% of parents surveyed reported that they are more aware of air pollution and the risks to human health following the School Street Closures.

We'll continue to identify future funding opportunities to implement further schemes to protect children's health, raise awareness and reduce air pollution around schools and facilities used by children and young people.

We'll continue to engage with schools and other children's settings through programmes such as Clean Air Day so that more pupils, teachers, parents, and residents understand the potential harms of air pollution on health and how they can reduce their risk.

Our local Air Quality Action Plan will be refreshed following the completion of the previous Action Plan from 2016 to 2021. We will include specific references to protecting children and young people from addressing this recommendation.

The Sport and Active Recreation Team will be recruiting an Active Travel Officer to lead our behaviour change planning for active travel. This will include the offer to schools and help coordinate the various initiatives available to increase modal shift from cars into the walk, cycle, scoot and mixed modal options. This will build on the existing active travel offer and the success of the School Streets Project to draw down relevant funding in the future to increase our offer.

We'll continue working closely with the Sustainability Team to ensure that air quality monitoring data is collected before and after a scheme is implemented.

- 6) Recommendation six:** Utilise new powers within the Environment Act 2021 to strengthen enforcement to restrict the amount of smoke emissions from domestic burning.

**Service response:** This recommendation is supported

We support the TFG recommendation to make it easier for local authorities to tackle air quality issues, albeit the Environment Act 2021 powers in this area have been reduced from the early rounds of public consultations.

While the Environment Act 2021 introduced new powers regarding smoke from chimneys, it did not go as far as was expected. We were expecting additional enforcement powers of entry to domestic premises to investigate fuel sources. This has not been included in the Act, and we're reliant on the information provided by the alleged perpetrator, i.e., that they are burning the correct fuel for their appliance.

The Environment Act amended the Clean Air Act 1993 to allow the serving of fixed penalty notices (FPNs) for smoke from a domestic chimney. New national guidance will be issued to regulators soon. As with any new power, there will be some initial interpretation and testing of the guidance before a defined process can be implemented.

By March 2023, sales of traditional bituminous coal will no longer be allowed, and only smokeless fuels should be sold within the borough unless the property has an 'exempted' appliance. This will improve air quality within the borough.

Under the Clean Air Act, the new powers also remove the statutory defence of a property, i.e., were burning on an exempt appliance/or using an authorised fuel. This should make taking enforcement action easier with regards to smoke from chimneys.

- 7) Recommendation seven:** Work with front line health professionals to raise their awareness of the links between respiratory ill-health and the patients' environment.

**Service response:** This recommendation is supported

We support the TFG recommendation to work with front line health professionals to raise their awareness of the links between respiratory ill-health and people's environment. This will include the impact of poor air quality.

Our Public Health and Regulatory Services (Pollution Control) engage with Barnsley Hospital colleagues. They previously worked closely with the hospital's Energy and Sustainability manager on Clean Air Day promotional activity, raising awareness among staff and residents around air quality and health.

As a health care provider, Barnsley Hospital recognises that minimising their contribution to air pollution is essential for keeping our community healthy and preventing illness. They have signed up to the Clean Air Hospital Framework to minimise air pollution and carbon emissions across their assets and the wider region.

The hospital has recently launched its Green Plan for 2022-2027. You can view this on Barnsley Hospital's website at [barnsleyhospital.nhs.uk/uploads/2022/03/Barnsley-Hospital-NHS-FT-Green-Plan-2022-27.pdf](https://barnsleyhospital.nhs.uk/uploads/2022/03/Barnsley-Hospital-NHS-FT-Green-Plan-2022-27.pdf)

This plan sets out various commitments and ambitions about air quality, with shared targets of Barnsley Council, one of which is to achieve net-zero carbon emissions by 2040.

We're working closely with Barnsley Hospital through the Barnsley 2030 Board. The Barnsley 2030 Board is a group of key stakeholders from different businesses and organisations across all sectors that provide oversight for the delivery of the Barnsley 2030 Strategy and make sure that we all play a part in achieving our borough's vision and ambitions, including those that relate to the environment and respiratory health. You can read more about this on the Barnsley 2030 website at [barnsley2030.co.uk](https://barnsley2030.co.uk)

In relation to the people's environment at home, our 0-19 Public Health Nursing Service complete health assessments, including consideration of the living environment and respiratory health. This consideration includes secondary smoke, dampness, and mould.

However, it's acknowledged that more can and should be done to raise the awareness of front-line health professionals about the broader links between respiratory ill health and people's environment.

To address this, we'll work with the Barnsley Hospital Healthy Lives Team to include air quality in their support package, helping people make healthy changes to their behaviours and lifestyle once discharged from the hospital. This presents an opportunity to educate people about respiratory health, their exposure to air pollution, and what they can do to reduce that exposure.

We know that all residents, not just those admitted to hospitals, need improved awareness of air quality and health. We'll continue to engage with schemes such as Clean Air Day and bid for grant funding that will allow us to continue to deliver projects to improve air quality and awareness across the borough.

- 8) Recommendation eight:** Adopt the electrification of fleets for vehicles within the organisation's control and work towards providing on-street electric vehicle charging points for those without private driveways.

**Service response:** This recommendation is partially supported

We partially support the OSC recommendations. The following response has been broken down into electrification of our fleet within the organisation (a) and working towards providing on-street electric vehicle charging points for those without driveways (b).

(a)

Currently, 15% of the fleet operated directly by the council are electric vehicles (EVs). Our ambition is to increase this to 25%+ over the next couple of years. This ambition is dependent on the automotive sector and how quickly they develop the technology, particularly 3.5+ tonne commercial and specialist vehicles.

Our fleet vehicle replacement process requires us to procure the least impactful vehicle. We start with electric, then look at hybrid technology, and lastly, diesel or petrol combustion engines.

Currently, where the market is not sufficiently developed, we have found that replacing an older diesel with a new one will give a 75% reduction in CO2 emissions.

Further fueling options and benefits are being looked at through the trial of Hydrotreated Vegetable Oil (HVO). We started this in April 2022 in a small fleet of vehicles. We expect around 75-90% reduction in CO2 emissions, amongst other benefits.

(b)

In 2021, 20 dual chargers were installed at nine sites across the borough as part of an EV charging project. These, along with our seven existing EV chargers, mean we have installed 27 chargers across the borough. As part of the South Yorkshire Mayoral Combined Authority (SYMCA) led EV scheme, we plan to install more rapid charges at strategic locations, including 2x 50kW chargers.

Where possible, the authority will continue to increase the number of EV chargers available around the borough. As with any new technology, initial adopters will pay considerably higher prices. Thereafter as supply increases with demand, prices will typically reduce making it more affordable to residents and businesses. In parallel as adoption increases then the market providers of traditional fossil fuels will develop fast charging stations for people to recharge their battery units. There are also lessons to be learnt from other authorities that have seen higher adoption rates of domestic electric vehicles in densely populated areas. How they deliver charging infrastructure whilst meeting the Highways Act will be considered. At present, BMBC does not permit trailing cables on pavements and highways for use in EV charging. With such market fluidity, timing of infrastructure is critical to ensure that optimum businesses cases for investing public funds can be made. All of which will be considered as part of a new EV strategy for the authority.

- 9) Recommendation nine:** Review the active travel policies to ensure they realistically facilitate and encourage a move to sustainable transport, including the provision of cleaner, convenient, reliable, and affordable public transport.

**Service Response:** This recommendation is supported

We support the TFG recommendation regarding the challenges associated with using public transport and the continued need to influence decisions made at a regional level. We also support the need to increase the promotion of active travel.

This summer, we plan to engage with residents and businesses on the draft Transport Strategy for Barnsley. One of its priorities is centred on the use of sustainable transport and the need for a modal shift away from the private car.

The projects to be delivered through the City Region Sustainable Transport Settlement (CRSTS) align with the Transport Strategy. Feedback from the engagement exercise will be used to adapt the Transport Strategy to make it work for Barnsley. It will then follow the council's decision-making process through Cabinet for formal adoption. We anticipate that the Transport Strategy will be adopted late this year.

SYMCA were successful with the bid to acquire several zero-emission buses (the ZEBRA project), which will be used in one of the bus corridors in Barnsley; this is one of the first for the borough. We'll continue to work with SYMCA and the Department for Transport for this to be actioned. The first ZEBRA buses should be on the road by late 2023.

We're adapting our Active Travel Plan and Travel Plan policies from late 2022 into early 2023. The Travel Plan policy is proposed to be adopted as a Supplementary Planning Document (SPD). This will create more sustainable development, with clear targets that need to be achieved. It will also allow more engagement on Active Travel measures.

The Department for Transport did not award any funding to the SYMCA bid of over £470m for Bus Improvements (part of the Bus Service Improvement Plan).

This funding would have enabled the much-needed investment into public transport across South Yorkshire. This funding would have been used to create a faster, more reliable, and punctual system, a zero-emission fleet, and a daily and weekly fares cap.

**10) Recommendation ten:** Increase the scrutiny and monitoring of sustainable travel plans and consider introducing penalties for non-compliance.

**Service response:** This recommendation is supported

We support the TFG recommendation to continue to work with businesses and organisations across the borough.

Once the Supplementary Planning Document (SPD) has been adopted, we'll be in a position to formally monitor the travel plans against targets and set penalties (as in a financial contribution) to offset this. We'll seek to resource a dedicated Travel Plan officer as part of this. We're adapting our Active Travel Plan and Travel Plan policies from late 2022 into early 2023.

**11) Recommendation 11:** Investigate the viability of a park and ride scheme for the hospital staff and visitors.

**Service Response:** This recommendation is supported

We and our colleagues from Barnsley Hospital understand the TFG recommendation and have set out the current and future partnership actions that seek to deliver mutually beneficial outcomes.

The Trust recently introduced a series of changes to their car parking permits to reduce the number of staff using their cars to commute to work. These include introducing:-

- Free car parking for 3+ staff arriving in 1 vehicle
- Free night parking permits on the central site
- Syndicate permits for multiple staff sharing one permit
- Mini temporary permits for 1-2 days per week use in day times

- Maxi temporary permits for 3+ day per week use in day times
- Evenings & Weekends permits for part-time and full-time staff
- Business permits for staff requiring frequent journeys on and off site in a day
- Trust staff can apply for a car parking permit for BMBC car parks

We'll continue to work with the hospital to reduce the number of staff driving and parking at the hospital as part of their new Green Plan for 2022-2027. You can view this on Barnsley Hospital's website at [barnsleyhospital.nhs.uk/uploads/2022/03/Barnsley-Hospital-NHS-FT-Green-Plan-2022-27.pdf](https://barnsleyhospital.nhs.uk/uploads/2022/03/Barnsley-Hospital-NHS-FT-Green-Plan-2022-27.pdf)

Over the last year the Trust has moved HR, Finance, and IT functions off site to Gateway Plaza and staff who commute by car have access to the building's car park.

The Trust has also opened up a new Community Diagnostics Centre in the Glass Works which further extends its presence into the town centre and is providing thousands of appointments per week. This is reducing the number of patients attending the main hospital site and receiving positive feedback from patients.

The Acorn Rehabilitation Unit, relocated to Highstone Mews Care Home in Worsborough Common, again taking vehicles away from the main hospital site.

The hospital is also undertaking approximately 25% of appointments virtually, across a range of clinics, such as ward clinics and traditional Out-patient appointments.

Further work between the organization's will look at the feasibility of a range of different options, which could serve to improve accessibility to the Trusts' services in more Town Centre locations.

Furthermore, we'll prepare a brief and appoint a consultant later this year to undertake a feasibility study for a park and ride, working collaboratively with the hospital. This will provide us with a clear understanding of the viability for this option.

**12) Recommendation 12:** Adopt a more appropriate review cycle to ensure planning documents such as the Local Plan and Supplementary Planning Document (SPD) reflect current guidance, knowledge, technologies, and priorities to ensure they are fit for purpose to meet the Zero40 and Zero45 ambitions and air quality aspirations.

**Service response:** This recommendation is partially supported

We agree with what the TFG is seeking to achieve with this recommendation, given that the Local Plan was adopted in 2019. We know that there is an opportunity to strengthen planning policy around climate change to ensure that it's updated to reflect the pace of development in this area.

This year we're updating the Sustainable Travel Supplementary Planning Document (SPD) to reflect changing circumstances since the original version was adopted in 2019. We also intend to introduce a Sustainable Design and Climate Change Adaptation SPD later this year, which will supplement policies CC1 and CC2 and

provide an opportunity to incorporate the latest national guidance, where appropriate.

The National Planning Policy Framework requires Local Plans to be reviewed every five years. This is a sufficient period to enable the effectiveness of policies. Local Plans themselves generally look forward over 15 years, so when our Local Plan was being examined, the government's Inspector was keen to ensure that the policies could endure over a long-time span. Policies and supporting text generally avoid being too prescriptive (i.e., by cross-referencing current guidance/best practice). This is reflected in the wording of policy CC1 in particular.

The policies in the plan are often used as a hook for more detailed SPDs. Following the adoption of the Local Plan in 2019, twenty-six SPDs were adopted, covering topics such as biodiversity and geodiversity, trees and hedgerows and sustainable travel. These documents are more prescriptive and cite current guidance and best practice in a way the Local Plan itself wouldn't.

**13) Recommendation 13:** Introduce a higher carbon reduction requirement in all new properties before the Future Homes Standard is introduced and adopt the Future Homes Standard at the earliest opportunity.

**Service response:** This recommendation is partially supported

We agree with what the TFG is seeking to achieve with this recommendation.

We acknowledge that Members are keen to see more enhanced targets set to reduce carbon in new developments while being appreciative of the complexities of setting enhanced targets given the challenge of development viability within the current housing market.

We agree that we should strive to develop homes which won't require significant retrofit in the near future. We're developing the Sustainable Design and Climate Change Adaption SPD as set out above in recommendation 12.

The SPD will explore options to complement the Future Homes Standard with a requirement for developers to provide a sustainability statement for developments (considering embodied carbon) and consider low carbon heating alternatives, particularly where there are options for heat networks. The intended net impact of this is to ensure the whole life emissions are lower than if we merely rely on the Future Homes Standard.

All adopted strategic masterplans sites already include a sustainability statement, setting a high-level approach to sustainability and low carbon requirements for the site.

It's essential that changes to required building standards over current building regulations and Future Homes standards are set and implemented at a regional level to ensure consistency.

Enforcing standards in isolation could significantly impact our ability to address housing needs, jobs, and business growth. This is why we're working with our partner Local Authorities across the SYMCA to shape our SPDs and redesign the South



Yorkshire Residential Design Guide to be more reflective of sustainable development and the promotion of low carbon technologies.

In Barnsley, we're promoting the Barnsley Low Carbon Standard. All new council build properties are being constructed off-gas, with high levels of thermal efficiency and low carbon technologies.

**14) Recommendation 14:** Replicate the principles of the Public Sector Decarbonisation Plan across all council owned assets.

**Service response:** This recommendation is supported

We support the TFG recommendation. We acknowledge that Members are keen to see the principles of the Public Sector Decarbonisation Fund (PSDF) replicated across all council owned assets to reduce our carbon footprint. This is very much our intention.

We successfully secured funding via round two of the PSDF, with works due to be complete in June 2022. The £4.3M funding has been used to provide air source heat pumps, rooftop solar PV, Electronically Commutated (EC) motors, building management systems, LED lighting, air-condition (AC) controls and insulation to five key council buildings (Town Hall, DMC1, Westgate, Gateway and the Crematorium), plus three leisure centres (Royston, Dearnside and Hoyland).

The installation of these measures will significantly improve the energy performance of these buildings and reduce carbon emissions.

Work is underway to identify more opportunities in terms of efficiency and emissions across our building portfolio and to prioritise these buildings for full condition surveys.

We must take a holistic approach to retrofit to make sure that these measures are integrated into our wider asset management strategy. This includes considering whole-life costs, repairs and maintenance and how this links with future planned works.

Funding such as PSDF has tight spending criteria linked to carbon reduction targets. We need to ensure that we have sufficient contingency and revenue funding (match) to support future funding bids.

In terms of supporting other organisations, we're working closely with the NHS across Barnsley and local businesses, alongside partners such as Berneslai Homes and BPL, to help them reduce their carbon footprints, helping to contribute to our Barnsley 2030 borough-wide zero 45 aspirations.

We're developing a route map for the borough to guide our carbon reduction activities across buildings, transport, waste, and renewable energy opportunities. We'll also have a compelling narrative within our engagement strategies to support significant boroughwide behaviour change to harness capability, opportunity, and motivation at the household and organisational levels.

**15) Recommendation 15:** Provide segregated litter bins to allow the recycling of litter in the town centre and surrounding areas.

**Service response:** This recommendation is partially supported

We support the outcome that TFG seeks to achieve with this recommendation, i.e., greater levels of on-street recycling. Universally it is accepted that we need to use fewer virgin materials and reuse or recycle materials wherever possible; it goes to the heart of our 2030 sustainability ambitions.

In terms of changing the current system with the introduction of segregated recycling bins, ensuring that we have complete supply chain transparency for any future model is critical, with any proposed changes needing to be considerably better than the current process. The following paragraphs highlight the current arrangements and the points to consider before implementing segregated litter bins.

Currently, waste collected from on-street bins is taken to the BDR Manvers mechanical and biological treatment plant. The waste is processed to extract recyclable components like ferrous and non-ferrous metals, glass, stone, and plastics. Whilst the organic material extracted produces material for land restoration; the remaining solid recovered fuel is taken to Ferrybridge to generate electricity for the region. The facility recycles c15% of the presented waste. Overall, the plant diverts c98% from landfill.

Developing the business case for investment in on-street recycling will require decisions about what materials to recycle, a new network of recycling bins, and individual recycling material contracts. We would need to study the composition of the waste within the litter bins. A recent review of litter bin compositions across four Welsh authorities evidenced the major components were: 41% putrescible, which includes food waste and dog excrement, 18% paper and card, 10% glass, 9% dense plastic and 4% metals. Therefore, the appropriate selection of materials to recycle and the correct use of the facilities will prevent operational and contractual issues with the service. For example, disposing of a recyclable fast-food drinks cup in the correct recycling bin can become contaminated if there is drink left in it; soaking the paper and cardboard within the bin. This can prevent the material from being accepted within the terms of the recycling contract and require disposal through a landfill or similar arrangement.

In addition to material selection, the Environment Act introduces future policy initiatives such as the deposit return schemes for drinks and similar containers; changing how single-use cups are issued; reforms to extend producer responsibilities for packaging waste. All future initiatives seek to reduce the consumption of new materials and increase reuse and recycling. These initiatives will change the composition of litter bin waste and how we might seek to recycle materials within it.

Therefore, without appropriate and timely material segregation, supported by customer education, high levels of contamination could present a financial burden on the authority, effect recycling levels, and potentially mislead the public into thinking that they are recycling more than they are.

**16) Recommendation 16:** Work around the Zero40 and 45 ambitions and air quality aspirations should be added to future work programmes, as a significant content of the existing work streams of the Overview and Scrutiny Committee.

**Service response:** This recommendation is supported

We support the TFG recommendation. We agree that the OSC should continue to be involved in developing our Climate Change Strategy and relevant SPDs. Our Zero 40, Zero 45 and sustainability targets must be an embedded theme across all service areas and within the organisation's culture.

Since declaring a Climate Emergency nearly three years ago, we've reported our action plan and progress against this annually through cabinet. This formal reporting will continue as we develop key documents related to this subject area. To raise awareness and increase understanding, we introduced a sustainability wheel toolkit embedded into our governance templates and business planning processes.

We recognise that considerably more can be done to ensure that other workstreams progressing through the OSC are considered through the lens of sustainability. We can assure OSC that key governance documentation such as strategies, action plans, and SPDs will be put through the appropriate governance processes.

**17) Recommendation 17:** Publish quarterly information and data as to how the Council is achieving its Sustainable Energy Action Plan (SEAP) targets and seek to find increasingly effective ways to engage with all residents on the Zero 40 and Zero 45 agendas.

**Service response:** This recommendation is partially supported

We agree with what the TFG is seeking to achieve with this recommendation and acknowledge that Members are keen to see data relating to our carbon emissions published frequently. We intend to have sufficiently developed data monitoring systems in the borough in time to see real-time progress in reducing our emissions.

It's crucial that we raise awareness internally as an organisation and externally across the borough to highlight the scale of the task at hand in reducing emissions, our vision for a net carbon borough and our co-produced strategy for achieving this.

We're currently implementing a new system called Utilidex, which will allow for much greater detail and accuracy regarding energy usage data across our buildings. This data will inform our carbon emissions outturn for our Scope 1 and 2 targets.

While we aim to increase the frequency of our reporting, it will not be possible to provide this information every quarter straight away due to the resource required to collate all information. To ensure consistent tracking against the baseline data, we'll produce carbon emission reports simultaneously every year.

In terms of engagement with residents and businesses, we have the following governance arrangements to help us achieve our targets and raise awareness:

- The Positive Climate Partnership reports to Barnsley 2030 board. It brings together people and organisations independent of the council to oversee the borough's emissions reduction by championing and coordinating local action on climate change and managing the Zero 45 programme.
- The Carbon and Energy Costs Group is responsible for developing and implementing an action plan to facilitate carbon reductions and savings owing to increased fuel costs and oversees the Zero 40 programme.
- Our Sustainability Forum was established in 2021 and brought together approximately 50 officers across many different services and levels of the organisation who are passionate and committed to the climate change agenda. We're working with the forum to develop an action plan to make the best use of their resource and expertise to further embed sustainability into the organisation's culture.

### **3.1 Financial and Risk**

The S151 officer or representative has been consulted as part of drafting this report.

- 3.2** There are no direct financial implications arising from the recommendations outlined in this report. It is recognised that in responding to or implementing individual recommendations, the financial implications would need to be fully assessed and included in the business cases and cabinet reports for those proposals.

### **3.2 Legal**

There are no specific legal implications, although in responding to the recommendations in the report, the legal implications of these would need to be fully assessed by the appropriate services responding.

### **3.3 Equality**

The TFG is keen to ensure that all of our services and activities impact all of its communities equally. Throughout the TFG's involvement in this work, it has become apparent that the work on air quality and carbon reduction will help to reduce health inequalities. They were pleased to see that one area of focus will positively impact fuel poverty.

However, while promoting a green agenda, we must maintain the principles of a 'just transition' and ensure that expectations and actions don't disproportionately affect people on a low income or exacerbate inequalities. Given that the impact of climate change will affect future generations, members felt it was important to hear directly from young people.

### **3.4 Sustainability**

As this report does not require a decision, the sustainability decision-making wheel has not been included. However, making sure that the borough and the organisation are sustainable in the future has formed a large part of the

investigations. It is the sole focus of the work of some of the officers involved. It needs to be considered when responding to the individual recommendations within this response report.

### **3.5 Employee**

There are no specific employee implications, although in responding to the individual recommendations in the report, the employee implications of these would need to be fully assessed by the appropriate services responding.

### **3.6 Communications**

Although there are no direct implications because of this report, it is evident from the investigation that more robust engagement and changes in behaviour and communication need to be developed to drive the agenda forward.

Information should be shared in various ways in clear and accessible formats so that people can make informed decisions and residents can be made aware of the benefits of improved air quality and carbon reduction.

In particular, engagement on climate change must be a two-way process so that we continue to understand the barriers to change felt by our communities to address them.

#### **Members can expect to see:**

- An overarching communication and marketing strategy for the Barnsley 2030 theme Sustainable Barnsley in partnership with Barnsley 2030 board organisations. This will help make sure we are sharing stories and consistent messaging across the borough.
- A communications and marketing strategy for the council to help the delivery of our sustainable Barnsley priorities and any outcomes arising from the strategies and plans mentioned in this response report. This will include key messages and myth-busting around key issues.
- Regular communication with the Youth Council and engagement with young people across the borough.
- Promotion of financial incentives to help people make positive changes such as improving home insulation and purchase of electric vehicles
- Local communities are engaged through existing mechanisms such as Ward Alliances and community groups.

These points are and will continue to be incorporated into the change strategies developed to deliver the recommendations from the TFG report.

## **4. CONSULTATION**

The following services have been consulted as part of responding to this TFG report: The Air Quality and Carbon Reduction TFG Members, Overview and

Scrutiny Committee Members, the Council's Cabinet Members, the Council's Senior Management Team, council officers from the Public Health and Place Directorates (Public Health, Planning, Regulatory Services, Housing, Sustainability and Climate Change, Operational Services and Commercial, Operational Support Services), the Council's Communications and Marketing services.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 No alternative options have been considered in the writing of this report

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 Contained within the body of this response report to the TFG paper

## **7. GLOSSARY**

AQAP	Air Quality Action Plan
AQMA	Air Quality Management Areas
BMBC	Barnsley Metropolitan Borough Council
DAQI	Daily Air Quality Index
DEFRA	Department for Environment, Food and Rural Affairs
EV	Electric Vehicle
FPNs	Fixed penalty notices
IPCC	United Nations Intergovernmental Panel on Climate Change
NOx	Nitrogen Dioxide
OSC	Overview and Scrutiny Committee
SEAP	Sustainable Energy Action Plan
SPDs	Supplementary Planning Documents
SYMCA	South Yorkshire Mayoral Combined Authority
TFG	Task and Finish Group
WHO	World Health Organization
EC	Electronically Commutated

## **8. LIST OF APPENDICES**

Appendix 1 - Maps from recommendation One

## **9. BACKGROUND PAPERS**

### **SCRUTINY TASK AND FINISH GROUP (TFG) REPORT ON AIR QUALITY AND CARBON REDUCTION IN BARNSELY**

IPCC report on Global Warming 2018:

<https://www.ipcc.ch/sr15/>

Barnsley Council's Zero 40 and 45 ambitions:

<https://www.barnsley.gov.uk/services/our-council/helping-our-environment/reducing-carbon-emissions/>

Barnsley Council's Sustainable Energy Action Plan Report to the Overview and Scrutiny Committee December 2018:

<https://barnsleybcintranet.moderngov.co.uk/ieListDocuments.aspx?CId=224&MId=6409&Ver=4>

Barnsley Council's Air Quality Action Plan:

<https://www.barnsley.gov.uk/media/18071/air-quality-action-plan.pdf>

Public Health England Public Health Profiles: Mortality Attributable to Air Quality: <https://fingertips.phe.org.uk/search/air%20quality>

Assistant Coroner for the coroner area of Inner South London's Report to Prevent Further Deaths, April 2021:

<https://www.judiciary.uk/wp-content/uploads/2021/04/Ella-Kissi-Debrah-2021-0113-1.pdf>

World Health Organization's Guideline Values for Ambient Air Quality:

[https://www.who.int/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health](https://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health)

Environment Act 2021: <https://bills.parliament.uk/bills/2593>

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

## 10. REPORT SIGN OFF

<b>Financial consultation &amp; sign off</b>	Senior Financial Services officer consulted and date  29/04/2022 <i>This box must be signed to confirm that there are no financial implications.</i>
<b>Legal consultation &amp; sign off</b>	Legal Services officer consulted and date <b>Jason Field 29/04/22</b>

**Report Author: Paul Castle**

**Post: Service Director**

**Date: 27<sup>th</sup> April 2022**

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**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**REPORT OF:** Executive Director - Growth and Sustainability

**TITLE:** SMOKE & CARBON MONOXIDE ALARM (AMENDMENT) REGS

<b>REPORT TO:</b>	<b>CABINET</b>
<b>Date of Meeting</b>	<b>27 July 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Regeneration and Culture</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Public or Private</b>	<b>Public</b>

**Purpose of report**

- To inform Cabinet of, and seek approval for, the intended approach to meet the NEW requirements of the Smoke & Carbon Monoxide Alarm (Amendment) Regulations 2022 by the enforcement date of 1st October 2022.
- To set out a clear installation and cost plan to ensure compliance by 1st October 2022.
- To approve the reallocation of Berneslai Homes reserves to support the programme of works.

**Council Plan priority**

Healthy, Growing, Learning & Sustainable Barnsley

**Recommendations**

That Cabinet: -

- 1. Approve the installation of additional Smoke & Carbon Monoxide Alarms (where required) through a planned programme of works to complete by 1st October 2022. The programme has an estimated cost of £2.83; and**
- 2. Approve the reallocation of Berneslai Homes reserves, from Housing Growth Reserves, to fund the estimated increase in costs.**

## 1. **INTRODUCTION**

- 1.1 In 2015, it became a statutory requirement for Private Landlords to have Smoke & CO Alarms installed in their properties.
- 1.2 More recently, following the tragic events of Grenfell and the focus on Building Safety, the UK Government held a consultation on the proposal to extend the requirements for smoke alarms & CO alarms into the social housing sector in line with Scotland. This consultation took place between November 2020 and January 2021.
- 1.3 In late 2021, the Government (Department for Levelling Up, Housing & Communities - DLUHC) published their response to the Smoke & CO Alarm consultation, which presented some key changes that will affect social housing providers.
- 1.4 These were:
  - Smoke alarms will be mandatory in all social rented homes.
  - Carbon monoxide alarms will be mandatory in rooms with a fixed combustion appliance (excluding gas cookers) in both private and social rented homes.
  - Carbon monoxide alarms will also be mandatory upon installation of any heating appliance (excluding gas cookers) in all tenures through building regulations.
  - Landlords will be expected to repair or replace alarms once informed that they are faulty.
  - New requirements will commence as soon as practicable after the legislation is made. At that time, DLUHC stated that whilst they acknowledged that a phased approach could help landlords to implement the changes, they were concerned that any delay could impact on resident safety.
- 1.5 The response also suggested that more information would be provided on the siting of alarms and that this guidance would signpost towards the relevant British Standards for installation. Any alarms used should be 3<sup>rd</sup> party certified to the relevant British Standards:
  - BS EN 14604 for Smoke alarms
  - BS EN 50291 for Carbon Monoxide alarms

The full response is available to view via the link below:

<https://www.gov.uk/government/consultations/domestic-smoke-and-carbon-monoxide-alarms/outcome/domestic-smoke-and-carbon-monoxide-alarms-proposals-to-extend-regulations-government-response>

- 1.6 On 9<sup>th</sup> March 2022, a letter was sent to every landlord by Minister Hughes outlining that the Government was working at pace to bring the regulation changes forward and that they would contact all Authorities over the coming months to provide clarity on the exact date that they would come into force. The letter also advised that, should the legislation be approved by Parliament, any landlord found to be in breach could be fined up to £5,000 per property.
- 1.7 On 11<sup>th</sup> May 2022, an updated letter was sent to landlords by Minister Hughes advising that the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 had been laid in draft before Parliament. It further advised that the House of Commons and House of Lords would debate the regulations and, if both Houses approved them, they would come into force on 1 October 2022. This letter caused confusion across the sector as it was not clear whether there would be a period of grace to allow landlords to undertake installations following the changes coming into force on 1<sup>st</sup> October 2022.
- 1.8 On 25<sup>th</sup> May 2022, Berneslai Homes received confirmation from leading compliance experts Corgi and the ASCP that the Department for Levelling Up, Housing & Communities had confirmed that there will be no grace period upon the implementation of these amended regulations. Berneslai Homes had an agreed programme of installations which had been approved as part of the HRA Capital Budget in February 2022 and had split the installation of alarms across 2022/23 and 2023/24; to be delivered via the gas servicing programme. As such, to ensure compliance with the regulations, it is essential that an accelerated planned delivery programme is instigated.
- 1.9 **It should be noted that all council properties already have smoke alarms and CO alarms (where they have been required). The installation programme is in response to NEW guidance. The Council and Berneslai Homes are accelerating this programme in line with the timescales for the regulatory changes coming into force to ensure full compliancy across all stock.**

## **2. SUMMARY OF THE REGULATIONS & STANDARDS**

- 2.1 To meet the NEW Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, it stipulates that all rooms with combustible appliances (except gas cookers) require carbon monoxide alarms and that this requirement extends to social landlords.
- 2.2 The regulation for smoke alarms is that there shall be a smoke alarm on each storey within the property. All alarms must be fitted and working during the tenancy. This regulation is not new, it is just now a requirement of social housing landlords (the Council) as well as those in the private sector.
- 2.3 The regulation does not advise on any standards of work. However, BS 5839-6 is generally the industry best practice guide for fire alarm detectors in dwellings. Carbon monoxide alarms are covered by BS EN 50292.
- 2.4 It is the intention that Berneslai Homes [on the Council's behalf] will install battery operated smoke alarms on each storey (these are already alarms

installed on landings /hallways, historically) to meet the regulation by 1<sup>st</sup> October deadline. However, Berneslai Homes will use the data gathered from this installation exercise to plan a programme which will replace all units with hard wired alarms (meeting British Standard (BS 5839-6)) as part of future Capital Investment schemes during 2022/23 and 2023/24.

### 3. **PROPOSAL**

3.1 The government has now approved the amendments to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.

The amendment regulations will mean that:

- Social landlords will be required to provide a smoke alarm on every storey of their properties where there is a room used wholly or partly as living accommodation.
- Both social and private landlords will be required to provide carbon monoxide alarms in any room of their properties used wholly or partly as living accommodation where a fixed combustion appliance is present (excluding gas cookers).
- There will be a new obligation on all landlords to repair or replace any alarm which is found to be faulty during the period of a tenancy, and landlords will be required to repair or replace alarms as soon as reasonably practicable.

3.2 Social Landlords will need to ensure compliance by 1st October 2022.

3.3 The current asset position is as follows:

	<b>Already Installed</b>	<b>To Install (Additional Storey)</b>	<b>Total Once Installed</b>
	Number of Units	Number of Units	Number of Units
Smoke Alarms	18,167 (One Alarm)	18,167	36,334
Carbon Monoxide Alarms	3,200	13,300	16,500
<b>TOTAL</b>	<b>21,367</b>	<b>31,467</b>	<b>52,834</b>

3.4 It should be noted that the units in the table above are estimated at this stage. Berneslai Homes will update asset information, upon installation, to give improved intelligence in respect of the asset management of these alarms moving forward and to plan the hard-wired installation, where required.

3.5 In order to comply with the new regulations, Berneslai Homes will have to work at speed to install the remaining Smoke alarms and Carbon Monoxide alarms by October 2022. The Council has requested a monthly update on installations and a copy of the process which deals with no access and refusal issues.



3.6 The installation programme will focus on:

- Gas Servicing – Between now and October, a further 5,000 properties will have a gas service and additional Smoke and Carbon Monoxide alarms will be installed.
- Supplementary Programme (including Voids & Barnsley Home Standard)– For the remaining properties, PRIP partners will visit every property.

## IMPLICATIONS OF THE DECISION

### 4. Financial and Risk

- 4.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 4.2 This report details how Berneslai Homes intend to accelerate the Smoke & CO2 Alarm install programme to ensure that the Council, as landlord, meets its obligations in relation to the recent changes in legislation that requires all properties to be compliant by October 2022.
- 4.3 Berneslai Homes have provided indicative costings estimating the total cost of the scheme to be £2.830M.
- 4.4 Resources for this investment were approved by Cabinet (Cab.12.1.2022/6 refers) totalling £1.488M, broken down between £0.744M in both the 2022/23 and 2023/24 financial years. Through active budget management, it is proposed to bring forward the £0.744M from 2023/24 into 2022/23 to align to when the resources are needed i.e., before October 2022.
- 4.5 Therefore, there is a funding shortfall of £1.342M, based on current approvals and estimated costs. To fund this difference, it is proposed that resources currently earmarked for Berneslai Close [a Berneslai Homes scheme], that currently reside in the Company, be realigned to this scheme. The table below summarises the proposal:

	Cost £M	Resources £M
Estimated Cost of Investment	2.830	
Existing HRA Resources [£0.744M in 2022/23 and 2023/24]		1.488
Reallocated Funding from Housing Growth Reserves		1.342*
<b>Total</b>	<b>2.830</b>	<b>2.830</b>

\*BMBC to invoice Berneslai Homes £1.342M

- 4.6 The scheme will be delivered through the Council’s Housing Revenue Account with colleagues within Berneslai Homes providing actual cost data to ensure that suitable budgetary controls are in place to deliver these works within allocated resources.

4.7 The financial implications are summarised in the attached Appendix A.

#### **4.8 Risk**

Any landlord found to be in breach could be fined up to £5,000 per property. The Council is the enforcing body. There is a possibility of further fines should an unfortunate fire/smoke/CO2 related incident occur in one of our properties.

4.9 Regulation and Compliance Failure to meet the Regulator of Social Housing Home Standard. Reputational risks due to not complying with the Smoke Alarm and Carbon Monoxide Alarm (amendment) Regulations 2022.

4.10 Operations – Contractors have confirmed that they have the resources to meet the installation but there remains a risk due to increase in sickness such as (Covid-19).

4.11 Reputational – The reputation of the organisation would be severely affected should we not comply with this legislation. This would include negative media coverage.

4.12 Change N/A

#### **5. Legal**

The government have now approved the amendments to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (as detailed in Section 2.1).

#### **6. Employee**

There are no employee implications arising directly from this report.

#### **7. Communications**

As part of the ongoing Communications Strategy, a meeting was held on Thursday 9<sup>th</sup> June 2022 with members of the Tenants Voice Panel and BH Communications Manager to agree how to communicate the important changes to customers.

A social media campaign has been launched with key messages going out periodically, keeping the focus very much on safety.

Key officers in the Contact Centre have been made aware of the imminent works to ensure that they can effectively communicate the importance of this work to customers.

#### **8. CONSULTATION**

Consultation has taken place with BMBC Director of Finance, Housing Service Director and the Head of Strategic Housing, Sustainability and Climate

Change.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 There are no alternative options. This is a regulatory requirement. Berneslai Homes were already progressing the installation of additional alarms to meet the new requirements. The purpose of this report is to approve additional in year expenditure to accelerate the programme.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 The government have now approved the amendments to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (as detailed in Section 2.1). It is essential that support is given to deliver this accelerated programme of works in line with the 1st October deadline. The safety of tenants is the highest priority for the Council and Berneslai Homes, so ensuring full compliance with all regulations is essential. The Council welcomes the regulatory changes and has already commenced its upgrading programme.

## **11. GLOSSARY**

GMP- Guaranteed Maximum Price

BMBC – Barnsley Metropolitan Borough Council

ASCP – Association of Safety and Compliance Professionals

## **12. LIST OF APPENDICES**

Appendix A: Financial Implications

## **13. REPORT SIGN OFF**

<b>Financial consultation &amp; sign off</b>	<i>See Appendix A.</i>
<b>Legal consultation &amp; sign off</b>	Jason Field <b>14/07/2022</b>

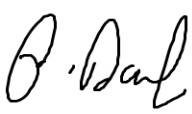
**Report Author: Berneslai Homes**

**Date:06/07/2022**

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Report of the Executive Director for PlaceFINANCIAL IMPLICATIONSSmoke & Carbon Monoxide Alarm (Amendment) Regs

	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>	<u>TOTAL</u>
	<u>£M</u>	<u>£M</u>	<u>£M</u>	<u>£M</u>
<b>Expenditure:</b>				
Smoke & Carbon Alarm Programme	2.830	0	0	2.830
<b>Total Expenditure</b>	<b><u>2.830</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>2.830</u></b>
<b>Resources:</b>				
Resources as identified per HRA Budget Papers 2022/23	1.488	-	-	1.488
Housing Growth Reserves - Berneslai Homes Contribution	1.342	-	-	1.342
<b>Total Resources</b>	<b><u>2.830</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>2.830</u></b>

Agreed by: ..... 	On behalf of the Service Director- Finance, Section 151 Officer
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**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**REPORT OF:** Executive Director Growth and Sustainability

**TITLE:** Proposed New Lease of the former Co-op Store, King Street, Hoyland

<b>REPORT TO:</b>	<b>CABINET</b>
<b>Date of Meeting</b>	<b>27 July 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Place (Regeneration &amp; Culture)</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Public or Private</b>	<b>Part Exempt</b> Open report with exempt appendix - by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

**Purpose of report**

To seek approval for the proposed new sub-letting of the former Co-op store, King Street, Hoyland.

**Council Plan priority**

- Growing Barnsley – People have a welcoming, safe and enjoyable town centre and principal towns as destinations for work, shopping, leisure and culture.

**Recommendations**

That Cabinet:-

1. Approve the terms reported in respect of the proposed new sub-lease of the former Co-op store, King Street, Hoyland; and
2. Grant a sub-lease for a term of 10 years at a peppercorn rent.

## **1. INTRODUCTION**

- 1.1. The council owns the long leasehold interest of the ground floor of the former Co-op store on King Street, Hoyland by virtue of a 99 year lease from 1 October 1982, which has an unexpired term of c.59 years.
- 1.2. We've been negotiating for a new sub-letting of the property to deliver a range of community benefits for Hoyland town centre, the wider community and the people that live there.

## **2. PROPOSAL**

- 2.1. The proposal is to grant a 10-year sub-lease of the Co-op store on King Street, Hoyland.
- 2.2. Following negotiations, heads of terms have been provisionally agreed for a proposed 10-year, full repairing and insuring sub-lease at a peppercorn rent to a charitable organisation. The proposed peppercorn rent is to ensure that we maximise the wider community and local economic well-being benefits.
- 2.3. As the proposed sub-lease is for a term in excess of 7 years, the proposal represents a disposal for less than the best that can reasonably be obtained, which is addressed in the legal implications section below.
- 2.4. The estimated market rent of the property is £50,000 per annum. Our recommendation is to grant a sub-lease at less than market value. This is based on the difficulty experienced in letting the property currently and the fact that the Council is liable for empty property business rates at a cost of £37,632 plus running costs of circa £10,000.
- 2.5. Under the terms of the existing long leasehold interest, we're restricted from being able to sub-lease the property for below market rent, which means we're required to obtain the landlords consent to proceed on this basis.
- 2.6. The landlord has confirmed that in principle, consent would be granted subject to the payment of a one-off payment of £5,000 together with payment of the landlord's costs for dealing with the consent.
- 2.7. The grant of a 10-year lease will allow the tenant to set up in the premises. It is estimated that the development proposals will cost the tenant between £275k to £400k and will create 8-10 permanent jobs as well as a number of volunteer and mentoring roles. The tenant will also be responsible for paying the ongoing maintenance and insurance costs and the business rates.
- 2.8. The proposal to award the lease at a peppercorn rent promotes external investment in the site which will have significant benefits to Hoyland town centre, the local community and the people that live in the area.



## **3.0 IMPLICATIONS OF THE DECISION**

### **3.1 Financial and Risk**

- 3.1.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 3.1.2 The property has been vacant for over a year and although the estimated market rent of the property is £50,000 per annum, in the collective context of the size, location and state of the retail market nationally, it's highly unlikely there will be retailer demand for premises in the foreseeable future.
- 3.1.3 While the property remains vacant, we're responsible for the empty business rates liability of £37,632 per annum, annual running costs of circa £10,000 together with the usual liabilities associated an empty building. This will be mitigated by the recommendations in this report.
- 3.1.4 There is £5,000 plus the landlord's legal costs payable to the landlord to obtain consent to proceed with the proposed sub-letting at less than market rent. This is in accordance with the terms of our existing long leasehold interest and will be funded from existing resources.
- 3.1.5 In accordance with the Community Asset Transfer Policy, (Cab.30.1.2013/6.3 refers), any land or property leased out by the council should be at market rent, unless otherwise specifically agreed by Cabinet. Also, in the case of offering land or property for rent or lease at a lower market value, the anticipated socio-economic benefits are taken into consideration.
- 3.1.6 There are no undue VAT implications arising as a result of this report.
- 3.1.7 For accounting purposes, the proposed lease will be classified as an operating lease.
- 3.1.8 There are no other direct financial implications associated with this proposal.

### **3.2 Legal**

Our Legal Services will act for the council in the grant of a suitable modern lease (liaising with the Assets Team throughout) and will deal with the issue of consent to subletting at under market rental which is mentioned in the report above.

With the proposed lease term being ten years, the grant of the lease is defined as a "disposal" under Local Government Act 1972 (LGA 1972) (disposal includes all leases of over seven years). Section 123 of LGA 1972 provides that local authorities must not dispose of land at undervalue without the consent of the Secretary of State. A lease at peppercorn rental may be considered a disposal at undervalue (albeit there is low demand for stores in the area as referred to in the report so it may be possible to argue that a peppercorn rental is not less than can reasonably be obtained). The Secretary of State has given a general consent to disposals at undervalue (see Circular 06/03: Local Government Act 1972 general disposal consent

(England) 2003 - *disposal of land for less than the best consideration that can reasonably be obtained*). The terms of the General Consent mean that specific consent is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. The proposed tenant will secure economic and social well-being in Hoyland, thus, the conditions of section 123 LGA 1972 are met. As the proposed lease is longer than seven years, it will be compulsorily registrable at HM Land Registry. This requirement will be dealt with solicitors for the tenant.

### 3.3 Equality

An Equality Impact Assessment Pre-screening has been completed which has determined that a full EIA is not required.

### 3.4 Sustainability

Decision-making wheel completed:



### 3.5 Employee

There are no employee implications arising from this report.

## **4. CONSULTATION**

An online community consultation in early 2022 received 244 responses. The consultation was available through Smart Survey from 20<sup>th</sup> January 2022 until the 13<sup>th</sup> February 2022. The link to the consultation was promoted through the Area Team's social media networks, a local community group's social media page, and through Barnsley Council's social media networks.

Almost half of all respondents ranked renovation and recycling of existing buildings as the most important element to Hoyland's economic growth.

Briefings have been held with local Ward Members and Cabinet Spokesperson (Regeneration and Culture) and further consultation with local businesses took place in June, all support bringing this premise into use for wider town centre benefit.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

### **5.1. An open market sub-letting of the property**

The leasehold of the property has been on the market for over 12 months since the Co-op left the site with very limited interest. In the absence of an alternative use, this recommendation mitigates our liability associated with the long-term ownership of a substantial empty building while providing benefits to the local community and the people who live in that area.

### **5.2 Disposal of the council's leasehold interest**

As per 5.1 there is no apparent evidence of further interest in taking this leasehold

## **6. REASONS FOR RECOMMENDATIONS**

### **6.1 The recommended approach will help to deliver benefits to Hoyland Town Centre, the wider community and the people who live there.**

It will also mitigate the liability associated with the long-term ownership of a empty building.

## **7. GLOSSARY**

Not applicable.

## **8. LIST OF APPENDICES**

Appendix A: Tenant Proposal (EXEMPT)

## 9. BACKGROUND PAPERS

Working papers regarding this matter are held on files within the Assets Team and contain exempt information.

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

## 10. REPORT SIGN OFF

<b>Financial consultation &amp; sign off</b>	<b>Steve Loach, Head of Corporate Finance</b> <b>06/07/2022</b>
<b>Legal consultation &amp; sign off</b>	<b>Jason Field Head of Legal Services</b> <b>04/07/2022</b>  <b>Jason Field</b>

**Report Author:** Kathy McArdle

**Post:** Service Director Regeneration and Culture

**Date:** 6 July 2022

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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