

MEETING:	Cabinet
DATE:	Wednesday 12 July 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall
PUBLIC WEB LINK:	https://barnsley.public-i.tv/core/portal/webcasts

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 28 June 2023 (Cab.12.7.2023/3)
(Pages 3 - 6)

Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.12.7.2023/4)

Petitions

5. Petitions received under Standing Order 44 (Cab.12.7.2023/5)

Items for Decision/Recommendation to Council

Core Services Spokesperson

6. Appointment of Deputy Returning Officer and Deputy Electoral Registration Officer (Cab.12.7.2023/6) (Pages 7 - 10)
RECOMMENDATION TO FULL COUNCIL ON 27 JULY 2023
7. Submission to Local Government Boundary Commission on the future size of the Council (Cab.12.7.2023/7) (Pages 11 - 44)
RECOMMENDATION TO FULL COUNCIL ON 27 JULY 2023
8. Statement of Licensing Policy Review Consultation 2022/23 (Cab.12.7.2023/8)
(Pages 45 - 128)
RECOMMENDATION TO FULL COUNCIL ON 27 JULY 2023

Place Health and Adult Social Care Spokesperson

9. Preparedness for CQC Assurance - Adult Social Care (Cab.12.7.2023/9)
(Pages 129 - 186)

Public Health and Communities Spokesperson

10. Reprocurement of Local Healthwatch and Complaints Advocacy Services (Cab.12.7.2023/10) (Pages 187 - 204)

Regeneration and Culture Spokesperson

11. Planned Regulation Changes for the Social Housing Sector Implications for the Local Authority and ALMO and review of the existing Clienting Assurance Framework (Cab.12.7.2023/11) (*Pages 205 - 250*)
RECOMMENDATION TO FULL COUNCIL ON 27 JULY 2023

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Cain, T. Cave, Franklin, Frost, Higginbottom, Howard, Makinson and Newing

Cabinet Support Members:

Councillors Bellamy, Bowser, Cherryholme, Moyes, Osborne, Peace and Sheard

Chair of Overview and Scrutiny Committee
Chair of Audit Committee

Sarah Norman, Chief Executive

Wendy Popplewell, Executive Director Core Services

Carly Speechley, Executive Director Children's Services

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

Matt O'Neill, Executive Director Growth and Sustainability

Julia Burrows, Executive Director Public Health and Communities

Neil Copley, Director of Finance (S151 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

Corporate Communications and Marketing

Please contact Sukdave Ghuman by email governance@barnsley.gov.uk

Tuesday 4 July 2023



MEETING:	Cabinet
DATE:	Wednesday 28 June 2023
TIME:	10.00 am
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), Cain, T. Cave, Franklin, Higginbottom, Howard, Makinson and Newing

Members in Attendance: Councillors Bellamy, Bowser, Cherryholme, Moyes, Osborne, Peace and Sheard

36. Declaration of pecuniary and non-pecuniary interests

Councillors Cain and Bellamy declared non-pecuniary interests as Members of Goldthorpe Town Deal Board in respect of Minute Number 45.

37. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 14 June 2023 had been called in.

38. Minutes of the previous meeting held on 14 June 2023 (Cab.28.6.2023/3)

The minutes of the meeting held on 14 June 2023 were taken as read and signed by the Chair as a correct record.

39. Decisions of Cabinet Spokespersons (Cab.28.6.2023/4)

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

40. Petitions received under Standing Order 44 (Cab.28.6.2023/5)

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

41. Barnsley's Children and Young People's Plan (2023-26) (Cab.28.6.2023/6)

RECOMMENDATION TO FULL COUNCIL ON 27 JULY 2023

RESOLVED that Cabinet:-

1. Endorses the new, draft Barnsley Children and Young People's Plan (2023-2026); and
2. Agrees that the draft Children and Young People's Plan be submitted for approval and adoption at the meeting of Full Council on 27th July 2023.

42. Asset Management Strategy 2023/24 to 2027/28 (Cab.28.6.2023/7)

RECOMMENDATION TO FULL COUNCIL ON 27 JULY 2023

RESOLVED that Cabinet:-

1. Recommends to Council the approval and adoption of the Asset Management Strategy (AMS) covering the period 2023/24 to 2027/28; and
2. Recommends that Council support the approach to adopt a 5-year strategic land disposal programme; and
3. Recommends that Council commits to the approach identified to manage the asset base and support achieving the £5.5M efficiencies set out in the Medium-Term Financial Strategy; and
4. Recommends to Council that delegated authority be given to both the Executive Director of Growth and Sustainability and Director of Finance/S151 Officer to approve any investment required (against the £1m already set aside) to deliver the key actions of the AMS, within their delegated authority, and that anything outside of this will be referred to Cabinet spokesperson/s and/or Cabinet as appropriate.

43. Social Housing Decarbonisation Fund (SHDF) Wave 2 Acceptance of Funding (Cab.28.6.2023/8)

RESOLVED that Cabinet:-

1. Approves the acceptance of £1,797,150 awarded as part of the SHDF 2.1 consortium bid via the Northeast and Yorkshire Energy Hub to install energy efficiency measures to 148 council properties; and
2. Approves the recruitment of a Warm Homes Project Manager (Grade 10) to oversee delivery of the project, and other energy efficiency programmes currently in delivery by the Warm Homes Service.

44. Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
45	Paragraph 3
46	Paragraph 3

**45. Goldthorpe Housing Retrofit Project (Towns Fund Project M)
(Cab.28.6.2023/10)**

RESOLVED that Cabinet:-

1. Approves acceptance and drawing down of the external funding (Towns Fund) being offered by DLHUC to deliver the Goldthorpe Housing Retrofit Project; and
2. Approves the preparation and progression of any necessary statutory procedures and permissions required to deliver the Goldthorpe Housing Retrofit Project as per Cabinet approval Cab.20.4.2022/8, in line with DLUHC guidance; and
3. Approves the appointment of external parties to deliver all aspects of the project (both works and professional services) in compliance with the council's Contract Procedure Rules, including the extension of existing contracts; and
4. Delegates approval to the Service Director – Regeneration and Culture in consultation with the Capital Oversight Board, to make any amendments to the details contained within full business case that may arise during project delivery; and
5. Delegates approval to the Service Director – Regeneration and Culture in consultation with the Capital Oversight Board to prepare and submit full business cases to maximise the Town Deal financial settlement, including submissions and acceptance of any additional match funding for this and any other Town Investment Plan Projects to ensure delivery and add value to the project.

46. Town Centre Improvements Update (Cab.28.6.2023/11)

RESOLVED that Cabinet:-

1. Notes the progress made on the construction of the Market Gate Bridge and associated Public Realm; and
2. Notes the increased cost of the Glass Works scheme and wider town centre redevelopment of £3M, and delegates approval to the Strategic Director, Regeneration & Culture and Director of Finance [S151 Officer] to accept the funding award of £3.1M from South Yorkshire Mayoral Combined Authority Gain Share Bid (subject to contract) to fund the overall increase meaning no call on the Council's own resources; and
3. Delegates approval to the Director of Finance (Section 151 officer) and the Service Director, Regeneration & Culture for all necessary statutory approvals and consents to be obtained and associated agreements and contracts to be entered into for receipt of the Gain Share allocation; and

4. Approves the ongoing Glassworks Life Cycle Replacement Programme; and
5. Approves continuance of the Project Board/Steering Group to oversee governance arrangements and project delivery; and
6. Notes the update on the operating position of the Glassworks after the first full financial year of trading together with future projections.

.....
Chair

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR OF CORE SERVICES

TITLE: Appointment of Deputy Returning Officer and Deputy Electoral Registration Officer

REPORT TO:	CABINET
Date of Meeting	12 July 2023
Cabinet Member Portfolio	Core Services
Key Decision	No
Public or Private	Public

Purpose of report

The Council has appointed Sarah Norman as Electoral Registration Officer and Returning Officer as required by the Representation of the People Act 1983 to be responsible for its electoral registration functions and the conduct of elections. These statutory appointments are also aligned to the appointment of the Chief Executive. However, at present there is no Deputy appointed to these roles for resilience.

Council Plan priority

N/A

Recommendations

That Cabinet:-

1. Endorses the appointment of Wendy Popplewell as:
 - i) Deputy Electoral Registration Officer and
 - ii) Deputy Returning Officer
 to operate with the full powers of the Returning Officer and Electoral Registration Officer if she is unable to discharge them herself. This will apply at all elections, referenda and other polls in the Barnsley MBC area.
2. That the report be submitted for approval at the meeting of Full Council on 27 July 2023.

1. INTRODUCTION

- 1.1 The council appointed Shokat Lal to the roles of Deputy Electoral Registration Officer and Deputy Returning Officer in 2020. His appointment to these roles lapsed when he left the council in January 2023.
- 1.2 The council has no legal obligation to appoint deputies to these roles, but it is considered good practice to appoint a deputy for resilience purposes. There is no financial remuneration connected to these roles.

2. PROPOSAL

- 2.1 Given the importance of these roles at certain points of the year ensuring that there is sufficient resilience to cope with the loss of key personnel is crucial.
- 2.2 It is important that the Deputy Returning Officer and Deputy Electoral Registration Officer is of sufficient seniority within the council to be able to command the full resources of the council to successfully deliver an election should the need arise.
- 2.3 The Executive Director of Core Services has been appointed to these roles since the post was created and it has proved to be an effective appointment in providing support and resilience to the Returning Officer.
- 2.4 It is therefore recommended that Wendy Popplewell is appointed to these roles in her capacity as Executive Director of Core Services.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

There are no financial implications as there is no financial reimbursement for these appointments.

3.2 Legal

None

3.3 Equality

Not applicable – this is an appointment to a statutory position.

3.4 Sustainability

Decision-making wheel not completed – Not applicable – this is an appointment to a statutory position.

3.5 Employee

None

3.6 Communications

None

4. CONSULTATION

None

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 None

6. REASONS FOR RECOMMENDATIONS

6.1 To ensure resilience in the positions of Returning Officer and Electoral Registration Officer.

7. GLOSSARY

None

8. LIST OF APPENDICES

None

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Colette Tyrell 29 th June 2023
Legal consultation & sign off	Sukdave Ghuman, 19 th June 2023

Report Author: Peter Clark
Post: Head of Service, Registration and Elections
Date: 19/06/2023

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BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR OF CORE SERVICES

TITLE: Submission the Local Government Boundary Commission on the future size of the Council

REPORT TO:	CABINET
Date of Meeting	12 July 2023
Cabinet Member Portfolio	Core Services
Key Decision	No
Public or Private	Public

Purpose of report

As part of the ongoing Local Government Boundary Review, the Local Government Boundary Commission for England requires the council to submit its view on the number of elected members it should have from 2026 onwards.

Council Plan priority

N/A

Recommendations

That Cabinet:-

1. Recommend to Council that the draft submission contained in Appendix 1 be approved for submission to the Local Government Boundary Commission for England.

1. INTRODUCTION

- 1.1 The first stage of the Local Government Boundary Review is for the Local Government Boundary Commission (LGBCE) to determine how many elected members the council should have in the future.
- 1.2 In coming to their decision, the Local Government Boundary Commission will consider submissions from the council and any other interested groups. They will not carry out a public consultation.
- 1.3 The submission should seek to give the commission an understanding of the

operation of the council and the specific circumstances of the local area. It should also consider:

- Strategic Leadership – how many councillors are needed to give strategic leadership and direction to the authority?
- Accountability – how many councillors are needed to provide scrutiny to the authority – how many councillors are needed to meet the regulatory requirements of the authority? – how many councillors are required to manage partnerships between the local authority and other organisations?
- Community Leadership – how the representational role of councillors in the local community is discharged and how they engage with people and conduct casework.

- 1.4 When recommending its future size the submission should provide evidence that several different council size options have been explored together with the reasons why a particular figure has, or has not, been selected.

2. PROPOSAL

- 2.1 We believe that our current structures support strategic leadership, accountability and community leadership well. However, councillor workloads are very high, with many councillors fitting their substantial council responsibilities around work outside their council duties. We believe that the future will present ever greater demands on councillor time. Since the last review of Barnsley MBC there has been substantial devolution of powers to South Yorkshire that have required significant involvement from Barnsley MBC councillors to direct and hold to account. The potential devolution combined with increased demands from the electorate lead us to believe that there is no prospect of these workloads decreasing in the medium term.

- 2.2 We therefore propose that the number of councillors for Barnsley MBC remains at 63.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

None

3.2 Legal

None

3.3 Equality

Not applicable

3.4 Sustainability

Decision-making wheel not completed – not applicable in this instance.

3.5 Employee

None

3.6 Communications

None

4. CONSULTATION

None

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Increasing and decreasing the number of elected members is considered in the submission but were not considered as desirable.

6. REASONS FOR RECOMMENDATIONS

- 6.1 We consider that the present arrangement of 63 councillors for our electorate of 184678 is consistent with the arrangements at similar councils. The number of electors per elected member in Barnsley is 2931 which is very close to the median average of the 36 metropolitan boroughs at 3035. We also note that since the last electoral review in 2003, there has been insufficient population movement to trigger an electoral review and that there is, therefore, no case in demographic terms to alter the number of elected members.

7. GLOSSARY

None

8. LIST OF APPENDICES

Appendix 1: Proposed Submission to the Local Government Boundary Commission.

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date
Legal consultation & sign off	Legal Services officer consulted and date Sukdave Ghuman, 22/06/2023

Report Author: Peter Clark
Post: Head of Elections
Date:22/06/2023

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Barnsley Metropolitan Borough Council

Council Size Submission

Barnsley Metropolitan Borough Council

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How to Make a Submission

It is recommended that submissions on future governance arrangements and council size follow the guidance provided and use the format below as a template. Submissions should be treated as an opportunity to focus on the future needs of the council and not simply describe the current arrangements. **Submissions should also demonstrate that alternative council sizes have been considered in drawing up the proposal and why you have discounted them.**

The template allows respondents to enter comments directly under each heading. It is not recommended that responses be unduly long; as a guide, it is anticipated that a 15 to 20-page document using this template should suffice. Individual section length may vary depending on the issues to be explained. Where internal documents are referred to URLs should be provided, rather than the document itself. It is also recommended that a table is included that highlights the key paragraphs for the Commission's attention.

'Good' submissions, i.e. those that are considered to be most robust and persuasive, combine the following *key success components* (as set out in the guidance that accompanies this template):

- Clarity on objectives
- A straightforward and evidence-led style
- An understanding of local place and communities
- An understanding of councillors' roles and responsibilities

About You

The respondent should use this space to provide the Commission with a little detail about who is making the submission, whether it is the full Council, Officers on behalf of the Council, a political party or group, a resident group, or an individual.

This is a submission by the full council of Barnsley MBC. It was drafted by officers of the council and then approved firstly by the Cabinet and the full Council. At each stage of the process comments and feedback have been received and incorporated into the submission. This is the council's official submission.

The Context for your proposal

Your submission gives you the opportunity to examine how you wish to organise and run the council for the next 15 - 20 years. **The consideration of future governance arrangements and council size should be set in the wider local and national policy context.** The Commission expects you to challenge your current arrangements and determine the most appropriate arrangements going forward. In providing context for your submission below, please demonstrate that you have considered the following issues.

- When did your Council last change/reorganise its internal governance arrangements and what impact on effectiveness did that activity have?

- To what extent has transference of strategic and/or service functions impacted on the effectiveness of service delivery and the ability of the Council to focus on its remaining functions?
- Have any governance or capacity issues been raised by any Inspectorate or similar?
- What influence will local and national policy trends likely have on the Council as an institution?
- What impact on the Council's effectiveness will your council size proposal have?

The last review of Barnsley MBC took place in 2003, this review reduced the number of councillors to Barnsley MBC from 66 to 63 and the number of wards was reduced from 22 to 21.

Local Authority Profile

Please provide a short description of the authority and its setting, in particular the local geography, demographics and community characteristics. This should set the scene for the Commission and give it a greater understanding of any current issues. The description should cover all of the following:

- Brief outline of area - are there any notable geographic constraints for example that may affect the review?
- Rural or urban - what are the characteristics of the authority?
- Demographic pressures - such as distinctive age profiles, migrant or transient populations, is there any large growth anticipated?
- Community characteristics – is there presence of “hidden” or otherwise complex deprivation?
- Are there any other constraints, challenges, issues or changes ahead?

Further to providing a description, the Commission will be looking for a submission that demonstrates an understanding of place and communities by putting forth arguments on council size based upon local evidence and insight. For example, how does local geography, demographics and community characteristics impact on councillor casework, workload and community engagement?

Introduction to Barnsley MBC

Barnsley Metropolitan Borough Council is one of the four boroughs that make up South Yorkshire. It is around 40 miles across with the Westerly edge of the borough in the Peak District national park and can be traversed using the trans Pennine trail. Whilst the town of Barnsley is the largest settlement in the borough there are a further six principal towns: Cudworth, Goldthorpe, Hoyland, Penistone, Royston and Wombwell and many other smaller localities. The borough enjoys good transport links with the M1 running through the West of the borough and the A1 (M) at the Eastern edge. Our borough enjoys a balance of urban and rural areas with the centre of the borough being mostly urban with outlying rural areas, particularly West of the M1. Barnsley is home to several large employers including online clothing firm ASOS and courier firm Evri. Barnsley MBC's vision is to be “a place of possibilities,” to look to the future with excitement and optimism. Our borough is a place that fosters and grows ambition, enabling everyone to be the best they can be. We'll achieve this through a range of activities and initiatives, as well as looking further forward into our future possibilities working alongside our key partners. In January 2020 we asked lots of people what Barnsley could be like by the year 2030, the challenges they feel they may face, either as a business owner, a resident or a student, and their ambitions for the future

of our borough. This has helped to shape the vision, ambitions and strategy for the future of Barnsley. Barnsley 2030 sets out our long-term vision for Barnsley and how we will work together with our place partners to achieve it. We have five new priorities which are supported by 12 outcomes: Healthy Barnsley, Learning Barnsley, Growing Barnsley, Sustainable Barnsley and Enabling Barnsley. This is our underlying priority to ensure that our council is modern, inclusive, efficient, productive and high performing. It's about celebrating and championing our borough. We're looking to 2030 as we feel this will give us enough time to make some real progress in achieving our bold ambitions for the borough. We also live and work by our four values:

- **We're honest**
We always say what we mean. Most of all we're reliable, fair and true.
- **We're a team**
We all work together towards the same goal – to make Barnsley a better place for the people who live, work and visit here.
- **We'll be excellent**
We work really hard to provide the best quality and value for money for the people of Barnsley. Only our best is good enough.
- **We're proud**
We're dedicated to making Barnsley a better place. We take pride in our work.

Demographics

The recent census showed that, in Barnsley, the population size has increased by 5.8%, from around 231,200 in 2011 to 244,600 in 2021. This was the fourth fastest rate of population increase in the Yorkshire and Humber region over that period. As of 2021, Barnsley is the 10th most densely populated of Yorkshire and the Humber's 21 local authority areas. Over the census period Barnsley saw a significant increase of 19.2% in people aged 65 years and over, an increase of 2.2% in people aged 15 to 64 years, and an increase of 6.0% in children aged under 15 years. Around 92% of the borough identifies their ethnicity as White British with around 2% of people identifying a non-white background.

The 2019 Index of Multiple Deprivation ranked Barnsley as the 38th most deprived of the 317 local authorities. This is particularly marked in the areas of education, health and employment, but the borough fairs much better in the areas of access to housing and living environment. Deprivation varies widely within the borough, around 20% of the borough falls within the 10% most deprived areas in England, however, other areas experience little or no deprivation.

As a result of this our borough is incredibly varied, with big differences between the north, south, east, west and the centre. Each area features wards with often unique combinations of localised issues that makes for an important and often complex role for Councillors to represent and consult their communities. In most wards there is a town centre or high street that generates a strong community feel to the area.

The deprivation many of our residents are subject to presents difficult challenges that impact on the work of the Council and the workload of our councillors. The following present increased pressures on councillors:

- Demographic pressures – some parts of the borough have an ageing population, whereas others are seeing a surge in net population growth as a result of development and increasing gaps in terms of deprivation.

- Health inequalities between the East and West of the borough are striking. This affects life expectancy and the amount of casework relating to health issues
- There are 489 looked after children; 400 care leavers and 50 UASC (unaccompanied asylum seekers) and a large number of children and families in contact with children’s social care.
- The ongoing pressure of austerity has compounded the challenges faced due to demographics and increased demand for council services

The typical Councillor casework quantity differs depending on the Ward they represent. As the statistics above demonstrate, there is great variety to our demographics, localities and geography. Below is more detail about the different regions of the borough. These areas are by no means uniform but grouping them together in this way helps provide a narrative as to their nature.

- The centre and East of the borough features the wards of Central, Kingstone, Dearne North and South, North East, St. Helen’s and Stairfoot. These areas have higher rates of deprivation, lower average income and house prices, and poorer life outcomes for residents in the areas of education and health
- The West of Barnsley features Penistone East and West at the base of the Pennines that touch the Peak District National Park. These wards include the town of Penistone surrounded by outlying villages, some of the highest levels in South Yorkshire of house prices, average income, car ownership, home ownership etc

Council Size

The Commission believes that councillors have three broad aspects to their role. These are categorised as: **Strategic Leadership, Accountability (Scrutiny, Regulatory and Partnerships), and Community Leadership**. Submissions should address each of these in turn and provide supporting evidence. Prompts in the boxes below should help shape responses.

Strategic Leadership

Respondents should provide the Commission with details as to how elected members will provide strategic leadership for the authority. Responses should also indicate how many members will be required for this role and why this is justified. **Responses should demonstrate that alternative council sizes have been explored.**

Topic		
<p>Governance Model</p>	<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>What governance model will your authority operate? e.g. Committee System, Executive or other?</i> ➤ <i>The Cabinet model, for example, usually requires 6 to 10 members. How many members will you require?</i> ➤ <i>If the authority runs a Committee system, we want to understand why the number and size of the committees you propose represents the most appropriate for the authority.</i> ➤ <i>By what process does the council aim to formulate strategic and operational policies? How will</i>

		<p><i>members in executive, executive support and/or scrutiny positions be involved? What particular demands will this make of them?</i></p> <p>➤ <i>Whichever governance model you currently operate, a simple assertion that you want to keep the current structure does not in itself, provide an explanation of why that structure best meets the needs of the council and your communities.</i></p>
	<p>Analysis</p>	<p>Our Council</p> <p>The Council follows the Leader and Cabinet model. We have 63 Councillors representing 21 wards with 3 councillors for each ward.</p> <p>The Cabinet</p> <p>The Cabinet is made up of the Leader of the Council, the Deputy Leader and 7 other Cabinet Members. All Cabinet members except for the Leader and Deputy Leader are assisted by a Cabinet Support member (seven for the nine portfolios) who attend Cabinet with them. Overall Cabinet is attended by 16 councillors.</p> <p>Cabinet makes decisions on council affairs and the improvement plan and performance. They approve policies, and deal with strategies and programmes of activity within the overall policy framework and budget. The cabinet also make recommendations on matters needing Full Council approval and approves key decisions.</p> <p>Cabinet members are the councillors who are in the cabinet. They each have a portfolio of services for which they're responsible. They have meetings to discuss their specific duties. Each cabinet member can make decisions related to their portfolio, which aren't key decisions, up to a value of £500,000. You can find out what decisions have been taken by cabinet members and officers on our delegated decisions webpage.</p> <p>Being a Cabinet Member represents a significant time commitment. The Cabinets meet formally to make decisions every two weeks, approximately 24 times a year, with meetings lasting approximately 2 hours depending on the issues to be discussed. All Cabinet meetings (as all Council meetings) are held in the mornings making their significant responsibilities difficult to align with day jobs.</p>

	<p>Being a Cabinet Member represents a significant time commitment. The Cabinets meet formally to make decisions every two weeks, approximately 24 times a year, with meetings lasting approximately 2 hours depending on the issues to be discussed. All Cabinet meetings (as all Council meetings) are held in the mornings making their significant responsibilities difficult to align with day jobs. Aside from Cabinet meetings, private cabinet briefings are also held on conclusion of Cabinet business which can last 2 hours.</p> <p>Being a Cabinet member involves much more than formal decision making meetings. It also involves attendance at weekly briefings which often last 3 hours and attending regular liaison with Executive Directors and senior staff on at least a weekly basis. Cabinet members also liaise regularly with the Council's 4 local MPs on casework and service issues, whilst the Leader and Deputy Leader have regular liaison with the MPs on a bi-monthly basis. They represent the Council at political meetings of the South Yorkshire Combined Authority, the Local Government Association and a variety of other outside bodies and meet other stakeholders in relation to their portfolio responsibilities on a regular basis. They carry out these duties in addition to the representative role of a local councillor.</p> <p>Barnsley MBC is not intending to change its model of governance. We consider that our current Leader and Cabinet model best meets the needs of the council, our communities and councillors. As you will see below, the portfolios of the council are expansive and demanding. Whilst we do not require our portfolio holders to be full time the demands are not often compatible with other employment.</p> <p>Every elected member is expected to attend 14 meetings per year (8 meetings of full council and six meetings of their area council). In addition to these there are 117 meetings Cabinet and the other council committees, each of which requires an average of 16 members to attend. If the workload is split equally, councillors have to attend an additional 30 meetings per year. This number of meetings in addition to the casework, outside appointments and other activities councillors undertake make the role of councillor to be very demanding and time consuming.</p> <p>The Leader and Cabinet governance model allows for a small number of councillors whose occupation and</p>
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		<p>family arrangements allow them to give a lot of time to the cabinet portfolios or other committees of the council. This allows other members of the council who have more demanding jobs and family arrangements to attend a smaller number of meetings whilst still carrying out the casework and taking on the other community activities that councillors do. We consider that a governance model that would increase the number of meetings and workload of the majority of councillors would have a significantly detrimental impact on Barnsley MBC and impair our efforts to attract a diverse range of councillors at different stages of life, particularly young people.</p>
<p>Portfolios</p>	<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>How many portfolios will there be?</i> ➤ <i>What will the role of a portfolio holder be?</i> ➤ <i>Will this be a full-time position?</i> ➤ <i>Will decisions be delegated to portfolio holders? Or will the executive/mayor take decisions?</i>
	<p>Analysis</p>	<p>There are nine portfolios in the Cabinet. Each portfolio holder holds the role on a part-time basis and is supported by a Cabinet Support Member. As above each cabinet member can make decisions related to their portfolio, which aren't key decisions, up to a value of £500,000. The individual roles and responsibilities of each portfolio are outlined below:</p> <p>Leader of the Council and Chairman of Cabinet</p> <p>Responsible for: -</p> <ul style="list-style-type: none"> · Appointing the Cabinet and determining responsibility for Executive functions · Appointing Area Council Chairs · Chairing meetings of the Cabinet · Leading on policy and budget matters · Issues relating to: Community Strategy and Planning · Regeneration (in its broadest sense) · Sub-regional, regional, and European issues. <p>Deputy Leader of the Council and Vice Chairman of Cabinet</p> <p>Responsible for: -</p> <ul style="list-style-type: none"> · Deputising for the Leader of the Council, when needed · Levelling up including securing government and private sector investment to deliver capital projects and revenue programmes, direct liaison with Government, strategy and programme development with South Yorkshire Mayoral Combined Authority, spatial and economic strategy, project development and delivery, and asset management

	<ul style="list-style-type: none"> · Responsibility for the established policy areas with a focus on outcomes relating to i) Productivity; ii) Quality of Life; iii) Sense of place; and iv) Local leadership · More broadly Levelling Up activity in the Council to involve joint working across services addressing the twelve ambitions or ‘missions’ of Levelling Up therefore covering a wide range of domestic social and economic policy: 1) Productivity; 2) Innovation; 3) Transport; 4) Digital; 5) Education; 6) Skills; 7) Health; 8) Wellbeing; 9) Pride in place; 10) Housing; 11) Crime; and 12) Devolution. <p>Cabinet Spokesperson without Portfolio</p> <p>Responsible for issues relating to: -</p> <ul style="list-style-type: none"> · Training and development of Elected Members and the provision of the necessary facilities to perform their duties effectively · Member representation on and attendance at Council bodies and outside organisations · Management and organisation of Cabinet business · Member Support within the Core Services Directorate <p>Core Services</p> <p>Responsible for issues relating to: -</p> <ul style="list-style-type: none"> · Taxation and Benefits assessments (including free school meals administration) and Debt Recovery · Commercial and Transactional Services including financial assessments; Accounting, Budgeting and Professional and Specialist Finance · Risk Management, Internal Audit and Corporate Fraud; Corporate Commissioning, Procurement and Contracting · Human Resources and Organisation Development · Business Improvement including Business Intelligence · Customer Resolution, Barnsley 2030 and Policy, Performance and Equalities · Health, Safety and Emergency Resilience · Support for Overview and Scrutiny · Communications and Marketing · Customer Services/Contact Centre · Customer Services development
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	<ul style="list-style-type: none"> · Customer Experience and Digital Strategies, web content and design; · Information Technology hardware and software development, configuration and maintenance; application training and customer liaison/support · IT procurement · Business analysis · Council's information governance and security · Records Management · Applications Management and Support (web mobile working) · Responsibility for Legal Services, Registration Service, Governance and Business Support, Elections & Land Charges, Town Twinning and the Governance support to Joint Authorities, and ceremonial aspects of the Registration Service <p>Place Health and Adult Social Care</p> <p>Responsible for issues relating to: -</p> <ul style="list-style-type: none"> · Health and Social Care Integration · Adult Assessment and Care Management · Safeguarding and Social Workers · Assessment Care Planning · Self-directed Support Teams · Reviews · Emergency Duty Team · Commissioning · Disable Facilities Grants / Equipment and Adaptations · Independent Living at Home Services, Day Opportunities and Supporting Living, and Carers Support · Sensory Impairment Services <p>Public Health and Communities</p> <p>Responsibility for issues relating to: -</p> <ul style="list-style-type: none"> · Public Health Protection, including Regulatory Services, Trading Standards/Environmental Health, including the Dog Warden service · The Core Offer to the Clinical Commissioning Group for Health Care and Health Improvement and Public Health Strategy and Advice · Libraries; · Welfare Rights, Housing Options · Community Safety and Community Enforcement · Gypsies and travellers · Landlords
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- Community Safety, Domestic Violence, Victim and Witness Support
- Drugs and Alcohol Service, including Prevention
- Graffiti Removal
- Area Councils and Community Engagement, Volunteering and relationship with Third Sector/Private Sector
- Community Health and Wellbeing and Promoting Healthy Lifestyles
- Community Cohesion

Children's Services

To act as the Designated Leader Member for Children's Services under Section 19 of the Children Act 2004

Responsible for issues relating to: -

- Education Welfare
- Social Care and Safeguarding Quality and Standards
- Children's Social Care
- Quality Assurance
- Access, Assessment, Care Planning and Reviews
- Advocacy, Adoption and Fostering
- Children's Residential and Leaving Care Service
- Stronger Families
- Education Strategic Planning, including School Improvement Strategy
- Improvement Advisers and Brokerage
- Early Years and Family Information Services
- Quality of early years provision and integrated child provision for 2–3-year-olds including Children's centres
- Special Educational Needs
- Outdoor Education
- School Admissions
- School organisation and school places, including strategies for Academies and Free Schools
- School Governor Services
- Leaving Care Services
- Integrated Youth Services
- Youth Council, Youth Voice and Participation.

Environment and Highways

Responsible for issues relating to: -

- Bereavement Services

	<ul style="list-style-type: none"> · Waste Management and Recycling · Highways and Network Management, Bridges and Footpath Maintenance · Trans Pennine Trail · Street Lighting · Safer Roads/School Crossing Patrol strategy and operations · Drainage and Reservoirs and Flood Management · Transport Strategy including PTE · Transport, including Home to School Travel and Looked After Children and specialist transport · Fleet Management · Street Cleansing, Litter Picking and Fly Tipping · Car Parks and Car Parking · Grounds Maintenance, Horticulture and Arboriculture · Sports and Active Lifestyle · Climate Change · Energy and Sustainability · Clean and Green and Parks and Allotments <p>Regeneration and Culture</p> <p>Responsible for issues relating to: -</p> <ul style="list-style-type: none"> · Support for Business and Start Up, Business Growth and Inward Investment · Regeneration · Worklessness, Skills and Enterprise · Adult Learning and Apprenticeships · Spatial Planning and Infrastructure, including Building Control/Development Control, SYMAS and Highways Development Control · Planning Enforcement · Strategic asset management including acquisition and disposals · Property valuations, condition surveys and management of maintenance · Energy and Carbon management · Tenanted non-residential property management and management of PFI and BSF schools · Community asset transfers and assets of community value · Hybrid mail, parcel services and digital printing · Building support and portorage (excluding Records Management) · Town Centre Management, including Town Centre Market and strategic market development · District Markets · Housing Strategy and Growth
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		<ul style="list-style-type: none"> · Private Sector Housing, Affordable Housing and Contract and Client Management for Berneslai Homes · Culture and Visitor Economy
<p>Delegated Responsibilities</p>	<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>What responsibilities will be delegated to officers or committees?</i> ➤ <i>How many councillors will be involved in taking major decisions?</i>
	<p>Analysis</p>	<p>Outline of the Council’s Decision-Making Arrangements</p> <p>The route that decisions take is determined by what is laid down in the Terms of Reference of full Council, Cabinet and the Area Councils and the matters specifically delegated to officers. The delegated powers of individual Cabinet Spokespersons relate to any matter within their Portfolio not otherwise specified. These decision-making responsibilities are set out in the Council’s Constitution.</p> <p>The decision-making powers of full Council are generally those specified in law: approval of the budget and council tax; the policy framework and other strategies (although this is relatively loosely defined in Barnsley); regulatory policies; issues relating to Member representation; Members allowances; electoral issues; decisions relating to the Council’s role as a trustee. The original intention was that full Council should have a relatively “strong” decision making role, beyond what is statutorily required, although this has been more limited of late. The main exception to this is approval of the first consultation stage on school reorganisation proposals, which are required to go to full Council.</p> <p>The Cabinet’s responsibilities focus on the co-ordination of Council affairs, the improvement agenda and performance, the approval of policies, strategies and programmes of activity within the overall policy framework and budget. The Cabinet also makes recommendations on matters that will need full Council approval and specifically approves Key Decisions (anything that involves expenditure or income over £500,000 or affects communities in two or more Wards).</p> <p>The specific responsibilities Area Councils relate to decisions on the commissioning of expenditure from the relevant area budget.</p>

Cabinet Spokespersons decision making powers are not specified, with the exception of the Leader of the Council's power to appoint Cabinet and Area Council Chairs and approve the distribution of Executive Functions and powers of the Development, Environment and Culture Spokesperson in relation to the Decent Homes Programme. This means that Spokespersons can approve expenditure from the approved budget of more than £250,000 but less than £500,000, in addition to any matter not reserved for full Council / Cabinet or delegated to an officer.

Officers have two types of delegated powers: those included in the general provisions that relate to the Chief Executive and all Executive Directors and Directors; and functions and powers, often arising from particular pieces of legislation, relating to specific senior officers. General provisions include the financial limit of officer decision making of £250,000. Some specific delegations have other financial limits, as stated in the scheme of delegations.

Whilst officers or individual Cabinet Spokespersons might have delegated powers, they can always opt to "refer a decision up" where this is felt appropriate. Typical examples include relatively low levels of expenditure where the nature of the choice involved in taking the decision might require some political input. In some cases, matters might need Cabinet / Spokesperson approval because there is an expectation that Members will be involved in decisions of that nature, rather than what is strictly said in the Constitution.

Once an executive decision is made, the Overview and Scrutiny Committee can choose to "call-in" the decision for review, effectively delaying its implementation. In the case of Cabinet decisions, implementation must be delayed for a short period pending any review. Technically, officer decisions could be called in if not implemented, although there is no requirement to delay implementation, so in practice they would seldom be called in.

The (Executive) Officer Delegations include information on the recording of decisions that are designed to comply with the recording requirements mentioned above. The arrangements for individual delegated decision making by Cabinet Spokespersons include the requirement that any report coming forward for decision on these arrangements must first be the

		subject of consultation with relevant Senior Officers. This is in addition to any internal officer consultation that has taken place in the drafting of the report concerned. Delegations also include requirements on the recording of decisions, which ensure compliance with the requirements referred to above, and the need for this to be on the basis of written reports.
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Accountability

Give the Commission details as to how the authority and its decision makers and partners will be held to account. The Commission is interested in both the internal and external dimensions of this role. **Responses should demonstrate that alternative council sizes have been explored.**

Topic	
Internal Scrutiny	The scrutiny function of authorities has changed considerably. Some use theme or task-and-finish groups, for example, and others have a committee system. Scrutiny arrangements may also be affected by the officer support available.
<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>How will decision makers be held to account?</i> ➤ <i>How many committees will be required? And what will their functions be?</i> ➤ <i>How many task and finish groups will there be? And what will their functions be? What time commitment will be involved for members? And how often will meetings take place?</i> ➤ <i>How many members will be required to fulfil these positions?</i> ➤ <i>Explain why you have increased, decreased, or not changed the number of scrutiny committees in the authority.</i> ➤ <i>Explain the reasoning behind the number of members per committee in terms of adding value.</i>
Analysis	<p>The Overview and Scrutiny Committee (OSC)</p> <p>The Overview and Scrutiny Committee is a group of councillors hold the decision makers to account. They can review decisions and services and can influence future decisions.</p> <p>The Overview and Scrutiny Committee has three committees which align with the Council Plan priorities:</p> <p>Sustainable Barnsley workstream Healthy Barnsley workstream Growing Barnsley workstream</p> <p>The Overview and Scrutiny Committee is made up of a number of councillors who aren't in the Cabinet. They're across all the political parties that make up our Full Council.</p>

The chair of the Overview and Scrutiny Committee is a councillor decided annually by Full Council. 34 members sit on the committee including the chair.

Formal Overview and Scrutiny Committee meetings happen approximately 12 times per year in total, each lasting approximately 2 hours with 30 minutes briefing beforehand.

The OSC meetings are themed according to the agreed workstreams.

Full OSC committee – 34 Members

Healthy Barnsley workstream 12 members (though any of the 34 Members can take part)

Growing Barnsley Workstream – 12 members (though any of the 34 Members can take part)

Sustainable Barnsley Workstream – 12 members (though any of the 34 Members can take part)

The OSC's work programme is approved by Cabinet. It also carries out this programme through three 'Task and Finish Groups' (TFGs), which each examine specific topics and report their findings to Cabinet. Each TFG usually consists of eight councillors drawn from the OSC's membership and is chaired by a Task and Finish Group Lead. The OSC is responsible for: scrutinising key Cabinet decisions/recommendations and exercising 'call-in' if deemed necessary; scrutinising important decisions taken by other organisations; keeping a watching brief on a wide range of performance data, for the Council and for its partners; monitoring progress against their respective work programmes and recommending any amendments to them to Cabinet; and reporting findings and recommendations to Cabinet.

There are 3 task and finish groups, which meet informally to undertake in depth investigations into certain pertinent subjects. Each of the 3 task and finish group selects a topic to investigate over the course of a 4-month period every year. Meetings are held approximately 6 times per task and finish group, and the culmination of their work is a report to cabinet with recommendations for cabinet to consider. All OSC Members are invited to take part in each task and finish group, however many select one on which to focus.

The OSC is also responsible for: considering Councillor Calls for Action (CCFAs), except where they are referred to an Area Council, in which case the OSC will retain a monitoring role; receiving and considering the findings of exercising powers on behalf of the local authority. The Committees may: refer back to Cabinet for further consideration those items on which,

under the Council's constitution, Cabinet can make recommendations, but which are subject to approval by the full Council; exercise a power of "call-in" in respect of Cabinet decisions, provide comments and advice to Cabinet on current and future executive business; launch their own in-depth investigations and produce reports to Cabinet on important policy issues. (The agreed protocol for determining the response of Cabinet to these and other issues is included in the constitution); require Cabinet members and senior Council officers to answer questions and give evidence at their meetings.

The relevant legislation provides for attendance by any officer at a Scrutiny Committee meeting when required, but it is considered appropriate within the Council's constitution to limit this in normal circumstances to attendance by officers of appropriate seniority; and ask representatives of outside organisations to answer questions and give evidence at their meetings.

The Council has a protocol on how Scrutiny Committee reports are produced, and the timescales within which Cabinet is expected to respond to them. The protocol is included in the constitution.

It is the Council's belief that effective scrutiny is essential to a well-run authority. Effective challenge on a wide range of subjects through the overview and scrutiny committee ensures that decision making is robust and takes into account the widest range of factors. Having an OSC committee of 34 members enables workstreams of 12, where Members can develop a greater understanding around a particular subject. The same is true for a task and finish group, it enables all OSC Members to take part in a task and finish group meaningfully without placing undue workload on any particular member.

An Overview and Scrutiny Committee of 34 in total, allows more than half of Councillors to be involved in policy development, and the decision making process, which they may otherwise be unable to be due to decisions taking place through Cabinet, it also provides representation from a geographical perspective, as each ward is represented as part of the Overview and Scrutiny process.

The committee, its work plan, and its ways of working have been developed and refined over a number of years, and as this is believed to work well we would like to see the model retained.

	<p>The number of meetings of the Scrutiny Committee has not significantly changed over the past 5 years. There is a full table of all council meetings in Appendix 1. The council adapted its Scrutiny function in 2021 to align it to the priorities of the new council plan resulting in changes to the workstreams and a realignment of the task and finish groups.</p> <p>The council also hosts the South Yorkshire, Derbyshire and Nottinghamshire Joint Health Overview and Scrutiny Committee, the Chair of the Overview and Scrutiny Committee is also chair of this body. This committee is responsible for reviewing and scrutinising matters relating to the planning, provision and operation of health services covering the work of NHS England and the South Yorkshire Integrated Care Board over this geographical footprint.</p>	
Statutory Function	<p>This includes planning, licencing and any other regulatory responsibilities. Consider under each of the headings the extent to which decisions will be delegated to officers. How many members will be required to fulfil the statutory requirements of the council?</p>	
Planning	<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>What proportion of planning applications will be determined by members?</i> ➤ <i>Has this changed in the last few years? And are further changes anticipated?</i> ➤ <i>Will there be area planning committees? Or a single council-wide committee?</i> ➤ <i>Will executive members serve on the planning committees?</i> ➤ <i>What will be the time commitment to the planning committee for members?</i>
	<p>Analysis</p>	<p>The Council has a single planning committee, the Planning Regulatory Board. The Planning Regulatory Board exercises the functions of the Council in relation to town and country planning, and development and building control, highways use and regulation, minerals and waste disposal planning and control; matters concerning the safety of sports grounds; and supervision of all land subject to reclamation that is for the time being owned by the Council.</p> <p>The Board also approves the delegation to officers of any of the above functions, as identified in the delegation section of the constitution.</p> <p>Planning committee meets approximately every 4 weeks – meaning around 13 times per year. This is a 2-hour meeting, however there are approximately 2 site visits per year, which take around 2 hours.</p> <p>25 members attend the Planning Regulatory Board, in the last 12 months 24 applications were referred to the Board for decision. The Board is made up of members from across the</p>

		council, at present none of the 25 members are also Cabinet Portfolio holders.
Licensing	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>How many licencing panels will the council have in the average year?</i> ➤ <i>And what will be the time commitment for members?</i> ➤ <i>Will there be standing licencing panels, or will they be ad-hoc?</i> ➤ <i>Will there be core members and regular attendees, or will different members serve on them?</i>
	Analysis	<p>There are two Licensing Committees: The Statutory Licensing Regulatory Board and the General Licensing Regulatory Board. Each committee deals with different aspects of licensing in line with the Licensing Act 2003. They are standing Boards. There are 15 members on the Statutory Licensing Board and 26 on the General Licensing Board.</p> <p>General Licensing Regulatory Board and Statutory Licensing Regulatory Panel meet every 2 months (6 times per year, 12 meetings in total) for approximately 1 hour in total (30 mins per Board).</p> <p>General Licensing Regulatory Board Panel meetings take place every 4 weeks, around 13 per year. Each meeting takes around 1 hour per panel on average. 3 board members sit on each panel.</p> <p>Statutory Licensing Sub Committee meets when required, which on average is two times per year on with each hearing lasting 3 to 4 hours. 3 board members sit on each panel.</p> <p>Member preparation time may take a day for each meeting. Special meetings, called expedited hearings are meetings conducted by email in special circumstances when the police require a temporary closure of a premises due to serious criminal activity.</p>
Other Regulatory Bodies	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>What will they be, and how many members will they require?</i> ➤ <i>Explain the number and membership of your Regulatory Committees with respect to greater delegation to officers.</i>
	Analysis	<p>Barnsley MBC maintains three other regulatory committees.</p> <p>The Audit and Governance Committee is made up of four elected councillors and five independent people, who are not councillors. It ensures that the council is complying with it rules and regulations for governance and finance, including the value for money of council services. All of the External Auditor's reports are considered by the Council's Audit and Governance Committee. It meets seven times per year.</p> <p>The Health and Wellbeing Board is made up of elected members and officers of the Council, representatives of</p>

		<p>Barnsley's Clinical Commissioning Group of GPs (this is now NHS South Yorkshire) and other health providers, and the local Health Watch, which represents the interests of patients and service users. People from other organisations that have an impact on health and wellbeing, such as the District Police Commander, also attend the meetings. Its job is to agree the Health and Wellbeing Strategy and work with all organisations to join up health and social care for the Borough. It meets 2-3 times per year in public with around 3 private development sessions.</p> <p>The Appeals, Awards and Standards Regulatory Board is made up of 26 elected councillors. It is responsible for dealing with appeals against council decisions that are not specifically covered by the other Boards. It also enforces the code of conduct for elected councillors and employees. It only meets when necessary and has not met in the last five years.</p> <p>The Corporate Parenting Panel meets around 8 times per year.</p>
External Partnerships	<p>Service delivery has changed for councils over time, and many authorities now have a range of delivery partners to work with and hold to account.</p>	
<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>Will council members serve on decision-making partnerships, sub-regional, regional or national bodies? In doing so, are they able to take decisions/make commitments on behalf of the council?</i> ➤ <i>How many councillors will be involved in this activity? And what is their expected workload? What proportion of this work is undertaken by portfolio holders?</i> ➤ <i>What other external bodies will members be involved in? And what is the anticipated workload?</i> 	
Analysis	<p>Service delivery has changed for councils over time, and many authorities now have a range of delivery partners to work with and hold to account.</p> <p>The council appoints members to serve on many different sub-regional and regional groups. The Leader of the council is appointed to the Board of the South Yorkshire Mayoral Combined Authority and two members are appointed to each committee of the Combined Authority. Council members are appointed to many other regional bodies including: South Yorkshire Fire and Rescue Authority, South Yorkshire Police and Crime Panel and Doncaster Sheffield Airport Consultative Committee Partnership. The Council also appoints council members to sub regional bodies including Berneslai Home a company wholly owned by the council to manage council owned housing stock of approximately 18,000. It nominates 2 Councillor directors to its Board and receives its report and agrees its business plan on an annual basis. Members also sit on a number of panels and bodies governing education including the Corporate Parenting Panel, Virtual School</p>	

	Governor’s Board and the Schools Council. The Council makes appointments of Councillors to around 100 partnership organisations and external bodies. Around 75% of outside body appointees are portfolio holders. The workload varies considerably depending on the outside body, from meetings held monthly to around one a year.
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Community Leadership

The Commission understands that there is no single approach to community leadership and that members represent, and provide leadership to, their communities in different ways. The Commission wants to know how members are required to provide effective community leadership and what support the council offers them in this role. For example, does the authority have a defined role and performance system for its elected members? And what support networks are available within the council to help members in their duties? The Commission also wants to see a consideration of **how the use of technology and social media by the council as a whole, and by councillors individually, will affect casework, community engagement and local democratic representation. Responses should demonstrate that alternative council sizes have been explored.**

Topic		Description
Community Leadership	Key lines of explanation	<ul style="list-style-type: none"> ➤ <i>In general terms how do councillors carry out their representational role with electors?</i> ➤ <i>Does the council have area committees and what are their powers?</i> ➤ <i>How do councillors seek to engage with their constituents? Do they hold surgeries, send newsletters, hold public meetings or maintain blogs?</i> ➤ <i>Are there any mechanisms in place that help councillors interact with young people, those not on the electoral register, and/or other minority groups and their representative bodies?</i> ➤ <i>Are councillors expected to attend community meetings, such as parish or resident’s association meetings? If so, what is their level of involvement and what roles do they play?</i> ➤ <i>Explain your approach to the Area Governance structure. Is your Area Governance a decision-making forum or an advisory board? What is their relationship with locally elected members and Community bodies such as Town and Parish Councils? Looking forward how could they be improved to enhance decision-making?</i>
	Analysis	<p>Engagement with Residents</p> <p>Our communities operate in many different ways, and we don’t stipulate to councillor what is the best way to engage with residents to represent them. Councillors are not required to hold surgeries although many do. Many do send newsletters and hold other public meetings. Many councillors engage with residents through active work in the community including volunteering at food banks and vaccination clinics.</p>

We do not place an expectation on councillors to attend community and parish meetings. Many do attend such meetings and are very active in these groups, others prefer to use other methods and are active in local online communities.

Barnsley MBC has a youth council and a young mayor to help councillor engage with young people and vice versa. Barnsley Youth Council are a group of local young people, elected by their peers to represent the views of young people who live in Barnsley. They run campaigns on various issues including the environment, sexual health and raising police officers' awareness of SEND conditions. They have also been involved in the 2030 board which is about the ambition and plan for Barnsley for 2030. The role of our young mayor is to represent the youth council and promote their work. They shadow the Mayor of Barnsley in their ceremonial position.

Our Area Governance framework falls into two categories:

Ward Alliances

Ward alliances make decisions on ward alliance funding and priorities for the area. They're made up of local councillors and groups of local people who have put themselves forward to help improve their communities. Every councillor is automatically a member of their ward alliance. Residents can apply to be part of a ward alliance if they are already involved with a local group or are active in the community.

Each ward alliance will develop a community plan which helps them to measure their progress in delivering their priorities. Each has a small budget called the Ward Alliance Fund. Community groups can apply for ward alliance funding to help with projects that support their priorities.

Most ward alliances are active and meet regularly. A small minority of wards do not have active ward alliances.

Area Councils

There are six area councils in Barnsley, each made up of the locally elected councillors who support the ward alliances. Every councillor is a member of their respective area council. They use information provided by ward alliances about local areas to help them set the priorities for your area. They also take into account national sources of information such as the census. They use this information to commission services and provide grants to deliver against these priorities.

		We have recently standardised the meeting pattern of each area council, so each meets six times per year.
Casework	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>How do councillors deal with their casework? Do they pass it on to council officers? Or do they take a more in-depth approach to resolving issues?</i> ➤ <i>What support do members receive?</i> ➤ <i>How has technology influenced the way in which councillors work? And interact with their electorate?</i> ➤ <i>In what ways does the council promote service users' engagement/dispute resolution with service providers and managers rather than through councillors?</i>
	Analysis	Officers of Barnsley MBC do not assist councillors with their casework. Members will be supported by staff in Governance signposting to relevant departments internal or external. When queries are internal this will involve staff from the service providing a response to the Councillor on behalf of their constituent. It is up to each council member how to handle their own casework. Each member receives their casework directly and we do not have a system to monitor this and no data on the amount of casework councillors receive.

Other Issues

Respondent may use this space to bring any other issues of relevance to the attention of the Commission.

[Click or tap here to enter text.](#)

Summary

In following this template respondents should have been able to provide the Commission with a robust and well-evidenced case for their proposed council size; one which gives a clear explanation as to the governance arrangements and number of councillors required to represent the authority in the future.

Use this space to summarise the proposals and indicate other options considered. Explain why these alternatives were not appropriate in terms of their ability to deliver effective Strategic Leadership, Accountability (Scrutiny, Regulation and Partnerships), and Community Leadership.

Our Proposal

From the information above we believe that our current structures support strategic leadership, accountability and community leadership well. However, councillor workloads are very high, with many councillors fitting their substantial council responsibilities around work outside their council duties. We believe that the future will present ever greater demands on councillor time. Since the last review of Barnsley MBC there has been substantial devolution of powers to South Yorkshire that have required significant involvement from Barnsley MBC councillors to direct and hold to account. The potential devolution combined with increased demands from the electorate lead us to believe that there is no prospect of these workloads decreasing in the medium term.

We consider that the present arrangement of 63 councillors for our electorate of 184678 is consistent with the arrangements at similar councils. The table in Appendix 2 shows the electorates and number of elected members for all 36 Metropolitan Boroughs. The number of electors per elected member in Barnsley is 2931 which is very close to the median average of the 36 metropolitan boroughs at 3035. We also note that since the last electoral review in 2003, there has been insufficient population movement to trigger an electoral review and that there is, therefore, no case in demographic terms to alter the number of elected members.

We therefore propose that the number of councillors for Barnsley MBC remains at 63.

Alternative approaches

We appreciate that the Commission could propose wards with 1, 2 or 3 members but we strongly urge that Barnsley retain 3 member wards for the following reasons: -

- 3 member wards allow a mix of skills and expertise and allow the ward members to reflect the diversity of the local population
- We have recently been able to attract some younger members and so are more likely to have young children and so not be able to treat their councillor role as full time, unlike older retired members
- The casework generated by the wards would be difficult to handle with fewer than 3 members particularly if one member also sits on the Cabinet.
- 3 member wards allow for adequate cover in the event of a ward member being unavailable due to sickness etc

Our alternative approaches assume that Barnsley MBC would therefore continue with 3 member wards.

Increasing the number of councillors

An increase to 66 councillors over 22 wards would have a positive impact on councillor workload. With increasing demand, high levels of deprivation and local government funding reductions at an unprecedented level, the member effort to meet demand with diminishing resources will require huge effort on their part. As reductions bite and services are reduced, resident complaints and member enquiries are likely to grow in tandem. As reductions continue this is likely to be exacerbated and put ever more pressure on councillor time. Alongside an increasing population and large-scale local developments, councillors will inevitably have more people to represent in a financial climate that will present more problems for both local people, who are seeking more support from the Council, and the Council which will have difficult choices to make about how to meet those demands. It is because of the difficulties local people will face in the light of austerity that the Council does not wish to impose further financial burden on local residents by increasing the number of councillors. However, any reduction in the number of Councillors would require a decrease in some of their key activities, which we believe would undermine our capacity in terms of strategic leadership, accountability and community leadership.

Reducing the number of councillors

A decrease of councillors to 60 councillors over 20 wards would exacerbate the problems already outlined with councillor workload. Any reduction in the number of councillors would fly in the face of the evidence of increasing need, higher population projections, and the

very heavy workloads shouldered by councillors currently. Any reduction would inhibit councillor capacity to lead their community and be accountable to them.

Appendix 1

Number of meetings of each committee over the last five years:

Committee	Number of Members in 2022/23	Number of Meetings (May – April)						
		2017/18	2018/19	2019/20	2020/21 *Affected by pandemic	2021/22	2022/23	2023/24 Planned Meetings
Full Council	63	9	9	8	7	9	8	8
Cabinet	9 (9 support members)	21	23	22	23	22	23	23
Planning Reg Board	26	12	12	12	8	14	17	19
General Licensing Board	26	5	4	4	2	7	5	6
General Licensing Panel	3+1 Sub	10	11	10	10	8	6	12

Statutory Licensing Board	15	5	2	4	3	3	5	6
Statutory Licensing Sub Committee	3+1 sub	1	0	0	0	2	3	As required
Audit and Governance	4	7	8	5	8	7	7	7
Appeals, awards and standards	26	0	0	0	0	0	0	0
Overview & Scrutiny Committees	34	12	12	11	14	12	12	12
Area Councils	Varies between 6 and 15	Central 6 Dearne 6 North 6 N East 6 Penistone 5 South 7	Central 5 Dearne 6 North 6 N East 6 Penistone 7 South 6	Central 7 Dearne 6 North 6 N East 5 Penistone 5 South 5	Central 6 Dearne 6 North 6 N East 5 Penistone 6 South 7	Central 6 Dearne 8 North 6 N East 6 Penistone 7 South 5	Central 5 Dearne 5 North 6 N East 6 Penistone 5 South 5	6 per Area (36)

Health and Wellbeing Board	3	5	4	2	2	3	3	2 public
Total		123	121	112	113	125	121	131

Appendix 2

Electorates per elected member for the 36 Metropolitan Boroughs

Metropolitan Borough	Electorate	Number of Elected Members	Number of Electors per elected member
Barnsley	184678	63	2931
Birmingham	729944	101	7227
Bolton	198553	60	3309
Bradford	361347	90	4015
Bury	142920	51	2802
Calderdale	150550	51	2952
Coventry	217818	54	4034
Doncaster	219008	56	3911
Dudley	239722	72	3329
Gateshead	144619	66	2191
Kirklees	312908	69	4535
Knowsley	118646	45	2637
Leeds	574579	99	5804
Liverpool	332091	85	3907
Manchester	359185	96	3742
Newcastle Upon Tyne	191057	78	2449
North Tyneside	156415	60	2607
Oldham	162830	60	2714
Rochdale	160770	60	2680
Rotherham	195236	59	3309
Salford	174181	60	2903

Sandwell	218539	72	3035
Sefton	216316	66	3278
Sheffield	412014	84	4905
Solihull	162614	51	3189
South Tyneside	115370	54	2136
St Helens	138214	48	2879
Stockport	221485	63	3516
Sunderland	207990	75	2773
Tameside	171507	57	3009
Trafford	170612	63	2708
Wakefield	254556	63	4041
Walsall	197239	60	3287
Wigan	238385	75	3178
Wirral	244680	66	3707
Wolverhampton	172475	60	2875

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR CORE SERVICES

TITLE: Statement of Licensing Policy Review Consultation 2022/23

REPORT TO:	CABINET
Date of Meeting	12 July 2023
Cabinet Member Portfolio	Core Services
Key Decision	Yes
Public or Private	Public

Purpose of report

As a licensing authority we must determine and publish a Statement of Licensing Policy at least once every five years, in line with statutory guidelines. The Council's current Licensing Policy came into effect in 2017, therefore was due for review in 2022.

In readiness for the review Officers produced our new Statement of Licensing Policy and carried out a statutory consultation from the 23rd December 2022 until the 3rd March 2023 to seek the views and opinions of all interested parties. The consultation period is now concluded, and the responses received have been considered by the Licensing Service, SMT and the SLRB.

Council Plan priority

Healthy Barnsley

Recommendations

That Cabinet recommends to the Full Council that: -

The Statement of Licensing Policy appended to the report (Appendix 1) be published in accordance with the statutory requirements and adopted by the Council.

1. INTRODUCTION

- 1.1 The Licensing Act 2003 requires the Council to have a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Licensing Act 2003 has four licensing objectives that a licensing authority must incorporate into any strategy. These are:
 - The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
 - Public Safety
- 1.3 The attached draft Statement of Licensing Policy complies with the statutory guidance, whilst reflecting local circumstances and responses received to the public consultation conducted prior to the final policy being determined.

2. PROPOSAL

- 2.1 We have a statutory duty to review and publish our Statement of Licensing Policy at least once every five years with the focus being to promote the licensing objectives.
- 2.2 The policy sets out the requirements and standards that licence holders are expected to meet when applying for a licence to operate premises within the borough.
- 2.3 Changes have been made to our existing policy to detail our Local Area Profile and ensure applicants and licence holders appreciate the expectations of the council when applying standards in relation to premises that require permissions under the Licensing Act 2003.
- 2.4 The proposed key changes to current policies and procedures are: -
 - to set out the Local Area Profile and stress the weight of consideration it should be given when making an application under the Licensing Act 2003
 - Link the Local Area Profile to local risk assessments by applicants and licensees
 - Identify better the enforcement and compliance role of the LA
 - Provide a pool of licence conditions to assist applicants to promote the licensing objectives

- Recognise the impact of alcohol harm and through the implementation of this licensing policy the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol harm

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

Consultations have taken place with representatives of the Director of Finance (S151 Officer). There are no direct financial implications arising from this report as it is recommending the approval the Statement of Licensing Policy.

3.2 Legal

The policy has been drafted to reflect current legislative requirements and statutory guidance. Adoption of the policy will meet the Council's obligations under the statutory guidance which must be taken into consideration when making decisions in respect of matters relating to the Licensing Act 2003.

Failure to properly consider the policy could result in the Council not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions pertaining to Licensing are fair, consistent and comply with the legislation.

3.3 Equality

Full Equality Impact Assessment completed.

Key points addressed around outcome of consultation and consideration of local area profiles in decision criteria.

3.4 Sustainability

Decision-making wheel not completed as it was deemed unnecessary for this statutory policy review.

3.5 Employee

There are no specific employee implications in approving this policy.

3.6 Communications

The draft policy has been subject to a 10-week public consultation period and all stakeholders received notification of the consultation.

Once adopted the Policy will be published on the Councils website and will therefore be available to all interested parties.

4. CONSULTATION

In determining this policy statement, the Council has consulted with the following: -

- The Police
- Responsible Authorities
- Elected members
- The Local Safeguarding Board
- Persons involved in Licensing within the borough or their representatives
- Representatives of local businesses and residents' organisations
- Person likely to be affected by Licensing within the borough (or their representatives/support groups/charitable organisations)
- Local Chamber of Commerce / BID
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

The policy consultation ran for 10 weeks commencing on the 23rd December 2022 until the 3rd March 2023

The results of the consultations can be found at Appendix 2.

Two responses were received in total. The views of all consultees were duly considered and given proper weight including being:

- Considered by SMT on the 13th of June 2023
- The Statutory Licensing Regulatory Board on the 21st June 2023 for consideration and referral to Cabinet and Council for approval.

As the responses received were all administrative, where appropriate the wording of the proposed new Policy has been amended to reflect the suggestions from the consultation.

There is no reason from the consultation process and responses received not to recommend the adoption of the new Policy.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The purpose of the Licensing Policy is to:

- Promote the licensing objectives
- Prevent premises from being a source of crime and disorder
- Prevent licensed premises being the cause of public nuisance
- Promote public safety
- Protect children from being harmed
- Ensure local area issues are taken into account by licensees through risk assessments.
- Support the wider Barnsley 2030 strategy.

5.2 Whilst the Council could decide not to adopt a policy that complies with the statutory requirements, it would be failing to implement measures considered to provide the public with the best level of protection and would leave itself open to potential legal challenge.

6. REASONS FOR RECOMMENDATIONS

6.1 Failure to have cohesive policy standards could result in legal challenges to the council's decisions

7. GLOSSARY

None

8. LIST OF APPENDICES

Appendix 1: The proposed new policy "Statement of Licensing Policy"

Appendix 2: Report on the Consultation Responses

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Colette Tyrell 9th June 2023
Legal consultation & sign off	Legal Services officer consulted and date Sajeda Khalifa 09 June 2023

Report Author: Debbie Bailey
Post: Senior Licensing Officer
Date: 7.6.23

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BARNSLEY
Metropolitan Borough Council

Licensing Act 2003 Draft Statement of Licensing Policy

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Glossary of Terms

The following is a glossary of terms used in this Statement of Licensing Policy.

‘the Act’

- The Licensing Act 2003, unless in reference to a different act named in the same sentence

‘the borough’

- the total area and people as governed by Barnsley Metropolitan Borough Council

‘the Council’

- Barnsley Metropolitan Borough Council

‘DPS’

- Designated Premises Supervisor

‘the licensing authority’

- The Council, acting solely in its capacity as a licensing authority as stipulated under the Licensing Act 2003, to differentiate between other functions, duties or bodies of the Council

‘the Licensing Objectives’

- the four Licensing Objectives as stipulated under the Licensing Act 2003 and clarified in section 1.10 of this policy

‘policy’

- this Statement of Licensing Policy, unless in reference to a different policy named in the same sentence

‘Public Health’

- the Council’s Public Health department. If not capitalised, ‘public health’ refers to the general concept of a population’s wellbeing and not a particular body

‘TEN’

- Temporary Event Notice

1. Overview

1.01 Introduction

Future Council ambitions, together with the Barnsley 2030 strategy, sets out the Council's long-term vision for Barnsley and how the Council will work with the people of Barnsley together to achieve its visions and ambitions.

The Barnsley 2030 strategy is about celebrating and championing the borough. The Council has identified 2030 as it feels this will give the Council enough time to make defined progress in achieving its stated ambitions. The Council's strategic partnership defines an achievable vision of a future in which Barnsley is an innovative and vibrant 21st century market town, at the centre of a modern, dynamic economy and a "great place to live". Priorities within the Council's plan to transform the borough include bringing about a step-change in its approach to provision of regeneration in the borough, ensuring that it achieves a new and sustainable economic future in the community.

The urban core of Barnsley is home to approximately 82,000 people. The Glass Works is the name given to the new town centre redevelopment project and is the focus for the borough's main retail, restaurants, cafes and leisure facilities. It includes a modern, landscaped public square where routes into the town centre converge. The square, looking into the indoor market, can hold market stalls and public events. Barnsley has been long-famous for its market and more recently has become noted for its club scene and nightlife. To the west of the urban core is the lightly populated and attractive hilly country centred on the market town of Penistone. To the south and east there are a number of dispersed towns and villages, separated by open land of the former coalfield, which are home to some 95,000 people.

Integral in making Barnsley a great place to live is to ensure that its communities are attractive, safe living environments with convenient access to good quality local services and amenities, including leisure, entertainment and cultural facilities. Neighbourhoods must be clean, safe and secure and their environments respected and cared for. They must also be friendly and caring places where people are welcome from all backgrounds and cultures and both young and old alike will feel part of the community.

The licensed entertainment and hospitality industry is a major provider of full time, part-time and casual employment and it makes a significant contribution to the local economy. It fulfils an important social and community role, providing facilities for both residents and businesses and is a vital support infrastructure for related sectors, such as retail and tourism.

The Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences and other permissions under the Act within the Metropolitan Borough of Barnsley.

This Licensing Statement forms an essential part of the Council's integrated approach to alcohol-related issues and the provision of regulated entertainment which seeks to strike a balance between the need to embrace a vibrant and dynamic entertainment industry as part of the regeneration of the borough and the need to ensure that concerns relating to public disorder are effectively addressed. The policies in this statement aim to contribute to making the borough as a whole, and its town centres in particular, pleasant, safe and prosperous places in which to live, work, learn and

relax. The licensing authority wants to work with partners and the licensing trade to provide a safe, diverse and family-orientated night-time economy for people to enjoy.

We will work in partnership with other local authorities, statutory bodies and agencies, especially those located in South Yorkshire, to ensure a consistent approach is taken on licensing matters whilst respecting the differing needs of individual communities.

1.02 Purpose of the Statement of Licensing Policy

This Statement of Policy has been prepared and updated in accordance with the Licensing Act 2003 ('the Act') and any accompanying Guidance issued under section 182 of the Act. The statement sets out the principles that the licensing authority will generally apply in order to promote the Licensing Objectives when making decisions on applications made under the Act.

The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the licensing authority will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment, and to provide a basis for all licensing decisions taken by the Council. It will also inform elected members of the parameters within which licensing decisions can be made.

Our policy sets out the process the licensing authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions, and the various conditions that can be attached to licences if relevant representations are made. It also highlights the licensing authority's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.

When carrying out its licensing functions, the licensing authority will always have regard to this Statement of Policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

The licensing authority may depart from this policy or the Guidance if the individual circumstances of any case merit such a decision in the interests of promoting the four Licensing Objectives. However, whenever the licensing authority takes a decision to depart from this policy or the Guidance, clear reasons will be given for doing so.

1.03 Scope of Policy

The policy covers new applications, reviews, transfers and variations etc. of licences for the following licensable activities:

- the sale by retail of alcohol (including via the internet or mail order);
- the supply of alcohol by or on behalf of a club to, or to the order of a member of that club;
- the provision of regulated entertainment; and
- the provision of late night refreshment

Any application for a new licence, variation or review will be dealt with on its own individual merits and with a view to promoting the four Licensing Objectives set out in the Act.

Licensing is about regulating the carrying on of licensable activities on licensed premises, qualifying clubs and by way of temporary events within the terms of the Act. Any conditions attached to various permissions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations.

Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. In addressing these matters, we will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not, however, intended to be the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises.

This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the licensing authority is likely to take on certain key issues where representations have been made. As stated, the licensing authority may depart from the policy if the individual circumstances of any case merit such a decision in the interests of promoting any or all of the licensing objectives.

Being a licence holder carries extensive responsibilities. Consequently, the licensing authority expects all applicants to demonstrate that they will run licensed premises responsibly. It is essential that applicants make a realistic effort to assess the implications of their proposals and, having regard to the terms of this policy, include in their risk assessment or operating schedule measures and conditions to manage such impacts. Where an applicant fails to propose adequate measures to deal with relevant concerns arising from the Licensing Objectives, this will be brought to the Licensing Committee's attention at any subsequent hearing.

Responsible authorities and any other persons may also examine applications for club premises certificates and premises licences, and may make representations to the licensing authority where they believe the application undermines – or perhaps fails to adequately address – one or more of the Licensing Objectives.

Therefore, we strongly advise applicants to reference this policy when preparing their applications. Responsible authorities or any other persons should also reference this policy when making their own representations.

If the licensing authority receives relevant representations, then, unless all parties agree that a hearing is unnecessary, the Licensing Committee will determine the application. The Committee may:

- amend the conditions volunteered in the operating schedule
- restrict the hours during which licensable activities may take place
- limit the type of licensed activities that may be carried out
- impose further conditions on the licence or certificate
- refuse the application

1.04 Integrating Strategies

The Licensing Committee of the Council may receive reports from time to time on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the Licensing Objectives it may have regard to them when making licensing decisions.

The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. The Committee may also make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy, which may include recommendations to amend the licensing policy itself.

Other plans, policies and strategies which have a link to this one include:

- Barnsley 2030 <https://www.barnsley.gov.uk/services/our-council/barnsley-2030/>
 - Barnsley Inclusive Economy <https://www.barnsley.gov.uk/services/our-council/barnsley-2030/growing-barnsley/>
 - Barnsley Alcohol Strategy
 - Barnsley Children and Young People's Early Help Strategy <https://www.barnsley.gov.uk/services/our-council/our-strategies/early-help-strategy/>
 - Barnsley Health and Wellbeing Strategy <https://www.barnsley.gov.uk/media/19957/barnsley-hwb-strategy-final-web.pdf>
- The Government's Alcohol Strategy
- This sets out proposals to crack down on the 'binge drinking' culture, reduce alcohol linked violence and disorder and reduce the number of people drinking to levels which damage their health <https://www.gov.uk/government/publications/alcohol-strategy>

1.05 Introduction to Public Health involvement

The Council recognises that public health is not currently one of the Licensing Objectives under the Licensing Act 2003 so therefore cannot carry out its licensing function in order to specifically promote public health.

However, as a responsible authority under the Act, the Council's Director of Public Health can make representations in relation to applications for the grant, variation, or review of premises licences and club premises certificates; the Council's Public Health department ('Public Health') may also themselves seek a review of a premises licence if it is felt that the Licensing Objectives in a particular case are not being promoted properly.

The Council recognises the impact of alcohol harm and it is hoped that through the implementation of this licensing policy the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol harm. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems.

The Council also takes the view that Public Health should play a key role in developing its licensing policy, particularly as health bodies generally have access to data that can inform licensing decisions and policy. As stated, although the protection of public health is not, in itself, a licensing objective, it can be pertinent to each of the licensing objectives.

The role of Public Health is to help promote the health and wellbeing of the local populations they serve. Promotion of the Licensing Objectives, which collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises, is an important contribution to this.

The licensing authority recognises the importance of the population's health and, therefore, customers of licensed premises. Premises are expected to follow guidance and comply with legislation in relation to any public health issues that may arise at local or national level.

1.05.1 Points to consider in order to reflect the Public Health perspective

- The Council will already have in place strategies and policies to improve health and wellbeing and reduce health inequalities
- This will include alcohol harm reduction strategy
- Having a partnership approach to reducing alcohol related harm
- Targeting improvements in health and wellbeing as well as a reduction in inequalities, crime, disorder and offending

1.05.2 Alcohol Harm

Alcohol misuse is a significant public health challenge; it affects thousands of individuals, families and communities across the country and is a significant drain on resources for a number of partner agencies.

Although public health is not one of the licensing objectives in the Act, applicants should be required to demonstrate what steps they intend to take with regard to patrons who may be in a state of incapability.

Consideration should be given to sign-posting individuals to intervention or referral policies, including the option of licence holders displaying paraphernalia in premises toilets promoting support services which can be clearly seen by all patrons.

It is expected that all staff working in places licensed to sell alcohol are trained appropriately to recognise the signs of intoxication and support patrons to leave venues safely.

1.05.3 The consumption of alcohol and associated health risks

Alcohol has formed an important part of the UK's culture for centuries. In moderation, the consumption of alcohol can have health benefits, as well as acting as a social lubricant and enhancing many activities. It can make people feel more confident and talkative, and mood can be enhanced.

However, it must also be recognised that when misused, there are a number of associated health risks. Alcohol misuse is generally categorised as regularly consuming over the weekly guideline amounts (14 units for men and women), or through binge drinking (8 units for men, or six units for women) in one session). Short-term health risks include:

- Increased risk of accident or injury
- Violent behaviour / being a victim of violence
- Loss of memory or blackouts
- Alcohol poisoning

Most of these issues are short-lived, and are reversible. However, long-term alcohol misuse can lead to a variety of other health issues such as

- Heart disease
- Stroke
- Liver disease (fatty liver or cirrhosis)
- Several cancers, including liver, bowel and mouth
- Pancreatitis
- Dementia

People who regularly drink over the prescribed amount, or regularly binge-drink are more at risk of the above health concerns. Fortunately, there are a wide range of organisations to offer help with levels of drinking including:-

Barnsley Recovery Steps - this is our Public Health commissioned substance misuse service, offering help and support for those with drug or alcohol problems, please visit -

humankindcharity.org.uk/service/barnsley-recovery-steps, call 01226 779 066 or email brs.referrals@humankindcharity.org.uk for more information.

In January 2021, we our Public Health Department also partnered with [DrinkCoach](#) to commission a new digital platform with access to free online appointments to help residents cut down their drinking. Residents can take the [two-minute alcohol test](#) to see if they're eligible for up to six free sessions with a specialist.

For some it may be as simple as reducing drinking by a little to get back into a healthier relationship with alcohol. For others, however, they simply may not be able to control their alcohol intake and may need to seek to stop drinking completely.

Whilst there may be evidence that people dependent on alcohol and their families are at risk of significant health and social problems such as mental illness, gambling and drug misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore, cannot be taken into account when deciding on applications.

However, the Director of Public Health's team is a Responsible Authority under the Act and as such is able to make representations either in their own right or in support of other representations.

The Council will also ensure that Public Health plays an important role in developing its licensing policies.

1.06 Administration, Exercise and Delegation of Functions

The Council has established a Licensing Committee to administer the wide range of licensing decisions and functions which we will be involved in.

The Licensing Committee has certain delegated decisions and functions and has established a number of sub-committees to deal with these. This will provide an efficient and cost-effective service for all parties involved in the licensing function.

The grant of non-contentious applications has largely been delegated to Officers. Decisions made by Officers under their delegated powers will be reported to the Licensing Committee for information and comment.

The table in Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers alike.

The agreed delegation of decisions and functions is without prejudice to the ability of Officers to refer an application, or any matter, to the Licensing Committee or a Sub-Committee if considered appropriate in the particular circumstances.

1.07 Decision-Making

The Council has a wide range of licensing functions and has established a Statutory Licensing Board to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Board has delegated certain decisions and functions, and has established a Sub-Committee to deal with them.

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties or responsible authorities. Ward Councillors will not be allowed to sit on a Sub-Committee involving an application within their ward. The Statutory Licensing Board will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Act. Where a Councillor who is a member of the Statutory Licensing Board is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance, they will disqualify themselves from any involvement in the decision-making process involving the licence in question. The Sub-Committee will also refer to the Statutory Licensing Board any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Statutory Licensing Board or a Sub-Committee will be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Licensing Officers have the delegated authority to deal with all other licensing applications or matters where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Statutory Licensing Board or Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that a representation is not admissible.

The form of delegation is without prejudice to Officers being able to refer any matter to a Subcommittee or Statutory Licensing Board if it is considered appropriate in the circumstances of any particular case. An applicant or person making representations will have a right of appeal to the Magistrates' Court if they are aggrieved by any decision made by the Council.

Every decision made by the Licensing Committee, Sub-Committee or an Officer shall be accompanied by full and detailed reasons for the decision in order to ensure transparency and accountability.

1.08 Live Music, Dancing and Theatre

Determining what conditions should be attached to licences is a matter of necessity for the promotion of the Licensing Objectives. The licensing authority will be aware of the need, where possible, to avoid measures that might, indirectly, deter entertainment. The licensing authority considers live performances central to the development of cultural diversity and vibrant, exciting communities. It subscribes to the view expressed in the statutory guidance that the absence of cultural provision in any area can lead itself to a loss of community awareness and can expose young people to anti-social activities that have the potential to damage local communities.

With a view to encouraging the development of cultural diversity and vibrant, exciting communities, the licensing authority will look favourably upon applications from the Council itself which seek premises licences or other permissions for public spaces in the community in its own name. This may include, for example, appropriate open spaces, town centre squares, community halls and similar public spaces. With regard to those places, performers and entertainers should not need to obtain a licence or give a temporary event notice themselves in order to perform; instead they will simply require permission from the Council as the premises licence holder.

1.09 Promotion of Equality

The Equality Act 2010 and section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In seeking to support a community in which diversity is encouraged, we will expect all applicants and licensees to take steps to ensure that no person is treated differently on the grounds of race, colour, religion, ethnic or national origins, age (unless an age-related event), sex (unless a single-sex event),

sexual orientation (unless a gay or lesbian event), or disability, and that the management and operating practices of licensed premises within the borough comply with all race relations, equal opportunities and anti-discrimination legislation.

1.10 Promotion of the Licensing Objectives

The licensing authority will act in accordance within its duty to carry out its functions under the Act with a view to promoting the statutory Licensing Objectives, which are:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Each objective is of equal importance. There are no other licensing objectives; therefore, all four objectives are of paramount consideration at all times.

Each applicant must provide with their application full details as to how they will promote each the four Licensing Objectives detailed above, by stating what steps they intend to take to promote each of the objectives. Applicants are reminded that any measures proposed in their operating schedules may be converted into conditions on their licence.

1.10.1 The Prevention of Crime and Disorder

Under the Crime & Disorder Act 1998, the Council must have regard to the likely effect of the exercise of its licensing function on, and do all it can to prevent, crime and disorder in the borough. In doing so, the Council will have regard to the likely impact of licensing and related crime and disorder when considering the location, operation and management of all proposed licence applications, reviews and variations.

Licensed premises, especially those offering late night or early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes, if not properly managed, become a source of public nuisance or crime and disorder. The Council as the licensing authority will expect licensees of premises to develop Operating Schedules that satisfactorily address these issues from the design of the premises through to the daily operation of the business.

There are many steps an applicant might consider in preventing prevent crime and disorder. The licensing authority will look to the Police as the main source of advice and information in these matters. In accordance with the statutory guidance, Police views on matters relating to crime and disorder will be given due weight. It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking into account local planning and transport policies, and tourism, cultural and crime-prevention strategies. Licensees will be encouraged to attend any training courses provided by the local authority and/or the Police, and town centre venues will be invited to join the Best Bar None Scheme.

If relevant representations are made in relation to a premises licence or club premises certificate, the licensing authority will consider whether it is necessary to impose conditions to regulate behaviour on the premises and have access to them where this relates to licensable activities and the licensing objectives. Any conditions attached will seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

The licensing authority may attach conditions to licences to promote the crime-prevention licensing objective both inside and outside premises. These conditions will be based on the applicant's operating schedule and drawn from a pool of conditions relating to this objective - see Appendix 2.

Conditions will normally be targeted towards deterrence and the prevention of crime and disorder. For example, such conditions could include:

- Membership of a recognised Pubwatch or similar scheme
 - Pubwatch can be an invaluable resource for licensees. It enables them to share information, intelligence and advice about crime, disorder and antisocial behaviour in the area with each other, the Council and the Police.
- The need for door supervision (must be registered by the Security Industry Authority, SIA)
- The need for and location of CCTV cameras
- Provision of regular training for staff in relation to public safety, conflict management and drug related issues
- Maintain records for staff training, refusals and incidents
- Alternatives to glass: i.e., restricting the use of glass bottles and drinking vessels to customers in preference for containers made from soft and environmentally friendly materials, polycarbonates, shatterproof or toughened glass that comply with weights and measures legal requirements
- Maintaining incident and refusals books: keeping an incident book on the premises so staff can record any instances of crime and disorder, or sales refused for any reason

1.10.2 Public Safety

The public safety objective is concerned with the physical state of people using the premises. Public safety includes the safety of staff and performers appearing at any premises. The Act covers a wide range of premises that require licences, including cinemas, night clubs, public houses, village and community halls, schools, cafes, restaurants and fast-food outlets and takeaways. Each of these premises present a mixture of risks to public safety, some of which may be common to most premises, whilst others will be unique to specific operations.

All premises must be constructed, adapted, or operated to safeguard all users against such risks or issues.

The operating schedule, which is an integral part of all applications for a licence or a certificate, will be expected to demonstrate to the satisfaction of the licensing authority that all potential public safety issues connected with the premises have been thoroughly addressed.

Where appropriate, applicants are advised to seek guidance from the Council's Regulatory Services Health and Safety Team, the District Fire Safety Officer for the South Yorkshire Fire and Rescue Service and, if appropriate, a suitably qualified Health and Safety specialist.

The licensing authority may attach conditions to licences to promote the Public Safety objective and to promote general safety and thought should be given in relation to:

- **Emergency procedure:** issues in relation to fires, bomb threats, emergency management, contingency planning and evacuation
- **Safe capacity:** the licensing authority does not necessarily set safe capacity limits for premises
 - For many, the venue risk assessment will determine the premises safe capacity. This risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time, and available fire exits.
 - Consideration should be given as to the number of staff that is necessary to deal comfortably with the needs of persons attending the premises. If the venue has a capacity limit, operators should ensure it is not exceeded by putting a counting mechanism in place.
- **Special effects:** if special effects are to be used on the premises such as flame, lasers, pyrotechnics, smoke, fog, foam or firearms, the licensing authority encourages risk assessments to be carried out in respect of each such activity, detailing the steps to be taken to prevent and control risk to customers and staff.
- **Drunkenness:** selling alcohol to someone who is drunk is a criminal offence. Drunken customers can be noisier, and are more prone to aggressive behaviour. They are less likely to respond to reason. The licensee should instruct staff to monitor customers and refuse to serve alcohol to anyone who is obviously intoxicated and no longer able to exert reasonable control over their behaviour.
- **'Soft finishes':** A 'soft finish' encourages customers to disperse gradually and gives greater control over their exit. Premises should implement a 'soft finish' at least half an hour before the premises close. A 'soft finish' can be implemented by:
 - gradually turning up the lighting
 - playing slower music and reducing the volume
 - visible signs, such as putting up bar shutters or stacking furniture away
 - closing external areas such as beer gardens
 - using the DJ to make announcements for people to leave the premises quietly
 - ceasing the sale of alcohol
 - providing hot drinks and/or snacks

Special considerations apply to late night venues and applicants are encouraged to consider the Safer Clubbing guide published by the Home Office which gives advice on these issues:

http://www.csdp.org/research/safer_clubbing_txt.pdf

[accessed 06/12/2022]

1.10.3 The Prevention of Public Nuisance

Applicants for a licence are reminded that one of the four Licensing Objectives is the prevention of public nuisance, and therefore they will be required to demonstrate in their operating schedule how they intend to deal with this objective. Applicants will need to focus on the effects of licensable activities on persons living and working in the area around the premises which might be considered disproportionate or unreasonable.

Issues will mainly concern noise nuisance, light pollution, noxious smells and litter. Nuisance in this context can include low-level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.

Applicants are also advised to seek guidance from the Council's Pollution Control Section, based in Regulatory Services, and/or a suitably qualified Noise Consultant for advice on measures that may need incorporating into an operating schedule. Regard should be given specifically to the location of the proposed or actual premises, and the likely impact of any licensable activities on those working or living in the vicinity of the premises.

Specifically, the following issues may be worthy of consideration;

- Provision of litter bins in the vicinity of premises
- The size and location of smoking areas and beer gardens which may encourage patrons to use the external areas more extensively than for just smoking and returning inside the premises
- Time restrictions on the use of beer gardens (such as no use after 9pm)
- Signs encouraging patrons to be quiet when on and leaving the area and to respect the rights of residents
- Light pollution from security/advertising lights
- Whether doors and windows will or can be kept closed after a particular time
- Provision of noise-limiting devices and other noise control measures such as acoustic curtains, speaker mounts etc.
- Collections and deliveries: made outside daytime hours, especially early morning and late evening or night, may cause significant noise nuisance

If relevant representations are made, the licensing authority will consider whether it is necessary to impose conditions to regulate behaviour on the premises where this relates to licensable activities and their impact on the licensing objectives. Conditions may particularly seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises.

The licensing authority considers that patrons who are using external smoking shelters or other similar areas are there as a direct result of attending the licensed premises and are therefore within the control of the Licensee.

When considering nuisance issues, the Licensing Authority will have specific regard to any representations made by Pollution Control officers within Regulatory Services, and those made by local residents. The licensing authority recognise at all times that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide and enjoy licensable activities.

1.10.4 The Protection of Children from Harm

The protection of children from harm includes their protection from physical and/or psychological harm. The Council recognises the Barnsley Safeguarding Children Board as the responsible authority for the protection of children from harm. In addition to the usual consultees, the licensing authority

will consult specifically with the Barnsley Safeguarding Children Board on any application that raises concerns regarding access for children.

Due to the wide range of premises that may be licensed under the Act, children or young persons may visit licensed premises at any time, either as part of a family group or on their own. Applicants for a licence are reminded that one of the four Licensing Objectives is the protection of children from harm, and that they will therefore be required to demonstrate in their operating schedule how they intend to promote this objective. The licensing authority recognises that many premises such as restaurants, café bars, hotels and certain types of public houses have developed family-friendly environments and the licensing authority does not wish to restrict the development or encouragement of such premises.

Where children are to be admitted to premises the provision of extra resources or measures to ensure their safety could, for example, include extra staffing or stewarding and producing risk assessments which clearly acknowledge the times and the areas of the premises to which children will be admitted.

Applicants should, in their operating schedule, set out any limitations that will be in place for the protection of children from harm. For example, that there will be no access when sex shows or other adult entertainment is provided. Equally, any staff having significant unsupervised access to children, such as those who are responsible for the supervision of children's play areas, should have undergone a voluntary DBS check to ensure their suitability.

The licensing authority will not impose any condition requiring children to be admitted to the premises. This will continue to remain a matter for individual licensees.

The Act does not prohibit the access of children to licensed premises, including those selling alcohol for consumption on the premises. However, the licensing authority may limit the access of children to any premises where it is necessary to do so to protect their physical, moral or psychological harm.

The licensing authority encourages applications from potential or existing licensees that create venues that are intended to be family-friendly and safe for children. However, the licensing authority may have some concerns about access to children where, for example:

- entertainment or services of an adult or sexual nature are commonly provided
- there have been convictions of members of the current staff at the premises for serving alcohol to minors, or where the premises has a reputation for underage drinking
- there is known association with drug dealing or drug taking
- there is a strong element of gambling on the premises
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided

On receipt of relevant representations, the licensing authority will consider whether conditions are necessary. Amongst others, these may include:

- limitations on the hours when children may be present (e.g. no children after 9.00 pm);
- a restriction on the age of children to be admitted to the premises (e.g. over 14 years of age only)

- a limitation or exclusion of children when certain activities are taking place (e.g. no children when entertainment of an adult or sexual nature is taking place)
- a requirement for accompanying adults (e.g. all children must be accompanied by a person over 18 years of age)
- limitations on the parts of premises to which children might be given access
- a full exclusion of children when licensable activities are taking place (complete bans are likely to be rare).
- prevention of underage sales: operating a 'challenge 25' policy
- keeping a refusals book on the premises and ensuring it is completed whenever sales are refused to a person who appears to be under the age of eighteen
- for off-licensed premises, not selling individual cans and bottles of beer, cider, alcopops or mixed alcoholic drinks
- a combination of any of the above measures

In such cases, representations by the Barnsley Safeguarding Children's Board and the Police will be given specific weight where they address issues regarding the admission of children and their protection from harm.

It is mandatory for premises that sell or supply alcohol to have an age verification policy in place. All staff responsible for the sale of alcohol should receive appropriate training on the licensing laws relating to children and young persons in licensed premises.

Licensees selling alcohol either on or off the premises should be aware that the Police routinely implement test purchasing to reduce sales to persons under 18 years of age. They also carry out age challenges to reduce underage drinking in pubs and licensed venues. Licensees who are convicted of an illegal sale may have their licence reviewed.

In relation to premises showing film exhibitions, the licensing authority expects licence holders or clubs to include arrangements for restricting children from viewing age-restricted films in their operating schedules in accordance with the certification of the British Board of Film Censors recommendations.

1.11 Child Sexual Exploitation (CSE)

Alcohol is often a factor in Child Sexual Exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not.

Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.

1.11.1 Issues to be aware of:-

- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children

- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens)
- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders)
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation

The licensing authority therefore encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime
- To raise the awareness of their staff about child sexual exploitation and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.
- Report suspicious activity to the Police and record in an incident book
- Train staff to operate an age verification scheme
- Maintain staff training records
- Monitor activity at the premises using CCTV or regular patrols
- To ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
- To ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided

1.12 Child Criminal Exploitation (CCE)

Alcohol and drugs can also feature strongly in Child Criminal Exploitation (CCE); criminal exploitation includes County Lines but also includes children being coerced and manipulated into criminal activity, such as to courier drugs and money. Children and young people can be recruited through deception, intimidation, violence, debt and/or grooming. It is understood that children and young people are utilised in the dealing of drugs as the children/young people are a relatively inexpensive resource and can be easily controlled.

It is evidenced that criminal exploitation of children and young people have been found in licensed premises as the children and young people are encouraged to sell drugs in these settings, at entertainment functions, in toilet areas or darkened areas that facilitate music and dancing.

The risk of child sexual, or criminal, exploitation can be present at all types of premises, and it is expected that risk management systems will be in place to identify and report suspicious activity. Premises that fail to do so may put children at risk of harm and in such cases, action will be taken which could result in the suspension or revocation of the licence.

1.13 Summary of Process

Each application for a licence will be considered:-

- on its own individual merits

- in accordance with the Licensing Act 2003 together with any amendments and supporting Regulations;
- with reference to the guidance issued under section 182 of the Licensing Act 2003
- under the terms of this policy

One of the key principles of the Act is that every application must be treated on its own individual merits.

Nothing in this statement of policy will:

- prevent any person from applying under the Act for any of the permissions and from having that application considered on its own individual merits
- prevent or stop any person from making representations on any application or from seeking a review of a licence or certificate where the Act permits them to do so.

The licensing authority recommends early consultation with the appropriate responsible authorities (see list of responsible authorities and their contact details – Appendix 3). Many responsible authorities would be prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed prior to making an application.

2. Preparation for submitting an application

The licensing authority sets out below its approach to the submission of applications that gives information on preparing a local risk assessment (LRA), the Council's Local Area Profile (LAP) and potential concerns from a Public Health point of view.

2.01 Operating Schedule

The statutory guidance issued under section 182 of the Act, paragraph 8.41 advises that when completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

The Guidance continues, stating in paragraph 8.42 that:

'Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, and that they understand [...] the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate'.

Paragraph 8.47 of the guidance advises that applicants are expected to provide licensing authorities with sufficient information to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. In other words, applicants are expected to include positive proposals in their application on how they will manage any potential risks.

When preparing their operating schedule, applicants should have particular regard to the relevant premises policies, framework hours and any relevant matters referred to in this policy.

The operating schedule will form the basis of any conditions attached to any licence if granted. The following applies:

- if no relevant representations are made, the licensing authority will grant the licence in accordance with the application and with conditions that are consistent with the operating schedule and the relevant mandatory conditions (see Appendix 4 for all mandatory conditions)
- if any relevant representations are made, the licensing authority will (unless all parties agree otherwise) hold a hearing. Where the authority holds a hearing, the Licensing Committee has discretion as to whether or not to grant the application

When determining applications at a hearing, the licensing authority will consider whether the steps or conditions offered by the applicant in the operating schedule are proportionate and appropriate to promote the licensing objectives.

Applicants should be aware that breaching the conditions of a premises licence or club premises certificate is a criminal offence. Therefore, applicants should only volunteer conditions in their operating schedule that they can comply with and are willing to do.

If applicants volunteer conditions in the operating schedules, they should express the conditions in clear, meaningful and unambiguous terms. For example, an applicant should not make the statement “door supervisors shall be provided at the premises” without stating the number of staff to be provided and the times or precise circumstances during which those staff shall be deployed. The more detail provided by the applicant, the better.

2.02 Local Risk Assessments and Local Area Profiling

2.02.1 Risk Assessments

While the production of a risk assessment to accompany an application under the Act is not mandatory, the licensing authority encourages applicants to complete one prior to making an application so that all parties can consider the impact of their proposals.

The following is a non-exhaustive list of potential factors that risk assessments should have regard to:

- the location of the premises, for example, the nature of nearby premises, the times they are used, what they are used for, and whether this could affect the proposed activities at the licensed premises. This could include circumstances where the applicant intends to provide late night refreshment and the surrounding premises are mostly houses, in which case applicants should consider the risk of causing nuisance to local residents.
- the individual style and characteristics of the premises, for example are there double-glazed windows to minimise noise breakout? Is there adequate ventilation, or is it likely that doors and windows will have to be kept open to provide ventilation? If people must queue to gain admission, can they do so safely without causing an obstruction or compromising their own safety by mingling with other pedestrians or traffic?
- the proposed licensable activities and use
- the proposed hours of operation
- the anticipated number of persons who will be on the premises when licensable activities are taking place
- the expected customer profile: what kind of persons are the premises likely to attract? How might these people behave? Bear in mind customer profiles may change depending on the time of day, the time of the week or the entertainment being provided
- the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises

It is important to note that the operating schedule forms part of the application. It identifies the proposed licensable activities, the times during which the applicant proposes that licensable activities will take place, any other times during which the premises are to be open, and the steps that the applicant will take to promote the Licensing Objectives.

Premises can vary enormously, and it is important that operating schedules are specific to the premises and the proposed use of the premises in respect of which the application is made.

Applicants should therefore make informed judgments as to the steps that they may need to take to promote the Licensing Objectives and consider whether these steps need to be included within the operating schedule.

2.03 Advice for applicants

2.03.1 Operating Schedule

Under the Act, applicants are required to complete an operating schedule as part of their application. An operating schedule should include enough information to enable a responsible authority or any other person to assess whether satisfactory steps have been taken to promote the licensing objectives.

2.03.2 Local Risk Assessment and Local Area Profile

The Council's Local Area Profile is an assessment of the local environment and identifies the key characteristics of the borough. It is the Council's intention that the Local Area Profile will provide licensees, the various departments of the Council, and the public with a better understanding and awareness of the alcohol-related risks in the borough.

In this context, risk includes actual and potential risk, taking into account any future or emerging risks. The Local Area Profile takes account of a wide number and range of factors and information. It enables the Council to better serve its local communities by providing clarity for licensees as to the relevant factors likely to be of consideration in the decision-making process. It also enables the Council to make evidence-based decisions from a clear and published set of factors and risks.

It is expected that the Local Area Profile will lead to improved premises licence applications and that licensees will be able to incorporate controls and measures within their applications to mitigate risk. Through this proactive approach to risk, the Council is aiming to reduce the need for compliance and enforcement action. The Council's Local Area Profile can be accessed via the Council's website: <https://www.barnsley.gov.uk/media/17269/our-borough-profile-20190724.pdf>
[accessed 06/12/2022]

2.03.3 Public Health Measures to be Considered

Although 'protecting and improving public health' is not a licensing objective, alcohol-related harm is a particular cause for concern in Barnsley. The licensing authority will therefore always consider health-related harms where they are relevant to the promotion of the Licensing Objectives.

Public Health will also use the powers available to them as a responsible authority to work with the Council's partners to promote sensible drinking messages and support the approach to managing the local availability of alcohol, ensuring the links between density of licensed premises, alcohol availability and indicators of health related harm to inform licensing decisions.

The licensing authority recognises that licensees are generally supportive of the need to address health issues relating to alcohol. The licensing authority expects applicants to consider the health impacts of their proposed activities in relation to the Licensing Objectives and have set out below some best practice for applicants to consider when completing their operating schedules:

- restricting special offers such as cheap shots, 'happy hours', 'buy one, get one free', 'buy two glasses of wine and get the whole bottle'. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels are reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- aligning price with alcohol by volume (ABV), and ensure that non-alcoholic drinks are much cheaper than alcoholic drinks
- increasing seating for customers to reduce intensive drinking
- reducing the volume of music as loud music can increase alcohol consumption.
- actively promoting designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
- making food available in late venues
- starting the sale of alcohol later in the day and not aligning it purely with opening hours
- not advertising alcohol in the shop window
- storing alcohol behind the shop counter
- not using display boards or other advertising on the shop floor
- not selling single cans of alcohol
- not selling single bottles of beer, and other alcohol beverages such as cider, under 1 litre
- not selling beer or cider over 5.5% ABV

2.03.4 Deciding on operating hours

Applicants should limit their applications to the hours they genuinely intend to operate.

2.03.5 Applications

The licensing authority requires all applications to be made using the correct form and in accordance with, and having satisfied, the requirements of the Act and the associated regulations. The licensing authority actively supports the ability for applicants, where permitted, to submit applications electronically.

Any application not properly made in accordance with, or not having satisfied the requirements of the Act or the associated regulations, may be returned to the applicant for resubmission.

Where an application is required to be advertised in a local newspaper, it is the policy of the Council that the chosen newspaper should be one which is published daily or weekly and is widely available in the vicinity of the premises to which the application relates.

2.03.6 Representations

Depending on the type of application, representations can be made by a responsible authority or any other person (as defined by the Act). This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications, regardless of their geographic proximity to the premises.

The representation must be submitted in writing or by email to the licensing authority (see contact details in Appendix 3) within the relevant time period for comments. The representation must be relevant to the likely effect of the grant of the licence or variation on the promotion of one or more of the licensing objectives.

Anonymous representations will not be accepted.

The issues on which the representation is made should not be frivolous or vexatious. Where it is determined that a representation is not relevant, or is frivolous or vexatious, the person who made the representation will be notified of the reasons and the representation will not be considered.

Where relevant representations are received about an application, the licensing authority will hold a hearing to consider them, unless the authority, the applicant and all those making representations agree that a hearing is not necessary. Applicants and those making representations should seek to try to reach agreement or narrow the areas in dispute prior to any hearing.

2.03.7 Licensing Hours

Providing customers with a greater choice is an important consideration in the development of a thriving and safe evening and night-time economy in Barnsley. The Council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four Licensing Objectives.

The licensing authority will have a flexible approach to opening hours and will generally deal with the issue of licensing hours having regard to the individual merits of each application. Requests in respect of terminal hours will be determined in the light of the potential impact upon environmental quality, residential amenity, character or function of the particular area, nature of proposed activities to be provided at the premises and the proposals contained within the operating schedule and how the applicant intends to promote the four Licensing Objectives.

The licensing authority may impose stricter conditions in respect of noise control where relevant representations have been received and premises are situated in mainly residential areas.

2.03.8 Licensing Conditions

The licensing authority recognises that it may not impose any conditions of its own unless the authority's discretion has been exercised following receipt of relevant representations and the authority is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the four Licensing Objectives. Conditions include any limitations or restrictions attached to a licence or certificate and are essentially the steps the holder of a licence or certificate will be required to take at all times when licensable activities are taking place at a premise.

The licensing authority will only impose conditions on licenses and certificates that are proportionate and appropriate for the promotion of the Licensing Objectives and will not impose conditions for any other purposes.

The licensing authority will also ensure that conditions attached to licences or certificates are tailored to the individual style and characteristics of the particular premises and events concerned.

2.03.9 Alcohol Deliveries

The Licensing Authority is aware of the increase in alcohol delivery services, not just from supermarkets but from specialist alcohol retailers or food delivery outlets.

Such businesses, whilst many are operated very well, can cause concern due to their method of operation and applicants should consider very carefully how they promote the licensing objectives, particularly the protection of children from harm.

The sale or delivery of alcohol to children should be avoided at all cost and practices put into place to ensure alcohol does not get into the hands of children. A strict Challenge 25 scheme should be put into place and a strong training programme on underage sales deliveries.

Operators should expect that close attention will be given to the vetting of operating schedules of premises applications to assess how the Challenge 25 scheme will be complied with particularly when the deliveries are made by a third party. There is also an expectation that business websites will make it clear that sales may not be fulfilled if appropriate ID is not provided, and that terms of conditions of sales are robust and understood by both the customer and the persons completing the delivery.

An applicant seeking a licence to enable them to provide alcohol as part of an alcohol delivery service should consider including in their operating schedule the appropriate procedures to ensure that:

- The person they are selling alcohol to is over the age of 18
- That alcohol is only delivered to a person over the age of 18
- That a clearly documented trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer of the Council and Police
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol
- A genuine age verification procedure is in place at the point of order and delivery

If alcohol is sold via a website, the licensing authority expects applicants to apply for a 24/7 licence to cover sales made at any time of the day.

2.03.10 Club Members

A club premises certificate permits only the supply of alcohol to club members and sale to their bona fide guests. Clubs cannot sell alcohol to members of the public unless they are guests of a member and in line with the club's specific rules or constitution.

Clubs that wish to let rooms out for private hire with a paid bar, or that provide entertainment facilities to members of the public such as the provision of a sound system or dancing facilities, must obtain a premises licence.

2.04 Immigration Act 2016 requirements for applicants and licensees

Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement), as well as the Police, in respect of these matters.

Premises licenced to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity.

Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end.

Immigration offences, including civil penalties, are 'relevant offences' as defined by the Licensing Act 2003; the Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated-entertainment-only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and authorises Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003. The Council will also work in partnership with the Home Office (Immigration Enforcement) and South Yorkshire Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.

2.05 Role of the Designated Premises Supervisor

Every premises licence that authorises the sale of alcohol must specify a Designated Premises Supervisor (DPS). This will normally be the person who has been given day-to-day responsibility for running the premises by the premises licence holder. The only exception is for community premises that have successfully made an application to remove the usual mandatory condition set out in the Act, which requires a DPS to be on the licence in order for alcohol sales to take place

Where there is no DPS in respect of a premises licence, no alcohol may be supplied under that licence.

The licensing authority does not expect the DPS to be on the premises at all times when the premises is selling alcohol. However, the authority expects the DPS to be a person with day-to-day managerial control of the premises who will take reasonable steps to promote the Licensing Objectives and comply with the licence conditions.

If a DPS is going to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, the licensing authority would expect the licence holder to appoint a new DPS to cover the period of absence.

If a DPS is repeatedly absent, the Police may apply for a review of the premises licence if this gives rise to concerns about the operation of the premises and its impact on the Licensing Objectives.

If a person named on the licence as the DPS stops working at the premises, no longer holds a personal licence or the personal licence is suspended, it is the authority's view that the premises no longer has a DPS. In these circumstances, the authority expects that no sales of alcohol will take place at the premises until the licence holder has submitted an application to vary the DPS. This applies regardless of whether that person remains named as the DPS on the premises licence, or whether they have asked to remove their name from it. This will apply until the licensing authority receives an application to nominate a new DPS.

2.06 Personal Licences

Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. The Act does not require the presence of a personal licence holder at all times, but if any sales are made whilst the personal licence holder is not on site then they must have been authorised by someone who holds a personal licence.

Applicants must produce a basic DBS check certificate or the results of a subject access search of the Police National Computer (PNC) with the application form.

The Council recognises that it has no discretion regarding the granting of personal licences where:

- The applicant is 18 or over
- Possesses a licensing qualification
- Has not had a licence forfeited in the last five years, and
- Has not been convicted of a relevant or similar offence.

If the first three criteria do not apply, the application must be rejected. If there is an unspent conviction for a relevant offence as named in the Act, the Licensing Officer is required to notify South Yorkshire Police. The Police may then wish to make an objection on the grounds of crime and disorder. If an objection is lodged, the applicant is entitled to a hearing before the Council, at which consideration will be given as to whether the grant of the licence will compromise the promotion of the crime prevention objective.

2.07 Annual fees and suspension of licence or certificate

Under the Police Reform and Social Responsibility Act 2011, the licensing authority must suspend a premises licence or club premises certificate if the annual fee has not been paid.

Whilst the licence is suspended, no licensable activities may take place at the premises, and the suspension will only be lifted upon payment of the annual fee. Continuing to provide licensable activities whilst a licence is suspended is an offence and may leave the licence holder open to prosecution.

A letter will be issued to the licence holder reminding them that the annual fee is due, however it is always the responsibility of the licence holder to ensure that the annual fee is paid by the due date, regardless of whether a reminder has been received or not. If the due date has been reached, and payment has not been made, a warning letter will then be sent to the licence holder to remind them that the annual fee is still outstanding and that the licence will be suspended fourteen days from the date of the letter.

A further letter will be sent to the licence holder and to the premises after seven days to say that the licence has been suspended until payment of the outstanding fee has been received. If the licence holder believes there is an administrative error related to the annual fee, or the licence holder wishes to dispute the annual fee, the licence holder must contact the licensing authority on or before the due date of the annual fee. If the issue of the administrative error is not resolved during the following 21 day period, the licence will be suspended.

2.08 The Review Process

The Act permits responsible authorities or other persons to apply for the review of a premises licence or club certificate where problems associated with the licensing objectives are occurring.

2.08.1 Reviews by responsible authorities

It is expected that applications for reviews will be instigated by responsible authorities as a last resort after attempting alternative means for achieving compliance.

We consider the action planning approach (where one or more responsible authorities works with a licence holder/DPS to agree clear objectives within a timetable for improvements) an acceptable tool for demonstrating attempts at working together to achieve the licensing objectives.

Reviews submitted in connection with crime and disorder but not directly connected to licensable activities will be considered in order to promote the crime prevention objective, for example, problems with drugs at a premises, or the selling of stolen goods etc.

Following the receipt of a review application there will be a 28 day consultation period during which representations will be invited from other responsible authorities and any other person. This will allow for further representations to be made under any of the 4 licensing objectives.

2.08.2 Applications by 'Other Persons'

Persons other than responsible authorities can request that the Council undertakes a review of a premises licence where activities at the premises are undermining one or more of the licensing objectives.

Before a review of a licence is requested however, the Council would expect to see some evidence that the following points have been addressed:

- The management of the premises have been approached to let them know about the problem, giving them the opportunity to address the issues; or
- The licensing section has been asked to talk to those who manage the premises on your behalf; or
- The relevant “responsible authority” has been approached about the problem.

The review process is all about ensuring that the Licensing Objectives are being promoted by taking steps to deal with the problem. No offence needs to have been committed for a review hearing to take place.

There are several actions we can take at a hearing following a review application.

These are :

- Modify the conditions of licence
- Exclude a licensable activity from the licence
- Remove the DPS
- Suspend the licence
- Revoke the licence

The Council may reject a review application or any individual ground for review if it is not satisfied that it is relevant to the promotion of the Licensing Objectives

For review applications made other than by a responsible authority, the Council may reject the application on any individual ground if it considers it to be ‘repetitious’, ‘frivolous’ or ‘vexatious’.

2.09 Minor Variations

Small variations that will not impact adversely on the Licensing Objectives are subject to a simplified ‘minor variations’ process. The minor variations process is designed to allow licensees to make small changes to their licences more quickly and cheaply.

The test as to whether a proposed variation is ‘minor’ is whether it could impact adversely on any of the four Licensing Objectives. Government guidance is available on this issue online.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98157/guidance.pdf

[accessed 07/12/2022]

Anyone considering submitting an application for a minor variation is advised to first discuss the proposed variation with a Licensing Officer prior to submitting the application. It should be noted

that the Licensing Authority will not formally determine whether a variation is a minor variation or a full variation without the relevant application and fee being submitted.

Minor variations will generally fall into five categories:

- minor changes to the structure or layout of the premises
- small adjustments to licensing hours
- the removal of out of date, irrelevant or unenforceable conditions
- addition of volunteered conditions

The minor variation process cannot be used to:

- a) add the retail or supply of alcohol
- b) extend the licensing hours for the supply of alcohol between 11 pm and 7 am
- c) increase the amount of time on any day during which alcohol may be supplied
- d) extend the period for which the licence has effect
- e) transfer the licence
- f) substantially vary the premises layout
- g) disapply the mandatory conditions

The Act does not provide a right to a hearing to consider minor variations. The Council has delegated the power to determine a minor variation application to the Service Director of Legal Services. In making a decision, the Service Director of Legal Services will have regard to any relevant representations received from interested parties within the statutory time limit. The licensing authority will only regard representations as relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

The licensing authority will only approve an application for a minor variation where in its opinion the variation sought will **not** have an adverse impact on the Licensing Objectives.

2.10 Temporary Event Notices (TENs)

The need for a temporary event notice (TEN) may arise in the following cases

- where no licence exists and licensable activities are to take place
- a licence is in force but the activities are taking place outside the licensing hours
- a licence is in force for part of the premises but it is proposed that activities take place in an 'unlicensed' area
- a licence is in force but it doesn't authorise the activity which is being proposed

TENs are subject to various statutory limitations. These are;

- The number of times a premises user may give a TEN in a calendar year;
- The number of times a TEN may be given for any particular premises;
- The maximum duration of an event authorised by a TEN;
- The maximum total duration of the events authorised by TENS in relation to individual premises;
- The maximum number of people attending at any one time and

- The minimum period between events authorised under separate TENs in relation to the same premises by the same premises user

Details of the above can be obtained from the Council's Licensing website (<https://www.barnsley.gov.uk/services/licensing/temporary-event-notices/>) or by contacting the licensing authority – see Appendix 3.

No permission is required from the licensing authority for these events. The premises user has to give notice (the TEN) to the licensing authority, informing it of the event taking place. In general, only the Police or the Council's Regulatory Services Pollution Control Team may intervene to object to a temporary event, or the Police can modify the arrangements for such an event. The licensing authority will only intervene itself if the limits on the number of notices that may be given is exceeded – in which case the person giving the TEN will be issued with a counternotice as prescribed by the Act.

There are two types of TEN: a standard TEN and a late TEN. A standard TEN is given no later than 10 days before the day of the event to which it relates. A late TEN is given not before nine and not less than five working days before the day of the event. Where the required notice period is not given, the TEN will be returned as void and the activities to which it relates will not be authorised.

The Act provides that the Police or the Council's Regulatory Services Team, within the prescribed period, issue an objection notice if they believe the event would undermine one or more of the licensing objectives. The objection must then be considered by the licensing authority in a hearing. If an objection is made to a late TEN, then, because there will be no time to arrange a hearing, the TEN will be invalid and the event cannot go ahead.

The Council encourages the earliest possible notice of events, especially where events are to take place in the open air or in a temporary structure.

The maximum number of people allowed to attend a temporary event is 499.

2.11 Planning and Licensing

The Council will ensure that the planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency.

Applications for premises licenses for permanent commercial premises should normally be from businesses with planning consent for the property concerned.

Licensing applications should not be a re-run of the planning application, and the granting by the Council's Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

Applicants are recommended to make enquiries of the local planning and building control departments where applicable.

It should be noted that there is no legal basis for the licensing authority to refuse a licence application simply because it does not have planning permission. Similarly, if planning permission imposes a terminal hour which is different to the licensing hours, the earlier hour must be observed to avoid breaching planning legislation or the terms of the premises licence.

3. Miscellaneous

3.01 Adult Entertainment

In April 2010 Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 was amended by section 27 of the Policing and Crime Act 2009, enabling local authorities to regulate Sexual Entertainment Venues. The Council has resolved and adopted schedule 3 in relation to lap dancing and other sexual entertainment venues and has produced a policy which states that the number of sex establishment licences permitted in Barnsley is currently restricted to three.

Where a licensee wishes to provide activities which include striptease or any other kind of nudity (for example, topless waitresses), an application will need to be submitted for a Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 - and not a premises licence under the Licensing Act 2003.

There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows licensed premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. If a premises decides to take advantage of this exemption, but concerns about the entertainment or how the premises are being managed arise later, this could lead to a review of the premises licence under the Act if those concerns relate to the way in which the Licensing Objectives are being promoted.

The 2003 Act makes no specific provision with respect to certain activities such as “lap”, “table” and “pole” dancing. These and similar forms of sexual entertainment are not in themselves designated as licensable activities under the Act. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), they will require a premises licence, club premises certificate or temporary event notice under the Licensing Act 2003 for those activities.

3.02 Cumulative Impact

Although there is no current Cumulative Impact Policy in place within the Borough, we recognise that due to the changing evening and night-time economy, the evidence needs to be continually reviewed to determine whether a Cumulative Impact Policy may be required.

The Council has always made licensing decisions based on the evidence presented to it, and that evidence must link to there being an adverse impact on the promotion of the Licensing Objectives. In addition, the licensing authority has always followed the principle of each case being decided on its own individual merits.

The licensing authority also aims to promote the responsible and professional management of premises and events by licence holders as it recognises that, more often than not, it is the effective control and supervision of premises and events that is a key factor in promoting the Licensing Objectives.

The licensing authority has set out earlier in this policy statement the measures it expects applicants and licensees to put in place, or at least consider, when it comes to promoting each of the four Licensing Objectives.

The Council has produced a Local Area Profile (LAP), identifying those areas where there may be, for example, a high number of Police call-outs to licensed premises or perhaps areas of the borough where there is a high degree of alcohol dependency.

Applicants and licensees will be asked to take any issues set out in the LAP into account, either when applying for licences or, once a licence has been granted and to make sure that the measures identified in this policy are taken into account when managing their premises, especially in any areas of high dependency or areas linked to higher levels of crime.

All applicants are then asked to prepare their risk assessment based on the measures we expect them to consider and the type and location of premises they intend to conduct licensable activities. This risk assessment will be a part of, and integral to, their operating schedule as part of their application.

The applicant's role would be to satisfy the Council that the grant of a licence would not adversely impact on the promotion of the Licensing Objectives in that area or location.

We believe that safer and more tolerant environments can be achieved more successfully by businesses working better together, along with the Police, the Council and other stakeholders to promote good practice.

National and local crime statistics, together with evidence gathered by public health teams, show that the consumption of alcohol is a significant contributory factor to levels of crime and disorder and it affects public health. Good management and practice procedures in licensed premises can and do make an important contribution to lessening that impact.

The Council wants licence holders to work together to share good practice and information to help them achieve the Licensing Objectives. Some examples of good practice include:

- Membership of schemes such as Pubwatch to be actively promoted and supported by both the licensing authority and the Police
- Best Bar None Scheme - supported by the Home Office, local councils and the drinks industry and is aimed primarily at promoting responsible management and operation of alcohol licensed premises
- Purple Flag – this is a national accreditation similar to the Blue and Green Flags awarded to beaches and parks. It honours towns and cities that provide a vibrant and diverse mix of dining, entertainment and culture while promoting the safety and wellbeing of visitors and residents

- Barnsley has been awarded a coveted Purple Flag for the third consecutive year in recognition of its outstanding evening and night-time economy
- Licence and certificate holders will also be encouraged to take into account the wide range of initiatives detailed in the various good practice guides published by trade associations and other interested bodies such as the The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks as well as the Council's wider interventions to reduce alcohol harm such as the Responsible Retailer Schemes?
- Accredited Proof of Age Cards and Challenge Schemes. It is a mandatory condition for photographic proof of age evidence to be requested by licence holders and all other relevant employees, from any person who appears to be under 18 years of age and is seeking access to premises or seeking to purchase or consume alcohol on the premises.
 - Such evidence should include a photograph of the customer, and will be either a passport, photographic driving licence, MOD90 (military ID) or proof of age card carrying a "PASS" (Proof of Age Standards Scheme) hologram logo
 - The licensing authority is in favour of such schemes as Challenge 25, which are voluntary measures to challenge all persons who appear to be under 25 when seeking access to premises or seeking to purchase or consume alcohol
- The British Beer and Pub Association (BBPA) – the BBPA have consolidated good practice, including good practice on combating violence in licensed premises, into a number of guides to assist the trade with specific reference to managing safety in bars, clubs and pubs

3.02.1 Other methods of controlling cumulative impact

Once away from the licensed premises, a minority of consumers will behave badly or unlawfully. Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:

- planning controls
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers to designate parts of the borough as places where alcohol cannot be consumed publicly
- the confiscation of alcohol from adults and children in those designated areas
- the power of the police, other responsible authorities or other persons to seek a review of a licence

3.03 Open Air and Large-Scale Events

The promotion and organisation of live musical and other entertainment in the open air, or temporary structures such as marquees can provide opportunities for community involvement, civic pride and can attract visitors to the borough. However, the success of such events is dependent on the quality, safety and suitability of facilities provided for people coming to enjoy the event. Also important, however, is consideration of the rights of people who live in the vicinity.

Where large scale events are planned, a premises licence should be submitted at least three months prior to the event, so that discussions can be held between the applicant and other stakeholders

such as the Police, noise pollution officers and representatives of those living and working within the vicinity. It is important that substantial notice is given so that proper precautions and preparations can be put in place to ensure the event is a success. This also applies if the event is proposed under a Temporary Event Notice (maximum 499 people).

Applicants are expected to have reference to the Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events (commonly known as the “purple guide”), supported by the Health and Safety Executive: <https://www.thepurpleguide.co.uk/> [accessed 07/12/2022]

3.04 Pavement Licences

Premises that provide tables and chairs for customers outside of their premises on the public highway are required to obtain planning consent followed by a pavement café licence from the Council’s Highways Department.

If the area of land which the tables and chairs are to be sited is within the curtilage of the premises, there is no requirement to gain a Pavement Café Licence in this manner.

The Council will accept and consider any application submitted for a pavement licence accompanied by the relevant fee and supporting documents required by them.

Consultation will take place with the Highways Department and other agencies such as the Police and the Council’s Regulatory Services that may be necessary to consider the effects of granting a licence.

The application fee for a pavement licence is non-refundable.

<https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/licences-for-street-cafes/> [accessed 07/12/2022]

3.05 Wholesale purchases of alcohol

From 1st April 2017, it is an offence to buy alcohol for onward sale or supply from an unapproved UK wholesaler.

The Alcohol Wholesale Registration Scheme (AWRS) was introduced to help HM Revenues and Customs (HMRC) tackle alcohol fraud. Any business buying alcohol from a UK wholesaler for onward sale or supply to their customers will need to check that their wholesaler has been approved by HMRC under AWRS. Anyone purchasing alcohol from a wholesaler can check their UK wholesaler is AWRS approved by using the alcohol wholesalers register online at: www.gov.uk/check-alcohol-wholesaler-registration [accessed 07/12/2022]

Anyone purchasing alcohol from a wholesaler will need their wholesaler’s unique reference number (URN), which should be displayed on their invoice. Once they find their wholesaler on the register, anyone purchasing alcohol from a wholesaler will need to keep a record of their check by printing it off or saving the page to confirm the wholesaler are approved. HMRC may ask for details at a later date.

If anyone purchasing alcohol from a wholesaler is unable to find their wholesaler on the register, they should inform the wholesaler that they will need to contact HMRC for approval. Alcohol should not be purchased from them and HMRC should be notified by searching for Customs, Exercise and VAT fraud reporting on the GOV.UK website. Any business found buying alcohol from a non-registered UK wholesaler could have their alcohol stock seized, be fined or even prosecuted and risks having their licence reviewed.

3.06 Written and Spoken English

The licensing authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English, so as to be able to complete documents such as refusals books and read training guides.

Where relevant representations are made, and a lack of understanding of basic written and/or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences or club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at the applicant's cost.

3.07 Other mechanisms of control

The Council recognises that the Act is not the sole mechanism for the general control of anti-social behaviour by individuals once they are away from the vicinity of licensed premises and therefore, beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned.

In preparing this policy, the licensing authority has sought to avoid unnecessary duplication of existing legislation and regulatory regimes, particularly in relation to the following issues:

- Noise nuisance
- Health and safety
- Smoking in premises
- Anti-social behaviour
- Planning

Applicants are encouraged to familiarize themselves with existing legislation and regulatory regimes.

4. Enforcement

Licensed premises must be operated and maintained in accordance with the provision of the Act, the four Licensing Objectives and any conditions imposed by the Council. Failure to do so may result in enforcement action being taken by the Council and/or South Yorkshire Police.

We adopt a multi-agency approach to the detection and prosecution of offences under the Act. In the first instance, the most appropriate authority will lead on the investigation at the problem premises. Joint enforcement in this way enables the targeting of agreed problems and high-risk premises that require greater attention, while providing a lighter-touch approach to premises that are well run.

The Council will carry out its inspection and enforcement functions having regard to the principles of consistency in approach, transparency and proportionality. It will target its inspection process towards those premises that are considered high-risk and therefore requiring greater attention.

The risk-weighting of premises will be determined in accordance with all relevant factors, including location, style of operation, history, reputation and management attitudes. Any assessment of risk will be a graduated response and will include the targeting of problem premises.

The licensing authority will not routinely carry out premises inspections; instead, the frequency of inspections will be determined on risk-based criteria with high-risk operations receiving more attention than premises carrying low public safety, crime and disorder or public nuisance risks.

Fully compliant premises will be considered as lower risk. Non-compliant premises will; be considered as higher risk. The licensing authority will take appropriate enforcement action against those responsible for unlicensed premises/activity.

Any action we do take will be in accordance with the Council's enforcement policy – see Appendix 5

The Regulators Code also promotes an understanding of what licence holders, interested parties and responsible authorities can expect from the enforcement process

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913510/14-705-regulators-code.pdf

Before deciding which course of action to take, we will consider the following matters:

- the history of the premises
- the history of the offender
- the offender's attitude
- the circumstances of the offence
- whether the offender has a statutory defence to the allegations
- the impact or potential impact of the breach on the public
- the quality of the evidence against the offender
- the likelihood of achieving success in a prosecution
- the likely punishment that will be incurred if the case goes to Court
- whether the course of action proposed is likely to act as a deterrent
- whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others.

Applications for the sale of alcohol at such premises should include evidence of primary use. This is to enable us to determine the nature of the premises in light of section 176 of the Licensing Act 2003, which prohibits the sale or supply of alcohol from premises that are used **primarily** as a garage/petrol station or are part of a premises used mainly as a garage/petrol station. If there is insufficient evidence to establish primary use the licensing authority may defer determining the application until such time as primary use issues are resolved to our satisfaction.

5. Statement of Policy Consultation

The Council is committed to meaningful consultation with all appropriate public and private organisations and a representative cross-section of all of those with an interest in the contents of the policy.

The statutory consultation process ran from 23rd December 2022 until 3rd March 2023.

The Act sets out that the Council must specifically consult residents, licence holders and businesses (or their representatives) and public bodies. The Council consulted the following:

- the chief officer of police
- the fire authority
- all responsible authorities
- representatives of holders of existing premises licences, personal licences and club premises certificates in the borough – (Pubwatch Chairpersons)
- representatives of businesses and residents in Barnsley

In addition to the groups that it is required to consult, the Council extended the scope of the consultation to include the following:

- residents groups
- community associations
- ethnic group associations
- faith groups
- trader's associations
- neighbouring licensing authorities
- relevant Council teams
- all responsible authorities
- Barnsley Lesbian, Gay, Bisexual and Transgender Forum
- Barnsley Community Safety Partnership Board
- all Barnsley elected Members

The views of all consultees will be duly considered and given proper weight when this policy is approved * change wording to current tense once it goes for final approval next year

6. Human rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with the Convention right.

In conducting its business as the Council for the Metropolitan Borough of Barnsley, we will have particular regard to the following relevant provisions of the first protocol of the European Convention on Human Rights;

- Article 1- Every person is entitled to the peaceful enjoyment of his or her possessions, e.g. the possession of a licence
- Article 6 - That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 - Everyone has the right to respect for his home and private/family life.

7. Advice

Advice about whether or not activities require a licence may be obtained from the Council's Licensing Section:

Email: licensing@barnsley.gov.uk

Mail: Barnsley MBC, Legal Services, Licensing Section, PO Box 634, Barnsley, S70 9GG

Telephone: (01226) 773555

Please note that advice from Council staff is normally limited to the process of applying for a licence or in relation to the requirements for attending a hearing. Council officers are not legally qualified, and therefore they are unable to give applicants, prospective applicants or licensees legal advice. In most cases, applicants, prospective applicants and licensees should seek own independent legal advice.

Appendices

Appendix 1 – Delegations

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for Personal Licence		If an objection made	If no objection made
Application for Personal Licence (with unspent convictions)		All cases	
Applications for Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to Vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to Vary Designated Premises Supervisor		If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for Transfer of Premises Licence		If a Police objection	All other cases
Applications for an Interim Authority Notice		If a Police objection	All other cases
Application to Review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc.			All cases
Decision to object when Local Authority is a Consultee and not the relevant authority considering the application		All cases	

Determination of a Police Objection to a Temporary Event Notice		All cases	
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Appendix 2 – Pool of Conditions

Appendix 3 – Responsible Authorities

Barnsley Metropolitan Borough Council – Licensing Authority

Licensing Section

PO Box 634

Barnsley

S70 9FB

licensing@barnsley.gov.uk

South Yorkshire Police

The Chief Superintendent

South Yorkshire Police Licensing Department

Force Headquarters

Carbrook House

5 Carbrook Hall Road

Sheffield

S9 2EH

barnsleylicensing@southyorks.pnn.police.uk

South Yorkshire Fire Service

The Chief Fire Officer

South Yorkshire Fire and Rescue Services

Dearne District Fire Safety

Broadway

Barnsley

S70 6RA

syfrlicensing@syfire.gov.uk

Enforcement agency for health and safety at work

Barnsley Metropolitan Borough Council

Regulatory Services

Health and Safety Section

PO Box 634

Barnsley

S70 9FB

regulatoryservices@barnsley.gov.uk

The planning authority

Barnsley Metropolitan Borough Council

Planning and Transportation

Assistant Director (Planning and Transportation)

PO Box 634

Barnsley

S70 9FE

developmentcontrol@barnsley.gov.uk

Pollution control

Barnsley Metropolitan Borough Council
Regulatory Services
Pollution Control Section
PO Box 634
Barnsley
S70 9FB
pollutioncontrol@barnsley.gov.uk

Local weights and measures authority

Barnsley Metropolitan Borough Council
Regulatory Services
Trading Standards
PO Box 634
Barnsley
S70 9FB
regulatoryservices@barnsley.gov.uk

Barnsley Safeguarding Children Partnership

Safeguarding Children Unit
PO Box 634
Barnsley
S70 9GG

Public Health

Assistant Director of Public Health
PO Box 634
Barnsley
S70 9GG

Home Office

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
alcohol@homeoffice.gsi.gov.uk

Appendix 4 – Mandatory Conditions

1. Supply of Alcohol

Where this Licence authorises the supply of alcohol the following conditions will apply:

No supply of alcohol may be made under the premises licence-
at a time when there is no designated premises supervisor in respect of the premises licence, or
at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Door Supervision (except theatres, cinemas, bingo halls & casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

Be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

3. Exhibition of Films

1. Where this licence authorises the exhibition of films, the licence includes a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where –

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“Film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

4. Irresponsible Promotions (On Licenced Premises only)

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

games or other activities which require or encourage, or are designed to require or encourage, individuals to–

drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

drink as much alcohol as possible (whether within a time limit or otherwise);

Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which causes a significant risk of undermining a licensing objective.

Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.

Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. Dispensing of Alcohol Directly into the Mouth (On Licenced Premises only)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. Tap Water (On Licenced Premises only)

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

7. Age Verification Policy

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol,

The Designated Premises Supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or an ultraviolet feature.

8. Measures (On Licensed Premises only)

The responsible person shall ensure that–

where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

beer or cider: ½ pint;

gin, rum, vodka or whisky: 25 ml or 35 ml; and

still wine in a glass: 125 ml; and

these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

9. Alcohol Pricing and Duty

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula –

$$P = D + (DxV)$$

Where -

P is the permitted price,

D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

the holder of the premises licence,

the designated premises supervisor (if any) in respect of such a licence, or

the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(f) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(g) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



BARNLSLEY
Metropolitan Borough Council

LEGAL SERVICES ENFORCEMENT POLICY

Signed:

Name: Sukdave S. Ghuman – Service Director, Law & Governance

Date: 26th January 2023

1. Enforcement Policy Statement

The purpose of this Policy is to set out the general principles of enforcement to be followed by officers in Legal Services, in order to ensure that enforcement decisions are consistent, appropriate, balanced, fair, targeted, accountable, transparent and proportionate.

2. Introduction

Legal Services is a public authority for the purposes of the Human Rights Act 1988. Officers in Legal Services will apply the principles of the European Convention on Human Rights in accordance with the Act. The Service will follow the provisions of the Regulators' Code in its regulatory activities, taking a supportive, risk-based approach to businesses. It will provide clear information and guidance on compliance and will act with fairness and transparency. Formal enforcement action will normally be a last resort, but where it is deemed appropriate, this Policy will be applied.

This policy sets out the general regulatory options available to Legal Services Officers to ensure compliance with relevant legislation. Officers will be suitably trained, qualified and experienced, as set out in their job profiles, and they will be familiar with, and follow, the provisions of this Policy.

Each case is unique and must be judged on its own merits. However, there are general principles that apply in the way each situation must be approached. This document sets out the factors to be taken into account when considering appropriate

enforcement action to be taken. Officers will follow this Policy, except in exceptional circumstances.

Where the Service becomes aware of a situation for which it is not the enforcing authority, it will contact the relevant enforcement agency. Where there is a shared role with another enforcement agency, officers shall liaise accordingly with that agency.

Legal Services enforce a wide variety of legislation and use powers that enable officers to issue verbal advice, send letters, serve formal notices, issue simple cautions, and prosecute in the courts. This list is not exhaustive and other enforcement options are available, as detailed later in this document. The officer will choose the most appropriate method of achieving compliance from the range of actions available.

The aims of the Service in taking action are:

- To protect the public and business from offenders;
- To change the behaviour of the offender;
- To eliminate any financial gain or benefit from non-compliance;
- To restore the harm caused by regulatory non-compliance in appropriate cases;

3. Enforcement Options

There are a number of options available when legal contraventions are found:

a) No Action

In exceptional circumstances contraventions may not warrant any action. This could be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal action is inappropriate, e.g., the offender is elderly and frail. A decision to take no action must be recorded in writing and must take account of health, safety, environmental and nuisance implications of the contravention. A decision to take no action does not preclude further investigation or review of the case at a later date, or when there is material change in the circumstances.

b) Informal Action

Informal action to secure compliance with the legislation includes offering advice, issuing warnings and requests for action. It may be appropriate to use informal action in the following circumstances:

- The act or omission is not serious enough to warrant formal action;
- From the individual's/organisations past history it can be reasonably expected that informal action will achieve compliance;
- Where the original approach is from person(s) seeking advice or assistance – although if serious breaches are found, formal action may be appropriate;

When an informal approach is used to secure compliance, this may be verbal or written. Any written documentation sent to individuals or businesses must include:

- All the information necessary to understand what action is required and why;
- The legislation being contravened and measures which will achieve compliance;
- Clear distinction between legal requirements and recommendations;

c) Statutory notices, Seizing Equipment, Closing Premises

Notice can be served to require persons to cease contravening activities, give offenders reasonable time to rectify a contravention or require people to provide information. Notices may require contravening activities to cease immediately where circumstances relating to health, safety, environmental damage, or nuisance demands. In other circumstances, the time allowed must be reasonable, but must also take account of the implications of the contravention.

Specific guidance is available on circumstances under which notices shall be served, equipment seized or premises closed, and this varies according to the legislation and type of notice.

The use of statutory notices may take place in conjunction with other enforcement options set out in this policy.

d) Refusal/Revocation of Licence/Approval/Permit

Licences, Approvals and Permits are issued under specific legislation and the circumstances that allow refusal or revocation of a licence etc. shall be taken into account in accordance with the specific legislation and relevant Codes of Practice. In order to justify such an action, the applicant/licence/approval/permit holder must meet one or more of the following criteria:

- Engage in fraudulent activity;
- Deliberately or persistently breach legal obligations;
- Deliberately or persistently ignore warnings or formal notices;
- Endanger, to a serious degree, the health, safety or wellbeing of people, animals or the environment;
- Fail to pay renewal fees.

In relation to licensing matters, cases may also be referred to the General Licensing Sub-Committee.

e) Works in Default

Where provided for under the legislation, work may be carried out in default. Such action will be dependent upon public risk and strategic considerations.

f) Injunctions

In exceptional cases, it may be considered that an injunction is the best course of action to remedy contraventions or dangerous circumstances. For example, where there is an immediate risk to public health, or where there is an extraordinary statutory nuisance.

g) Enterprise Act Actions

The Enterprise Act 2002 gives some officers in the Service the authority to seek civil remedies for certain breaches of legislation. Officers will consider these remedies, such as undertakings and injunctions, where they are the most appropriate course of action.

h) Fixed Penalty Notices

Fixed Penalty notices will be issued under certain legislation. If a fixed penalty is not paid within the prescribed period, legal proceedings shall be instituted.

i) Simple Cautions

In some cases, Simple Cautions may be used as an alternative to prosecution. In order to offer a Simple Caution, there must be enough evidence for the matter to proceed to Court by way of prosecution, and the offender must admit guilt.

j) Prosecution

Without prejudicing the right of the Council to prosecute for any offence within its jurisdiction, prosecution will be considered in the case of serious offences, matters of significant public concern, failure to comply with a statutory notice, and repeated infringements.

Particular circumstances in which prosecution will also be considered include:

- The contravention involved fraud;
- The contravention involved deliberate or persistent breach of legal responsibility;
- The contravention was through gross negligence or carelessness and caused, or was likely to cause, significant loss or prejudice to another individual;

- The contravention led to, or contributed to, the health safety or well-being of people, animals or the environment being seriously compromised, or contributed to damage to the reputation or economic well-being of the Borough;
- The contravention involved the obstruction of an authorised officer in carrying out his or her duties, or violence or aggressive behaviour towards them;
- The contravention was an absolute offence under the legislation;
- The matter relating to the offence is widespread throughout the borough.

Cases will only be submitted for prosecution when it is considered that the sufficiency of evidence and the public interest requirement fall within the guidelines as laid down by the Attorney General and Crown Prosecution Service Code of Crown Prosecutors. Before deciding whether or not to prosecute, consideration will also be given to the following:

- The calibre and reliability of witnesses;
- The probable public benefit of a prosecution and the importance of the case – e.g., the possibility of establishing legal precedent;
- The contravention is trivial;
- Whether a Simple Caution would be more appropriate or effective;
- Cost effectiveness – a need to balance likely overall cost against the ‘value’ of the likely outcome;

4. References

The Code for Crown Prosecutors

http://www.cps.gov.uk/publications/code_for_crown_prosecutors/

Regulators Code <https://www.gov.uk/government/publications/regulators-code>

Simple Cautions <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-andprosecutors>

Appendix 6 – Pool of Suggested Conditions of Licence

1. General Considerations

This document provides the licensing authority's approach towards different types of venue. It is not exhaustive, and does not cover every type of venue, or every possible situation that applicants should consider when preparing their operating schedule. Applicants should read this document in conjunction with the Council's Statement of Licensing Policy, relating to the Licensing Objectives, risk assessments, Local Area Profile, operating schedules and cumulative impact.

Generally, conditions on a licence should be offered in consideration and promotion of the four Licensing Objectives, these being:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

2. Licence Conditions

This section contains examples of conditions that may be appropriate for different kinds of premises and is intended to assist all involved in the licensing process, including:

- applicants when applying for a new premises licence or new club premises certificate or when making an application to vary an existing premises licence or club premises certificate
- any other persons and responsible authorities when making representations on applications, or when making review applications
- Licensing Panels when considering applications with relevant representations
- Magistrates when considering an appeal against the Council's decision

Any conditions that the licensing authority attaches to premises licences or club premises certificates will relate to matters on the premises or in the immediate vicinity of the premises that are within the licence holder's control. The authority's primary focus will be the direct impact of the licensed premises on members of the public who live, work or are engaged in normal activity in the area concerned.

To avoid duplication with other regulatory regimes, the licensing authority will only attach conditions to licences if they are necessary to promote one or more of the Licensing Objectives. In each case, the authority will tailor conditions to the individual style and characteristics of the premises and the events concerned.

When making relevant representations, responsible authorities and any other persons can suggest conditions that would satisfy their concerns. Applicants may also suggest additional conditions after relevant representations are received if they feel conditions can address the concerns raised.

The example conditions are not mandatory conditions, and the licensing authority will not automatically apply them to all licences. However, the authority may find it necessary to apply some or all of the conditions once it has considered the merits of the individual application.

The conditions provided in this document are not a definitive or exhaustive list of potential conditions. In some cases, the licensing authority may decide that alternative conditions tailored to individual circumstances will be necessary.

2.01 CCTV

Where CCTV is required to be installed on the premises, the applicant should consider the following conditions for all premises categories:

- 1) The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police and Licensing Officers.
- 2) The CCTV system shall be maintained in good working order and at all times the premises is open to the public, and be fully operational, covering both internal and external areas of the premises to which the public have access.
- 3) The CCTV camera views shall not be obstructed.
- 4) At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises.
- 5) The medium on which CCTV images are recorded shall be of evidential quality; be stored securely; be retained for a period of 31 days, and be available for inspection by the police or authorised officers on request.
- 6) When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or authorised officers in obtaining the CCTV footage.
- 7) Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.
- 8) The facility to transfer the images to a compatible, removable format shall be held on the premises.
- 9) Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this.
- 10) Signs must be displayed in the customer areas to advise that CCTV is in operation.
- 11) If the CCTV is inoperative or not installed and working to the satisfaction of the Police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the Police.

2.02 Noise from deliveries and/or waste collection

To ensure that noise associated with deliveries to and waste collections from the premises do not cause a nuisance, the applicant should consider the following conditions for all premises categories:

- 1) Deliveries to the premises shall not take place between (insert time) and (insert time)
- 2) Collections of waste from the premises shall not take place between (insert time) and (insert time)
- 3) Collections of waste from the premises which include glass shall not take place between (insert time) and (insert time)

2.03 Alcohol delivery services

The licensing authority regularly receives enquiries in relation to applications for licences relating to alcohol delivery services.

These tend to fall into three main groups:

- Premium specialist product mail order-type services
- Food delivery services (both meal and grocery) that include delivery but are primarily food lead, and
- Convenience-type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 in any way differently from other licensed premises, they do provide their own unique set of circumstances that need to be addressed.

In particular, the authority has concerns with the age verification at both purchase point and delivery point.

It should be expected that the following conditions would be requested by the authority to be placed on a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- 1) A standard age verification check shall be undertaken on entering the website used by the licensee for sale of alcohol.
- 2) A signature at the point of delivery must be obtained from a person above the age of 18 with appropriate age verification identification. No delivery shall be left without a signature.
- 3) Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- 4) Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".
- 5) Any delivery driver or third-party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
- 6) A refusals log will be maintained for deliveries and available for inspection on request.
- 7) Website and all promotional material should be designed and set out in a way which is consistent with the responsible retail of alcohol.

The Authority would expect licensees and operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and recorded

3. Premises Categories

3.01 Restaurants, cafes and coffee houses

For the purposes of this document, premises are a restaurant or cafe if the sale of alcohol is only made to seated customers who are taking a meal on the premises. If alcohol is sold to any other person, the licensing authority will regard the premises as a pub or bar. Late night refreshment venues that do not sell alcohol but serve hot food and drink to standing customers or for customers to take away should refer to the section "Premises supplying hot takeaway food and drink".

If the tables are cleared at a certain time to create the provision of an area to be used for dancing or other regulated entertainment, we will not consider the premises to be used primarily as a restaurant. Restaurants wishing to provide entertainment should consider this section in conjunction with the section relating to premises providing music and dance.

Premises used primarily as restaurants as defined in this document are not generally associated with high levels of crime, disorder, anti-social behaviour and nuisance. However, operators should take extra care where persons use external areas of the premises for dining or smoking. Furthermore, controls still need to be in place to ensure that children are not sold alcohol.

Some restaurants allow customers to bring their own alcohol to the premises to drink with a meal. Although the licence holder does not need a licence for the consumption of alcohol, the licensing authority would expect operators to consider the risk associated with allowing this activity. We also expect the applicant or licence holder to pay greater attention to the prevention of crime and disorder and prevention of public nuisance objectives, and ensure they have prepared a robust operating schedule in this respect.

These conditions are particularly relevant to restaurants:

- 1) Alcoholic beverages shall only be sold to customers seated at tables and only when taking a table meal.
- 2) Orders for food and beverages shall be taken and dispensed by waiter or waitress service only.
- 3) No alcoholic beverages or glass containers shall be taken outside the premises by customers at any time.
- 4) The use of the garden/external area shall cease after (insert time) hours on (insert days of the week).
- 5) No more than (insert number) of customers shall be permitted to smoke outside the premises at any one time.
- 6) Customers smoking on the public footway shall not be permitted to cause obstruction of the highway to passers-by.
- 7) Regular litter and glass collections shall be carried out in all areas where customers are congregating.
- 8) A physical barrier, such as a rope, will be used to mark the boundary of the area outside the premises where customers are allowed.
- 9) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
- 10) External lighting for the premises shall be turned off after the premises are closed to the public.

3.02 Premises supplying hot food and drink between 11:00pm and 05:00am (Late night refreshment venues)

This document applies to late night refreshment venues whose activities include supplying hot food and drink between the hours of 11:00pm and 05:00am. Such premises can attract large groups of customers who have come from pubs, bars and clubs in the area and who have consumed considerable quantities of alcohol. These customers can be noisy and cause disturbance in the area long after other nearby licensed premises have closed.

Consumption of food away from the premises can also lead to increased litter, causing a public nuisance in the area.

Customers of these venues can often be intoxicated and may be difficult to control. The licensing authority strongly recommends that operators provide appropriate training for their staff, to ensure they can deal with such situations effectively and fully uphold the Licensing Objectives.

Late night refreshment venues are expected to provide an operating schedule outlining specifically how they will address the prevention of crime and disorder and public nuisance objectives.

Some late night refreshment venues may allow customers to bring their own alcohol to the premises to drink with a meal. Although the licence holder does not need a licence for the consumption of alcohol, the licensing authority would expect operators to consider the risk associated with allowing this activity. The authority also expects the applicant or licence holder to pay greater attention to the prevention of crime and disorder and prevention of public nuisance objectives, and ensure they have prepared a robust operating schedule in this respect.

The following are examples of conditions that may be relevant to late night refreshment venues:

- 1) A minimum of (insert number) SIA registered door supervisors shall be on the premises during the hours of (insert times)
- 2) Policy and procedures for door staff will be put into place detailing dispersal techniques for customers and procedures for dealing with incidents that occur near the premises
- 3) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving
- 4) Patrols of the area outside the premises shall be undertaken every (insert period) during the use of the licence and any litter attributable to the premises is cleared
- 5) At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence
- 6) A minimum of (insert number) litterbins shall be provided by the licence holder in (give details of locality) for the use of customers
- 7) Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence
- 8) CCTV conditions – see section 2.01

3.03 Pubs, bars and members clubs

This section applies to premises where the sale of alcohol is the primary licensable activity. It also applies to proprietary clubs (i.e., members clubs run for profit) and restaurants where the sale of alcohol is not restricted to seated customers who are taking table meals at the premises.

Venues that also provide music and dance or similar entertainment should read this section in conjunction with section 3.04.

Pubs and bars provide a valuable service to people living in, working in, and visiting the borough. However, they may also contribute to crime, disorder, anti-social behaviour and nuisance in an area, due to customers consuming excessive quantities of alcohol on the premises.

Pubs and bars need to address how they will avoid the sale of alcohol to children, how they will control potential nuisance from customers drinking and smoking in beer gardens and on pavements, and how they will reduce the risk of causing nuisance to their neighbours when customers leave the premises at night.

We expect premises selling alcohol to have a proof of age policy in place (such as Challenge 25), but it is important that all staff responsible for selling alcohol are trained to ask for, and recognise, acceptable means of identification, and are aware the proof of age policy exists.

Particular care should be taken where customers use pavement areas to consume alcohol or smoke. A licence may be required for tables and chairs that are used on pavement areas. Additionally, customers congregating outside licensed premises can block pavements and cause considerable public nuisance without necessarily behaving in a rowdy manner.

We advise licensees to monitor the use of such areas carefully and be aware of any situations where the Licensing Objectives are not being upheld. This can be of particular concern where pavements are narrow and can quickly become blocked by even a small congregation of drinkers.

If premises are not authorised to supply alcohol for consumption off the premises, the licensing authority expects the licence holder to ensure that customers do not take their drinks from the premises into any area that is not authorised on the premises plan. This may include the pavement immediately outside the premises.

The following are examples of conditions that may be relevant to pubs and bars:

- 1) A minimum of (insert number) door supervisors shall be on duty on the premises during the hours of (insert times) on (insert days of week).
- 2) Random searches shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect. At least one male and one female supervisor shall be provided for this purpose.
- 3) A minimum of (insert number) door supervisors shall be provided on (insert days of week) between the hours of (insert times).
- 4) Customers shall not be permitted to take drinks outside and prominent signage shall be provided to this effect.
- 5) The beer garden of the premises shall be closed to customers at (insert time).

- 6) Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.
- 7) The tables and chairs outside the premises shall be brought inside at (insert time).
- 8) Any alcohol sold for consumption off the premises shall be sold in a sealed container.
- 9) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
- 10) When the venue is open for licensable activities, the toilets are to be checked by staff at least every 30 minutes and these checks are to be documented
- 11) Any drugs, psychoactive substances or weapons confiscated from customers shall be stored in a locked and secure container and the police shall be notified as soon as reasonably practicable. Customers found in possession of drugs, psychoactive substances or weapons should be refused entry or removed from the premises and the police notified.
- 12) The premises shall operate a dispersal policy and all staff shall be trained in its implementation.
- 13) There shall be no admittance or re-admittance to the premises after (insert time).
- 14) A refusals and incident logbook shall be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The logbook shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.
- 15) Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
- 16) The licence holder shall actively participate in any local Pubwatch or similar scheme.
- 17) The premises shall be a member of any local radio scheme that allows them to be in contact with other venues in the local area.
- 18) A proof of age scheme such as Challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.
- 19) CCTV conditions – see section 2.01

For premises wishing to operate as proprietary clubs:

- 1) Admission to the licensed premises shall be restricted to Members of the club and their bona fide guests.
- 2) No person shall be admitted to the premises without an interval of at least 48 hours between application for membership and admission.
- 3) No more than (insert number) guests per member shall be admitted to the club. Details of all guests shall be recorded on site and to be made available to police and a duly authorised officer of the licensing authority immediately upon request during a visit the premises.
- 4) Members and guests shall be required to “sign in” when entering the premises.
- 5) Any book used for the signing in of members and guests shall be kept on the premises at all times and made available on request to Police and a duly authorised officer of the licensing authority.

3.04 Premises providing music, dance and similar entertainment

The Council recognises the cultural importance and significance of premises providing live music, dance and similar entertainment, and is keen to encourage diverse forms of entertainment

throughout the borough, whilst recognising that this can, if not properly managed, give rise to public nuisance concerns that impact adversely on people who live near licensed premises.

The conditions suggested in this section apply to any premises that wish to provide recorded music, live music, dance performance, or provision of facilities for music and dancing as part of their licensable activities.

Generally, where an applicant wishes to provide these activities, the Council will expect the applicant to provide a noise management plan to show how they will avoid causing noise nuisance from such activities to people living nearby.

Where the applicant does not submit a noise management plan, they should comprehensively demonstrate in their operating schedule that they are able to operate the premises without causing public nuisance.

The following are examples of conditions that may be relevant to premises providing music, dance and similar entertainment:

- 1) A sound limiting device shall be installed and set at a level so as to avoid any noise nuisance
- 2) All audio and musical equipment used in the premises shall be played through the installed sound limiting device
- 3) Only the premises licence holder and the designated premises supervisor shall have access to the sound limiting device
- 4) The sound limiting device shall be used whenever relevant regulated entertainment is taking place
- 5) All windows and external doors shall be kept closed after (insert time), or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 6) The premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.
- 7) An acoustic lobby shall be installed to (specified) entrance/s to minimise sound escape from the premises, ensuring that all doors open in the direction of escape in case of emergency.
- 8) The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by noise breakout

3.05 Late night music venues

Statistics show that late night music venues and late night dance venues generally contribute to higher levels of alcohol related violence per premises than other licensed venues. As a result, the licensing authority expects late night music venues and late night dance venue operators to pay particular regard to the prevention of crime and disorder objective when preparing their operating schedule.

It is extremely important that operators of such venues prepare a risk assessment before considering appropriate conditions for their operating schedule.

Applicants should consider the conditions outlined in this section in conjunction with the section applicable to premises providing music and dance and similar entertainment (section 3.04).

- 1) A minimum of (insert number) SIA registered door supervisors shall be on duty on the premises from (insert time) until all customers have left the premises and its vicinity
- 2) Random searches shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect. At least one male and one female supervisor shall be provided for this purpose
- 3) A metal detection device shall be randomly used by door supervisors to search customers for weapons
- 4) The licence holder shall ensure that an electronic 'scanning' identification system (approved by the Police) is used at the premises in order that the identity and age of all persons entering the venue can be confirmed. This will be used at all times between (insert times) and for any promoted events or when recommended by Police
- 5) Customers shall not be permitted to take drinks outside and prominent signage shall be provided to this effect
- 6) Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside
- 7) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving
- 8) Appropriate devices shall be used by door staff to monitor the number of persons present on the premises at any one time
- 9) When the venue is open for licensable activities, the toilets are to be checked by staff at least every 30 minutes and these checks are to be documented on each visit
- 10) Any drugs, psychoactive substances or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable. Customers found in possession of drugs, psychoactive substances or weapons should be refused entry or removed from the premises and the Police notified.
- 11) The premises shall operate a dispersal policy and all staff shall be trained in its implementation
- 12) There shall be no admittance or re-admittance to the premises after (insert time).
- 13) A refusals and incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which shall record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder and violence
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol to include date, time, and staff member
 - h. any visit by a relevant authority or emergency service.

The incident log shall be kept on the premises and be available for inspection at all times, and management shall regularly check the book to ensure all staff are using it.

- 14) Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
- 15) The premises shall operate a zero-tolerance policy to drug and psychoactive substance use and posters shall be prominently displayed to this effect.
- 16) All staff shall be trained in the implementation of the venue drugs and psychoactive substances policy.

- 17) The licensee shall undertake a risk assessment of any promotion or event and provide a copy to the Police licensing team and the licensing authority not less than 14 days before the event is due to take place.
- 18) Following submission of the risk assessment, all directions of the Police shall be complied with, including cancellation of an event if necessary.
- 19) Where an 'event' has taken place, the licensee shall complete a Debrief Risk Assessment and submit this to the Police licensing team and the licensing authority, within three days of the conclusion of the event.
- 20) All bar servers shall be trained in how to identify drunk or drug and psychoactive substance impaired customers. This training shall be repeated at least twice a year and written records of the training kept and made available to Police and authorised officers of the Council upon request.
- 21) The licence holder shall not permit the use of special effects such as lasers, smoke machines and pyrotechnics, except with the prior consent of the Council, which may be subject to additional conditions if necessary to promote the licensing objectives.
- 22) The licensee shall take all reasonable steps to ensure there is no unauthorised advertising of events to be held at the premises.
- 23) Door supervisors shall be provided with radios to enable them to contact each other and the duty manager at the premises.
- 24) The premises shall participate in any local radio scheme in operation that enables them to be in contact with other local radio scheme users.
- 25) A proof of age scheme such as Challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.
- 26) Alcoholic and soft drinks shall be served in polycarbonate/plastic containers.
- 27) Bottled alcoholic and soft drinks shall be decanted and served in polycarbonate/plastic containers.
- 28) All incidents involving drug or psychoactive substances use, drug or psychoactive substances dealing, or assaults, shall be reported to the police within 24 hours of the incident.
- 29) A comprehensive staff training programme is in place that covers the Licensing Act 2003, fire evacuation procedures, critical incident best-practice, crime scene best practice and conflict management. This training must be clearly documented and any training for future staff must also be organised at the appropriate time. Training shall be written into a programme and will be made available for inspection by the police or other responsible authority, upon request.
- 30) All alcohol must be served in plastic or polycarbonate receptacles from 21:00 hrs until close on (insert days) when the venue remains open for licensable activities.
- 31) No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
- 32) No patron shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage after 21:00 hrs. This includes patrons using the smoking area(s)
- 33) Management will ensure that patrons utilising the external area remain within the curtilage of the venue when consuming alcohol.
- 34) A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.
- 35) Regular glass collection shall be undertaken by staff.

- 36) The licence holder must ensure that the venue starts to increase lighting in the premises at least 30 minutes before the end time the venue is authorised to supply alcohol, with full lighting no later than 15 minutes before that point.
- 37) Consumption of alcohol on the premises shall cease 30 minutes after the permitted hours for the sale of alcohol.
- 38) The licence holder must ensure that the venue starts 'softening' the music style, in order to assist with a controlled dispersal policy at least 30 minutes before the end time the venue is permitted to supply alcohol.
- 39) A door supervisor's register shall be updated on occasions when SIA supervisors are employed. The register is to be made available for inspection by the Police and/or authorised officers of the Council. The register must show:
 - a. full name
 - b. date of birth
 - c. SIA Registration Number
 - d. date and hours worked.
 - e. contact telephone number and email address
- 40) The licence holder shall ensure that a coloured photocopy of each door supervisor's SIA badge is taken and retained at the premises.
- 41) Where the venue runs promoted events, or when recommended by the Police, and in any case, after (insert hours) on (insert days), every customer is to be subjected to a search of the person, wallets, bags, purses, and any other items carried on or by the customer. All searches must be conducted by SIA authorised door staff and must be carried out within an area covered by the venue's CCTV system. Refusal to being searched will result in No Entry.
- 42) All SIA door supervisors will wear high-visibility jackets, vests, or high-visibility armbands whilst working at entry/exit points and around the exterior of the building.
- 43) (insert number) of SIA registered door supervisors must use body-worn cameras. In the event of an incident, the footage must be made available to Police upon request. The licence holder shall ensure that a suitable, expeditious playback / downloading system is in place to enable the police to obtain any evidential footage.
- 44) All SIA doorstaff on duty must remain on duty for half an hour after the close of the venue to ensure all patrons are dispersed peacefully from the area.
- 45) Door supervisors and appropriate staff shall be provided with "two-way" radios or similar systems capable of ensuring continuous communication between each other at all times the premises are open for a licensable activity.
- 46) The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
- 47) The smoking area must be supervised at all times by an SIA registered door supervisor who will monitor the capacity and restrict access when necessary.
- 48) The licence holder shall ensure that any queue to enter the premises which forms outside the premises, is orderly and supervised by SIA door staff to ensure that there is no public nuisance or obstruction to the public highway.
- 49) The licence holder must inform the Police if they change their security company.
- 50) An attendant for each toilet is to be employed on Friday and Saturday and any other night that the premises holds promoted events, from 20:00 hrs until the premises is closed. At other times whilst the venue is open for licensable activities, the toilets must be checked by staff at least every 30 minutes and these checks must be documented on each visit.
- 51) CCTV conditions – see section 2.01.

3.06 Off-licences

This part of the document applies to premises selling alcohol solely for consumption off the premises, such as supermarkets, convenience stores and traditional off-licences. Such premises can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

The licensing authority expects off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that may provide shelter or services to alcohol-dependent persons.

It is important that staff working at off-licences receive suitable training on the Licensing Act 2003 and can discharge their duties in full compliance with the licence conditions and the law. This includes the ability to verify customers' identification where necessary.

It is compulsory for premises selling alcohol to have a proof of age policy such as Challenge 25 in place, but it is important that all staff responsible for selling alcohol are trained to ask for and recognise acceptable means of identification and are aware the proof of age policy exists.

Examples of conditions that may be appropriate to off-licences are:

- 1) Strong beer and cider above 6% ABV shall not be sold.
- 2) No single cans or bottles of beer, cider, alcopops or mixed alcoholic drinks shall be sold.
- 3) A minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.
- 4) At least one person holding a personal licence shall be on duty at the premises when alcohol is being sold.
- 5) Posters shall be displayed in prominent positions around the till advising customers of the proof of age policy in force at the premises.
- 6) A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to Police and authorised officers of the Council on request.
- 7) The designated premises supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.
- 8) All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and authorised officers of the Council on request.
- 9) All alcohol kept in the public part of the premises shall be kept in display units. All display units for alcohol will have lockable shutters.
- 10) Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol. They shall remain locked until the start of the permitted hours on the following day.
- 11) All alcohol shall be stored and displayed behind the service counter and not in aisles or other areas accessible to the public.
- 12) All alcoholic drinks shall be clearly labelled or marked with the name of the premises, premises licence number or other unique identifier.

- 13) The premises shall operate a Challenge 25 policy.
- 14) The premises shall use cash till prompts to remind staff to ask for proof of age.
- 15) Where the supply of alcohol includes delivery to the customer, the licence holder shall ensure that a strict Challenge 25 policy is understood by anyone undertaking the delivery service and if photograph ID cannot be produced on delivery then the alcohol sale is returned to the licensee's premises.
- 16) A personal licence holder must be present at the premises at all times when it is open.
- 17) The licence holder shall ensure that alcohol is not sold in an open container, opened on the premises, or consumed on the premises.
- 18) After (insert time) daily, a minimum of 2 members of staff must be present at all times whilst the premises remain open.
- 19) CCTV conditions – see section 2.01.

3.06.1 Illicit Goods: Alcohol and Tobacco

The licensing authority will consider reviewing a premises licence where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found, the Council may consider this as evidence of poor management and have the potential to undermine the Licensing Objectives.

- Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and/or smuggled
- Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products
- Illicit goods mean articles that are counterfeit or that breach other trading standards legislation.

In particular, the licensing authority is mindful of the advice provided in the section 182 guidance issued under the Licensing Act 2003 in respect of “Reviews arising in connection with crime” and may consider the following conditions in such circumstances:

- 1) The premises licence holder shall not purchase any goods unless a valid receipt is supplied at the time of the purchase.
- 2) The premises licence holder shall ensure that receipts for all stock purchased include the following details:
 - a) Seller's name and address
 - b) Seller's company details, if applicable
 - c) Seller's VAT details if applicable
 - d) Full details of products purchased
 - e) Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to above shall be retained on the premises and made available to the Police or authorised officers of the Council on request.
- 4) The premises licence holder shall obtain and use a UV detection device to verify that duty stamps are valid.

3.07 Theatres, cinemas, qualifying clubs and community premises

The Council welcomes the contribution that theatres, cinemas and community premises make in providing diverse entertainment for people of all ages.

Similarly, qualifying clubs such as working men's clubs and other affiliated social clubs have strong membership conditions that also tend to discourage alcohol-related crime, disorder, and anti-social behaviour.

However, where such premises wish to provide regulated entertainment in the form of music and dance, they should refer to section 3.04 of this document.

A club premises certificate permits only the supply of alcohol to club members and sale to their bona fide guests. Clubs cannot sell alcohol to members of the public unless they are guests of a member. Clubs who wish to let rooms out for private hire with a paid bar, or who provide entertainment facilities to members of the public such as the provision of a sound system or dancing facilities, must obtain a premises licence.

Conditions relevant to such venues may include:

- 1) Alcoholic and soft drinks shall be served in polycarbonate/plastic containers.
- 2) Written records of regular staff training shall be kept and produced to police and authorised officers of the Council upon request.
- 3) The licence (or club premises certificate) holder shall not permit the use of special effects, except with the prior consent of the Council, which may be subject to additional conditions if necessary to promote the licensing objectives. Special effects include:
 - a. dry ice machines and cryogenic fog
 - b. smoke machines and fog generators
 - c. pyrotechnics, including fireworks
 - d. real flames
 - e. motor vehicles
 - f. strobe lighting
- 4) Where rooms at the premises are let to individuals or groups for private hire, a hire agreement shall be in place that includes an outline of the conditions on the premises licence (or club premises certificate) and clearly states the responsibilities of the hirer in respect of upholding such conditions.
- 5) Where the premises are let to individuals or groups for private hire, a named person shall be responsible for ensuring adherence to the conditions of the premises licence (or club premises certificate). This person shall provide their details to the licence holder (or Secretary of the club) in writing in advance of the event and their details shall be retained for a period of at least thirty-one days after the date of the event.

3.08 Hotels

Hotels often provide a range of licensable activities that may include entertainment for guests as well as providing a venue for private parties such as weddings and corporate hospitality.

Hotels wishing to provide regulated entertainment in the form of music and dance should follow the guidance in section 3.04 of this document.

Where hotels have a bar that is open (and advertised) to the public, the licensing authority shall consider this in the same manner as a pub or bar.

In all cases, we will generally expect hotels to propose the following additional conditions in their operating schedule:

- 1) Alcohol may be sold at any time to hotel residents for their own consumption on the premises.
- 2) Alcohol may be sold to residents and their bona fide guests for their own consumption on the premises between the hours of (insert times) on (insert days of the week) only if the resident is present.
- 3) Alcohol shall only be sold to non-residents between the hours of (insert times) on (insert days of the week) and to persons attending bona fide private functions at the hotel.

3.09 Premises providing nudity, striptease and other adult entertainment

If the applicant proposes to provide “relevant entertainment” at the premises on a “frequent” basis, they should also apply for a sex establishment licence (see definitions below). Please be aware that the number of sex establishment licences permitted in Barnsley is currently restricted to three.

Relevant entertainment is any live performance or live display of nudity for the purpose of sexually stimulating one person and includes:

- 1) Lap dancing
- 2) Pole dancing
- 3) Table dancing
- 4) Strip shows
- 5) Peep shows
- 6) Live sex shows

Frequent means the relevant entertainment is to be provided:

- 1) more than 11 times in a 12 month period
- 2) there is less than one month between each occasion
- 3) occasions last longer than 24 hours

Where the applicant proposes to offer adult entertainment on an infrequent basis (including the showing of R18 certificate films), the licensing authority expects the applicant to complete Box N of the operating schedule and give details of the proposed entertainment. If the applicant leaves Box N blank, the authority will include a condition (consistent with the operating schedule) that no adult entertainment shall be provided on the premises.

Applicants, who propose to offer infrequent adult entertainment, should read this section in conjunction with other relevant sections 3.03 and 3.04 of this document and other sections where appropriate.

The licensing authority will generally expect venues wishing to provide this kind of entertainment on an infrequent basis to offer the following conditions in their operating schedule:

- 1) No person under the age of 18 shall be admitted to the premises at any time.
- 2) No person under the age of 18 shall be admitted to the premises when adult entertainment is taking place.
- 3) Prominent notices shall be displayed at each entrance to the premises when adult entertainment is taking place stating that there shall be no admission to the premises for persons aged under 18.
- 4) The premises shall be arranged so adult entertainment is not visible from the street.
- 5) There shall be no external advertisement at the premises for adult entertainment.
- 6) There shall be no leafleting or touting in respect of the adult entertainment hosted at the licensed premises.
- 7) Nudity shall only be permitted by performers and not by customers.
- 8) A minimum of one metre distance shall be maintained between dancers and customers during adult entertainment.
- 9) A written Code of Conduct for staff participating in the provision of striptease or nudity shall be in place and shall be kept on the premises for inspection by Police and/or a duly authorised officer of the licensing authority at all times the premises are open to the public. Management shall ensure all staff are aware of the Code of Conduct and shall take all reasonable steps to ensure it is adhered to.

3.10 Large temporary events

This section relates to applications for large events that are temporary in nature, but cannot be authorised under a temporary event notice (TEN) because of the number of persons who will be present or because the event spans more days than permitted by a TEN.

Generally, the licensing authority will license these events under a time-limited premises licence lasting for the duration of the event.

Persons wishing to hold such events should contact the licensing authority for advice prior to making an application.

Prospective applicants are also advised to read “The Purple Guide to Health, Safety and Welfare at Music and Other Events”.

Usually, the licensing authority will ask applicants seeking a time-limited premises licence for a large event to attend a meeting of the Safety Advisory Group (SAG).

The SAG consists of officers from responsible authorities such as the Police, the Council’s Noise Pollution and Health and Safety departments, the fire authority, officers from other relevant departments, and agencies such as the Ambulance Service or the Council’s Highways department may also attend from time to time, where it is considered appropriate in the circumstances.

The Council will invite applicants to present their application and details of their event to the SAG. Applicants are expected to bring a draft event management plan (EMP) with them to the meeting so the members can consider whether the event is being run safely and will cause minimum disruption to the environment, including but not limited to noise nuisance, traffic management and litter.

The SAG does not determine licence applications or impose conditions, but will advise applicants on producing an acceptable EMP for their event. An EMP is a statement of how an event organiser will run their event. It incorporates such areas as risk assessment, traffic and transport planning, first aid, stewarding, site layout, emergency planning and evacuation plans, noise management, litter disposal and communication protocols.

Applicants are strongly urged to consult the SAG and produce a draft EMP prior to submitting their licence application. Where a responsible authority considers an EMP is inadequate to promote the Licensing Objectives, it may make a representation to the licensing authority about the application.

Generally, applicants are advised to offer only the following conditions in their operating schedule:

- 1) The Licensee shall comply with the event management plan submitted to the licensing authority and no changes shall be made to the event management plan without the prior written consent of the licensing authority.
- 2) The Event shall be run in accordance with the site plan submitted to the licensing authority. No changes shall be made to the site plan without the prior written consent of the licensing authority.

Applicants are further advised to refer to the Purple Guide for guidance on producing an EMP.

Notes

Amendments may have been made to relevant parts of this document and/or its appendices to correct any grammatical or spelling errors, provide clarity where required, meet government digital accessibility standards, or for other reasons to facilitate understanding.

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Summary of Consultation Responses

The response received from Environmental Health Officer James Gardham was administrative to reflect Regulatory Services as a whole in the policy as opposed to individual Officers.

Clarity was also sought regarding the review process.

Punch Taverns responded to the consultation and commented on the policy as a whole stating that the detail included in the policy is welcomed. They requested links to be added to integrated strategies, wider policies and the Regulators Code as well as making clear both the positive and negative elements of all licensable activities to give a balanced overview.

They also requested that the policy recognise that when considering evidence to promote the prevention of crime and disorder, the licensing authority's expectation is that only evidence which is directly linked to the licensable activities provided within a premise will be considered.

Concerns were raised by Punch in relation to conditions of licence involving CCTV and the implications of GDPR and they also suggest that our policy should reflect the need for public nuisance to be demonstrated and that conditions imposed relate specifically to public nuisance.

Punch raised further concerns in relation to risk assessments provided by applicants and the Public Health considerations referred to in the policy when Public Health is not a licensing objective. Additional concern was raised in relation to licence conditions and their prevalence of use and Cumulative Impact Zones and how the policy recognises this position is currently under review and needs to be considered carefully.

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BARNSELY METROPOLITAN BOROUGH COUNCIL

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

TITLE: Preparedness for CQC Assurance – Adult Social Care

REPORT TO:	Cabinet
Date of Meeting	12 July 2023
Cabinet Member Portfolio	Place Health & Adult Social Care
Key Decision	No
Public or Private	Public

Purpose of report

The purpose of this report is to sight Cabinet on Adult Social Care’s readiness for inspection by the Care Quality Commission (CQC) assessment. To provide assurance of our approach, provide an overview of areas for improvement and consider additional one-off capacity to support us.

Council plan priority

Healthy Barnsley

- People are safe and feel safe.
- People live independently with good physical and mental health for as long as possible.
- We have reduced inequalities in health and income across the borough.

Recommendations

That cabinet:

1. Note the contents of the report and self-assessment (Appendix B).
2. That Cabinet supports the funding of additional capacity within ASC to respond to / address issues arising from the Multi-Agency Risk Assessment Conferences.
3. That Cabinet supports the commissioning of a third-party organisation to undertake a public conversation to shape the strategic priorities for Adult Social Care

1 INTRODUCTION

- 1.1. As of 1 April 2023, Adult Social Care became subject to assessment and inspection by the Care Quality Commission (CQC). The approach to this self-assessment was developed in September 2022. At this point, the CQC had released a draft framework and a questionnaire which provided insight into their thinking around standards and evidence. The Quality Assurance and Service Improvement Team (QASI) used these to develop a self-assessment approach.¹
- 1.2. This self-assessment has involved asking senior managers from Adult Social Care (ASC) to provide evidence which the CQC may use to form judgements about key elements of the framework. Where managers have been able to provide evidence, a sample has been tested to assess its quality. Engagement has been limited to managers within the adult social care business unit because they will have primary responsibility for responding to assessment and inspection requests from the CQC.
- 1.3. Where evidence has been found, a sample has been reviewed to assess quality against the standards within the framework. Priority was given to evidence relating to areas which had not been reviewed in the recent past. The self-assessment approach means the findings such be treated as indicative. There may be other areas not examined in detail which are key strengths or require improvement. The self-assessment is attached at Appendix B.
- 1.4. Since the approach to the self-assessment was designed, the Association of Directors of Adult Social Services (ADASS) have developed and shared a self-assessment tool with councils. This focuses on the specific standards within the framework and asks for a judgement on compliance. The potential responses range from 'strongly agree' to 'strongly disagree' and contain a 'don't know option'. The Director of Adult Social Care (DASS) and Service Directors have completed this on behalf of the council.
- 1.5. Since March 2023 the QASI have employed a current CQC inspector to undertake mock interviews with senior staff across the directorate. In May and June 2023 Team Managers will be interviewed and staff will take part in focus groups. This self-assessment has helped shape the questions explored as part of this exercise. Findings from the interviews will be shared with staff and managers in July 2023. These findings will help to further clarify work required to prepare for CQC assessment.
- 1.6. Adult Social Care in Barnsley has many strengths, most notably strong feedback from people, families, staff and partners and a positive Safeguarding Adults peer review. Lots of practical steps are being taken to

¹ <https://www.cqc.org.uk/news/our-approach-assessing-local-authorities>

make sure we are ready to showcase the good work we do in Barnsley. This includes conducting mock interviews with managers and staff, gathering best practice case studies, providing clarity on inspection roles and responsibilities and a welcome pack for inspectors.

2. PROPOSAL

2.1. A summary of findings from the self-assessment is contained below. These are organised into the themes within the CQC Assessment Framework. The self-assessment (Appendix B) is our summary position statement, alongside this the Directorate has developed an action plan. If actions are approved, progress against these will be regularly reported to the DASS and Senior Leadership Team within Adult Social Care.

Theme 1: Working with people

2.2. Working with people is primarily about Adult Social Care (ASC). The working with people theme covers.

- Assessing needs
- Care planning and review
- Direct payments
- Supporting people to live healthier lives
- Prevention
- Wellbeing
- Information and advice
- Understanding and removing inequalities in care and support
- People's experiences and outcomes from care

2.3. The self-assessment identified the following key strengths

- Reducing numbers of older people being permanently admitted to residential care
- Feedback from people shows excellent overall satisfaction of people who use services with their care and support.
- Feedback from people shows an excellent social care related quality of life of score.
- Feedback from people suggests the proportion of people who use services who have control over their daily lives is excellent.
- Increases in the percentage of people with a learning disability in paid employment

2.4. The self-assessment identified the following key areas for improvement:

- Caseloads / prioritisation of cases / high risk cases
- Monitoring arrangements for high-risk cases
- Equipment and Adaptations / Dols / Specialist Team trays

- Multi Agency Risk Assessment Conferences (MARAC)
- Case Tracking
- IAG Strategy and Action Plan
- Direct Feedback from people, families, advocates and providers

Theme 2: Providing Support

2.5. Providing Support is primarily about Adult Commissioning. This theme covers.

- Market shaping
- commissioning
- workforce capacity and capability
- Integration and partnership working

Summary of areas for improvement

2.6. Below is a summary of areas of strength identified

- Market Position Statement (MPS) sets a clear direction of travel.
- Average wait for homecare has reduced from approximately 6 days to 1 day. There is no waiting list for homecare.
- Reported increase in average occupancy levels for older persons residential care to 83% (71% in 2021).
- Progress made co-producing a new short break offer with carers
- Excellent overall satisfaction of people who use services with their care and support.
- Increases in the percentage of people with a learning disability in paid employment

2.7. Below is a summary of areas identified for improvement

- Direct feedback from people who use services, those close to them and their advocates.
- Feedback from partners and how this informs the commissioning cycle
- More robust market shaping plan
- Changes to Care Quality Commission (CQC) ratings / number of service providers exiting the market / number of registered services without a Registered Manager.
- Commissioning embargoes – procedure, governance and changes over time.
- Personal Assistants - clarity in ambition and actions for developing the market.
- Joint Commissioning strategies – clarity about ambitions and plans to achieve these.
- Out of Area Placement protocols – to be finalised and implemented.

Theme 3: How the local authority ensures safety within the system

2.8. The safety theme covers.

- Section 42 safeguarding enquiries

- reviews
- Safe systems
- Continuity of care

2.9. It should be noted that safety is a cross-cutting theme which overlaps with working with people and providing support and leadership. The areas highlighted below are those which have not been explored in earlier sections.

2.10. The self-assessment identified the following strengths

- Increase in number of safeguarding concerns received from friends, families and neighbours
- Safeguarding resources and guidance web pages
- Support and challenge from Safeguarding Board and subgroups
- Implementation of a new preparing for adulthood team and pathway

2.11. The self-assessment identified the following areas for improvement

- Pathways and transition. An assessment of the impact of changes made.
- Safeguarding – actions associated with the external safeguarding review (March 2023) need to be agreed and implemented.
- Serious Adult Review Action Plan. An assessment of the impact of the actions delivered needs to be undertaken.

Theme 4: Leadership

2.12. This theme covers;

- Strategic planning
- Learning
- Improvement
- Innovation
- Governance,
- Management and Sustainability

2.13. The self-assessment identified the following areas of strength.

- Positive feedback from staff through the social work healthcheck
- Positive feedback from social work staff from the staff survey
- Evidence of commitment to learning, reflection and investment in change
- New approach to procedures – providing clarity for staff and managers
- Progress made with inspection readiness – roles, responsibilities and welcome pack.

2.14. Summary of areas for improvement

- Evidence for assessment. Management engagement with evidence requirements for CQC needs to improve. Need to develop best practice examples to show case our work.
- Staff Survey – AJC areas for improvement need to be actioned.

- Quality assurance – more focus on the impact of changes to practice and processes.
- Data and Intelligence – implementation of performance framework and associated improvements.
- Better Lives Programme - Benefits and baseline required / link with key performance targets.
- Corporate compliments and complaints (unable to access these directly)

Inspection Practicalities

2.15. The self-assessment focuses on trying to improve outcomes for people to make sure that we are assessment ready 365 days per year. This section explores what practical arrangements have been put in place to ensure we are ready to give the best possible account of ourselves and the work we do when the inspection notification arrives. This draws on the experience of colleagues in children’s social care who are already subject to inspection.

Roles, responsibilities, and evidence sign off

2.16. A roles and responsibilities document has been drafted. This proposes that all evidence released to the CQC requires sign-off by the Director of Adult Social Care (DASS) or a Service Director in their absence. When inspection notifications are received, there is also an expectation that senior managers will clear their diaries to enable them to fully engage and focus on the inspection. Key contacts and seconds have been identified for a range of functions which support an inspection, including FM (ID Badges, room bookings, car parking, refreshments), IT (systems access, Laptops) and Business Intelligence (Data requests), amongst others.

List of bases and facilities and timetable templates

2.17. When conducting an inspection, the CQC may wish to visit staff working out in local areas and talk to them in a variety of places of work. A list of bases has been collated with HR, complete with address and details about facilities (car parking, contacts, wi-fi etc.). Inspection timetable templates have been developed to enable the management of people. Children’s social care has provided letter templates and distribution lists to aid communication in the run-up to the inspection.

Welcome pack

2.18. Work has started to develop a welcome pack for inspectors visiting Barnsley. This is designed to give them a sense of our borough and make their short stay with us as seamless as possible. We are planning to include key information about the geography of the borough, the profile of residents, details about adult social care and key bases. In addition to this the pack will include maps of the main office base, links to the railway station and details of nearby hotels.

Mock interviews

2.19. We want to ensure that staff and senior managers are as confident and comfortable as possible talking to people external to the council about the work

they do with people in Barnsley. The QASI have asked a current CQC Inspector to carry out a series of mock interviews with staff. Interviews have been completed with all senior managers (including the DASS). The inspector was provided with identified areas for improvement to help develop the questions initially explored. Sessions have been booked with Team Managers, the Safeguarding Board Manager, commissioning managers and colleagues from Public Health in May and June 2023. Staff focus groups will be set up in June 2023.

Best Practice Examples

2.20. A best practice call for evidence has been shared with senior managers and teams from across the council. The QASI are collating these and working with staff to develop profiles which link these to the CQC themes and standards.

3 IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

3.1.1 The Director of Finance or his representative (Strategic Finance Business Partner) has been consulted in the drafting of this report.

3.1.2 At this stage there are no recurrent financial implications arising from the outcome of the self-assessment review undertaken to ensure readiness and compliance with the CQC inspection framework. It is envisaged that the identified areas of improvement across the key themes of the CQC framework (see section 2) can be addressed within existing budgetary provision for Adult Social Care.

3.1.3 The following non-recurrent resource commitments have been agreed to address specific issues or gaps (to be funded from the earmarked resources for the Better Lives Programme):

- Backfill QA post (£78k): - additional temporary capacity (2 year fixed term) has been recruited to within the Quality Assurance team (through backfilling existing vacant post) to support the self-assessment review work;
- MARAC (tbc): - additional capacity within ASC (grade and cost subject to evaluation) is sought to respond to / address issues arising from the Multi-Agency Risk Assessment Conferences. It is proposed that this is funded on a non-recurrent basis – ongoing requirement subject to evaluation of the work / impact.
- Big Conversation (£40k): - procurement of external support to deliver a Big Conversation with people across Barnsley around Adult Social Care. This will support some of the areas identified in the CQC self-assessment around engagement with people who use adult social care services and inform steps to creating a longer term strategy / vision.

3.1.4 There is associated risk with regards to performance data and intelligence –

which has been identified as a key area of improvement (see para 2.14 above). Implementation of a robust performance framework for adult social care is important and key element of the Inspection framework. Approximately £45K has been provided to the council to assist with the new performance and data requirements. Colleagues from business intelligence are also preparing a wider paper on demand and capacity within their service for SMT in June 2023.

3.2 Legal

- 3.21 There are no direct legal consequences arising from the contents of the report save for the need to identify and action preparedness steps to ensure that the Council is adopting operational innovations and their overall duty of care in the provision of adult social care service provision.

3.3 Equality

- 3.31 Full Equality Impact Assessment completed. The following key actions will be taken forward to help reduce the potential for unequal actions.
- 3.32 Adult Social Care will develop a clear equitable approach to case load management and prioritisation of work
- 3.33 Review of Information, advice and guidance
- 3.34 Adult Joint Commissioning and Adult Social Care will establish provider and user group forums to collect feedback.
- 3.35 The identified findings and actions to address these will help to address equality issues. For example, having more effective approaches to caseload management, prioritisation, and management of high-risk cases should help to reduce variability.

3.4 Sustainability

- 3.41 The decision-making wheel has not been completed. There is no sustainability or climate change impacts from this work.

3.5 Employee

- 3.51 The implications for employees are minor. They involve the implementation of service improvements which are similar to the normal business planning process which takes place annually.
- 3.52 There are short-term resource implications for managers. Over the coming months, there is a requirement for approximately 50 hours of work to be completed by several managers across adult ASC and AJC. This work is largely of a one-off nature and will require a small amount of ongoing work to be maintained. There are some small ongoing resource implications which are either part of business as usual or have already been catered for.

3.6 Communications

Working closely with the communications team at this stage around internal communications to staff, and support for additional materials that may be required.

The communications and marketing team work closely with Adult Social Care and Better Lives Board communicating their journey and celebrating achievements and information to the public linking with the ICB.

4. CONSULTATION

- 4.1 Consultation has taken place with managers across social care. No direct consultation has taken place with people and families as part of the self-assessment however the work has relied on and assessed consultation which adult social care and adult joint commissioning have undertaken as part of their business-as-usual work.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Do nothing – this was not deemed to be acceptable because the CQC Assessment Framework was new, and the council had not done any work to assess its performance against this specifically. Doing nothing heightens the risk that the council is not as ready as it could be for CQC assessment and Inspection
- 5.2 Adopt an approach to assess compliance against the standards – this was considered but not recommended for a number of reasons. The first was that the framework was only in draft form in September 2023, when the approach was being designed. The second was that since 2018 the directorate had completed many pieces of discovery work which focus on comparing quality against the legislation and best practice. The third reason was that it would be very difficult to do this in detail across all the themes and standards within them. Doing this systematically would take years to complete. In the short term, it would lead to focus on a very narrow range of areas which would leave a risk that the council would neglect other areas
- 5.3 Adopt an evidence-based approach – this option was chosen for a number of reasons. Firstly, the CQC will use evidence to make judgements about quality.
- 5.4 Secondly, it allowed an assessment of preparedness in Barnsley that went across all the themes and standards. Thirdly it would enable the council to identify gaps and areas for improvement in the short term.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The actions recommended have been identified as part of the self assessment.

7. GLOSSARY

Not applicable

8. LIST OF APPENDICES

Appendix B: Self Assessment
Appendix C: Equality Impact Assessment

9. BACKGROUND PAPERS

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

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date <i>Joshua Amahwe 12/05/2023</i>
Legal consultation & sign off	Service Director, Law & Governance Services & Monitoring Officer consulted and date <i>Sukdave Ghuman 23/05/2023</i>

Report Author: Dominic Armstrong

Post: Service Manager, Quality Assurance and Service Improvement

ADULT SOCIAL CARE SELF ASSESSMENT MAY 2023



BARNSELY
Metropolitan Borough Council



Barnsley – the place
of possibilities.

Contents

Section A: Summary and Overview

CQC Theme 1: Working with people

CQC Theme 2: Providing Support

CQC Theme 3: Safe Systems

CQC Theme 4: Leadership

Section A: Summary and Overview

This self-assessment has been undertaken by the Quality Assurance and Service Improvement Team on behalf of Adult Social Care (ASC). It has involved working with senior managers from ASC to review the availability of key pieces of evidence which the Care Quality Commission (CQC) may use to form judgements about key elements of the framework.¹ At this stage work has been limited to managers within the ASC business unit.

Where evidence has been identified, a sample has been reviewed to assess quality against the standards highlighted within the framework. Evidence relating to areas which had not been reviewed in the recent past were prioritised for review. This is therefore an indicative self-assessment.

About us – Barnsley Council (BMBC)

The Market Position Statement (2021-2024)² states that Barnsley has around 243,341 residents and that the population is ageing. The number of residents aged 65+ is predicted to reach 60,800 by 2030. This represents an increase of 33% from 2016.



Our 2030 vision is '*Barnsley - the place of possibilities*'.

By 2030 we want everyone to benefit from and contribute to making our borough a thriving place of possibilities.

Our new [council plan](#) identifies five priorities:

- Healthy Barnsley
- Learning Barnsley
- Growing Barnsley
- Sustainable Barnsley
- Enabling Barnsley - we are a modern, inclusive, efficient, productive and high-performing council

¹ <https://www.cqc.org.uk/news/our-approach-assessing-local-authorities>

² <https://www.barnsley.gov.uk/services/our-council/our-strategies/adult-social-care-market-position-statement/>

ASC contributes to all five priority areas. It is closely aligned to the outcomes identified within Healthy Barnsley which are.

- People are safe and feel safe.
- People live independently with good physical and mental health for as long as possible.
- We have reduced inequalities in health and income across the borough.

Adult Care Services (ACS) - Key facts

Key Facts

1,381 Carers supported with services by ASC

c. 2,898

Adults with a service

c. 2,696

Adults with a long-term service

£59.947m

The net budget for ACS in 21/22

2,145

Carers supported in conjunction with Barnsley Carers Service

77% Barnsley Providers CQC rated Good or Outstanding

83% South Yorkshire Avg.

80%

Assessments completed within 28 days of contact

Vision and strategy for ASC

Our Better Lives Programme and Adult Social Care Web Pages set out our vision and priorities for ASC. ³

We all want to live in the place we call home, with the people and things we love, in communities where we look out for one another, doing things that matter to us - #socialcarefuture.

4

Our priority is to help people in Barnsley to access all the care and support they need, at the right time and in the right place.

³ <https://www.barnsley.gov.uk/services/adult-social-care/better-lives-programme/>, <https://www.barnsley.gov.uk/services/adult-social-care/>

⁴ <https://www.barnsley.gov.uk/services/adult-social-care/>

Our Website States.

We'll support you to tell us the things that are important to you, and work with you to find services and groups that will help you achieve your goals.

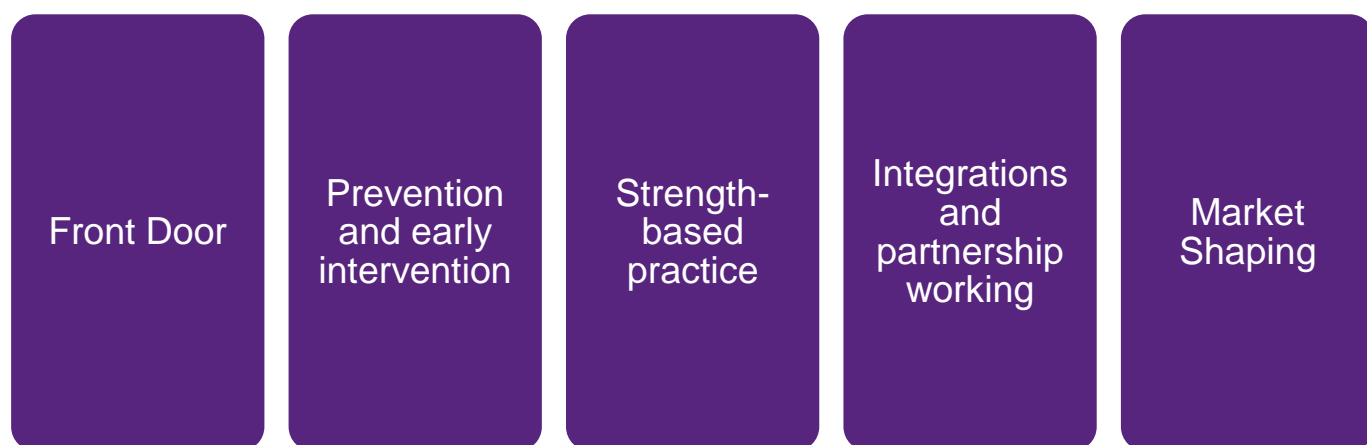
A great way of achieving your goals is [getting help early](#) or finding community groups, services or organisations to help you do this. You can [find a service on Live Well Barnsley](#). This is a great way to increase your independence and keep you living safely in your home. If you can't find what you need, read about [how we can help with your care needs](#).

We want people to live independently with good physical and mental health for as long as possible. Our Better Lives Programme will help ensure that vulnerable adults and those with support needs are also safe, protected and able to lead full, active and healthy lives.

Outcomes set out in the council plan include:

- People are safe and feel safe.
- People live independently with good physical and mental health for as long as possible.
- We have reduced inequalities in health and income across the borough.
- People have access to early help and support.
- People are supported to have safe, warm, sustainable homes.
- People live in great places, are recycling more and wasting less, feel connected and valued in their community.

The five key priorities for improvement and change were:



Our five key priorities for improvement & change

Aligned to these priorities are a set of service and organisational enablers that play a key role in achieving the outcomes aligned to this programme:

- Engagement model
- Digital
- Performance framework
- Workforce (including new structures)
- Development of a new adult social care narrative

We've been working on these areas to put in place new ways of working and achieve better outcomes for the people we support.

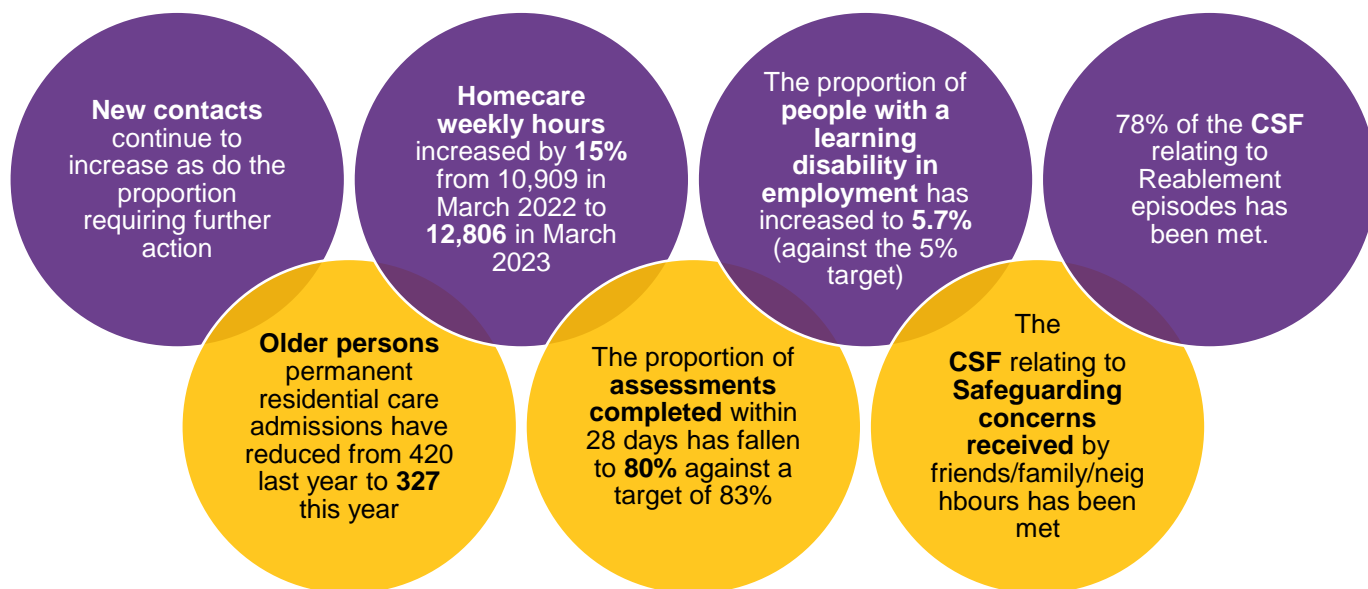
Overview of Adult Social Care (ASC) performance and activity

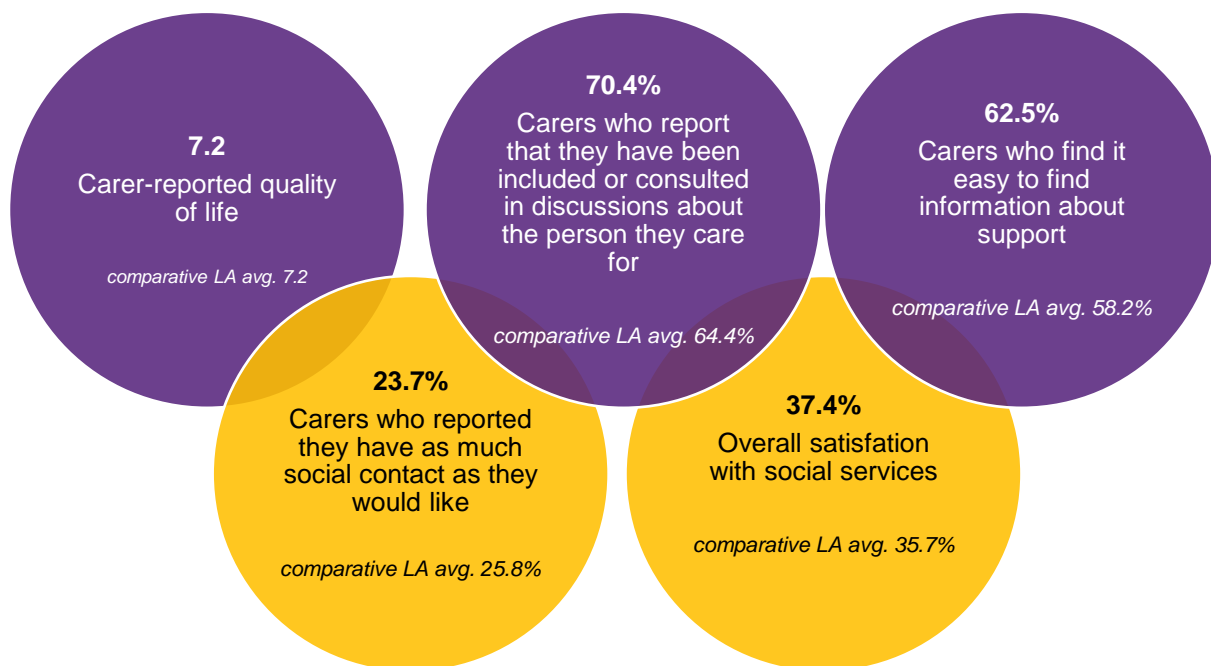
ASC has achieved some notable performance successes. It has also identified areas for improvement.

- Feedback from people in Barnsley means we are ranked the top area in the country for the proportion of people who feel safe and the overall satisfaction of people who use services with their care and support.
- Feedback from people in Barnsley means we are ranked second in the country on the social care related quality of life score.
- Our Critical Success Factor (CSF) relating to Safeguarding concerns received by friends / family / neighbours has been overwhelmingly achieved. Our promotional work helped us to achieve almost double (131) the target (70) and last year's number (64).
- We achieved 78% of our Critical Success Factor (CSF) relating to reablement with 862 episodes over 2022/23. The 1100 target was deliberately stretching to help system flow.
- New contacts to ASC continue to increase as do the proportion requiring further action.
- Older persons permanent residential care admissions have reduced from 420 last year to 327 this year.
- Homecare weekly hours have increase from 10,909 in March 2022 to 12,806 in March 2023
- The proportion of assessments completed within 28 days is 80% against our target of 83%.
- The proportion of people with a learning disability in employment has increased to 5.7% (against the 5% target).

The graphic below displays some of our latest activity and performance across the adult care.

Performance Highlights





Our Key Strategies

Carers Strategy

<https://www.barnsley.gov.uk/services/our-council/our-strategies/carers-strategy/>

Medium Term Financial Plan

[Hyperlink to Full Council May meeting](#)

Health and Wellbeing Strategy

<https://www.barnsley.gov.uk/media/19957/barnsley-hwb-strategy-final-web.pdf>

Joint Strategic Needs Assessment

<https://www.barnsley.gov.uk/services/our-council/research-data-and-statistics/barnsley-joint-strategic-needs-assessment-jsna/>

Market Sustainability Plan

<https://www.barnsley.gov.uk/media/25517/market-sustainability-plan.pdf>

Mental Health and Wellbeing Strategy

[Barnsley Mental Health and Wellbeing Strategy 2022 - 2026](#)

Health & Care Plan

This will be hyperlinked when signed off by Place Committee in June

CQC Theme 1: Working with people

The working with people theme covers.

- Assessing needs
- Care planning and review
- Direct payments
- Supporting people to live healthier lives
- Prevention
- Wellbeing
- Information and advice
- Understanding and removing inequalities in care and support
- People's experiences and outcomes from care

This self-assessment has examined a selection of these areas and found the following.

Our key strengths and achievements

- Reducing numbers of older people being permanently admitted to residential care
- Feedback from people suggests excellent overall satisfaction of people who use services with their care and support.
- Feedback from people suggests an excellent social care related quality of life of score.
- Feedback from people suggests the proportion of people who use services who have control over their daily lives is excellent.
- Increases in the percentage of people with a learning disability in paid employment

Key areas for improvement

- Engagement model - improve our collation of feedback from people with lived experience and use this to influence the Adult Social Care strategy and service development.
- More equitable approach to how we distribute caseloads across adult social care teams and prioritise requests for assessment and support.
- Better management of our actions following Multi Agency Risk Assessment Conferences (MARAC)
- Establish a new approach to Case Tracking and practice audits to strengthen how we learn and improve.
- Clear priority actions to improve our information advice and guidance offer

Key statistics

Activity	Working well	Improving
13,413 new contacts this year (<i>up from 12,065 last year</i>)	1714 people with a community service	327 Older persons permanent residential care admissions (<i>420 last year</i>)
2663 assessments completed this year (<i>up from 2558 last year</i>)	2145 carers receiving an assessment	131 Safeguarding concerns received by friends and family (<i>64 last year</i>)

Assessing Needs

The purpose of an assessment is to identify the person's needs and how these impact on their

wellbeing, and the outcomes that the person wishes to achieve in their day-to-day life. Assessment should be carried out over an appropriate and reasonable timescale taking into account the urgency of needs.⁵

Adult Social Care Front Door

A priority area for Adult Social Care (ASC) this year has been the front door. A pilot had previously been undertaken which involved practitioners from ASC handling and triaging requests before they were sent onto locality and specialist teams. This pilot was positively evaluated by the Better Lives Team and Board. It was agreed that a small team of dedicated people would be established to further build and grow the offer. New contacts to ASC have continued to grow during this period.

New Contacts

Q4 2021/22	Q1 2022/23	Q2 2022/23	Q3 2022/23	Q4 2022/23	Difference Same Period Last Year	Direction of Travel	2022/23 Target
3271	3261	3395	3306	3451	180	↑	n/a

The team have reported that they are having more effective strengths-based conversations with people earlier in their journey through ASC. Between January and April 2023, the team reported increases in referrals to the reablement community pathway. They also reported increased signposting to other agencies like Age UK, Social Prescribing Making Space and Right Care.

Assessments – timeliness

The purpose of an assessment is to identify the person's needs and how these impact on their wellbeing, and the outcomes that the person wishes to achieve in their day-to-day life. Assessment should be carried out over an appropriate and reasonable timescale taking into account the urgency of needs.⁶

Assessments Completed within 28 Days or Less

Q4 2021/22	Q1 2022/23	Q2 2022/23	Q3 2022/23	Q4 2022/23	Difference Same Period Last Year	Direction of Travel	2022/23 Target
669	486	528	475	601	-68	↓	83.00%
85.00%	76.30%	76.10%	81.30%	80.30%			

Our quarterly performance reports suggest that most people approaching adult social care for an assessment of needs gain a timely response. In 2022/23 Adult Social Care completed 80% of assessments within 28 days or less. More assessments were completed in this timeframe than last year, but the percentage reduced slightly and is below our own target of 83%

As part of this self-assessment the Quality Assurance and Service Improvement Team (QASI) reviewed the caseloads report available to managers. This showed that most locality teams appeared to have a manageable number of cases and low numbers of new cases awaiting

⁵ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs>, 6.5 - 6.29.

⁶ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs>, 6.5 - 6.29.

allocation. The Equipment and Adaptations Team, the Deprivation of Liberty Safeguards (Dols) Team and Specialist Team were holding larger numbers of cases than other teams and a significant proportion of work was still awaiting allocation. Managers within the appropriate teams have been asked to carry out a review of the tray contents so that we can understand more about the type of work waiting to be allocated, how risks are being managed and any additional actions to mitigate these. Our Service Managers have also been asked to develop a new approach to caseloads and prioritisation. This is to help ensure we get the right resources to the right place more effectively, that more people can have a good conversation within 28 days and any unintended inequalities in access (that might exist) are reduced.

Assessments – quality

In September 2022, staff and managers from across adult social care completed a Mental Capacity Audit (MCA). This found that we were completing approximately one MCA every day. It also found that evidence within the assessments supported the outcome, questions to be considered were clearly formulated and people were engaged around these. It found that there were situations where we should have completed an assessment and didn't and that the quality of completed assessments needed to improve. In particular we need to more consistently evidence the practicable steps taken to help people take part in the assessment and show how the reasonably foreseeable consequences have been explored. The voice, views and preferences of the person needed to be more consistently stronger. MCA training has been delivered across social care teams by our Practice Development Manager. This should increase staff confidence and capability in this area, enabling them to complete more assessments of consistently good quality.

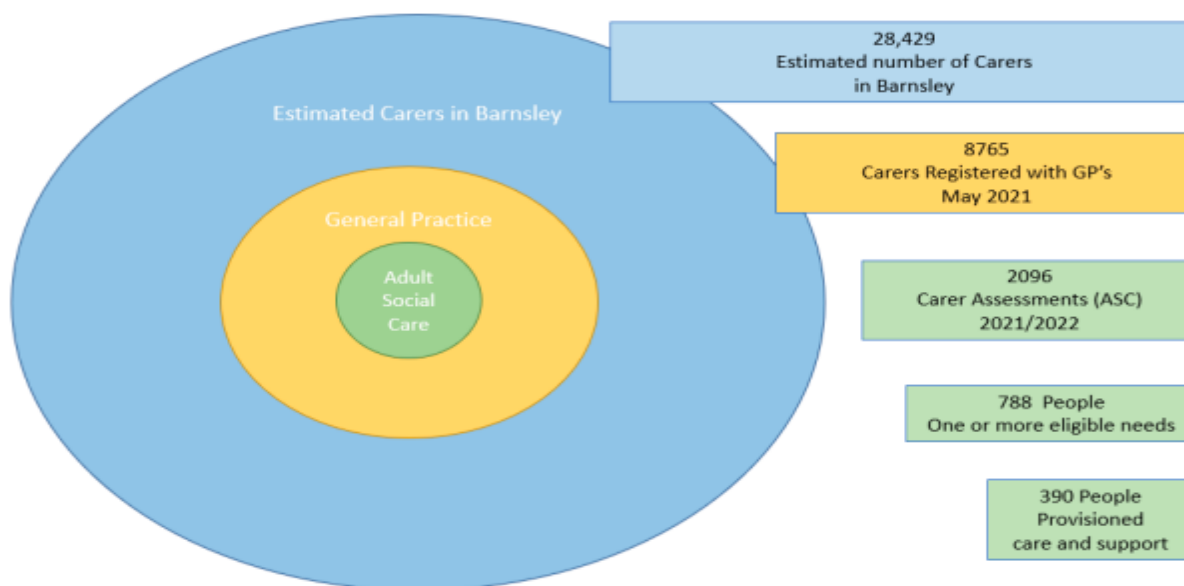
ASC in Barnsley has experienced staff challenges and our Principle Social Worker (PSW) is developing a new Workforce Strategy with colleagues. At the time of this self-assessment workforce challenges within ASC appeared to have stabilized. The PSW and Quality Assurance Team are working with social work managers to re-launch our practice audits, piloting a new approach agreed regionally.

The National Development Team for Inclusion (NDTi) <https://www.ndti.org.uk/> have delivered strengths-based training to all social care practitioners in Barnsley. Our Better Lives Team have redesigned the key assessment forms reducing the number of fields which require completing and having a greater focus on a good conversation.

Assessing carer needs

In September 2022 a thematic review of carers was shared with colleagues from across health and care. The review focused on the effectiveness of ASC's approach to supporting carers but also helped to inform the development of priorities within all age Carers Strategy.

Telephone interviews were undertaken with 50 carers. An online questionnaire around the carers one off payment scheme received approximately 200 replies. Staff from adult social care were also interviewed. Feedback from staff and carers informed the analysis of assessments. Feedback from carers suggested they are ordinarily very grateful for the support they receive from Adult Social Care (ASC). They often speak highly of ASC.



A survey of other local authorities within the Yorkshire and Humber Carers Network suggested that Barnsley Council undertakes more carer assessments than other councils. The audit examined the quality of 60 assessments in detail. It found that within assessment forms there is ordinarily evidence that we have considered the impact and needs of the carer. However, this is not done systematically using the areas required under the Care Act. Significant areas of the assessment forms relating to the caring role and its impact are left blank. Staff told us that part of the reason they didn't always undertake a robust assessment was because they didn't know how to generate a budget for a carer in their own right and felt that options to support people were limited.

The findings from this review have been shared with managers and staff across ASC. A carers lead has been identified who is leading on taking identified actions forward. A post has also been created for a Carers Commissioning Manager. The Better Lives Programme is looking at all the system forms on Erica and ensuring that mandatory fields for completion are updated. The council have started work with carers to co-produce a new carers break offer. This should help to ensure that more meaningful options are available to staff and social workers to support carers.

Care planning and review

Care and support should put people in control of their care, with the support that they need to enhance their wellbeing and improve their connections to family, friends and community. A vital part of this process for people with ongoing needs which the local authority is going to meet is the care and support plan or support plan in the case of carers.⁷

Care Packages Completed within 28 Days or Less

Q4 2021/22	Q1 2022/23	Q2 2022/23	Q3 2022/23	Q4 2022/23	Difference Same Period Last Year	Direction of Travel	2022/23 Target
238	224	209	207	241	3	↓	n/a
76.00%	81.20%	83.90%	87.30%	85.50%			

Care Packages completed within 28 days have increased significantly to 86% (up from 80% year before). Timeliness is an important priority for people with care and support needs.

⁷ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#chapter-3>, 10.1

Reviews Completed on Clients in Receipt of Long Term Support for 12 Months or More

Q4 2021/22	Q1 2022/23	Q2 2022/23	Q3 2022/23	Q4 2022/23	Difference Same Period Last Year	Direction of Travel	2022/23 Target
81.3%	79.8%	78.8%	79.5%	77.4%	-3.9%	↓	86.00%

Approximately 77% of people with long term support (for 12 months or more) received a review which is down on last year and significantly below our 86% target. A review of the caseloads report found that most teams were completing annual reviews in a timely manner. The Specialist Team however had a backlog of reviews, the oldest of which dated back to April 2022. The Service Manager has been asked to review these and other work awaiting allocation so that so that we can understand more about the type of work, how risks are being managed and any additional actions to mitigate these. The new approach to caseloads and prioritisation will also help us to be more effective at getting the right resources to the right place more effectively.

We want our care planning and reviews to focus more consistently on the wishes, preferences and outcomes of the person. Our investment in strengths-based conversation training for social care staff is designed to help us to do this more consistently. Our Service Managers have also been asked to develop a new approach to how we define and monitor high risk cases. This should help ensure that staff and managers have a clearer sense of our approach and that people have risks reviewed in an effective way.

Reports from our Multi Agency Risk Assessment Conferences (MARAC) suggest that whilst ASC attendance is relatively good, our reported progress against identified actions was extremely low (4%). The Service Director and Heads of Service are creating a MARAC post based in the adult social care front door to help strengthen our approach.

Direct Payments

Direct Payments are monetary payments made to individuals who request to receive one to meet some or all of their eligible care and support needs. They can provide independence, choice and control by enabling people to commission their own care and support in order to meet their eligible needs.

Our Monthly Performance report from March 2023 showed that the proportion of people in Barnsley using social care who receive a Direct Payment was 34% at the end of 2022/23 (target was 30%). Our Local Account shows that last year our Direct Payment rates (36%) compared favorably with both the England and Statutory Neighbour averages. Previous feedback from people receiving a Direct Payment suggested that some people felt that it was presented as the only option for them. Moreover, our rates of people classed as receiving self-directed support were lower than other areas.

In 2015 Barnsley Council established a specific team which was designed to drive forward the personalisation agenda. A review of this service was carried out by the Quality Assurance Team in January 2021 and followed up by The Better Lives Programme Team in May 2022. Several areas for improvement were highlighted. A decision has now been taken to move the self-directed support function and associated staff under ASC. The aim of the change is to help the team return to their original remit, supporting people to explore how they can have creative and flexible plans which support their outcomes.

Prevention, information, advice and guidance.

It is critical that the care system works to actively promote wellbeing and independence and does not just wait to respond when people reach a crisis point. To meet the challenges of the future, it will be vital that the care and support system intervenes early to support individuals, helps people retain or regain their skills and confidence, and prevents need or delays deterioration wherever

possible.⁸

Information and advice is fundamental to enabling people, carers and families to take control of, and make well-informed choices about, their care and support and how they fund it. Not only does information and advice help to promote people's wellbeing by increasing their ability to exercise choice and control, it is also a vital component of preventing or delaying people's need for care and support.

The councils universal offer encourages people to get help early and signposts people towards community groups, services and organisations.⁹ LiveWell Barnsley is a directory of services, groups, activities and events that contribute to the health and wellbeing of people in Barnsley <https://www.livewellbarnsley.co.uk/>. It allows people to search for services, groups and activities by postcode or theme (E.g., Armed forces, care and support at home, carers, dementia etc.). At the time of this review 1431 service options were available. Our Better Lives Programme Team are carrying out a review of our IAG offer. The aim of this is to understand what is working and what could be improved and identify priority actions to enhance our offer.

Barnsley Older Persons Physical Activity Alliance (BOPP)

Barnsley Older Persons Physical Activity Alliance (BOPPA) has been shortlisted for a Local Government Association (LGA) award. <https://boppaa.ageukbarnsley.org.uk/> Evidence submitted to support this states that 64 organisations are involved increasing the provision of physical activity programmes that will improve strength and balance of older people (50+) across Barnsley. People and organisations involved have spoken very highly of the programme:

'It has allowed Healthy Bones to carry on after the pandemic whereas it would have folded otherwise. Confidence to carry on with the support from a big organisation that is relevant and influential in older people's wellbeing.'

Carers

In December 2022 the all age Barnsley Carers Strategy was agreed and published following development by a multi-agency group of carers and partners <https://www.barnsley.gov.uk/services/our-council/our-strategies/carers-strategy/>. The strategy identified 8 priority areas including identifying carers, working with carers and carer breaks. Our carer lead is now chairing the multi agency group who are developing the action plan for each of these areas.

Following a competitive tender exercise a new provider was appointed to deliver the Barnsley Carers Service from the 1 April 2023 <https://cloverleaf-advocacy.co.uk/services/barnsley-carers-service>. <https://www.facebook.com/barnsleycarersservices/>. This independent service exists to provide preventative services to carers including:

- information and advice
- one-to-one support
- group support
- drop-in/peer support
- free complimentary therapies
- events and activities
- volunteering opportunities
- help with obtaining carer's grant funding

⁸ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>, 2.1

⁹ <https://www.barnsley.gov.uk/services/adult-social-care/>

- A multi-agency Carers Strategy
- Review of Carers one off payment scheme.

More about this and broader support available to carers can be found here

<https://www.barnsley.gov.uk/services/adult-social-care/information-for-carers/carer-support-groups-and-organisations/>

"I made the money work for me. I went for a holiday in Edinburgh. It also paid for the train fare. It was a massive weight off my shoulders and gave me a complete break knowing my Dad was safe with carers.

Just what I needed, a lovely break."

Carers' one-off payments

CQC Theme 2: Providing Support

The theme covers.

- Market Shaping
- Commissioning
- Workforce capacity and capability
- Integration and partnership working

This self-assessment has examined a selection of these areas and found the following.

Our key strengths and achievements

- Market Position Statement (MPS) sets a clear direction.
- Average wait for homecare has reduced from approximately 6 days to 1 day. There is no waiting list for homecare.
- Reported increase in average occupancy levels for older persons residential care to 83% (71% in 2021).
- Progress made co-producing a new short break offer with carers
- Excellent overall satisfaction of people who use services with their care and support.
- Increases in the percentage of people with a learning disability in paid employment

Key areas for improvement

- Engagement model - improve our collation of feedback from people with lived experience and use this to influence the ASC strategy and service development.
- Partners – improve how we collate and evidence feedback from partners and how this informs all elements of the commissioning cycle.
- Market Shaping plan – needs to be more robust and aligned to all areas in the MPS
- Quality of provision; CQC Ratings of providers. 77% of providers CQC rated good or outstanding (South Yorkshire Average is 83%).
- Personal Assistants – clearer ambitions for the market and actions to achieve these.
- Out of area placement protocols – to be finalised and rolled out to staff.

Key Statistics

Activity	Working well	Improving
2,898 adults with a service	12,806 weekly homecare hours (10,909 last year)	77% of providers are rated good or outstanding by CQC (Vs regional average of 83%)
2,696 adults with a long-term service	86% of care packages completed within 28 days or less	87.4% of people with a learning disability are in settled accommodation (87% last year)

Market Shaping

Councils should collaborate with stakeholders and providers to bring together information about needs and demands for care and support with that about future supply, to understand for their whole market the implications for service delivery. This should include understanding and signalling to the market as a whole the need for the market to change to meet expected trends in

needs, adapt to enhance diversity, choice, stability and sustainability, and consider geographic challenges for particular areas.¹⁰

One of the Council's strengths in this area is the published Market Position Statement (MPS) for the period 2021- 2024 <https://www.barnsley.gov.uk/services/our-council/our-strategies/adult-social-care-market-position-statement/>. This sets out important information about our vision, needs and changing demands. It states that Barnsley's population is ageing and that the number of residents aged 65+ is predicted to reach 60,800 by 2030. This represents an increase of 33% from 2016. It also sets out important data around carers, personalisation, direct payments and people in residential care amongst others.

It is not clear from the published MPS what actions will (or have been) be taken forward to meet the challenges, demands and ambitions outlined. Adult Joint Commissioning (AJC) shared a workplan with the Quality Assurance and Service Improvement Team (QASl). This set out a list of officers and work areas, a contracts and procurement list and items included within a Transformation Programme. Some of the activity within the plan was aligned to the themes within the MPS and had named officers leading this. It would have been better if activity had target dates for completion and full alignment with the MPS areas. It would be better if it was clearer what the desired outcome the activity was trying to achieve. It would be better if there was clearer evidence provided of how feedback from partners was actively influencing this activity and plans.

Commissioning

Commissioning is the council's cyclical activity to assess the needs of its local population for care and support services, determining what element of this needs to be arranged by the authority, then designing, delivering, monitoring and evaluating those services to ensure appropriate outcomes.¹¹ The council's Market Position Statement (MPS) sets out our commissioning intentions and approach. These are set into the themes of living well and ageing well.

Our commissioning intentions

In Barnsley we want to work with care providers to ensure we commission services that are good quality, financially sustainable and create a pathway of care for our service users.

Commissioned services will be based on a strength-based approach in line with our vision for adult social care, and we'll continue to look for opportunities to improve and develop.



¹⁰ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs> , 4.80

¹¹ As above

Commissioning intentions: living well

Individuals and families are healthy, resilient and have the confidence and skills to thrive and achieve their full potential so that collectively our communities achieve the best possible outcomes for themselves, their families and each other.

Support to individuals and families will be offered within their community and as close to home as possible.



Early intervention and prevention are at the core of Barnsley Council's approach to reducing the overall need for high cost social care and crisis services, and improving overall outcomes and health inequalities. The authority aims to commission services that promote health, wellbeing and independence, enabling people to have choice and control as well as reducing the risk of people reaching crisis point and/or needing future intensive care and support.

Barnsley wants to ensure that everyone has the ability to live happy and healthy lives. To do this we will work with our communities and organisations involved with communities to develop support that makes sense to them. Our approach will be to work with groups of people and organisations to develop, design and where necessary change the way support is provided. This approach should help people get support early and avoid people escalating into a crisis.

AJC have started work to co-produce new carers break offer with a local group of people. This was flagged as a priority for carers following analysis of over 250 surveys and is a key part of our Carers Strategy. A series of workshops will take place between May and November 2023 to develop a specification. The group will work with the Barnsley Carers Service and AJC on any procurement and tendering exercise subsequently required.

Personalisation - direct payments

Barnsley currently performs well in the number of service users accessing direct payments to manage their support arrangements compared with our neighbouring authorities.

However a number of direct payment holders are using their funding to purchase traditional models of care such as home care. We'd like to see our service users be more creative with their budgets using community assets as part of their care plans.

An area we'll look to develop in 2022 will be Personal Assistants. This is a recognised gap currently with a small number of service users waiting for PA's to be recruited to progress their care plan.

We'll also look to introduce more flexible arrangements for people using direct payments to allow them greater control over their care arrangements and promote the use of community resources, so communities can become more resilient.

AJC need to be able to more clearly evidence within their workplan what work had been completed or is planned to develop the personal assistant market. AJC need to be able to more effectively demonstrate that they have knowledge of the number of personal assistants working in Barnsley, their ambitions in this area and direction of travel.

Supported Employment Programme

In 2022 the Council successfully led a regional bid for supported employment funding from the Department for Work and Pensions and has started delivering against this.¹² This is important because we know that people with autism and severe or specific learning disabilities have some of the lowest employment rates. We also know that paid employment offers significant wellbeing benefits to people and local businesses.

Barnsley has a dedicated Supported Employment Service.

<https://www.barnsley.gov.uk/services/business-information/supported-employment-service/>?

The service supports people and businesses to create opportunities, recruit the right people and train them in their roles. A number of notable success stories have been shared with colleagues in ASC.

¹² <https://www.gov.uk/government/publications/local-supported-employment-guidance-for-local-authorities/local-supported-employment-guidance-for-local-authorities>



There is also evidence that the programme is starting to increase rates of paid employment amongst people with a learning disability. Our target of 5% has now been exceeded for 2022/23. The programme should help us to maintain and extend this success into 2023/24.

Percentage of Clients with Learning Disabilities who are in 'Paid Employment' [ASCOF 1e]

Q4 2021/22	Q1 2022/23	Q2 2022/23	Q3 2022/23	Q4 2022/23	Difference Same Period Last Year	Direction of Travel	2022/23 Target
4.4%	4.0%	4.3%	4.3%	5.7%	1.3%	↑	5.0%

Ageing Well

Commissioning intentions: ageing well

In Barnsley we'll support our ageing population by offering person-centred, flexible, integrated care and support in their community or at home.

Through early interventions we'll aim to maximise people's health, wellbeing and independence and reduce the need for long term support wherever possible.

Residential Care

Residential care

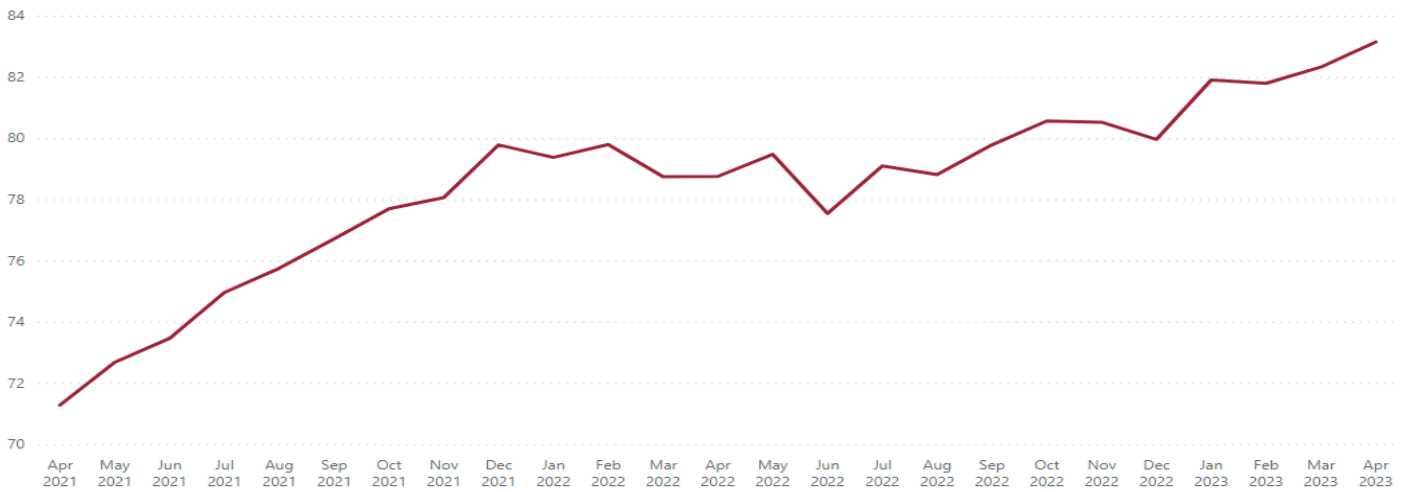
The proportion of 65+ people with needs met by residential care/nursing is high in Barnsley; 789 compared to 584 nationally per 100,000 population. This will be a key area to improve.

Barnsley has generally had an oversupply of residential beds within the market, with current occupancy rates averaging at around 71%. A review of out-of-area placements in older people's residential care in January 2021 identified 52 service users placed in residential care out of the borough. Analysis of those placements suggests that around half of the placements were made out-of-borough at the service user's choice, usually to be closer to family. However there are a number of out-of-area placements that have been selected as homes in-borough were unable to meet the needs of those users.

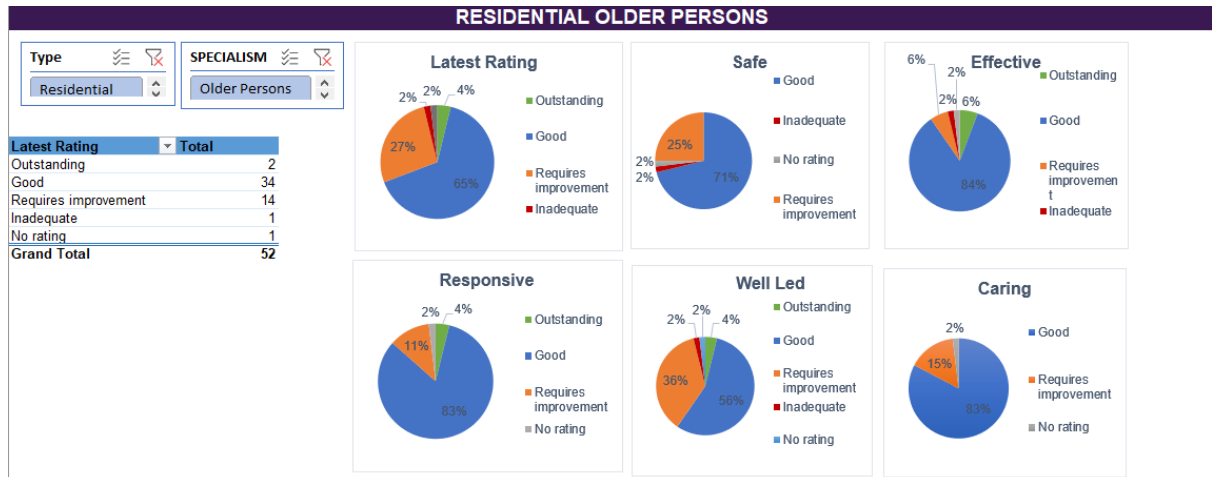
As a result of the pandemic and the current occupancy levels in care homes, both commissioners and providers acknowledge a need to take action to ensure the long term financial viability of the care home market in Barnsley. Over the next 12 months commissioners will start work with care home providers to strategically manage the market and with the aim of increasing occupancy levels in care homes to around 90% through the reduction in overall bed numbers.

AJC shared a new approach they have developed to inform contract monitoring. This is being used for both older persons residential care and homecare. It involves monitoring key data and intelligence around the latest CQC ratings, occupancy levels and registered manager status amongst others.

The average occupancy levels recorded on our performance framework was 83%. Our Business Intelligence colleagues said this data is taken from the capacity tracker completed by providers. It excludes rates from those who have not provided data. Whilst the current return shows a significant improvement over previous available figures (71% recorded in 2021) it is based on a partial return and some caution should be exercised in considering this information. It may for example be the case that providers with stretched resources do not prioritise the completion of the return.

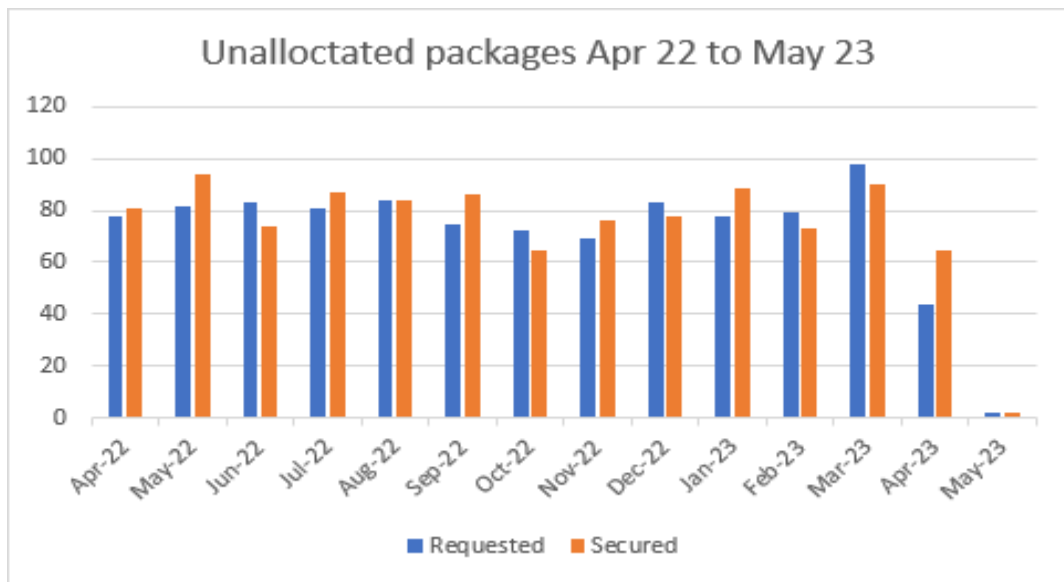


The new contract monitoring approach is designed to look at the current picture. It does not give details of how measures have changed over time. The QASI have used data regularly published by the CQC to highlight some of the areas above and shared this with AJC. This should ensure the data is accurate and remove the need for manual work to be done by AJC. A screenshot examples are shown below.

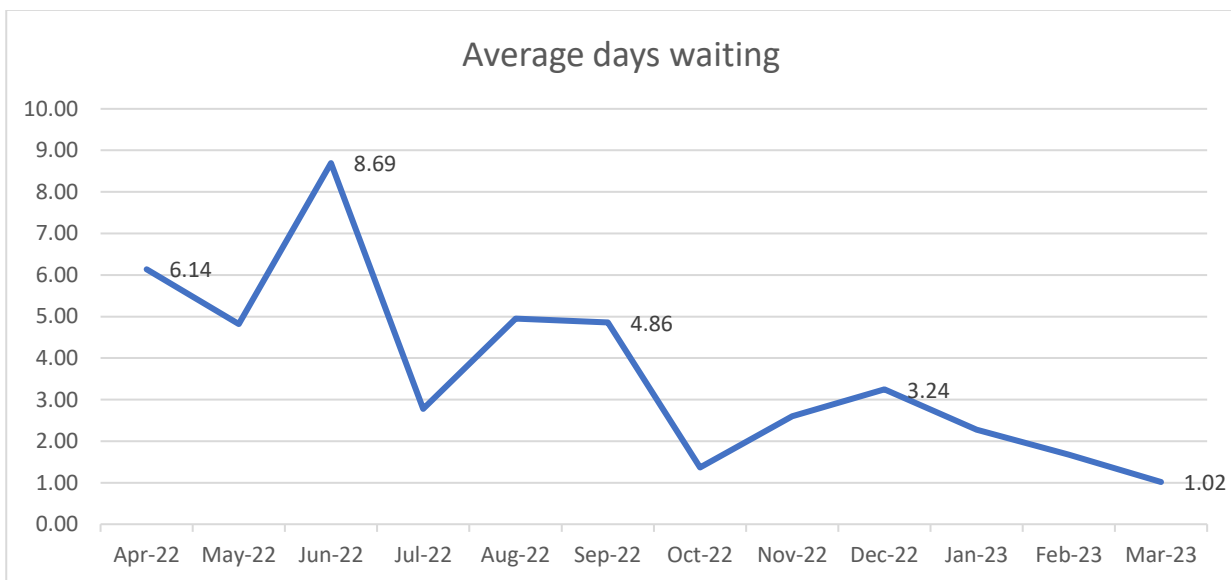


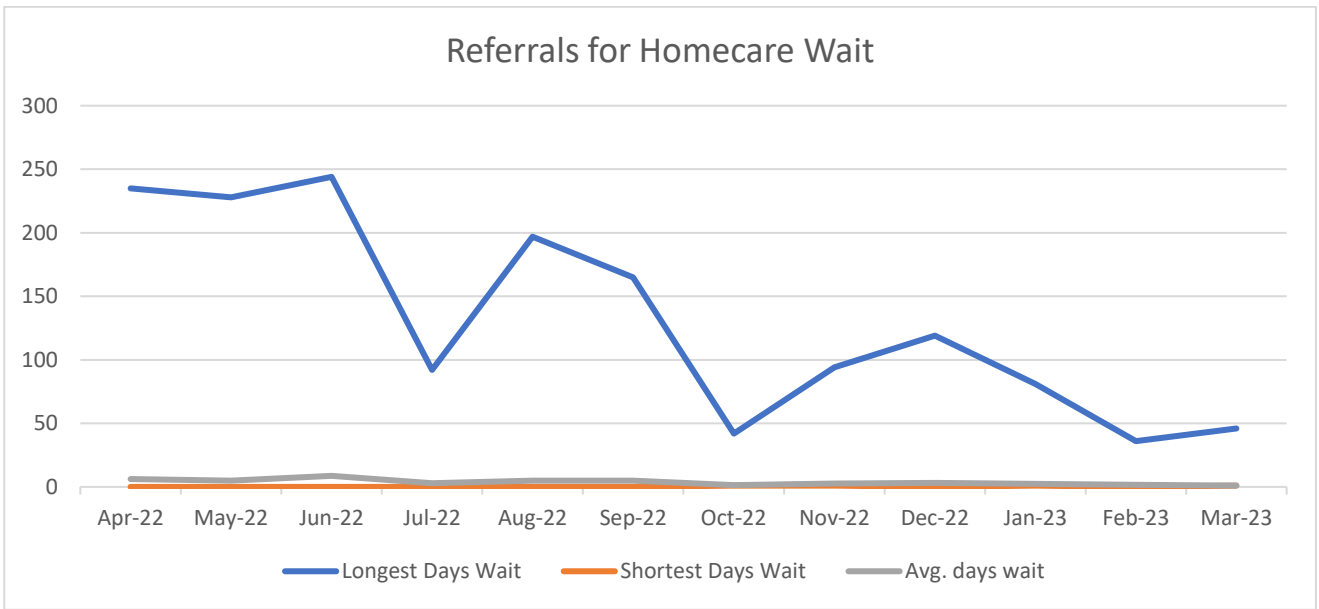
Homecare

The homecare market in Barnsley has consistently responded well to new requests for homecare or uplifts for existing service users. At the time of this self-assessment only 5 people were waiting for homecare and requests were being fulfilled quickly.



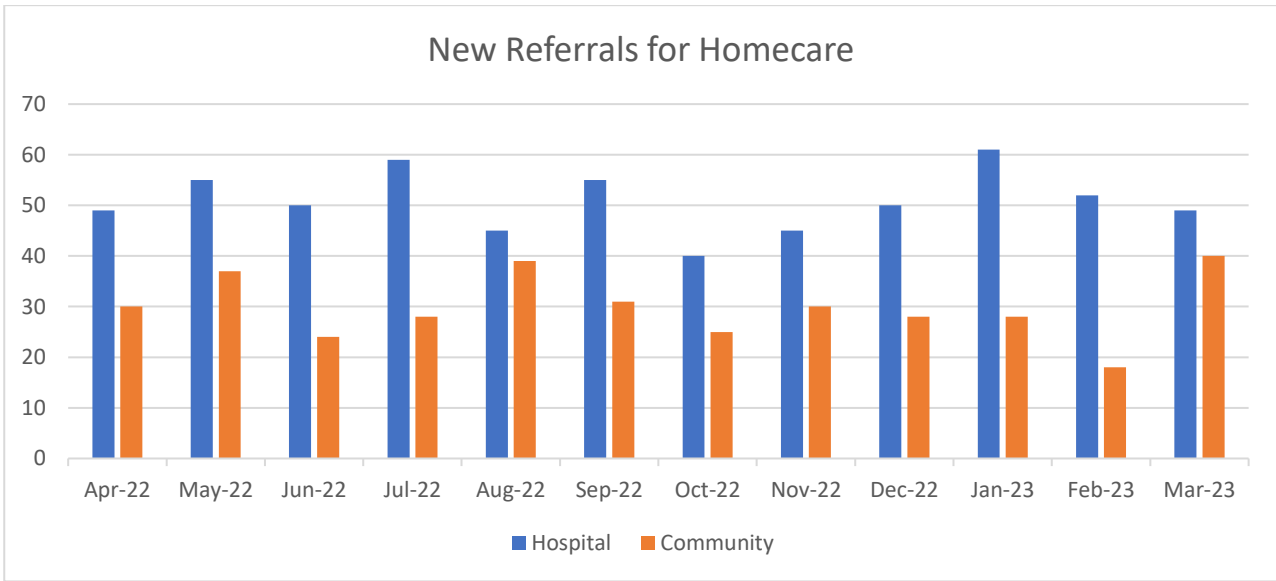
The graph above shows how effective the market has responded to requested homecare packages. The timeliness of securing packages has also improved.



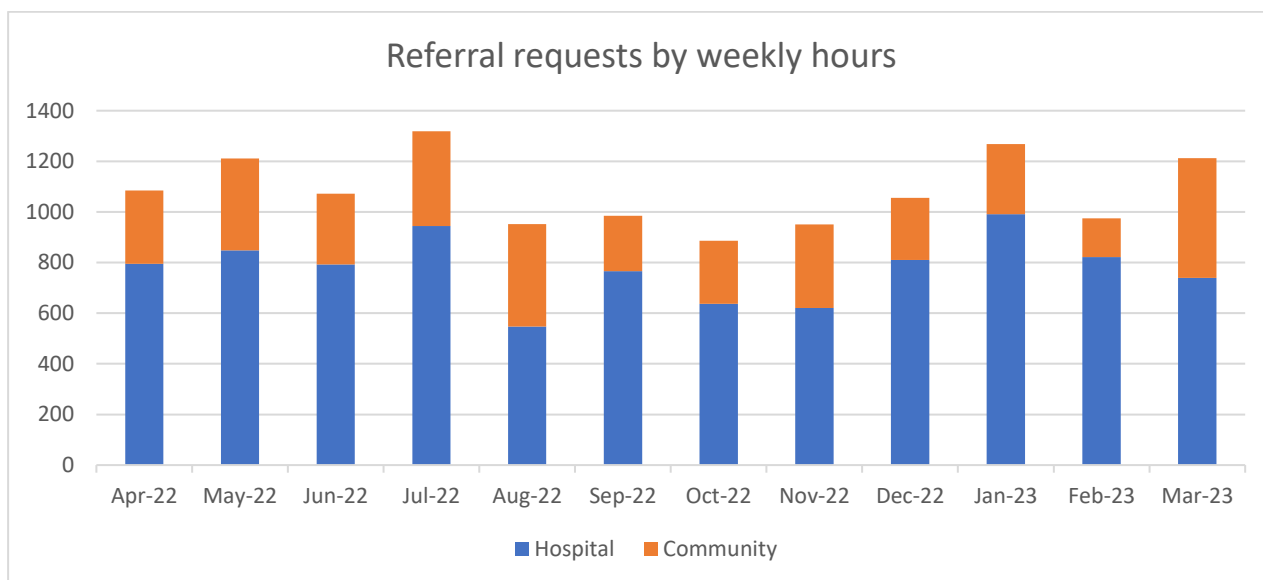


Across the period the average wait has reduced from 6.14 days to 1.02 days. At March 2023 the longest a person had to wait was 46 days compared to 235 back in April 2022.

Almost twice as many people are referred from hospital than the community.



Over the period the hospital referred 610 people for homecare. In the same period 358 people were referred from community social work teams. The hospital requested accounted for almost two thirds more weekly hours than community teams.



Over the period the hospital referrals requested 9313 weekly hours of care on behalf of people. Community referrals requested 3658 weekly hours.

The retendered Support to Live at Home (STLAH) contract has brought approximately 50 providers into contracting arrangements with the council. Provision was previously spot purchased with many of these providers. No evidence of consultation with people and families was provided for the re-tendering of the Support To Live at Home (STLAH) contract. It was stated that this would be done as part of contract monitoring. At the time of this self-assessment no evidence of this was available. It would be better if there was much consistently stronger evidence of how feedback from people and families had informed the commissioning or re-tendering of the service.

Day Opportunities and Carer Breaks

AJC shared work they had undertaken to review the Community health and wellbeing centres. These services aim to improve quality of life, reduce social isolation and promote wellbeing. As part of this consultation had taken place with people and families with 41 people responding to survey questions.

The thematic review of carers analysed the care and support provided. Carers told us that getting a break from their caring role is the priority for them. The analysis found that supported was provided in 456 cases to 390 people. The range of support was found to be very narrow focusing mostly on residential respite which made up 61% of all the support provisioned

(280). It was recognized that this is a promise of support which is only realised when used. Daycare (46) made up 10% of all the support. Homecare, sitting services and shared lives were only used by very small numbers of people and carers.

In March 2023 the findings from the review and a draft framework for co-producing new carers break offer was shared with a group of local people. The group have agreed to work alongside staff from ASC and AJC over the next 6 months to co-produce new carers break offer. This will help to ensure that we have a more appropriate offer which better meets the needs and requirements of carers.

Embargoes

AJC regularly email a list of providers under embargo to staff in ASC. This helps colleagues understand the quality issues and provider restrictions. AJC have provided a link to where these have been saved. Access to this folder is largely restricted to people in the team. It would be

better if AJC were able to send a link to the live document / current version folder to staff. This would reduce the risk that staff are viewing an out-of-date version of a physical document. It would be better if a marker or restriction was visible on the case management system. This would remind staff that a provider they may be looking to provision with was under embargo or restricted provisioning arrangements were in place. It would be better if there was evidence that the number, type and specific providers under embargo was being tracked and reported on. It would be better if AJC were able to evidence how their contract monitoring procedures or equivalent were informing the approach to embargoes and governance of decision making.

Workforce capacity and capability

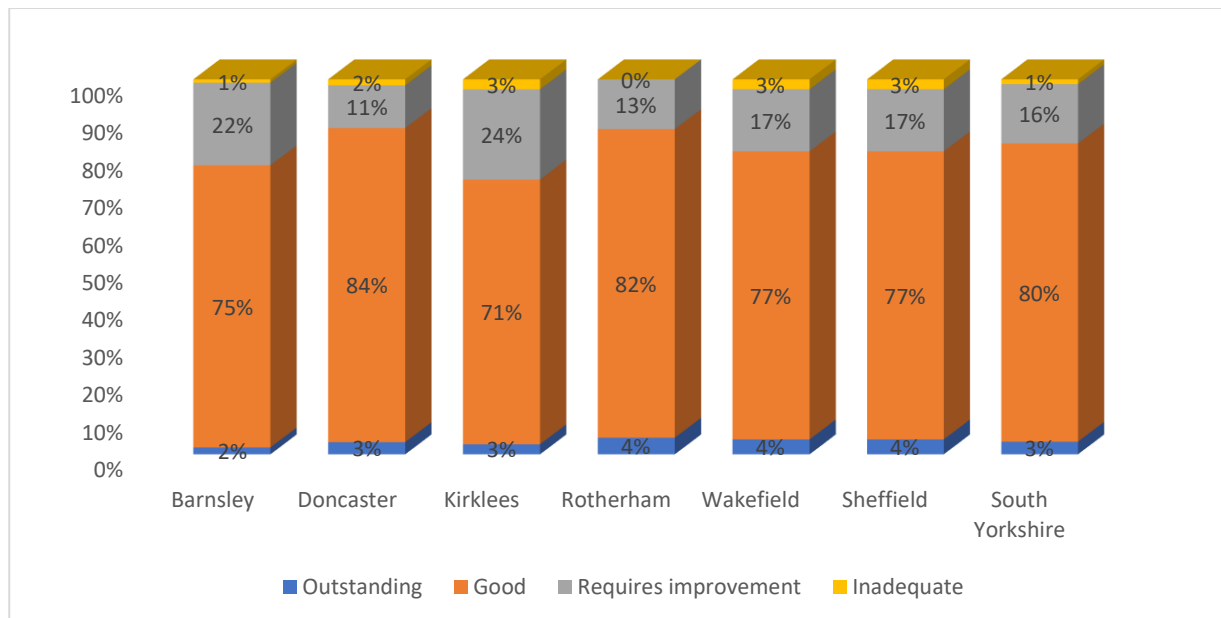
People working in the care sector play a central role in providing high quality services. Local authorities must consider how to help foster, enhance and appropriately incentivise this vital workforce to underpin effective, high-quality services.

Local authorities should consider, in particular, how to encourage training and development for the care and support workforce, including for the management of care services, through, for example, national standards recommended by [Skills for Care](#):

Local authorities should consider encouraging the training and development of care worker staff to at least the standard of the emerging [Care Certificate](#) currently being developed by Health Education England, Skills for Care and Skills for Health.

Care Quality Commission (CQC) ratings of providers

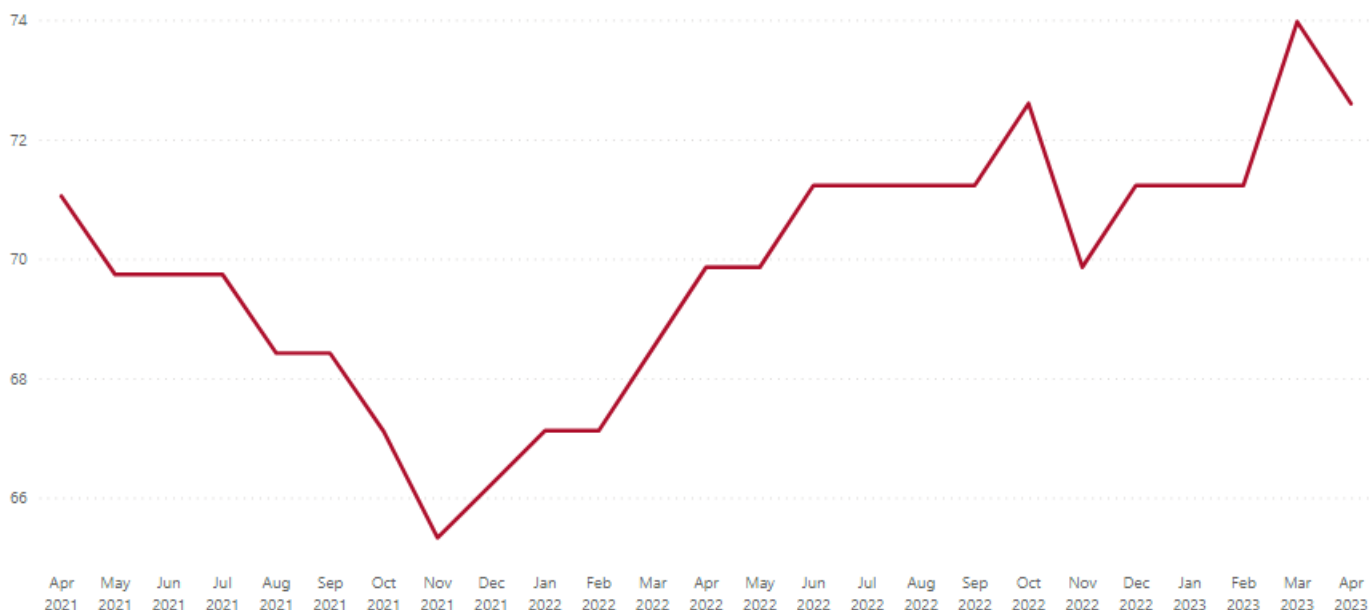
The Care Quality Commission (CQC) ratings are one of the ways we can get an objective sense of people in Barnsley access to good care and support. Our new performance framework has measures around CQC ratings. Our AJC team also keep a number of contract monitoring records locally which allow them to track these. The starting point for this analysis has been the data published by the CQC up to March 2023 which can be found here <https://www.cqc.org.uk/about-us/transparency/using-cqc-data>. At this time Barnsley had 77% of its provision rated good or outstanding. The regional average was 83%.



More up to date information from our draft performance framework suggests an improving picture.

Select Indicator:

ASC_PF48 - Percentage of care home providers rated good or outstanding



The graph above suggests that since November 2021 Good or outstanding CQC ratings for care home providers in Barnsley has increased from 65% to 73%. The framework presented a similar improvement for homecare providers. The recent improvements in occupancy could help providers make further improvements.

Proud to Care Hub

Barnsley Council and an alliance of partners have launched the Proud to Care Hub.

<https://www.barnsley.gov.uk/services/jobs/proud-to-care-working-in-care-in-barnsley/>.

Sessions were held with providers in October 2022. Funding has been provided from the Integrated Care Board to take a lead on workforce across social care. The Service Director for AJC said that work was being completed to establish a Governance framework for managing a new workforce plan and the actions to realise these ambitions.

Princes Trust Scheme

The Council submitted a proposal on behalf of the care partnership academy to support up to 70 young people aged 18-30 into the Health and Care sector. The proposal outlined a model which involved people achieving a passport through the development of key competencies, work experience and the achievement of a care certificate. People would be support into employment through assistance with their applications, interviews and favourable recruitment and selection process. At the time of this self-assessment the Skills and Qualification manager reported that 13 learners had started the programme with 8 people successfully completing the full course and qualifications. A new cohort was due to start in late April / early May 2023. It was stated that work focussed on the hardest to reach learners who have multiple barriers to overcome.

AJC suggested that 1 person had been helped into employment. The Skills and Qualification Manager was unable to confirm this stating that they simply managed the training delivery element. It would be better if someone was able to conclusively track and monitor the benefits associated with the programme, particularly people being helped into employment (in line with the purpose of the scheme).

Skills for Care Data

AJC were asked to supply evidence of how Skills for Care Data was used to support workforce planning. The MPS contains a section on workforce which sets out how some of the data has been used.

Workforce

In Barnsley there are an estimated 6700 jobs in adult social care, split between:

- local authorities (7%)
- independent sector providers (76%)
- jobs working for direct payment recipients (17%)

Skills, recruitment and retention

Skills for Care estimates that the staff turnover rate in Barnsley was 33.0%, which was similar to the region average of 28.7% and similar to England at 29.5% (data as of October 2021).

We'll be inviting all providers to work with us to develop a Health and Social Care Academy that will offer support to the care sector in improving workforce skills, recruitment and retention.

Through a Better Lives Programme there will be development work for all staff to embed asset based approaches, using strength based conversations and improve the quality of care across the borough.

The local authority has recently made a commitment to ensuring direct care staff working as part of council contracts are paid £1 above the national living wage. There is an acknowledgement that care delivery and the quality of care is significantly affected by issues with recruitment and retention and we have seen a further decline as a result of the COVID-19 pandemic.

A summary of engagement with the Workforce Data set was also shared.

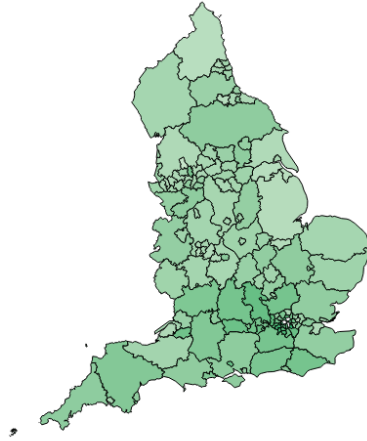


It was asserted that Skills for Care representatives had attended provider engagement events to try and increase completion rates.

The Skills for Care Workforce data set contains data on elements like pay, qualifications and vacancies. This can be broken down by council area and compared with other areas. This was last updated in 2021/2022 and is due to be refreshed in October 2023.¹³

¹³<https://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/publications/local-information/My-local-area.aspx> , <https://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/documents/Local-authority-area-summary-reports/Yorkshire-and-Humber/2022/Barnsley-Summary.pdf>

Use the drop down menu above to select the areas you want to see. To clear your selection click the reset filters button above.



Average hourly pay

Region	Local authority	£
	Sandwell	£9.42
	Warwickshire	£9.42
	Stoke on Trent	£9.38
	Wolverhampton	£9.37
	Birmingham	£9.30
	Solihull	£9.30
	Dudley	£9.24
Yorkshire and the Humber	North Yorkshire	£9.69
	York	£9.61
	Leeds	£9.58
	Doncaster	£9.52
	Barnsley	£9.51
	Wakefield	£9.48
	Bradford	£9.47
	Kingston upon Hull	£9.44
	Rotherham	£9.44
	Calderdale	£9.41
	Kirklees	£9.38
Sheffield	£9.38	
East Riding of Yorkshire	£9.33	
North Lincolnshire	£9.25	
North East Lincolnshire	£9.23	

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 [Summary and key findings](#) |
 [Employment overview](#) |
 [Recruitment and retention](#) |
 [Demographics](#) |
 [Pay](#) |
 [Qualifications and training](#)

Summary of the adult social care workforce Download PowerPoint

This summary of the adult social care workforce in **Barnsley** includes data from the **whole adult social care sector**: local authorities, the independent sector, posts working for direct payment recipients and those working in the NHS. **Please note that the other pages refer to filled posts in the local authority and independent sector only.**

There were **6,700** filled posts in **Barnsley**.

Employers

116

CQC regulated establishments in **Barnsley** in addition to other services not regulated by CQC.

There were also an estimated **275** direct payment recipients employing their own staff.

Filled posts by service

Select a view: Service Sector

There were **5,700** filled posts in Barnsley in the **local authority and independent sector**. These included:

- 4,100** Direct care
- 475** Managerial
- 175** Regulated professionals
- 950** in other job roles including ancillary and administrative staff

The papers submitted by AJC for the Care Academy / Proud to Care approach from January 2021 showed how some of these data insights were being used to underpin proposals for a change in approach. No further evidence was submitted to show how this has been subsequently used.


Integration and partnership working

For people to receive high quality health and care and support, local organisations need to work in a more joined-up way, to eliminate the disjointed care that is a source of frustration to people and staff, and which often results in poor care, with a negative impact on health and wellbeing. The vision is for integrated care and support that is person-centred, tailored to the needs and preferences of those needing care and support, carers and families. ¹⁴

¹⁴ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#integration-and-partnership-working> , 15.1

In July 2022 the Director of Adult Social Care (DASS) was successful in becoming the Executive Place Director for Barnsley. This is an opportunity to drive forward the integration agenda and ensure that social care as a strong voice in these discussions.

Executive Place Director for Barnsley – Wendy Lowder



Having started as a volunteer, Wendy qualified as a Learning Disability Nurse and then spent a number of years in the voluntary sector with responsibility for a range of services from employment to care and support. Since 2003 she has worked in Local Government in a range of leadership roles including personalisation, digital, social care and commissioning. She is currently the Executive Director of Adult Social Care and Communities in Barnsley Council.

Wendy will continue to be responsible for Adult Social Care in Barnsley, with her title as Executive Director of Place Health and Adult Social Care.

The Executive Place Director now leads regular Health and Care Senior Management Team (SMT) meetings. This enables senior leaders from health and care to jointly consider relevant business items. It is promoting a greater awareness of the strengths, challenges and opportunities which exist for different health and care areas. It is also helping to bring different perspectives and ideas to discussions and allowing members to think strategically about health and care.

In recent months colleagues from across health and care have been working together on a joint review of intermediate care provision. This is a vital for helping people to regain lost skills , abilities and confidence in a joined up way. It is one of the key ways that the health and care community in Barnsley helps to support people at home for longer. There has also been joint working on the Barnsley Older Persons Physical Activity (BOPPA) Programme. This programme helps to reduce falls and hospital admissions and has been shortlisted for a Local Government Association (LGA) award. Barnsley has a joint commissioning team for adults and commissioners said that homecare, residential and nursing care are jointly commissioned. There was a lack of evidence offered around future ambitions for joint commissioning. No evidence was offered relating to specific future joint commissioning strategies or current protocols. It would be better if it was clearer what the ambitions are in this area and what plans are being developed to realise these.

Health and Wellbeing Strategy

Wellbeing is at the core of our work. Our [Health and Wellbeing Strategy](#) sets out how we will respond to challenges in Barnsley, focusing on helping people to start well, live well and age well.

We want to prevent people from needing long-term care and support services wherever possible. This can be through access to easy-to-understand information, advice, and early help and preventative services. Early help is all about giving people the help they need as soon as possible and supporting people, families, and communities to do more for themselves.

People may need early help at any point in their life. It can involve interventions early on in life and early in the development of a problem. Giving people access to information and advice may help them think about their future and plan.

We all need to consider our needs in the coming years and how we can help ourselves stay

healthy, fit and well. We know that people live longer and have healthier lives if they have a good network of family and friends. That isn't the case for everyone, unfortunately.

CQC Theme 3: Safe Systems

The safety theme covers;

- Section 42 safeguarding enquires
- Reviews
- Safe systems
- Continuity of care

This self-assessment has examined elements of these and found the following.

Our key strengths and achievements

- Increase in number of safeguarding concerns received from friends, families and neighbours
- Safeguarding Resources and guidance web pages
- Support and challenge from Safeguarding Board and subgroups
- Implementation of a new preparing for adulthood team and pathway.

Key areas for improvement

- External Review – responding to findings from review
- Serious Adult Reviews- auditing changes in practice and impact for people
- Transitions Team – assessing impact of new team against issues identified in the thematic review.

Safety is a cross-cutting theme which overlaps with working with people, providing support and leadership. The areas highlighted below are those which have not been explored in earlier sections.

Pathways and transition

In 2022 findings from a transitions review were shared with colleagues across the council. This review examined the support given to young people by ASC. The review identified a number of challenges, including;

- Transitions Protocol did not appear to be systematically embedded,
- Late notification of transition
- Transition in adult social care was often based on services and not needs (contrary to the Care Act).

In response to this and other findings, a number of changes have been made by the service as part of the Better Lives Programme. This includes the creation of a new Preparing for Adulthood Team (PFA).

It is recommended that some of the findings from the review are revisited to assess the impact of the changes.

Safeguarding

Barnsley Safeguarding Adults Board helps to support and challenge professionals and volunteers working across the borough. It has a website dedicated to this.

This gives people access to training and safeguarding resources like policies and procedures. These cover themes like self-neglect and hoarding, financial abuse, modern slavery and risk assessments. The Safeguarding Board is supported by various subgroups on performance management and quality assurance and policies and partnerships. One of the key issues identified has been around the availability of key pieces of data and intelligence. The Director of Adult Social Care (DASS) has met with colleagues from Business Intelligence to explore how the gaps might best be met. At the time of this self-assessment it was not clear what actions would be taken forward to help resolve the identified issues.

The Safeguarding Board Manager helped to design and agree our critical success factor relating to safeguarding concerns. Whilst the partnership is well sighted on concerns from care homes it gets much fewer from people in their own home. A target was set to increase this and promotional activity has been delivered to help raise awareness. Last year 64 concerns were raised by friends, neighbours, relatives and unpaid carers so a target of 70 was agreed. In 2022/23 it was reported that 131 concerns were received which is almost double the target.

In late 2022 and early 2023, the Quality Assurance and Service Improvement Team (QASI), Service Managers and Safeguarding Board Manager worked with an external consultant to review our approach to managing third party led safeguarding enquiries. At the time of this self-assessment, a draft report had been shared with colleagues, but actions in response to this are still being agreed. Some of the issues identified included:

- Too little consideration given to risks of organisational abuse or links to other risk management process such as provider concerns frameworks.
- The police investigations in the cases audited did not meet the policy outcomes expectations or apply their legal duties to complete proportionate enquiry / criminal investigations. In failing to do so, they made it more likely that the perpetrator would continue to abuse adults at risk. A senior police officer has agreed to review the two cases, and actions will be completed in line with police powers.
- There is no evidence that the outcomes of s42 enquiries feedback to the ICB and acute hospital trusts in respect of learning that might improve the hospital discharge process. At the final meeting, mental health leads explained that they were currently developing a process to enable a more robust feedback loop and that this could also include reporting mechanisms to the BSAB's PMQA.

The council's management team are meeting to decide how best to respond to these findings and recommended actions.

Managers in Adult Social Care and the Safeguarding Board Manager explained that actions in response to Serious Adult Reviews (SAR's) are reported to the Safeguarding Board Manager. The Safeguarding Board Manager attended an extended managers meeting in early 2023 to share learning of SAR's with staff from across adult social care teams. The board manager shared copies of the action plans and said that engagement and progress has generally been good. How the actions have influenced and changed practice is less clear. It is recommended that during 2023 the Quality Assurance and Service Improvement Team (QASI) select key themes from the SARs and review practice against these to assess what progress has been made.

Theme 4: Leadership

This theme covers;

- Strategic planning
- Learning
- Improvement
- Innovation
- Governance,
- Management and Sustainability

The self assessment has examined evidence relating to a number of these areas. It should be noted that leadership is a cross-cutting theme which overlaps with working with people, providing support and safety. Highlighted below are some specific areas not picked up within earlier sections.

Our key strengths and achievements

- Positive feedback from staff through the social work healthcheck
- Positive Feedback from Social Work Staff from the staff survey
- Commitment to learning, reflection and investment in change
- New approach to procedures – providing clarity for staff and managers
- Progress made with inspection readiness – roles and responsibilities and welcome pack

Key areas for improvement

- Staff Survey – AJC areas for improvement need particular attention
- Quality Assurance – more focus on the impact of changes to practice and processes.
- Data and Intelligence – implementation of performance framework and associated improvements
- Transitions Team – assessing impact of new team against issues identified in the thematic review.
- Need to develop best practice examples to show case our work.

Culture and learning

The Social Work Health Check led by the Principal Social Work (PSW) provides positive feedback about the experience of social work. Since 2018 significant efforts have been made to create a culture of reflection and continuous development. The regular practice audits were paused during covid. Workforce pressures have led to a reluctance to restart these. It would be better if practice audits were being regularly completed to continue to increase confidence that a culture of continuous reflection and improvement was being fostered. It would be better if there was more evidence of the actual changes the discovery work had led to and what impact these have had on the lives of citizens in Barnsley.

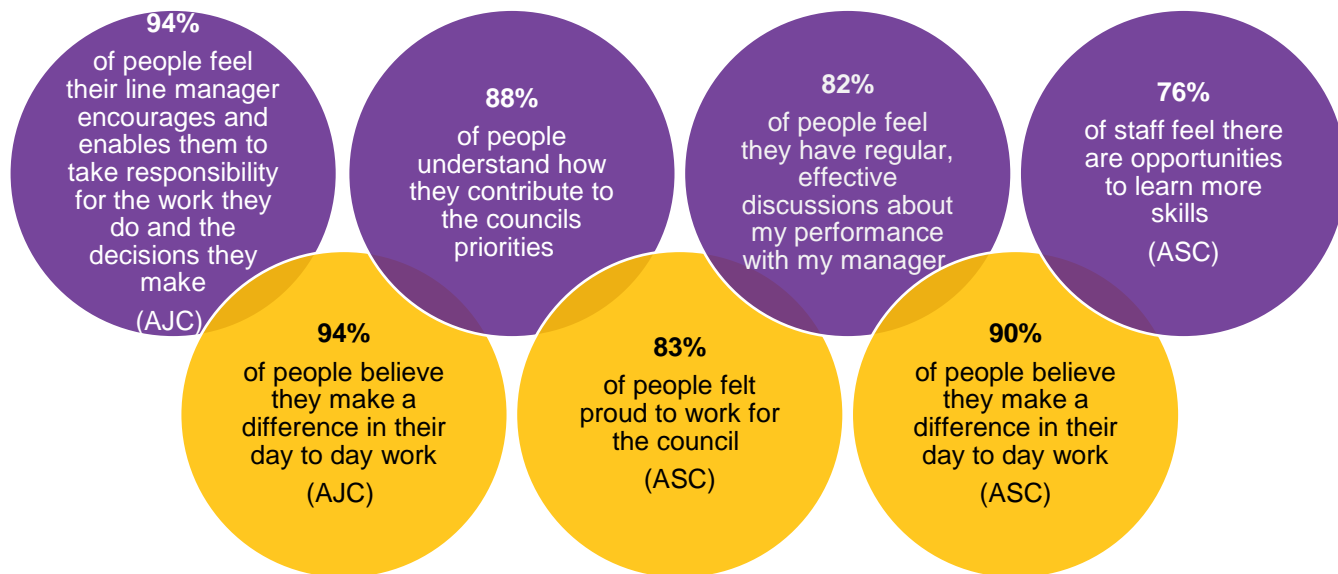
A review of our approach to policies and procedures by the Quality Assurance and Service Improvement Team (QASI) found that we had large numbers of documents which were not consistently informing practice in a positive way. We have now implemented a new online

solution <https://barnsleyadults.trixonline.co.uk/> which has enabled us to reduce our documents from 391 to 259. Good progress has also been made with the local procedures element of this approach and we expect the majority of documents to be available to staff by June 2023.

Staff Survey

During September 2022 an employee satisfaction survey was completed across the council. Approximately 176 staff from Adult Social Care completed the survey was 176 employees which accounted for 56% of the workforce. The survey results identified a number of positive areas, with levels of satisfaction above the council average. A selection of these for both Adult Joint Commissioning and Adult Social Care are set out below.

Positive feedback (Top 7)



Below are areas where analysis identified improvements have been required.

Identified improvements (Top 7)



Staff and managers from across the directorate were asked to suggest actions which would help improve the identified areas. The Service Directors took suggestions to the Health and Care Senior Management Team Meeting. The agreed actions have now been added to the service improvement tracker. Progress with these is scrutinized on a monthly basis.

Social Work Health Check

The Social Worker Health check is an annual employer survey providing insight into our social work workforce. In 2022, 66 surveys were completed which represented 55% of the workforce employed as social care professionals within Adult Social Care.

Adult Social Care achieved an overall rating across the Employer Standards of green.

The survey highlighted the significant commitment of our workforce and a desire to make sure they continued professional development was maintained throughout the pandemic. The survey also demonstrates our continued commitment and desire to provide excellent services and evidenced informed practice. Areas for greater focus included safe workloads, case allocation, supervision and CPD towards professional standards. Our Principal Social Worker is leading these improvements moving forward. These will be managed through our workforce planning with an updated training and development offer as we continue to have a strong commitment to the developing our staff, focusing on recruitment and retention. As part of this we continue to be committed to the Social Work Apprenticeship Programme and building on our Progression Policy.



Assessed Supported Year in Employment (ASYE) - Review

A review of our ASYE approach found evidence that Barnsley has a good programme that helps Newly Qualified Social Workers (NQSW) develop from qualification to the expected standards.

NQSWs felt that the ASYE programme was a great year to ground and consolidate their practice. They noted **“fantastic support”** and a **“positive experience”**. Some concerns were raised about case load management, the consistency of support arrangements, and the impact of this

on NQSW's wellbeing and resilience. The Principal Social Worker discussed the following areas and suggestions with Team Managers and Heads of Service.

Areas for development, equality and diversity

- Consideration to be given to gathering data on EDI to support work in this area and inform if the programme is meeting the needs of people of varying ethnicities and ability.
- To continue to build the confidence of current BME Social workers to take on the role of ASYE Assessors.

Workload

- More meaningful protection of NQSW's workloads developed. NQSWs would like clarity and consistency in relation to caseloads. They would like a framework of what is expected of them based on complexity, the team context, and 'invisible' case work.

NQSWs and Transitions

- A greater appreciation of the impact of transitions pre, during and post ASYE and support around resilience.
- Consideration to be given to NQSWs potential need for a 'Wellbeing Check- In' at 3 -4 months, as responsibilities, pace of work and role start to change significantly.
- Consideration to be given to the allocation of a buddy for NQSWs where there is a gap in starting their employment and starting the ASYE, to best support consistency of support, perhaps an NQSW who has recently completed the programme.

Assessors

- Consideration to be given to Assessors preference not to take on the role as a long arm assessor, where possible.
- Assessors would welcome more support in relation to EDI as they didn't feel fully confident in what they could or should do if and when NQSWs had been discriminated against.
- Consideration given to using PQS Supervisor Standards as a tool to support Assessors to develop reflective skills needed.

KSS

- Wider promotion of KSS amongst NQSWs, Assessors and wider organisation.

The Principal Social Worker and her team are taking forward agreed actions for ASYE. These have been added to the Service Improvement Tracker and progress discussed on a monthly basis.

Improvement - Better Lives Programme

The Service Manager shared the Programme Plan and access to project folders containing highlight reports and project plans.

It would be better if the programme had some clearly defined benefits and a robust baseline. The benefits need to be specific, measurable, realistic, and time-based. The absence of benefits makes it difficult to easily describe the intended impact of the interventions and the vision for the future state. An absence of clearly defined benefits can cause significant challenges, including:

- Obscuring the business case for change
- Making it difficult to objectively assess the success/failure of change

- Narrative – clear benefits are ordinarily the thing which unifies project/programme teams around a shared sense of direction.
- Making it difficult to understand the rationale for prioritising one set of business changes over alternatives.

Performance

A whole range of performance information is provided to ASC and AJC to manage services and improvements effectively. These include a Monthly Performance Report (MPR), access power bi reports on safeguarding, training and development and caseloads.

The monthly performance report is the main tool used by senior managers to assess and review performance. This has a significant number of measures covering contacts, timeliness, provision, and outcomes.

It is difficult from this to see which are the key strategic areas where improvements are being sought. Some key operational areas are absent or don't have targets. For example, the MPR makes no mention of staffing measures like training and development and absence. People are ordinarily key components of an organisation's learning, development and innovation strategy. No reporting arrangements were found for scrutinising spend and performance for Disabled Facilities Grants (DFG).

The national ASCOFF measures are being reviewed, and new requirements around client-level data sets are being introduced. The BIIT is working with Better Lives and AJC to develop a new performance framework. The new performance framework has been developed and is due to go live in the spring / summer of 2023.

Leadership

As mentioned in the section on integration, in July 2022 the Director of Adult Social Care (DASS) was successful in becoming the Executive Place Director for Barnsley. In response to the establishment of the South Yorkshire Integrated Care Board new place based governance arrangements have been agreed for Barnsley.¹⁵ The involvement of local government in Integrated Care Systems and place-based partnerships can bring three key benefits. The first is the opportunity to join up health and social care at all levels in the system, creating better outcomes and a less fragmented experience for the public. The second is the potential to improve population health and wellbeing and tackle inequalities through the leadership of public health teams as well as NHS and local government acting together to address wider determinants of health such as housing, local planning, and education. Finally, the involvement of local government can enhance transparency and accountability through supporting engagement with local communities and providing local democratic oversight.

As part of the governance arrangements a Barnsley Place Committee has been established which has delegated authority from the Integrated Care Board (ICB) to make use of ICB resources in Barnsley.

The council has strong involvement from elected members most notably through regular briefings and more formal member scrutiny sessions. Through scrutiny, elected members have a session in July 2023 focusing on the performance of adult social care in 2022/23.

¹⁵ <https://barnsleymbc.moderngov.co.uk/documents/g8497/Public%20reports%20pack%20Wednesday%2008-Mar-2023%2010.00%20Cabinet.pdf?T=10> , p 63 - 71

The engagement from senior managers in Adult Social Care as part of this self assessment has been mixed. It would have been better if senior managers with key responsibilities had more consistently responded to requests for evidence in a timely manner. When the CQC arrive, Adult Social Care may only have hours, days or weeks to provide evidence. It would be better if there was a more consistent, timely and comprehensive response to evidence requests. It is recommended that responsible people are identified for the overall key themes as well as key specific information which sits underneath these.

Inspection Practicalities

The self-assessment focuses on trying to improve outcomes for people to make sure that we are assessment ready 365 days per year. This section explores what practical arrangements have been put in place to ensure we are ready to give the best possible account of ourselves and the work we do when the inspection notification arrives. This draws on the experience of colleagues in children's social care who are already subject to inspection.

Roles, responsibilities, and evidence sign off

A roles and responsibilities document has been drafted. This proposes that all evidence releases to the CQC require sign-off by the Director of Adult Social Care (DASS) or a Service Director in their absence. When inspection notifications are received, there is also an expectation that senior managers will clear their diaries to enable them to fully engage and focus on the inspection. Key contacts and seconds have been identified for a range of functions which support an inspection, including FM (ID Badges, room bookings, car parking, refreshments), IT (systems access, Laptops) and Business Intelligence (Data requests), amongst others.

List of bases and facilities and timetable templates

When conducting an inspection, the CQC may wish to visit staff working out in local areas and talk to them in a variety of places of work. A list of bases has been collated with HR, complete with address and details about facilities (car parking, contacts, wi-fi etc.). Inspection timetable templates have been developed to enable the management of people. Children's social care has provided letter templates and distribution lists to aid communication in the run-up to the inspection.

Welcome pack

Work has started to develop a welcome pack for inspectors visiting Barnsley. This is designed to give them a sense of our borough and make their short stay with us as seamless as possible. We are planning to include key information about the geography of the borough, the profile of residents, details about adult social care and key bases. In addition to this the pack will include maps of the main office base, links to the railway station and details of nearby hotels.

Mock interviews

We want to ensure that staff and senior managers are as confident and comfortable as possible talking to people external to the council about the work they do with people in Barnsley. The QASI have asked a current CQC Inspector to carry out a series of mock interviews with staff. Interviews have been booked with all senior managers starting with the DASS (on the 20 of March), Service Directors, Heads of Service and Service Managers. The inspector has been provided with details of identified areas for improvement to help questions be developed in a similar way to the CQC will follow Key Lines of Enquiry (KLOE). Sessions have been booked with

Team Managers, the Safeguarding Board Manager, commissioning managers and colleagues from Public Health. Staff focus groups will also be set up.

Best Practice Examples

A best practice call for evidence has been shared with senior managers and teams from across the council. The QASI are collating these and working with staff to develop profiles which link these to the CQC themes and standards

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Equality Impact Assessment

Preparedness for CQC Assurance

Stage 1 Details of the proposal

Name of service	Adult Social Care
Directorate	Adult Social Care and Health
Name of officer responsible for EIA	Dominic Armstrong
Name of senior sponsor	Julie Chapman
Description / purpose of proposal	CQC Self Assessment
Date EIA started	04/04/2023
Assessment Review date	Not applicable

Stage 2 - About the proposal

What is being proposed?	Service Improvement actions are taken forward following a self-assessment
Why is the proposal required?	The CQC have new powers to inspect local authorities adult social care. The actions are designed to ensure that services are improved and equality issues are addressed.
What will this proposal mean for customers?	The proposals should help improve our approach and the service people receive across the four CQC themes (working with people, providing support, safety, leadership).

Stage 3 - Preliminary screening process

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

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

Stage 4 - Scoping exercise - What do we know?

Data: Generic demographics

What generic data do you know?

Our borough profile <https://www.barnsley.gov.uk/media/17269/our-borough-profile-20190724.pdf> , and Market Position Statement <https://www.barnsley.gov.uk/services/our-council/our-strategies/adult-social-care-market-position-statement/> set out the generic data relating to Adult Social Care in Barnsley .

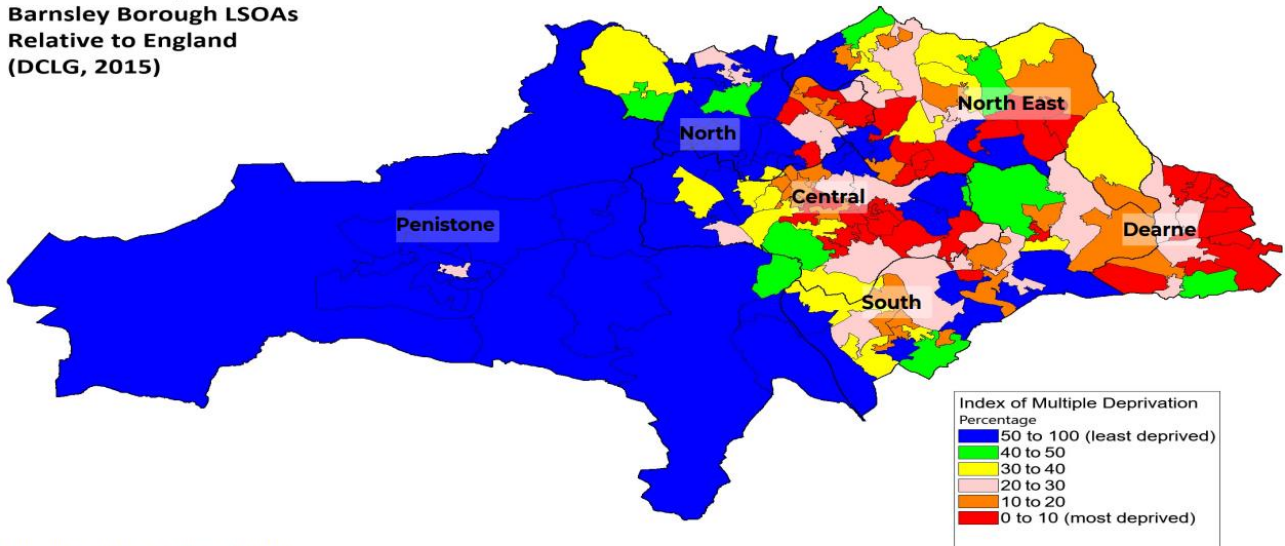
Data: Service data / feedback

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

The equalities issues around adult social care need to be understood more fully. There is a focus on inequalities in the new Integrated Care Board and sub boards but these are currently establishing themselves and it will take some time for them to establish data and feedback.

The index of multiple deprivation sets out some of the boroughs geographical challenges.

**Index of Multiple Deprivation 2015
Barnsley Borough LSOAs
Relative to England
(DCLG, 2015)**



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Ordnance Survey licence number: 100022264

The map shows that pockets of the Central, North East and Dearne and pockets to the South are more deprived than other areas. In terms of adult social care specifically we know that we seem more demand from these areas for assessments, care and support. We also know that people within these areas are disadvantaged by their age, condition or other factor like cognitive impairment. We know that people with a cognitive impairment may need a family member or independent person to advocate for them with regards to their wishes, preferences and outcomes, ensuring these are built into assessments, support planning and care and support. People with a sensory impairment or learning disability may also need help to with communications to play a fuller role in discussions about their needs and aspirations.

Our self assessment has examined how effective the council is at managing its resources to meet its responsibilities effectively. This has built on feedback we have received from people in our communities like older people, carers and working age adults. Improvements to how we manage resources effectively should help to assist us to address inequalities.

Data: Previous / similar EIA's

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

No

Data: Formal consultation

What information has been gathered from formal consultation?

There has been no formal consultation for this piece of work specifically. It does draw on consultation which has been completed previously like Adult Social Care User Survey, carers consultation and feedback from working age adults.

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Stage 5 - Potential impact on different groups

Considering the evidence above, state the likely impact the proposal will have on people with different protected characteristics
 (state if negative impact is substantial and highlight with **red text**)
 Negative (and potentially positive) impacts identified will need to form part of your action plan.

Protected characteristic	Negative '-'	Positive '+'	No impact	Don't know	Details
Sex			X		
Age		X			Actions have been recommended which should help with the management of resources and risks. This should benefit older people who may have care needs now or in the future.
Disabled <i>Learning disability, Physical disability, Sensory Impairment, Deaf People ,invisible illness, Mental Health etc</i>		X			Actions have been recommended which should help with the management of resources and risks. This should benefit disabled people who may have care needs now or in the future
Race			X		
Religion & Belief			X		
Sexual orientation			X		
Gender Reassignment			X		
Marriage / civil partnership		N/A	X		
Pregnancy / maternity			X		

Other groups you may want to consider

	Negative	Positive	No impact	Don't know	Details

Ex services				X	
Lower socio-economic				X	
Other ...				X	

Stage 6 - BMBC Minimum access standards

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

If not, move to Stage 7.

Please use the action plan to be taken to ensure the new service complies with reasonable adjustments for disabled people.

Not yet live

The proposal will meet the minimum access standards.

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

Stage 7 – Action plan

To improve your knowledge about the equality impact . . .

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

Action we will take:	Lead Officer	Completion date
Ensure Equality Impact Assessments are undertaken on appropriate adult joint commissioning work	Service Director Adult Joint Commissioning	01/12/2023 – Ongoing
An engagement strategy will be developed. As part of this a tender for a big conversation will be developed to get objective feedback from people	Service Director Adult Joint Commissioning	01/09/2023

To improve or mitigate the equality impact . . .

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

Action we will take:	Lead Officer	Completion date

Adult Social Care will develop a clear equitable approach to case load management and prioritisation of work	Service Director Adult Social Care	01/09/2023
Review of Information , advice and guidance	Service Director Adult Social Care	01/09/2023
Adult Joint Commissioning and Adult Social Care will establish provider and user group forums to collect feedback	Service Director Adult Social Care	01/09/2023

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

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

Action we will take:	Completion date
Not yet live	

Stage 8 – Assessment findings

Please summarise how different protected groups are likely to be affected

Summary of equality impact	The actions being taken forward are likely to have a positive impact on older and disabled people who access adult social care.
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Summary of next steps	The next steps are to consider the approach with council colleagues and implement any agreed actions.
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Signature (officer responsible for EIA) Date



07/04/2023

**** EIA now complete ****

Stage 9 – Assessment Review

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

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

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BARNSELEY METROPOLITAN BOROUGH COUNCIL

REPORT OF: Executive Director – Public Health & Communities

TITLE: Reprocurment of local Healthwatch & Complaints Advocacy Services

REPORT TO:	CABINET
Date of Meeting	12 July 2023
Cabinet Member Portfolio	Public Health and Communities
Key Decision	No
Public or Private	Public

Purpose of report

This report provides an overview of the business case for the provision of local Healthwatch and the Independent Health Complaints Advocacy (IHCA) service, both of which are statutory requirements. The contracts for both services are due to expire at the end of March 2024 and the business case provides recommendations for a recommission.

Council Plan priority

Healthy Barnsley

Recommendations

- Cabinet to approve the budget from Healthier Communities (BU8) for up to five years (3+1+1) for two statutory services.
- Cabinet to authorise officers within BMBC to approach the market to inform the procurement of local Healthwatch and the Health Complaints Advocacy Service from 1st April 2024.
- Cabinet to authorise the Executive Director of Public Health & Communities to have delegated authority to award the contract for the local Healthwatch and Complaints Advocacy provider following a competitive process.

1. INTRODUCTION

- 1.1 Healthwatch England is a committee of the Care Quality Commission that serves as an independent advocate for health and social care consumers. Local Healthwatch providers must be appointed by each local authority to

achieve the objectives of Healthwatch England in compliance with the Health & Social Care Act 2012. The primary goal of Healthwatch is to bring people's voices into the heart of commissioning and delivery, both nationally and locally, and to encourage health and social care services to listen to and engage people in decisions that affect them.

The Independent Health Complaints Advocacy (IHCA) is another statutory requirement of the Health & Social Care Act 2012, which is designed to provide information, advocacy, and support for people to pursue complaints about NHS and/or social care services.

The relationship between local Healthwatch and the Complaints Advocacy provider is critical, as the information they collect and share with each other contributes to the wider picture of people's experiences with Health and Social Care services.

- 1.2 Healthwatch Barnsley is the voice of the community and represents the local population. Its main objective is to engage with people and health and social care services, be independent, influence health and social care services, and provide information to help local people make choices about health and social care services. The service should also be easily accessible to everyone in the Barnsley borough and work closely with key decision-making boards to represent the community's interests.

The Independent Complaints Advocacy Service (known as ICAS) in Barnsley is designed to support people who wish to complain about the NHS or social care. The service empowers people by providing information and support, including an advocate where needed, to pursue complaints. ICAS supports the process of Local Resolution, where complaints are resolved as close as possible to the point of service that has caused dissatisfaction. Whilst Healthwatch does not provide advocacy or complaints specifically, the two services do refer clients to each other

2. PROPOSAL

- 2.1 The services are required to be in place as part of a statutory duty for the local authority, and the current contracts for both elements are due to come to an end on 31st March 2024.

Specifications for both services will be reviewed before going out to market to procure the two services from 1st April 2024 for a period of up to five years.

- 2.2. The proposal is based on the business case option 3;

To undertake a single tender process, that are released at the same time, but with separate specification defined in two 'lots' to ensure maximum cohesion between the two services but enabling different providers to bid if required.

This would be the preferred option moving forward, following advice from Strategic Procurement. It can ensure the highest quality submissions from

one or two preferred provider organisations, as well as maximising cohesion between the two services.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

Consultations have taken place with representatives of the Director of Finance (S151 Officer).

The proposal is to re-commission for the provision of local Healthwatch and the Independent Health Complaints Advocacy (IHCA) service, both of which are statutory requirements. The contracts for both services are due to expire at the end of March 2024.

The current commissioned services are provided by Barnsley CVS for Healthwatch and The Complaints advocacy services (ICAS) is provided by DIAL Barnsley. Both combined is an annual cost of £195,000. The contracts are funded £91,000 base budget and £104,000 from the Department of Health (CAS).

The contract will undertake a single tender process, that will be released at the same time, but with separate specification defined to ensure maximum cohesion between the two services.

The contracts have synergies with other services across the Authority and Efforts have been made in the last 12 months to strengthen connections, particularly with Social Care, both in terms of engagement opportunities, extending the reach, and creating more opportunities to influence and improve services, as well as conversations to promote a co-productive approach in health and social care. This will continue to be a priority as an essential element of the South Yorkshire ICAS arrangements.

Risk

The latest MTFS / Transformation Paper, which requires the Services of the Authority to undertake zero-based service reviews, covers a period to the financial year 2025/26 – the recommendation to re-commission this contract for an initial 5-year basis would extend beyond that period. As the contract is partly funded by external funding from the Department of Health, there is a risk that this funding could fall out over the duration of the contract, whilst this service is statutory, we may have to look at either reducing the level of service we provide or review non statutory services to fund the shortfall.

A Risk Assessment will also be undertaken as part of the development of the new service specification to identify any issues.

3.2 Legal

Advice and consultation will be undertaken with legal team.

3.3 Equality

Full Equality Impact Assessment has been completed for previous procurement exercise. As the services will essentially both remain the same, the EIA will be updated, but the previous findings will still apply;

Healthwatch is required to be the voice of the whole community, including groups with protected characteristics. ICAS is also expected to represent the whole communities for Complaints Advocacy. There are some groups of people united by protected characteristics who often experience a differential impact in relation to health and social care services for a number of reasons; lack of knowledge/understanding, barriers to access, ability to have their voice heard.

Healthwatch should promote engagement with the whole community in relation to the health and social care services operating in Barnsley. Both Healthwatch and ICAS should also improve the experience and accessibility of all health and social care services, particularly those with protected characteristics. ICAS should also ensure that these groups are support to challenge and complain about services they have experienced, but with which they are not satisfied.

3.4 Sustainability

Decision-making wheel completed



Healthwatch and Complaints Advocacy services both focus primarily on engaging and involving local people, and they will provide valuable insights and experiences of local health and social care services. Health inequalities affect people and communities in different ways, and some of these can be addressed through effective involvement and engagement within communities, which can also improve community cohesion and understanding. Insights can also be used to influence and improve service

planning and development, as well as really understanding the needs of different communities.

The sustainability wheel also demonstrates the positive impact in relation to 'Learning Barnsley' priority. Although the focus of both services is primarily around health and wellbeing, it was important to show that a key part of the involvement work includes providing information, support and advice. 'Education' and 'access to services' are two examples of wider factors that we know can have a positive impact on health and wellbeing

3.5 Employees

Healthwatch is hosted by Barnsley CVS and there are 4 paid staff (approx. 3.6 w.t.e.) as part of the core contract who would be subject to TUPE. They are employed in various roles relating to engagement, communications and management.

The Complaints Advocacy Service is delivered by DIAL Barnsley and there is 1 member of staff (0.8 w.t.e.) that would be subject to TUPE

All staff detailed are funded through their respective annual budgets.

3.6 Communications

Communications have been part of discussions regarding the delivery and function of both services over the last 12-18 months, and these have supported the development of the business case.

The Communications and Marketing team will support the team regarding the outcomes of the cabinet papers and any announcements arising from procurement results. Their primary objective is to ensure effective communication and dissemination of information to the public. By closely collaborating with partner communications teams, they ensure clear messaging and direct the public towards relevant services. Through strategic planning, they enhance public awareness, engagement, and understanding. By using various communication channels, such as social media, press releases, and website updates, the team ensures that the community is well-informed and able to access the necessary information about cabinet decisions and services.

4. CONSULTATION

Further engagement work is planned with the public to help shape the redevelopment of both specifications, but this will primarily be related to how both services engage and reach out to local groups. The statutory requirements remain the same, so only limited changes can be implemented.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Three options were identified within the business case for the two services. The analysis provides the Council with two other alternatives.

Option 1 to 'do nothing' was ruled out due to statutory requirements for the two services to be in place.

Option 2 was to undertake a joint commission for the two elements, which created some potential risks in ensuring the appropriate expertise and quality for one provider to deliver the two services, and was also ruled out on this basis.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The services are required to be in place as part of a statutory duty for the local authority, and the current contracts for both elements are due to come to an end on 31st March 2024.

It is five years since the services were last procured and although the market is still considered to be limited, a competitive tender process is preferred in line with procurement regulations

7. GLOSSARY

IHCA – Independent Health Complaints Advocacy

ICAS – Independent Complaints Advocacy Service

8. LIST OF APPENDICES

Appendix 1: Business Case

9. BACKGROUND PAPERS

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

10. REPORT SIGN OFF

Financial consultation & sign off	Finance Business Partner consulted and date on 1 st June 2023 <i>Vanessa Hunter</i>
Legal consultation & sign off	Legal Services officer consulted and date – on 2 nd June 2023 <i>Peter Wilson</i>

Report Author: Cath Bedford
Post: Public Health Principal (Communities)
Date: 28th June 2023

**Communities and Public Health Directorate
Healthier Communities
Healthwatch Barnsley
and
Independent Health Complaints Advocacy
15 May 2023**

1. Executive summary

This business case presents options for the re-procurement of Local Healthwatch and the Independent Health Complaints Advocacy Service (IHCA). In Barnsley, the latter is known as the Independent Complaints Advocacy Service (ICAS).

2. Introduction

The requirements for Healthwatch and IHCA were both established under the Health and Social Care Act 2012 to understand the needs, experiences and concerns of people who use health and social care services and to speak out on their behalf.

As a result of this legislation, every local authority in England has a statutory duty to commission the following;

- A local Healthwatch provider and
- An Independent Health Complaints Advocacy (IHCA) Service.

This forms part of the broader leadership role that local authorities have in health and care, as well as promoting wellbeing and tackling health inequalities as part of the promotion of public health.

3. Healthwatch England (HWE)

Healthwatch is a statutory committee of the independent regulator, the Care Quality Commission (CQC), and they act as the independent consumer champion for health and social care. Each local authority was given the remit to appoint an organisation to operate a local Healthwatch Organisation to achieve the requirements of Healthwatch England in compliance with the Health and Social Care Act 2012.

The role of Healthwatch is focused on bringing people's voices into the heart of commissioning and delivery, nationally and locally, and local Healthwatch should support councils and their partners to achieve health and care strategic aims and ambitions. In addition to seeking the views of the public, Healthwatch also encourages health and social care services to listen to and involve people in decisions that affect them.

The legislation sets out the role of Healthwatch England (HWE), which includes the following:

- Providing general advice and assistance in the arrangements of and carrying out of the statutory activities for local Healthwatch organisations.
- Making recommendations to local authorities about arrangements for statutory activities.
- Giving written notice to local authorities where there may be any concerns regarding the local delivery of statutory activities.
- Granting a licence to a local Healthwatch organisation for the authorised use of the Healthwatch trademark.
- Providing information and advice on the views of the people in relation to health or social care services and the views of local Healthwatch on improving standards to:
 - The secretary of state
 - The NHS commissioning board
 - NHS improvement
 - English local authorities
 - Care Quality Commission

Healthwatch England's role does not extend to monitoring the performance of Healthwatch provision. However, it does have the power to issue a written notice to a local authority if Healthwatch England decides that such provision is not being carried out correctly.

Healthwatch England publishes annual reports providing an overview of their recent activity and future strategy and aims.

4. Independent Health Complaints Advocacy (IHCA)

It is also a statutory requirement to have a service that supports Complaints Advocacy for Health and Social Care services as part of the Health and Social Care Act 2012 legislation. The service is designed to provide information, advocacy and support to enable people to pursue a complaint about a NHS and/or social care service.

The relationship between local Healthwatch and the Complaints Advocacy provider is very important, as the information they gather, and share with each other, contributes to the wider picture of people's experience of Health and Social Care services.

Therefore, the contracts for each of these services should encourage them to build good relationships and share relevant intelligence and links with other local services.

5. Local Healthwatch

The local Healthwatch offer should be the voice of the community and aim to influence services in direct response to feedback from local people in relation to both health and social care services. They will also serve local people as a signposting service regarding their health and social care choices.

Healthwatch Barnsley must be highly visible and easily accessible to all individuals within the Barnsley borough. They will be represented on the Health and Wellbeing Board and Integrated Care System Board at a South Yorkshire level, and the Barnsley Place Partnership Board to influence key decisions and directly represent the local community.

The service must be dynamic and responsive, representing the local population and linking them to health and social care providers. The provider must take steps to embed the service so that it is an integral part of the health and social care landscape and is valued by residents and professionals alike.

Local Healthwatch has a number of statutory requirements, which can be summarised under the following headings, all with a view to addressing Health inequalities and transforming health and social care services;

- **Engage;** with local people and with health and social care services, commissioners and stakeholders
- **Be Independent;** in voice, purpose and action
- **Influence;** health and social care services, Healthwatch England and the CQC
- **Signpost, advise and inform;** to help local people make choices about health and social care services

Although not a statutory activity, **‘Enter and View’** is a legal power of entry, and it is one way that Healthwatch can carry out engagement activity. Whether and when to use it is a decision for Healthwatch.

6. Local ICAS

In Barnsley, the service provides complaints advocacy for a range of health and social care services. The local service is known as the Independent Complaints Advocacy Service (ICAS).

The role of ICAS is;

- To empower people by providing them with information that enables them to decide to pursue a complaint about the NHS and/or social care.
- To provide an advocate, where needed, to support them in pursuing their complaint.
- To support the process of Local Resolution, where clients and service staff work together to resolve complaints at a point as close as possible to the point of service that has caused dissatisfaction.
- Whilst it may deal with complaints, Healthwatch does not provide any advocacy, but there is potential to refer between the two services.

ICAS has a number of responsibilities summarised as follows;

- **Independence** - ICAS is not tied to, nor controlled by, the NHS or the Local Authority, enabling ICAS to work solely on behalf of its clients.
- **Partnership** - ICAS supports the aspirations of the Health and Social Care Act 2012 in improving the patient experience by working with all stakeholders to promote positive change in health and social care services.
- **Confidentiality** - ICAS treats all client interactions as confidential, in line with ICAS provider’s confidentiality policies.
- **Value for Money** - Organisations providing ICAS should demonstrate and deliver the ICAS Service using the principles of value for money; Economy, Efficiency, Effectiveness
- **Service Location and Access** - The Service will ensure that it caters for the needs of the people of Barnsley.

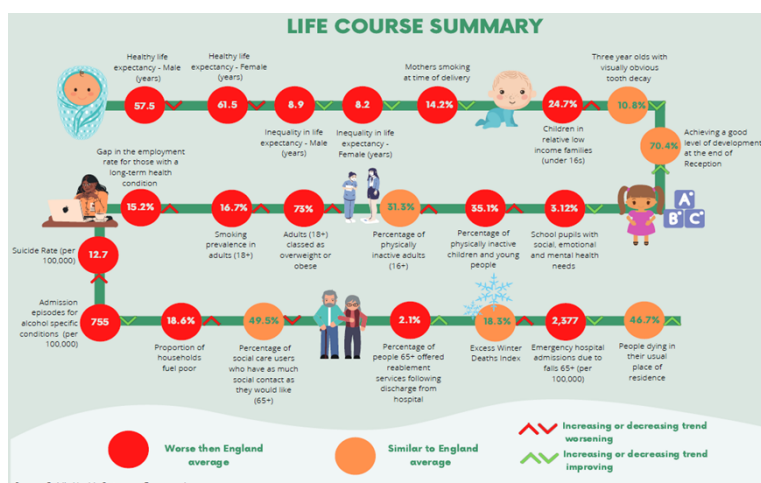
7. Evidence Base

Aside from the statutory requirement for local authorities to have a local Healthwatch and an independent service for complaints advocacy, the focus of the work to engage and influence health and care services should be underpinned by a focus on reducing health inequalities.

Health inequalities are
‘.....avoidable, unfair and systematic differences in health between
different groups of people’ (Kings Fund)

Health inequalities have been a focus for a number of years but more recently highlighted as part of Marmot’s report to Building Back Fairer (2020) following the COVID-19 pandemic. There is an acknowledgement that many of the factors that underpin wellbeing and increase resilience are often social and not medical, and a key function of Healthwatch should be around creating a range of co-produced solutions with local organisations and people.

Life expectancy and healthy life expectancy in Barnsley



Helping people access and influence health and social care is crucial to addressing inequalities. Complaints and advocacy support regarding a range of health and social care services can also inform the improvement agenda and ensure quality services for all.

8. Current position

Local Healthwatch services are generally delivered using one of two models across the UK;

- A 'standalone' organisation set up solely to run a specific Healthwatch and
- a 'hosted' approach where an organisation may deliver a range of services.

Healthwatch Barnsley is currently 'hosted' by Barnsley Community Voluntary Service (CVS) since it was formally procured in 2019, but also previous to that since 2015.

To date, however, Barnsley CVS have had minimal involvement or influence in the way that Healthwatch Barnsley has been delivered, with all staffing, budgeting and quarterly monitoring being managed directly by the local Healthwatch Manager, supported by the Healthwatch Board and staff team. In recent months, there has been a renewed interest from the 'host' organisation in the delivery and decision-making for Healthwatch Barnsley. This may impact the commissioning process and prospective providers to deliver the service in terms of developing relationships with existing (for other potential 'host' providers) and any decision-making and planning regarding the future delivery model.

The complaints advocacy service (ICAS) is commissioned separately with a different provider organisation: DIAL Barnsley. Although formally procured in 2019, DIAL has successfully provided the service since 2015. They support people with complaints advocacy from all NHS services except for any private consultations. This would include services from hospitals, GP, mental health and community health services, including NHS services for prisoners. All social care services for children and adults are also covered, apart from those supporting 'looked after children and adults who are self-funded.

The commissioning of complaints advocacy is not to be confused with general advocacy or mental health advocacy, which is a statutory requirement of the Care Act 2014. This remains a separate duty for Adult Social Care commissioning, and it is jointly funded through South Yorkshire Integrated Care Board. 'Rethink Advocacy' currently deliver this service, and they provide advocacy services for mental health and/or mental capacity (IMHA/IMCA.) Rethink is not commissioned to deal with complaints, distinguishing their role from ICAS, but both services may refer and signpost to each other.

9. Current performance

Both Healthwatch and DIAL were impacted significantly as a result of the pandemic, and so 2021-22 was the first year where they started face-to-face contact again, so some of the figures provided below are not necessarily a reflection of a 'normal' year. The most recent data for 2022-23 is the first full year out of the pandemic.

9.1 Healthwatch Barnsley

As part of a progress review in 2021, some questions were raised at Adults and Communities DMT regarding the focus of Healthwatch Barnsley, particularly on Adult Social Care priorities. A key action to address this was to develop and agree on a new service specification for the remainder of the contract. This incorporated the Healthwatch England Quality Assurance Framework that was recommended for use

by all local Healthwatch. Although not mandated, this had not previously been adopted in Barnsley and was put into place as a variation to the contract from 1 April 2022. Established KPIs and outcomes were adapted to fit into the framework, and improvements in progress continue to have been made in the last 12 months and include the following;

- New improved website with an additional feedback facility for service reviews, enabling more comments from service users and carers.
- Extended reach into communities by connecting with key organisations, e.g. Salvation Army, B:Friend, Older People’s isolation service, Barnsley College, Community Shop, Chilypep and CAMHS, to promote Healthwatch Barnsley. This has also included working with Area Teams to discover the local priorities for more targeted engagement.
- Established a place on the new NHS South Yorkshire Integrated Care Board (ICB) and working with other local Healthwatch providers across the ICS
- Increased social media presence and followers
- Improved working with the CQC to assist with inspection reports and intelligence on services before unannounced visits.
- Improved training and internal system reviews to meet the requirements of the Healthwatch England Quality Framework to support staff and volunteers.
- Providing feedback on some specific ASC areas of work, e.g. Local Account draft and co-production elements for Think Local Act Personal (TLAP)
- Also worked with Overview and Scrutiny Committee (OSC) on a task and finish group looking at sexual and reproductive health
- Focused efforts around hygiene poverty and support for More Money in your pocket
- Providing case studies and recommendations for improvement as part of the quarterly review meetings with Barnsley Council.

DETAILS	April 2021 – March 2022	April 2022 – March 2023
Numbers engaged/contacts	1589	1699
No. of people signposted	38	145
ICAS referrals	19	9
Responses to local surveys	193	924
Current no of members	160	n/a
Social media	n/a	3931 followers across FB, Twitter & Linked in
1:1 interviews with people who use the service.	0	114 (not included in engagements)
Events attended/promoted the work of HW	0	129
Service reviews	n/a	11
CQC inspection reports relating to Barnsley service providers	3	29
TOTAL	1998	6991

9.2 ICAS

The performance of the ICAS service is meeting current KPIs, and no specific concerns have been identified. However, due to the nature of the service focusing on Complaints Advocacy, it is challenging to create targets in terms of referrals or to predict the length of time required to try and find a resolution.

Nevertheless, there are opportunities for improvement, and it would be beneficial to strengthen connections with wider partners to ensure that they are maximising links to other services and support within the local community.

- ICAS usually receive over 30 new referrals each month and an ongoing caseload. The new referrals are made by Healthwatch, Barnsley Council, CAB, and other DIAL colleagues, but the majority are by self-referral. These relate to a wide range of services provided by the NHS, Barnsley Council, and CAMHS.
- Clients are contacted by email, telephone, external meetings, home and office visits.
- ICAS provide information as part of quarterly review meetings, and this includes case studies.
- Quarterly evaluation forms for the service demonstrate that people are very satisfied with the service. 100% of people have a positive experience, leading to 65% feeling more confident in making a complaint on their behalf in the future.
- Of the total new cases, 39% are ongoing, and timescales for completion cannot always be clear. However, a rough estimate on the cost per person works on an average of £459 per person, which may include intensive support over a period of time to advocate and complete the complaints process.
- DIAL has also been supporting the facilitation of the TLAP workshops that are developing a co-productive approach to ASC involving people with lived experience of ASC services.

Details	April 2021 – March 2022	April 2022 - March 2023
Client Contacts	729	1391
New referrals	98	94
Referrals to Ombudsman	0	2
Referrals to safeguarding	2	1
No. cases closed	45	79
Ongoing cases	39	36
Referrals by DIAL Colleague	10	11
Referrals actioned from Healthwatch Barnsley	15	13
Referrals from BMBC	10	5
Self-referrals	50	61
Referrals from CAB	0	1
Referrals from IMHA	0	1
TOTAL	1002	1695

10. Commissioning intentions

The statutory duty on the local authority to commission local Healthwatch and an Independent Health Complaints Advocacy service provides the basis of any justification regarding future commissioning intentions. New services need to be reprocured by 1 April 2024.

As part of the requirements for both services, there are a set of quality standards that need to be adhered to, so there is little room for manoeuvre around the content. However, there may be opportunities for how some of this can be delivered more effectively. Efforts have been made in the last 12 months to strengthen connections, particularly with social care, both in terms of engagement opportunities, extending the reach, and creating more opportunities to influence and improve services and conversations to promote a co-productive approach in health and social care. This would continue to be a priority as an essential element of the South Yorkshire ICS arrangements.

Required Outcomes

Healthwatch is required to demonstrate a range of service outcomes that can be linked more broadly to the six domains of the HWE quality framework that are broadly detailed below;

<u>Healthwatch</u>	
Leadership and Management	Effective Collaboration
People – well-trained staff and volunteers	Increased levels of Engagement, involvement & Reach
Sustainability & resilience	Improved purpose, influence & impact

ICAS is also required to demonstrate a range of outcomes to ensure the quality of their service, including;

<u>ICAS</u>	
Increased public awareness of ICAS Service	Demonstrate independence
Responsive to local needs	Partnership working with key stakeholders
Positive experience for service users	Identification of current trends and themes identified through the complaints process

These would continue to form the basis of any new service specifications but with a focus on submissions that promote effective involvement, innovation and value for money.

12. Delivery model contract options to consider

Reducing health inequalities is a key focus for Barnsley, but it is recognised that these are at risk of increasing as a result of the sustained impact of the pandemic, continued pressure on public services and the cost of living crisis.

These factors may also lead to an increase in dissatisfaction with local health and care services, and any opportunities to involve local people to help redesign and ensure good access to quality and timely care and support should be encouraged.

It is also worth noting a potential risk in what has previously been a limited market. During previous procurements, there was only one provider that tendered for each service, and a market engagement event would be preferable to see if there are any additional providers that may wish to tender. Although there has been some consideration of a direct award in this case, the recommended approach is to go out to tender regardless of the interest in the market.

Both services are required to be recommissioned from 1 April 2024. Any proposed re-procurement of these two services should aim to maximise the involvement and empowerment of local people where possible.

Governance

Any proposed re-procurement will address the weaknesses in the current model. The new service specification will set out clearly how the provider will meet its legal obligations. The council will strengthen how it expects the provider to involve local people in the commissioning, provision and scrutiny of local care services. There will be an expectation that the reach is further than the current offer with new scrutiny of, for example, local care homes and domiciliary care. The board of the organisation that holds the contract for the new service will be fully responsible for its governance. They will be obliged to ensure that Healthwatch complies with the law and regulations. Key decisions by Healthwatch will therefore be approved by the host’s board.

Proposal	Advantages	Disadvantages
<p>Option 1 Do nothing – no service will be procured to start on 1 April 2024</p>	<p>None</p>	<p>Breach of statutory duty</p>
<p>Option 2 Procure joint service for one provider of Healthwatch/ICAS services in Barnsley.</p>	<p>Potential economies of scale in providing a single contract for the two services. Maximise connections between two services – that may be delivered (or subcontracted to a second provider) Adheres to procurement regs. Enables a new specification with KPIs and outcomes set. Tests the market for viable competition.</p>	<p>Potential risk in ensuring the appropriate expertise and quality for one provider to deliver two services. Some restrictions around standards for delivering IHCA by the same provider – whilst it is possible for the holders of a local Healthwatch contract to also deliver the IHCA contract, but they cannot sub-contract for some of the activities in terms of branding/licence, e.g. cannot be known as ‘Healthwatch Advocacy.’</p>

<p>Option 3</p> <p>Procure separate contracts as part of a single tender (two 'lots') for Healthwatch and ICAS.</p>	<p>Adheres to procurement regs. Enables a new specification with KPIs and outcomes set. Tests the market for viable competition. Creates an opportunity for one provider to tender for both services if appropriate/or for two different providers to bid for each lot. It would demonstrate the requirement for any two providers to work together, mitigating any risk of disconnect.</p>	
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13. Recommendation

Option 3 Proposed single tender process, released simultaneously, but with separate specifications defined in two 'lots' to ensure maximum cohesion between the two services, but enabling different providers to bid if required.

This would be the preferred option moving forward, following advice from Strategic Procurement. It can also ensure the highest quality submissions from one or two preferred provider organisations but also maximise cohesion between the two services.

Proposed contract term: 5 years (3+1+1)
Timescales 1 April 2024 – 31st March 2029

14. Proposed finance & resources

Confirmed Annual budget – Healthier Communities (BU8)

Detail	Proposed Funding £				
	2024-25	2025-26	2026-27	2027-28	2028-29
Healthwatch	150,000	150,000	150,000	150,000	150,000
ICAS	45,000	45,000	45,000	45,000	45,000
TOTAL	195,000	195,000	195,000	195,000	195,000

15. Timescales for re-procurement

Business case development	Feb - May 2023
Approvals process	May – July 2023

Development of consultation/Spec/tender documents	July – August 2023
Tender process	Sept – Dec 2023
Contract Award	January 2024
Mobilisation Period	Jan – March 2024
New Healthwatch and ICAS service start date	1 April 2024

16. Contract monitoring and evaluation

Contact meetings are to be held quarterly to discuss the progress of the pilot and to include the following:

- Achievement of KPIs – to be agreed
- Evidence of partnerships
- Opportunities for additional funding
- Case studies that demonstrate impact and change in, e.g. levels of engagement, influence to improve and redesign health services, evidence of co-production
- Feedback on what’s working but also help shape service going forward to ensure local needs are met.

17. Partnership working and interdependencies

As the two services are designed to work across the health and social care system, it is important to ensure links with local integrated care partners as part of the new NHS governance structures, as well as opportunities to connect with BMBC Governance structures (including Area Councils) and local VCSE partners as part of the reach and engagement with local communities.

18. Conclusions

As a council, it is understood that building sustainable relationships with residents is crucial in empowering and nurturing individuals, families and communities to take more responsibility for their health and wellbeing. Barnsley Council’s 2030 priorities for both ‘Healthy’ and ‘Learning’ Barnsley highlight the commitment to support this model by building strong and resilient communities and supporting people to achieve their potential.

This business case highlights the importance of these two statutory services, and once procured, they do not operate in isolation. Where appropriate, connections need to be made with other organisations that are key in engaging and supporting local communities with a view to reducing the risk of inequalities and poor health.

15. Key documents and references

- BMBC Borough Profile (2019)
- Building Back Fairer: The Covid-19 Marmot Review (2020)
- Healthwatch England (2020) Commissioning Local Healthwatch

Healthwatch England (2020) A guide to running Healthwatch

Healthwatch England (2020) Decision-Making guidance

Healthwatch England (2015) Independent Complaints Advocacy; Standards to support the commissioning, delivery and monitoring of the service

Public Health England (2015) A guide to community-centred approaches to health and wellbeing

<https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>

<https://www.local.gov.uk/our-support/our-improvement-offer/care-and-health-improvement/health-and-wellbeing-systems/support/healthwatch-resources/effective>

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR – GROWTH AND SUSTAINABILITY

TITLE: Planned Regulation Changes for the Social Housing Sector Implications for the Local Authority and ALMO and review of the existing Clienting Assurance Framework

REPORT TO:	CABINET
Date of Meeting	12 July 2023
Cabinet Member Portfolio	Regeneration and Culture
Key Decision	Yes
Public or Private	Public

Purpose of report

This report provides Full Council with an update of the latest position regarding social housing reform and a gap analysis of the current Clienting Assurance Framework adopted between the Council and Berneslai Homes in May 2022. The Framework was developed further to an external Clienting Review undertaken by ARUM in 2021/22 and in response to planned significant regulatory reform of the social housing sector following the publication of the Government’s Social Housing White Paper (published in November 2020) and the Social Housing Regulation (SHR) Bill (expected to receive Royal Assent during 2023). Planned changes, particularly in relation to Building and Fire Safety Accountability, Damp and Mould and the professional requirements of housing staff have been a moving feat as the SHR Bill has been passing through the House of Commons. This review of the current framework both sense checks existing arrangements, identifies areas of risk/issue and ensures that it remains fit for purpose one year on.

The paper has been produced following a review of the Clienting Action Plan by the Strategic Plan Management Group in April 2023 and an internal Risk Workshop on 3rd April 2023. Consultation has also been undertaken with Berneslai Homes Services Agreement Core Group and EMT.

Council Plan priority

Learning, Growing, Healthy and Sustainable

Recommendations

That Full Council -

1. Review the update provided in relation to social housing reform and the implications that these proposed changes have for the Council and the

assurance that it needs from the ALMO in terms of its management and maintenance of the Council's Housing Stock under the Services Agreement 2021-2031.

2. Endorse the proposed Governance Structure to comply with duties under the Fire Safety and Building Safety Bills, and the appointment of the Accountable Person within the Council. Delegates responsibility to the Fire and Asbestos Compliance Officer to register the Council's high-rise buildings and prepare and submit building safety cases, as required.
3. Supports opportunities to enhance the current Assurance Framework and the draft Action Plan which includes an independent review of current governance arrangements by Campbell Tickell.

1. INTRODUCTION

Background:

- 1.1 In February 2021, the Council presented a report to Cabinet which outlined the key details and implications for the Council and Berneslai Homes which are expected to arise from the implementation of recommendations within the Social Housing White Paper – "The Charter for Social Housing Residents" and the Fire and Building Safety Bills. At that time, Cabinet asked for a future report which updates on key activities completed in response to the regulatory changes alongside a comprehensive review of the required assurance framework and appointment of a suitable Accountable Person(s) as the designated duty holder(s) under Fire and Building Safety.
- 1.2 Further to this the Council commissioned ARUM, an independent consultant, to undertake a review of the Council's client and contract management arrangements in relation to the Services Agreement in Spring 2021. The review advised on areas for improvement in relation to client governance, identified areas where strategic intent/alignment with the Council's priorities could be strengthened and prompted the development of an assurance mapping exercise to ensure that the Council can meet its requirements under the regulatory changes being implemented by the Regulator of Social Housing (RSH) as part of 'The Charter for Social Housing'.
- 1.3 Following the review, a Clienting Action Plan was produced, progress against which has been monitored by the Council's Strategic Plan Management Group, which resulted in the adoption of the current Assurance Framework (including a new governance structure) in May 2022. The Council and Berneslai Homes sense checked the framework against the NFA (National Federation of ALMO's) and CWAG (Council's with ALMO's Group) self-assessment tool, Excellence in Management and Partnership.

Current Situation:

- 1.4 As a landlord of social housing the Council is ultimately responsible for meeting its regulatory requirements under the consumer standards set by the

Regulator of Social Housing. Regulation within the sector has been significantly strengthened following the Social Housing White Paper in 2020 and amendments to the Social Housing Regulation Bill 2022/23 which are due to receive Royal Assent in 2023. The amendments to the Bill provide the legal basis for many of the changes set out in the White Paper which seeks to deliver transformational change within the sector to empower residents, provide greater redress, better regulation, and improve the quality of social housing - giving greater powers to both the regulator and housing ombudsman and re-defining the role of landlord in terms of both accountability to the regulator and health and safety. As a landlord, the Council must have a robust Assurance Framework in place to ensure that our service provision (delivered by Berneslai Homes as part of the Services Agreement) meets all Consumer Standards, performs well and to the satisfaction of our tenants; ensuring the tenant voice is heard and at the heart of everything we do. The Council must also meet the Rents Standard.

1.5 Recent amendments to the Social Housing Bill include:

- An amendment introducing Awaab's Law which will require landlords to investigate and fix reported hazards in their homes within specified timeframes, or re-house tenants where a home cannot be made safe.
- An amendment to the powers of the Housing Ombudsman to help social landlords improve performance by instructing them to self-assess against guidance during a complaint's investigation.
- An amendment enabling the Social Housing Regulator to set a standard relating to information and transparency requiring social landlords to provide residents with information regarding how they can make a complaint against them.
- An amendment which will require all social housing managers to have a professional qualification. The aim of this change being to protect residents and raise standards in the sector.

1.6 The above amendments are as yet without detail and as such the Council and Berneslai Homes await further clarity regarding their implementation following the Social Housing Bill receiving Royal Assent. However, in preparation, the Council and Berneslai Homes has already reviewed the timeframes for dealing with damp and mould related works, committing to assessing all cases within a 7-day period as part of a revised and updated Damp and Mould Policy and operational processes. Current policy and practice within Berneslai Homes already meet the required standard. A further review of the wider repairs' completion timeframes (currently 24hr, 3, 7 and 25 days) will be undertaken as part of the contract review process linked to the mid-point of the current Property Repair Improvement Programme (PRIP) contract and with full compliance to Awaab's Law.

1.7 The Council and Berneslai Homes have also reviewed the Housing Ombudsman recording and reporting processes and have sought to streamline current arrangements and implement an escalation process for more complex cases to allow review, scrutiny, and responses to be jointly prepared between Berneslai Homes and the Council.

- 1.8 Berneslai Homes has done a lot of work to promote its complaints process and the reporting/recording of all complaints across various pathways. Berneslai Homes Tenant Voice Panel (TVP) Scrutiny Panel completed a review of Berneslai Homes' self-assessment on the Complaints Handling Code in February 2022 and the Council's internal audit completed a deep dive into the process and recording/monitoring mechanisms earlier this year. Actions from the audit review include further work to promote and improve the transparency of the complaints process; particularly in relation to reporting and record keeping.
- 1.9 Whilst the Social Housing Bill is welcomed across the sector, it should be noted that planned legislative changes, including plans to amend the decent homes standard, to implement inspection regimes, any further changes to regulations and requirements for professional qualifications (the details of which are all yet to be confirmed) will have significant implications for the sector from both a Housing Revenue Account (HRA) financing and resourcing perspective. The sector awaits the full legislation and the important detail which will come through the Government's consultation on the secondary legislation and guidance once the bill receives Royal Assent.

Current Response to the Regulatory Changes & Assurance Framework:

- 1.10 **Tenant Satisfaction Measures:** From April 2023, the Council is expected to record, monitor, and report data on a suite of Tenant Satisfaction Measures (TSM's). This new process, set up by the government, intends to make it easier for social housing tenants to hold their landlords to account in several performance areas such as repairs, safety checks and complaints. To respond to this, Berneslai Homes' Quarterly Report to the Council and Key Performance Indicator's (KPI's) has been updated to include both TSM's and updated Service Agreement Performance Indicators. The annual Survey of Tenants and Residents (STAR survey) format has also been amended to ensure that all TSM requirements are fully up to date in terms of questionnaire flow and definition. The first submission of the TSM's will be made by the Council for the financial year 2023/24 in April 2024. Cabinet will receive an annual performance report alongside a review of the annual business plan in Q1 2024.
- 1.11 **Compliance:** To ensure compliance with the Home Standard, a monthly Compliance Dashboard is provided to BMBC at Service Agreement Core Group Meetings. As well as providing a position statement on the key compliance areas (gas safety, electrical testing, fire safety, Asbestos, Water, and Lifts), information provided has recently been updated to include recording damp and mould cases, disrepair, and tracking progress in relation to condition and EPC surveys. Going forward, the Compliance Dashboard will move to the new C365 software system, which will be automated and allow the Council's clienting team real-time access. This, alongside the development of a robust asset data strategy (enabled by the acceleration of 100% stock condition and EPC surveys across stock), and a move to a new asset management database in NEC will give the Council greater assurance of data quality and enable the development of better informed and planned investment and disinvestment programmes.

- 1.12 A complaint and ASB tracker have also been added to the monthly Dashboards provided to the Services Agreement Core Group from April 2023 in line with TSM tracking. The Council's Safer Neighbourhood's Team who deal with escalated ASB issues, and reporting and recording of incidences of ASB will also be required to provide data as part of the TSM process.
- 1.13 **Tenant Engagement:** From a Tenant Engagement perspective, the Tenant Voice Panel and Scrutiny Panel are embedded into Berneslai Homes via a co-regulation approach and involved in many aspects of decision making, service design and delivery. An external SMART review of the tenant engagement model by TPAS was completed in March 2022 and found that Berneslai Homes has implemented a *"more robust and transparent, outcome focused engagement framework - demonstrated through the new channels for positioning the 'tenants voice' at the heart of service improvements, co-regulation, and the new approaches at a Governance level"*. An Action Plan was developed following the review which focusses on ensuring strengthened engagement with local groups (Tenants and Residents Associations 'TARAs' etc), better involvement of tenants with 'lived experience' when developing policies/procedures etc and improving the transparency of information and communication within the complaints processes. Stepping forward 12 months, the TVP remains engaged and active, although some members are keen to explore more independent framework models. Most importantly, existing engaged tenants, the Council and Berneslai Homes are all keen to further strengthen the tenant voice within service design and decision making both inside and outside of the formal structures. BH facilitated a workshop in April 2023 to understand how the TVP can respond and adapt to regulatory changes in representing tenants and supporting/challenging BH and the Council as landlord.
- 1.14 Whilst the new governance framework has embedded well in terms of strengthening assurance and escalation processes amongst officers, the Strategic ALMO meetings with the Tenant Voice Panel need additional focus to ensure that meetings are interactive and provide our engaged tenants with the level of assurance from their landlord that their voices are heard and that we are managing the services agreement with the ALMO effectively to achieve this.
- 1.15 **Tenancy Management:** From a tenancy perspective, Full Council approved the new Lettings Policy in March 2023, with an implementation date of 1st December 2023. The new policy seeks to make the best use of our stock and provides tenants and prospective tenants with a clear and transparent policy which enables choice, but which also provides applicants with realistic expectations. The Council has on-going oversight of the implementation of the new policy via the Policy Review Board (chaired by the Portfolio Holder for Growth and Sustainability).
- 1.16 **Rents and Financial Monitoring:** There are real and continued pressures on the HRA following significant statutory changes around enhanced compliance, building safety, and retrofit – all of which were not considered previously within HRA Business Planning nor the self-financing settlement. Whilst

enhanced standards across the housing sector are welcomed, over the last two years, the Council has funded significant proactive programmes to enhance smoke and carbon monoxide, CO alarm systems, deliver enhanced fire safety measures within our High Rise and Independent Living Schemes and accelerated delivery of electrical inspections – moving from a 10 to 5-year inspection regime. There is also a requirement to bring all stock up to EPC C or above by 2030; currently estimated to cost around £58m. To make the best use of revenues, the Council has commissioned Housing Quality Network (HQN) to undertake a review of rents and service charges and to develop a new, overarching Rent Policy.

- 1.17 Further to an overspend situation within the HRA Repairs and Maintenance Budgets during 2021/22, the Council established a Client Augmentation Team to work alongside colleagues in Berneslai Homes to develop more robust reporting, monitoring and check and challenge measures within budgets and to develop action plans to address repairs backlogs, to rebalance the delivery of responsive works in favour of planned and to generate efficiencies. As a result, revenue budgets during 2022/23 were more robustly managed. To provide the Council with further assurance of both project delivery and spend vs profile, a HRA budget tracker has been designed which will be presented to the Service Agreement Core Group monthly. This will help to ensure that sufficient progress is made in year in the delivery of priority schemes; particularly those linked to fire and building safety and ensure that our tenants feel more safe and secure in their homes.
- 1.18 Appendix B provides a narrated review of the current Assurance Framework, identifies gaps in the current reporting and governance structures and Appendix C provides an action plan to further strengthen these arrangements. The key risks for the Council, as with all ALMO arrangements across the country, is ensuring that Berneslai Homes provide timely performance management and monitoring data around customer satisfaction, repairs, complaints, compliance and building safety and hold robust asset management data on our stock to inform decency works, investment and disinvestment programmes. The Council, as an intelligent client, must be assured that data is robust and accurate, that service delivery meets all standards and is aligned to the Council's Policies. It is thus essential that governance arrangements are adequately resourced, and the assurance framework is sufficiently scrutinised. The Council must take a 'One Council' approach in its relationship management with the ALMO. The implementation of key IT system upgrades and data cleansing is essential to both enhancing customer expectations in repairs and maintenance, in generating efficiencies and the focus on planned works and in ensuring that we have a robust asset data strategy to enable continued compliance and inform the prioritisation of investments.
- 1.19 As we come to the end of the first year of the Assurance Framework, and in considering the gap analysis of the current assurance framework, it is recommended that an external review of the robustness of the Governance arrangements is undertaken by Campbell Tickell. This will give both the Council and Berneslai Homes additional assurance as we move into the new regulatory framework during 2023/24. It is also recommended that SMT note

the corporate risks to the ALMO/Council partnership and reputation of the Council in failing to meet our statutory and regulatory requirements under the new regulatory framework.

Building and Fire Safety; Governance Framework and Accountable Persons

- 1.20 In the wake of the Grenfell tragedy, the Government has published amendments to Fire Safety legislation and passed the Building Safety Act 2022 which contains a wide range of changes to the law covering building safety during design, construction and occupation, and the creation of a new regulatory framework for high-rise residential buildings.
- 1.21 The Building Safety Act which received Royal Assent on 28th April 2022 has made numerous changes to general building safety rules which include:
 - new competency requirements for building contractors and designers, and new duties to ensure building regulations compliance
 - automatic lapsing of building approvals after three years
 - new safety liabilities for corporate directors, and
 - **a new regime for High Rise Residential Buildings (HRRB).**
- 1.22 A new Building Safety Regulator is responsible for HRRB's and there is a requirement for an Accountable Person/Principle Accountable Person to be responsible for building safety under occupation. All buildings which fall under the HRRB category will be required to have building assurance certificates.
- 1.23 At the heart of the Building Safety Act is a more stringent regulatory regime for higher-risk residential buildings. A higher-risk building is one which is over 18 metres in height or has more than six storeys and has two or more dwellings, or two or more rooms used for residential purposes, or student accommodation. Under the definition, the Council has three high rise residential buildings comprising 166 flats. These are the (previously considered mid-rise) blocks at Albion, Buckley, and Britannia House, which are off Sheffield Road close to the Town Centre.
- 1.24 To summarise, the Fire Safety Act establishes responsibility for fire safety in multi-occupied residential buildings and the Building Safety Act sets out different ways of working, recording and accountability to ensure new and existing buildings are safe from the moment they are constructed and throughout the life cycle of that building.
- 1.25 In considering the requirements under the Building Safety Act, the Council is required to appoint an Accountable Person who will be the Duty Holder in Occupation for the High-Rise Residential Buildings. There has been much confusion across councils and registered providers in relation to the definition of Principal Accountable Person (PAP), Accountable Person and Responsible Persons under fire safety; particularly given late changes to the requirements around Building Safety Managers and the Arm's Length arrangements that Barnsley and other ALMO's have in place.
- 1.26 Following advice from external specialists, Pennington's, and discussion with

other ALMO's, it is now understood that the Council must take the role of Principal Accountable Person (with the CEX as named PAP), with Accountable Persons nominated within both the Council and Berneslai Homes. It is thus proposed that under the Principal Accountable Person, the CEX delegates the Accountable Person role to Kathy McArdle who is SD lead for the Clienting Arrangement and shareholder representative on behalf of the Council on the Berneslai Homes Board. This role thus has full oversight/delegated responsibilities for all contractual and regulatory matters linked to Berneslai Homes and its Board on behalf of BMBC. Arturo Gulla is nominated as Accountable Person for Berneslai Homes given his position as Executive Director of Property Services within the ALMO.

1.27 It is the role of the Principal Accountable Person to:

- Register existing buildings with the Building Safety Regulator (between April 2023 and the end of September 2023).
- Prepare a safety case report for each building.
- Provide the safety case report to the Building Safety Regulator on request.
- Apply for a building assessment certificate when directed to do so by the Building Safety Regulator.

1.28 It is the role of the Accountable Person to:

- Prevent a building safety risk happening, with building safety risk defined as 'spread of fire and/or structural failure' and reduce the seriousness of an incident if one happens.

1.29 It should be noted that the Principal Accountable Person can delegate responsibilities for the completion of the PAP duties. To ensure clarity regarding roles and responsibilities and provide robust support to the Principal Accountable Person and Accountable Persons, a Building Safety Board has been established to ensure:

- That the Council and Berneslai Homes meets all the regulatory and legislative requirements relating to the Building Safety Act 2022, Fire Safety Act and Fire Safety Regulations.
- Provide assurance to the Council and its Members that Council properties are managed and maintained to the highest health and safety standards and in full compliance with the Services Agreement and the requirements of the Regulator of Social Housing (RSH).
- To provide a full programme update to the Council's appointed accountable person quarterly on all aspects of building and fire safety, including an update on capital/planned works, any areas of concern and tracking of fire risk assessment and other compliance actions.
- To determine where escalation to the Audit and Risk Committee is required e.g., where there are areas of non-compliance, incidents and/or significant delay in the delivery of essential planned works.

- 1.30 A copy of the terms of reference for the Building Safety Board is attached at Appendix D. The Board comprises Responsible Persons under the Fire Safety Act 2021 (Compliance Leads) who must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts. The Council and Berneslai Homes have taken the decision to include its Independent Living Schemes within the definition of higher risk buildings.

2. PROPOSAL

- 2.1 It is proposed that Full Council note the updates within this report in relation to the social housing regulatory changes and the actions taken by the Council and Berneslai Homes in response. Also, the identified opportunities to enhance the current assurance framework, risks for the Council and wider partnership and the Action Plan in place to further strengthen governance and assurance.
- 2.2 It is recommended that Full Council endorse the proposed governance framework to ensure full compliance with the Council's duties under the Fire Safety Act 2021/Fire Safety Order and the Building Safety Act 2022.
- 2.3 It is recommended that Full Council endorse the independent review of the current governance framework by Campbell Tickell.

3. IMPLICATIONS OF THE DECISION

3.1 Financial

The Director of Finance has been consulted on the attached report.

Whilst there are no direct financial implications as a result of this report, it is clear that the Social Housing Regulation (SHR) Bill, which is expected to receive royal assent during 2023, will have possibly significant financial implications on the Council Housing Revenue account.

To date, significant investment has already been made including funding in excess of £8M as part of the 2022/23 HRA budget setting process to address health and safety requirements and £30M as part of the 2023/24 HRA budget to commence works to meet EPC C standards.

Upon receipt of further details, any further financial implications associated with meeting the SHR bill will be considered alongside other priorities as part of the annual HRA business plan and budget process.

3.2 Risks

Full Council must note that there are risks to the Council in meeting its statutory and regulatory requirements under the Social Housing Act and Regulator of Social Housing's new framework. The ALMO arrangement means that the Council contracts the management and maintenance of its

stock to Berneslai Homes under a Services Agreement. Whilst responsibility for service delivery is delegated, the Council retains accountability as landlord and is ultimately held to account by the Regulator of Social Housing/Building Safety, the Ombudsman and Central Government. The Council will be required to report on all aspects of service performance and satisfaction but is reliant on the ALMO to provide high quality, value for money services and robust data/KPI's in line with national Tenant Satisfaction Measures. There are also areas where the Council directly provides services to tenants via arrangements for neighbourhood services/grass cutting, addressing ASB, some IT support and the Call Centre function. It is thus important that service provision aligns with agreed SLA's (revised over the last 2 years) and that performance meets the needs and expectations of our tenants, providing a high quality, value for money service.

As identified within the Action Plan, there are key IT activities planned over the coming months which will provide the Council with greater assurance regarding the robustness of asset and data quality, record keeping and enhancements to the repairs and maintenance function which will improve the service provision to our tenants. There are risks in both the delay and implementation of these IT systems in terms of cost, resource, seamless service delivery and transparency and assurance to the Council that Berneslai Homes is delivering housing management and repairs and maintenance services to our tenants in line with the services agreement. Also, that the Council has access to robust performance management information, with sufficient data to meet our TSM requirements and allow scrutiny in a timely manner. It should be noted that Berneslai Homes has collated TSM data since 2022/23 financial year as part of the independent STAR survey.

The Council also needs to be assured that we have a robust asset management and Customer Relationship Management system and strategy which informs decision making and investments and which holds data on both people and property in one location. A full stock condition survey has been commissioned to ensure that we are able to transfer full and up to date information on all stock into our new NEC Asset Management system and the implementation and operational teams are looking at how additional customer information relating household make-up and vulnerabilities can be most effectively collated, updated and stored within NEC.

Whilst there has been significant work undertaken by both the Council and ALMO to develop a robust assurance framework and governance structure which can adapt to the new regulatory arrangements, there are still key projects/pieces of work outstanding which will improve assurance and transparency for the Council. It is thus recommended that Audit and Governance Committee are provided with a robust training session on the new regulatory framework, the associated actions and risks for the Council, and are provided with a regular update regarding progress against the Action Plan and development of a revised Assurance Framework.

3.3 Legal

As landlord, there are direct legal implications for the Council relating to both

the implementation of the Social Housing Bill and the new regulatory framework under the regulator of social housing. Whilst the Council has a services agreement with Berneslai Homes, for the management and maintenance of stock, the entity is wholly owned by the council, and accountability as the owner of the stock (and ultimate landlord to our tenants) and as Principal Accountable Person under the Building Safety Act 2022 responsibility sits with the Council. Failure to meet regulatory requirements under the regulator’s Consumer and Rent Standards or relating to building and fire safety within our stock could result in legal action/prosecutions taken against the Council.

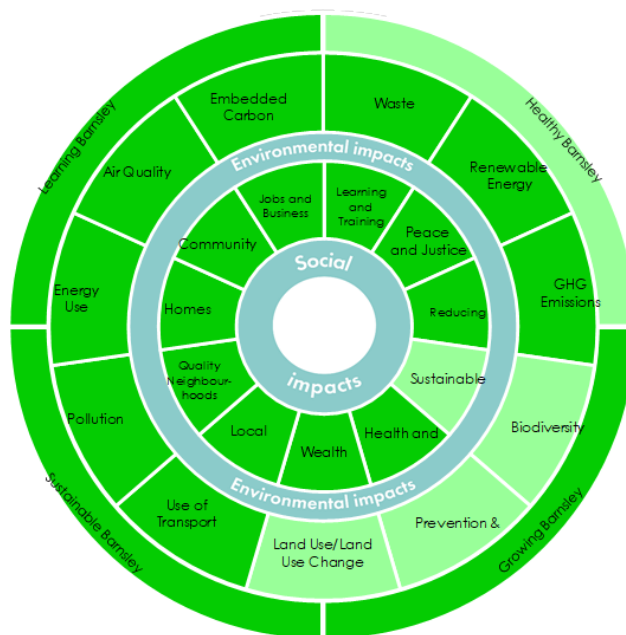
3.4 Equality

A full EIA has already been completed for the Berneslai Homes Strategic Plan and Annual Business Plan; ensuring that actions and activities align with the Council’s Corporate priorities, BH Equality, Diversity and Inclusion strategy and Customer Involvement Agreement.

3.5 Sustainability

The management and maintenance of the Council’s 18,000 stock will need significant focus, investment, and strategic asset management if it is to increase the energy efficiency of homes to an average of SAP rating C or above by 2030. A key focus for the Berneslai Homes Business Plan for 2023/24 is to ensure that there is robust data to inform the retrofit plan and to ensure that the Council and Berneslai Homes are best placed to access funding opportunities for insulation and renewable technologies, as they arise.

The Berneslai Homes Strategic Plan and Action Plan are aligned to Barnsley 2030 with a key emphasis on providing quality, affordable homes, neighbourhoods and supporting people to achieve their potential.



3.6 Employee

There are no direct employee implications.

3.7 Communications

There are no direct communications implications arising from this report.

4. CONSULTATION

Robust consultations have taken place between BMBC's Strategic Plan Management Group, Head of Risk and Audit and Berneslai Homes' Executive Management Team.

5. ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options. The Council has a duty to meet its statutory requirements under the regulator of social housing. This report sets out an action plan to strengthen those arrangements further.

6. REASONS FOR RECOMMENDATIONS

It is proposed that Full Council notes the update on the regulatory landscape impacting the social housing sector and the assurances in place to ensure that we can continue to meet our regulatory requirements. It is recommended that Full Council support the Action Plan, the proposed governance proposals around Building and Fire Safety and the recommendation to allow Campbell Tickell to complete the external governance review.

7. GLOSSARY

N/A

8. LIST OF APPENDICES

Appendix 1: Annotated Review of Assurance Framework 2022

Appendix 2: Assurance Framework Action Plan

Appendix 3: Terms of Reference and Governance Structure Building Safety

9. BACKGROUND PAPERS

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

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date <i>Steve Loach 19/06/23</i>
Legal consultation & sign off	Legal Services officer consulted and date <i>Kate Gothard 06/06/2023</i>

Report Author: Sarah Cartwright
Post: Head of Strategic Housing
Date: 01/06/23

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Assurance Framework

Council/ALMO Clienting Arrangement

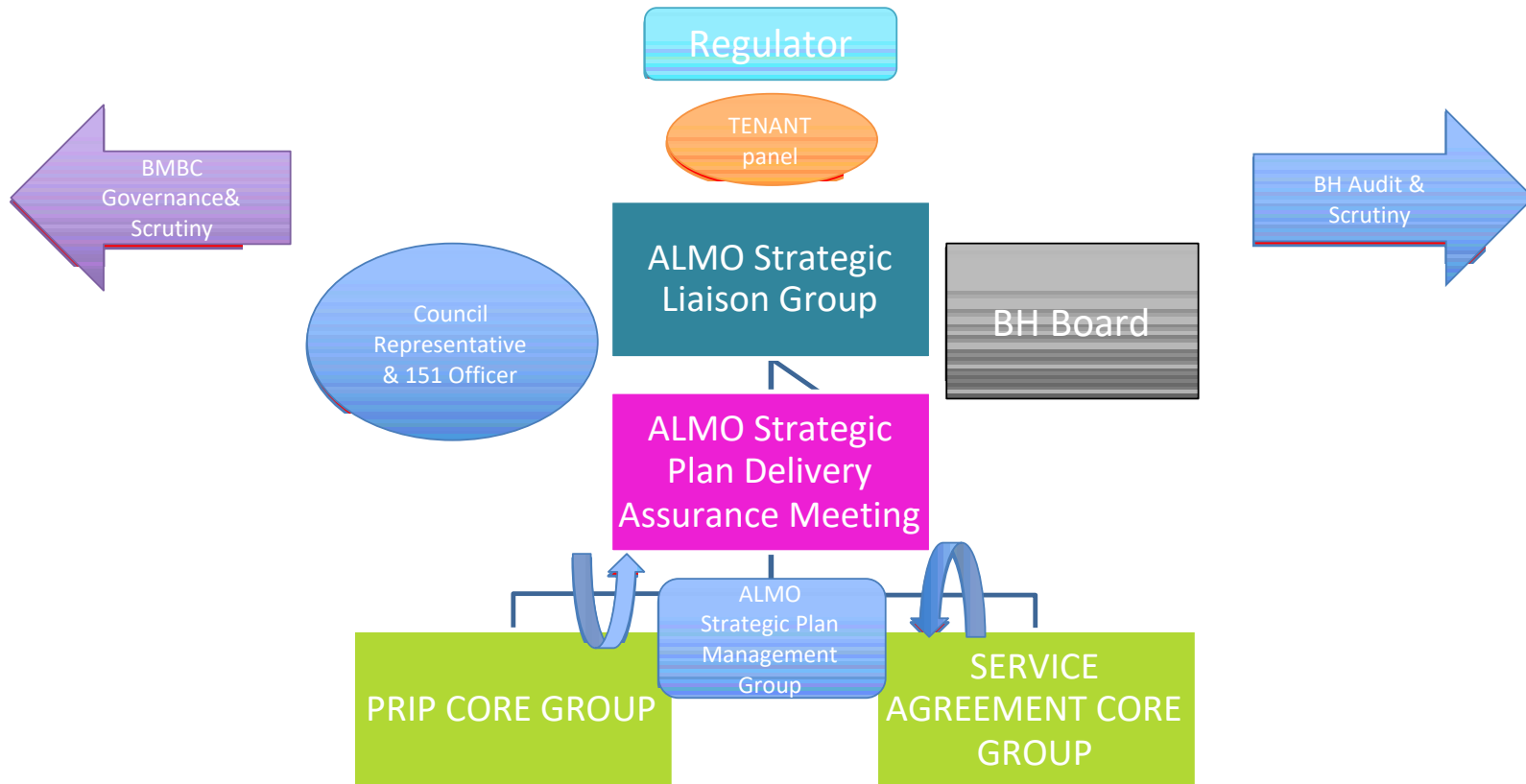
This Assurance Framework has been developed to ensure that the Council has an appropriate level of assurance around the delivery of the required services and outcomes as set out in the 'Services Agreement' and PRIP contract with Berneslai Homes. The framework was developed following a review of the Council's client and contract management arrangements in relation to the Services Agreement by ARUM in spring 2021. The review advised on areas for improvement in relation to client governance, identified areas where strategic intent/alignment with the Council's priorities could be strengthened and prompted the development of an assurance mapping exercise to ensure that the Council can meet its requirements under the regulatory changes being implemented by the Regulator of Social Housing (RSH) as part of 'The Charter for Social Housing'. This document (agreed May 2022) summarises the clienting communication structure/touchpoints, new governance and meeting structures and summarises the methods via which the Council can ensure that both its responsibilities to the Regulator of Social Housing and its wider responsibilities to the Council and the residents of our borough (in relation to the delivery of a quality, value for money service offer) can be met.

Assurance Framework - Clienting/Communication Structure (internal)

BMBC	ALMO	Liaison/Communication outside of Partnership Meetings	Clienting Partnership Meeting Attendance	BMBC Corporate Representation
CEO	CEO	As Required	N/A	Barnsley 2030 Board
Exec Director Core Services Executive Director Growth & Sustainability	CEO CEO & SMT	CEO Monthly informal 'Catch Up' Meeting EMT 'catch up' Meetings implemented during 2022/23	N/A N/A	N/A N/A
Service Director – Finance Service Director – Regeneration & Culture	CEO BH/EMT	CEO Monthly formal update Meetings (with SD & S151 Officer) & BH EMT as required. Quarterly Workshop Sessions on agreed strategic agendas, as required. Attendance at DMT/SMT/Cabinet, as required.	ALMO Strategic Liaison Delivery Plan Assurance Meeting	Health and Wellbeing Board (CEO/SD Regeneration and Culture) BMBC Housing Board
Head of Housing Group Leader Housing Growth (Clienting Officers)	Exec Director Customers & Estate Services Executive Director Property Service (PRIP)	As required on an operational basis.	ALMO Strategic Liaison Delivery Plan Assurance Meeting Service Agreement Core Group PRIP Core Group	Safer, Stronger Communities Partnership (ED Customer & Estate Services) Safer Barnsley Partnership Homeless Alliance (ED Customer & Estate Services)
Service Director – Reg & Culture Finance	Berneslai Homes Board	Attendance at Berneslai Homes Board. Councillor Liaison – Board Members	ALMO Strategic Liaison	

Assurance Framework

Governance & Meetings Structure



Assurance Area	Lead Officers	Mechanism	Assurance Review Position April 2023	ACTION
<p>RSH Consumer Standards:</p> <ul style="list-style-type: none"> • Home • Tenant Engagement & Empowerment • Neighbourhoods & communities • Tenancy 	<p>BMBC: SD Regeneration and Culture & HOS Housing, S & CC</p> <p>BH: Exec Director Customer & Estate Services</p>	<p>Landlord: Quarterly Report for Landlord – KPI dashboard (Compliance, Strategic Plan & PRIP PI's) to PRIP Core and Services Agreement Core Group</p> <p>Tenant: Customer Services Committee, Strategic ALMO meetings</p> <p>ALL: Annual Report developed with tenants to Customer Services Committee & Board</p> <p>Annual STAR survey</p> <p>2022/23 – Lettings Policy Review</p> <p>EXTERNAL: TPAS, IIP</p>	<p>PERFORMANCE AND COMPLIANCE</p> <p>A monthly Compliance Dashboard is provided to BMBC at Core Group Meetings. The info provided has recently been updated to include recording damp and mould cases, disrepair, and tracking progress in relation to condition and EPC surveys. Going forward, the Compliance dashboard will move to the new C365 software system, which will allow Client real-time access.</p> <p>A complaint and ASB tracker have also been added to the monthly Dashboards provided to Core Group from April 2023 in line with TSM tracking.</p> <p>There is an additional requirement for a tracker to be provided to Client re: outstanding building safety works (including planned works identified as part of FRA's) as there have been issues in the delivery of larger planned building and fire safety works over 2022/23 in line with set budgets and planned delivery timeframes.</p> <p>The Quarterly Report and KPI's has been updated to include both TSM's and updated Service Agreement PI's for Berneslai Homes.</p>	<p>Implement C365 and Repairs First– providing sufficient training to Client to enable direct/real-time access as required.</p> <p>Building Safety Tracker to be produced for Service Agreement Core Group monthly.</p> <p>A quarterly report will be provided to Building Safety</p>

			<p>The STAR survey format has been amended further to ensure that all TSM requirements are fully up to date in terms of questionnaire flow and definition.</p> <p>Quarterly reports are provided on PRIP contract performance. However, Client still has concerns re: the robustness of the information provided, presentation and level of information from the contractors.</p> <p>TENANT ENGAGEMENT</p> <p>The TVP are involved and engaged in the customer services committee, the PRIP Core Group and a number of new TFG's around compliance related matters. The TVP remains engaged and active although some members are keen to explore more independent models. BH facilitated a workshop in April to understand how the TVP can respond and adapt to regulatory changes in representing tenant and supporting/challenging BH and the Council as landlord.</p>	<p>Board updating on all aspects of compliance, fire and building safety works.</p> <p>Develop an updated PRIP reporting framework which is reflective of the contract size/value.</p> <p>Deliver against the Tenant Engagement Action Plan.</p>
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			<p>Whilst the new governance framework has embedded well in terms of strengthening assurance and escalation processes amongst officers, the Strategic ALMO meetings with the Tenant Voice Panel need additional focus to ensure that meetings are interactive and provide our engaged tenants with the level of assurance from their landlord that their voices are heard and that we are managing the services agreement with the ALMO effectively to achieve this.</p> <p>TENANCIES</p> <p>The Council has adopted a new lettings policy which seeks to make the best use of our stock and provides tenants and prospective tenant with a clear and transparent policy which enables choice but which also provides applicants with realistic expectations. To ensure effective implementation, a review panel of officers, client and Members remains in place up to the launch of the new policy from 1st December 2023 and a full comms and IT implementation plan will be produced.</p>	<p>Develop a co-produced meeting structure and updated terms of reference for the Strategic ALMO group which provides a better balance of attendees across BMBC and TVP reps.</p> <p>Comms Strategy to be developed for the existing applicants on the register to ensure that there is sufficient support provided during the transition to the new policy. IT implementation plan to be produced.</p>
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<p>RSH Economic Standards</p> <ul style="list-style-type: none"> Rent 	<p>BMBC: SD Regeneration and Culture & SD Finance</p> <p>BH: Implemented by BH – Exec Director of Customer and Estate Services.</p>	<p>Landlord: Annual Rent setting agreed within HRA Budget by Council (in line with rent regime)</p> <p>ALL: Quarterly PI reporting (via ALMO Governance suite)</p>	<p>The Annual Rent setting process is well established – linking with the HRA Budget Setting reports which are taken through Cabinet annually in January/February and aligning with requirements within the rent formula, or Government.</p> <p>Rent Collection and Void Rent Loss are also reported to the Council as part of the quarterly PI suite.</p> <p>To provide additional assurance to the Council/BH an audit of rents takes place as part of the annual internal audit programme, and HQN have been commissioned to undertake a review of rent setting and service charges to inform a new Rent Policy for the council and Income Policy for Berneslai Homes.</p>	<p>Work with HQN on the review of rents and service charges to develop an overarching Rent Policy and Income Strategy.</p>
<p>Complaints & Tenant Feedback</p>	<p>BMBC: SD Regeneration and Culture & HOS Housing, S & CC</p> <p>BH: Exec Director Customer & Estate Services</p> <p>BH: Exec Director Corporate Services</p>	<p>ALL: Annual Report developed with tenants to BH Board</p> <p>BH Self-assessment on Complaints Handling Code (Developed with Tenants)</p> <p>Complaints/Compliments in Quarterly KPI suite</p>	<p>New Complaints Dashboard provided to the Council from April 2023. This is provided to the Core Group monthly, with an infographic produced alongside the quarterly performance information (this also goes to the BH Customer Service Committee).</p> <p>BH completed a review of its self-assessment on the Complaints Handling Code 2020 in February 2022.</p> <p>The Council currently records all Housing Ombudsman cases within the Customer</p>	<p>Agree and implement new</p>

		<p>HOS copied into all Ombudsman Cases and Outcomes</p> <p>Tenant: Tenants Voice Panel, EMT & Customer Services Committee, Strategic ALMO meeting</p>	<p>Services team, adding the SD and HOS as Task Managers. Outcomes are also sent via the Council's Team. This recording process is also duplicated within the ALMO – often resulting in several people across both organisations chasing updates/confirming deadlines. Officers have recently met to discuss streamlining the recording process and developing an escalation process and including an ombudsman tracker as part of the complaint's dashboard.</p>	<p>Ombudsman complaints handling (and escalation) process between the council and Berneslai Homes.</p>
<p>Social Housing White Paper</p> <ul style="list-style-type: none"> Tenants Charter 	<p>BMBC: SD Regeneration and Culture & HOS Housing, S & CC</p> <p>BH: Exec Directors of Customer & Estate Services & Property</p> <p>BH : Exec Director of Corporate Services</p>	<p>Landlord: NEW Clienting arrangements and Governance Structures</p> <p>ALL: Refresh of Strategic Plan and Annual Business Plan</p> <p>PI dashboard 2022/23 amended to reflect emerging TSM's & STAR survey 2022/23</p> <p>Tenant Voice Panel and BH Board</p> <p>EXTERNAL: TPAS, NHF Code of Governance</p>	<p>The Council implemented a new governance structure during 2021/22, introducing a new Delivery Assurance Meeting with an escalation process from both the PRIP and Core Group. The Council also introduced a Strategic Plan Management Group Meeting, which allows Council officers to provide 'one voice' when dealing with touchpoints into the ALMO across directorates, allows strategic thinking and tracks issues/requests via a log reviewed at each meeting. The new structure work well (except for the Strategic ALMO group referenced above) and is administered directly by the Council. The Clienting/Communication structure is much improved. There has also been a requirement to agree emergency escalation processes and out-of-hour arrangements – now in place.</p> <p>The PI dashboard has been revised for 2023/24 to build in all TSM requirements and the STAR survey updated. Work is on-going with the</p>	

			<p>tenant voice panel and tenant board members to maximise their involvement and engagement in all aspects of service provision and in responding to the requirements of the regulator in delivering against the Tenant's Charter.</p> <p>A refresh of the Strategic Plan process was undertaken in 2021/22 and a new requirement for BH to provide an annual business plan was implemented. The Strategic Plan and Annual Business Plan are updated annually and agreed at Cabinet in Jan/Feb to align with the HRA Budget/Rent setting process. A review of progress against the Annual Business Plan is to be provided to the Council at the end of each financial year; alongside the year-end performance report (6 weeks post the end of April).</p> <p>TPAS completed a SMART review of the engagement framework in February 2022. The SMART review consisted of the following processes:</p> <ol style="list-style-type: none">1. A self-assessment against the TPAS National Engagement Standards2. Reality checking with key staff and tenants through virtual platforms and telephone interviews3. A headline report with recommendations for improvements; good practice and learning from the sector.	
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			An action plan was developed following the review. This included working more closely with other local groups, targeting those with ‘lived experience’ to shape new policies and services, training for a wider cohort of staff on complaint handling and to reconnect and build trust with local TARA’s.	
<p>Building Safety (Inc Compliance)</p> <ul style="list-style-type: none"> • Building safety bill • New building safety regulator 	<p>BMBC: SD Regeneration and Culture (Accountable Person)</p> <p>BH: Exec Director of Property (plus Building Safety Manager)</p>	<p>ALL: Measured via PI’s, annual outcome report, building safety certs, annual H & S report and assurance assessment.</p> <p>Performance Monitored at Delivery Plan Assurance Meetings & via report from Building Safety Manager (Quarterly).</p> <p>BH Board & Audit & Risk Committee</p> <p>EXTERNAL: 3rd Party Assurance via Pennington’s, Morgan Lambert & BLU, Gas Safe/CHAS</p>	<p>The Compliance Dashboard has been provided at Core Group meetings over the last financial year. The Council has requested additions to the dashboard to include damp and mould cases, disrepair, progress on stock condition and EPCs surveys and a breakdown of outstanding FRA actions and planned works.</p> <p>The Council is to agree the Principal Accountable Person and Accountable Persons as part of the Building Safety Governance Framework which includes the development of a Building Safety Board attended by the Council’s Accountable Person/s.</p> <p>Pennington’s Choice have been commissioned to work with BH and the Council to ensure that we can fully comply with new requirements to register our high-rise buildings, prepare safety cases and fully comply with all landlord requirements under the Building Safety and Fire Safety Acts – as well as requirements of the Regulator of social housing linked to tenant involvement and engagement.</p>	<p>Complete Gap Analysis work with Pennington’s and develop a building safety action plan to enable the full collation of all required data</p>

			<p>BH Board and Audit & Risk Committee receive regular reports on H&S matters and any incidents which need reporting/updating.</p> <p>A full stock condition survey has been commissioned for all stock with an accelerated completion date of March 2024. Progress against planned completions is tracked monthly as part of the compliance dashboard.</p>	<p>ensuring compliancy with all regulatory requirements.</p>
Annual Report and Accounts	<p>BMBC: SD Regeneration and Culture</p> <p>BH: CEX, Exec Director of Corporate Services and Board</p>	<p>Landlord: Annual Report & AGM (reports received by SD Regeneration and Culture)</p>	<p>Existing processes maintained for the Council to receive the annual report and accounts.</p>	<p>Review the process for the handover of the Annual Report and Accounts.</p>
Data Protection	<p>BMBC: SD Regeneration and Culture</p> <p>BH: Exec Director of Corporate Services</p>	<p>Audit & Risk Committee Annual Report of DPO</p>	<p>An internal audit was completed on Berneslai Homes in relation to information governance during February/March 2023.</p>	
Council Governance & Joint Reports	<p>BMBC: SD Regeneration and Culture/HOS Housing</p> <p>BH: CEX/EMT as appropriate.</p>	<p>Decisions requiring Full Council or Cabinet approval follow the Council's Governance Procedures & Decision-Making arrangements (including financial thresholds).</p>	<p>The decision-making process for Council or Cabinet decisions is embedded and aligns with the Council's governance procedures and decision-making arrangements. The HOS Housing provides support to BH in preparing reports and is the conduit to progress reports via the governance process. A forward plan is</p>	

			<p>produced monthly and monitored at the Service Agreement Core Group.</p> <p>Further work to clarify roles on approval of policies and strategies between BMBC and BH is required.</p>	<p>To develop a governance protocol for the escalation of reports via BH and BMBC.</p>
<p>Financial Monitoring of delegated budgets (PRIP, Management Fee etc) in line with the Council's strategic priorities</p>	<p>BMBC: SD Finance and 151 Officer & SD Regeneration and Culture</p> <p>BH: CEX & Executive Director of Corporate Services</p>	<p>Via Delivery Assurance Meetings – quarterly reports to be prepared.</p> <p>Integration into Council's HRA accounting (PRIP)</p>	<p>Financial updates are provided to the delivery assurance meeting on a quarterly basis to track progress against budgets during the year.</p> <p>Further to the overspend situation on PRIP in the 21 – 22 FY 21/22 an action plan was produced by the Client Augmentation Team which provided a robust framework of checks and challenges to ensure that the situation would not re-occur. This included a robust process around budget setting and alignment of the development of the HRA budget with the production of the update of the Strategic Plan and development of the Annual Business plan and commitments from BH to generate annual efficiencies within the management fee in line with the Council's efficiency planning processes.</p> <p>A budget/programme tracker will be produced for 2023/24 to track both spend and programme delivery on a quarterly basis.</p>	<p>Implement HRA Budget Tracker to include in-year efficiencies as identified via the budget setting process – to include a report on efficiencies in the annual review of the Business Plan.</p>

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Assurance Area	Issue	Identified Action	Responsibility	Target Completion Date	Commentary/Direction
Consumer Standards – HOME	The current Compliance Dashboard is produced manually by BH monthly. There is no option for Client to see the data behind the RAG tracker and the system is open to manual error/input.	To implement C365 which will allow for automatic upload of data and allow real-time access to Client. Reducing risk of manual error/input and providing greater assurance of the robustness/reliability of data for both organisations.	Berneslai Homes – Head of Repairs and Maintenance	TBC	Delayed
Consumer Standards - HOME	The key risks for the Council, as with all ALMO arrangements across the country, is ensuring that Berneslai Homes provide timely performance management and monitoring data around customer satisfaction, repairs, complaints, compliance and building safety and hold robust asset management data on our stock to inform decency works, investment and disinvestment programmes. We know that our asset management data has significant gaps and that disjointed IT systems present real risks to the robustness and reliability of data.	<p>Implementation of the Repairs First IT system and NEC Asset Management Strategy.</p> <p>Completion of 100% stock condition and EPC surveys to improve the quality of data held on our stock.</p> <p>Development of an asset data strategy.</p>	<p>Berneslai Homes Executive Director of Corporate Services</p> <p>Berneslai Homes –Exec Director of Property Service</p> <p>Berneslai Homes –Exec Director of Property Service</p>	<p>April 2024</p> <p>March 2024</p> <p>April 2024</p>	<p>Delayed</p> <p>On Track</p> <p>In Progress</p>

		<p>Completion of outstanding backlog repairs.</p> <p>Delivery of recommendations as identified in the Internal Audit Review of Asset Management of Housing Stock.</p>	<p>Berneslai Homes –Exec Director of Property Service</p> <p>Berneslai Homes –Exec Director of Property Service Barnsley Council – Head of Housing</p>	<p>October 2024</p> <p>December 2023</p>	<p>In Progress</p> <p>In Progress</p>
Consumer Standards - HOME	<p>The Current Compliance Dashboard is not able to provide an update on outstanding FRA Actions nor building/fire safety capital works. There are a number of outstanding actions linked to planned or capital programmes (to be agreed as part of the Building Safety Cabinet Report) which the Council does not have oversight on. E.G The Building Safety Budget was released in 2022, but no works were completed during 2022/23 due to delays with seeking a cabinet decision, procurement issues and cost uncertainty.</p>	<p>Develop a Building Safety Tracker to be provided to Service Agreement Core Group monthly alongside the Compliance Dashboard as well as quarterly at the Building Safety Board.</p>	<p>Berneslai Homes – Head of Repairs and Maintenance</p>	<p>31st July 2023</p>	<p>On Track</p>

Consumer Standard – HOME and Building Safety requirements	There must be a process in place by which the Principal Accountable Person (and delegated accountable person within BMBC) can receive assurance around full compliance with all Building and Fire Safety Requirements and that this is appropriately escalated to audit and scrutiny/ the PAP, as required.	Develop a template quarterly report on all aspects of building and fire safety matters, with particular emphasis on the high-risk buildings. This report will be presented to the Building Safety Board and Principal Accountable Person.	Berneslai Homes –Exec Director of Property Service & Head of Repairs and Maintenance	31 st July 2023	On Track
Consumer Standards – HOME	The quarterly performance report produced for the PRIP contract needs improving to provide sufficient assurance to the Core Group	Develop a new Quarterly Performance Dashboard which is fit for purpose for the contract value and provides assurance on performance and data quality.	Berneslai Homes Executive Director of Property Services – working with contractor partners	End Q2 2023/24	Delayed
Consumer Standards - HOME	The current PRIP contractual arrangement run to 2031. There is a requirement within the contract for a mid-point review at year 5. Given issues following the overspend in 2021/22, the rigidity of contract terms around completion timescales for job categories and requirements to generate efficiencies in the contract and contract delivery (linked to DRS and a move to	Commission an independent review of the PRIP contract – with a focus on generating efficiencies and ensuring that the contract is flexible enough in adapting to planned repairs delivery and the	BMBC SD Regeneration and Culture and BMBC HOS Housing working with BMBC Finance and Procurement colleagues and BH contract managers - (ED Property Services).	2024	Pre-Start

	rebalance responsive vs planned repairs), the council must use the review process to undertake a thorough review of performance and VFM.	integration of retrofit and wider compliance/building safety and enhanced decency programme works.			
Consumer Standards – Tenant Engagement	Despite the TPAS report highlighting that Berneslai Homes has a robust tenant engagement structure in place, the Tenant Voice Panel have raised issues re: governance flow, lines of communication and the co-regulation model. They have also identified that they would like better engagement with their landlord as part of Strategic ALMO group meetings.	Deliver against the Tenant Voice Action Plan to strengthen the tenant voice panel – responding to recommendations in both the TPAS report and intelligence from the away day. The Council has a role in developing and defining the strategic ALMO engagement meetings to ensure that the panel feel that they have meaningful dialogue and interaction directly with their landlord.	Berneslai Homes Executive Director of Customer and Estate Services BMBC HOS Housing in relation to the development of the Strategic ALMO arrangement.	January 2024	Pre Start
Consumer Standards - Tenancies	Ensure the effective implementation of the Lettings Standard from 1 st December 2023.	Develop a robust Communication Strategy for existing applicants on the register to ensure that there is	Berneslai Homes Executive Director of Customer and Estate Services	31 st October 2023	In Progress

		sufficient support provided during the transition to the new policy. Develop an IT implementation and interdependencies plan.	The Policy Review Board will have oversight of the implementation process.		
Economic Standards – Rent	Although the rent setting process is actioned annually as part of the HRA budget setting process with Cabinet and in line with the Rent Formula and/or other requirements/restrictions imposed by central government, the Council doesn't have an overarching rent policy which pull together all aspects of rent and service charge arrangements.	Commission HQN to undertake a review of rents and service charges to develop an overarching Rent Policy and Income Strategy. Internal Audit will undertake a review of rent and rent processes during 2023/24.	BMBC Strategic Finance Manager supported by BH Income Team, BMBC HOS Housing and finance colleagues across BH/BMBC.	31 st August 2023	In Progress
Consumer Standards – Complaints and Housing Ombudsman	The current recording mechanisms for Ombudsman Enquiries is duplicated across the Council and Berneslai Homes which causes confusion and the potential to miss deadlines. There is also no escalation process to the council or robust tracking of learning outcomes.	Agree and implement new Ombudsman complaints handling (and escalation) process between the council and Berneslai Homes.	Berneslai Homes Executive Director of Customer and Estate Services working with BMBC HOS Housing and CFIT complaints manager	31 st August 2023	In Progress
Building and Fire Safety	There is a requirement for the Council and Berneslai Homes to develop a robust governance	Complete Gap Analysis work with Pennington's and	Berneslai Homes Executive Director of	30 th September deadline for	On Track

	<p>framework for Building and Fire Safety, which includes several key actions for which the Principal Accountable Person is ultimately responsible for completing. This includes: registering our high rise buildings, preparing safety cases and ensuring full compliance with all regulatory requirements.</p> <p>Pennington's Choices have been appointed to work with Berneslai Homes to assess readiness and compliance in meeting all requirements – including assistance with the preparation of all required documentation for registration and obtaining building safety certificates.</p>	<p>develop a building safety action plan to enable the full collation of all required data ensuring compliancy with all regulatory requirements and set deadlines.</p>	<p>Property Services and Building Safety Manager</p> <p>Building Safety Review Board will track progress and escalate issues/concerns to the Audit and Scrutiny Panel and Principal Accountable Person.</p>	<p>registering buildings. April 2024 Building Assessment Certificate Process begins.</p>	
Annual Report and Accounts	<p>Currently, under the arrangements in the service agreement, the SD Regeneration and Culture receives the Annual Report and Accounts as the lead client and shareholder representative of the Board.</p>	<p>Review this process in light of significant change within the wider governance framework.</p>	<p>Service Director Regeneration and Culture and Service Director Legal and Governance</p>	NEW	Pre Start
Governance and Reporting	<p>Despite alignment to the Council's Governance Framework and financial authorisation thresholds, there is not a clear Governance Route which tracks reporting across BH to the BMBC frameworks and Cabinet/Full Council.</p>	<p>Develop a governance protocol for the escalation of reports via BH to BMBC.</p>	<p>Service Agreement Core Group as part of a TFG, to be presented to the Delivery Assurance Meeting. Lead HOS Housing</p>	July 2023	Pre Start
Governance and Reporting	<p>The Council and Berneslai Homes are seeking to commission a piece of work which ensures that we have</p>	<p>Commission Campbell Tickell which includes the</p>	<p>BMBC SD Regeneration and Culture and BMBC HOS Housing working</p>	Summer 2023	Pre Start

	the right Governance, roles and remits in place should any emergency/serious incidents require escalation.	development of a strengthened major incident protocol which is reflective of the Services Agreement. Also, to give external assurance that the clienting framework and assurance framework are fit for purpose and reflect learning from the past two years.	with BMBC Finance and Procurement colleagues.		
Financial Monitoring of Delegated Budgets	Further to the overspend situation on PRIP in the 21 – 22 FY 21/22 an action plan was produced by the Client Augmentation Team which provided a robust framework of checks and challenges to ensure that the situation would not re-occur. This included a robust process around budget setting and alignment of the development of the HRA budget with the production of the update of the Strategic Plan and development of the Annual Business plan and commitments from BH to generate annual efficiencies in line with the Council's efficiency planning processes.	Implement HRA Budget Tracker to include in-year efficiencies as identified via the budget setting process – to include a report on efficiencies in the annual review of the Business Plan 2023/24.	Berneslai Homes Executive Director of Corporate Services working with BMBC Finance (BMBC BI team responsible for development of tracker design)	July 2023	In Progress

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**Berneslai Homes
Building and Fire Safety Project Board
Terms of Reference
May 2023**



1. Purpose

Berneslai Homes manages homes on behalf of Barnsley Metropolitan Borough Council (BMBC). This management arrangement means that under the Building Safety Act 2022, Berneslai Homes is an Accountable Person and BMBC is the Principal Accountable Person.

The definition of a Principal Accountable Person is:

Principal Accountable Person (BMBC) - If a building has more than one Accountable Person, the Accountable Person responsible for the structure and exterior of the building will be the Principal Accountable Person.

As well as their duties as an Accountable Person, Principal Accountable Persons must:

- Register existing buildings with the Building Safety Regulator (between 12th April 2023 and 30th September 2023).
- Prepare a safety case report for each building.
- Provide the safety case report to the Building Safety Regulator on request.
- Apply for a building assessment certificate and provide completed building safety cases for each in scope building between March 2024 and March 2029 as requested by the Building Safety Regulator.
- Review and challenge the performance of fire and building safety as necessary on a risk-based approach.

The definition of an Accountable Person is:

Accountable Person (Berneslai Homes & BMBC) – An organisation who owns or has responsibility for the building. It may also be an organisation who is responsible for maintaining the common parts of a building, for example corridors or lobbies.



The Accountable Person will have a duty to take all reasonable steps to:

- Prevent a building safety risk happening, with building safety risk defined as 'spread of fire and/or structural failure'; and
- Reduce the seriousness of an incident if one happens.
- Monitor progress against programmes, overall performance, scrutinise strategic direction and offer constructive challenge to ensure Berneslai Homes' homes are safe and comply fully with the Building Safety Act.

In addition to the Building Safety Act 2022, The Fire Safety Act 2021 received Royal Assent on 29 April 2021 and commenced on 16 May 2022. The Act amends the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order RRFSO). The Act clarifies that Responsible Persons (RPs) for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts.

The Fire Safety Regulations were introduced under Article 24 of the Fire Safety Order and came into force on 23 January 2023, meaning it is a legal requirement for the Responsible Person for multi-occupied buildings over 11 metres to:

- Carry out quarterly checks of all fire doors in communal areas.
- Carry out annual checks on all flat entrance doors.
- Provide information to residents about the importance of fire doors.

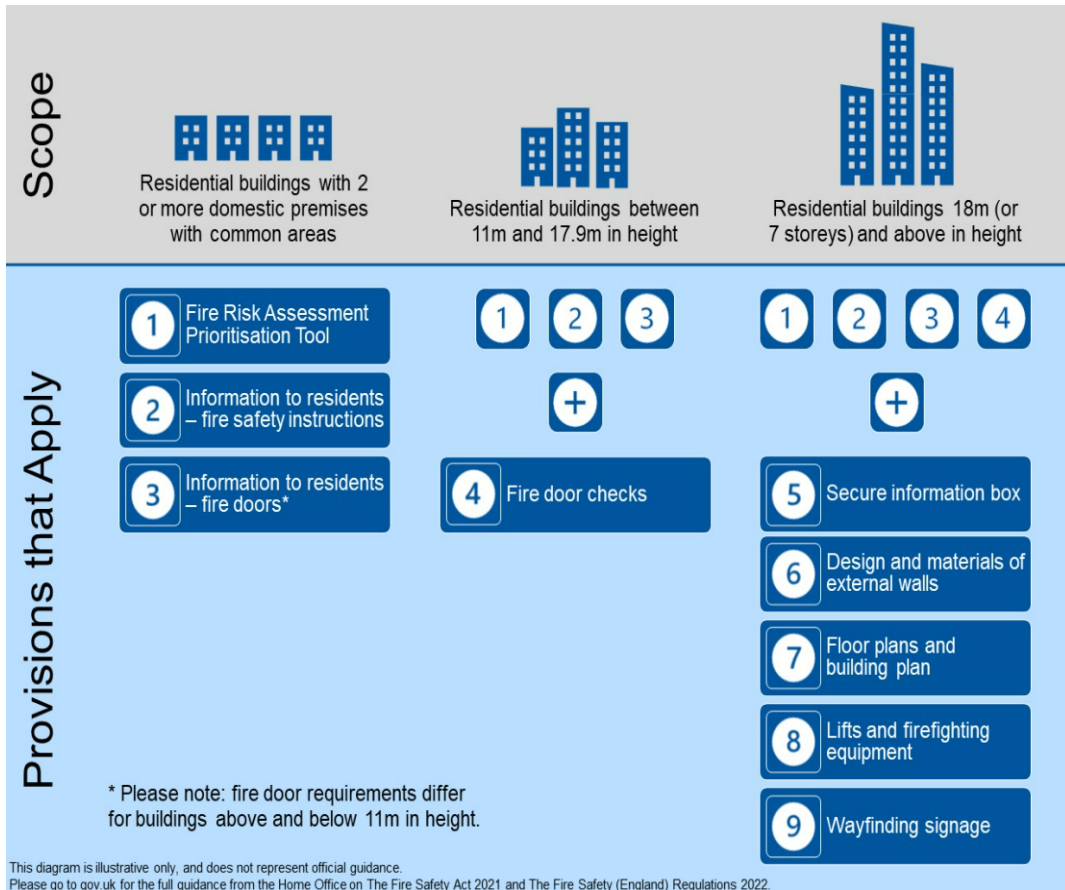
The act will require Responsible Persons of multi-occupied residential buildings with two or more sets of domestic premises to update their fire risk assessment to include an assessment of the building's structure, external walls.

The Regulations apply to England only. The Regulations can be found on the UK Government website.

Most of the requirements set out in the Regulations are imposed on the responsible person (RP), Which RPs need to plan and prepare for.

The Regulations require RPs in multi-occupied residential buildings to take specific actions, depending on height of the building.

The diagram below is a scoping tool which sets out the requirements on a building dependant on its height.



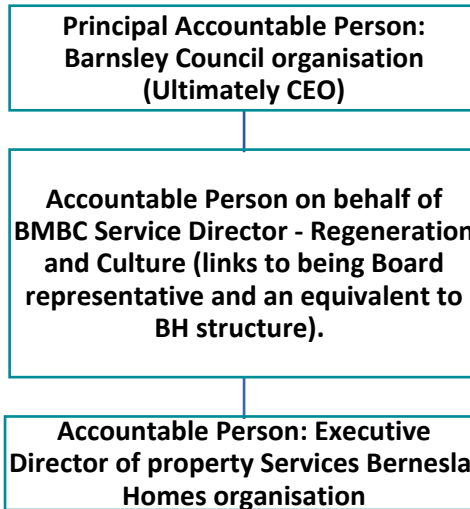
Under the Acts and Regulations, Berneslai Homes and BMBC have Accountable Person duties for the occupied higher-risk buildings which are at least seven storeys or are at least 18 metres in height and have at least two residential unit. Both BMBC and Berneslai Homes have decided to include the Independent Living Schemes.

2. Governance Framework

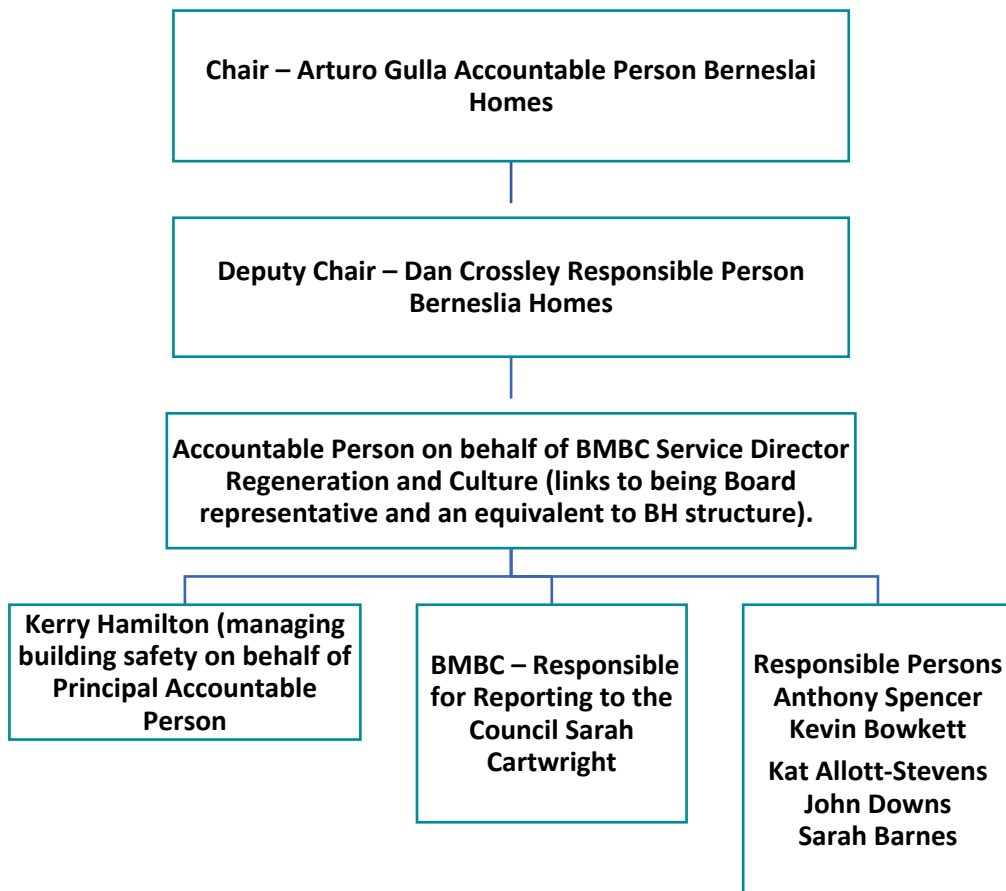
The diagram below sets out the governance arrangements in place between the Council (as Principal Accountable Person) and Berneslai Homes (as Accountable Person) to ensure full compliance with all statutory and regulatory requirements under the Building Safety and Fire Safety Acts.



Governance Framework between Barnsley Council and Berneslai Homes



Building Safety Board – Framework





3. Aims

- 3.1 Ensure that Barnsley Metropolitan Borough Council (BMBC) and Berneslai Homes meets all the regulatory and legislative requirements relating to the Building Safety Act 2022, Fire Safety Act 2021 and Fire Safety Regulations
- 3.2 Provide assurance to the Council and its Members that Council properties are managed and maintained to the highest health and safety standards and in full compliance with the Services Agreement and the requirements of the Regulator of Social Housing (RSH).
- 3.3 To provide a full programme update to the Council's appointed Accountable person/ Responsible person quarterly on all aspects of building and fire safety, including an update on capital/planned works, any areas of concern and tracking of fire risk assessment and other compliance actions.
- 3.4 To provide assurance to both the Audit and Risk Committees within Barnsley Council and Berneslai Homes with regards areas of non-compliance, incidents and/or significant delay in the delivery of essential planned works.

4. Functions

- Appoint to the key roles identified within the Building Safety Act - Developing a robust governance and escalation process
- Build on existing expertise within Barnsley Council and Berneslai Homes.
- To provide assurance to the Principal Accountable Person (the Council) of full compliance with all statutory and regulatory requirements under the fire and building safety acts and regulatory requirements under the Tenant's Charter/Social Housing Regulation Bill.
- To monitor the delivery of building and fire safety programme works and to identify, prioritise and plan future programmes (linked to annual budget setting)
- To establish future costs around implementing further recommendations of the Acts and Regulations.
- Develop best practice in the fields of engagement and communication with tenants to ensure we are tenants at the heart of H&S etc
- Inform future policy development.
- Provide clear objectives, success measures and tangible outputs within the Building Safety Plan which can be tracked and audited.



- Consider the most effective methods of sharing best practice and disseminating important messages on building safety to the wider business in order to foster a culture of resident engagement across all tenures.
- To oversee the establishment of a robust tenant liaison group (including leaseholders) to work with, inform of changes and determine satisfaction levels.
- To ensure that the Building Safety Team structure is adequately resourced and comprises of suitably qualified individuals
- To create a skills matrix for all key roles (including, but not limited to designated Building Safety Manager and Managers responsible for each in scope building).
- To measure progress of the Building Safety Action plan.
- To produce building Assurance Certificates for each in scope building.
- To review and challenge the performance of fire and building safety as necessary on a risk based approach.

5. Specific Functions

- 5.1 The BSPB will monitor progress against programmes, overall performance, scrutinise strategic direction and offer constructive challenge to ensure that all council homes are safe and comply to regulatory compliance standards as set out in the Regulators Home Standard, Building Safety Act and White Paper on Social Housing.
- 5.2 Each compliance/engagement lead will provide updates to detailed actions/PIs included within the wider Building Safety Action Plan.
- 5.3 Formal minutes of each Building Safety Project Board will be produced.

6. Membership

- 6.1 The Building Safety Project Group will be chaired by the appointed Accountable Person with BH (ED Property – Arturo Gulla).
- 6.2 Additional attendees are

Executive Director of Property Service – Accountable Person	Chair
Head of Repairs, Maintenance and Building Safety – Responible Person	Deputy Chair



Members – Responsible Persons	<ul style="list-style-type: none"> • Head of Estate Services • Head of Asset Management • Fire and Asbestos Compliance Manager • Mechanical & Electrical Compliance Manager • Maintenance Manager
Barnsley Metropolitan Borough Council (BMBC) members – Accountable Persons	<ul style="list-style-type: none"> • Service Director • Head Strategic Housing

6.3 As Berneslai Homes manage the housing stock on behalf of Barnsley Metropolitan Council the members will form part of the Building Safety Project Board.

6.4 Co-option – the Building Safety Project Board may, by resolution, co-opt additional members with specialised knowledge for a specific purpose, for as long as the group so decides. Co-opted members may not send a deputy

6.5 Deputies – any member unable to attend a meeting of the Building Safety Project Group should nominate a deputy to attend.

6.6 Where Building Safety Project Group are unable to attend a meeting, any updates should be provided to the Chair. An appropriate representative may attend in their place, in agreement with the Chair

Serviced by:

Name	DESIGNATION
	Administration support for the will be provided by an employee from the Building Safety/ Compliance team.

7. Reporting Mechanisms

7.1 Will be provided to the Audit and Risk Committee and BMBC members

8. Frequency and Timing

8.1 The Building Safety Project Board will meet on a quarterly basic,

8.2 An Extraordinary meeting may be called if the Chair or Vice Chairs determines it appropriate.



9. Date the terms of reference were Approved

Approved May 2023.

10. Review Date

May 2024.

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