

# Public Document Pack

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| <b>MEETING:</b>         | Cabinet   |
| <b>DATE:</b>            | Wednesday 1 November 2023   |
| <b>TIME:</b>            | 10.00 am  |
| <b>VENUE:</b>           | Council Chamber, Barnsley Town Hall   |
| <b>PUBLIC WEB LINK:</b> | <a href="https://barnsley.public-i.tv/core/portal/webcasts">https://barnsley.public-i.tv/core/portal/webcasts</a> |

## AGENDA

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

### Minutes

3. Minutes of the previous meeting held on 18 October 2023 (Cab.1.11.2023/3)  
(Pages 3 - 6)

### Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.1.11.2023/4) (Pages 7 - 8)

### Petitions

5. Petitions received under Standing Order 44 (Cab.1.11.2023/5)

### Items for Decision/Recommendation to Council

#### Leader

6. Transfer of Police and Crime Commissioner Function (Cab.1.11.2023/6)  
(Pages 9 - 12)
7. Exclusion of Public and Press  
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

#### Joint Regeneration and Culture and Children's Spokespersons

8. Barnsley Youth Zone Update (Cab.1.11.2023/8) (Pages 13 - 26)  
Reason restricted:  
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), 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

Anna Hartley, 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](mailto:governance@barnsley.gov.uk)

Tuesday 24 October 2023



|                 |                                     |
|-----------------|-------------------------------------|
| <b>MEETING:</b> | Cabinet                             |
| <b>DATE:</b>    | Wednesday 18 October 2023           |
| <b>TIME:</b>    | 10.00 am                            |
| <b>VENUE:</b>   | Council Chamber, Barnsley Town Hall |

## MINUTES

**Present** Councillors Cain, T. Cave, Franklin, Frost, Higginbottom, Makinson (Chair) and Newing

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

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

Councillor Sheard declared a non-pecuniary interest as a Governor at Barnsley Hospital in respect of the agenda as a whole.

Councillors Cain and Bellamy declared non-pecuniary interests as a Members of Goldthorpe Town Deal Board in respect of Minute Number 125.

Councillors Franklin and Frost declared non-pecuniary interests in respect of Minute Number 126 due to an association with the strategic asset to be discussed and were to depart the Council Chamber for the duration of this item.

### 116. Call-in of Cabinet decisions

The Deputy Leader reported that no decisions from the previous meeting held on 04 October had been called in.

### 117. Minutes of the previous meeting held on 4 October 2023 (Cab.18.10.2023/3)

The minutes of the meeting held on 04 October were taken as read and signed by the Chair as a correct record.

### 118. Decisions of Cabinet Spokespersons (Cab.18.10.2023/4)

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

### 119. Petitions received under Standing Order 44 (Cab.18.10.2023/5)

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

- (a) Containing the signatures of 256 signatories, in respect of a request for a speed reduction and traffic calming and monitoring on Storrs Mill Lane, Cudworth and Edderthorpe Lane, Darfield.

## **120. Recommissioning of Substance Misuse Services (Cab.18.10.2023/6)**

**RESOLVED** that Cabinet:-

1. Agree the integration of the Young Peoples' Substance Misuse Service and the Multiple and Complex Needs Housing provision (25+) into the overall Substance Misuse Service known as Barnsley Recovery Steps; and
2. Grant approval to procure a 5-year contract (with an option to extend for a further two years) for an All-Age Integrated Community Drug and Alcohol service, using Regulation 32 of the Public Contracts Regulations 2015 - negotiated procedure without prior publication of a notice; and
3. Approve that if an award using Regulation 32 of the Public Contract Regulations 2015 is not possible then grant approval to go to market to procure a provider via a competitive exercise; and
4. Delegate the authority of award of the contract to the Director of Public Health and Communities subject to the agreement of a proposal in line with the allocated budget following the procedure outlined above.

## **121. A629 Halifax Road in Penistone - Proposed 50mph Speed Limit (Cab.18.10.2023/7)**

**RESOLVED** that Cabinet:-

1. Agrees that the objection received be rejected for the reasons detailed in the report and the objector be informed accordingly; and
2. Authorises the Head of Highways and Engineering and the Head of Legal Services to make and implement The Traffic Regulation Order to introduce a 50mph speed limit on A629 Halifax Road as originally published.

## **122. Unnamed Access Road to Darton Primary School - Experimental Traffic Regulation Order (Cab.18.10.2023/8)**

**RESOLVED** that Cabinet:-

1. Authorise the Head of Highways & Engineering to arrange with the Head of Legal to make and publish an ETRO to introduce changes to parking restrictions on the Unnamed Access Road to Darton Primary School to remove sections of the existing 'No Waiting at Any Time' restrictions and replace them with peak period waiting restrictions 'Mondays to Fridays 8:00 am to 9:30 am and 2:30 pm to 5:00 pm' on an experimental basis; and
2. Authorise the Head of Highways and Engineering to implement the changes, to carry out public consultations and to monitor the operation and effectiveness of the restrictions throughout the experimental period; and

3. Authorise the Head of Highways and Engineering to make any changes to the restrictions that are considered necessary to overcome any operational difficulties or satisfy any objections or representations that might be received during that time subject to consultation with the Chief Officer of the Police and giving further public notice of the changes; and
4. Agree that any objections and representations received during the public consultation period, be fully considered and reported to a future meeting of Cabinet, together with a full assessment of the effectiveness of the restrictions and whether the TRO has achieved its desired objectives, in order to determine whether the restrictions should be made permanent.

**123. Barnsley Playing Pitch and Outdoor Sports Strategy 2023 (Cab.18.10.2023/9)**

**RECOMMENDATION TO COUNCIL ON 23 NOVEMBER 2023**

**RESOLVED** that Cabinet recommend to Council the adoption of the Playing Pitch and Outdoor Sports Strategy and its associated recommendations.

**124. 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> |
|--------------------|---|
| 125                | Paragraph 3                                       |
| 126                | Paragraph 3                                       |
| 127                | Paragraphs 3, 4 and 5                             |

**125. Goldthorpe Towns Fund: Commercial Investment Fund (Towns Fund Project L) (Cab.18.10.2023/11)**

**RESOLVED** that Cabinet:-

1. Notes the actions taken to launch Project L and the process undertaken to assess the subsequent applications for CIF grant received from businesses; and
2. Approves 'in principle' the release of CIF grant to those grant applicants successful in meeting the schemes robust assessment criteria and due diligence requirements, with final release of the grant being subject to the satisfactory conclusion of scheme clarifications, due diligence and contract negotiations; and
3. Delegates authority to the Executive Director of Core Services in consultation with the Council's Section 151 officer and Legal services to finalise the grant offer and contract terms to each applicant – noting that any variation in the grant offer to either applicant would i) need to sit within the limits of delegated

powers and ii) within the overall Towns Fund budget allocation for 'Project L: CIF'; and

4. Approve the virement of Town Fund budget allocations from the 'Project L: CIF' budget to support the delivery of the 'Project K: New Access Roundabout' and 'in principle' agreement to 'Project D: Goldthorpe Housing' projects, noting that acceptance of this action will still leave sufficient balances within the Project L budget to fully support scheme delivery and meet contracted outputs.

**126. Use of Strategic Asset (Cab.18.10.2023/12)**

Councillors Franklin and Frost departed the Chamber for the duration of this item.

**RESOLVED** that Cabinet:-

1. Approve the Officer recommendations as set out in paragraph 2.5; and
2. Approve the delegations as in paragraph 2.6.

**127. Term Time Only Holiday Pay (Cab.18.10.2023/13)**

**RESOLVED** that Cabinet agree to the recommendations set out in section 9 of the report to address holiday pay issues.

.....  
Chair

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**CABINET SPOKESPERSONS' DECISIONS**

**Schedule of Decisions taken for week ending 20 October 2023**

| <b><u>Cabinet Spokesperson</u></b> | <b><u>Item</u></b>   | <b><u>Decisions</u></b>  |
|------------------------------------|--|--|
| 1. Public Health and Communities   | Survivors Voice – Experts by Experience service commission | <ol style="list-style-type: none"><li>1. Cabinet Spokesperson approves the budget from Healthier Communities (BU8) for up to three years to fund an after-crisis peer led support service.</li><li>2. Cabinet Spokesperson authorises officers within BMBC to approach the market to inform the procurement of this new service.</li></ol> |

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**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**REPORT OF: EXECUTIVE DIRECTOR – CORE SERVICES**

**TITLE: Transfer of Police and Crime Commissioner function**

|                                 |                        |
|---------------------------------|------------------------|
| <b>REPORT TO:</b>               | <b>CABINET</b>         |
| <b>Date of Meeting</b>          | <b>1 November 2023</b> |
| <b>Cabinet Member Portfolio</b> | <b>Leader</b>          |
| <b>Key Decision</b>             | <b>No</b>              |
| <b>Public or Private</b>        | <b>Public</b>          |

**Purpose of report**

To seek approval to give consent for the Police and Crime Commissioner (PCC) transfer to take place with effect from May 2024 and to reduce the current mayoral term to align with the mayoral and PCC election cycles from May 2024.

**Council Plan priority**

Healthy Barnsley

**Recommendations**

That Cabinet:-

1. Delegate approval to the Head of Paid Service to give the Authority’s consent to the making of an order to provide for both the Mayor of South Yorkshire to exercise functions of the Police and Crime Commissioner (PCC) in relation to South Yorkshire with effect from May 2024 and to reduction of the current mayoral term to align with the PCC election cycle in May 2024.

**1. INTRODUCTION**

1.1 The Combined Authority (MCA) was established in 2014. In 2018 the first elections for a mayor were held, a second election was held in 2022 for a mayoral term of 4 years.

The Government’s White Paper, ‘Levelling Up the United Kingdom’ contained the following commitment:

“The UK Government will take steps to remove barriers to combined authority mayors taking on public safety functions. Where there are existing or planned mayoral combined authorities with coterminous boundaries to PCCs and Fire and Rescue Authorities, the UK Government will look to transfer these functions to the Mayor.”

## **2. PROPOSAL**

- 2.1 At its meetings in June and July the MCA endorsed the approach to a transfer of PCC functions to the Mayor and amongst other recommendations agreed to:-

*“Submit a joint letter from the Mayor, MCA Leaders and PCC to the Secretaries of State for the Department of Levelling Up, Housing and Communities and the Home Office to request that Government officials work with South Yorkshire officers to draft legislation to allow decisions to be made in the Autumn”.*

- 2.2 Discussions with Home Office and Department of Levelling Up, Housing and Communities officials have confirmed government support for the transfer of PCC powers to the Mayor of South Yorkshire from 2024. These discussions has culminated in a letter from the Home Office and the Department of Levelling Up, Housing and Communities dated 20<sup>th</sup> September confirming that they:-

*“We intend, subject to the statutorily required local consents and Parliamentary approval, to make the necessary legislation to transfer PCC functions to be exercised by the South Yorkshire Mayor from May 2024, and to reduce the current mayoral term in order to align the mayoral and PCC election cycles from May next year”.*

- 2.3 An order is now expected to be introduced into Parliament in late November 2023, and be made in early 2024. Technically the order will do the following:-

1. Provide for all functions presently exercised by the PCC to be functions exercisable by the Mayor for South Yorkshire with effect from the [ ] May 2024;
2. Transfer all property, rights, liabilities of the PCC to the MCA, with future decisions on such matters being vested in the Mayor;
3. Provide for the continuity of the operation by substituting the MCA for the PCC in any legislation/instruments/contracts etc;
4. Deal with financial year end issues; and
5. Reduce the current mayoral term in order to align the mayoral and PCC election cycles from May 2024.

- 2.4 The Local Democracy, Economic Development and Construction Act 2009 requires, amongst other matters, for the consent of each district in the area of the MCA to the making of the order. This will be required in writing prior to the order being laid.

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

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

Discussions have taken place with representatives of the Director of Finance (S151 Officer). There are no direct financial implications on the council as a result of this report. Any costs arising from the subsequent transfer will be met by the SYMCA.

#### **3.2 Legal**

S.107F Local Democracy, Economic Development and Construction Act 2009 makes provision for the transfer of PCC functions to the mayor for combined authority area by order, subject to the consent of the Mayor, and the Districts in the MCA area. The order transferring the functions will also provide for the reduction in the present mayoral term in order to align with the PCC election cycle.

#### **3.3 Equality**

An Equality Impact Assessment is not required due to the factual nature of the report.

#### **3.4 Sustainability**

There are no implications for the local environment, sustainability and tackling climate change emerging through consideration of this report.

#### **3.5 Employee**

There are no issues arising directly from this report.

#### **3.6 Communications**

A detailed Communications and Engagement Plan will be developed by the SYMCA, OPCC and SYP officers as part of the transfer programme.

### **4. CONSULTATION**

Consultation has previously taken place with SYMCA Committee Members, who have agreed to proceed with proposals for the Mayor to take on the Police and Crime Commissioner functions with effect from May 2024, subject to the agreement of all constituent Authorities.

### **5. ALTERNATIVE OPTIONS CONSIDERED**

Due to the nature of this report, alternative approaches are not considered.

## 6. REASONS FOR RECOMMENDATIONS

The Local Democracy, Economic Development and Construction Act 2009 requires, amongst other matters, for the consent of each district in the area of the MCA to the making of the order. This will be required in writing prior to the order being laid.

## 7. GLOSSARY

SYMCA – South Yorkshire Mayoral Combined Authority  
PCC – Police and Crime Commissioner  
OPCC – Office of the Police and Crime Commissioner  
SYP – South Yorkshire Police

## 8. LIST OF APPENDICES

Not applicable

## 9. BACKGROUND PAPERS

Reports to the South Yorkshire Mayoral Combined Authority Board:-  
- 5 June 2023 - Future Police and Crime Commissioner Functions  
- 31 July 2023 – Police and Crime Commissioner Next Steps

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

## 10. REPORT SIGN OFF

|  |                                   |
|--|-----------------------------------|
| <b>Financial consultation &amp; sign off</b> | Steve Loach<br>17/10/2023         |
| <b>Legal consultation &amp; sign off</b>     | Sukdave Ghuman<br>16 October 2023 |

**Report Author: Carol Tague**  
**Post: Head of Governance**  
**Date: 10 October 2023**

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

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