

<b>MEETING:</b>	Full Council
<b>DATE:</b>	Thursday 28 September 2023
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## AGENDA

### 1. Declarations of Interests

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

### 2. Minutes (*Pages 9 - 26*)

To approve as a correct record the minutes of the meeting of the Council held on 27 July 2023.

### 3. Communications

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

#### **Recommendations to Council**

*All reports detailed below are subject to Cabinet recommendation. The Cabinet Spokesperson for the Service in question will respond to any comments or amendments concerning these.*

### 4. Outcomes of the Inspection of Youth Justice Services in Barnsley (Cab.16.8.2023/7) (*Pages 27 - 60*)

#### **RECOMMENDED TO COUNCIL:-**

- i) That the report be considered by Council; and
- ii) That Council notes that any recommended actions within the report will be considered in response to the outcome of the report through an associated improvement plan.

#### **Substantive Items**

### 5. Overview and Scrutiny Committee Annual report 2022/23 (*Pages 61 - 86*)

#### **RECOMMENDED TO COUNCIL:-**

That the Overview and Scrutiny Commission's Annual Report be received and the contribution of the work undertaken during 2022-23 in further improving services across the borough be noted.

### 6. Cudworth Park Bungalow (*Pages 87 - 94*)

#### **RECOMMENDED THAT COUNCIL AS CORPORATE TRUSTEE:-**

- i) Confirms that it has met the requirement to ensure that the Charity's aims have been carried out for the public benefit with due regard to published Charity Commission guidance.
- ii) Agrees that the Bungalow is no longer required for the purposes of the Trust.
- iii) Approves, subject to Charity Commission approval, the demolition of the Bungalow and making good of the site at the Council's expense.
- iv) Delegates authority to officers of the Council acting exclusively for the Charity to implement these recommendations and carry out all acts and deeds to give effect to these recommendations.
- v) Instructs officers of the Council acting exclusively for the Charity to arrange all necessary documents to permit the Council's (in its local authority capacity) contractors to enter the park site and carry out the demolition of the Bungalow and making good of the site, subject to the Council at all times agreeing to indemnify the Corporate Trustee by way of insurances or otherwise.
- vi) Authorises officers acting exclusively for the Charity to permit the Council, its consultant and contractors, to enter the park site and execute the demolition and making good of the site, subject to the Council providing the Charity with appropriate indemnities.

## 7. Appointment to Committees and Outside Bodies

To note the following changes to Cabinet Portfolio Holders effective from 7 September 2023:-

Cabinet Spokesperson Regeneration and Culture – Councillor Franklin  
 Cabinet Spokesperson Core Services – Councillor Frost

To consider the following appointments to outside bodies:-

Barnsley and Rotherham Chamber of Commerce Representative Council

Proposed to:-

Remove Councillor Frost

Add Councillor Franklin

## **Minutes of the Regulatory Boards**

- 8. Planning Regulatory Board - 25 July 2023 (*Pages 95 - 96*)
- 9. Planning Regulatory Board - 5 September 2023 (*Pages 97 - 98*)
- 10. Audit and Governance Committee - 26 July 2023 (*Pages 99 - 106*)
- 11. General Licensing Regulatory Board - 6 September 2023 (*Pages 107 - 108*)
- 12. General Licensing Panel - Various (*Pages 109 - 112*)

13. Appeals, Awards and Standards - Various (*Pages 113 - 114*)

**Minutes of the Health and Wellbeing Board**

14. Health and Wellbeing Board - 10 August 2023 (*Pages 115 - 122*)

**Minutes of the Scrutiny Committees**

15. Overview and Scrutiny Committee (Healthy Barnsley Workstream) - 18 July 2023 (*Pages 123 - 132*)

**Minutes of the Area Councils**

16. North Area Council - 10 July 2023 (*Pages 133 - 140*)
17. Dearne Area Council - 17 July 2023 (*Pages 141 - 146*)
18. Central Area Council - 19 July 2023 (*Pages 147 - 150*)
19. Penistone Area Council - 20 July 2023 (*Pages 151 - 156*)
20. North East Area Council - 20 July 2023 (*Pages 157 - 164*)
21. South Area Council - 1 September 2023 (*Pages 165 - 168*)

**Minutes of the Cabinet Meetings**

22. Cabinet - 12 July 2023 (*Pages 169 - 172*)
23. Cabinet - 26 July 2023 (*Pages 173 - 176*)
24. Cabinet - 16 August 2023 (*Pages 177 - 180*)
25. Cabinet - 6 September 2023 (*Pages 181 - 182*)

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

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

**Minutes of the South Yorkshire Pensions Authority, South Yorkshire Fire and Rescue Authority, South Yorkshire Mayoral Combined Authority, and Police and Crime Panel**

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

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

27. South Yorkshire Pensions Authority - 8 June 2023 (*Pages 183 - 194*)

- 28.** Police and Crime Panel (Draft) - 17 July 2023 (*Pages 195 - 202*)
- 29.** South Yorkshire Fire and Rescue Authority - 24 July 2023 (*Pages 203 - 206*)
- 30.** South Yorkshire Mayoral Combined Authority Board - 31 July 2023 (*Pages 207 - 214*)
- 31.** Questions by Elected Members

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

1. Councillor C Wray

At the time of writing, no school within the borough is on the list of those affected by RAAC (reinforced autoclaved aerated concrete). Can the council confirm that all schools within Barnsley have completed their surveys and that no school or other building in the Borough where the council is the responsible body are affected by RAAC?

2. Councillor Lodge

Berneslai Homes tenants are consistently reporting in regular delays in repairs and maintenance of their properties, many of these residents have escalated their cases through complaints procedures. These delays are having a huge impact on their physical and mental health, does the Cabinet Member agree with me that these delays of 12+ months are unacceptable and will he work with me to ensure that Berneslai Homes make the repairs as soon as possible?

3. Councillor Greenhough

With the recent acceleration of AI technology, is the council concerned about the risk to jobs in Barnsley?

4. Councillor Kitching

Given the recent news about Local Authority finances, including Birmingham City Council issuing a Section 114 notice, what reassurance can be given over the council's current and longer-term financial position?

5. Councillor Christmas

It was originally agreed with my predecessor over 18 months ago, that speed indicator devices were to be installed on Dodworth Green Road in Dodworth and Higham Common Road in Higham, yet we seem no closer to their installation, despite months of chasing. Could the cabinet member confirm that these two locations are still due to receive devices, and if so, when?

- 32.** Motion - Councils for Fair Tax

Mover – Councillor Sir Steve Houghton CBE

Seconder – Councillor Makinson

**That this Council** notes that:-

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies. <sup>1</sup>
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens. <sup>2</sup>
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues. <sup>3</sup>
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

**That this Council** believes that:-

1. Paying tax is often presented as a burden, but it shouldn’t be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct.
4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax conduct.
5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils’ ability to either penalise poor tax conduct.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

**This Council** therefore resolves to:-

1. Approve the Councils for Fair Tax Declaration, as amended.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure IR35 continues to be applied, where appropriate.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Promote Fair Tax Mark certification recognising the impact on businesses, in particular Small and Medium Enterprises (SMEs).
6. Support Fair Tax Week and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and

- pay their fair share of corporation tax.
7. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

<sup>1</sup>2022 polling (2022 ICM Omnibus, a nationally representative omnibus survey of c.2,000 adults across GB between 6 and 11 May 2022) commissioned by the Fair Tax Foundation from ICM.

<sup>2</sup> Research commissioned by the Fair Tax Foundation (from [DatLab](#) ). The estimate relates to the period 2014-19, with the definition of 'tax haven' formulated on the basis of Tax Justice Network index workings

<sup>3</sup> Data is derived from <https://missingprofits.world/> and supported by researchers from the University of California, Berkeley and the University of Copenhagen.

### 33. Motion - Supporting Trans and Non-Binary People in our communities

Proposer – Councillor Fielding

Seconder – Councillor Kitching

#### **This Council** notes:

1. Trans women are women, trans men are men, non-binary people are non-binary and trans rights are human rights.
2. The suicide, self-harm and poor mental health rates among trans and non-binary people, particularly youth, are alarmingly high. Trans people take their own lives at approximately 10 times the rate of cis people.
3. Too often the LGBTQ+ community, particularly young people, do not have their specific needs taken into account when accessing healthcare.
4. LGBTQ+ people, particularly those who identify as trans and non-binary, are at greater at risk of homelessness. Amongst the LGBTQ+ community, 20% will experience homelessness at some point in their lives. This rises to 25% amongst trans people.
5. The frequency of transphobic hate crimes is increasing, with reported incidents rising by 55% from 2020/21 to 2021/22. This is fuelled by the increased attacks on trans and non-binary people in mainstream media and political discourse.

Furthermore, **this Council** commends:

6. The excellent work done by the Trans Barnsley support group in supporting trans and non-binary people across Barnsley borough.
7. The recent introduction of a gender-neutral option on all council forms so people can identify in the way that makes the most sense to them. (Such as Mx titles, or non-binary as an option when selecting gender.)

Therefore, **this Council** resolves:

8. To fly the transgender pride flag on Barnsley Council flag poles, including Barnsley Town Hall, on both International Transgender Day of Visibility (31st March) and International Transgender Day of

- Remembrance (20th November) going forward.
9. To fly the non-binary pride flag for International Non-Binary People's Day (14th July) going forward.
  10. To consider the needs of transgender and non-binary people when drafting homelessness policies and strategies and to ensure they are not discriminated against when accessing those services.
  11. To ensure all council equalities and safeguarding policies include provisions for transgender employees who are transitioning, including information on confidentiality, dress codes and using facilities such as toilets, with related guidance for line managers.
  12. To ensure all equality, diversity and inclusion training provided to council members, staff and officers includes adequate reference to the equalities issues faced by transgender and non-binary people, for example on the use of correct pronouns, privacy and confidentiality, and the needs and experiences of trans and non-binary people.
  13. To have identified allies within the organisation, who can act as knowledgeable points of contact to signpost to relevant services and information.

### **Questions received from Members of the Public - For Noting**



Sarah Norman  
Chief Executive

Wednesday 20 September 2023