

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

MINUTES

Present

The Mayor (Councillor Stowe)

- Central Ward - Councillors Moyes and O'Donoghue
- Cudworth Ward - Councillors Hayward and Houghton CBE
- Darfield Ward - Councillors Markham, Osborne and Smith
- Darton East Ward - Councillors Denton and Hunt
- Darton West Ward - Councillors A. Cave, T. Cave and Howard
- Dearne North Ward - Councillors Bellamy, Cain and Morrell
- Dearne South Ward - Councillors Bowler and Coates
- Dodworth Ward - Councillors Christmas, Fielding and C. Wray
- Hoyland Milton Ward - Councillors Franklin and Shepherd
- Kingstone Ward - Councillors Mitchell and P. Wright
- Monk Bretton Ward - Councillors Green, Richardson and Sheard
- North East Ward - Councillors Booker, Ennis OBE and Peace
- Old Town Ward - Councillors Lofts and Newing
- Penistone East Ward - Councillors Barnard, Burnett and Wilson
- Penistone West Ward - Councillors Greenhough, Kitching and Lowe-Flello
- Rockingham Ward - Councillors Sumner, White and A. Wray
- Royston Ward - Councillors Makinson, McCarthy and Webster
- St. Helen's Ward - Councillors Leech, Tattersall and N. Wright
- Stairfoot Ward - Councillors K. Dyson
- Wombwell Ward - Councillors Eastwood, Frost and Higginbottom
- Worsbrough Ward - Councillors Bowser, Clarke and Lodge

97. **Declarations of Interests**

Councillor Burnett declared a non-pecuniary interest in any item on the agenda insofar as it related to his employment by the NHS.

Councillor Fielding declared a non-pecuniary interest in minute number 129 due them being a service user of Trans-Barnsley.

Councillor Sheard declared a non-pecuniary interest in any items on the agenda insofar as they related to her position as Governor at Barnsley Hospital.

Councillor Tattersall declared a non-pecuniary interested in any items on the agenda insofar as they related to her position on Berneslai Homes Board or due to her being a member of Barnsley Hospital Federation Trust

Councillor Osborne declared a non-pecuniary interested in any items on the agenda insofar as it related to his position on Berneslai Homes Board

Councillor C Wray declared a non-pecuniary interest in minute number 100 due to his employment by the Ministry of Justice, specifically HM Prison and Probation Service.

98. Minutes

The minutes of the meeting held on 27 July 2023 were taken as read and signed by the Chair as a correct record.

99. Communications

No communications were received.

100. Outcomes of the Inspection of Youth Justice Services in Barnsley (Cab.16.8.2023/7)

Moved by Councillor T Cave – Seconded by Councillor Peace; and

RESOLVED:-

- 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.

101. Overview and Scrutiny Committee Annual report 2022/23

Moved by Councillor Ennis OBE – Seconded by Councillor Clarke; and

RESOLVED 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.

102. Cudworth Park Bungalow

Moved by Councillor Franklin – Seconded by Councillor Moyes; and

RESOLVED THAT THE 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.

103. Appointment to Committees and Outside Bodies

Moved by Councillor Howard – Seconded by Councillor Franklin; and

RESOLVED:-

That the following changes to Cabinet Portfolio Holders, effective from 7 September 2023, be noted:-

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

And that the following changes to representation on the Outside Bodies detailed be approved:-

Barnsley and Rotherham Chamber of Commerce Representative Council

Remove Councillor Frost
 Add Councillor Franklin

104. Planning Regulatory Board - 25 July 2023

Moved by Councillor Richardson - Seconded by Councillor Leech; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 25 July 2023 be received.

105. Planning Regulatory Board - 5 September 2023

Moved by Councillor Richardson - Seconded by Councillor Leech; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 5 September 2023 be received.

106. Audit and Governance Committee - 26 July 2023

Moved by Councillor Lofts - Seconded by Councillor Barnard; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Audit and Governance Committee held on 26 July 2023 be received.

107. General Licensing Regulatory Board - 6 September 2023

Moved by Councillor Green – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board meeting held on the 6 September 2023 be received.

108. General Licensing Panel - Various

Moved by Councillor Green – Seconded by Councillor Clarke; and

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

109. Appeals, Awards and Standards - Various

Moved by Councillor Shepherd – Seconded by Councillor Bowler; and

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

110. Health and Wellbeing Board - 10 August 2023

Moved by Councillor Cain – Seconded by Councillor Newing; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Health and Well Being Board held on 10 August 2023 be received.

111. Overview and Scrutiny Committee (Healthy Barnsley Workstream) - 18 July 2023

Moved by Councillor Ennis OBE – Seconded by Councillor Clarke; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee (Healthy Barnsley Workstream) held on 18 July 2023 be received.

112. North Area Council - 10 July 2023

Moved by Councillor Leech – Seconded by Councillor T Cave; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North Area Council held on 10 July 2023 be received.

113. Dearne Area Council - 17 July 2023

Moved by Councillor Coates – Seconded by Councillor Bowler; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on 17 July 2023 be received.

114. Central Area Council - 19 July 2023

Moved by Councillor Dyson - Seconded by Councillor Bowser; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 19 July 2023 be received.

115. Penistone Area Council - 20 July 2023

Moved by Councillor Greenhough – Seconded by Councillor Kitching; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 20 July 2023 be received.

116. North East Area Council - 20 July 2023

Moved by Councillor Hayward – Seconded by Councillor McCarthy; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the North East Area Council held on 20 July 2023 be received.

117. South Area Council - 1 September 2023

Moved by Councillor Markham - Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on 1 September 2023 be received.

118. Cabinet - 12 July 2023

Moved by Councillor Houghton CBE – Seconded by Councillor Makinson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet meeting held on 12 July 2023 be received.

119. Cabinet - 26 July 2023

Moved by Councillor Houghton CBE – Seconded by Councillor Makinson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet meeting held on 26 July 2023 be received.

120. Cabinet - 16 August 2023

Moved by Councillor Houghton CBE – Seconded by Councillor Makinson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet meeting held on 16 August 2023 be received.

121. Cabinet - 6 September 2023

Moved by Councillor Houghton CBE – Seconded by Councillor Makinson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Cabinet meeting held on 6 September 2023 be received.

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

The Chief Executive reported that she had received no questions from Elected Members in accordance with Standing Order No. 12.

123. South Yorkshire Pensions Authority - 8 June 2023

RESOLVED that the minutes be noted.

124. Police and Crime Panel (Draft) - 17 July 2023

RESOLVED that the minutes be noted.

125. South Yorkshire Fire and Rescue Authority - 24 July 2023

RESOLVED that the minutes be noted.

126. South Yorkshire Mayoral Combined Authority Board - 31 July 2023

RESOLVED that the minutes be noted.

127. Questions by Elected Members

The Chief Executive reported that she had received a number of questions from Elected Members in accordance with Standing Order No. 11.

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?

Councillor Franklin responded by saying that Between December 2018 and September 2023, in line with Department for Education guidelines, the Council reviewed the 26 council-maintained schools to determine the presence of RAAC and followed this up with visual inspections as necessary.

There was found to be no presence of RAAC in the council-maintained schools. There was also no identified presence of RAAC in the 24 schools which were built under the PFI programme.

At the time of the meeting the Council had not been notified of the presence of RAAC in non-maintained schools in Barnsley. The Department for Education has direct oversight of whether academy trusts and other non-maintained schools had conducted their own surveys.

In addition, Members were made aware that the Council was also looking at the wider council asset portfolio, and the review was expected to be finished at the end of September 2023. The findings would inform our future surveys of buildings. If RAAC was found, the Council would take any immediate health and safety actions and prioritise the building for urgent works.

By way of a supplementary question, Councillor C Wray asked whether the Council could commit to a timeline for work, as the issue was a health and safety concern for members of the public and council employees.

Councillor Franklin responded by saying that this question had been answered and that if any RAAC was found the Council would address this. However, the majority of the schools in Barnsley were virtually brand new and the older schools, which may have contained RAAC had gone. With regards to other buildings, the Council would have to wait for the outcome of surveys which, he added, may take some time.

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?

Councillor Franklin responded saying that the Council was aware of some delays in the completion of planned works for Berneslai Homes tenants. These had been highlighted through Elected Members and the complaints process. The Council was investigating this with Berneslai Homes and Berneslai Homes were looking at their communication with tenants regarding these delays.

Additional funding was allocated to Berneslai Homes at the start of the financial year to complete any outstanding planned works which had rolled over from the last financial year. Councillor Franklin added that the council was assured that all outstanding work is in the process of being prioritised with contractors.

Councillor Lodge, by way of supplementary question, reiterated the first part of his original question, as to whether it was acceptable for tenants to have to wait 12 months or more for repairs.

Councillor Franklin replied that delays of any urgent kind were unacceptable, but the Council was working with Berneslai Homes and its contractors to respond.

3. Councillor Greenhough

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

Councillor Franklin answered the question by stating that the Council was conscious of the acceleration of Artificial intelligence (AI) technology and was not complacent about the impact it may have on the economy and jobs in Barnsley.

With most advancements in technology, there would be opportunities to take advantage of and Barnsley Council had a strong track record of supporting local businesses to do so.

Enterprising Barnsley had, for a number of years, led the way in digital business support provision, supporting businesses to embrace digital technology and ways of working, for example, by administering the Digital Innovation Grant, the Creator Space and Maker Space at the Digital Media Centres.

Councillor Franklin added that AI was no different in this regard. The team in Enterprising Barnsley would support businesses to develop their businesses, products and routes to markets and make the most of the opportunities that this new technology offers.

The Council would also need to work with providers and through the digital team to make sure that AI was deployed appropriately, streamlined the services provided, and supported employees to do their jobs. While AI was not used at the moment, it would inevitably be an element of transformation initiatives in future years.

He added that the Council will also work with the local education providers to support the curriculum to reflect employer needs so that students were equipped with the necessary skills in this area.

Councillor Greenhough responded saying the question had been asked to start the debate on AI, and asked the following supplementary question: does Councillor Franklin foresee any jobs in the borough, including politicians, that cannot be replaced by AI? Councillor Franklin replied that he hoped not.

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?

Councillor Frost responded by saying that Barnsley Council was by no means in the position of some of the councils that had hit the headlines recently.

However, that did not mean that the authority was immune to the impact of cumulative funding cuts, demand pressures linked to national issues in social care and the broader economic picture.

Councillor Frost stated that he needed to be clear that the position was indeed challenging. However, the Council's long track record of good financial management meant that assurance could be given to Members that the Council was able to put a plan in place to balance the 23/24 budget. In addition, the three-year financial plan was being updated, taking the Council up to 26-27. The plan looked at how we could deliver services more efficiently to help meet future anticipated financial pressures. That would be shared with all Members as part of the upcoming budget process.

Members were told that, based on current assumptions, the Council's Section 151 Officer had confirmed that issuing a Section 114 notice was not within his contemplation, neither at this time or in the future.

Councillor Kitching congratulated Councillor Frost on his appointment as Cabinet Spokesperson for Core Services and by way of supplementary question asked what new ideas, skills and innovations, he was planning to bring to the role.

Councillor Frost replied that transformation programme meant that there would be a keen grip on the financial situation, and there would be no change, with the Council remaining financially prudent.

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?

Councillor Higginbottom replied, referring to the answer given to Councillor Hunt at Full Council on 27 July.

Now that the policy and guidance on Speed Indicator Device deployment had been reviewed, all historic sites put forward would be reviewed by the Traffic Team to make sure that they were consistent with the revised policy.

Elected members would then be briefed on the new programme for deployment when this was finalised.

Councillor Christmas stated that this was not the first time the roll out had been delayed, with an autumn roll out expected but no firm dates. Subsequently, he had therefore informed residents of the delays, whilst explaining no firm date had been set for implementation. A supplementary question was asked what the Cabinet Member was going to do to ensure the reoccurring resource issues were addressed in order to ensure the information being communicated to Elected Members, and in turn to residents, was not conflicting, which continued to reflect badly on Elected Members and the Council as a whole.

Councillor Higginbottom responded by saying that the reasons behind the delays had been set out at length, which was due to ongoing challenges in the traffic team. These were being worked through with the team, but issues were compounded by the fact that the team had an extremely high workload. Councillor Higginbottom added that he was delighted to inform Members that the review of the programme and its finalisation would be completed on w/c 9th October, at which point Elected

Members would be briefed. He also added that it was still Autumn and therefore the programme was still on course to deliver to that target.

Councillor Higginbottom said that, in terms of the specific roads mentioned in the initial question, he could provide reassurance that, thanks to the improved technology invested in by the traffic team, there was now the ability to monitor average speeds in a way that did not require the roll out and deployment of fixed radar boxes, but that this could be done using the same data used by South Yorkshire Police in order to monitor average speeds across the borough. He reported that for Dodworth Green Road the average speed was 28.38mph and Higham Common Lane was 29.77mph, both of which showed an average compliance below the posted speed limit.

128. Motion - Councils for Fair Tax

The following Motion, submitted in accordance with Standing Order No 6, was:

Moved by Councillor Sir Steve Houghton CBE– Seconded by 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.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
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.
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.

RESOLVED that the motion be approved.

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

The following Motion, submitted in accordance with Standing Order No 6, was:

Moved by Councillor Fielding – Seconded by 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.

RESOLVED that the motion be approved.

130. Questions received from Members of the Public

RESOLVED that the questions received and associated responses be noted.

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Chair