

# EXECUTIVE BOARD

7<sup>th</sup> April 2016

## PRESENT

### COUNCILLOR:

Mohammed Khan  
Maureen Bateson  
Mustafa Desai  
Dave Harling  
Damian Talbot  
Jim Smith  
Phil Riley  
Andy Kay

### PORTFOLIO:

Leader  
Children's Services  
Health and Adult Social Care  
Schools and Education  
Leisure, Culture & Young People  
Environment  
Regeneration  
Resources

### EXECUTIVE MEMBER

Michael Lee

### NON-PORTFOLIO

Leader of the Conservative Group

	Item	Action
1	<b><u>Welcome &amp; Apologies</u></b>  The Leader of the Council, Councillor Mohammed Khan welcomed all present to the meeting.  Apologies were received from Councillor Yusuf Jan-Virman and the new Youth MP's.	Approved
2	<b><u>Minutes of the Meeting held on 10<sup>th</sup> March 2016</u></b>  The minutes of the meeting of the Executive Board held on 10 <sup>th</sup> March 2016 were agreed as a correct record.	Approved
3	<b><u>Declarations of Interest</u></b>  There were no declarations of interest.	
4	<b><u>Equality Implications</u></b>  The Chair asked Members to confirm that they had considered and understood any Equality Impact Assessments associated with reports on the agenda ahead of making any decisions.	Confirmed
5	<b><u>Public Forum</u></b>  There were no questions submitted by members of the public.	
6	<b><u>Questions by Non-Executive Members</u></b>  There were no questions submitted by members of the public.	

	Item	Action
7	<p><b><u>Youth MPs Update</u></b></p> <p>Councillor Mohammed Khan (Leader) advised the Board of the recent election of Hamza Khan to the position of Youth MP and Ummaih Shah and Joshua Logan to the positions of Deputy Youth MPs.</p>	Noted
8.2.1	<p><b><u>Proposal to Introduce voluntary compliance smoke free signage in outdoor areas within Blackburn with Darwen</u></b></p> <p>A report was submitted which aimed to raise awareness of the harmful health effects of tobacco use and second-hand cigarette smoke on children and young people; and to share the findings of a recent public consultation exercise conducted to gauge residents support for voluntary smoke free outdoor areas in the borough.</p> <p>Outdoor restrictions on smoking had been found to offer protection for non-smokers from second hand smoke, as a harm reduction strategy, and to reduce smoking prevalence. Cigarette litter was not only a public nuisance and costly for the council to remove, but it posed a health risk if ingested by pets and wildlife, and had a wider environmental impact with the potential to contaminate water courses with toxic chemicals.</p> <p>There were many examples where smoke free play programmes had been successfully introduced, including in our neighbouring authorities of Blackpool and Lancashire County Council. The proposed voluntary compliance smoke free programme would involve the installation of signage for all Council operated fenced or partially fenced play areas in public parks, children’s centres, community centres and youth centres.</p> <p>The implementation of voluntary smoke free signage offered a low cost intervention with was relatively easy to implement and facilitate. Evidence from consultation and Local Authorities throughout England had shown public acceptance of the signage was particularly high when the focus was on children; for example when signage was introduced to play areas in parks.</p> <p>A public consultation was conducted in the Borough with residents between 15<sup>th</sup> February and 13<sup>th</sup> March 2016 to gauge the level of resident support for a voluntary smokefree programme. A specialist external company was used to develop an effective engagement plan, which included conducting 150 street face to face interviews in Darwen and Blackburn town centres; paper questionnaires completed by children’s centre users; online survey widely promoted via social media and email, including the survey link on the council and partners websites; and two focus groups with parents of young children and a park user group.</p> <p>In total there were 370 responses to the consultation.</p> <p>The majority of the respondents felt the introduction of the signage would improve the health of children, young people and adults and encourage adults not to smoke.</p> <p>If the proposal of smoke free outdoor programme was approved for</p>	

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	<p>implementation, the impact of the programme would be monitored and evaluated, and potential expansion of the programme would be considered.</p> <p><b>RESOLVED –</b> That the Executive Board:</p> <p>Approves the implementation of a voluntary smoke free outdoor programme across Blackburn with Darwen borough, to include the installation of smoke free signage to fenced or partially fenced play areas in public parks, school playgrounds, children centres, youth and community centres.</p>	Approved
8.3.1	<p><b><u>Childcare Sufficiency Assessment Review 2016</u></b></p> <p>The Executive Board was advised of the outcomes of the Childcare Sufficiency Assessment Review 2016 in line with the Local Authority's statutory duty under Section 11 of the Childcare Act 2006 which was required to be published in April 2016.</p> <p>A Childcare Sufficiency Assessment (CSA) was a detailed investigation into the demand, supply, availability and quality of childcare within each local area. The purpose of a Childcare Sufficiency Assessment Review allowed the Local Authority to identify any significant changes in the childcare market. The review assessment not only looked at the current position, but also had foresight with regard to trends or developments that were likely to affect demand and supply in the foreseeable future.</p> <p>The statutory guidance for English local authorities on their duties under the Childcare Act 2006 also informed that local authorities should secure sufficient funded early education places comprising of up to 570 hours per year over no fewer than 38 weeks per year for every eligible 2, 3 and 4 year old child.</p> <p>The 2016 review had identified no key issues in respect of the sufficiency of childcare in Blackburn with Darwen. The report submitted gave further details of the conclusions and details of work that would be proposed ahead of the 2017 CSA.</p> <p><b>RESOLVED -</b> That the Executive Board:</p> <p>Notes and approves the content and conclusions of the Childcare Sufficiency Assessment Review 2016.</p>	Noted and Approved
8.3.2	<p><b><u>Regional Adoption Agency</u></b></p> <p>Members were advised that in 2015, the Government announced that all local authority adoption agencies would be expected to become part of wider regional adoption agencies in the next 3 years. Grant funding would be made available for early applicants and a request for such funding should be made by early September 2015. Blackburn with Darwen Council along with Bolton, Bury, Rochdale, Oldham and Tameside submitted an application in partnership with two voluntary adoption agencies, Adoption Matters and Caritas Care and were successful in securing funding to set up a Regional Adoption Agency.</p>	

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	<p>Since then a Project Board had been appointed made up of Senior Officers from each organisation and a project team which included a Project Manager, Head of Service and Team Manager.</p> <p>Since January 1<sup>st</sup> 2016 the team had undertaken consultations with staff, adopters and young people in order to inform the development of the RAA. Initially the considerations had been around the possible models of delivery and preferred models included a hub and spoke model whereby activity is organised and in some cases led from a hub and other activity remaining in the spokes (the individual local authorities). The preferred option was for one of the local authorities to host the regional adoption agency and house the ‘hub’.</p> <p>Proposals about the delivery model needed to be submitted to the DfE by the end of the first week in April for their comments. Following the DfE agreeing to the proposed delivery models, the next phase would be to consider governance and financial arrangements. It was hoped that DfE funding would continue to be available for the coming year to secure the setup of the RAA and initial timescales suggest that the RAA would be fully operational from 1<sup>st</sup> April 2017.</p> <p>Future decisions relating to the RAA would be referred to Executive Board for approval as appropriate, however, due to very tight DfE time-frames, there was an issue about how more immediate decisions would be made. It was proposed that the authority to make such decisions be delegated to the Director of Children’s Services in consultation with the Executive Member for Children’s Services.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>(1) Notes the progress to date in developing a Regional Adoption Agency and agrees to continue to develop a RAA for submission to the Department for Education for approval.</p> <p>(2) Delegates authority to the Director of Children’s Services in consultation with the Executive Member for Children’s Services to make any urgent decisions required relating to the host authority, proposed model to be adopted and associated governance and financial arrangements; and</p> <p>(3) A further report will be presented to the Executive Board to update members in July 2016.</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p>Noted</p> <p>Approved</p> <p>Noted</p>
8.8	<p><b><u>Resources Update</u></b></p> <p>The Executive Member for Resources, Councillor Andy Kay verbally reported on the following:</p> <ul style="list-style-type: none"> <li>• Proposed Development of The Making Rooms which included a FabLab - £275,000 funding had been approved by the Arts Council England; and</li> <li>• £451,000 had also been approved by the Lancashire Local Economic Partnership; and</li> </ul>	Noted

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	<ul style="list-style-type: none"> <li>• The Arts Council England (ACE) funding would provide a comprehensive range of 3D printing equipment alongside a number of other advanced manufacturing technologies; and</li> <li>• The Lancashire Local Economic Partnership funding would enable the Council to undertake the internal construction and refurbishment works necessary to make the building fit for purpose and DDA compliant; and</li> <li>• The Council would be awarding the construction contract for work to start very soon and would report back on the overall scheme and proposed operating model at the next meeting of the Executive Board.</li> </ul>	
<p><b>8.8.1</b></p>	<p><b><u>Disposal of Unit 5 Cunliffe Road, Whitebirk Industrial Estate</u></b></p> <p>The Executive Board received a report on the proposed disposal of Unit 5, Cunliffe Road, Whitebirk Industrial Estate.</p> <p>First 4 Print occupied premises on Whitebirk Industrial Estate which they rented from the council. The company had expanded their business and were looking at long term options for their business premises. They had approached the Council and expressed a desire to purchase the freehold interest in the subject property.</p> <p>The proposed sale would encourage the company's continued expansion within the Borough and protect existing jobs as well as helping to create conditions that would encourage the creation of additional opportunities. Negotiations had been conducted and terms had been provisionally agreed.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>(1) Grants the tenant 'special purchaser' status in accordance with the Council's Disposal policy; and</p> <p>(2) Approves the disposal of premises referred to in this report on the terms recommended.</p>	<p>Approved</p> <p>Approved</p>
<p><b>8.8.2</b></p>	<p><b><u>Microsoft Agreement</u></b></p> <p>A report was submitted which sought approval to procure a replacement to the current Microsoft Enterprise Agreement (EA) which would expire on the 30<sup>th</sup> June 2016. The agreement provided licencing for devices across the Council's estate to utilise Microsoft software.</p> <p>The Council entered into a Microsoft Enterprise Agreement (EA) in 2011 which supplied licences mainly for the council's desktop/laptop estate. This agreement was coming to an end and the Department had been exploring options in relation to a renewal. All expenditure for the current agreement had been treated a capital expenditure as the Council would own perpetual rights to all relevant software released up until the date of the expiry of the agreement.</p>	

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	<p>The Department had been looking at various models and options surrounding the renewal looking at the many licencing options that were available including taking a break from the current agreement and then buying back into this in future years. The report outlined the options considered and recommended that the Council enter into a subscription agreement and to go out to the market to procure a replacement for the current agreement.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>(1) Approves the procurement of a replacement to the current Microsoft Licensing Enterprise Agreement and the likely financial implications associated with this; and</p> <p>(2) Delegates authority to the Director of Finance &amp; IT in consultation with the Executive Member for Resources to award the contract.</p>	<p>Approved</p> <p>Approved</p>
<p>8.9.1</p>	<p><b><u>Schools and Education Capital Investment Programme</u></b></p> <p>The Executive Board received a report which presented for consideration and approved the Capital Programme for Schools and Education for 2016-2017, which was set out in Appendix 1 of the report.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>(1) Endorses the list of projects (appendices 2-3) for inclusion in the Capital Programme 2016-2017.</p> <p>(2) Notes the content of Appendix 4.</p> <p>(3) Authorises Officers to progress the development and subsequently procure works in accordance with the Contracts Procedure Rules as written in the Council's Constitution.</p> <p>(4) Authorises expenditure to be incurred on individual projects, under Financial Regulation D2; and</p> <p>(5) Requires officers to report to the Executive Member for Schools and Education variations and amendments to the programmes at regular intervals.</p>	
<p>9.1</p>	<p><b><u>Adoption of the Planning for Health Supplementary Planning Document (SPD)</u></b></p> <p>Members were advised that the overall aim of the Planning for Health SPD was to provide supporting information and guidance on how the environment, and the planning decisions made, impacted upon the health of the population of Blackburn with Darwen. The guidance contained within the document would be used by the Council's Planning Implementation Group as one of a number of considerations in the determination of applications for development, particularly supplementing the application of adopted Local Plan Part 2 Policy 33: Health.</p>	

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9.2	<p>In line with Government guidance, the draft SPD was published for a six week statutory public consultation from 18 September to 30 October. Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 required authorities to publish the draft document for formal public participation and invite representations.</p> <p>In total 5 responses were received and these could be found in the appendix of the SPD.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>Approves and adopts the Planning for Health SPD.</p> <p><b><u>Advice for All Services</u></b></p> <p>The Executive Board received a report which advised that the current Advice for All Service partnership agreement ended on 31<sup>st</sup> March 2016.</p> <p>An independent, external review of current service provision had been undertaken alongside consideration of future service requirements in light of changes in welfare reform, anticipated demand and reduced financial resources across the Council.</p> <p>A rebalancing of service provision had been identified to meet the need for preventative and early advice which represents the largest proportion of current activity thereby transferring resources from specialist to more generalist provision. The service specification had been amended to reflect this change.</p> <p>Advice for All was established in April 2013 as a 3 year partnership agreement between Age UK (Blackburn with Darwen), Blackburn Citizens Advice Bureau (CAB) and Blackburn with Darwen Borough Council; Age UK have led on contract management and reporting and CAB had provided operational management for the local authority staff.</p> <p>The service was co-located within Council premises (in Blackburn Central Library and Darwen Town Hall), with Age UK and CAB delivering general advice and information and the Council providing specialist debt, housing and welfare rights caseworkers who together support specialist debt, housing and welfare rights caseworkers who together support the CAB and Advice for All partners more widely.</p> <p>The partnership aimed to create a more co-ordinated and uniform advice service across the Borough and to improve access to advice services for residents, in terms of both preventative advice and specialist support, with a more efficient and accessible route to find help with their problems.</p> <p>The review recognised the significant achievements of the partnership since April 2013 and also looked at improvements that could be made in terms of current service delivery. The review also considered future service delivery requirements in light of the</p>	Approved

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	<p>changing landscape of the government's welfare reform programme, the transfer to Universal Credit, Personal Independence Payments, the Care Act, changes to pensions, cuts to Working Tax Credits and the Benefit Cap etc.</p> <p>Shortly after receiving the report, the Council also received the provisional financial settlement agreement for 2016/17 which identified the extent of the budget gap over the next 4 years through to 2019/20 and the need to deliver further savings across the organisation. Whilst a budget reduction of approximately £50,000 had already been agreed for the Advice for All service beyond 2015/16 upon recommissioning the service (agreed as part of the September 2014 Advance Savings Programme), the financial settlement required that further savings had to be identified for 2016/17 in order to balance the budget.</p> <p>It was against this landscape that the revised scope and specification of service, as well as the financial resource requirements had been developed. The specification incorporating the re-balancing of service delivery requirements and transfer from specialist to generalist provision was provided at Appendix A.</p> <p>It was expected that the new service would be up and running in June 2016. To ensure a smooth transition between services, a contract extension has been agreed with the current VCS partners (pro rata to current contract costs) and staff would continue in post to 30<sup>th</sup> June to facilitate this.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>(1) Notes that an independent, external review of current and anticipated future service delivery has been undertaken. The findings of which have been used to develop the service specification at (Appendix A);</p> <p>(2) Notes that consultations have been undertaken with staff and Trade Unions;</p> <p>(3) Notes that a procurement exercise is underway based on the specification attached at Appendix A, for an initial contract period of 3 years with the option to extend for a further 2 years at an annual contract value of £150,000, which will deliver the agreed savings for the service; and</p> <p>(4) Delegates the authority for the award of the contract to the Director of Finance and IT in consultation with the Executive Member for Neighbourhoods, Housing and Customer Services and the Executive Member for Resources.</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Approved</p>
9.3	<p><b><u>Contract Award Following Tender for the Provision of Consortium Based Commissioning</u></b></p> <p>A report was submitted which recommended that the Executive Board approved the award of the contract for Consortium Based</p>	



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	<p>Commissioning: Phase 2 services from 1<sup>st</sup> July 2016 to the successful bidder subject to the delivery of an agreed detailed delivery plan.</p> <p>Further agreement was also sought from the Clinical Commissioning Group (CCG) via the Joint Commissioning and Recommendations Group (JCRG) on 4<sup>th</sup> April 2016 due to the Partnership arrangement currently in force with the CCG in relation to the Better care fund.</p> <p>Historically the CCG and the Local Authority had commissioned services separately; however a coordinated approach to commissioning was agreed by members to enable the development of more integrated, efficient and effective services through the development of a joint local offer. This arrangement was jointly funded via the Better Care Fund.</p> <p>The Consortium approach was already in place and successfully delivering Phase 1: Information, Advice and Guidance Services which was commissioned from 1<sup>st</sup> April 2015 for 3 year period and this second commission would build on the existing model of delivery.</p> <p>The approach would avoid duplication of services and allow for the development of co-ordinated services across health and social care, whilst increasing capacity and improving the balance of care.</p> <p>Agreement was made in December 2015 that a formal procurement process would be undertaken to commission a consortium-based commissioning approach for Phase 2 Services.</p> <p>The 3 lots included in the Tender were as follows:-</p> <p>Lot 1: Integrated carers service</p> <p>Lot 2: Enabling empowerment and building resilience</p> <p>Lot 3: Information, advice and support to prevent social isolation of older people</p> <p>An Executive Member decision was published on 08 December 2015 formally approving the procurement process.</p> <p>Following Tender closure for receipt of Invitations to Tender on Thursday 18<sup>th</sup> February 2016, only one bid was received for all three lots from a single tenderer. The bids received from this tenderer were evaluated by a number of panels to determine the quality and economic viability of the tender.</p> <p>The evaluation included consideration of the model of delivery, experience of previous delivery, understanding of local needs and priorities, innovation and social value, amongst other areas. It was recommended that contract was awarded to the sole tenderer on the basis that this provider could ensure delivery of a service to meet the specification.</p> <p>The submitted tender response suggested that the provider would be able to deliver innovation in the sector and manage such a change</p>	

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	<p>programme. Overall conclusions of the panels were that the bid was lacking in detail of how the future service will be delivered and the timescales for implementation and efficiencies.</p> <p>It was therefore also recommended that the contract be awarded with the following condition:</p> <p>That a plan be developed by the provider during the first three months of the contract and agreed by the commissioner, to address the following:</p> <p>How the provider would deliver the overall model (to the current budget within the first year of Implementation), in line with the Health and Wellbeing Strategy, outlining key areas of service delivery, systems and processes.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>Approves the award of the contract for Consortium Based Commissioning: Phase 2 services – to the successful bidder from 1<sup>st</sup> July 2016 to 31<sup>st</sup> March 2019, with an option to extend the contract for a further period of up to 2 years subject to a detailed delivery plan being approved by the Council during the first three months of the contract.</p>	Approved
9.4	<p><b><u>Lancashire Business Growth Hub Gateway Service</u></b></p> <p>Members were advised that Regenerate Pennine Lancashire had been running the Gateway Service for the Lancashire Business Growth Hub (branded Boost Business Lancashire) since its inception in mid-2013. Regenerate had tendered to deliver the new contract, which would run from the 1<sup>st</sup> May until the 31<sup>st</sup> December 2018.</p> <p>This report submitted sought approval for the Council, as Accountable Body for Regenerate, to enter into a funding agreement with Lancashire County Council if Regenerate are successful.</p> <p>Growth Hubs were local public/private sector partnerships often led by the Local Enterprise Partnership (LEP). They brought together public and private sector partners to promote, co-ordinate and deliver local business support and provide a mechanism for integrating national and local business support so it is easy for businesses to access. There were currently 39 Business Growth Hubs across England.</p> <p>The Gateway Service would be the central business support enquiry service for Lancashire, Regenerate would staff and manage the Gateway Service and conduct an eligibility assessment, initial diagnostic and a referral/action plan on Growth Hub beneficiaries on behalf of Lancashire County Council. Regenerate would also support Lancashire County council in coordinating the supporting all Growth Hub delivery partners in their use of the CRM system and wider ERDF evidencing and reporting systems.</p> <p>Blackburn with Darwen businesses and residents had been amongst the biggest recipients of support through direct Growth Hub activity</p>	

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	<p>assisting 226 businesses, helping to start up 23 new businesses, and creating 180 new jobs in the borough. The Growth Hub status had allowed Regenerate to attract other sources of funding such as Regional Growth Fund, and between 2013-2015 Regenerate had helped to start over 300 new businesses and create over 800 jobs in the Borough in total.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>Approves the Council to enter into a funding agreement, as Accountable Body for Regenerate with Lancashire County Council for the delivery of the Lancashire Business Growth Hub Gateway Service, if Regenerate are successful.</p> <p><b>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND THE PUBLIC WERE EXCLUDED FROM THE MEETING.</b></p>	Approved
11.1	<p><b><u>Disposal of Unit 5, Cunliffe Road, Whitebirk Industrial Estate</u></b></p> <p>Further to the report submitted at Agenda Item 8.8.1, an additional report was submitted containing commercially sensitive information.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <ol style="list-style-type: none"> <li>1) Grants the tenant 'special purchaser' status in accordance with the Council's Disposal Policy; and</li> <li>2) Approves the disposal of premises referred to in this report on the terms recommended.</li> </ol>	Approved  Approved
11.2	<p><b><u>Lancashire Business Growth Hub Gateway Service</u></b></p> <p>Further to the report submitted at Agenda Item 9.4, an additional report was submitted containing commercially sensitive information.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>Approves the Council to enter into a funding agreement with Lancashire County Council for the delivery of the Lancashire Business Growth Hub Gateway Service, if Regenerate are successful.</p>	Approved
11.3	<p><b><u>Contract Award following Tender for the provision of Consortium Based Commissioning: Phase 2</u></b></p> <p>Further to the report submitted at Agenda Item 9.3, an additional report was submitted containing commercially sensitive information.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>Approves the award of the contract for Consortium Based Commissioning: Phase 2 services – to the Families Health and Wellbeing Consortium from 1<sup>st</sup> July 2016 to 31<sup>st</sup> March 2019, with an option to extend the contract for a further period of up to 2 years subject to a detailed delivery plan being approved by the Council during the first three months of the contract.</p>	Approved

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11.4	<p><b><u>Advice for all Services</u></b></p> <p>Further to the report submitted at Agenda Item 9.2, an additional report was submitted containing commercially sensitive information.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>(1) Notes that an independent, external review of current and anticipated future service delivery has been undertaken. The findings of which have been used to develop the service specification at (Appendix A);</p> <p>(2) Notes that consultations have been undertaken with staff and Trade Unions;</p> <p>(3) Notes that a procurement exercise is underway based on the specification attached at Appendix A, for an initial contract period of 3 years with the option to extend for a further 2 years at an annual contract value of £150,000, which will deliver the agreed savings for the service; and</p> <p>(4) Delegates the authority for the award of the contract to the Director of Finance and IT in consultation with the Executive Member for Neighbourhoods, Housing and Customer Services and the Executive Member for Resources</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Approved</p>
11.5	<p><b><u>Microsoft Agreement</u></b></p> <p>Further to the report submitted at Agenda Item 8.8.2, an additional report was submitted containing commercially sensitive information.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <p>i) Approves the procurement of a replacement to the current Microsoft Licensing Enterprise Agreement and the likely financial implications associated with this; and</p> <p>ii) Delegates authority to the Director of Finance &amp; IT in consultation with the Executive Member for Resources to award the contract.</p>	<p>Approved</p> <p>Approved</p>

Signed at a meeting of the Board  
on the day of  
(being the next ensuing meeting  
of the Board)  
Chair of the meeting  
at which the minutes were confirmed