

## EXECUTIVE BOARD

Thursday, 09 February 2017

Time: 18:00

Venue: Meeting Room A

Address: Blackburn Town Hall

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### AGENDA

Information may be provided by each Executive Member relating to their area of responsibility

#### Part 1- Items for consideration in public

- 1 **Welcome and Apologies**
- 2 **Minutes of the Previous Meeting**  
8th December 2016 minutes 4 - 12
- 3 **Declarations of Interest in Items on this Agenda**  
Declarations of Interest 13 - 13
- 4 **Equality Implications**  
The Chair will ask Members to confirm that they have considered and understood any Equality Impact Assessments associated with reports on this agenda ahead of making any decisions
- 5 **Public Forum**  
To receive written questions or statements submitted by members of the public no later than 4.00 p.m. on the day prior to the meeting.
- 6 **Questions by Non-Executive Members**  
To receive written questions on any issue submitted by Non-Executive Members no later than 4.00 p.m. on the day prior to the meeting.
- 7 **Youth MP's Update**  
To receive an update from the Youth MP's along with any issues they would like to raise.
- 8 **EXECUTIVE MEMBER REPORTS**  
Verbal updates may be given by each Executive Member
- 8.1 **Leader (Chair of the Executive Board)**
- 8.2 **Health and Adult Social Care**
- 8.2.1 **Eat Well Shape Up Move More Strategy**

	<b>Eat Well Move More Shape Up</b>	<b>14 - 19</b>
<b>8.3</b>	<b>Children’s Services</b>	
<b>8.4</b>	<b>Environment</b>	
<b>8.5</b>	<b>Leisure, Culture and Young People</b>	
<b>8.6</b>	<b>Neighbourhood and Prevention Services</b>	
<b>8.6.1</b>	<b>Selective Landlord Licensing</b>	
	<b>Selective Licensing Darwen</b>	<b>20 - 25</b>
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<b>8.7</b>	<b>Regeneration</b>	
<b>8.8</b>	<b>Resources</b>	
<b>8.8.1</b>	<b>Award of Insurance Contract</b>	
	<b>Part 1 Insurance Tender Award 2017</b>	<b>89 - 93</b>
<b>8.9</b>	<b>Schools and Education</b>	
<b>9</b>	<b>CORPORATE ISSUES</b>	
<b>9.1</b>	<b>Intermediate Care</b>	
	<b>Intermediate Care Part 1</b>	<b>94 - 100</b>
	<b>Appendix 1 residential intermediate care specification</b>	<b>101 - 113</b>
	<b>Appendix 2 Older persons demand projections</b>	<b>114 - 114</b>
<b>9.2</b>	<b>Corporate Capital Budget Monitoring</b>	
	<b>Corporate Capital Budget Monitoring Report</b>	<b>115 - 123</b>
	<b>Capital Monitoring Appendix 1</b>	<b>124 - 124</b>
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<b>9.3</b>	<b>Corporate Revenue Budget Monitoring</b>	
	<b>Revenue Monitoring February 2017</b>	<b>128 - 133</b>
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	<b>Corporate Revenue Monitoring Appendix 2</b>	<b>135 - 135</b>
<b>9.4</b>	<b>Strategic Partnership Review - Final Update</b>	
	<b>Partnership Review Report Feb17</b>	<b>136 - 140</b>
<b>9.5</b>	<b>Place Partnership - Update and Developments</b>	
	<b>Place Partnership Updates and Developments</b>	<b>141 - 146</b>
<b>10</b>	<b>MATTERS REFERRED TO THE EXECUTIVE BOARD</b>	

<b>10.1</b>	<b>Land off Whalley Street (rear of London Road)</b>	
	<b>Blackburn</b>	
	<b>Land off Whalley Street</b>	<b>147 - 149</b>
	<b>Plan -Whalley St</b>	<b>150 - 150</b>
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**PART 2 – THE PRESS AND THE PUBLIC MAY BE EXCLUDED  
DURING CONSIDERATION OF THE FOLLOWING ITEMS**

- 11** **PART 2 – THE PRESS AND THE PUBLIC MAY BE  
EXCLUDED DURING CONSIDERATION OF THE  
FOLLOWING ITEMS**
- 11.1** **Intermediate Care**
  - Intermediate Care Part 2**
- 11.2** **Award of Insurance Contract**
  - Part 2 Insurance Tender Award 2017**

Date Published: Monday, 06 February 2017  
Harry Catherall, Chief Executive

# EXECUTIVE BOARD

8th December 2016

## PRESENT

### **COUNCILLOR:**

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

### **PORTFOLIO:**

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

### **EXECUTIVE MEMBER**

John Slater

### **NON-PORTFOLIO**

Leader of the Conservative Group

### **ALSO IN ATTENDANCE**

Hamza Khan, Youth MP and Ummaih Shah,  
Deputy Youth MP

	<b>Item</b>	<b>Action</b>
1	<p><b><u>Welcome &amp; Apologies</u></b></p> <p>The Leader of the Council, Councillor Mohammed Khan welcomed all present to the meeting.</p> <p>Apologies were received from the Deputy Youth MP Joshua Logan.</p>	
2	<p><b><u>Minutes of the Meeting held on 10<sup>th</sup> November 2016</u></b></p> <p>The minutes of the meeting of the Executive Board held on 10<sup>th</sup> November 2016 were agreed as a correct record.</p>	Approved
3	<p><b><u>Declarations of Interest</u></b></p> <p>There were no Declarations of Interest submitted.</p>	
4	<p><b><u>Equality Implications</u></b></p> <p>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.</p>	Confirmed
5	<p><b><u>Public Forum</u></b></p> <p>No questions from members of the public had been received.</p>	

	Item	Action
6	<p><b><u>Questions by Non-Executive Members</u></b></p> <p>No questions from Non-Executive Members had been received.</p>	
7	<p><b><u>Youth MPs Update</u></b></p> <p>The Youth MP Hamza Khan, and Deputy Youth MP, Ummaih Shah verbally updated the Executive Board as follows:</p> <ul style="list-style-type: none"> <li>• Hamza had been to the Houses of Parliament for the Annual MYP sitting, which he had found very enjoyable and the top issue chosen by the Youth Parliament was 'Curriculum for Life', followed by 'Votes at 16'.</li> <li>• A recent visit to Youthzone to speak to young people. – feedback from young people was that they would like a boxing gym to be introduced and also some young people highlighted issues around the bullying of children with disabilities, this information has been fed back to Imran Akuji who would discuss this with Youthzone Chief Executive. The future Youth MP would be responsible for holding consultations with young people who attended Youthzone and other youth clubs throughout the Borough.</li> <li>• Hamza was leading on the forthcoming 'Takeover Challenge' on young people's mental health, which Executive Board Members had been invited to attend This would take place on Thursday 15<sup>th</sup> December from 9.30am until 11:45am in the Windsor Suite. Young people from across the Borough had been invited along with health professionals, and the event was being delivered in partnership with YPS, SLYNCS and Lancashire MIND.</li> <li>• A recent meeting with Tom Keighley, a Council Officer from Public Health regarding consultation on the equality strategy.</li> <li>• Young People's Services Participation and Youth Voice had been awarded Investors in Children status. YPS had demonstrated to the satisfaction of the young people that used the service that: <ul style="list-style-type: none"> <li>1. They had been involved in dialogue</li> <li>2. Change had come about as a result.</li> </ul> </li> <li>• The Youth Forum, as part of the Young People's Service, were working closely with Councillor Bateson and others around International Women's Day. YPS would be co-ordinating a range of activities such as a piece of artwork to be displayed in Blackburn market, along with a Residential for 30 young women to participate in curriculum sessions around mental</li> </ul>	Noted

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	<p>health, wellbeing and safety and to highlight the positive contribution and role of women within the Borough. Young women from different neighbourhoods were involved in the Residential and group work to also support community cohesion and to help them recognise the challenges they shared in life.</p> <ul style="list-style-type: none"> <li>• Nomination forms for the next Youth MP had gone out to all schools and youth groups. Candidates would be attending a residential in January to plan their manifestos and campaign videos. Youth Election week would take place between the 14<sup>th</sup> – 19<sup>th</sup> March 2017 and results would be announced on Monday 21<sup>st</sup> March 2017.</li> </ul> <p>In response to the feedback from the young people at Youthzone, Councillors John Slater and Arshid Mahmood offered to make introductions to their boxing contacts to assist the process.</p> <p>Councillor Maureen Bateson suggested that the Youth MPs may like to feedback to the Executive Board following International Women’s Day on 8<sup>th</sup> March 2017. Councillor Bateson also made reference to the valuable input that the Youth MPs could bring to the work of the Local Safeguarding Board and she would look at the best way to get them involved.</p> <p>The Chief Executive, Harry Catherall made reference to a rap relating to Hate Crime that Ummaih had delivered earlier in the day at an event at the Youth Zone and suggested that she e-mail this to the Leader due to his interest in tackling this issue.</p>	
8.1.1	<p><b><u>Pan Lancashire Health and Wellbeing Governance Arrangements</u></b></p> <p>A report was submitted which advised that earlier in the year Lancashire Leaders Group agreed that work should be undertaken to move to a new model of health and wellbeing board governance, in the form of a single health and wellbeing board (HWB) for Lancashire, with five local area health and wellbeing partnerships (LAHWPs), reflecting the local area health economies across Lancashire.</p> <p>A summit was held on 26<sup>th</sup> July 2016, which allowed existing HWB members from across Lancashire, including Blackburn with Darwen, to explore how their statutory responsibilities could be jointly delivered in line with the proposed model. Subsequently, joint proposals and terms of reference have been drafted for approval by each of the upper tier authorities in Lancashire. These were set out for approval in the report.</p> <p>The model had been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.</p> <p>Blackburn with Darwen Health and Wellbeing Board received further</p>	

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	<p>opportunity to comment and review the proposals during Board development sessions that took place between September and November 2016.</p> <p>The Proposals had been subject to legal appraisal, to ensure their lawfulness and were reported back to Lancashire Leaders on 18<sup>th</sup> November 2016.</p> <p>It was recommended that the new model be implemented from the start of the new municipal year. The path to implementation was outlined in the report.</p> <p>Once enacted, the approach would be reviewed after twelve months, with any proposals for change being brought back to the Lancashire Leaders for consideration, with any changes to be agreed by the three partner authorities.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <ol style="list-style-type: none"> <li>1. Note the proposals for a new pan-Lancashire model for health and wellbeing board governance set out in this report;</li> <li>2. Note the draft terms of reference for the proposed Pan Lancashire Health and Wellbeing Board and Local Health and Wellbeing Partnerships, (see Appendices), which would be finalised during the shadow operation period and presented to Annual Council (19<sup>th</sup> May 2017) for formal adoption;</li> <li>3. Note that the new pan-Lancashire model will operate in shadow form between January and March 2017 in accordance with the draft terms of reference; and</li> <li>4. Supports the principles for the new pan-Lancashire model for health and wellbeing board governance arrangements for adoption and implementation from May 2017.</li> </ol>	<p></p> <p></p> <p></p> <p></p> <p></p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Approved</p>
8.2.1	<p><b><u>Summary Report of the Adults Customer Care, Complaints and Representations Annual Report 2015/16</u></b></p> <p>Members of the Executive Board received a report which presented the summary of the contents of the Adults Customer Care, Complaints and Representations Annual Report for 2015/2016, which included analysis of key issues, actions taken and development during this monitoring period.</p> <p>The information in the report reflected complaints, representations and customer care activity in adult social care for the period April 2015 to March 2016. The majority of the information was presented in bar / pie charts to enable the reader to make an easy comparison across services and categories, and the data was supported by written commentary and analysis.</p> <p><b>RESOLVED</b> – That the Executive Board note the information in the Summary report for 2015/2016</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p>Noted</p>

	Item	Action
8.3.1	<p><b><u>Fostering Service Quarterly Report – July – September 2016</u></b></p> <p>A report providing information to the Council's Executive Board on the management and performance of the Local Authority's Fostering Service was distributed.</p> <p>The report was for the second quarter of 2016-2017, covering the period from 1<sup>st</sup> July to 30<sup>th</sup> September 2016, and provided an overview of the service.</p> <p><b>RESOLVED</b> – That the Executive Board note the quarterly report which is available on the Council website.</p>	Noted
8.3.2	<p><b><u>Adoption Service Six Month Report 1<sup>st</sup> April 2016 – 30<sup>th</sup> September 2016</u></b></p> <p>The Executive Board received a report which provided information on the management and performance of the Local Authority's Adoption Service.</p> <p>The report summarised the performance of the Adoption Service for the six month period from 1<sup>st</sup> April to 30<sup>th</sup> September 2016 and provided an overview of the work of the Service for this period.</p> <p><b>RESOLVED</b> – That the Executive Board note the six monthly report which is available in the new format in Political Group Rooms and on the Council website.</p>	Noted
8.3.3	<p><b><u>Regional Adoption Agency (RAA)</u></b></p> <p>Members received a report that proposed that the Adoption Service for the Council became part of a Regional Adoption Agency (RAA) from Autumn 2017 alongside other Local Authorities and two Voluntary Adoption Agencies (VAAs).</p> <p>The report set out the proposals in more detail and requested that agreement was given to continue the development of the programme with a view to the RAA becoming operational in 2017. Working together in this way would provide longer term improvements to the timeliness of placing children with adopters and the general quality of experience of adoption throughout the child's life.</p> <p>In June 2015, the DfE released plans via the 'Regionalising Adoption Paper' to regionalise adoption services and invited organisations to submit an expression of interest to be early adopters of the model to apply for funding to explore potential models to deliver a regionalised adoption service. The DfE required all adoption agencies to become part of Regional Adoption Agencies within the next few years.</p> <p>The West Pennine Regional Adoption Agency Board was established and submitted a joint expression of interest to release funding to explore options. The group consisted of the following organisations: Caritas Care; Adoption Matters; Bury Council; Bolton Council; Rochdale Council; Tameside Council; Oldham Council and Blackburn with Darwen Borough Council.</p>	



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	<p>In January 2016, a Project Team was established to scope out the work. An extensive consultation exercise was conducted involving the workforce from across all 8 partners, along with other stakeholders including adopters, panel chairs and professionals from each of the partners including HR and legal representatives. Following considerable scoping work, a number of proposals had been made relating to how the West Pennine RAA should operate.</p> <p>Following expressions of interest and a vote, the Board's preference was for Bolton Council to host the RAA due to their size, their good reputation in adoption and that Bolton was also one of the more geographically central authorities involved in the RAA.</p> <p>Proposed models had been considered including collaborating more with each other, having a single Local Authority host the RAA, becoming a local authority limited company or having one of the to VAAs host the RAA. The preferred legal entity of the RAA from the perspective of the Board was the Local Authority hosted model.</p> <p>The preferred delivery model was that of hub and spoke whereby some adoption services were delivered from a central point (hub), such as activity around recruitment of adopters and functions of adoption panels, and that others remain in each local authority (spoke).</p> <p><b>RESOLVED</b> – That the Executive Board;</p> <ol style="list-style-type: none"> <li>1. Gives permission to continue the programme development work through the coming year to finalise the design of the RAA, based on the proposed model recommendations and design principles set out in this report and in further details in Appendix 1; and</li> <li>2. The proposed plan is to continue development of the RAA to the point of full implementation in Autumn 2017. The proposed model is a hub and spoke model with the hub to be based in Bolton. The proposed legal model is a local authority hosted model and Bolton are the proposed host authority.</li> </ol>	<p>Approved</p> <p>Approved</p>
8.4	<p><b><u>Environment Update</u></b></p> <p>Councillor Jim Smith verbally reported that the recently installed CCTV cameras had been a great success, particularly in relation to Fly Tipping and that more cameras would be ordered.</p>	Noted
8.7.1	<p><b><u>Residents Parking Scheme Policy</u></b></p> <p>Members were advised that further to a recent Stage 2 complaint regarding the implementation of the Residents Parking Scheme in the Shear Brow area, it was agreed that the existing policy was due for review.</p> <p style="text-align: center;"><a href="#">Page 9 of 151</a></p> <p>Currently, residents were offered a fixed number of permits at fixed</p>	

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	<p>costs with no consideration as to the likely level of enforcement costs for the scheme. Despite this lack of detailed analysis, current schemes had tended to almost be self-financing due to the size of the schemes and the ability for the CEO's to incorporate enforcement into their normal town centre routes.</p> <p>Increasingly however, requests were being received for Residents Parking Schemes to be introduced in smaller areas away from the current main areas of enforcement which would inevitably lead to higher enforcement costs. The proposed policy looked to address these issues by being more robust when designing and costing a scheme, tailoring the number of permits issued and their cost to each individual scheme.</p> <p>Finally, and most importantly however, the proposed policy set down strict criteria for residents support for schemes. Whilst the proposed policy set down a minimum level of residents support required before a scheme would be considered the major change in policy was the level of support required before a scheme would be implemented.</p> <p>Residents had always been consulted before the introduction of any scheme which subsequently were only implemented if the majority of residents were in favour; a ratio of 2:1 in favour was generally used but this was not formally documented.</p> <p>Historically, only the responses received had been analysed to see if an area was in favour. Under the new policy the percentage of those in favour would be calculated against the total number of those consulted as the basis for residents support of the scheme, with the level of support required for the introduction of a scheme being 70%, i.e. approx. 2:1 as before. This method of calculation was that used by the majority of other traffic authorities.</p> <p><b>RESOLVED</b> – That the Executive Board approve the proposed policy for Resident Parking Schemes.</p>	Approved
8.7.2	<p><b><u>Blackburn with Darwen Borough Council Permit Scheme</u></b></p> <p>The Executive Board received a report which advised of the requirement to formally implement an all roads Permit Scheme within Blackburn with Darwen. This had been deemed essential in order to provide improved and increased management of all works undertaken on the highway. This would lead to better network co-ordination and management of all works affecting the highway network within the Borough.</p> <p>Within a permit scheme, anyone carrying out works in the road would legally need to apply to the Council for permission, in advance of the works.</p> <p>Key benefits of a Permit scheme were increased Highway Authority powers to manage Streetworks on the highway network, and in turn having the ability to proactively better manage the network.</p> <p>The government had mandated that every Council must follow the same noticing process as was required from the Statutory</p>	

	Item	Action
	<p>Undertakers. Therefore, should Councils fail to follow the required process, there was a greater chance of challenge from Statutory Undertakers. This risk would be mitigated by the Council implementing the necessary processes in relation to its own works.</p> <p>The noticing of works was an electronic transfer of information of where and what work would be undertaken, when they would be undertaken and how long for. This allowed Blackburn with Darwen to fulfil its network management duty under the Traffic Management Act 2004.</p> <p>The Permit Scheme allowed set conditions on timing, co-ordination with other works, the amount of road space to be left available to road users and pedestrians and other appropriate requirements.</p> <p>It allowed Blackburn with Darwen B.C to charge a fee for granting a Permit. The income fee would provide for additional staffing and administration of the scheme and so that the impact on road users and frontagers (businesses and residents on stretches of highway affected by road works) were fully considered and minimised.</p> <p><b>RESOLVED</b> – That the Executive Board approves and brings into force the Proposed Blackburn with Darwen Permit Scheme.</p> <p><b>It had been agreed that under Urgent Provisions outlined in the Constitution that this item was not subject to Call-In.</b></p>	Approved
8.7.3	<p><b><u>Adaption of Masterplan for North Blackburn Development Site</u></b></p> <p>This item had been withdrawn from the agenda.</p>	Withdrawn
10.1	<p><b><u>Petition: Say No to Fortnightly Rubbish Collections</u></b></p> <p>A petition had been received following the Council’s decision to move to alternate weekly collections in October 2016.</p> <p>Following the introduction of alternate weekly collection within Blackburn with Darwen in October and e-petition had been received by the Council, containing 268 signatures, stating “Say NO to Fortnightly Rubbish Collection”, “We the undersigned call upon the Council to ensure the continuation of weekly refuse collections to ensure clean and tidy neighbourhoods and to control the growing problem of urban rats and other vermin”.</p> <p>The Council had been dealing with severe and unprecedented budget cuts since 2010 and the way services were delivered had been affected throughout the process with the Council either reducing services or seeking to work in partnership with communities and volunteers to deliver services.</p> <p>With a further £48m savings required by 2020, the Council had to review how it delivered the waste collection service in Blackburn with Darwen. Changing the way it collected household waste would save over £200,000 each year in service costs, plus the Council would gain financially, if these changes increased recycling rates and less household waste was sent to landfill.</p>	

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	<p>As well as financial constraints, the Council needed to meet demanding government targets to reduce the amount of waste it produced and try to recycle more. If the Council did not meet these targets, the Council could face tough financial penalties and was likely these penalties would be passed on to Council Tax payers.</p> <p>The most sustainable way to manage the waste was to alternate bin collections, which encouraged householders to recycle more. To achieve the targets, the Council needed to increase recycling rates in the Borough from the rate of 36% to at least 50%, the Government's target by 2020.</p> <p>To enable residents to cope with the service change, provision had been made for households with 4 or more persons to apply for a larger 240 litre burgundy bin, to replace the existing 140 litre bin. This would help reduce problems associated with vermin, as the waste would be contained within a bin and not left in bags in collection areas.</p> <p><b>RESOLVED</b> – That the Executive Board maintain the alternate weekly collections of rubbish and recycling across the Borough.</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</p>	

**DECLARATIONS OF INTEREST IN  
ITEMS ON THIS AGENDA**

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING:                      **EXECUTIVE BOARD**

DATE:                              **9<sup>TH</sup> FEBRUARY 2017**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Health and Adult Social Care
<b>LEAD OFFICERS:</b>	Director of Public Health
<b>DATE:</b>	9 February 2017

<b>PORTFOLIO/S AFFECTED:</b>	All
<b>WARD/S AFFECTED:</b>	All
<b>KEY DECISION:</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

**SUBJECT:** Eat Well Move More Shape Up Strategy 2017-20

## 1. EXECUTIVE SUMMARY

Obesity and physical inactivity are major public health problems due to their association with serious chronic diseases and the costs to both the individuals and society as a whole. The rapid increase in the number of obese people in the UK is a major challenge. Levels of participation in physical activity in the UK are currently very low in both children and adults. Nationally, over two thirds of the adult population are overweight or obese and data from the National Child Measurement Programme (NCMP) shows that 1 in 10 4-5 year olds and 1 in 4 10-11 year olds are obese.

Blackburn with Darwen (BwD) healthy life expectancy is significantly lower than the national average and the amount of years lived with a long term condition and disability is increasing resulting in a poor quality of life in later years. The economic cost of obesity and physical inactivity is significant and with the increasing pressure on the health and social care system, prevention must be a priority.

Public Health has provided strategic leadership and co-ordination and has a key role in leading the development of the 'Eat Well, Move More, Shape Up' strategy to ensure senior level multiagency ownership and co-ordinated local action. The three year strategy (2017-20) adopts a life course approach, aligned to the three Health and Wellbeing life stages of Start Well, Live Well and Age Well. Local priorities have been informed by a wide range of stakeholders and the public through a range of consultations, including online and face-to-face consultation, the National Obesity and Physical Activity strategies and evidence of what works.

The Blackburn with Darwen 'Eat Well, Move More, Shape Up' Strategy provides a framework for action across the life-course to:

- Improve access to healthy, affordable and sustainable food.
- Increase physical activity levels.
- Increase the number of children and adults of a healthy weight.

It provides an approach to health improvement that recognises the contributions that can be made across all sectors of our society. It draws on local experience and research evidence, aiming to promote improved healthy life expectancy and physical and mental health and wellbeing.

The priority areas are based on guidance from the national strategies 'Everybody Active Every Day', 'Childhood Obesity: A Plan for Action' and the 'NHS 5 Year Forward View' and have been developed and agreed after extensive consultation with the public and stakeholders. The co-produced action plan provides an approach to health improvement that recognises the contributions that can be made across all sectors both within the borough's health and wellbeing partners and across wider Lancashire.

The local authority is in a prime position to lead on the agenda by both influencing and engaging with the many partners and stakeholders who are integral to the success of the strategy. Signing up to the Local Authority Declaration on Healthy Weight will ensure health is a focus in all polices across the portfolios and shows a commitment from senior leaders to address the obesity issues in the borough. Through this leadership the local authority will advocate a coordinated approach with all partners to have a wide reaching, positive effect on the health of BwD's population.

The Eat Well Move More Shape Up Strategy group will lead and monitor progress on the implementation of the action plan, and report to the Health and Wellbeing Board sub groups (Start Well, Age Well, Live Well groups), with accountability to the Health and Wellbeing Board.

The draft strategy and action plan can be viewed on the following website:

<http://www.blackburn.gov.uk/Pages/Public-health.aspx>

## 2. RECOMMENDATIONS

That the Executive Board:

- Notes that obesity and physical inactivity is a significant public health issue requiring cross portfolio and senior level leadership and commitment to increasing physical activity levels, improving access to healthy and sustainable food and encouraging self-care from council, partners and stakeholders.
- Approves the three year Food, Physical Activity and Healthy Weight (Eat Well Move More Shape Up) strategy and action plan.

## 3. BACKGROUND

### Food and Nutrition

Food is essential for life and impacts can be both positive and/or negative, depending on the type of food we eat. Food helps meet our physical needs by providing energy and nutrients but for many people it can also meet social, cultural and emotional needs. Food selection is not only a behavioural choice but can also be influenced by factors such as cost, access, knowledge and social norms. Significant differences in nutritional knowledge have been linked to different socioeconomic groups, with knowledge declining with lower socioeconomic status.

### Physical Activity

Physical inactivity is the fourth leading cause of global mortality, and the cause of many leading preventable diseases in society such as coronary heart disease, some cancers and type 2 diabetes. Evidence tells us that being physically active has benefits for mental health and wellbeing, quality of life and maintaining independent living in older age and also plays a key role in brain development in early childhood and is good for longer-term educational attainment. Physical activity can help to play a role in reducing health and social inequalities and as a result of its wide reaching impact has been described as the 'best buy' in public health. The cost of physical inactivity to BwD economy amounts to £3,206,550 compared to the national average of £1,817,285.

### Healthy Weight

Obesity is a major public health problem due to its association with serious chronic diseases and the costs to both the individuals and society as a whole. Obesity is a complex, but largely preventable condition which has serious, far reaching physical, psychological and social consequences that affects virtually all age and socioeconomic groups although some more than others. Obesity affects a person's wellbeing, quality of life and ability to earn.



## Key Drivers

There are numerous national and local drivers which support a comprehensive strategic policy approach to addressing these cross cutting agendas, which include:

- *Everybody active, everyday – An evidence based approach to physical activity* (Oct 2014);
- *Sporting Futures: A new strategy for an active nation* (Dec 2015);
- *Towards an Active Nation* (May 2016);
- *NHS 5 Year Forward View* (2014);
- *Get Well Soon – Place Based Health* (2016)
- *Childhood Obesity: A Plan for Action* (Aug 2016)
- BwD Health and Wellbeing Strategy (2015-18)
- *Cumbria and Lancashire Sport and Physical Activity Strategy*
- *Lancashire Walking and Cycling Strategy*
- Pennine Lancashire Transformation Together A Healthier Future Programme

## 4. KEY ISSUES & RISKS

Demographics:

- The Borough has the second highest all-age mortality rate for cardiovascular disease (CVD) out of 152 upper-tier authorities in England.
- Childhood poverty continues to be a key issue
- BwD was ranked the worst local authority with the lowest proportion of children aged 5 with no obvious dental decay in 2015.

Physical Inactivity

- Physical inactivity directly contributes to 1 in 6 deaths, and around a quarter of the population is inactive and 45% of women and 33% of men are not active enough to benefit their health.
- Only 21% of boys and 16% of girls aged 5-15 are achieving their recommended physical activity targets (1 hour moderate activity daily).
- In BwD only 40,000 people (16+) are active enough to benefit their health which is 12% lower than the national average.

Healthy Weight

- BwD has a rate of 48.9 per 100,000 killed or seriously injured in BwD compared to 39.3 nationally, with implications on levels of walking and cycling
- More than 1 in 5 Reception children in BwD are overweight or obese and more than 1 in 3 Year 6 children are overweight or obese.
- The rate of obesity more than doubles between Reception and Year 6 from 9.4% to 22.6%.
- The prevalence of underweight children remains a local issue however this has reduced from last year's figures but still remains higher than the regional and national prevalence.
- 25% of adults aged 35-70 who had a Health Check in 2015-16 were identified as having pre diabetes. This figure is more than double the rate seen in Lancashire (10%). This poses a significant challenge to both the local authority and Clinical Commissioning Group in the management of those who have been identified.

Diabetes prevention is a key focus for the CCG and the local authority can support this in ensuring that public health commissioned services through Culture, Leisure, Sport & Young People are fully embedded into both the primary and secondary prevention pathway.

## 5. POLICY IMPLICATIONS

This strategy has been aligned to both local and national recommendations and guidelines for improving access to healthy and sustainable food, increasing physical activity levels and achieving a healthy weight and BwD's Health and Wellbeing strategy. The action plan has been developed in line with national policies and guidelines and local priorities as derived from the extensive consultation work undertaken.

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In addition to the key drivers, the strategy and action plan will take into account the following policies and strategies listed below:

- Health & Social Care Act 2012
- Public Health Outcomes Framework 2014-15 (Department of Health, 2014)
- Fair Society, Healthy Lives. A strategic review of health inequalities in England post 2010 (The Marmot Review, 2010)
- Blackburn with Darwen Health and Wellbeing Strategy 2015-18
- BwD Planning for Health Supplementary Planning Document
- BwD Integrated Strategic Needs Assessment
- Local Authority Declaration on Healthy Weight  
<https://www.blackpool.gov.uk/News/2016/March/Blackpool-Council-signs-up-to-healthy-charter.aspx>

## 6. FINANCIAL IMPLICATIONS

Public Health outcomes and programmes as identified through the strategy action plan will be largely funded through the Department of Health public health grant, with NHS England and Clinical Commissioning Group (CCG) funding clinical and specialist NHS healthcare services. Additional external funding opportunities will be sought for new projects. As part of the council Health and Wellbeing Review, public health outcomes contributing to the strategic aims will be delivered by all portfolios as funded by the Department of Health Prevention grant.

The social determinants of health agreements are monitored by the public health team via the Management Accountability Framework (MAF).

The Department of Health Public Health grant is currently ring fenced for prevention services and programmes, whereby Local Authorities are audited via the Director of Public Health and the council Director of Finance to ensure it used in line with the grant criteria.

Public Health currently funds a range of programmes which are supportive of the aims of this strategy, the majority of which are delivered by the council which include:

Programme Area	Food, Physical Activity & Healthy Weight activities include	2016-17 Estimated Spend (£)
Life course Living Happy, Healthy and Well	Re:refresh physical activity programme Wellbeing (Health Trainer) Service Falls prevention Walking and cycling Weight management Holiday Activity Programme Use of green spaces for health: Ante and post-natal physical activity Food growing Recipe 4 Health scheme	£1.3m
Children and Young People Living Happy, Healthy and Well  Supported by the 0-19 Healthy Child Programme	Breastfeeding groups and co-ordination HENRY parenting programme Healthy Start vitamin scheme Dental health promotion	£100,000
<b>Total</b>		£1.4m

In addition to these specific services and interventions, all public health funded provision, will be reviewed and redesign to deliver a wide range of public health outcomes which will contribute to the delivery of this strategy and action plan.

## 7. LEGAL IMPLICATIONS

Transfer of public health from the NHS to local government and Public Health England (PHE) has introduced a significant extension of local government powers and duties and represents an opportunity to change focus from treating sickness to actively promoting health and wellbeing. Section 12 of the Health and Social Care Act 2012 inserts a new section 2B into the NHS Act 2006 to give each relevant local authority a new duty to take such steps as it considers appropriate to improve the health of the people in its area. This section also gives the Secretary of State a power to take steps to improve the health of the people of England and it gives examples of health improvement steps that either local authorities or the Secretary of State could take, including giving information, providing services or facilities to promote healthy living and providing incentives to live more healthily.

Local authorities have considerable discretion in how they choose to invest their grant to improve their population's health, although they have to have regard to the Public Health Outcomes Framework and should consider the extant evidence regarding public health measures.

It will be necessary to ensure compliance with planning and licensing laws with regard to activities in the strategy and plan such as applications relating to the operation of hot food takeaways. Legal advice will also be sought in relation to highways legislation and pilot programmes planned including temporary street closures for street play.

## 8. RESOURCE IMPLICATIONS

Public health will chair the strategy steering group and coordinate the reporting against the action plan on behalf of all stakeholders on an annual basis. Contribution to public health outcomes as identified through the strategy action plan will be delivered through the social determinants of health fund for each directorate and monitored by the public health team through specified key performance indicators.

In addition to the delivery of direct primary prevention services, there will be a cost relating to staff time from across a range of council departments and Executive Member portfolios, to draw upon the council's powers and responsibilities for developing and implementing local policy changes to support the aims of the strategy.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the HIA associated with this item in advance of making the decision.



Eat Well Move More  
Shape Up HIA v1.0.p

## 10. CONSULTATIONS

Extensive consultation around the strategy has taken place over the last 18 months. An initial period of consultation and insight work took place during 2015 and involved a Start Well and Age Well consultation along with a commissioned consultation around the issue of food poverty in the borough. There was also an initial online public consultation in 2015 which had 201 responses.

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From this work the draft action plan was produced and further targeted consultation has taken place during 2016, particularly concentrated between May and September. The consultation has included the following:

- Public Online Consultation – 110 responses
- Health Professional Online Consultation – 27 responses
- Stakeholder Engagement event in June 2016 and face to face/email engagement with individual stakeholders
- Senior Policy Team briefings across all portfolios
- Quarterly Eat Well Move More Shape Up Steering Group meetings
- Primary School Catering Managers
- Clinical Commissioning Group Protected Learning Time event and Clinical Commissioning Group Operations Group
- Bangor Street Ladies group & Inter Madrassah Organisation Women 4 Women group
- Families Health & Wellbeing Consortium
- Older People’s Forum and Age UK consultation
- Learning Disabilities Partnership Board
- Blackburn with Darwen Health and Wellbeing Board, Live Well Board and Children’s Partnership Board

Intelligence gathered through the BwD Integrated Strategic Needs Assessment (ISNA) and subject specific ISNAs has also informed the action plan.

**11. STATEMENT OF COMPLIANCE**

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>0.09</b>
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<b>CONTACT OFFICER:</b>	<b>Shirley Goodhew</b> <b>Beth Wolfenden 01254 666960</b>
<b>DATE:</b>	12 January 2017
<b>BACKGROUND PAPER:</b>	Eat Well Move More Shape Strategy, Action Plan, Plan on a Page and Health Impact Assessment.

# EXECUTIVE BOARD DECISION



**REPORT OF:** Executive Member for  
Neighbourhood and Prevention Services

**LEAD OFFICERS:** Director of Localities and Prevention

**DATE:** 9<sup>th</sup> February 2017

**PORTFOLIO/S AFFECTED:** Neighbourhood and Prevention Services

**WARD/S AFFECTED:** Sudell Marsh House Earcroft Sunnyhurst

**KEY DECISION:** YES  NO

**SUBJECT: Selective Licensing in the Extended Darwen Area**

## 1. EXECUTIVE SUMMARY

To seek approval for the designation of the Darwen area of the Borough as a Selective Licensing scheme which will require all privately rented houses in the area to be licensed under the Housing Act 2004. The report explains the reasons for designation and the conditions that will apply should designation be approved.

## 2. RECOMMENDATIONS

That the Executive Board:

- a) Approves the designation of the Darwen area of the Borough as shown on the map attached in Appendix 9 as a Selective Licensing scheme under the Housing Act 2004.
- b) Approves the formal Darwen Selective Licensing designation report.
- c) Approves the proposed fees as set out in Appendix 8 to the designation report with an early payment discount and an additional charge for late payment.
- d) Notes the challenging housing market conditions in Darwen and the need to designate the Selective Licensing area over a wider area than in the original designation.
- e) Notes the contribution Selective Licensing makes to achievement of community safety, social and environmental as well as housing objectives and the need to sustain multi-agency activity in the area.

## 3. BACKGROUND

3.1. We have seen a positive change in the Central Darwen area since its designation in 2009. This provides positive encouragement that the policy is making a difference. In particular the St Peter's residents association has commented that their area has become a better place to live and now has a more cohesive and settled community. Selective licensing was introduced under Section 80 of the Housing Act 2004 giving local authorities the power to require all privately rented housing in a defined geographic area to be licensed if it suffers from excessive housing demand and/or significant and persistent anti-social behaviour. Whilst good progress has been evidenced there is further work to do to ensure

that there is a sustained improvement.

3.2. Selective licensing ties in with the 2030 vision statement for the Borough “Creating a Connected, Prosperous, Clean, Safe and Healthy Borough”. It specifically helps achieve the aim of improving the housing offer and conditions.

3.3. Two Selective Licensing Areas were designated in 2008 and 2009 for the Infirmary and Central Darwen areas and a further area was designated called the Griffin Area in 2012. These designations have had a positive impact on the housing market and improved residents’ quality of life. Designation of the first two areas has now lapsed as it lasts for a maximum of five years. The Infirmary Area was re-designated in December 2015.

3.4. At the July 2015 Executive Board meeting it was agreed that the formal consultation process with residents, landlords and other parties commence on the re-designation of the extended Darwen Area for selective licensing and subject to a satisfactory outcome of consultations a further report to be presented to the Board seeking formal approval for the designation of the selective licensing status under the Housing Act 2004. This would involve examining the nature of the issues and consultation with residents, landlords and other parties before concluding whether to present proposals for a licensing scheme.

3.5. Privately rented housing is an important and increasingly essential element of housing provision and choice in the Borough. Unfortunately, badly managed privately rented housing is a significant issue for some parts of the Borough with Darwen being such an area. Badly managed privately rented housing is a source of many problems affecting communities and neighbourhoods and it places high demands and costs across the Council and partner services as well as the disruptive impact on communities.

#### **4. KEY ISSUES & RISKS**

4.1 The purpose of Selective Licensing is to regulate standards of property management in the private rented sector and to tackle issues of crime and antisocial behaviour. Selective Licensing requires landlords within the boundaries of the designated area to obtain a licence for every property they own by meeting specified criteria laid down by the Council to continue managing their properties. Government guidance says the landlord must be a “fit and proper person” and that satisfactory management arrangements must be put in place.

4.2. Designation of selective licensing areas is a formal process involving extensive consultation and has to be evidence based to show that it is the most appropriate solution for preventing problems caused by poorly managed privately rented housing. It also has to be shown to be a key component of a local area based approach by being joined up with other Council and partner interventions. Around 16% of the Borough’s housing stock is now privately rented with the proposed Darwen area having around 29.7% privately rented. The proposed Darwen Selective Licensing area covers 3164 properties and the boundary of the area is shown on the map attached as Appendix 9. Although the housing market is generally depressed, house prices in the proposed area are low compared to most other parts of the Borough. The price of established houses in the proposed area has decreased by 14.5% between 2009 and 2016 (October) compared with an increase of 9.8% across the Borough. There are a large number of empty homes (9.1%) compared with the whole of Blackburn with Darwen (4.2%) including those that have been empty long term (17.2%) compared to the whole of the Borough (18.6%). Population turnover is high. Latest information shows that property conditions in both private rented and owner occupied housing is often poor, many not meeting the decent homes standard (53.8%) with 52.8% of these having Category 1 hazards.

4.3. Anti-social behaviour in the proposed area has reduced more than in the rest of the Borough. and both the proposed Darwen selective licensing area and the borough have experienced a reduction in



crime over the period. Crime data between 2007/08 (819) and 2015/16 (653) shows a reduction of 20.3% in the Darwen area. Crime in the borough has reduced by 26.4% between 2007/08 (13,996) and 2015/16 (10,296).

Anti-Social Behaviour reporting also changed in 2011 and changes include hoax calls being recorded separately. However, ASB reduced between 2007/08 (1545) and 2015/16 (560) by 175.9% in the Darwen area, so the reduction has been greater in the Darwen area. The borough statistics also show a similar trend with ASB reducing by 123% in the same time period, so Over the last 6 years the Environment and Housing teams have received approximately 11,297 complaints directly related to the area, a significant number related to cleansing, refuse, fly tipping and privately rented housing.

4.4. Members will be aware that Together Housing have started work on a Housing with care scheme on Shorey Bank and work is due to start on the development of 46 homes at the Ellenshaw estate on Sudellside. A number of the streets in the St Peter's conservation area have previously received face-lifting treatment. This investment and residents' confidence is threatened by difficulties created by a proportion of poorly managed privately rented houses and the poor behaviour of some tenants. The designation report ( a copy of which is placed on deposit in the political group rooms) explains in greater detail the case for Selective Licensing and why it is the most appropriate course of action.

4.5. The costs for operating a licensing scheme will be met by the licence fees charged. It is already costing the Council, Police and other agencies considerable expense in responding to problems associated with privately rented housing and tenants' anti-social behaviour as part of a multi-disciplinary package.

4.6. In presenting these proposals it is considered that the Selective Licensing designation is necessary to deal effectively with the problems associated with privately rented housing and that due process has been followed in accordance with the Act's requirements.

4.7 If approval is granted, the designation will come into force three months after the date of designation and will last for a maximum of five years.

4.8. Poor housing conditions significantly contribute to poor health. Strong partnership working with the Health sector aims to reduce poor housing conditions as a means to reducing poor health.

## **5. POLICY IMPLICATIONS**

5.1. Implementation aims to promote greater responsibility by landlords in the way they manage properties and develop closer working with the Council. Likewise, their tenants will be made aware of tenancy conditions and the requirement to maintain good relations with the wider community.

5.2. Selective licensing is a crucial tool to stabilising low housing demand and anti-social behaviour, but has to be part of a concerted neighbourhood approach involving the local community alongside a range of agencies/partners including the police, Councillors, local businesses, registered providers, neighbourhood management and other services. Private landlords and private tenants will need to be encouraged to see themselves as an integral part of a "team" which seeks to improve the future prospects of the Darwen area.

5.3 The area is being declared on the basis of low demand. New initiatives being considered to help support the area will include the promotion of a tenant's handbook and a model tenancy agreement. In addition the scope for a landlords' forum is being explored and a pilot scheme to assist landlords with the disposal of bulky waste is being considered to be trialled for an initial 12 month period.

5.4. Designation requires all privately rented properties in the defined geographical area to be licensed. Legislation says the landlord must be a "fit and proper person" and that satisfactory

management arrangements must be in place. The definition of a “fit and proper person” is set out in Appendix 6 and also means the Council takes account of the competence of the person managing the property. This definition is the same as applies to existing Selective Licensing areas.

5.5. Government guidance also imposes mandatory licence conditions for those landlords deemed to be “fit and proper” and the Council may include such conditions as it considers appropriate for regulating the management, use or occupation of the house concerned. These are set out in Appendix 7 and will support and encourage good management practice. Licence conditions are similar to existing areas with modifications to reflect consultations with community groups, partners, landlords and residents within the Darwen area.

5.6. Scheme implementation and administration of licensing will be carried out by the Housing Standards Team in the Localities and Prevention Department. Costs will be covered by the licence fee.

5.7. Where a landlord fails to comply with the licensing conditions, as a last resort the Council will be obliged to take legal action. In both the existing areas it has been necessary to take informal and formal enforcement action. The Council makes every effort to work with licensed landlords where possible. Enforcement requires resources from the legal team.

5.8. Should a landlord be deemed not to be a “fit and proper” landlord and the licence conditions cannot be met, the Council has the option to appoint a managing agent to take over the management of the rented house.

5.9. The scheme will have inbuilt reviews with a range of outputs being measured such as the number of empty homes, house price changes, anti-social behaviour and the number of enforcement actions or notices served. This will help to monitor progress on the objectives of designation such as better management or housing conditions.

## **6. FINANCIAL IMPLICATIONS**

6.1 Licensing requires considerable resources placing major demands on the Housing Standards Team. The licence fee is set to cover the cost of setting up and operating the scheme. Income generated for a scheme has to be ring fenced to allow the team to carry out functions associated with the designated area. The selective licensing designation is for a maximum of 5 years.

6.2. It is proposed the charge for the Darwen selective licensing area would be £750 per property payable either in full or in annual instalments by Direct Debit of £150 per annum. This would be reduced to £600 if payment is made within 6 months of the date of designation by either lump sum or annual direct debit of £120 for five years. Landlords who have failed to pay their previous licensing costs in full will not be eligible for the discount or to pay in instalments. An additional charge will be added for applications received 12 months after designation. Different rates apply in the case of a House in Multiple Occupation.

6.3 Based on licensing 600 single occupancy privately rented houses, income generated would be £90,000 annually. In accordance with Regulation 18(4) of the Provision of Services Regulations 2009, the fees are proportionate. A full explanation of the financial charges, discounts and penalties is given in Appendix 8.

## **7. LEGAL IMPLICATIONS**

7.1. The Housing Act 2004 and regulations under the Act gives a Local Authority the power to introduce selective licensing in specified localities within their area. Guidance requires the Local Authority to present the case for selective licensing, why it is the most appropriate solution, how consultations have been undertaken and how responses have been dealt with.

7.2. Previously an application for licensing had to be approved by the Secretary of State for Communities and Local Government. Since April 2010 local authorities can approve schemes themselves under “general consent” powers. From April 2015 the Secretary of State for Communities and Local Government has to confirm any scheme which would cover more than 20% of a Local authority’s geographical area or that would affect more than 20% of privately rented homes in the local authority area. This scheme would not need that approval.

7.3. After formal designation it will be an offence for a person who has control of or manages a property within the designated area (landlord or managing agent) not to have a licence unless the property is exempt. The fine payable following summary conviction is now unlimited (previously £20,000). This would also indicate that the person would not be a ‘fit and proper’ person.

## 8. RESOURCE IMPLICATIONS

8.1. The full cost of the scheme will be met by fees. It is important to sustain the scheme over the full 5 years of designation.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 10. CONSULTATIONS

10.1 Wide ranging consultation has taken place with local residents, landlords and managing agents in the area and a workshop has been held with partners. Consultation has involved newsletters, “drop in” consultation sessions enabling landlords and residents to ask questions and questionnaires. This commenced in September 2016 and lasted until 25<sup>th</sup> November 2016

10.2. Support for the scheme has been given by local residents, community groups and ward members. Not unexpectedly landlords who responded to the consultation mostly expressed opposition to the scheme. A full analysis of comments made and responses is contained in Appendices 4 and 5 of the designation report. However, useful comments about how the selective licensing scheme should operate have been taken on board where possible. These include modifying the boundary and licensing conditions, reduction in fees where early payment is made and continuing to allow payment in instalments.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council’s Code of Corporate Governance.



**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	0.01
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<b>CONTACT OFFICER:</b>	S. MacAlister
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<b>DATE:</b>	January 2017
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<b>BACKGROUND PAPER:</b>	
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**BLACKBURN**  
*with*  
**DARWEN**  
BOROUGH COUNCIL

# PROPOSAL TO DESIGNATE THE SELECTIVE LICENSING SCHEME IN DARWEN

Submission for decision 9<sup>th</sup> February 2017

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## **Foreword**

“Our vision for Blackburn with Darwen Borough is to build safer and stronger communities and improve people’s health and well-being. We are a Borough of contrasts: popular suburban housing areas and semi-rural villages in the West Pennine Moors that sit close to inner urban neighbourhoods which have some of the most acute economic, physical and social problems in the country.

Our aim is to re-introduce and extend selective licensing in the Darwen area of the Borough. This area was hit more than most by market collapse following the financial crisis of 2008. It caused the loss of a stable community, more empty properties and an increase in the number of private sector rented properties.

Currently, the management practices of some landlords and the anti-social behaviour of their tenants has caused concern for many years. Alongside this, the number of private rented tenancies has led to an imbalance that is jeopardising regeneration .Progress has been made since the scheme for Central Darwen was designated in 2009, particularly in combating anti-social behaviour but there a lot more is more to do. Residents are in favour of the scheme and are keen to work with the Council and the police to create a community where people are proud to live in harmony with clean and safe streets.

We also recognise the strategic role of the private rented sector in creating a strong and sustainable housing market. Blackburn with Darwen depends heavily on the private rented sector and we look forward to using the licensing scheme to work with landlords to realise our vision of creating the strong and safe community we aspire to.

The successes of the scheme to date show that without placing any additional burden on council taxpayers we can ensure that all landlords are made to participate and effectively support other long term and partnership initiatives in the area.

**Councillor Arshid Mahmood**

**Executive Member for Neighbourhoods, Housing and Customer Services**

## **1) Why selective licensing re-designation in Darwen?**

Part 3 of the Housing Act 2004 gives local authorities the power to make a selective licensing designation for privately rented properties in selected areas experiencing low housing demand and/or are experiencing “a significant and persistent” problem of anti-social behaviour which is directly or indirectly attributable to the way private rented property is managed. The purpose of such schemes is to improve standards of property management in the privately rented housing sector and tackle anti-social behaviour. A selective licensing area can operate for a maximum of 5 years where a landlord renting a property will need to obtain a licence from the Council. When applying for a licence, landlords will be required to provide evidence that they are “fit and proper persons” and that they manage their properties correctly, including taking appropriate action to deal with tenants who are causing anti-social behaviour.

Blackburn with Darwen Borough Council recognises the valuable role that the privately rented sector performs in the Borough’s housing market where landlords manage and maintain their properties effectively. The Council is keen to work with all landlords in a constructive and positive way.

However, areas experiencing low housing demand with high levels of private renting often face a greater incidence of crime and anti-social behaviour, where some landlords are content to let properties to people who have little interest in settling in the area on a long term basis, nor do they take sufficient care in vetting prospective tenants or monitoring their behaviour and their impact on the local neighbourhood. This can result in a transitory population with no community ties and sometimes no interest in treating neighbours with proper respect. This can often make long term residents fearful, makes owner occupiers unwilling to settle or improve their homes and consequentially leads to further decline.

### **Conditions applying to selective licensing**

Section 80 (6) of the Housing Act 2004 states selective licensing designation may be made if the area to which it relates satisfies the following condition:

- The area is one experiencing low housing demand (or is likely to become such an area) and the Local Housing Authority (LHA) is satisfied that making a designation will, when combined with other measures taken by the LHA, or by the LHA in conjunction with others, contribute to an improvement in the social or economic conditions in the area.

Guidance published in March 2015 states that an area can be considered as having a high proportion of privately rented properties if it is above the figure from the English Housing Survey as the figure nationally. The figure as of March 2014 was 19%. The proportion of privately rented housing in this area is around 29.7%.

From 1st April 2015 the government introduced a new requirement that applications for Selective Licensing designation must be submitted to the Secretary of State for confirmation if the designation together with existing designations affect more than 20% of private rented homes in the local authority area, based on figures from census data. The re-designation of the Darwen area will not need to be referred to the Secretary of State.

Whilst the area has seen a reduction in crime, rates are still higher than the borough average so there is still work to be done here. The area experiences a significant and persistent problem caused by anti-social behaviour, but this has reduced at a faster rate than the rest of the borough (see Appendix 2). However, some private sector landlords in the area are still not taking appropriate action to combat the problem that it would be appropriate for them to take; and the making of a re-designation, when combined with other measures taken by the

LHA, or by the LHA in conjunction with others, will lead to a further reduction in, or elimination of, the problem.

In such areas with high levels of private renting the Council believes selective licensing provides a range of tools to encourage private landlords to improve the management and housing standards of their properties which otherwise cannot be achieved just using other housing powers. In the longer term, this will bring about sustainable improvements to the well-being of the local neighbourhood and its residents. It will stabilise the local housing market and will directly assist responsible landlords in running their business more profitably.

Selective licensing previously introduced in Central Darwen and the original designation in the Infirmary area of Blackburn together with other associated measures is now producing tangible results by helping to stabilise these areas, reducing anti-social behaviour and crime and increasing resident confidence.

### **The selected area in Darwen**

The housing stock in Blackburn with Darwen is approximately 60,500 homes dominated by terraced properties making up 46% of the total stock. In comparison, a third of the houses in Lancashire and only a quarter in England are terraced. Some wards within the Borough such as Ewood, Mill Hill, Wensley Fold and Sudell have a high proportion of housing that is terraced with many still in poor condition. The 2009 Borough House Condition survey indicated 45% of the total stock in Blackburn with Darwen failed to meet the Decent Homes Standard.

The proposed Darwen area is an urban area of 3164 properties. The area is defined by a dense grid of streets lined with two- storey brick and stone terraced housing. Some back streets were alley-gated due to incidence of crime and anti-social behaviour. Alley-gating has helped improve security and prevented some anti-social behaviour; however the dumping of rubbish and the need for alley-gating is a reflection of the difficulties the area experiences.

The boundary and the streets within the proposed Selective Licensing area are shown in Appendix 9. It has been proposed for selective licensing re-designation because:

- Demand for properties remains low. The rate of empty properties in the proposed Darwen area is 9.1% which is over double the Borough average.
- House prices have fallen over 2009-16 (-14.5%) compared with an increase of 9.8% for the Borough as whole
- Whilst crime has reduced in the area it is still significantly above borough average rates and anti-social behaviour is still a concern despite rates falling faster than the borough average over recent years. As per the original designation proposal, management practices of some landlords results in increased complaints to the Council especially around anti-social behaviour. Continuing the selective licensing scheme will help continue to raise management standards, remove poorer landlords and help to contain further anti-social behaviour.

See also statistics in Appendix 1.

Continuing selective licensing in the area is the primary vehicle for stabilising the area and building on the successes to date. Heavy reliance continues to be placed on private landlords and private owners improving their own properties as a lack of funding means that

further proposals planned by the Council for further capital investment in housing are challenging.

## **2) Neighbourhood problems and the need for selective licensing**

The proposal for re-designating selective licensing status (Housing Act 2004 section 80) is based on the need to address the following primary issue - that the area is experiencing or likely to become an area of low demand.

There is also evidence that whilst the area has seen a reduction in crime and anti-social behaviour, it is still a problem in this area.

### **Low demand and neighbourhood decline**

When selective licensing was originally introduced to the Darwen area in 2009, Blackburn with Darwen had around 34% of low demand stock. Only Burnley had more low demand housing in Pennine Lancashire.

Low demand and neighbourhood decline is shown by the following indicators:

- Stagnant housing market and low house prices
- Prevalence of short term and long term empty property
- High level of rented accommodation
- High population turnover
- High levels of disrepair and lack of property investment
- Crime and anti-social behaviour
- Resident dissatisfaction and lack of confidence in the future of the area

The following analysis shows how the proposed Darwen area experiences these major indicators of low demand.

### **Falling House Prices and Tenancy Turnover**

The average price of an established property in 2009 (i.e. not a new-build) was £64,076 in the area and £113,289 for the borough. Data for 2016<sup>1</sup> suggests that this has decreased to £54,800 for the area and increased to £124,353 for the borough. Housing market weakness in the local area is reflected in the fact that many privately rented properties are being advertised at rents below the Local Housing Allowance (housing benefit eligible) level.

Total transactions for the area were 64 in 2009 and 101 in 2016 . Across the borough there were a total of 1,382 transactions in 2009 and 1,386, in 2016 (i.e. virtually no change). The increased turnover reflects 'churn' in the private rented sector reflecting short term tenancies and a transient population (see also below).

The data is available under Appendix 1.

### **Empty properties**

There are currently 2,604 empty and unfurnished properties in the borough, accounting for 4.2% of the housing stock of 61,459 (April, 2015). 1,436 of these properties have been empty for over 6 months and 484 properties have been empty for at least 2 years. Empty property figures for the borough have reduced from their high point in April 2012 when the total figure of empty properties was 3,417. Despite continuous efforts to bring empty



properties back into use, those successfully re-occupied are replaced as quickly by other properties appearing on the Council Tax list as empty.

In April 2015, the proposed selective licensing area had 291 empty and unfurnished properties. Of these, 50 had been empty for two or more years and 54 had been empty from a year up to two years. 124 properties had been empty for less than six months and 63 had been empty for six months to a year.

The Council's Empty Homes Strategy focuses on bringing private sector properties back into use by working with others or as a last resort, enforcement. The introduction of selective licensing compliments this by reinforcing the duty of landlords to upgrade and manage their property responsibly and discourage them from leaving properties vacant.

The Empty Homes Strategy will also give greater impetus to tackling long term vacant properties. Some owners are reluctant to rent out property because of negative stories about the behaviour of tenants. A co-ordinated improvement in management practices and support will reassure landlords that they can let their property knowing that all landlords in the area are following good management guidelines.

### **High level of rented accommodation**

Privately rented accommodation caters for people in many different circumstances and within different segments of the housing market. At the cheaper end of the market it suffers from a poor image that is unfair to responsible landlords who look after their property and see it as a long term investment, both in terms of the physical structure and interior conditions, but also in protecting the interests of their tenants. However, some less responsible landlords are associated with poor management practice that negatively impacts on their tenants and causes significant problems for the wider neighbourhood.

Growth in the "buy to let" market has added a new dimension to the private rented sector bringing about an influx of both individual and institutional investors into the rented sector attracted by capital appreciation as much as by rental income, It is evident some estate agents or investment companies often specifically market properties at investors rather than for owner occupation.

A reliance on assured shorthold tenancies gives minimal security to tenants. In recent years of those accepted as eligible for rehousing under homelessness legislation, the ending of a shorthold tenancy is the most common reason for homelessness.

### **High population turnover**

The presence of a transient population housed in privately rented accommodation has a negative impact on the desirability of the area and accelerates existing low demand arising out of the poor property condition. Population turnover data is no longer published by the Office for National Statistics which means a comparison for the selective licensing period is not possible.

The privately rented sector is increasingly the last resort for those denied access to social housing. In some cases these will be people who have been evicted or are denied entry to other forms of housing, sometimes for anti-social or criminal behaviour. The client group tends to be more transient than other tenures, due to a young age group and the use of assured shorthold tenancies.

As explained previously there is often little community integration or investment by people who will soon be moving on, however the Sudell area has a popular and successful Community Centre where volunteers work hard to maintain and extend the feeling of community and to support local residents.

## **High levels of disrepair and lack of property investment**

Historically, the Borough House Condition Survey 2009 found 53.8% of properties in the selective licensing area and surrounding boundary (see report) did not meet the decent homes standard. This compared with the estimate of 45.8% for the Borough and the national average of 27% (English House Survey: HOMES 2010).

**Regeneration activity** in the wider Darwen area includes:

- An extensive new build provided by Together Housing on the large Queen / Hindle Street clearance area providing homes for sale and affordable rent.
- There has been the creation of a new health centre by Blackburn with Darwen Primary Care Trust.
- Redevelopment of the run down Ellenshaw estate is under way.
- The successful Darwen Academy.
- The new Shorey Bank development will provide extra care housing and bungalows for older people.

The re-designation selective licensing proposal critically depends on ongoing multi-agency work through the locality teams and community initiatives such as Your Call. This is because they continue to work to stabilise and improve the area, protecting recent investment and equally importantly, preventing difficulties undermining and spilling outside the proposed selective licensing area.

## **Crime, Anti-Social Behaviour and Complaints**

The reporting for crime has changed during the duration of the scheme for example; fraud is no longer included in crime statistics. However, both the Central Darwen selective licensing area and the borough have experienced a reduction in crime over the period. Crime data between 2009/10 (696) and 2015/16 (653) shows a reduction of 6% in the Central Darwen area. Crime in the borough has reduced by 14% between 2009/10 (11,934) and 2015/16 (10,296).

Anti-Social Behaviour reporting also changed in 2011 and changes include hoax calls being recorded separately. However, ASB reduced between 2009/10 (1409) and 2015/16 (560) i.e. by 60% in the Central Darwen area. This reduction exceeded that in the Borough overall where asb fell from 18,094 in 2009/10 to 8,630 in 2015/16 (-52%).

The extent of problems in the area can also be analysed by the number of complaints received by the Housing & Localities service. The majority of complaints have remained consistent over the period, with most complaints relating to cleansing and environmental nuisance / crime. The impact of campaigns to promote the reporting of environmental issues must also be taken into consideration as well as the introduction of charging for some services as part of the council's austerity measures.

A breakdown of complaints in the proposed area is given below:-

<b>Service</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>total</b>	<b>% Borough</b>
Abandoned Vehicles				7	14	27	35	83	8.32
Amenities			2	18	24	12	15	71	3.95
Community Hygiene	333	156						489	14.1
Cleansing		538	705	644	560	580	599	3626	20.1
Community Safety	9		19	10	12			50	8.26
Dog Control	58	86	92	105	79	76	60	556	8.52
Drainage	9	26	13	9			1	58	8.16
Environmental Crime Officers		75	275	504	516	627	756	2753	17.24
Environmental Town Rangers	505	263						768	17.86
Graffiti Removal	18	13	7	16	18	12	5	89	10.95
Housing Standards Team	141	83	103	79	96	86	114	702	17.1
Pollution Control	78	208	257	252	234	195	88	1312	12.18
Pest Control	175	140	89	91	108	59	78	740	4.28
<b>Grand Total</b>	<b>1326</b>	<b>1588</b>	<b>1562</b>	<b>1735</b>	<b>1661</b>	<b>1674</b>	<b>1751</b>	<b>11297</b>	

### 3) Impact of Selective Licensing in the earlier Central Darwen area

The scheme has resulted in positive action being undertaken by landlords in improving their properties, in particular the safety of gas and electricity systems. The statistics below highlight the work undertaken to date. As the serving of a notice could lead to the revocation and need for a reapplication of a licence, landlords have implemented changes as recommended by the inspections team on all occasions.

- a) Number of properties brought up to standard: 222 properties have been improved following inspections and the number of housing disrepair complaints has decreased.
- b) Improvements through gas/electricity safety checks: 38 certificates were submitted stating the electrical wiring was unsatisfactory and a further 83

certificates where the property had been re-wired or where works had been carried out immediately prior to the certificate being submitted. This indicates that the wiring in 121 properties (35%) was made safe as a result of the scheme.

- c) Number of inspections: During the selective licensing period, 241 privately rented properties were inspected. Over 84% of inspections led to licence holders being contacted about required works.

#### 4) Supporting Local Strategies

Selective licensing is not a stand-alone response to the perceived problems in the Darwen area, but is an integral component of a strategic, Borough wide approach to poor housing conditions, poorly managed properties and low housing demand. Selective licensing supports Blackburn with Darwen Borough's broader strategies and complementary policies on private sector housing renewal, regeneration, empty homes, homelessness and community safety. The table below indicates the main strategies that are linked to and support selective licensing. Other neighbourhood initiatives are outlined in section 6.

**Table 1 Strategic fit of selective licensing**

Local strategy/policy	Relevant aim of strategy	What will selective licensing contribute?
Pennine Lancashire Housing Strategy (PLHS) 2009-2029  This Strategy Needs Updating	The PLHS aims to increase the supply of properly managed affordable privately rented housing in reasonable condition by collaboration and stronger regulation across Pennine Lancashire.  Improve the housing offer and tackle poor housing conditions. Reduce crime and fear of crime.	Selective licensing aims to improve the quality of life of tenants and residents and overall sustainability of the area.  It will help improve confidence in the housing market locally and contribute to making terraced housing more attractive across the Borough and Pennine Lancashire.
Corporate Plan 2016-19 (TBC December 2015)	The corporate plan as agreed by elected members, for residents, staff and partners, outlines the Council's top priorities for the next three years. It describes how the Council will continue to improve services and prepare for the difficult financial challenge ahead.  The priority is:  - Delivering growth and improving the quality of housing.  The pledges are to:  - To have annually increased the numbers of new homes built in line with the Borough's	Better management of property means improvement in physical conditions, less long term empty property and a greater demand for rented housing.  Higher rental stream and more responsible tenants leads to a "win-win" position adding overall benefits to the area through rising affluence, increased community confidence and higher house values.  More settled tenancies and less voids will give landlords encouragement to invest in the property. As landlords improve quality they are able to attract

Local strategy/policy	Relevant aim of strategy	What will selective licensing contribute?
	<p>aspiration and local plan target.</p> <ul style="list-style-type: none"> <li>- To have reduced the number of bed spaces in Houses In Multiple Occupation and improve property and management standards.</li> <li>- To have implemented selective licensing for private rented housing, have improved living conditions, environment and quality of life thereby directly impacting on improved health.</li> </ul>	<p>higher rental stream. Other landlords see this and wish to emulate it. A more settled, less transient community will encourage owner occupiers to invest in their homes with more confidence over the future.</p> <p>Greater improvement in landlords' choice and control of tenants. More emphasis on promoting long term community commitment rather than short term benefit. Tenants in a settled community will have greater emotional attachment to the area.</p> <p>It is more likely that they will take greater care of the property, stay longer and have greater respect for neighbours and forge social networks.</p> <p>Better housing standards will reduce tenant dissatisfaction and contribute to more healthy lifestyles and wellbeing. This will reduce costs to the health service and other public services.</p>
<p>Community Safety Strategy 2015-18</p>	<p>The vision for the strategy is:</p> <p>“To work together to make Blackburn with Darwen a better place, where crime continually reduces, innovative and excellent practice is the norm, and fear of crime is not a constraint to daily life and investment.”</p> <p>Priorities are:</p> <ul style="list-style-type: none"> <li>• Tackling Anti-Social Behaviour &amp; Enviro-Crime</li> <li>• Reduce Repeat Offending</li> <li>• Tackling Violent Crime &amp; Domestic Abuse</li> <li>• Make our Roads Safer</li> </ul>	<p>Residents are reassured that the authorities are aware of problems and are taking action.</p> <p>Greater control over tenants is in landlords' interests leading to less low level nuisance and more consideration of residents. Residents see their area is improving in terms of desirability, house prices and quality of environment.</p> <p>Less transient population and higher management standards lead to greater social control and cohesion.</p> <p>Acceptable behaviour in a neighbourhood that appears to be cared for will be influenced by formal sanctions as well as</p>

Local strategy/policy	Relevant aim of strategy	What will selective licensing contribute?
		<p>informal ones. The unacceptable nature of low level nuisance will be reinforced by landlords and underpinned by licensing. Low level nuisance is associated with more serious crime as an atmosphere of neglect encourages an 'anything goes' attitude.</p> <p>The partnership approach to crime and anti-social behaviour will provide more support to landlords to carry out their responsibilities.</p>
<p>Private Sector Housing Renewal Strategy for Blackburn with Darwen and Hyndburn 2010-2015</p> <p>This Strategy needs a Refresh</p>	<p>Raising standards and management of privately rented housing is a primary objective of the Strategy</p> <p>Improving choice and access to affordable good quality housing.</p> <p>Fulfilling the Council's statutory duties for improving housing conditions under the Housing Regulatory Reform Order 2002 and Housing Act 2004.</p> <p>Making better use of the privately rented sector to help meet the Borough's housing requirements.</p> <p>Address vulnerable people's housing and support needs.</p>	<p>Rising aspirations in the neighbourhood will eventually benefit a wider area in terms of house prices and neighbourhood conditions. A good quality private rented sector has an increasingly important part to play in the housing market, particularly for those unable to buy.</p> <p>There is a need for higher quality rented accommodation, not just for the poorest end of the market.</p> <p>An unregulated private rented market often means an unsupported environment for the most vulnerable in society. Tenancy support along with improved conditions offer vulnerable people, who are over-represented in this sector, a better quality of life.</p> <p>Reduces the occurrence of empty houses.</p>
<p>Integrated Homelessness Strategy 2014 - 19</p>	<p>To continue to provide the people of Blackburn with a first class service that builds on our past successes and moves forward to a true cross disciplinary multi-agency approach to homelessness and its adverse effects on health, wellbeing and community safety.</p>	<p>In 2013 – 14 approximately 22% of successful homeless applications to the council come from the ending of assured short hold tenancies. Many unrecorded tenancies break down that could be prevented. Better management with support to landlords means less homelessness.</p> <p>Increasing emphasis on prevention of homelessness through tenancy breakdown will be aided by better management standards and support for landlords.</p>

Local strategy/policy	Relevant aim of strategy	What will selective licensing contribute?
Mandatory licensing of houses in multiple occupation / Article 4 Planning Policy directive	. An Article 4 Planning Policy directive has been in force since February 2013. It covers Sudell and Sunnyhurst wards in Darwen. It was approved by the Council to control any change of use for converting a family dwelling to a House in Multiple Occupation.	Selective licensing will regulate properties not covered by this measure or which were converted before it came into force. There are several two storey HMOs in the area and the selective licensing scheme will promote better management of properties housing vulnerable people and offer a joined up approach to wider licensing of the private rented sector.
Empty Homes Strategy	To tackle the high levels of empty properties across the borough using current and new intervention tools following the end of HCA funding.	Empty homes brought back into use and improved to modern standards. Where properties are privately rented this will improve their potential to be let and tenants being more satisfied reducing tenancy turnover.  Greater support to landlords to improve and let to responsible tenants.  Less blight to the area and a more confident housing market.

## 5) Option appraisal

The selective licensing scheme aims to raise standards in the private rented sector in the Darwen area. Alternative approaches in tackling the causes and symptoms of low demand have been considered. However, assessing projects in isolation is less effective than pursuing a coordinated approach that is joining a range of tools, agencies and services together.

Our objectives for the proposed Darwen area are:-

- To improve the management of the private rented stock in the area
- To increase the value of properties in the selected area
- To improve the environment and domestic waste disposal
- To reduce the turnover of occupants to create sustainable communities
- To reduce the number of vacant properties and the length of time they remain vacant
- To reduce the levels of anti-social behaviour
- To build on the Council's other initiatives in the area

A detailed appraisal of the options is given in Appendix 3. Without selective licensing the other tools available will not adequately tackle property management and tenant behaviour. The following summary explains these options and why selective licensing is required.

### Housing Act 2004 Enforcement

These powers are an effective tool to tackle hazards and improve standards in individual privately rented property, but do not operate in a strategic way over a distinct area.



## **Empty Homes Strategy**

The council is committed to tackling long term empty houses where practical either by negotiation with owners or in the last resort taking enforcement action. In recent years, funding had also been secured from the Homes and Community Agency to improve a limited number of properties across the Borough however this is no longer available.

## **Landlords Forum/Accreditation**

So far there has been limited interest shown by landlords in the Borough to voluntarily join and be proactively involved in a forum which offers support services to landlords. Efforts to establish accreditation schemes have again been largely ignored by them. The Council will consider convening a Landlords Forum for the area depending on landlord engagement.

## **Other powers**

These are generally not applicable to improving management standards in the private rented sector.

## **Selective licensing**

Selective licensing continues to be the most suited method of supporting the regeneration of the area and as a response to poor management, tackling anti-social behaviour and by assisting landlords to manage their properties in a responsible manner.

## **What selective licensing offers**

The scheme would continue in its current format whereby landlords will be required to obtain a licence for every dwelling they manage and comply with specified conditions including complying with appropriate legislation. A licence will last for a maximum of 5 years or the length of designation of the proposed area and will carry a cost of £750 per property which can be paid by annual instalments by Direct Debit of £150 each year. A reduction of £150 will be applied to the overall cost of the fee if the applicant submits a fully completed application form and all requested documentation within 3 months of the designation area coming into force. Payment must be received in full or a direct debit payment plan agreed. Failure to continue to make the annual direct debit payment will result in prosecution for a breach of the licensing conditions. Landlords of the licensing schemes that have now been completed, who have failed to pay their previous licensing costs in full will not be eligible for the discount or to pay in instalments.

The council's selective licensing team will work alongside a range of agencies to deliver services to the area. Advice and guidance will be provided to all licensed landlords. In cases of poor tenant behaviour landlords will receive support from the Council or other agencies in dealing with their tenants' behaviour effectively. There has been joint work with our Registered Provider partners so that should we need to serve interim or final management orders, we will negotiate with one of them to take on the management responsibilities. The team will seek solutions to long term empty property or derelict land which blights the area.

By promoting the successes of the scheme locally, it is hoped to increase the receptiveness of those poorer landlords and those landlords who are a part of the scheme will be made to feel that the Council are in partnership with them and are there to give support. This will be highlighted when they are having difficulties meeting the conditions of the licence or when the landlord is having trouble with anti-social behaviour from tenants.

Re-designating the area under Selective licensing is therefore the best option alongside other initiatives to tackle the problems of housing market decline associated with private sector tenancies in the Darwen area. It will ensure that all landlords letting properties within



the area participate; it will effectively support other long term and partnership initiatives in the area and will improve working relationships with landlords.

## **6) Consultation on re-designation of selective licensing in Darwen**

Wide ranging consultation has taken place with the local residents, landlords owning property in the area and through local community forums. Newsletters were sent to all addresses in the proposed licensing area and adjacent streets surrounding it, to the addresses of all known private landlords owning property in the area, their letting agents, the Residential Landlords Association (RLA), the National Landlords Association (NLA), local social registered landlords and Shelter explaining the scheme along with invitations to attend open “drop in” consultation sessions. The open events were held on Tuesday 20<sup>th</sup> September and Wednesday 5<sup>th</sup> October 2016 between 2pm and 7pm for everyone who might be affected where people could learn about the scheme and ask questions. Questionnaires were sent out with the newsletters, made available at the drop in sessions, on line or on request and people were invited to give their views and comments by Friday 25<sup>th</sup> November 2016.

### *Residents*

The results of the consultation are outlined below and included in appendix 5. 202 households responded to the questionnaire and of these 111 are very satisfied/fairly satisfied with their local area as a place to live. 72 respondents are fairly dissatisfied/very dissatisfied with their local area. A key issue that respondents are concerned about is rubbish dumping which has been described as a major or big problem by 109 residents. Other problems were considered as ‘major’ or ‘big’ as follows – Not treating others with respect (67) ; Drug use or dealing (54) ; Drunkenness / rowdy behaviour (49) ; Smaller numbers recorded Nuisance neighbours and Verbal abuse as problems but these were outnumbered by those who considered these as ‘Not a problem’. The majority of respondents were very or fairly satisfied with their home as a place to live (169) but fewer were satisfied with the area (111). Many respondents (78) have felt that the condition of the houses in the area have got worse in the last five years along with how the area looks (102) and the number of empty properties (57). . This reflects the growth in private renting in the area.

Responses from private tenants are very low so their views on satisfaction with the home are not reflected in the survey. The results of the residents’ consultation do not necessarily reflect the improvements that have been identified through regular monitoring. This applies especially to perceptions of safety in the area. Whilst crime and anti-social behaviour has decreased, only 10 residents responded that the ‘Feelings of safety’ had improved. It may take some time to fully reverse the negative perceptions that exist. Redesignation of the area will continue to build on the positive improvements already identified. Further details of responses are given in Appendix 5.

### *Landlords*

76 people responded to the landlords consultations, of these 68 were landlords, 4 were letting/management agents, 3 were former landlords, and there was 1 prospective landlord. Respondents reported a low number of problems with references, anti-social behaviour, and

their tenants being victims of anti-social behaviour, non-payment of rent and difficulty finding tenants. The majority of respondents agreed with a discount for landlords who apply for a licence within the first six months and disagreed with a fine for late applicants. 55 respondents did not support the re-introduction of selective licensing in the area which is not surprising given the cost of the fee but encouragingly 11 (17%) of respondents did support its re-introduction. The majority (46) do not believe that the scheme has made the area more attractive but a significant number say they don't know (23). Most respondents (35-45)) feel that the condition of properties, levels of anti-social behaviour, number of empty properties, rental return, the area as a place to live and the demand for housing has stayed the same in the last five years. Encouragingly 23 of the landlords would be interested in joining a landlords' forum for the area. Further details and the responses to comments raised by both residents and landlords are available under appendix 5.

## **7) Partnerships and Regeneration Activity**

All regeneration initiatives in the Darwen area have a common objective that the economic, social and environmental decline is addressed, residents' confidence is raised and community pride is promoted. Despite the cuts in budgets across the public sector, partners have continued to work together to meet their shared objectives for the area.

### **New initiatives supporting Selective Licensing**

The proposed Darwen area is being re-designated on the basis of low demand. Subject to the necessary resources being available new initiatives in the area will include the promotion of a tenant's handbook which will outline the rights and responsibilities of the landlord and the tenant. The handbook will provide information to help the tenant settle in; information about the local area; advice on managing the relationship between the tenant and the landlord; dealing with any problems; safety issues; gas/fire safety requirements and advice on ending tenancies. It will also be a useful method through which to provide information on council services such as refuse collection, recycling and bulky items collection.

A model tenancy agreement similar to that published by the Department for Communities and Local Government is also being developed. A model tenancy agreement would include landlords and tenants checklists, key dates and example inventories. The agreement would aim to strike a fair balance between the interests of landlords and tenants. Whilst there would be no legal requirement to use this agreement, it supports tenants who want to negotiate a secure, long-term tenancy. Further initiatives being considered include the scope for a landlords' forum and a pilot scheme to assist landlords with the disposal of bulky waste to be trialled for an initial 12 month period.

### **Citizen Engagement with Local Councillors**

Council Community Navigation Officers are in regular close contact with local ward Councillors and whilst formal ward solutions meetings are not set, issue based ward meetings are arranged when requested. Darwen uses a wide range of venues for community engagement, dependant on what is available in each ward. Churches, pubs, Children's centres, Derwent Hall and supported older peoples accommodation e.g. Willow Gardens, are just some of the examples.

Many of the Darwen Councillors hold their own ward surgeries monthly. If Cllrs feel they may need support from council officers they are in direct and regular contact.

Darwen has its own **Town Council**; residents pay a precept Council tax. The Town Council meets monthly and membership includes some of the existing Borough Councillors. This allows residents from around the centre of Darwen to have a greater level of involvement in the partnership and collaboration of local decision making. Local needs and wishes have effected decisions on finance and the environment e.g. money has been allocated for parks, park group activities, family fun days etc. Darwen has a reputation for providing an annual Food Festival, drawing visitors from around the region. Relationships with local businesses are well established. In partnership with local business CROWN, the Town Council provide a small grant scheme providing opportunities for local community groups to apply for up to £2,000 for neighbourhood events that encourage and facilitate community cohesion.

The Town Council are significantly involved in supporting our local groups of refugees.

### **Crime Prevention Measures**

Considerable work is undertaken to reduce ASB and crime in the area by Lancashire Constabulary in partnership with the Transforming Lives locality team and the Community Safety Team. Key activities include identifying residents at risk due to ASB; targeting the vulnerable groups and individuals identified and offering bespoke packages of support to individuals via the Transforming Lives panel. In addition, children and young people at risk of criminalisation due to ASB issues are supported along with families who are victims of this behaviour.

Lancashire Constabulary continues to promote safe messages and initiatives to communities in the area including sign-up to 'In The Know' which is a free messaging service which lets residents decide when and how they are kept informed about the issues that matter to them. For example, regular crime updates and information about what the local neighbourhood policing team is doing.

### **Locality Team**

A Shared Neighbourhood Team, made up of police and Council staff, based in local community facilities, has helped to bring the neighbourhood police (such as beat managers and Community Navigation officers) closer to their local areas. The Shared Neighbourhood Team works together to tackle those issues that are causing the most concern to local people. The Council's Locality Lead managers ensure all officers in these teams collectively respond to concerns and plan ahead to stop problems arising. Some of the partnerships and collaborative working include: Together Housing on all social landlord estates, Reach Out, Cornfield Cliffe food bank, CVS, Planning and community consultation, use of Section 106 finance, Age UK, Youth Services and many more. Officers also focus on improving Community Safety Partnerships and engage with the community through information and engagement events.

### **Transforming Lives**

Transforming Lives is a way of working as early as possible with families and individuals in Blackburn with Darwen to prevent costly interventions down the line. It aims to ensure that residents experiencing a range of problems get the right support that they need, when they need it and that their support is coordinated across the breadth of services, thus avoiding duplication of interventions.

Principles underpinning the approach are:

- 1. Work early: Identify early opportunities to engage with vulnerable people*
- 2. Work together: Across organisations; single approach*

3. *Work holistically: It is everyone's business, and it is everyone's responsibility to support*
4. *Work with: Recognising people are central to finding the solutions*
5. *Work effectively: To understand and overcome barriers to achieve better outcomes*
6. *Work upstream: Implementing upstream interventions to reduce demand on public sector.*

The Transforming Lives delivery model in BwD has resulted in locality working through multi-agency teams, where cases are discussed, action taken and progress reviewed via a multi-agency model.

In 2016 there were 164 Transforming Lives cases in Darwen with 119 residing in the Sudell, Marsh House or Earcroft wards. 74 cases came from the Sudell ward alone.

### **Troubled Families**

The Troubled Families programme began in April 2012 and is delivered by the Council on a payment by results model. The programme aims to create better chances for families and to reduce costs to the taxpayer. The programme criteria have been expanded since its initial launch and include the following:

1. Parents and children involved in crime or anti-social behaviour
2. Children who have not been attending school regularly
3. Children who need help: children of all ages, who need help, are identified as in need or are subject to a Child Protection Plan
4. Adults out of work or at risk of financial exclusion or young people at risk of worklessness
5. Families affected by domestic violence and abuse
6. Parents and children with a range of health problems

There are currently 162 open Troubled Families cases in Darwen. Of these 116 are from the Sudell, Marsh House and Earcroft wards. 77 are from the Sudell ward. Issues impacting on families in these wards include financial hardship and rent arrears alongside poor and overcrowded housing conditions.

### **Environmental Improvements**

Your Call activities range from 43 individual litter pickers supported by Community Connectors who regularly litter pick their own areas to Your Call Clean Ups often requested by Ward Councillors and include dog fouling initiatives e.g. free dog chipping. All the Darwen Parks have Friends groups who tidy up the park and also undertake working maintenance parties as well as holding community events, promoting volunteering and building community resilience. Many of the constituted groups hold their own events and deliver community based projects e.g. St. Peters Residents Association.

### **8) Implementation of Darwen Selective Licensing Area**

Selective licensing has proven to be vital in tackling low demand and anti-social behaviour which is an indicator of low demand. Results in both Blackburn with Darwen and elsewhere have shown it works well and is a valuable tool in supporting regeneration work and preventing absentee or irresponsible landlords undermining it. The Council wants to support private landlords who often provide housing for excluded sections of the community, but are not prepared to tolerate landlords who do not take responsibility or tenants who misbehave. The fee structure has been set to support those landlords who wish to co-operate with the Council and penalise those who do not.

This document provides the justification and evidence to show why Blackburn with Darwen Borough Council believes re-designation and extension of the Darwen area is beneficial to the Darwen area.

Why is re-designation necessary?

### **The area's potential**

Blackburn with Darwen Borough Council and local partners have worked hard to address the issues the Darwen area faces by building relationships with the community and embarking on a number of complementary initiatives, strategies and regeneration programmes.

Private and public sector investment has changed the area considerably since the implementation of the selective licensing scheme in 2009 but there is still potential to improve the area further. Confidence needs to be restored in the housing market and further investment needs to be sought. Re-designating the area would complement the current regeneration work and this is supported by the local community who are aware of the problems and welcome the Council taking action to address them. There is strong support amongst residents and this demonstrates a real desire from the community to make Darwen a place people want to live in and move to. Relationships have been built with local landlords in recent years and re-designation would allow us to build on this and improve the conditions for tenants further whilst providing support to landlords as well. The lessons we have learnt from the initial designation have been implemented in the other selective licensing areas and will also be implemented in the re-designation.

### **The need to support the privately rented sector**

Privately rented housing is essential to provide homes for local people, but the standard of the housing in the Darwen area was generally poor. For many years some landlords in the area have provided properties that are largely poorly managed, not maintained and not run professionally. This has caused the residents and the local community to suffer years of decline. Whilst the original designation has seen some improvements with some of the landlords with the worst tenants taking advice and working with the local residents' association to manage their properties better and some poor landlords choosing to sell rather than managing their houses professionally there is still significant scope to build on the work undertaken to date. The majority of landlords have engaged with the local authority and despite some initial reticence, have complied with the required conditions.

The implementation of selective licensing to date has highlighted learning points that have been incorporated into the most recent designation.

The lessons learnt include:

- Clarity over boundaries – ensuring the boundary of the designated area is, where feasible, along clear lines, for example, train lines, canals and boundaries with Registered Social Landlord properties (which are exempt from the scheme). This is to reduce the likelihood of the boundary running down the middle of streets.
- Clarity over fees - ensuring the fees are clearly set out and easily understood by landlords including guidance about the payment explaining that we allow the fee to be paid annually but it is not an annual fee.
- Provision of advice to landlords on who should be the licence holder – this is to avoid landlords paying for another application if they use a managing agent and decide to change agent.

- Clarity over the restrictions on transfer of licences - ensuring landlords are aware that licences cannot be transferred between licence holders. To change the licence holder a new application and fee must be received.
- Agreement to flexibility of payment for late applications – initially this was refused, however it was found that providing flexibility increased the likelihood of fees being paid. In addition, if legal action was taken and the court considered the lack of flexibility unreasonable the landlord would receive a conditional discharge resulting in resources being wasted.
- Requirement to pay accumulated fees for applications in Years 2, 3, 4 and 5 - this was not applied initially resulting in landlords misunderstanding the licence fees.
- Introduction of card payments – this has increased the collection rate and is an increasingly popular payment route.
- Need to reduce administration - the following processes have been introduced to reduce the administrative burden:
  - Use of standardised letters and automated production of letters;
  - Introduction of early payment discount where a full application is received before a certain date;
  - Requirement to submit electrical installation condition report and Energy Performance Certificate (EPC) as part of a full application; this has had a significant impact on the time spent chasing certificates;
  - Obtaining e-mail address as part of the application process which has led to quicker correspondence and a reduction in postal costs;
  - Accepting scanned copies of certain documents by e-mail;
  - Requesting details of whether licence holder or manager is responsible for fees and gas safe certificates.
- Proactive inspections of properties have been very successful in requiring landlords to remedy conditions in substandard properties and hence improve the health and well-being of vulnerable tenants. It has also reduced the number of retaliatory evictions.
- The need for multi-agency information sharing and action relating to environmental enforcement (rubbish in back alleys, noise nuisance etc.) and anti-social behaviour.

Re-designating and extending the Darwen area will enable the Council to continue to work with landlords and give them the support and incentives to raise standards thereby providing homes fit for the 21<sup>st</sup> century. It will ensure landlords have the knowledge, skills and support they need to operate as professional business people and make it worthwhile to invest in their properties, contributing to the regeneration of the local area.

### **Fee charges**

The Council has the power to charge landlords a fee for administering the selective licensing scheme and the proposed fee takes into account only the costs incurred by the Council in carrying out its selective licensing functions. The Housing Act 2004 also allows Councils to take into account costs incurred by them in carrying out their functions in relation to Interim and Final Management Orders (so far as they are not recoverable under that part of the Act). All licensing fees can be set against tax.



The fee has been proposed at £750 per licence (plus the cost of the Disclosure Scotland Scheme check) and this will last for five years or the length of time of the re-designation. Different rates apply in the case of a House in Multiple Occupation.

To assist landlords, payments can be spread over the 5 years by paying £150 each year by Direct Debit to reduce the initial outlay. Landlords licensing their properties from year 2 onwards would need to pay for the years that had elapsed before being able to pay for the remaining years on an annual basis by Direct Debit. This should reduce the burden on landlords and will illustrate to them that the fee is only for running the scheme.

Discussions have been held at consultation events and by individual contact with landlords about the fees and the advice has been that landlords within a successful scheme are able to offset the licence fee against tax and will benefit in the long run by increased property capital values, reduction in turnover of tenants, increase in the popularity of properties due to improvements in the overall appearance of the area and a reduction in antisocial behaviour. This fee would be reduced to £600 if payment is made within 6 months of the date of designation. Landlords who have failed to pay their previous licensing costs in full will not be eligible for the discount or to pay in instalments. An additional charge will be added for applications received 12 months after the date of designation. This responds to landlords' comments about the better landlords being penalised to pay for those landlords who try to avoid licensing.

A full explanation of fee charges is set out in Appendix 8.

### **Licensing Conditions**

A licence is valid for up to 5 years or the length of the period of designation. Every licence will have a set of conditions which the licence holder will be required to comply with. There are certain mandatory conditions which the Council must include in the licence. For example, if gas is supplied to the property, a licence holder would have to produce an annual gas safety certificate obtained within the last 12 months. The Council has discretion to add other conditions. A copy of the licensing conditions proposed for the re-designation and extension of the Darwen selective licensing area is given in Appendix 7.

### **Our capacity to deliver the Selective Licensing scheme**

Blackburn with Darwen Borough Council has already successfully implemented four selective licensing schemes along with HMO licensing that provides effective support services to both landlords and tenants.

As per Government guidelines the scheme is adequately resourced through the Housing Standards Team in Housing Services who will manage the scheme. The team's approach has always been to advise and assist first, only using enforcement as a tool of last resort when persuasion has failed. The team works closely with numerous other departments and agencies such as registered providers in connection with empty properties, housing advice, planning etc. The team is well placed to signpost landlords to other services, providing contact details and doing joint visits.

As per the previous scheme, progress will be reviewed by monitoring the number of empty homes, house price changes, anti-social behaviour and the number of enforcement actions or notices served.

The Council focuses on providing high quality customer services. Its work with local neighbourhoods is strong and effective and it has the experience and capacity to continue delivery of the scheme in the Darwen area. Selective licensing is not seen as a stand-alone tool, but a major driving force which will continue the work already undertaken in the Darwen



area. Re-designation and extension is fully supported by the council and the community. It will help make a real difference to the continuing prosperity of the area. Guidance released by the Department for Communities and Local Government in 2015 recognises that “licensing may have to be a long term strategy and that it will not provide instant solutions. It also appreciates that, if in the initial phase there has been little improvement in the area, this does not necessarily mean that a designation is a failure.”

On this basis, it is important to maintain the investment that has been made into the selective licensing scheme within Darwen and to continue to build on this work over the next five years.

## **List of Appendices**

Appendix 1: House price and house build data

Appendix 2: Crime Statistics

Appendix 3: Options Appraisal

Appendix 4: Residents and landlords consultation questionnaires

Appendix 5: Responses to consultation from residents and landlords/managing agents

Appendix 6: Fit and proper person definition and conditions

Appendix 7: Selective licensing mandatory and additional conditions

Appendix 8: Selective licensing fees

Appendix 9: Map of the selective licensing area

## Appendix 1: House price and Empty Property Data

Variable	Year	Darwen SL	BwD	Notes
<b>House price established all</b>	2016 (partial) <sup>2</sup>	54,800	124,353	Between 2009 and 2016, the Darwen SL area saw a 14.5% decrease in the price paid for established houses in the area, compared to the borough as a whole which saw a 9.8% increase. The prices paid for homes in the borough in 2016 so far show an increase, with houses in Darwen SL area selling on average at a reduced price now than in the base year or 2009.
	2015	55,798	143,247	
	2014	55,248	118,417	
	2009	64,076	113,289	
<b>Percentage change for established properties</b>	2009-2016	-14.5%	9.8%	
<b>House price - new build all</b>	2016 (partial)	-	233,125	Data for 2016 so far suggests the borough has seen further increase in the price paid for new homes.
	2015	-	177,344	
	2014	-	140,713	
	2009	-	122,179	
<b>Percentage change</b> (Source: Land Registry Price Paid data)	2009-2015	-	90.8%	
<b>New build transactions</b>	2016 (partial)	-	8	The number of new build transactions so far 2015 (up to August) suggests there will be fewer new build sales than previous years
	2015	-	74	
	2014	-	111	
<b>Established transactions</b>	2016 (partial)	101	1,378	The number of transactions of established properties in 2015 (up to August 2015) appears to be in line previous years
	2015	113	1,850	
	2014	82	1,513	
<b>Total number of transactions</b> (Source: Land Registry Price Paid data)	2016 (partial)	101	1,386	The increase in the total number of transactions in 2013 and 2014 in Darwen was driven by an increase in new build transactions. Data from 2015 so far, suggests that new build sales will not have the same impact
	2015	113	1,850	
	2014	82	1,513	
	2009	64	1,382	

<sup>2</sup> All references to partial data: up to October 2016 (24<sup>th</sup>)

## Empty properties

Snapshot as at April 2015	Housing Stock	Empty properties	Empty properties as a % of housing stock
Borough	61,459	2,604	4.2%
Darwen SL Area	3,200	291	9.1%

There are currently 2,604 empty properties in the borough, (April 2015) accounting for 4.2% of the housing stock of 61,459. With the Darwen SL area of 3,164 properties, 291 (9.1%) are currently empty.

Blackburn with Darwen Empty properties	Period of time	N	% of total empty
	One to two years	456	17.5%
	Six months to a year	494	19.0%
	Two years or more	484	18.6%
	up to six months	1168	44.9%
<b>Total</b>		<b>2604</b>	<b>100%</b>

Snapshot: As at April 2015

Darwen SL Empty properties	Period of time	N	% of total empty
	One to two years	54	18.6%
	Six months to a year	63	21.6%
	Two years or more	50	17.2%
	up to six months	124	42.6%
<b>Total</b>		<b>291</b>	<b>100.0%</b>

Snapshot: As at April 2015

## Appendix 2: Crime Statistics

### a. To March 2016

Variable	Year	Darwen SL	BwD	Notes
<b>Crime data (fraud reporting changed, from 2013/14 fraud is not recorded in crime statistics)</b>	2015/16	653	10,296	Data obtained from MADE. Please note that not all crime data is geo-referenced (within Lancashire as a whole, 97.85% of crime is georeferenced). Also, figures do change following audit. Statistics are influenced by changes in recording rules e.g. fraud recording. However, these figures do present a picture of crime within an area.
	2014/15	678	10,020	
	2013/14	681	10,464	
	2009/10	696	11,934	
	2007/08	819	13,996	
	% change between 2007/08 and 2015/16	-25.4%	-35.9%	
<b>ASB reporting changed 1.4.11 e.g. hoax calls recorded separately from this date</b>	2015/16	560	8,630	Data obtained from MADE. Please note that not all ASB is geo-referenced (within Lancashire as a whole, 99.37% of ASB is georeferenced). Also, figures do change following audit. Statistics are influenced by changes in recording rules e.g. changes in classification from 1/4/2011 e.g. hoax calls recorded separately and thus a perceived reduction in ASB numbers. However, these figures do present a picture of crime within an area.  <i>Source data extracted from MADE based on geographical boundaries</i> <i>Source: Supplied by MADE Lancashire CC – based on geographical boundaries</i>
	2014/15	679	8,973	
	2013/14	835	10,558	
	2009/10	1,409	18,094	
	2007/08	1,545	19,244	
	% change between 2007/08 and 2015/16	-175.9%	-123.0%	

### b. April 2016 - January 2017

#### Crime

Apr-Dec16	BwD	Darwen SL Area
<i>All Crime</i>	9288	571
Violent crime	2782	180
Other acquisitive crime	2099	108
Damage / arson	1502	104
Vehicle crime	1049	48
Burglary	915	78
Public order	330	24
Sexual offences	285	8
Drug offences	181	11
Other	105	7
Weapons offences	32	3
Driving offences	8	0

ASB

<b>Apr-Dec16</b>	<b>BwD</b>	<b>Darwen SL Area</b>
<i>All ASB</i>	<i>6646</i>	<i>456</i>
Nuisance	3912	288
Personal	2536	154
Environmental	198	14

### Appendix 3: Options Appraisal

Option	Outcome	Barriers	Risks	Resource Implications
Housing Act 2004 Enforcement	Repair of individual privately rented houses. An effective tool for dealing with health or safety hazards.	<p>An effective tool, but does not go far enough to tackle the scale of problems across the Borough.</p> <p>Not all problems are reported to the Council. If tenants do report problems there is a risk of retaliatory eviction or harassment by their landlord.</p> <p>Only responsive to individual complaints and not carried out on a proactive area basis.</p> <p>Does not tackle anti-social behaviour by tenants or management standards.</p>	<p>Resource intensive.</p> <p>Taking action to tackle hazards is complicated and can be slow. Landlords can be obstructive and dealing with the worst problems can mean the Council taking action through the courts which is time consuming and resource intensive.</p>	Can only achieve widespread impact in improving property conditions by a major increase in Council resources.
Empty Property Strategy	<p>Reduced number of empty properties.</p> <p>Bring back into use for rent or sale.</p> <p>Better management if moved to a Registered Provider.</p> <p>Owner leasing to a Registered Provider.</p>	<p>The Council has limited funding to tackle a limited number of properties across the Borough.</p> <p>Properties cannot always be bought by agreement at a price that allows the Registered Provider to buy and improve them for rent.</p> <p>Will not tackle the wider issues of poor management or anti-social behaviour.</p>	The private rented sector is too large to tackle through this strategy alone.	The Council and our partnering Registered Provider have limited capital to purchase and renovate empty properties for affordable housing where necessary.
Special interim management	Allows a local authority to take on the day to day	Process requires considerable resources, gathering of detailed evidence	A short term solution to management failings of the	Resource intensive. Even retention



Option	Outcome	Barriers	Risks	Resource Implications
orders	management of a private sector tenancy where certain prescribed conditions are met relating to anti-social behaviour and protection of the health, safety and welfare of persons.	and authorisation by the Residential Property Tribunal.  The Council no longer manages its own housing stock and would require the co-operation of an RP partner to deliver tenancy and property management services.	landlord resulting in anti-social behaviour affecting the health, safety and welfare of persons.  Landlords may see the process as too draconian a solution.	of the full rental income may be inadequate to properly manage and maintain a tenancy. Any additional costs would have to be borne by council tax payers.
Landlords' Forum	A Borough wide landlords' forum meets regularly for improved dialogue with landlords about Housing Benefit issues and new legislation.	Only a minority of landlords are willing to work with the council or participate in the existing Forum.  The existing forum has a limited function and does not extend to providing more intensive support and training to landlords due to the low level of landlord participation.	Only the better motivated landlords will be willing to participate.  Doesn't impact on landlords who fail to participate.	Low resource input required.
Accreditation scheme	Provides an opportunity to differentiate between those landlords who operate acceptable management standards and those that don't.	The majority of accreditation schemes have operated on the basis of specific incentives for participating landlords, e.g. access to property improvement grants, however with the current economic situation the Council is unlikely to be able to offer financial incentives.  Experience to date shows only limited support by landlords for accreditation.  Recent research shows even where	Only the better motivated landlords will be willing to participate.  Does not impact on those landlords who do not maintain or manage their properties properly.	Reasonable level of resource input required for uncertain returns.  Council funding contribution is required at a time of severe resource constraints.

Option	Outcome	Barriers	Risks	Resource Implications
		landlord organisations run accreditation schemes they still require council funding and landlords are still reluctant to participate.		
Town and Country Planning Act section 215	Discretionary council power to tackle derelict land or property adversely affecting the visual amenity of an area.	Can only be used to tackle the external fabric of a building in an area where the majority of the properties are in good condition. No formal action can be used for internal works or management standards.	Will not improve overall impact of the privately rented sector.	Valuable tool for tackling derelict land, but mostly not applicable to poor property conditions or management.
Selective licensing	<p>All landlords required to adhere to locally determined licence conditions.</p> <p>Advice and support readily available for all landlords.</p> <p>Requires all landlords to operate on a level playing field.</p> <p>Improved reputation of landlords.</p> <p>Improved tenancy and tenant management.</p> <p>Impacts on anti-social behaviour of</p>	<p>Potential resistance from landlords.</p> <p>Licence fee is an additional cost for landlords who may increase rents to cover fees.</p>	May drive some landlords out of the area, increasing the number of empty properties.	<p>Fee can be charged to recover revenue costs of the scheme.</p> <p>Scheme is permitted to be self-financing.</p> <p>Landlords' business operation improves.</p>

Option	Outcome	Barriers	Risks	Resource Implications
	tenants. Area based - forming an important component of a more comprehensive area strategy.			

## Appendix 4: Residents and landlords consultation questionnaires



September 20

# Selective Licensing in your area

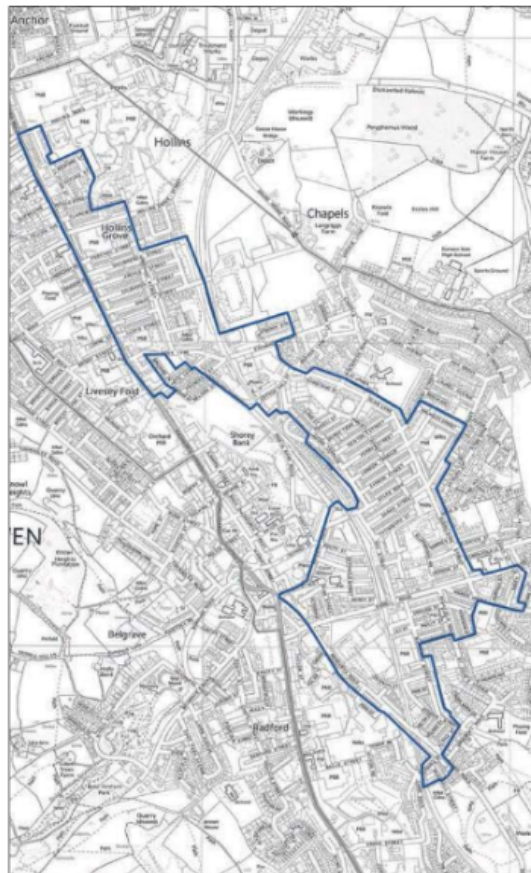
Come along to one of our drop in sessions at Darwen Valley Community Centre, Sudellside, Darwen BB3 3DL on Tuesday 20th September and Wednesday 5th October between 2pm and 7pm.

Find out about Selective Licensing and how the proposed scheme would affect the Darwen Area. For more information go to [www.blackburn.gov.uk/selective-licensing-consultation](http://www.blackburn.gov.uk/selective-licensing-consultation)

### Introduction

Blackburn with Darwen Borough Council is considering re-introducing and expanding the area of a Selective Licensing Scheme in Darwen (see map).

**If you would like to discuss how Selective Licensing will affect you please contact the Housing Standards Team on 01254 585457.**



### What Is selective licensing?

Part 3 of the Housing Act 2004 provides powers for local authorities to introduce Selective Licensing of privately rented houses in designated areas suffering from:

- low housing demand and/or
- significant and persistent problems caused by anti-social behaviour

The aim of Licensing is to reduce anti social behavior ensuring that all rented properties are well managed and stopping decline in the designated area.

### How does selective licensing work?

Private landlords or their managing agents will be required to obtain a licence from the Council in order to let or manage each property they have in the designated selective licensing area

A licence fee is payable and a licence lasts for a maximum of 5 years.

Letting a licensable house without a licence, without a reasonable excuse, will be a criminal offence, subject to an unlimited fine. In addition, if found guilty a rent repayment order may be applied for requiring repayment of the previous 12 months' rent. A person will not be guilty of such an offence if there is a full application outstanding with the Council for the grant of a licence or if there is a Temporary Exemption Notice in place.

### How is the proposed area chosen?

The scheme may be introduced if the area meets the following conditions:

**The area has or is likely to have low demand for housing** (or is likely to become such an area) with a significant number of privately owned houses let on short term arrangements and the Council is satisfied the introduction of licensing would lead to an improvement in the social or economic conditions of the area.

### The benefits

The Council believes that Selective Licensing will ensure that:

- Privately rented properties will be well managed
- Anti social behaviour will reduce
- Demand for properties will increase, leading to the area becoming a more attractive place to live
- In turn this should mean increases in rental values and property prices

Our vision is to build safer and stronger communities and improve people's health and well being, we believe Selective Licensing can help us to achieve that.

### Licence fees and duration

A licence will normally last for a maximum of 5 years and carry a fee of **£750** per property. Landlords may be able to choose to pay this fee by direct debit annual instalments of £150 per year dependent on circumstances and previous history.

Consideration will be given to an early payment discount and/or a late application charge.

### How do landlords obtain a licence?

Landlords apply to the Council for a property licence and if the Council is satisfied the licence holder and the person managing the property are 'fit and proper' persons a licence will be granted. In deciding this, the Council must have regard to, amongst other matters:

- Any previous convictions relating to violence, drugs, sexual offences or fraud; and
- Whether the proposed licence holder has contravened any laws relating to housing or landlord and tenant issues; and
- Whether the person had been found guilty of unlawful discrimination practices.

### What requirements must the landlord fulfil?

The licence must include certain mandatory conditions relating to the management of the house, requiring the licence holder to;

- Present a gas safety record annually to the Council (if there is gas supplied to the house)
- Keep any electrical appliances and furniture (supplied under the tenancy agreement) in a safe condition
- Fit smoke detectors and maintain them in proper working order
- Fit a carbon monoxide detector in any room containing a solid fuel appliance

- Provide the occupier with a written statement of the terms of the occupation (tenancy agreement)
- Demand references from any prospective tenants

Additional conditions will also be included which relate to the use and occupancy of the house and its contents and physical condition.

### Consultation

We must consult on the proposed Darwen area scheme with those persons likely to be affected by it including; landlords, tenants, local residents and businesses. The consultation period will run for a minimum of ten weeks to give everyone time to consider our proposals and respond fully.

**We intend to consult with you using the following methods:**

- Consultation events
- Questionnaires
- Council website
- Local press
- Newsletters

### Have your say

Your views are important to us and we are seeking to obtain the views of all those who could be affected by the proposed Darwen Selective Licensing Scheme. A questionnaire is attached to this newsletter. It will also be available at the drop in sessions, on-line or on request. Alternatively you can contact us by e-mail at [housingstandards@blackburn.gov.uk](mailto:housingstandards@blackburn.gov.uk) direct with your views as soon as you have had time to consider the proposals.

**Please note the consultation period ends on Friday 25th November 2016.**

In addition there will be two opportunities for you to attend drop-in consultation events where you can come along and learn more about the proposed scheme. You will have an opportunity to speak to us informally and ask any questions, raise any concerns or make any comments in relation to the scheme.

### What happens next?

At the end of the consultation period the Council will consider any representations that have been made by the local residents, landlords and businesses before deciding whether or not to re-introduce and expand Selective Licensing in Darwen. The Council will publish the results of consultation and details of the scheme within 6 weeks of the end of the consultation period.

If Selective Licensing is re-introduced there will be a minimum 3 month notification period before the scheme will come into force.





# Selective Licensing Consultation

## Resident's views

We want to hear your views about the selective licensing scheme that has recently finished in Central Darwen and ran for five years. The information you tell us will be treated confidentially and only be used in the analysis of this consultation and in providing feedback to you.

Completed questionnaires can be left in the survey collection box at Darwen Valley Community Centre, Sudellside, Darwen BB3 3DL or posted back to the council at 'SL Consultation, Housing Standards Team, N Floor Tower Block, Blackburn Town Hall, Blackburn BB1 7DY'. Thank you for sending us your views. We need to have questionnaires sent back to us by **Friday 25th November 2016**.

### 1. Before you received this questionnaire, had you heard about the Selective Licensing scheme?

- Yes, I knew there was one in/near to this area
  Yes, I have heard of it, but didn't know there was one in this area
  No
  Don't know

### 2. Does your household own or rent this address?

- Owns outright/with mortgage loan  
 Part owns and part rents (shared ownership)  
 Rents from housing association or council (with or without housing benefit)  
 Rents from private landlord or letting agency (with or without housing benefit)  
 Other please state.....

### 3. Approximately, how long have you lived at this address?

- Less than a year
  One to two years
  Three to five years
  Over five years
  Don't know

### 4. Overall, how satisfied are you with your home as a place to live?

- Very satisfied
  Fairly satisfied
  Neither
  Fairly dissatisfied
  Very dissatisfied
  Don't know

### 5. Overall, how satisfied are you with your local area as a place to live?

- Very satisfied
  Fairly satisfied
  Neither
  Fairly dissatisfied
  Very dissatisfied
  Don't know

### 6. Thinking about your local area - in the last year, how much of a problem have the following been?

	A major problem	A big problem	A minor problem	Not a problem	Don't know
Verbal abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nuisance neighbours (including intimidation and harassment)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rubbish dumping	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People being drunk or rowdy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People using or dealing drugs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People not treating others with respect and consideration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 7. What is your postcode? (this will help us to identify issues relevant to your area)



**8. If you have any problems with anti-social behaviour or crime in your area, is it local residents causing these or people from outside your area?**

- People from outside my area    
  Local residents    
  Both people from outside the area and local residents    
  I don't know    
  I don't have any problems with anti-social behaviour or crime

**9. Again thinking about your local area, have there been any changes in the following over the last 5 years**

	Improved	Stayed the same	Got worse	Don't know/haven't lived here that long
The way the area looks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Feelings of safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Friendliness/knowing your neighbours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The condition of houses in the area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The number of empty properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Questions 10, 11 and 12 are only for people who rent their homes**

**10. How satisfied are you with your landlord?**

- Very satisfied    
  Fairly satisfied    
  Neither    
  Fairly dissatisfied    
  Very dissatisfied    
  Don't know

**11. What is the main reason why you are satisfied or dissatisfied with your landlord?**

.....

.....

.....

.....

**12. Thinking about your home, do you agree or disagree...**

	Strongly agree	Agree	Neither	Disagree	Strongly disagree	Don't know
That it is safe (e.g. safe electricity and gas)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
That I know who to report problems to (e.g. property/or wider area)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
That my home isn't having a bad impact on my health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**13. Do you have any other comments about selective licensing or suggestions for what might improve privately rented houses or improve the area generally?**

.....

.....

.....

.....

.....

.....

.....

.....



# Selective Licensing in your area

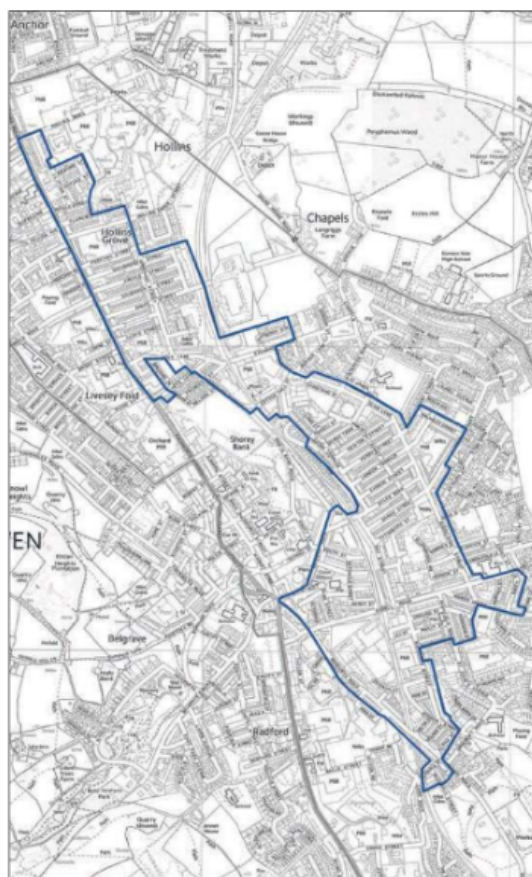
Come along to one of our drop in sessions at Darwen Valley Community Centre, Sudellside, Darwen BB3 3DL on Tuesday 20th September and Wednesday 5th October between 2pm and 7pm.

Find out about Selective Licensing and how the proposed scheme would affect the Darwen Area. For more information go to [www.blackburn.gov.uk/selective-licensing-consultation](http://www.blackburn.gov.uk/selective-licensing-consultation)

## Introduction

Blackburn with Darwen Borough Council is considering re-introducing and expanding the area of a Selective Licensing Scheme in Darwen (see map).

**If you would like to discuss how Selective Licensing will affect you please contact the Housing Standards Team on 01254 585457.**



## What Is selective licensing?

Part 3 of the Housing Act 2004 provides powers for local authorities to introduce Selective Licensing of privately rented houses in designated areas suffering from:

- low housing demand and/or
- significant and persistent problems caused by anti-social behaviour

The aim of Licensing is to reduce anti social behavior ensuring that all rented properties are well managed and stopping decline in the designated area.

## How does selective licensing work?

Private landlords or their managing agents will be required to obtain a licence from the Council in order to let or manage each property they have in the designated selective licensing area

A licence fee is payable and a licence lasts for a maximum of 5 years.

Letting a licensable house without a licence, without a reasonable excuse, will be a criminal offence, subject to an unlimited fine. In addition, if found guilty a rent repayment order may be applied for requiring repayment of the previous 12 months' rent. A person will not be guilty of such an offence if there is a full application outstanding with the Council for the grant of a licence or if there is a Temporary Exemption Notice in place.

## How is the proposed area chosen?

The scheme may be introduced if the area meets the following conditions:

**The area has or is likely to have low demand for housing** (or is likely to become such an area) with a significant number of privately owned houses let on short term arrangements and the Council is satisfied the introduction of licensing would lead to an improvement in the social or economic conditions of the area.

### The benefits

The Council believes that Selective Licensing will ensure that:

- Privately rented properties will be well managed
- Anti social behaviour will reduce
- Demand for properties will increase, leading to the area becoming a more attractive place to live
- In turn this should mean increases in rental values and property prices

Our vision is to build safer and stronger communities and improve people's health and well being, we believe Selective Licensing can help us to achieve that.

### Licence fees and duration

A licence will normally last for a maximum of 5 years and carry a fee of **£750** per property. Landlords may be able to choose to pay this fee by direct debit annual instalments of £150 per year dependent on circumstances and previous history.

Consideration will be given to an early payment discount and/or a late application charge.

### How do landlords obtain a licence?

Landlords apply to the Council for a property licence and if the Council is satisfied the licence holder and the person managing the property are 'fit and proper' persons a licence will be granted. In deciding this, the Council must have regard to, amongst other matters:

- Any previous convictions relating to violence, drugs, sexual offences or fraud; and
- Whether the proposed licence holder has contravened any laws relating to housing or landlord and tenant issues; and
- Whether the person had been found guilty of unlawful discrimination practices.

### What requirements must the landlord fulfil?

The licence must include certain mandatory conditions relating to the management of the house, requiring the licence holder to;

- Present a gas safety record annually to the Council (if there is gas supplied to the house)
- Keep any electrical appliances and furniture (supplied under the tenancy agreement) in a safe condition
- Fit smoke detectors and maintain them in proper working order
- Fit a carbon monoxide detector in any room containing a solid fuel appliance

- Provide the occupier with a written statement of the terms of the occupation (tenancy agreement)
- Demand references from any prospective tenants

Additional conditions will also be included which relate to the use and occupancy of the house and its contents and physical condition.

### Consultation

We must consult on the proposed Darwen area scheme with those persons likely to be affected by it including; landlords, tenants, local residents and businesses. The consultation period will run for a minimum of ten weeks to give everyone time to consider our proposals and respond fully.

**We intend to consult with you using the following methods:**

- Consultation events
- Questionnaires
- Council website
- Local press
- Newsletters

### Have your say

Your views are important to us and we are seeking to obtain the views of all those who could be affected by the proposed Darwen Selective Licensing Scheme. A questionnaire is attached to this newsletter. It will also be available at the drop in sessions, on-line or on request. Alternatively you can contact us by e-mail at [housingstandards@blackburn.gov.uk](mailto:housingstandards@blackburn.gov.uk) direct with your views as soon as you have had time to consider the proposals.

**Please note the consultation period ends on Friday 25th November 2016.**

In addition there will be two opportunities for you to attend drop-in consultation events where you can come along and learn more about the proposed scheme. You will have an opportunity to speak to us informally and ask any questions, raise any concerns or make any comments in relation to the scheme.

### What happens next?

At the end of the consultation period the Council will consider any representations that have been made by the local residents, landlords and businesses before deciding whether or not to re-introduce and expand Selective Licensing in Darwen. The Council will publish the results of consultation and details of the scheme within 6 weeks of the end of the consultation period.

If Selective Licensing is re-introduced there will be a minimum 3 month notification period before the scheme will come into force.



# Selective Licensing Consultation

## Landlord's views

A selective licensing scheme has been running in Central Darwen for five years and finished recently. We want to hear your views about the area and the scheme. The information you tell us will be treated confidentially and only be used in the analysis of this consultation and in providing feedback to you.

Questionnaires can be returned to 'SL Consultation, Housing Standards Team, N Floor, Tower Block, Blackburn Town Hall, Blackburn BB1 7DY'. Thank you for sending us your views. We need to have questionnaires sent back to us by **Friday 25th November 2016**.

### About you

#### 1. Are you a...

- Landlord                                       Letting agent                                       Managing agent  
 Other please state.....

#### 2. How many properties do you own or manage in the Darwen area

.....

#### 3. Have you had problems with any of the following? (tick all that apply)

- Difficulty finding tenants  
 Problems getting references from potential tenants  
 Tenants behaving anti-socially  
 Tenants being victims of anti-social behaviour  
 Problems in other properties affecting your property/tenants  
 Other please state.....  
 I have not experienced any problems

### About selective licensing

#### 4. Should a discount be available for landlords who submit their applications in the first six months of a scheme starting?

- Yes                       No                       Don't know

#### 5. Should landlords be charged an additional fee for not applying to the scheme promptly?

- Yes, if they apply 6 months after the scheme started                       Yes, if they apply a year after the scheme started                       Yes, if they apply two years after the scheme started                       No                       Don't know

#### 6. Should landlords be able to spread their scheme payment in instalments?

- Over 12 months                       Over 24 months                       Over the whole 5 years                       No                       Don't know

#### 7. Would you support the reintroduction of selective licensing in the Darwen area?

- Yes                       No                       Don't know

## About the area

**8. Has the period of selective licensing in Darwen made the area more attractive to tenants?**

Yes     No     Don't know

**9. Again, thinking about the Darwen area, have there been any changes in the following over the last 5 years?**

	Improved	Stayed the same	Got worse	Don't know/haven't lived here that long
Demand for housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The number of long term tenants (staying for 1 year or more)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Level of anti-social behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The condition of properties in the area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The number of empty properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Return from rental properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Perception of the area as a place to rent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Further information

**10. Would you be interested in being part of a Landlords Forum where landlords can meet, providing a platform for discussion, problem solving and sharing of good practice?**

Yes     No     Don't know

**11. Do you have any other comments about selective licensing in the Darwen area or any suggestions as to conditions that should be included under the scheme?**

.....

.....

.....

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.....

**12. Your contact details?**

Name: .....

Address: .....

Postcode: .....

Telephone: .....

Email: .....

## DARWEN SELECTIVE LICENSING CONSULTATION - RESIDENTS VIEWS

202 Households responded to the questionnaire

### 1. Before you received this questionnaire, had you heard about the Selective Licensing scheme?

27 residents were aware there was one in this area  
23 residents had heard of it but not aware of one in this area  
149 residents were not aware

### 2. Does your household own or rent this address?

Own outright / mortgage or loan	-	156
Part owns (Shared Ownership)	-	1
Rent from Housing Association	-	27
Rents from Private LL	-	18

### 3. Approximately, how long have you lived at this address?

Less than a year	-	5
One to two years	-	14
Three to five years	-	22
Five years and over	-	161

### 4. Overall, how satisfied are you with your home as a place to live?

Very satisfied	-	68
Fairly satisfied	-	101
Neither	-	9
Fairly dissatisfied	-	8
Very dissatisfied	-	16

### 5. Overall, how satisfied are you with your local area as a place to live?

Very satisfied	-	35
Fairly satisfied	-	76
Neither	-	15
Fairly dissatisfied	-	40
Very dissatisfied	-	32
Don't know	-	4

### 6. Thinking about your local area – in the last year, how much of a problem have the following been?



	A major problem	A big problem	A minor problem	Not a problem	Don't know	Blank
Verbal abuse	18	15	40	116	0	13
Nuisance neighbours (including intimidation and harassment)	25	22	37	107	1	10
Rubbish dumping	59	50	46	38	6	3
People being drunk or rowdy	20	29	70	67	6	10
People using or dealing drugs	27	27	40	75	27	6
People not treating others with respect and consideration	30	37	57	65	9	4

**7. What is your postcode? (This will help us to identify issues relevant to your area?)**

Out of 202 households 174 provided their postcode .

BB3 0 - 24

BB3 1 - 57

BB3 2 – 35

BB3 3 - 58

Blank - 28

**8. If you have any problems with anti-social behaviour or crime in your area, is it local residents causing these or people from outside your area?**

People from outside my area - 16

Local residents - 30

Both people from outside the area and local residents - 65

I don't know - 40

I don't have any problems with anti-social behaviour or crime - 49

Blank - 2

**9. Again thinking about your local area, have there been any changes in the following over the last 5 years?**

	Improved	Stayed the same	Got worse	Don't know/haven't lived here that long	Blank

The way the area looks	19	71	102	5	5
Feelings of safety	10	111	68	6	7
Friendliness/knowing your neighbours	23	135	32	7	5
The condition of houses in the area	21	92	78	6	5
The number of empty properties	16	107	57	16	6

**Questions 10, 11 and 12 are only for people who rent their homes**

**10. How satisfied are you with your landlord?**

Very satisfied	-	25
Fairly satisfied	-	14
Neither	-	1
Fairly dissatisfied	-	1
Very dissatisfied	-	3
Did not answer	-	1
Total answers from tenants	-	45

**11. What is the main reasons why you are satisfied or dissatisfied with your landlord?**

Satisfied - LL deals with problems immediately and calls regularly  
 LL carried out regular maintenance  
 LL patient when I got into rent arrears

Dissatisfied Most LL do not care about the tenants, the more money they receive the better.  
 LL has not addressed issues of severe dampness

**12. Thinking about your home, do you agree or disagree?**

	Strongly agree	Agree	Neither	Disagree	Strongly disagree	Don't know	Did Not answer
That it is safe e.g. electricity safe and	27	15	0	1	0	1	1



gas							
That I know who to report problems to (e.g. property/or wider area)	21	21	1	0	0	1	1
That my home isn't having a bad impact on my health	19	17	0	2	3	3	1

**13. Do you have any other comments about selective licensing or suggestions for what might improve privately rented houses or improve the area generally?**

68 out of 202 residents did not provide any comments

A summary of the comments made by residents are broken down into several main areas as follows:-

1. ASB, drug dealing, litter and dog fouling

*Many of those commenting stated that the main issues in the area were litter and rubbish, contaminated bins especially in the gated back streets. The alley gates had clearly not worked. As the privately rented sector has increased so have the problems with dumping. A recommendation was that instead of tenants being fined they should be made to do community clean-ups or there should be spot checks and fines. Most of the respondents laid the blame on the privately rented properties, both tenants and landlords. They felt that the tenants did not have any respect for the area and suggested that tenants should be offered longer tenancies so they have a stake in the area and incentive to have a pride in their surroundings.*

*They also felt tenants needed to have respect for their neighbours.*

*Some felt tenants should be made responsible for the appearance of their homes outside at the front and rear, others stated that the landlords should maintain the gardens and deal with broken windows. A number mentioned drug dealing and anti-social behaviour on the streets becoming an increasing issue. Noise from younger tenants was also an increasing problem as were taxi drivers.*

*A number went as far as claiming that some streets looked sleazy and are privately rented ghettos and it is frightening to go past them especially in the summer when all the issues spread out onto the streets, alcohol misuse and open drug dealing. Dog fouling was also stated to be an issue.*

The conditions have been changed to reflect the issues concerning refuse and to ensure tenants are provided with the correct bins at the beginning of their tenancy and are aware of the way to deal with their refuse.

Noise complaints continue to be dealt with by the Public Protection team who will respond direct to complainants.

The neighbourhood policing team deal with complaints about drug dealing or other illegal activities.

## 2. Landlords

*A number felt that the landlords should be more thorough when seeking references for the tenants they choose in relation to antisocial behaviour, debt, previous rent arrears and evictions. They felt that many landlords were irresponsible and only interested in profit and needed to carry out proper screening of prospective tenants and visit the properties on a regular basis. If the houses were let to decent people they would get looked after. They also felt that landlords needed to inspect their houses on a regular basis, check with the neighbours and carry out maintenance as run-down properties were attracting drug users. A number felt the council should increase its enforcement, needed more control over the privately rented sector, and there should be stricter policing of the sector. Some felt that the landlords needed to take more responsibility for the behaviour of their tenants, ensuring the tenants deal with their refuse and recycling properly and taking action to deal with troublesome or noisy tenants. Landlords should attend residents' meeting so they understand the impact of a high turnover of tenants.*

*They also felt a public register of landlords was helpful so they can identify the landlord.*

*There was a suggestion that if the landlords charged lower rents, working people could afford them and they would be kept in a better condition. Also terraced houses needed to be kept as family houses not be used as houses in multiple occupation. Some also suggested that landlords should not let to young adults due to their anti-social behaviour.*

*One tenant said their landlord was excellent*

The conditions have been changed to reflect some of these concerns. Landlords will be required to inspect their properties at regular intervals to ensure they are aware of the conditions of their properties and can take appropriate action.

All the privately rented properties will be inspected to ensure they meet licensing conditions

In an area covered by selective licensing the local authority is required to hold a public register of licensed landlords which residents' associations can access to invite landlords to their meetings.

Where an area is covered by selective licensing, the landlords will be required to obtain references for their tenants.

An Article 4 direction, which controls the change of use from a family dwelling to a house in multiple occupation (HMO) in certain wards, came into force in February 2013. The affected wards in Darwen are Sudell and Sunnyhurst.

## .3. General

*Some commented that certain terraces need clearing especially those with a high level of privately rented stock which were in disrepair. Another suggested that all empty properties should be brought back into use and the empty commercial properties should be demolished.*

*A large number stated that the area needed selective licensing some saying it is a good thing for the community and for vulnerable people as it keeps the landlord and tenant in order and it needed to be re-instated and without it things would be a lot worse. The privately rented sector is bringing the area down, putting owner/occupiers off and values are decreasing. Some suggested the licence fee should be increased to stop landlords outbidding young owner-occupiers.*

*They also suggested specific areas where more community police were needed as it was frightening to walk around the area.*

*There were a number of comments about the general environment including issues about dog fouling, roaming poultry, slowing down of traffic, blocked culverts, litter, high levels of crime, the trees in the area needing cutting back, the dead trees replacing and the planters on Industry Street should be removed,. A free monthly bulky waste collection in key areas of the town was suggested.*

*There is a need for appropriate places and activities for children of all ages to stop them.*

Unfortunately the funding that was received annually for many years from the Government to pay for clearance is no longer provided. In addition due to the poor condition of many of the older terraced properties the Council received housing market renewal monies however these are no longer available and owners are expected to take responsibility for their own properties. In addition the funding that is available to compulsorily purchase empty properties is limited however long term empty properties are prioritised.

One of the large empty commercial properties has been sold and the other one was recently the subject of a planning application that was refused.

The comments about neighbourhood policing and other issues will be passed onto the police and the relevant departments of the Council.

## **DARWEN SELECTIVE LICENSING CONSULTATION - LANDLORD VIEWS**

### **1. Are you a .....**

Landlord	64	Letting Agent	3
Managing Agent	1		
Other	4 (3 former landlord's, 1 prospective landlord)		

4 Landlords sent in letters and did not complete questionnaires

### **2. How many properties do you own or manage in the Darwen area?**

As there was a typographical error on this question on some of the questionnaires some Landlords chose not to answer this question. Others corrected it.

From the replies

Most owned 1 or 2 properties

4 landlords have 4 properties in the area,

1 Landlord with 7 properties, said he would sell them if the scheme was introduced

3 Landlords said they had already sold or were in the process of selling all their properties in the proposed licensing area

1 Landlord has 29 properties.

**3. Have you had problems with any of the following?**

	<u>Yes</u>
Difficulty finding tenants	6
Problems getting references from potential tenants	4
Tenants behaving anti-socially	3
Tenants being victims of anti-social behaviour	2
Problems in other properties affecting your property/tenants	11
Other – Tenants not paying rent in full on time	5
Tenant not paying any rent	1
Inappropriate use of property	1
I have not experienced any problems	43
Blank	6

**4. Should a discount be available for landlords who submit their applications in the first six months of a scheme starting?**

<u>Yes</u>	<u>No</u>	<u>Don't know</u>	<u>Not answered</u>
61	1	6	4

**5. Should landlords be charged an additional fee for not applying to the scheme promptly?**

<u>Yes if apply after 6 months 2 years</u>	<u>Yes if apply after 1 year</u>	<u>Yes if apply after</u>
--	----------------------------------	---------------------------

5	14	3
<u>No</u>	<u>Don't Know</u>	<u>Not Answered</u>
37	10	3

**6. Should landlords be able to spread their scheme payment in instalments?**

<u>Over 12 months</u>	<u>Over 24 months</u>	<u>Over 5 years</u>	<u>No</u>	<u>Don't know</u>	<u>Blank</u>
2	2	62	1	2	3

**7. Would you support the reintroduction of selective licensing in the Darwen area?**

<u>Yes</u>	<u>No</u>	<u>Don't know</u>
11	55	6

**8. Has the period of selective licensing in Darwen made the area more attractive to tenants?**

<u>Yes</u>	<u>No</u>	<u>Don't know</u>	<u>Not answered</u>
2	46	23	1

**9. Again, thinking about the Darwen area, have there been any changes in the following over the last 5 years?**

	Improved	Stayed the same	Got worse	Don't know/not had properties in area for long	No Answer
Demand for housing	11	37	3	16	5
The number of long term tenants (staying for 1 year or more)	10	35	9	14	4
Level of anti-social behaviour	9	36	4	19	4
The condition of properties in the area	12	37	4	14	5
The number of empty properties	8	38	4	18	4
Return from rental properties	6	38	14	10	4
Perception of the area as a place to rent	8	42	7	11	4

**10. Would you be interested in being part of a Landlords Forum where landlords can meet, providing a platform for discussion, problem solving and sharing of good practice?**

<u>Yes</u>	<u>No</u>	<u>Don't know</u>	<u>Not answered</u>
23	38	10	1

**11. Do you have any comments about selective licensing in the Darwen area or any suggestions as to conditions that should be included under the scheme?**

The comments made by the landlords in response to the consultation can be broken down into six main areas:

- 1) Criticism of review of previous area and of consultation
- 2) Comments on the proposed area
- 3) Fees
- 4) What benefits do Landlords receive
- 5) Alternatives or improvements suggested
- 6) Effect of selective licensing

A summary of the responses in each area are set out in italics below and the Council's response follows.

**Criticism of review of previous area and of consultation**

*A couple of landlords criticised the previous area saying it was not successful as they claim there was no improved behaviour, no increase in desirability of area, rents were reduced to attract tenants and there were no improvements to the area around properties. Two also criticised the review report stating there was no mention of other initiatives and one asked what other initiatives were linked to the new scheme. One asked why the data at the drop-in was from 2011. One asked what evidence there was that the resident's questionnaires were completed by residents. Some landlords pointed out the typographical error on Q2 and said this invalidated the questionnaire. Others corrected the error and answered the question.*

The data at the drop-in from 2011 which was referred to, is the census data. When looking at the size of the privately rented sector (PRS) in the licensing areas and comparing it to the PRS in the Borough the legislation requires the Council to use the latest Census data. This is from 2011 which is why the information at the drop in sessions referred to 2011.

The Government has recognised that selective licensing in some areas is a long term strategy and the effects will take time to be seen. As the numbers of privately rented properties has increased in this area it has not discouraged landlords from purchasing properties in the area. A number of landlords said they had not increased the tenant's rent as they needed to keep it the same to remain competitive.

There are a number of other initiatives in the area including the new 119 home development on Shorey Bank and the development of the site of former Elizabeth House on Sudellside.

### **Comments on the proposed area**

*There are a number of comments about the boundary of the proposed area. Some are suggesting the area should include Housing Association estates such as St James, Anchor Estate and Birch Hall. Others asked to exclude specific areas or include others.*

Properties managed by Housing Associations are specifically excluded from Selective Licensing by the legislation. Each other suggestion has been looked at and it has been decided to change the boundary as requested to exclude Hodgson Street and the Norfolk St area as the properties in this area are generally in better condition and the Housing Standards team have not received complaints about them for a number of years. The new estate under construction at Orchard Park has also been excluded as the boundary cut through it. It is also to be changed to include Elswick Street and Ellison Fold following requests to include it due to problems with the private tenants in these areas and a block on Greenway Street where the boundary cut through the middle of it.

### **Fees**

*A number of landlords made representations about the proposed level of fees, the fact that they are higher than previously. They do not think there should be a fee and feel it is a tax burden on landlords. They also feel the good landlords are being penalised and that good landlords should pay less and the fines for bad landlords should be higher. A number said that they could not afford the fee as they had mortgages to pay and they were in negative equity. Some said they needed to be able to pay in instalments. One owner said he owned 29 houses and could not afford it. A couple of landlords claimed they had had bad tenants in arrears and vandalism. Two landlords said they would sell up. Two landlords said they had paid before and the council had stopped the scheme. One landlord said the cost will be passed onto the tenants, this would cause arrears and the Council will have to rehouse them. One landlord stated we should enforce the Residential Tenancies Act. this is not a piece of English legislation*

The fees are based on the cost of providing the licence. The reason for the increase in the cost of the licence is that the fees charged previously did not cover the costs of the scheme. The condition of the properties within the scheme was a lot worse than anticipated and resulted in more complaints and visits than originally anticipated. Identification and communication with those landlords who have not submitted applications was time consuming. Chasing of documentation has also been costly. These costs have had to be taken into account when deciding the new charge for the area. When the area was first declared as a selective licensing area it was a pilot scheme and lessons have been learnt about the need to improve the conditions relating to management.

Landlords are able to claim the licence fees as part of their expenses for tax purposes.

Unfortunately the legislation does not allow the Council to differentiate between so called 'good' landlords and bad landlords however the Council has successfully



prosecuted landlords in other Selective Licensing Areas for failure to submit a complete application for a licence and in addition has applied for Rent repayment orders against them resulting in them being required to repay the previous 12 months Housing Benefit for the unlicensed properties.

The Council has normally allowed landlords to pay in instalments unless they have failed to make the payments in previous schemes.

Selective Licensing Schemes last for a maximum of 5 years. The Council did not stop the previous scheme- it finished after the 5 years.

There is no obligation on the Council to permanently rehouse tenants who are intentionally homeless due to arrears.

The Residential Tenancies Act is not English legislation. There is such an act in Ireland.

### **What benefits do landlords receive?**

*Questions were asked about how the Council were to help landlords saying they needed help with rent arrears and bad tenants. Tenants needed to be held to account not given assistance.*

Selective Licensing is primarily to assist tenants not landlords however the Council has written the conditions to assist small landlords in their management of their properties. In addition landlords are advised to look at the How to Rent booklet on the Gov.uk website which gives detailed advice to landlords and tenants. In areas where Selective Licensing has been successful, landlords have found it easier to obtain and retain tenants thus reducing their costs. They have also found by obtaining good references and following good practice during the term of letting, they are less likely to be left with damaged property and large rent arrears.

All landlords will receive advice, support and assistance to manage their tenants, involving a multi-agency approach where required.

### **Alternatives or improvements suggested**

*Landlords suggested various alternatives and questions including*

- *.Need to penalise LL where asb or illegal behaviour by tenants*
- *Registered tenant's list*
- *Housing association to manage properties*
- *Grants or loans should be given to the landlords to renovate their properties*
- *Use of Section 215 Town and Country Planning Act powers eg rubbish issues or antisocial behaviour powers for fly tipping.*
- *Why do LL not get a free key for back street where there are alley gates?*
- *Benefit should not start at a new property until confirmation of no arrears at previous property*

The way the scheme is administered is set out in the legislation however Licence holders and their managers are required to be 'fit and proper' persons

The Council will take into account, amongst other things:

- Any previous convictions for violence, sex offences, drugs and fraud;

- Whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues;
- Whether the person has been found guilty of unlawful discrimination; and,
- Whether the person has previously managed HMOs or properties that have broken any approved code of practice.

The provision of a tenant's list has been investigated and legal advice is not in support of the provision of such a list by the Council.

Housing Associations have not been interested in taking over the management of houses in the privately rented sector nor would the Council be able to insist that landlords use a housing association to manage their properties.

Unfortunately the funding that was received annually for many years from the Government to pay for housing renewal in the form of improvement grants, clearance, group repair and facelift schemes is no longer provided. In addition due to the poor condition of many of the older terraced properties the Council received housing market renewal monies however this is no longer available and owners are expected to take responsibility for their own properties.

Owners and residents of properties with an alley gate were provided with one free key on request. Owners were given one key per scheme not per property..

Provision of Housing Benefit is governed by legislation which does not allow for suspension until any previous arrears at a previous property have been cleared.

The suggestion of the use of other legislation has been referred to the relevant departments.

## **Effect of SL**

*Landlords stated that selective licensing creates a type of segregation. They did not feel that anti- social behaviour had anything to do with them and blamed others for not taking action. Some stated that the only ASB was in Council owned properties. Some stated that the worst landlords served a purpose in providing accommodation for the homeless.*

*Some felt that there was less demand for houses in selective licensing area creating a spiral of decline resulting in lower house prices however two landlords felt that Selective licensing had no effect on the area.*

*A number of landlords said they agreed with what the scheme is trying to achieve and it will improve living standards and that landlords should only be able to obtain a licence if the property is up to a good standard.*

*One landlord said the scheme was based on misinformation as, due to the type of houses they are unpopular, so inherently they are low demand and of lower value than other terraced housing.*

Most residents of the area want the landlords to take responsibility for the tenants they put in their property. This can be done initially by obtaining and checking

references and subsequently by taking steps to deal with complaints about their tenants.

All privately rented properties should meet the required standards and less desirable tenants do not 'deserve' accommodation that does not meet these standards.

There are no council owned properties as the council stock was transferred to a housing association more than 10 years ago. The larger Housing Associations employ their own anti-social behaviour officers.

Most landlords prefer to own properties in a better area so they can attract and retain decent tenants as high tenant turnover is expensive. The benefits to the landlord are that licensing creates a level playing field, so the better landlords will not be undercut by those who do not carry out repairs or manage their properties. All landlords will receive advice, support and assistance to manage their tenants, involving a multi-agency approach where required. There should be improved rental income and capital value as areas improve and an improvement in the reputation of private landlords. All the privately rented properties will be inspected to ensure they meet licensing conditions. As properties are better managed the houses will be in better condition both internally and externally making them more attractive to tenants resulting in shorter void periods and reduced tenant turnover.

Landlords are required to provide safety certification before the property is licensed, then an inspection is carried out to ensure they are compliant with the licence conditions.

One landlord has stated that the area is low demand which agrees with the Council's statement.

### **Landlord Associations**

*One landlord association also responded to the consultation. They raised a number of issues which were also raised by landlords and have been responded to in the responses above. In addition they stated that they support a system of self-regulation for landlords where landlords join a co-regulation scheme. They also stated that the Council should await the impact of the new powers in Housing and Planning Act 2016 before designating the area. They say there is little evidence that licensing schemes improve standards. The introduction of licensing will blight the area.*

*They also state that they support the use of the council tax registration process to identify privately rented properties.*

When landlords were offered the chance to join the accreditation scheme without a fee most of the landlords within this area chose not to become accredited. A minority of landlords within the Borough are members of a landlord association and there is no evidence that many would pay to become a member to be part of a co-regulation scheme.

There is no commencement date set for the Housing and Planning Act 2016 and it would take more time to assess the impact. Residents would like selective licensing re-introduced now and the introduction of the legislation would complement the designation.

Evidence from the review of the Central Darwen and the previous Infirmity schemes showed that licensing schemes improve safety standards. In addition landlords have learnt from the previous schemes about legal requirements when letting property. However it has been found that without the monitoring of a licensing scheme landlords have a tendency not to continue to comply with their legal requirements. Some landlords and residents are attracted to a selective licensing area as they know that if there are problems with other tenants their landlords will be required to take action to deal with it. There is evidence that during the lifetime of the previous selective licensing area a number of properties have changed hands and landlords have purchased them therefore there does not appear to be a disincentive to landlords to own properties in selective licensing areas. We also support the use of the council tax registration process to identify privately rented properties

## **Appendix 6: Fit and proper person definition and conditions**

### **Fit and proper person definition**

In deciding for the purposes of whether a person (“P”) is a fit and proper person to be the licence holder

Or

(As the case may be) the manager of the house, the local housing authority must have regard (among other things) to any evidence below:

Evidence is within this subsection if it shows that P has:

- (a) committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- (b) practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or
- (c) Contravened any provision of the law relating to housing or of landlord and tenant law.

## **Appendix 7: Selective licensing mandatory and additional conditions**

### **Selective Licensing Mandatory Conditions**

The licence holder must:

- 1) If gas is supplied to the house, produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
- 2) Keep electrical appliances and furniture made available by him in the house in a safe condition
- 3) Supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture
- 4) Ensure that smoke alarms are installed on each storey in the house on which there is a room used wholly or partly as living accommodation and to keep each such alarm in proper working order.
- 5) Supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
- 6) Ensure that a carbon monoxide alarm is installed in any room of the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance and to keep any such alarm in proper working order.
- 7) Supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarms.
- 8) Supply to the occupiers of the house a written statement of the terms on which they occupy it.
- 9) Demand references from persons who wish to occupy the house.

## **Additional Conditions**

### **Delete if not applicable**

- 1) If the property is a HMO the licence holder must not permit the house to be occupied by more than x persons and must ensure that the kitchens and hallways of the house are not used for sleeping purposes either by their tenants or their guests.
- 2) The licence holder should ensure the property is compliant with all current housing legislation.
- 3) The licence holder must ensure all amenities; facilities and equipment provided for occupants are adequately maintained and remain available for use at all times.

### **Delete if not applicable**

- 4) The electrical installation condition report is unsatisfactory. The licence holder must ensure that the remedial works are completed no later than 1 month following the date of the licence and must provide the Housing Standards team with written confirmation of this from a competent electrician.
- 5) Where the electrical installation condition report or the electrical installation report expires during the term of the licence, an up to date electrical installation condition report must be provided to the Housing Standards team within 28 days of the expiry date.
- 6) The licence holder must act lawfully and reasonably in requiring any advance payments, handling rents, taking and returning deposits and making deductions from deposits.
- 7) The licence holder must provide the tenants of the licensed property with the following:
  - a. Name of the licence holder or managing agent
  - b. A contact address, daytime telephone number
  - c. A telephone number to contact in case of emergency
- 8) In circumstances where the licence holder seeks repossession of the property, this must be done using lawful means.
- 9) Each new tenant will require sight of a valid Energy Performance Certificate.
- 10) Before a new tenancy is issued the licence holder/agent should carry out an inventory and document it with additional photographs. Both licence holder and tenant shall date and sign said inventory and each retain a copy.
- 11) At the beginning of each tenancy the landlord shall inform the Housing Standards team of the date of commencement and the tenant's name.



- 12) Where there are key locks for the windows, a key shall be provided to the tenant at the beginning of the tenancy.
- 13) Where alley gates are in place the licence holder shall provide a key to the tenant at the beginning of the tenancy.
- 14) The licence holder must provide arrangements for disposal of refuse and ensure that there are adequate facilities for the storage of household refuse between collections, such that unauthorised bags or loose refuse are not put out for collection and bins are not put out for a period longer than 12 hours prior to their collection.
- 15) The licence holder must outline to the tenants their responsibilities in respect of refuse storage and disposal. This is to include details of what day refuse collections take place and what type of bins to use for household waste and recycling waste.
- 16) At the beginning of each tenancy the licence holder shall provide the tenant with a grey and a burgundy refuse bin, permanently labelled with the property address and include a photograph of these on the signed inventory.
- 17) Antisocial behaviour within the premises must be dealt with under the terms of the tenancy agreement. The licence holder and their nominated managing agent must take reasonable and practicable steps to prevent or where appropriate reduce anti-social behaviour by persons occupying or visiting the house. They must also reasonably co-operate with the local authority over any action being taken in respect of the same. Further help and advice can be sought from the Shared Neighbourhood Teams
- 18) The licence holder and their nominated managing agent must recognise the importance of tackling anti-social behaviour in order to ensure that communities are safe and that areas do not decline because of a failure to act. The licence holder and/or their nominated agent must have the facilities to receive and respond to initial complaints about their tenants' behaviour.
- 19) The licence holder and/or their nominated managing agent are required to take reasonable and effective steps to deal with any complaints which have been made either directly to them, or via the local authority, regarding their tenants. Written records of these may be required.
- 20) The licence holder must ensure that they are familiar and compliant with the requirements of the Equality Act 2010.
- 21) The licence holder must allow officers of the local authority access to the licensed property for the purpose of carrying out inspections where this request has been made in writing with reasonable notice.
- 22) The licence holder must co-operate with licensing staff in circumstances where complaints of alleged breaches of licence conditions have been made in respect of the licensed property.

- 23) The licence holder must ensure that all licence fees are paid to the local authority. If payments are being made by instalments, each payment must be made no later than the due date.
- 24) Where the property is sold, the licence holder is responsible for notifying the Housing Standards team and paying the licence fee in full.
- 25) The licence holder must provide the Housing Standards team with a 24-hour emergency contact telephone number for the licence holder and/or managing agent.
- 26) The licence holder and/or their nominated managing agent must, if required by the local authority, attend training in property management and adult safeguarding.
- 27) The licence holder and their managing agent must inform the Housing Standards team of any relevant changes in their circumstances including:
  - a. Any new convictions/cautions which may be deemed relevant to the fit & proper person test
  - b. Change of ownership and or managing agent of the licensed property
  - c. Any substantial works to the property
  - d. Any change of address, e-mail address or telephone number.
- 28) If the property is a House in Multiple Occupation it must conform to all the relevant legislation and the Council's standards.
- 29) There must be suitable and sufficient buildings insurance. This should cover re-housing in the event of there being a need.
- 30) The Licence holder must ensure that at all times it is in force, a copy of the licence and its conditions is displayed in a prominent position within the property where it can be viewed by all occupants.
- 31) The licence holder should carry out a check on the property at least every 6 months and these should be documented and provided should the Authority require them.
- 32) If the person identified as manager of the property is unable to be contacted for any reason or is out of the country for longer than 15 days then a temporary manager must be appointed for the time that they are away/ unable to be contacted. Any proposed manager must be a fit and proper person under the Housing Act 2004 and be acceptable to the authority before they can take charge of the property. The licence holder must provide the licensing authority written notification of any proposed person and provide a valid original Basic Disclosure Scotland certificate for the proposed person prior to the person taking charge of the property. The temporary manager can only be in place for a maximum of 3 months within any 12 month period.

## **Appendix 8: Selective Licensing Fees**

Fees for period designation date (..... to 5 years after designation comes into force. (.....)..

Applicants will be charged the full amount to accompany the application form. At the Council's discretion a payment plan or direct debit may be established to agree to payments being made over an agreed period of time.

### **Fee Discounts**

A discount of £150 will be applied to the overall cost of the fee if the applicant submits a fully completed application form and all requested documentation within 3 months of the designation area coming into force. Payment must be received in full or a direct debit payment plan agreed. Failure to continue to make the annual direct debit payment will result in prosecution for a breach of the licence conditions.. Landlords of the licensing schemes that have now been completed, who have failed to pay their previous licensing costs in full will not be eligible for the discount or to pay in instalments

### **Reduced Fees**

Applications for licences in the last six months of the designation will be eligible for a reduced fee of 50%, this is where properties have not been licensable prior to the 6 month deadline.

Fees for applications for a property during the designation will be based on the agreed fee structure.

Applications resulting from a change in licence holder of a licensed property will be charged the full fee applicable at the date of application. The new licence holder will not incur the £150 additional charge as long as the application form, fees and all documentation are received within three months of the change of ownership/manager.

### **Fee Reimbursements**

Applications will be charged the full amount to accompany the application form. At the Council's discretion a payment plan may be established to agree to payments to be made over an agreed period of time any such plan/agreement can only be repaid by direct debit.

Where a licence is refused or revoked, the applicant or licence holder will not be entitled to any refund of fees and will still be required to pay any outstanding charges.

### **Payment Methods**

Payment in full should be made with the application documents. Payment can be made by cheque, cash or card payment. Cheques should be made payable to Blackburn with Darwen B.C.

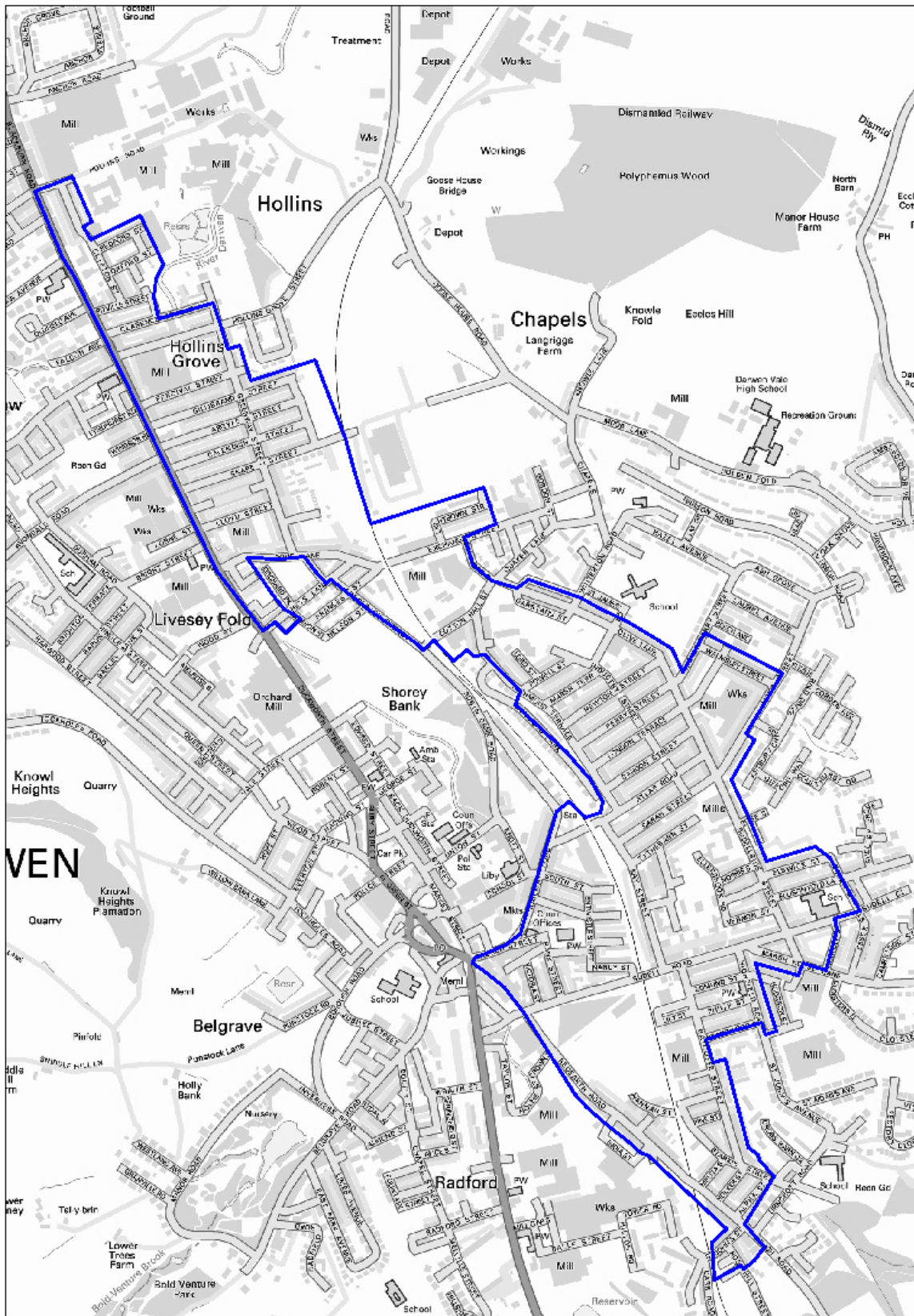
Where the applicant experiences difficulty in paying the full amount, a payment plan may be agreed, enabling the full amounts to be paid in instalments, at the Council's discretion any such plan/agreement can only be paid by direct debit

Single occupancy households.	Fee	Annual Payment
Each unit of accommodation.	£750	£150
Early response discount of £150 (Application form and all requested documentation must be received fully completed by Blackburn with Darwen Council by 6 months after designation date) .	£600	£120
Additional charge of £150 (Application form received after 12 months after designation date)	£900	£180

Multiple occupancy households.	Standard fee	Annual payment
Fee for property up to and including 10 units.	£900	£180
Fee for each additional unit over 10 units.	£50 per unit	£10 per unit
Early response discount of £150 (Application form and all requested documentation must be received fully completed by Blackburn with Darwen Council by 6 months after designation date)	£750	£150
Additional charge of £150 (Application form received after 12 months after designation date).	£1050	£210

Note:- Owners should give careful consideration to the person designated as Licence holder as licences run for a maximum of 5 years and are non-transferable. If the licence holder changes for any reason, the full licence fee is payable by the first licence holder and the new licence holder will also need to pay the full fee.

Appendix 9: Map of the selective licensing area









# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Resources

**LEAD OFFICERS:** Director of Finance and IT

**DATE:** 9 February 2017

**PORTFOLIO/S AFFECTED:** Resources

**WARD/S AFFECTED:** All

**KEY DECISION:** YES  NO

**SUBJECT: Award of Contract for Council Insurance Policies and Cover**

## 1. EXECUTIVE SUMMARY

The Council's current long term agreement for insurance ends on 31 March 2017. The Constitution and Financial Procedure Rules requires the Council to have adequate insurance cover in place. A formal re-tender of the insurance arrangements has been carried out in accordance with the European Procurement Regulations, using the open procedure. The results have been evaluated, with support from the Council's insurance broker, in order to have new insurance policies in place from 1 April 2017.

## 2. RECOMMENDATIONS

That the Executive Board approves:

- i) The award of the insurance contracts to the successful bidders for an initial period of three years, with option to extend for a further two year period;
- ii) The amendment and alignment of excesses relating to the Council's casualty insurance policies (public and employers liability); and
- iii) The establishment of an earmarked reserve of £250,000 to provide for the increase in the cost of the excesses that the Council will be required to pay for any employer or public liability claims received against future policy years, if the excesses are amended as per ii) above. This reserve will be managed and reviewed annually, with the expectation that the level of fund required will be reduced in future as the Council is able to defend future claims through good risk management arrangements.

## 3. BACKGROUND

3.1 Under the Council's Constitution and Financial Procedure Rules there is a requirement for the Council and its schools, some of whom buy into the Council's insurance services under service



level agreements, to have adequate insurance cover in place. There is also a statutory requirement for the Council to have certain insurances in place to cover areas such as employers liability, public liability, and motor vehicles. The current policies, which have been in place under a long term agreement since 1 April 2012, are due to expire on 31 March 2017.

- 3.2 The value of this contract required a full tender to be carried out in line with the European procurement rules. This commenced in October 2016. The contract notice (2016/S 209-378384) was published on 27 October 2016. The tender document, which included supporting appendices, was subsequently issued to potential bidders on 28 October 2016 using The Chest and the Government's Contract Finder website.
- 3.3 The insurances and related services were re-tendered in 11 lots. The specification allowed for bids to be made for any or all lots and included the following main areas:
- Property, including material damage, work in progress, all risks, business interruption, money, and theft;
  - Casualty, including public and employers liability, officials indemnity, libel and slander and professional negligence;
  - Motor fleet;
  - Engineering and engineering inspection;
  - Additional covers including balance of risks, fidelity guarantee, land charges, personal accident, travel, public health, computer, marine and property owners; and
  - Terrorism.
- 3.4 The Council's current casualty insurance cover (employers and public liability, general and highways) have the following levels of excesses:
- Employer Liability - nil excess;
  - Public Liability (general) - £500; and,
  - Public Liability (Highways) - £104,000.
- 3.5 The tender process aimed to select the provider of the Council's insurance cover for the next three years, with an option to extend this for a further two years. The process has been supported by the Council's insurance brokers, who provided technical guidance. Colleagues from the Council Procurement and Legal Services teams have also provided advice and support to the process.
- 3.6 Following an extensive tendering process bids were received from 11 interested parties. The bids received ranged from companies quoting for one lot or two to those who quoted for the full range of cover required by the Council.
- 3.7 Evaluation templates were prepared in accordance with the Council's Contract and Procurement Rules. The main evaluation criteria for all lots except engineering were price and price structure (60%), scope of policy (20%), and quality, range of service and claims handling (20%). The criteria for the engineering lot was price (30%), service (60%) and cover (10%).
- 3.8 An in-house evaluation was carried out by a team of three officers from the Audit & Assurance and Housing and Localities Business Support Teams, with the Council's insurance brokers also preparing an independent report to assist the in-house evaluation team.
- 3.9 The quality and service aspect of each submission was evaluated on a number of criteria based on evidence bidders provided to support their responses to each of the measurement points. Scores were then allocated based on the strength of the evidence provided and its appropriateness and suitability to the Council.
- 3.10 The bids submitted provided full details of the scope of all the policy cover, staff experience, training and development arrangements as well as their claims handling arrangements. Based on the evaluation results the award to the successful bidders represents the most economically

advantageous overall package of policies for the Council based on the criteria set out in the tender document.

- 3.11 Following the evaluation of the tenders, and consideration of the options available to the Council, there has been a review of the Council's insurance excess levels.
- 3.12 The implications of these changes have been assessed both internally and by our insurance brokers, using the Council's claims experience over the last five years. The results indicated that in accepting a reduced premium and an increase in our excess, based on the claims history over that five year period, our total costs would reduce; however it must be recognised that there is also the possibility that the total cost of risk to the Council cost could increase if there was an increase in the number of successful claims made within the excess limit or, if the average amount awarded was to increase but remain within the excess limit.
- 3.13 An annual provision of £250,000 would need to be established to provide for the payment of the excesses under this option, as and when required, funded in the main from the reduction in the insurance premium. The level of provision would need to be monitored going forward and it is anticipated that this could be reduced in future years as the Council benefits from improved risk management and the defensibility of claims.
- 3.14 The successful bids and recommended options generate a net saving in 2017/18 compared to the cost of insurance for 2016/17. The final costs will not be fully known until the full details for each of the policies is finalised.
- 3.15 Once the successful bidders have been identified there is a requirement to allow a 10 day 'standstill' period to enable challenges to the process to be lodged.
- 3.16 The Executive Board is therefore requested to approve the successful bidders to provide the insurance cover and policies on behalf of the Council commencing on 1 April 2017, subject to any challenges being received during the standstill period referred to in 3.15 above.

#### **4. KEY ISSUES & RISKS**

- 4.1 Executive Board approval is required due to the nature and value of the contract.
- 4.2 Under the Council Constitution and Financial Regulations the Council and schools are required to have adequate insurance cover in place. The current policies are due to expire on 31 March 2017 and there is a need to appoint an insurance company to provide the relevant policies and cover immediately after this date.
- 4.3 If the Council does not have the required insurance cover in place it is breaching its statutory responsibilities. The Council would have to fund legal costs associated with defending any claims and pay any proven claims along with associated third party costs from the Council's revenue budget and reserves. Depending on the nature of the claims these could be significant sums.

#### **5. POLICY IMPLICATIONS**

None

#### **6. FINANCIAL IMPLICATIONS**

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- 6.1 The Council provides for the insurance premium in its Revenue Budget. An analysis of the financial submissions received has been undertaken and these have been assessed against the present premiums paid by the Council. Two companies offered a discount if the whole insurance package was placed with them. This discount has been taken into account as part of the evaluation process.
- 6.2 The final costs will not be fully known until the full details for each of the policies is finalised, however it is anticipated that the quoted costs will provide an overall saving to the Council.

## 7. LEGAL IMPLICATIONS

- 7.1 Failure to procure adequate and appropriate insurance cover will place the Council in breach of its statutory responsibilities. It will give rise to a significant risk of litigation, claims and complaints. The associated costs would have to be borne directly by the Council.
- 7.2 Legal Services and Procurement staff have been consulted throughout the procurement process to advise on compliance with the Council's contract procurement rules and procurement law and to mitigate the risk of a challenge. The contract documents will be in a form approved by Legal Services.
- 7.3 The new contracts will commence from 1 April 2017 and will last for an initial period of three years, ending on 31 March 2020, with an option to extend for a further two years.

## 8. RESOURCE IMPLICATIONS

None

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 10. CONSULTATIONS

Director of Finance & IT

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

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**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

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<b>CONTACT OFFICER:</b>	Colin Ferguson, Head of Audit & Assurance
<b>DATE:</b>	18 January 2017
<b>BACKGROUND PAPER:</b>	None

# EXECUTIVE BOARD DECISION



<b>REPORT OF:</b>	Executive Member for Health and Adult Social Care Executive Member for Resources
<b>LEAD OFFICERS:</b>	Director of Adult Social Services (DASS) Deputy Chief Executive
<b>DATE:</b>	9 February 2017

<b>PORTFOLIO/S AFFECTED:</b>	Health and Adult Social Care	Resources
<b>WARD/S AFFECTED:</b>	All	
<b>KEY DECISION:</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**SUBJECT:**  
**Residential Intermediate Care Services**

## 1. EXECUTIVE SUMMARY

The Blackburn Clinical Commissioning Group (CCG) and Blackburn with Darwen Borough Council (BwDBC or council) seek to jointly fund through the Better Care Agreement the rent and care elements required to enable residential intermediate care to be delivered from a bespoke facility within the Albion Mill Scheme.

We seek to engage the NHS as a key partner both in the facilitation of a 'whole system transformation' and to adopt a collaborative approach to support 'in reach' services. This transformative approach is part of the wider work we are undertaking across Pennine Lancashire and has a clear fit with the direction of travel of the Sustainability and Transformation Plan (STP).

We will adopt a residential intermediate care approach with 'step up' beds ( to provide a short term intermediate level of residential care for people to prevent them from experiencing unplanned hospital or long term care admissions ) and 'step down' beds (to provide a short term intermediate level of residential care for patients in hospital who require ongoing support and/or rehabilitation in order to continue their recovery so that they can return home). In order to:

- manage demand on the sub-acute and acute services for older people.
- improve the prevention, discharge and after care pathway for how we provide health and social care for older people.
- align our residential intermediate care strategy to form a valuable asset in reducing admissions, duration of stay and facilitate discharge.

We have a shared aspiration to shift the current level of resource, investment and provision from being over-balanced towards reactive support that results in an over-use of unplanned acute services and long-term care support into pro-active intervention to maximise independence. This will facilitate better outcomes, help maintain independence and manage demand. In order to make this shift, it is critical that the overall agreed system change and transition process is understood and managed collectively by all the key stakeholder organisations through and beyond the transformation. To ensure that the community, clinical and acute pathways align their strategy and culture to maximise value by engaging in a single jointly owned philosophy to deliver residential intermediate care.

Overall to achieve greater value from working in partnership, joining up resources, improving quality and outcomes for people we care for.

The purpose of this report is to:

- Seek approval of the integrated health and care service specification and number of beds to be commissioned.
- Note decisions required and timescales.
- Note the procurement and development timescales supporting the further extension of existing contracts
- Support the use of Albion Mill as the primary site for the provision of residential intermediate care and note the funding parameters for both the lease of accommodation and commissioning of care.
- That an intention to lease is signed by Blackburn with Darwen Borough Council and that they become leaseholder for the facility. That this be backed by the CCG in a risk sharing agreement.
- Recommend the existing contracts are extended to allow transition into a newly commissioned facility at which point the contract will cease.

## **2. RECOMMENDATIONS**

That the Executive Board:

- 1) Delegates authority to the Director of Adults Social Services (DASS) in conjunction with the Directors of Finance & IT; Director of HR Legal & Corporate Services, and in consultation with the Executive Member for Health and Adult Social Care and Executive Member Resources to enter into negotiations and agree heads of terms with the landlord.
- 2) Agrees for BwDBC to act as the lead organisation for entering into legal agreements directly with the landlord and a service provider for the purposes of commissioning and entering into care contracts.
- 3) Agrees joint funding and commissioning, under the provisions of the Better Care Fund Agreement, for residential intermediate care with the CCG both for the leasing of accommodation and for the purposes of care contracts. That these are backed by risk and cost sharing agreements between the partner organisations.
- 4) Agrees to extend the current service until the new residential intermediate care facility is commissioned and ready for use, if required.

## **3. BACKGROUND**

3.1 In September 2016 a paper was presented to the Council's Executive Board for the approval to enter into nomination agreements in connection with the new Extra Care facility at Albion Mill, Ewood, Blackburn. Albion Mill is part of a wider strategy to help transform how we care for our older people. The provision of Extra Care is part of a whole system response to keeping people independent for longer and having appropriate quality of accommodation and flexibility of care. This paper does not seek to change the fundamental principles of that decision. It does however seek to redesign two floors previously allocated for Extra Care/Dementia Care for the purpose of residential intermediate care.

3.2 The council works with the CCG, NHS, housing and care providers to have a range of solutions to keep the whole system resilient. Whilst the quality and provision of Extra Care and Residential Care has improved significantly in recent years the demand on hospital beds has increased. This has also



been accompanied by a 'Duty to Discharge'. We currently manage this either by supporting complex care packages and adaptations in people's homes or through intermediate care packages being delivered in nursing or residential care homes settings. Residential intermediate care is seen as a key part of our strategy in managing demand on the whole system and reducing cost.

3.3 As demand on hospitals and urgent care is increasing it is causing a bottle neck. In simple terms the system is not coping because there are not enough provision in the community and there are not the sub-acute facilities within which we can discharge. In the short term this is very costly on the system, but equally is not the best solution for the patients who need to be discharged and it can lead to them losing their independence.

3.4 The Council currently procures intermediate care packages to support those older people who are infirm as a means of discharge from Hospital into an environment where they can receive re-ablement support before being able to return to their home. Blackburn with Darwen CCG and the Local Authority currently fund the provision of residential and sub-acute intermediate care under a contract with a provider which runs until September 2017. The proposed service would not be available until October 2018 and we would therefore seek to extend the current service until the new residential intermediate care facility is commissioned and ready for use.

3.5 This proposal recommends a way to transform how the whole health and social care system works to become more integrated, agile and focused on what is needed at each key stage of the patient journey. There is an opportunity to improve intermediate care both in terms of the quality of accommodation and how care is designed and delivered in an integrated way around the needs of the person. This person centred approach would aim to achieve better quality and outcomes through a stepped care approach and 'Home First Principles'.

3.6 The developers of Albion Mill are prepared to work with the Council and the CCG to redesign two floors of accommodation to provide modern, tailored residential intermediate care bed accommodation. The facility would provide individual rehabilitation suites with shared facilities that would provide service users with suitable accommodation to rehabilitate and access nursing and therapy support. The proposed layout would include individual en-suite rooms with a communal lounge and dining area with assisted bathrooms, dedicated therapy space and therapy kitchens. The overall facility will have access to communal space for alternative forms of therapy, social inclusion and community support. We also wish to provide follow up support for individuals and carers to help maintain their independence.

3.7 The developer would need to have an agreement in place confirming agreement to lease to safeguard their willingness to adapt the design and invest in making the changes. Once committed to construction it would be very costly to reverse, hence the need to have agreement in advance.

3.8 The development would take 18months to complete and during this period the Council and CCG would need to continue to maintain existing arrangements whilst developing the new approach.

#### **4. KEY ISSUES & RISKS**

4.1 The Pennine Lancashire health system has been discussing new models of care that draw patients into a planned system of community support for what would often presently become unplanned care within an acute hospital setting.

4.2 This proposal for transformational change to the health and care system would offer the degree of support and management dependent on the complexity of the individual built on an early action approach or quickly stepping up support.

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4.3 It is built around the shared aspiration to shift the current level of resources, investments and



provision from being over-balanced towards reactive support that results in an over-use of unplanned acute services and long-term care supports into a position where pro-active intervention in the community and support within the Primary care system can be enhanced by additional investment and resource. In order to make this shift, it is critical that the overall agreed system change and transition process is understood and managed collectively by all the key stakeholder organisations to ensure that both the stability of the local system and the sustainability of key organisations are maintained through and beyond this transition process.

4.4 Blackburn with Darwen BC are working collaboratively with the Pennine Lancashire STP to ensure the offer in the borough aligns to and supports the new models of care.

4.5 Blackburn with Darwen BC are in the process of getting nominations agreed for Albion Mill for Extra Care. This proposal does not have any negative impact or risk on what has already been agreed by the Council's Executive Board. Arguably it mitigates the residual risk by reducing the number of Extra Care/Dementia Care beds from 98 to 74.

4.6 Creating two floors of bespoke intermediate care beds, up to 35 units, that are funded from the joint council and CCG budget for intermediate care. This is an existing budget and therefore there is no new call on resources. Allowing for general market inflation the resources needed are already within the medium term financial planning of both organisations within the Better Care Fund Agreement.

4.7 The council and CCG will need to ensure that the scheme is capable of supporting dual registration for both domiciliary and residential care.

4.8 The council would need support the developer by entering into an agreement to lease in order to provide the developer with confidence to redesign and build the intermediate care to our specification. The developer would be taking a risk ahead of commissioning in 2018 and therefore is asking for a form of underwriting.

4.9 The council would need to ensure any financial and legal contracts are backed by the CCG and any other relevant partners in a risk sharing agreement.

4.10 The specification included in Appendix 1 has been produced with support from both commissioners and input from the Pennine Lancashire Urgent care team, additional advice from primary care and from the Pennine Lancashire Intermediate Care Steering Group.

4.11 Projections of likely Adult Social Care requirements between 2016 to 2030 are appended at appendix 2. This trend shows continued demand and growth in our older population who would require this type of support.

4.12 The overarching bed base in the revised specification will include:

- Active convalescence/recovery beds – allowing time to recover/gain strength before commencing therapy
- Residential rehabilitation beds –They will be non-clinical, step up & step down with therapy and will have a programme of measurable outcomes set against progress on a recovery path.
- Sub-acute beds –Clinical care & Therapy with medical oversight step up & step down.
- Sub-acute 'plus' beds – reflecting additional nursing requirements in line with Intensive Home Support principles to prevent hospital admissions. These can be step up or step down
- Short term care beds – reprovide existing short term care beds into the intermediate care facility which will ensure more people go home after their stay.
- Recuperation short term beds to prepare residents for the home environment, this could

also allow them to consider extra care housing as a better longer term option.

4.13 The service will have the capacity to support discharge to assess beds preventing any assessment of need being carried out in an acute hospital bed. The service will include a clinical care coordinator to work with the acute hospital discharge service to ensure patients are discharged and accepted in a timely manner and that their care needs can be met by the new service. They will be responsible for monitoring the delivery of individual care plans and 'moving' patients through the rehabilitation/reablement programme to their final destination and discharge home.

4.14 One of the risks is managing the co-ordination of the different phases of commissioning, allocation of funding for short and longer term.

4.15 The council and CCG will need to demonstrate value for money and compliance with procurement policies. Therefore has to undertake a procurement exercise to commission residential intermediate care to be delivered from the new facility, this would allow existing providers to bid to be the care provider and would also allow widening of competition. Ultimately it has to fall within an affordability envelope.

4.14 The council has also considered what it would do in the event of residential intermediate care not being affordable from Albion Mill. In this scenario we would revert to using the two floors to provide residential care beds in conjunction with an existing provider. This would essentially seek to decommission poorer quality and re-provide within Albion Mill. In terms of cost this should not require any additional resource as it would simply displace existing provision.

## **5. POLICY IMPLICATIONS**

5.1 There are no adverse Policy Implications. This is a positive proposal which has a clear strategic fit with the Lancashire Sustainable Transformation Plan and more locally the work we are undertaking in partnership with the NHS, CCG and Pennine Lancashire.

5.2 The transformational approach and the setting of the residential intermediate care in a 'Whole System', is in line with our ambitions to manage future demand, improve quality and outcomes for our older people.

5.3 The proposal also continues to develop closer working between health and social care services in line with national policy.

5.4 The Care Act (2014) places a duty on the council to provide preventative services which will assist local people to remain as independent as possible over the long term.

## **6. FINANCIAL IMPLICATIONS**

6.1 The funding for the procurement and commissioning of residential intermediate care is within existing resources. In the main the Better Care Fund Agreement between the council and CCG is the main fund. The budgeting has been carried out on the basis of bed type requirement. Using the proposed facility to bring together various aspects of current provision in community.

6.2 In the event of a scenario where the council had to revert to using the facility for residential care, the financial implications would be cost neutral.

6.3 The total budgeted cost is made up from components that reflect contributions from each partner arising from specific service needs. Therefore from a risk sharing perspective this would be reflected in our negotiations and any subsequent agreements between the council and CCG.

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## **7. LEGAL IMPLICATIONS**

Following agreement of the heads of terms the council would be seeking to enter into an agreement for lease with the Landlord. This would be for the lease of two floors of Albion Mill with the specific purpose of using them for the provision and delivery of Intermediate Care. Acting as lead organisation the council will be taking the responsibility for being the legally accountable organisation for the direct relationships for the leasing for the accommodation and care contracts. Therefore to safeguard the council from financial and legal risk it would need to have a back to back arrangement with the CCG to enable risk sharing and financial underwriting.

The council is in the process of entering into a nomination agreement for the provision of Extra Care at Albion Mill following approval of the Executive Board report in September 2016. This proposal will take two floors of accommodation for Intermediate Care and will therefore reduce the total number of Extra Care beds.

## 8. RESOURCE IMPLICATIONS

8.1 There are no new resource implications as the council is already procuring and intermediate care in partnership with the CCG as well as short term residential care. This proposal is about transforming and potentially being able to deliver savings in the longer term.

8.2 As part of the STP proposals for Pennine Lancashire the council needs to be exploring ways in which it can manage demand into the future. This requires the focus on making our existing resources go further whilst reducing demand longer term.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 10. CONSULTATIONS

The council is working in conjunction with the CCG and NHS in the design and development of integrated approaches to care. As part of the development process the council will continue to consult users and providers of care to find ways of improving quality and outcomes.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

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<b>VERSION:</b>	<b>3</b>
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<b>CONTACT OFFICER:</b>	<b>Steve Tingle/Sayyed Osman</b>
<b>DATE:</b>	01 February 2017
<b>BACKGROUND PAPER:</b>	

Appendix 1 – Residential Intermediate Care specification

Appendix 2 – Population demand projection

## SCHEDULE 2 – THE SERVICES

### A. Service Specifications

Mandatory headings 1 – 4. Mandatory but detail for local determination and agreement  
Optional headings 5-7. Optional to use, detail for local determination and agreement.

All subheadings for local determination and agreement

<b>Service Specification No.</b>	001
<b>Service</b>	Residential Intermediate Care Beds - Adults
<b>Commissioner Lead</b>	
<b>Provider Lead</b>	
<b>Period</b>	1 <sup>st</sup> April 2018
<b>Date of Review</b>	

#### 1. Population Needs

##### 1.1 National/local context and evidence base

###### **Strategic Context**

Blackburn with Darwen CCGs are expecting a high rate of population growth, particularly in the over 65s and 75s over the next 10 years. The numbers of people over 75 are projected to increase by 36% in BwD in the next 10 years. The numbers of people over 65 are projected to increase by 19% in BwD in the next 10 years.

Elderly people need more health and social care and make up the single biggest group of hospital bed users:

- Locally, 49% of acute unplanned bed days are occupied by people 75+, and two-thirds of beds in the hospital are occupied by people 65+ on a daily basis.
- Nationally, 10% of patients admitted to hospital as emergencies stay for more than two weeks, but these patients account for 55% of bed days and 80% of emergency admissions who stay for more than two weeks are patients aged over 65

An increasing frail elderly population means an increasing demand for healthcare and transitional beds:

- The older we get the more dependent we become on hospital services and social care. The majority of patients in hospital and receiving support in the community are over 75 years old. These people often have co-morbidities and complex conditions. An acute hospital is not the best place to assess their future needs.
- Unnecessary delay in discharging older patients from hospital is a systemic problem with a rising trend - the National Audit Office reported that between 2013 and 2015 recorded delayed transfers of care rose 31 per cent and in 2015 accounted for 1.15 million bed days. For older people in particular, we know that longer stays in hospital can lead to worse health outcomes and can increase their long-term care needs.

Patients hospitalised for acute episodes are at risk of experiencing significant loss of functioning as a result of inactivity, immobility and, in some cases, prolonged bed rest. This risk is generally increased in patients with complications, during long-term stays, in persons with disabilities, in patients with pre-

existing chronic conditions, the vulnerable and the elderly. It is recommended that loss of functioning should be addressed as early as possible during an acute hospital stay in order to minimise further loss and to optimise recovery and early autonomy.

Early identification of rehabilitation needs and early commencement of rehabilitation can also reduce length of stay and help prevent disability. It is expected that early rehabilitative intervention takes place in the acute setting within the initial treatment phase.

Sub-acute rehabilitation provides multidisciplinary services to restore or enhance function post injury or illness. Patients requiring sub-acute care typically do not require acute care services but continue to require short-term, nursing and medical input and rehabilitative interventions provided by a specialist medical and therapy team with experience of rehabilitation and re-ablement. This new service will form part of a range of personalised and coordinated rehabilitation services, ensuring that patients obtain the right services in the right place delivered by the right professional and at the right time for the patient.

Blackburn with Darwen Clinical Commissioning Group and Blackburn with Darwen Borough Council, working closely with our partners, intend to commission a new model of service to be delivered for rehabilitation patients shaped on the needs of those patients. This service will develop close working relationships across organisational boundaries to deliver a seamless service. We believe this new model of service will improve health outcomes for this cohort of patients, in line with the intentions set out in the Government White Paper 'Equity and Excellence'. We are therefore investing resources in services to deliver an improved rehabilitation and recuperation service pathway. This specification for the provision of assessment, short term rehabilitation and sub-acute services therefore contributes to an improved, integrated pathway for patients.

This service specification draws on National Service Frameworks (NSFs) and National Stroke Strategy and guidance from organisations such as the Department of Health (DH), British Geriatric Society (BGS), British Society Rehab Medicine (BSRM), Royal College Nursing (RCN) and Royal College Physicians (RCP).

#### **Values**

The CCG and Council wish to operate in partnership with Providers and other organisations in delivering high quality support to its service users and together move towards outcome based approaches to the purchase and provision of this service. This will be developed by all parties throughout the duration on the contract.

The commissioners seek to obtain best value, for all key stakeholders, throughout the duration of the service.

The commissioners expect the service to be provided in a manner that accords with the statement of principles set out below and also expects the provider to perform the duties required in accordance with best and evidence based practice. These principles should be applied to the services provided.

The provider will have clear written measurable objectives to agreed standards for each area of service delivery. These objectives and standards must take into account meeting the needs of individuals and where practicable, taking the views and aspirations of the individuals and care workers into account.

Each person should be respected as a unique individual, with recognition being given to his / her particular physical, psychological, social, emotional, cultural and spiritual needs.

People in receipt of the service should be enabled to lead as independent a life as possible so that their ability to exercise choice, to live their preferred lifestyle and achieve personal fulfilment is maximised. The right of an individual to make his / her own decisions and choices and to incur calculated risks should be respected and supported.

Each person should be treated as an individual with rights and responsibilities, and be recognised as a valued member of the community who can make a contribution to society.

Care and support should be provided in a manner that offers confidentiality, respect, dignity and privacy and not undermine individuals' ability to self-care or the contribution made by family carers.

## 2. Outcomes

### 2.1 NHS Outcomes Framework Domains & Indicators

Domain 1	Preventing people from dying prematurely	X
Domain 2	Enhancing quality of life for people with long-term conditions	X
Domain 3	Helping people to recover from episodes of ill-health or following injury	X
Domain 4	Ensuring people have a positive experience of care	X
Domain 5	Treating and caring for people in safe environment and protecting them from avoidable harm	X

### 2.2 Social Care Outcomes Framework Domains & Indicators

Domain 1	Enhancing quality of life for people with care and support needs	X
Domain 2	Delaying and reducing the needs for care and support	X
Domain 3	Ensuring that people have a positive experience of care and support	X
Domain 4	Safeguarding people whose circumstances make them vulnerable and protecting them from harm	X

### 2.2 Local defined outcomes

Intermediate Care, by definition, straddles a number of interfaces between different forms of care. It is about partnerships between individuals and organizations to ensure that services are person centered, promote faster recovery from illness, prevent unnecessary acute hospital admissions, prevent admission into long term care, support timely discharge and maximize independent living.

Key service outcomes include:

- Reduced admissions and GP direct admissions to acute hospitals;
- Reduced admissions into long term care;
- Provision of evidence based rehabilitation programmes;
- Increase in individuals independence levels to support them to be discharged home;
- Improved co-ordination flow and quality of patient experience;
- Improved clinical outcomes; patients goals are met;
- Reduction in requirement of long term care packages;
- Reduced length of stay in an acute setting;
- Workforce is optimised; through the upskilling of roles and the coordination of tasks;
- Contribution towards a reduced utilization of emergency secondary care services;
- Reduced A&E attendances;
- Reduced AMU referrals and admissions;



- Improved care co-ordination and system responsiveness, integrating all elements of care;
- Improved patient and user satisfaction, reported outcomes and quality of life.

Some of the key measures that should be monitored locally include:

- sources of referral;
- reasons for referrals not accepted;
- case mix of referrals;
- timeliness of responses;
- time from referral to admission/transfer;
- number of delayed transfers of care;
- length of stay;
- discharge destinations at various intervals;
- readmission rates;
- change in functional capacity before and after intervention;
- exception report for stays over 6 weeks;
- NNAS call outs

In terms of outcomes and KPIs the following should be monitored:

- Readmissions – during stay and 90 days post-discharge
- Telemedicine activity
- Number of CHC assessments taking place and MDT decision

### 3. Scope

#### 3.1 Aims and objectives of service

The aim of the service is to provide a short term residential intermediate care service consisting of step up & step down beds with rehabilitation. The service will empower service users to recover from episodes of ill health and to return home through the provision of individualized support providing therapy, care, medical oversight and nursing, where applicable. The service is designed to optimise an individual's level of independence enabling them to resume living at home.

The overarching bed base will include:-

- Active convalescence/recovery beds – allowing time to recover/gain strength before commencing therapy
- Residential rehabilitation beds – non-clinical, step up & step down with therapy.
- Sub-acute beds – Clinical care & Therapy with medical oversight step up & step down.
- Sub-acute 'plus' beds – reflecting additional nursing requirements in line with Intensive Home Support principles to prevent hospital admissions. These could be step up and step down.
- Capacity to support discharge to assess beds preventing any assessment of need being carried out in an acute hospital bed will be configured within the overall bed base.
- Short term Care beds to be utilised whilst service user awaits package of care/ house adaptations.

The service will:

- Provide a step up & step down facility for patients that cannot return to home but do not require acute care
- Provide rehabilitation, care support, nursing and medical oversight required to meet a patients needs
- Promote individual independence, self-care and well-being. This incorporates health promotion and both physical and psychological care.
- Provide evidence based treatment programmes to these service users to maximize their independence and well-being.

- Improve health and function ability.
- Transfer as appropriate to home as the first option or a place of residence in the community within a pre-defined period of time and in any case usually within six weeks of admission to the home.
- Make use of technology in promoting independence and self-care
- Will work in partnership with patients, families and carers
- The service will be expected to carry out Continuing Health Care (CHC) Assessments

### 3.2 Service description

Intermediate care is a range of integrated services to promote faster recovery from illness, prevent unnecessary acute hospital admission and premature admission to long-term residential care, support timely discharge from hospital and maximise independent living. The initial Department of Health guidance set out definitions of intermediate care, service models, responsibilities for provision and charges and planning. The definition included services that met the following criteria.

- They are targeted at people who would otherwise face unnecessarily prolonged hospital stays or inappropriate admission to acute inpatient care, long term residential care or continuing NHS in-patient care.
- They are provided on the basis of a comprehensive assessment, resulting in a structured individual care plan that involves active therapy, treatment or opportunity for recovery.
- They have a planned outcome of maximising independence and typically enabling patients and service users to resume living at home.
- Carry out 3 x weekly MDTs
- They are time-limited, normally no longer than six weeks and frequently as little as one to two weeks or less.
- They involve cross-professional working, with a single assessment framework, single professional records and shared protocols.

#### Service pathway

It is expected that the residential intermediate care beds will be access via a single pathway and using consistent assessment criteria eg the trusted assessment document. There are two directions of patient flow:

1. Supported discharge, which enables patients to be discharged safely and efficiently from hospital back to their own homes, or to an intermediate care residential bed on a **step-down** basis and
2. Admission avoidance for community-based **step-up** referrals for patients in their own home to prevent admission to hospital

Individual patients undergoing a CHC assessment Would still be appropriate as discharge to assess. The provider will be expected to have a designated co-ordinator to liaise between all stakeholders to ensure appropriate admissions and timely discharges to wider community services.

Step up – Via social work or clinical assessment, or case finding in integrated locality teams, an individual may be identified as appropriate for residential intermediate care for example where community health and social care teams identify people with the need for enhanced support for a period of time to delay or reverse deterioration of functioning. The identified professional will contact the unit and make arrangements for admission, liaising with the designated unit social worker and therapy professionals to agree the appropriateness of an admission to the unit, on discharge the individual will return to the overarching care of the locality team.

Step down – Individuals will be identified through the daily Integrated Discharge Service discussions, a trusted assessment document will be completed and passed to the BwD step down service who will ensure the completing of the trusted assessment document and will liaise with the unit, individual and ward to facilitate a timely discharge

The individual will then be transferred to the caseload of the designated unit social worker and onward

through discharge to the integrated locality team where appropriate.

The trusted assessment should lead to an intermediate care plan for each individual, with a team member making sure that it is carried out. The individual and their carers should be key participants in any decisions made.

The service will receive referrals from:

- The Intermediate Care Team to prevent hospital admission and support early discharge;
- ELHT hospital and locality-based social work teams;
- The Integrated Discharge Service;
- Intensive Home Support Service;
- Intermediate Care Allocation Team;
- Navigation Hub.

Shared working protocols and documentation, weekly reviews involving the client and appropriate professionals, multidisciplinary team meetings and performance management between services will be necessary to ensure timely transition in and out of intermediate care with other social care or health services.

Once goals are achieved, where appropriate, the service user will be discharged, or referred to another service. This process will be arranged through the designated social worker, where needs have been identified appropriate to care Act eligibility; this may include domiciliary support, reablement, short term care and direct payments as examples. The social worker will also identify with the client if a referral to third sector organisations would be beneficial and also consideration would be made for a referral to the integrated locality team.

Where the client does not access a social work assessment and discharge planning process this will be supported with information and advice from the unit manager to ensure safe and appropriate discharge; in these circumstances referrals can be made directly to third sector and integrated locality team resources.

It is the intention that the resource will host outreach services to assist clients to maintain the optimum recovery achieved through the rehabilitation period, and this should be discussed and planned with the client before they are discharged from the service.

### **Service requirements**

The provider is expected to attain the requirements set out in Appendix A in relation to CQC registration, service delivery and quality standards.

### **3.3 Population covered**

The service will be provided for the registered and resident populations of Blackburn with Darwen CCG. Our population has 150,000 residents, and 172,551 registered patients. The services apply to adults [individuals 18 and over], meeting the Council's Social Care Services eligibility criteria and seeking the provision of care services. At times of high pressure the facility may be requested to accept out of borough patients. This will be facilitated through a jointly agreed protocol and pathway between the relevant commissioning bodies.

### **3.4 Any acceptance and exclusion criteria and thresholds.**

The service will:

- Support equitable access based on the rehabilitation needs of the individual. It will not discriminate on the grounds of age, gender, sexuality, ethnicity, disability or any other non-clinical factor.

- The service is for adults over the age of 18 years, registered with a General Practitioner in Blackburn with Darwen. While the community intermediate care inpatient service is likely to have a particular importance for older people, service planning should take into account the needs of all potential service users.
- Facilitate access to appropriate support to meet the patients' needs on request e.g. a professional translation service and materials describing procedures and clinical prognosis to non-English speaking patients, information in large print, Braille etc.
- Include those patients who are undergoing active medical investigations.
- Accept referrals between 08:00hrs and 20:00hrs. Contingency plans will be in place between 20:00hrs and 08:00hrs Monday to Friday. Referrals will be accepted on the basis of the Trusted Assessment via Integrated Discharge Service (IDS).

#### **Admission criteria**

- Adults aged 18 years and over
- Have identified reablement/rehabilitation needs
- Are medically stable
- Have outstanding health needs that require 24 hours qualified nursing (sub acute beds)
- Has the cognitive ability to benefit from a rehabilitative programme
- Individuals who lack capacity to agree to rehabilitation but would benefit from the programme and is able to participate.
- Have identified short term goals that can be delivered within a 3 week timescale with a maximum of 6 weeks
- Have a BwD GP

#### **Exclusion Criteria**

- The individual's condition is not medically fit to be in an intermediate care setting.
- Individuals with challenging behaviour where it is assessed that the individual would be unable to follow a rehabilitative programme
- Individuals that pose a risk to other staff or residents.
- Individuals that require 1 to 1 supervision.
- Where coordinated multidisciplinary care is not required.
- Documentation in the medical record does not support the need for intensive residential/nursing rehabilitation.
- People for whom consent to participation in rehabilitation due to mental capacity issues is not established (considered on a case by case basis by the MDT).
- People with acute nursing care needs where their case has been considered on an individual basis and is considered ineligible for the service and where there cannot be oversight of care by acute nursing services.
- People who have the capacity to return home via the Intensive Home Support Service
- People whose need for rehabilitation and reablement can be managed in their own home
- People who have been assessed as needing a permanent care home placement
- People of working age presenting with an acute mental illness where there is no treatment programme and the person's condition is unstable.
- People of working age with needs relating to substance misuse, because these services are provided elsewhere.
- People on a fast-track End of Life process

#### **Patients with:**

- Persistent Vegetative States (PVS).
- Behavioural problems that would affect the individual's outcome and those of other service.
- Users/patients.
- Patients detained under the Mental Health Act.
- Complete spinal cord injury.
- Patients who are not medically stable.

Where the provider has chosen not to accept a referral into the service this will be documented and shared with the commissioner on a monthly basis as part of the contract monitoring system and reporting.

### **3.5 Interdependence with other services/providers**

The Services are part of wider integrated adult health and social care services that are commissioned by Blackburn with Darwen CCG and the BWD council. The Provider and Commissioners will work in partnership with GPs and Integrated Locality Teams (ILT), Lancashire County Council, Acute and Community Providers, Community Mental Health Teams, the Voluntary and Community sector, and Independent Providers (this is not an exhaustive list). The Provider is expected to be working currently with these other organizations to support Service Users and their carers to successfully manage the Service Users' conditions. They should as a minimum have a well-developed pathway for communication with GPs and the wider health, voluntary and social services environment. The service is dependent on other NHS and social care services for referrals into the service and discharges to community services. There is reliance on patient transport for the transfer of patients between services.

## **4. Applicable Service Standards**

### **4.1 Applicable national standards (eg NICE)**

The provider will maintain Care Quality Commission registration and adhere to the Essential Standards of Quality and Safety. It is expected that Service Providers ensure that policies, and procedures and practices are regularly reviewed and that the following list of standards/good practice guidance is where appropriate adhered to:

- The National Service Framework for Older People
- The National Service Framework for Mental Health
- Department of Health (DOH) Guidance as issued
- Care Act 2014 - Department of Health
- National Institute for Clinical Excellence (NICE) Standards
- DOH Guidance on Infection Control
- The Administration and Control of Medicines in Care Homes – Royal Pharmaceutical Society of Great Britain
- Mental Capacity Act 2005

### **4.2 Applicable local standards**

All Providers must evidence how they meet the following local standards:

- Clinical Governance
  - Record Keeping
  - Medicines Management
  - Safeguarding
- a. Services will be delivered in line with local safeguarding policies and guidelines - to include training for all staff in local policies and procedures.
  - b. Services will fully respect and respond to diversity and cultural differences and adhering with the Equality Act providers ensure that reasonable adjustments are made as appropriate
  - c. The service will have in place arrangements for managing pressures associated with vacancies and staff absence to ensure that service safety, quality and consistency are not compromised, including early communication with commissioners in the event of potential difficulties that may arise in order that the situation can be effectively managed.
  - d. The service will have effective risk management systems in place and report SUIs to commissioning bodies
  - e. The service will undertake audit in agreement with and sharing results with commissioners.

#### 2.10 Quality assurance requirements:

The provider will have an acceptable method of quality management as part of their overall service management process. Quality management will emphasise self-monitoring of standards by staff involved in service delivery at all levels using a process that allows independent scrutiny and validation. A focus on review and planned improvement will be expected. Quality, safety and safeguarding will be expected to be a strategic and operational priority.

In addition, the provider will ensure that the individual is invited to complete a written customer satisfaction document at the end of their rehabilitation programme, or at any time he/she wishes as a means of acquiring feedback regarding service delivery.

The provider is expected to have its own complaints procedure which should be made available to the authority. Evidence that outcomes from complaints are used to improve performance, and influence changes in policy will be required as part of the quality assessment process. Providers will work with the authority on requests for monitoring information and regularly submit reports on the services i.e. that provider performance will be taking corrective action where necessary to remedy poor performance. Providers will also be required to attend a monitoring meeting every six months or as and when required with officers from the authority.

#### 2.11 Quality:

The provider will have clear written measurable objectives to agreed standards for each area of service delivery. These objectives and standards must take into account, meeting the needs of individuals and where possible taking their views and aspirations and those of their carers into account. The objectives and the processes and procedures related to these objectives must be regularly reviewed and where necessary redefined and amended.

Providers must be able to provide evidence when required by the authority, of action taken to improve and embed practice where necessary.

#### 2.12 Contract monitoring:

The provider is required to provide information to meet the monitoring requirements stipulated within the contract. Contract reviews and monitoring is the regular process undertaken by the Council to ensure that providers comply with the requirements of the contract and are performing effectively. Contract reviews will be undertaken every 2 months. Providers will be notified prior to the contract review and will be issued with a report card to complete prior to the review meeting taking place.

#### 4.11 Notifiable instances and accident/incident reporting:

The provider shall inform CQC of notifiable instances per the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010, as set out by the Care Quality Commission in the Essential Standards of Quality and Safety. The provider will copy the council into such notifications. Providers will maintain accident and incident logs for both staff and individuals supported and make these available to the council. Providers will be expected to review and risk manage their processes following any accidents or incidents. Where accidents or incidents are considered high risk then the provider should contact the council's social work team without delay to inform them.

#### 4.12 Difficult behaviour:

It is recognised that some individuals can present challenging behaviour which can cause difficulties for the provider. It is anticipated that where such behaviours are identified, early liaison is held with commissioning officers and the nominated social worker to address the issues so that withdrawal of service can be avoided where possible.

Situation where the individual continues to present violence, aggression or unacceptable behaviour and risk management strategies have not been able to minimise the risk sufficiently, the provider may serve notice that the individual is not able to remain in the service, notifying the authority's social work team



before taking any immediate action. In considering such an action, the provider must take account of the vulnerability of the individual and the risk presented to him/her. The social work team must advise the provider of the individual's care plan and alternative arrangements to be made.

#### 4.13 Safeguarding adults:

The provider is expected to work in line with Blackburn with Darwen Safeguarding Adults Board (LSAB) multi agency Safeguarding policy and procedures and co-operatively with all statutory bodies and legal representatives.

It is expected that the provider will ensure that the six key principles of safeguarding underpin the service provided. These principles are:-

- Empowerment: *Personalisation, person-led decisions and informed consent.*
- Prevention
- Proportionality – *Proportionate and least intrusive response appropriate to the risk presented.*
- Protection – *Support and representation for those in greatest need.*
- Partnership – *Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.*
- Accountability – *Accountability and transparency in delivering safeguarding.*

All staff must have an awareness of safeguarding adults procedures and all care staff are expected to be trained in the Safeguarding Adults process (including Mental Capacity processes) and have a detailed understanding of how the process works.

The responsible managers for the service will need to ensure that the process is followed in a robust, timely and efficient manner and the organisation has arrangements in place that are Care Act compliant. This process will be audited under QAS and contract monitoring procedures and by the LSAB. Outcomes from Safeguarding Adults investigations will be fed into process changes and service improvements. The safety and well-being of all vulnerable adults is the responsibility of all carers is a key statutory duty of the council and in providing these services the provider is acting on behalf of the Council.

The provider must have in place policies and processes for reporting of abuse in line with the BwD Safeguarding Adults continuum to suspected abuse/neglect, including whistleblowing policies and procedures.

## **5. Applicable quality requirements and CQUIN goals**

**5.1 Applicable quality requirements (See Schedule 4 Parts A-D)**

**5.2 Applicable CQUIN goals (See Schedule 4 Part E)**

## **6. Location of Provider Premises**

**The Provider's Premises are located at:**  
TBC

## **7. Individual Service User Placement**



## Appendix A – Service Requirements

It is a requirement that all providers will be registered with the Care Quality Commission (and any successor body) and will maintain registration throughout the duration of this contract. Failure to maintain registration will render the contract void.

Providers are required to give assistance to individuals which will meet their assessed care needs and will often include elements of personal care and other tasks as defined in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and as set out by the Care Quality Commission. The tasks and outcomes to be delivered will be described for each individual on the support plan completed at the time of the first commissioning the residential rehabilitation service and then updated in consultation between the named professional responsible for the individual package of care, the service provider and the person as needs change. The authority expects all providers to be compliant with the essential standards of quality and safety as monitored by the CQC.

The number of care workers, therapy resource and other staff on duty at any one time shall be adequate to meet the care requirements of all individuals at the time as identified in care support plans. Staffing levels will be reviewed on a regular basis in line with the changing needs of individuals and will ensure that the requirements of all individuals utilising the service are met.

The provider must incorporate the following activities and approaches in the service in order to maximise the ability of each individual to live independently;

- (a) In all aspects of service delivery the needs of the whole person (i.e. physical, psychological, social, emotional and spiritual) should be taken into account. This will require staff to spend time gaining an understanding of the individual's life history, personality, mental and physical health, relationships, attitudes and aspirations. The planning or provision of any service should always be approached from the individual's perspective.
- (b) Services should be designed to achieve the maximum rehabilitative effect and optimum level of independence. As well as assistance with physical rehabilitation, this will include ensuring that appropriate aids and equipment are available, assisting in the learning or relearning of skills and techniques necessary for independent living, the provision of encouragement and support to rebuild confidence or self-motivation etc. It is important that where they have the ability, individuals are supported in carrying out tasks for themselves even though it might be quicker for staff to undertake the task directly.
- (c) The service user should be made aware of a range of preventative services should be provided to enable individuals to take action to preserve or promote their own health and wellbeing. These include advice and information on healthy living and safe practice, as well as opportunities for maintaining physical fitness, good nutrition and a positive attitude to ageing and disability. The use of telecare and telehealth will also be used to complement and / or reduce the need for care and support.
- (d) Services provided should be flexible, responsive and capable of change at any time upon the wishes of the individual. Individuals should be able to exercise control over the timing and type of assistance they receive for tasks they cannot do themselves, as far as practicable. The provider will lead service delivery but will ensure that the above principles are followed.
- (e) Each individual should have a flexible care and support delivery programme, based on the assessed care plan and reviewed through regular multidisciplinary team meetings, which identifies targets and outcomes, agreed by each Individual, their family carers and the provider

- (f) The provider will allocate a key worker to each individual.
- (g) Day to day changes in the abilities and needs of each individual should be monitored and responded to.
- (h) A 'shared care' approach should be adopted where the provider's staff work with an individual and family carers in the family home to carry out agreed tasks.
- (i) The Provider shall ensure that appropriate facilities and equipment available are used to:
  - i. Enable the full range of care needs to be met e.g. hoists, assisted bathing facilities, incontinence, laundry management, etc.
  - ii. Make sure the service and delivery thereof complies with health and safety requirements.
- (j) Staff should use the least restrictive support methods which safely manage risks. Physical or medical control and restraint should only be used in exceptional circumstances, based on agreed protocols and risk management strategies.
- (k) Support staff will receive up to date training in best practice for supporting vulnerable people.
- (l) As far as possible to enable people to achieve their own solutions to problems. To attain this objective it will be necessary, subject to the individual's choice, to involve them in the processes of a comprehensive assessment of need and service planning. It will also be necessary to ensure that they are provided with full information on which to base decisions.
- (m) To facilitate effective collaboration with other statutory bodies and other agencies in the assessment of need and the delivery of services.
- (n) Individuals should have the right to personal space and privacy for themselves, their belongings and their affairs.
- (o) Individuals should be supported to maintain contact with family and friends as required. Individuals should be supported to develop and maintain meaningful participation and presence in their local community.
- (p) The staff ethos should be that the needs of individuals are paramount and are not subservient to administrative convenience.
- (q) All individuals have the right to and access to their personal records in line with appropriate legislation.
- (r) To support individuals to access appropriate health services, including screening programmes, annual health checks and health action plans; and to promote healthy lifestyles, diet and exercise to maintain good health and wellbeing.
- (s) To support unpaid carers in their role, while enabling them to maintain a life beyond their caring responsibilities.
- (t) To prevent where possible inappropriate hospital admissions and unplanned hospital attendance.
- (u) To assist where appropriate with timely hospital discharge.
- (v) To ensure that the Mental Capacity Act and Deprivation of Liberty Safeguards are applied appropriately, and in the least restrictive way possible.

- (w) Providers should ensure that they have the right number of the right staff, properly trained and recruited for their skills, characteristics and aptitudes, supervised to ensure adherence to company policies and deployed in a way which enables them to be person centred, flexible and responsive.

The length of stay should ideally be up to 6 weeks but it is recognised that there may be exceptional circumstances where the care will need to be extended. On discharge of the Service User the intermediate care MDT will work closely with the integrated care Locality MDT to ensure safe and seamless transfer of care.

The provision of both accommodation and personal care in the Intermediate Care beds is expected to include, where required, assistance with bathing, eating, mobility, dressing, using the toilet, administration of medicines and any other necessary personal care support which may reasonably be required to meet Service Users individual care needs.

DRAFT

## Appendix 2

### POPPI Data for older people between 2014 and 2030

#### Population aged 65 and over, projected to 2030

	2015	2020	2025	2030
People aged 65-69	7,100	6,700	7,200	8,000
People aged 70-74	5,000	6,400	6,100	6,500
People aged 75-79	3,900	4,200	5,500	5,200
People aged 80-84	2,700	3,000	3,300	4,400
People aged 85-89	1,600	1,700	2,000	2,300
People aged 90 and over	900	1,000	1,200	1,600
<b>Total population 65 and over</b>	<b>21,200</b>	<b>23,000</b>	<b>25,300</b>	<b>28,000</b>

Figures may not sum due to rounding. Crown copyright 2014

#### Population aged 65 and over, projected to 2030 percentage change

	2015	2020	2025	2030
People aged 65-69	3%	-3%	4%	16%
People aged 70-74	4%	33%	27%	35%
People aged 75-79	0	8%	41%	33%
People aged 80-84	0	11%	22%	63%
People aged 85-89	0	6%	25%	44%
People aged 90 and over	0	11%	33%	78%
<b>Total population 65 and over</b>	<b>2%</b>	<b>11%</b>	<b>22%</b>	<b>35%</b>

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#### People aged 65 and over living in a care home with or without nursing by local authority / non-local authority, by age, projected to 2030

	2015	2020	2025	2030
People aged 65-74 living in a LA care home with or without nursing	5	5	5	6
People aged 75-84 living in a LA care home with or without nursing	14	16	19	21
People aged 85 and over living in a LA care home with or without nursing	24	27	32	37
People aged 65-74 living in a non LA care home with or without nursing	86	93	95	103
People aged 75-84 living in a non LA care home with or without nursing	188	205	250	273
People aged 85 and over living in a non LA care home with or without nursing	303	340	400	473
<b>Total population aged 65 and over living in a care home with or without nursing</b>	<b>620</b>	<b>685</b>	<b>801</b>	<b>913</b>

Figures may not sum due to rounding. Crown copyright 2014

#### People aged 65 and over predicted to be admitted to hospital as a result of falls, by age, projected to 2030

	2015	2020	2025	2030
People aged 65-69 predicted to be admitted to hospital as a result of falls	37	35	37	42
People aged 70-74 predicted to be admitted to hospital as a result of falls	46	59	56	60
People aged 75 and over admitted to hospital as a result of falls	335	368	445	497
<b>Total population aged 65 and over predicted to be admitted to hospital as a result of falls</b>	<b>418</b>	<b>462</b>	<b>539</b>	<b>598</b>

#### People aged 65 and over with a limiting long-term illness, by age, projected to 2030

	2015	2020	2025	2030
People aged 65-74 whose day-to-day activities are limited a little	2,832	3,066	3,113	3,394
People aged 75-84 whose day-to-day activities are limited a little	1,887	2,059	2,516	2,745
People aged 85 and over whose day-to-day activities are limited a little	593	664	782	925
<b>Total population aged 65 and over with a limiting long term illness whose day-to-day activities are limited a little</b>	<b>5,312</b>	<b>5,788</b>	<b>6,411</b>	<b>7,063</b>
People aged 65-74 whose day-to-day activities are limited a lot	3,044	3,295	3,345	3,647
People aged 75-84 whose day-to-day activities are limited a lot	2,367	2,582	3,156	3,443
People aged 85 and over whose day-to-day activities are limited a lot	1,152	1,290	1,521	1,797
<b>Total population aged 65 and over with a limiting long term illness whose day-to-day activities are limited a lot</b>	<b>6,562</b>	<b>7,167</b>	<b>8,022</b>	<b>8,887</b>

Figures may not sum due to rounding. Crown copyright 2014



# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Resources

**LEAD OFFICERS:** Director of Finance and IT

**DATE:** 9 February 2017

**PORTFOLIO/S AFFECTED:** Resources

**WARD/S AFFECTED:** All

**KEY DECISION:** YES  NO

**SUBJECT: CORPORATE CAPITAL BUDGET AND BALANCE SHEET MONITORING REPORT 2016/17 – Quarter 3 31 December 2016**

## 1. EXECUTIVE SUMMARY

The report details the overall capital financial position of the Council, highlighting major issues and explaining variations in the third quarter of the financial year.

## 2. RECOMMENDATIONS

The Executive Board is asked to approve the revised capital programme as per Appendix 1, together with the variations shown in Appendix 2.

## 3. BACKGROUND

All portfolios are required to examine their capital budget position on a monthly basis.

## 4. KEY ISSUES & RISKS

a) The projected aggregate cost of the Council's capital investment for 2016/17 has decreased from £36.749 million, as approved by Executive Board on 10<sup>th</sup> November 2016, to £32.256 million. The net variation of £4.493 million (detailed at Appendix 2), reflects requested variations to the programme of £1.116 million and transfers from the 2016/17 programme into future years of £3.377 million.

b) As at 31st December 2016, the capital expenditure across the portfolios was £15.547 million (48.2% of the current projected spend).

c) The estimate of capital receipts expected in 2016/17 is £2.1 million; to date £2.158 million has been received.

## 5. POLICY IMPLICATIONS

The information contained within the report accords with the capital strategy and the three year budget forecast within the Medium Term Financial Strategy 2016-20, as approved at Finance Council on 29<sup>th</sup> February 2016.

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## 6. FINANCIAL IMPLICATIONS

### 6.1 CAPITAL PROGRAMME

The variations in projected spend and resource availability for 2016/17 are summarised by portfolio in Appendix 1. Details of all variations requested in scheme budgets for the third quarter are set out in Appendix 2.

The major capital variations to note are as follows:

#### 6.1.1 Health and Adult Social Care

##### Demolition of Feniscliffe HOP

Demolition of this site is currently on hold as planning permission is required for future use. It is therefore requested that £75,000 is slipped into the 2017/18 programme when demolition is likely to commence.

##### Telecare Project

The outturn spend on the Telecare Project is forecast to be £135,000 which would result in an underspend of £49,000 on the scheme. This scheme is financed fully by Disabled Facility Grant. Approval is requested to use the unspent grant in the financing of the Disabled Facilities Grant Capital Scheme, reducing the prudential borrowing on this.

##### Shorey Bank

The remaining budget of £186,000 will be used to cover the final costs of the scheme, however these are not expected until 2017/18. A request is made to slip this budget into the 2017/18 programme.

#### 6.1.2 Children's Services

##### Capital Grant for Two Year Olds

The grant that funds this scheme is not time limited. Approval has been given to spend the current budget of £263,000 on a nursery site at Accrington Road. Replacement boilers will be installed in the property in this financial year at an estimated cost of £30,000. Approval is sought to slip the remaining budget of £233,000 into 2017/18 to cover the further modification costs that are required.

#### 6.1.3 Environment

##### Alternate Weekly Waste Collections

The spend to date on the scheme is £420,565. Costs that remain to be paid are:

<b>Outstanding costs</b>	
Compound collection points	£15,000
32 x 1100 litre bins	£9,435
<b>Total outstanding costs</b>	<b>£24,435</b>

The move to alternate weekly waste collection has delivered significant savings to address the Council's funding gap, it is requested that the scheme is increased by £114,000 to cover the full implementation costs.

### Bus Lane Enforcement Cameras

A request is made to add the purchase of 3 enforcement bus lane cameras costing £58,300 to the capital programme. This is an Invest to Save scheme and the cash limit budget in the portfolio will be reduced in 2017/2018 by this amount.

### Flood Risk Management

Following the award of £263,000 grant funding from the Environment Agency, approval is sought to add the following capital schemes to the capital programme as follows:

- Integrated Modelling Works – integration of the Council's model of surface water flooding with the Environment Agency's river flooding model and the United Utilities' sewer flooding model to gain a clearer understanding of the combined flooding risk.
- Bala Close Drainage Improvements – the work will minimise the ongoing flood issue affecting 18 properties on Bala Close.
- Granville Rd/Westland Ave Flood Study – to undertake a detailed investigation and study of preferred options to reduce the flooding issue at these sites.
- Birchall Avenue Diversion Appraisal - to undertake a detailed investigation and study of preferred options to reduce the flooding issue at this site.

## **6.1.4 Leisure, Culture & Young People**

### Darwen Leisure Centre

There is a snagging defect on the roof plant equipment at the leisure centre and the company who carried out the work have now gone into liquidation. The costs to carry out the repairs, although not yet confirmed, are expected to be in the region of £30,000. It is therefore requested that the remaining £6,000 budget for the scheme is slipped into 2017/18 to contribute to the costs of the repairs in the new financial year. As additional budget will be required to meet the full costs of repair, further approval will be sought in due course once the details are available.

### Witton Athletics - Outdoor Track

There is no further spending expected on this scheme. This scheme was part funded by grant received from Sport England with one of the grant conditions being that defects must be repaired. Any defect costs would normally be covered by the developer's guarantee but as the firm who built the track has gone into liquidation, this guarantee is now void. It is requested to move the remaining scheme budget of £60,000 into an earmarked reserve to cover any future defect costs.

### Radio Frequency Identification

This scheme is now complete with just £7,000 of retentions yet to be paid. An underspend of approximately £25,000 is forecast on this scheme.

### Bangor Street – Replacement Boilers

The scheme has now completed and has come in at £21,000 less than budget. Bangor Street is being transferred on a 25 year internal repair lease with the Council liable for external repair costs. Approval is requested to use this £21,000 to replace the lighting and refurbish and resurface the car park. These have been identified as Health and Safety hazards and have been prioritised as requiring immediate attention.



## Making Rooms Refurbishment

In the Capital Budget Monitoring report dated 10<sup>th</sup> November 2016 it was reported that the final costs for the scheme were estimated to be in the region of £585,000. Approval was given to cover the increased costs of £134,000 from unsupported borrowing. It has now been confirmed that including the 2.5% retention costs, the total spend on the scheme will be £620,000. A request is made to increase the capital programme by a further £35,000 to meet this.

### **6.1.5 Neighbourhoods and Prevention Services**

Approval is sought to slip the Capital programme budgets in respect of the following schemes into 2017/18 as identified in Appendix 2; reasons for the slippage is noted below:

- Bank Top and Griffin Clearance – to be used to purchase remaining properties through CPO action.
- Neighbourhood Intervention Fund – the Empty Homes project is still ongoing with new properties identified for purchase by agreement or CPO action.
- Empty Homes Cluster – this relates to funding earmarked for a housing refurbishment loan project to support bringing empty properties back into use. This proposal was one of the initiatives outlined in the Empty Homes Strategy and Business Case approved by members in 2016 and is currently being progressed through formal approval but expenditure will not be incurred until 2017/18
- Affordable Homes – S106 monies will be used next year to support the affordable homes delivery.
- Development Investment Fund – the spend on this scheme has been committed but will only complete next year.

## Equity Loans

Equity loans are provided to home owners that have had their properties compulsory purchased by the Council, to assist with finding suitable replacement accommodation. Repayment of equity loans totalling £9,000 has been received and a request to recycle this back into the programme is made to enable future equity loans to be provided.

## Neighbourhood Intervention Fund

Capital receipts from housing that have been compulsory purchased through the Neighbourhoods and Prevention Services have been received totalling £83,000. It is requested that this is recycled back into the capital programme to allow for further anticipated compulsory purchases.

## Insulation For Hard To Treat Properties

A request is made to approve slippage of £50,000 on this scheme, to cover future year costs.

## DECC Central Heating Funding

Discussions are ongoing to extend the February completion deadline. If an extension is agreed a significant carry forward on this scheme is envisaged, if this is not agreed any underspend will need to be returned to DECC.

### **6.1.6 Regeneration**

### Darwen Three Day Market

£120,000 has been brought forward into the 2016/17 programme from the scheme budget in future years to cover the costs that have been incurred on this scheme in year.

### Pennine Reach

As previously reported on 14<sup>th</sup> July 2016 to Executive Board, it was anticipated that this scheme would potentially be overspent. To assist with covering some of this overspend, approval to vire £500,000 from Local Transport Grant into the Pennine Reach scheme is requested. The scheme is due to complete by the end of March 2017 and final outturn costs will be reported later in the year.

### Highways Network Recovery

Approval is sought to increase this scheme budget following receipt of £108,000 from the Department for Transport in respect of Incentive Funding.

### Cathedral Quarter Office Block Fit Out Costs

Floor space within One Cathedral Square has been let to Capita and Govnet. The Council has agreed to cover the fit out and incentive costs totalling £357,000 in 2016/17. The 5<sup>th</sup>, 4<sup>th</sup>, part of the 2<sup>nd</sup> and 3<sup>rd</sup> floors and both retail units still remain empty although there is interest from potential tenants. Fit out and incentive costs for the empty offices are estimated to be £301,000 and these costs will be incurred in 2017/18. Approval is sought to establish the scheme for the full fit out and incentive costs of £658,000, with £357,000 included in the programme costs in 2016/17 and £301,000 in 2017/18.

## **6.1.7 Resources**

### Corporate ICT

A number of the Corporate ICT capital schemes will not fully complete by 31<sup>st</sup> March 2017 and slippage is requested as detailed in Appendix 2.

### Old Town Hall Stonework

The works to the Old Town Hall stonework are now complete and slippage of £25,000 into 2017/18 is requested to cover the retention costs. Approval is also requested to move the remaining capital programme budget of £1,502,000 back into the Corporate Property Accommodation earmarked scheme to be utilised on future accommodation schemes in line with the Council's Accommodation Strategy.

### Land Remediation Schemes

The work to remediate the sites at Cadshaw and Royshaw Close is still on going and it is anticipated that the future expenditure will be incurred in 2017/18. Approval is required to slip £214,000 of the scheme budget into 2017/18 to meet these costs.

### Accommodation Strategy

Approval is requested to transfer the balance on this scheme of £634,000 into the earmarked reserve for Corporate Property Accommodation earmarked scheme to be utilised to deliver the Council's Accommodation Strategy.

## Corporate DDA

A number of schemes are currently under review and prioritisation. The work on these will not commence until 2017/2018 and therefore approval is sought to slip £100,000 into 2017/18 to cover these future costs.

## Tower Block Air Conditioning

This scheme is now complete and approval is requested to move the underspend of £135,000 into the earmarked reserve for Corporate Property Accommodation earmarked scheme to allow these funds to be used to deliver the Council's Accommodation Strategy.

## Griffin Lodge

The works are on hold pending submission of a funding bid for re-development of the site. As there is no expected spend in this financial year, approval is requested to slip the £300,000 scheme budget into 2017/18.

## Digital Advertising Screen

As per the Executive Member Decision dated 18<sup>th</sup> July 2016, the scheme is for the purchase of a digital advertising screen that will be strategically placed on one of the gateways into Blackburn. It is estimated that £240,000 income will be generated over an 8 year period from selling advertising space on the screen. This is an Invest to Save scheme and the investment will be reimbursed from the Resources portfolio revenue budget. The estimated cost included in the Executive Member Decision report was £60,000, however a more accurate costing of £62,000 has since been provided to cover the purchase and installation of the screen. Approval is requested to add this scheme to the Resources capital programme.

## **6.1.8 Schools and Education**

Retentions totalling £9,000 have been paid in the year over and above the level budgeted. Appendix 2 identifies the individual schemes.

### Longshaw Juniors

This scheme has been reduced by £215,000, with a reduction of £210,000 in 2016/2017 and £5,000 in 2017/18. The scheme was to cover the costs of repairs to external brickwork and a retaining wall, however the work has now been put on hold and will be reviewed as part of the budget setting process for 2017/2018.

### Shadsworth

Infants

Shadsworth infants are funding the repair costs of £55,000 and approval is required to add this to the capital programme. The work has entailed relocation of the nursery, the establishment of an 'Every Child A Reader' centre and fencing.

## **6.2 CAPITAL RECEIPTS**

The estimate of capital receipts expected in 2016/17 is £2.1 million. £2.158 million had been received at the end of December 2016.

## **6.3 BALANCE SHEET POSITION**

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### **6.3.1 Overview**

Good balance sheet management assists in the effective use and control over the Council's assets and liabilities. Key assets comprise of the Council's tangible fixed assets, debtors, investments and bank balances. Key liabilities are long and short-term borrowing, creditors and reserves.

### 6.3.2 Non-current Assets

Tangible non-current assets include property, plant and equipment held by the Council for use in the production or supply of goods and services, for rental to others or for administrative purposes. Property assets are the responsibility of the Resources portfolio. One fifth of all assets are re-valued every year and annual reviews are undertaken to establish whether any impairment or other adjustment needs to be applied. New assets, and enhancements to existing assets, are managed by way of the capital programme, which is reported in Appendix 1.

### 6.3.3 Borrowing and Investments

The Council has continued in its strategy of not taking up long-term borrowing in respect of financing capital expenditure - taking short term borrowing instead. No long term borrowing was taken in 2014/15, 2015/16 or in the current year to date.

The current borrowing and investment position is as follows

	Amounts at 31/03/15 £'000	Amounts at 31/03/16 £'000	Amounts at 31/12/16 £'000
Short term borrowing	5,000	18,500	39,000
Long term borrowing	140,485	134,684	127,887
Transferred debt re Local Government Re-organisation	17,352	16,658	16,158
Recognition of debt re PFI arrangements	71,536	70,095	68,937
Investments made by the Council	7,460	10,550	16,400

The totals include the debt recognised on the balance sheet as a result of accounting adjustments in respect of bringing into use the new BSF school buildings which are financed through PFI arrangements. These adjustments are made to ensure that the Council's effective control over, and use of, these assets is recognised with corresponding adjustments to the debt. These changes do not add to the costs faced by the Council Tax payer as the actual capital costs for these schools form part of the ongoing stream of payments made to the PFI contractor (which are in turn largely offset by PFI grant funding from the Government).

### 6.3.4 Debtors

The Council has a corporate debt policy as well as other specific policies for the management of debt in the key areas of council tax, business rates, housing benefit overpayments, sundry debts and adult social care. The table below summarises the collection performance of the various debts and the total outstanding debt in the respective areas at a single point in time, i.e. 31<sup>st</sup> December 2016. The table also shows the corresponding level of debt at the same point in the last financial year.

Page 121 of 151	Position at 31/12/16	Position at 31/12/15
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<b>Council tax</b>		
Current year arrears (£000)	11,932	10,342
Previous year arrears (£000)	7,617	6,581
<b>Total Council tax arrears</b>	<b>19,549</b>	<b>16,923</b>
Collection rates	78.17%	80.25%
<b>Business rates</b>		
Current year arrears (£000)	9,285	9,280
Previous year arrears (£000)	2,406	1,822
<b>Total Business rates arrears</b>	<b>11,691</b>	<b>11,102</b>
Collection rates	82.7%	81.65%
<b>Housing Benefit</b>		
Overpayments balances (£000)	2,636	2,718
Collection rates	46.12%	29.15%

### 6.3.5 Creditors

In general, the Council's policy is to ensure that all creditors are paid within the contractual terms agreed, with a view to optimising cash flow benefit. However for the time being, in response to the Government's request to assist businesses during the recession, the Council is aiming to pay all trade creditors within 10 days of receipt of invoices. Performance in this respect is shown in the table below.

Month	Percentage paid within 10 days		
	In month	Year to date	Equivalent previous years
April	77.32%	77.32%	88.67%
May	84.97%	81.01%	87.65%
June	75.73%	79.20%	88.15%
July	67.43%	76.14%	84.33%
August	78.81%	76.69%	84.68%
September	83.20%	77.92%	84.85%
October	79.96%	78.18%	85.52%
November	65.57%	76.45%	85.4%
December	68.09%	75.44%	84.95%

## 7. LEGAL IMPLICATIONS

The Council has a duty to ensure it can deliver a balanced budget. The Local Government Act 2003 imposes a duty on an authority to monitor its budgets during the year and consider what action to take if a potential deterioration is identified.

## 8. RESOURCE IMPLICATIONS

None.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 10. CONSULTATIONS

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>0.06</b>
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<b>CONTACT OFFICER:</b>	<b>Gaynor Simons (Ext 5635) Julie Jewson (Ext 5893)</b>
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<b>DATE:</b>	25 January 2017
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<b>BACKGROUND PAPER:</b>	N/A
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## Overall Capital Monitoring 2016/17

	Approved Programme 2016/17  (Budget Book) £'000	Programme approved at Executive Board Nov 2016  £'000	Forecast Year End Position  £'000	Variation (See Appendix 2)  £'000
<b>Costs</b>				
Health & Adult Social Care	1,687	2,281	1,971	-310
Children's Services	517	693	460	-233
Environment	2,969	609	781	172
Leisure, Culture & Young People	94	1,776	1,745	-31
Neighbourhood and Prevention Services	1,521	4,988	3,457	-1,531
Regeneration	6,304	13,361	14,209	848
Resources	5,143	6,266	2,798	-3,468
Schools & Education	5,576	6,775	6,835	60
<b>Total Predicted Expenditure</b>	<b>23,811</b>	<b>36,749</b>	<b>32,256</b>	<b>-4,493</b>
<b>Resources</b>				
- Department for Communities & Local Government	282	342	60	-282
- Department for Education	5,793	6,708	6,713	5
- Department for Energy & Climate Change	0	2,242	2,242	0
- Department for Transport	3,787	3,634	3,555	-79
- Disabled Facilities Grants	1,458	1,461	1,461	0
- Housing Grants	0	55	55	0
- Other Grants	15	2,029	2,246	217
<b>Government Grants</b>	<b>11,335</b>	<b>16,471</b>	<b>16,332</b>	<b>-139</b>
Unsupported Borrowing	10,128	14,624	10,663	-3,961
External Contributions	103	2,028	2,077	49
Usable Capital Receipts	2,100	2,100	2,158	58
Revenue Contributions	145	1,526	1,026	-500
<b>Total Resources</b>	<b>23,811</b>	<b>36,749</b>	<b>32,256</b>	<b>-4,493</b>
<b>Difference</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Supplementary Information</b>				
Earmarked Capital Schemes	4,047	3,451	5,722	2,271



## Scheme variations to 2016/17 Capital Programme

	Capital Programme Schemes (Nov 16) £ 000	Transfer from prior year/( to) future year £ 000	Requested Variations £ 000	Total £ 000
<b><u>Health &amp; Adult Social Care</u></b>				
Demolition of Longshaw HOP	155			155
Demolition of Feniscliffe HOP	75	(75)		-
Disabled Facilities Grant	1,458			1,458
Telecare Project	184		(49)	135
Day Care Services Upgrades	9			9
Shorey Bank Extra Care Scheme Site	400		(186)	214
	<b>2,281</b>	<b>(75)</b>	<b>(235)</b>	<b>1,971</b>
<b><u>Children's Services</u></b>				
Disabled Facilities Grant	430			430
Grant re: Two Year Olds	263	(233)		30
	<b>693</b>	<b>(233)</b>	<b>-</b>	<b>460</b>
<b><u>Environment</u></b>				
Pleasington Cemetary Extension	28			28
Alternate Weekly Waste Collections	331		114	445
Replacement On and Off Road Pay and Display Machines	250			250
Bus Lane Enforcement Cameras			58	58
	<b>609</b>	<b>-</b>	<b>172</b>	<b>781</b>
<b><u>Leisure, Culture &amp; Young People</u></b>				
Darwen Leisure Centre	6	(6)		-
Blackburn Leisure Centre	208			208
Waves Demolition	345			345
Witton Athletics - Outdoor Track	60		(60)	-
Witton Athletics - Floodlights	13			13
RFID	25			25
Bangor St - Replacement Boilers	21			21
Wooldridge Playing Fields	477			477
Making Rooms Equipment	36			36
Making Rooms	585		35	620
	<b>1,776</b>	<b>(6)</b>	<b>(25)</b>	<b>1,745</b>
<b><u>Neighbourhood and Prevention Services</u></b>				
Bank Top and Griffin Clearance	509	(400)		109
Group Repair (Inner NW/InnerSE/Darwen)	3			3
Insulation for Hard to Treat Properties	69	(50)		19
Neighbourhood Intervention Fund	604	(500)	83	187
Equity Loans	79	(73)	9	15
Empty Homes Cluster	460	(400)		60
Other Acquisition costs	10			10
DECC Central Heating Fund	2,242			2,242
Affordable Homes Funding	104	(100)		4
Development Investment Fund	250	(100)		150
CCTV Hub	658			658
	<b>4,988</b>	<b>(1,623)</b>	<b>92</b>	<b>3,457</b>
<b><u>Regeneration</u></b>				
Redevelopment of former Blackburn Markets Site	816			816
Cathedral Café Growth Deal	250			250
Assistance to Industry	271			271
Cathedral Quarter Development	100			100
Cathedral Quarter Office Block Fit Out		(301)	658	357
Darwen 3 Day Market	4	120		124
Blakey Moor	3,547			3,547
Local Transport Plan	2,963		(500)	2,463
Street Lighting Investment	100			100
Bury Fold Brook	15			15
Blackburn Surface Water Management Plan	24			24

## Scheme variations to 2016/17 Capital Programme

	Capital Programme Schemes (Nov 16) £ 000	Transfer from prior year/( to) future year £ 000	Requested Variations £ 000	Total £ 000
Darwen Surface Water Management Plan	21			21
Blackburn with Darwen Culvert Study	12			12
Darwen Ordinary Water Course Improvement	200			200
Integrated Modelling Works			74	74
Bala Close Drainage Improvements			66	66
Granvill Rd/Westland Ave Flood Study			33	33
Birch Hall Ave diversion appraisal			40	40
Livesey Branch Rd Culvert			50	50
Highways Network Recovery	3,259		108	3,367
Pennine Reach	1,609		500	2,109
M65 J5 Signalisation	170			170
	<b>13,361</b>	<b>(181)</b>	<b>1,029</b>	<b>14,209</b>
<b>Resources</b>				-
Corporate ICT - Database Environment	111			111
Corporate ICT - Montr & Mgmt, service systems & op software, ini	131	(70)		61
Corporate ICT - System Migration	21			21
Corporate ICT - Digital Services	239	(100)		139
Corporate ICT - Public Access	289	(150)		139
Corporate ICT - WAN Connectivity	197	(100)		97
Corporate ICT - Replacement Infrastructure	200	(100)		100
Corporate ICT - HR & Payroll System	73			73
Corporate ICT - Adult Social Care IT System	79			79
Corporate ICT - Digitisation of Planning Service	280	(50)		230
Corporate ICT - Till and Stock System	42			42
Corporate ICT - Virtual Learning Environment	5			5
Corporate ICT - Finance System	600	(50)		550
Corporate ICT - Microsoft EA	10			10
Carbon Management Plan	230			230
Old Town Hall Stonework	1,924	(25)	(1,502)	397
Land Remediation Schemes	217	(214)		3
Accommodation Strategy	664		(634)	30
Corporate DDA Work	237	(100)		137
Velvet Lounge/1-7 Simmons Street	141			141
Tower Block Air Conditioning	141		(135)	6
Akzo Nobel Demolition	135			135
Griffin Lodge	300	(300)		-
Digital Advertising Screen			62	62
	-	-		-
	<b>6,266</b>	<b>(1,259)</b>	<b>(2,209)</b>	<b>2,798</b>
<b>Schools and Education</b>				
Capital allocations	2,006		206	2,212
Audley Juniors	211			211
Cedars Primary	950			950
Intack Primary	143			143
Lammack	185			185
Longshaw Infants	68			68
St Barnabas and St St Pauls	300			300
St Thomas CE Primary School	195			195
St Thomas Centre Phase 2	25			25
Newfield ASD Demolition	1,961			1,961
Turton/Edgworth Primary School	100			100
Longshaw Juniors	225		(210)	15
Audley Nursery	34			34
Longshaw Nursery	23			23
Feniscowles Juniors	34			34
Holden Fold	85			85
Crosshill	230			230
Avondale	-		3	3
Meadowhead			1	1

## Scheme variations to 2016/17 Capital Programme

	Capital Programme Schemes (Nov 16) £ 000	Transfer from prior year/( to) future year £ 000	Requested Variations £ 000	Total £ 000
Roe Lee Primary	-		3	3
Shadsworth Juniors	-		1	1
Holy Trinity	-		1	1
Shadsworth Infants	-		55	55
	<b>6,775</b>	<b>-</b>	<b>60</b>	<b>6,835</b>
<b>Portfolios Total</b>	<b>36,749</b>	<b>(3,377)</b>	<b>(1,116)</b>	<b>32,256</b>
<b><u>Farmarked schemes:</u></b>				
Corporate ICT	1,374			1,374
Corporate Property Investment	939		-	939
Corporate Property Accommodation	-		2,271	2,271
Vehicles (funded from capital or leased)	1,138			1,138
<b>Total</b>	<b>3,451</b>	<b>-</b>	<b>2,271</b>	<b>5,722</b>



# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Resources

**LEAD OFFICERS:** Director of Finance and IT

**DATE:** 9 February 2017

**PORTFOLIO/S  
AFFECTED:** Resources

**WARD/S AFFECTED:** All

**KEY DECISION:** YES  NO

**SUBJECT: CORPORATE REVENUE BUDGET MONITORING REPORT QUARTER 3 - 2016/17**

## 1. EXECUTIVE SUMMARY

The report details the overall revenue financial position of the Council as at 31<sup>st</sup> December 2016, highlighting key issues and explaining variations in the third quarter of the financial year.

## 2. RECOMMENDATIONS

The Executive Board is asked to approve:

- the variations to revenue expenditure as listed in Section 6, thereby giving rise to a revised forecast balance of £4.974 million on the unallocated General Fund revenue reserve and £28.571 million in earmarked reserves at 31<sup>st</sup> March 2017. This position will be subject to any further adjustments at outturn, including the application of earmarked reserves as required.
- the cash limit adjustments outlined in Appendix 1.

## 3. BACKGROUND

All portfolios are required to examine their revenue budget position on a monthly basis.

## 4. KEY ISSUES & RISKS

a) Actual revenue expenditure at 31<sup>st</sup> December 2016 in respect of cash limited budgets across all portfolios was £85.71 million, which is 76.07% of current budgeted expenditure. The detail of the forecast outturn position for each portfolio is outlined in Section 6 of the report.

b) The current forecast balance for unallocated General Fund reserves at 31<sup>st</sup> March 2017 is £4.974 million, subject to any further adjustments at year end outturn.

c) The current forecast for Earmarked reserves at 31<sup>st</sup> March 2017 is £10.448 million compared with the forecast of £11.348 reported to Executive Board in November 2016. There remains a further balance of Other Reserves of £18.123 million which largely relates to schools.

## 5. POLICY IMPLICATIONS

The information contained within the report accords with the three year budget forecast within the Medium Term Financial Strategy 2016-20, as approved at Finance Council on 29<sup>th</sup> February 2016.

## 6. FINANCIAL IMPLICATIONS

### 6.1 CASH LIMITS, REVENUE EXPENDITURE AND SOCIAL DETERMINATES OF HEALTH

#### 6.1.1 Revenue Budget Overview

As at 31<sup>st</sup> December 2016, the Council is facing significant financial pressures and is forecasting an overspend of approximately £1.683 million across all portfolios. This position is based on current levels of expenditure and after having reflected the requests for funding from reserves as detailed below.

Whilst every effort is being made to contain pressures, challenges persist in both the demand for service and in the delivery of the significant savings programme across the Council.

#### 6.1.2 Performance Against Cash Limits

Appendix 1 details the portfolio cash limits approved by the Executive Board in November 2016 together with the details of the adjustments now requested. These include:

- budget virements (transfers) between portfolios
- transfers from earmarked reserves to support spending on specific schemes for which these reserves were established
- transfers from unallocated reserves to support budget pressures

The budgetary position and key financial issues for each portfolio are as follows:

#### Health & Adult Social Care

Adult Social Care continues to experience large scale pressures on Commissioning budgets and despite efforts to contain these costs within existing budget allocations, the risk of an outturn overspend is increasingly likely. The overspend for the year is currently predicted at £1.2 million based on levels of spend at the end of December. Work will continue to refine predicted spending on all budget heads, including commissioning costs, in the remaining few months of the year.

Approval was given at the Executive Board meeting on 13<sup>th</sup> October 2016 to meet the £1.238 million increase in provider costs arising from the increase in the National Living Wage on 1<sup>st</sup> April 2016. The Executive Board report signalled that there would be further increases to other supported living providers as their individual cost pressures emerged. Further work has been undertaken and two additional providers have highlighted the need to increase their rates. As a result, funding of £227,000 is requested from reserves to meet these increased cost pressures.

The portfolio is currently reporting a break even position in respect of Public Health services.

#### Children's Services

Taking into account the cash limit adjustment requests below, the portfolio is forecasting a break even position. Social work caseloads relating to [Page 12 of 15](#) children are increasing and generating internal cost pressures which need to be managed. Children's services are looking to identify savings within

their own portfolio in the first instance to offset these additional pressures however corporate support is requested as follows:

- £151,200 to cover the costs of early retirement and redundancies within the department in supporting delivery of the workforce reductions
- £250,000 is requested to cover staffing pressures within the assessment and safeguarding service for a period of 6 months to 31<sup>st</sup> March 2017.
- £250,000 from unallocated reserves to cover specialist contractor costs for a period of 3 months to assist in working through and reducing social worker caseloads in respect of vulnerable children.
- £17,804 from the Children's Services Workforce Development and Social Work Improvements earmarked reserve to assist in funding additional staff costs to address the increase in caseloads.

## **Environment**

The portfolio is currently predicting an overspend of £130,000 attributable in part to the increase in landfill tonnage which is exceeding budget by 2,232 tonnes and also due to the costs of the household waste recycling contract which have increased by £20,000 per month during the year, creating a cost pressure of £127,000.

To offset some of these additional costs, savings in transport related costs have been realised across the portfolio on premises, supplies and service costs and third party payments within the Crematorium. There has also been an increase in income, in particular car parking and bus lane enforcement, some of this income is being reinvested in road safety schemes e.g. repainting of road lines and zig zags outside of schools, and also investment in new signage.

The forecast overspend reflects the request for a cash limit increase of £7,100 from earmarked reserves to cover the costs of early retirement/voluntary redundancy incurred in the third quarter of the year in support of the workforce reviews in this area.

## **Leisure, Culture and Young People**

The portfolio is currently predicting an overspend of £104,000 arising from a shortfall in income at the skate park of £73,500 and other pressures across the department of £30,500. There are other potential pressures across the portfolio but it is expected that these can be contained within the cash limit. The forecast is based on the following cash limit adjustment requests;

- Virement of £78,000 from the Leisure, Culture and Young People portfolio in respect of the Making Rooms budget as responsibility for this has now been transferred to the Regeneration portfolio.
- An increase to the cash limit of £194,500 to cover the early retirement/voluntary redundancy costs incurred in the portfolio to end of the third quarter as part of the workforce reviews.

## **Neighbourhoods & Prevention**

The portfolio is currently predicting an overspend of £191,000 at 31<sup>st</sup> March 2017. This is due to a shortfall in income of £90,000 in the Housing Standards budget following slippage in the establishment of the Darwen selective licensing scheme and £137,000 of unbudgeted costs arising from the delay in the workforce review of the DASH service. Efforts are being made within the portfolio to mitigate these pressures by the year end. The forecast reflects the requests made for Corporate Support from reserves as outlined in Appendix 1 which comprise:

- An increase in the cash limit of £28,100 in respect of grant received from Rossendale Borough Council in 2015/2016 from unallocated reserves. This is required to fund a 22 hour Grade F Housing Advisor post for 3 years within the Housing Team. The request is also made to carry forward £24,100 of this into 2017/2018 to help support the future costs of this post.
- Carry forward of £8,700 grant funding from Manchester City Council in respect of the Asylum Fund received in this financial year, to cover the costs for 2 months in 2017/2018 of the Housing Co-Ordinator.
- Carry forward of £37,000 in respect of the funding received from DCLG for Organised Crime Administration to cover future year costs.
- An increase of £7,600 in the cash limit from unallocated reserves, in respect of grant received in 2015/2016 from the DCLG to fund a Domestic Violence Outreach post to the end of June 2016.
- An increase of £17,400 (as detailed in Appendix 1) from Section 106 contributions.
- The Troubled Families Programme is a 5 year programme, and needs to be self-sustainable over the duration of the project. Initially income is generated through 'attachment' fees for each family on the programme with subsequent income based on the delivery of outcomes. As a consequence of this income profile, a request is made to carry forward £180,000 into 2017/18 to ensure the sustainability of the project.

## **Regeneration**

The portfolio is predicting a break even position. This is predicated on containing costs/income pressures within the HAMIS service and the Traffic Signal Maintenance budget. Work is ongoing with Capita colleagues to achieve this. The forecast outturn is based on approval of the following cash limit adjustment requests:

- Virement of £78,000 from the Environment portfolio to reflect the transfer of the Making Rooms project into the Regeneration portfolio.
- £361,600 transfer from the Investment in Assets and Infrastructure earmarked reserve in respect of the one-off landlord costs, as per the tenancy agreements, for 1 Cathedral Square.
- £75,501 transfer from the Strategic Partnership Review reserve to cover the negotiated network management and Urban Traffic Control base fee for the period July 2016 to March 2017.

## **Resources**

The portfolio is currently forecasting an overspend of £53,900 at outturn, largely reflecting the shortfall in income against budget of £31,000 on the Corporate Property portfolio.

Additional income of £260,000 will be received by the year end in respect of the One Public Estate Project. Blackburn with Darwen Borough Council are the Accountable Body for this scheme across the Lancashire area. A request will be made at the year end to carry forward any unspent funding to be utilised in 2017/18 along with a further £80,000 of funding that is scheduled to be paid by the One Public Estate Board in that year.

## **Schools & Education**

Based on the position as at 31<sup>st</sup> December 2016, the portfolio is predicting to spend in line with its requested cash limit for 2016/2017.



## Dedicated Schools Grant / Schools Block

The Schools & Education portfolio is currently predicting to spend all of the funding available in 2016/17 through the Dedicated Schools Grant and Pupil Premium. This is monitored by the Schools Forum at which financial reports are considered on a regular basis.

### Social Determinates Of Health

The cash limit budgets have been reduced in the following portfolios to take account of the income that they will receive in respect of services delivered with Social Determinates of Health funding. The table provides details of the reductions:

Portfolio	Reduction to Cash Limit Budget
Children's Services	£223,300
Environment	£311,500
Leisure, Culture & Young People	£75,000
Localities & Prevention	£60,000

### 6.2 General Fund Unallocated Reserves

The table below shows the movements in unallocated reserves in the quarter.

	£'000	£'000
Forecast unallocated reserves as per Executive Board Report November 2016		5,260
<i>Transfers from unallocated reserves</i>		
Housing Advisor Post – Localities and Prevention	(28)	
Domestic Violence Outreach funding – Localities and Prevention	(8)	
Social work – utilisation of specialist contractor to reduce in vulnerable children caseloads (3 months)	(250)	(286)
Forecast balance on unallocated general fund reserves at 31 March 2017		4,974

### 6.3 Earmarked reserves

The forecast level of earmarked reserves held for discretionary use by the Council at 31<sup>st</sup> March 2017 is currently expected to reduce to £10.448 million compared with the forecast of £11.348 reported to Executive Board in November 2016. Other earmarked reserves, largely in respect of schools, are currently £18.123 million.

Details of the requested application of reserves are outlined in Section 6.1.2 of the report (above) and in Appendix 1.

Details of all projected, earmarked reserve balances at 31<sup>st</sup> March 2017 are shown in Appendix 2.

## 7. LEGAL IMPLICATIONS

The Council has a duty to ensure it can deliver a balanced budget. The Local Government Act 2003 imposes a duty on an authority to monitor its budgets during the year and consider what action to take if a potential deterioration is identified.

## 8. RESOURCE IMPLICATIONS

None.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 10. CONSULTATIONS

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	0.06 FINAL
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<b>CONTACT OFFICER:</b>	Gaynor Simons (Ext 5635) Julie Jewson (Ext 5893)
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<b>DATE:</b>	25 January 2017
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<b>BACKGROUND PAPER:</b>	N/A
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**SCHEDULE OF CASH LIMIT ADJUSTMENTS REQUESTED**

	Health & Adult Social Care	Children's Services	Environment	Leisure, Culture & Young People	Localities & Prevention	Regeneration	Resources	Schools & Education (Non-DSG)
	£	£	£	£	£	£	£	£
<b>Approved Cash Limit 2016/17 - as approved by Exec Board, November 2016</b>	<b>42,263,200</b>	<b>23,544,400</b>	<b>9,577,500</b>	<b>5,103,500</b>	<b>2,531,400</b>	<b>8,905,400</b>	<b>16,307,200</b>	<b>4,981,600</b>
<b>Transfers between portfolios:</b>								
Transfer to Regeneration - Contribution to Making Rooms				(78,000)		78,000		
<b>Transfers (to)/from earmarked reserves</b>								
Complex Needs and Transition funding - Funding to providers in respect of National Living Wage increases	227,000							
Early Retirement/Redundancy reserve - support requested to end of Qtr 3		151,200	7,100	290,700				
Additional staffing and social work improvements		17,804						
S106 capital for Viewfield House			2,000					
S106 Knott Brook Walk					400			
S106 Save Our Shelter, Sunnyhurst					400			
S106 Roe Lee Park Maintenance					1,200			
S106 The Moss, Ryecroft Lane, Belmont					15,400			
Carry forward funding for Housing Co-Ordinator Post					(8,700)			
Carry forward from Rossendale BC - Housing advisor post					(24,100)			
Carry forward of organised crime admin budget					(37,000)			
Carry forward of troubled families monies					(180,000)			
Investments in assets and infrastructure - 1 Cathedral Square						361,600		
Network management and UTC base fee						75,500		
<b>Transfers (to)/from unallocated reserves</b>								
Specialist social work contractor costs to reduce caseloads		250,000						
Housing Advisor Post Rossendale BC (DCLG)					28,100			
DV outreach funding DCLG					7,600			
<b>Transfers (to)/from contingency</b>								
Social Determinates of Health		(223,300)	(311,500)	(75,000)	(60,000)			(98,500)
Staffing pressures within the assessment and safeguarding service		250,000						
<b>Other budget adjustments</b>								
<b>Revised cash limit as requested at Exec Board February 2017</b>	<b>42,490,200</b>	<b>23,990,104</b>	<b>9,275,100</b>	<b>5,241,200</b>	<b>2,274,700</b>	<b>9,420,500</b>	<b>16,307,200</b>	<b>4,883,100</b>

	Estimated balance at 31 March 2017  As reported to Exec Board Nov 2016 £000	Requested Transfers to/(from) earmarked reserves in Otr 3	Estimated balance at 31 March 2017  Q2 £000
ICT developments			
ICT revenue projects	559	0	559
Welfare, council tax and business rates reforms			
Welfare and council tax reforms	268	0	268
Investment in assets and infrastructure			
Office Accommodation and property improvements	562	0	562
Highways winter maintenance	121	0	121
Redevelopment of Blackburn Markets site	200	0	200
Flood Defence	77	0	77
1 Cathedral Square	362	(362)	0
Other Resources and Transformation projects			
Legal Advice Reserve	25	0	25
Partnerships & Transformation	80	0	80
Claims in respect of land charge search fees	93	0	93
Support for People Services			
Complex Needs and Transition	1,410	(227)	1,183
Children's Services Workforce Development and Social Work Improvements	18	(18)	0
Troubled families	50	180	230
YOT partnership	108	0	108
Music Services	122	0	122
Disabled Facilities Grants	289	0	289
VIA (Connexions) Reserve	95	0	95
PLACE			
New Homes Bonus	32	0	32
Investment to support business rates growth	370	0	370
Invest to Save projects			
Insurance risk investment fund	43	0	43
Contingent sums to support future downsizing and transformation programmes			
Review of services provided by strategic partnership	379	(75)	304
Support for future redundancy costs	3,162	(449)	2,713
Support for part year effect of future savings plans	1,640	0	1,640
Amounts carried forward in respect of unspent grants and contributions			
Transformation Challenge Award	64	0	64
Regenerate Pennine Lancashire Ltd	35	0	35
Social Fund (Children's)	140	0	140
Transforming Lives	37	0	37
Manchester CC Grant Housing Benefit Officer - Asylum Fund	0	9	9
DCLG Grant Housing Advisor Post	0	24	24
DCLG Grant organised crime admin budget	0	37	37
Reserves held for specified non discretionary purposes			
Developers Contributions (S106 Income)	(43)	(19)	(62)
Future Maintenance of Wainwright Bridge	506	0	506
Highways claims anticipated for years up to current year but not yet received	261	0	261
Art Acquisitions Fund	13	0	13
W. Ferrier Bequest (for museum re Kathleen Ferrier)	20	0	20
Allowance for contingent liabilities (e.g. MMI)	250	0	250
<b>TOTAL EARMARKED RESERVES FOR DISCRETIONARY USE</b>	<b>11,348</b>	<b>(900)</b>	<b>10,448</b>
<b>Other Earmarked' Reserves</b>			
Reserves held in respect of joint arrangements and charitable bodies			
Darwen Market Traders Association	2	0	2
Joint Building Control Account	145	0	145
Turton Tower Charity	36	0	36
LSCB Safeguarding Partners Fund	180	0	180
Reserves held in relation to schools			
Dedicated Schools Grant - Surplus	9,455	0	9,455
LMS Schools Balances	8,305	0	8,305
<b>TOTAL 'OTHER EARMARKED' RESERVES</b>	<b>18,123</b>	<b>0</b>	<b>18,123</b>
<b>TOTAL EARMARKED RESERVES</b>	<b>29,471</b>	<b>(900)</b>	<b>28,571</b>
<b>UNALLOCATED RESERVES</b>	<b>5,260</b>	<b>(286)</b>	<b>4,974</b>

Developers Contributions (S106 Income) - this reserve appears above in a negative position. This is due to the fact that income received during 2016/17 will only be reflected in the reserve once the year end outturn entries have been completed, as is the normal practice.



# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Resources

**LEAD OFFICERS:** Deputy Chief Executive

**DATE:** 9 February 2017

**PORTFOLIO/S AFFECTED:** ALL

**WARD/S AFFECTED:** All

**KEY DECISION:** YES  NO

**SUBJECT: Strategic Partnership Review – Final Update**

## 1. EXECUTIVE SUMMARY

The Council's 15 year Strategic Partnership with Capita successfully came to an end on 30 June 2016. Further to a number of earlier reports to Executive Board, this report provides a final update on the Partnership Review Programme to review the previous arrangements and replace them with new arrangements. New arrangements and service models have now been put in place and the transition completed for all service areas. This includes a number of services which have returned to the Council and a new place partnership contract with Capita.

## 2. RECOMMENDATIONS

That the Executive Board notes:

- i) the review and implementation of new service models is now complete for all services
- ii) the services that came back to the Council have now all successfully transitioned back and are operating as normal;
- iii) a new contract with Capita commenced on 1<sup>st</sup> July 2016
- iv) the transition arrangements for the new contract have now been completed
- v) the savings made as a result of the new arrangements are helping the Council to meet its Medium Term Financial Strategy
- vi) Capita have worked well in partnership with the Council to ensure as smooth an exit and transition as possible for complex arrangements involving a number of different service areas, TUPE transfers of staff, different timescales and a variety of IT systems.

## 3. BACKGROUND

In January 2015 Executive Board received a report outlining the history of the partnership which was due to end on 30 June 2016, and the successful achievement of its original economic regeneration objectives. Subsequently due notice was served as required under the terms of the contract.

The Council established an internal review Programme Board chaired by the Deputy Chief Executive as programme sponsor with membership from other relevant chief officers. The board has driven the programme and provided strategic direction and oversight for service leads. Service leads have been

responsible for delivering the new service delivery models in their respective areas and a Project Steering Group made up of the various service leads linked together the different work strands. A joint programme board was also established with Capita to oversee the exit and transition period. These arrangements have worked very well.

In June 2015 Executive Board received a report setting out the proposed delivery models for each of the service areas that were then provided by the Strategic Partnership:

- Revenues and benefits
- Accounts Payable/Accounts Receivable
- Technical Services (including property, highways, transport and parking services)
- Print and design

New service models have subsequently been implemented for each area as outlined below.

#### **4. KEY ISSUES & RISKS**

##### ***Accounts Payable/Accounts Receivable (debtors and creditors including cashiers)***

These services transferred back to the Council (including relevant personnel transfers) and were incorporated within the Finance & IT Department as planned on 11th January 2016 and they have been in “steady state” operations since then. These services transferred back early as a relatively small service area with a small number of staff involved to help test transitional arrangements and to deliver service improvements sooner. There will be further changes and modernisation of these services linked to the implementation of a new Council finance system during this year.

##### ***Revenues and Benefits***

The service fully transferred back to an internal Council function (including relevant personnel transfer) on 11th April 2016, with replacement IT systems becoming operational in June 2016. A short term extension to mail and print services remains in place with Capita until completion of a current re-procurement exercise. The service is now in “steady state” with on-going improvements and initiatives being delivered in support of the Council’s digital programme as previously reported to Members. Significant cost savings have also been made which have contributed to the Council’s budget savings required.

##### ***Design & Print***

Services previously delivered by Capita were “managed down” over the period from January to March 2016, with replacement services now being provided by an external framework of providers. The Council’s Commissioning and Procurement Support team has managed the appointment of these providers with the aid of new software. Whilst there have been some teething issues with the new system early indications are that the new framework of print providers will provide significant savings on providers previously being used with savings of 43% so far on like for like jobs .

##### ***Technical Services***

The majority of the property, highways and transport services were re-tendered following market testing and a competitive dialogue process which commenced in August 2015. Further to an Executive Board decision in February 2016 Capita were appointed preferred bidder and subsequently a new contract was entered into, formally commencing on 1<sup>st</sup> July 2016. The new contract is for an initial period of 5 years with the ability to be extended up to a further 5 years. The contract is much smaller than the previous partnership and provides for a range of core and call-off services covering

property, highways and transport; and can be extended to cover a range of additional services following a rigorous business case process. Capita also committed to delivering a number of macro objectives over the course of the agreement which has already resulted in them taking a lease at Cathedral Quarter and bringing new jobs to the borough, located within the existing business centre at Castleway House.

The transition to the new contract arrangements has now been completed and over the coming months the final elements of service transformation will be in place to bring maximum benefit from the place partnership.

During the review process the council also determined to insource a number of Technical Services and this was successfully completed at the end of June 2016. The services brought back to the Council included:

- Car Parking
- Building Consultancy & Statutory Compliance
- Energy Bureau
- Emergency Call Out
- Highways Development Control

The insourced services provide the Council with an opportunity to remodel and deliver them in a streamlined way through re-engineering of certain processes. The services also provide the Council with a number of income opportunities which are now being explored. These have seen increased revenues within Parking Services and opportunities within Building Consultancy to work with, and for, other public sector partners and schools.

New governance arrangements are also now in place and the joint partnership board, chaired by the Deputy Chief Executive and whose full membership includes the Executive Members for Regeneration and Resources, agreed at a meeting in January 2017 that the Exit and Transition Programme was now complete.

## **5. POLICY IMPLICATIONS**

All reviews were designed in accordance with relevant Council policies and procedures including the Corporate Plan, Medium Term Financial Strategy and Plan for Prosperity.

## **6. FINANCIAL IMPLICATIONS**

Significant savings have been delivered and agreed through the budget process which have met the core and non-core fee budget reduction targets agreed at Council Forum in September 14 which formed part of the advance budget savings for early implementation for the Revenue Budget 2015/16 and the two years beyond, 2016/17 and 2017/18.

In addition the Council is now receiving rental income from Capita's lease of the Cathedral Quarter Office Block.

## **7. LEGAL IMPLICATIONS**

All procurement was conducted in accordance with Council Contract Procurement Procedure Rules and the Public Contracts Regulations 2016. External legal advisors working with the Council's Legal Services department prepared the contract documentation for the new partnership. Relevant post contract expiry provisions in the 2001 SPA will continue to apply in relation the services



provided by Capita prior to 30 June 2016, and any outstanding contractual matters will be concluded and reported through the appropriate governance processes.

## 8. RESOURCE IMPLICATIONS

Officers from various Council departments have put significant time into this review together with a range of additional expertise being brought in as required and as previously reported.

Ongoing contract management of the new arrangements will be provided by the Commissioning and Procurement Support Service working together with officers from relevant departments notably Planning and Prosperity for the new place Partnership Contract with Capita.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Relevant officers, Members and Trades Unions have been consulted throughout the review.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

**VERSION:** 1

<b>CONTACT OFFICER:</b>	<b>Denise Park, Deputy Chief Executive</b> <b>Chris Bradley, Service Lead, Commissioning and Procurement Service</b>
<b>DATE:</b>	29 <sup>th</sup> January 2017 <a href="#">Page 139 of 151</a>

**BACKGROUND  
PAPER:**

n/a



# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Regeneration  
Executive Member for Resources

**LEAD OFFICERS:** Deputy Chief Executive

**DATE:** 9 February 2017

**PORTFOLIO/S AFFECTED:** Regeneration Resources

**WARD/S AFFECTED:** All

**KEY DECISION:** YES  NO

**SUBJECT: Place Partnership – Update and Developments**

## 1. EXECUTIVE SUMMARY

To outline proposals developed through the partnership Business Case process, for the implementation of shared management arrangements for the BwD-Capita Place Partnership which commenced on 1<sup>st</sup> July 2016.

## 2. RECOMMENDATIONS

2.1 That the Executive Board notes:

- 2.1.1 The agreement between the Council and Capita to further develop the partnership through the introduction of shared management arrangements across the place partnership as outlined in this report.
- 2.1.2 That the initial agreement will be for a minimum period from February 2017 through to the end of the second year of the partnership, i.e. 30<sup>th</sup> June 2018, with a review against agreed success measures after 12 months.
- 2.1.3 Appropriate governance arrangements will be put in place to protect all parties.

## 3. BACKGROUND

3.1 As previously reported to Executive Board, following a full review of the long term multi-disciplinary partnership with Capita, the new place partnership with Capita commenced on 1<sup>st</sup> July 2016 for an initial 5 year term, up to a maximum of 10 years.

3.2 Since then, options have been explored for further development of an integrated place partnership ranging from full outsourcing of technical services to Capita (including planning, highways & transport and property), to developing the in-house service offer and retaining the agreed client contractor arrangements. [Page 141 of 151](#)

3.3 Given the new partnership is still in its early days and the Council's previous experience of a 'thin' or no client model, it was felt that a full outsource model was 'too much, too soon' and carried a number of other risks such as: reliance on key individuals outside the Council's control; it could be difficult to contractualise and commercialise; and could take a long time to agree the detail and implement whilst distracting from ongoing service delivery and the growth programme.

3.4 However, given the Council's Medium Term Financial Strategy and priority for supporting growth, no change is not an option and just reviewing and restructuring the in-house services would not fully exploit the benefits of having a private sector partnership and utilise the existing skills and knowledge which sit in different areas across both organisations.

#### **4. KEY ISSUES & RISKS**

4.1 The key drivers for considering options to develop the place partnership are:

4.1.1 To accelerate delivery of the growth programme and thereby increase council tax and business rates income to support the Medium Term Financial Strategy

4.1.2 To deliver savings on operational services through reduced revenue costs and increased income

4.1.3 To create more capacity to:

- support the development of and influence the Lancashire Combined Authority and potential devolution deal ensuring BwD and Lancashire can maximise opportunities presented through the Northern Powerhouse,
- strengthen relationships with the LEP (Lancashire Enterprise Partnership) and Marketing Lancashire and work with them and other partners so that BwD and Lancashire continue to attract investment.

4.2 Additional benefits of a shared management arrangement include:

4.2.1 Focus on improving the performance of operational services such as highways

4.2.2 Maintain performance whilst developing more transactional and commercial planning and building control services that fully support the growth programme

4.2.3 Ability to offer services to other local authorities and partners in Lancashire where it is of mutual benefit to do so – Council and/or Capita provided services

4.2.4 Be in a position to bid for and secure maximum opportunities for external funding to support the borough and wider Lancashire

4.3 Having worked successfully with the Council since 2001, Capita equally are keen to maintain and increase employment in the borough, grow their business in Lancashire and support the development of the Combined Authority and other partnerships.

4.4 The Council and Capita will also continue to explore opportunities through wider business cases such as Business Case 2 – a work alongside model for procurement that aims to deliver guaranteed savings through improved procurement and commissioning, upskilling the Council team and with gainshare for Capita should they be successful in delivering savings. Should this business case proceed to a Final Business Case which demonstrates that it is likely to achieve the agreed objectives then a further report will be brought to a future Executive Board.

#### Proposal

4.5 A proposal has now been discussed, reviewed and agreed with Capita to introduce temporary shared management arrangements across the place partnership that will benefit both the Council and Capita.

- 4.6 Capita's Partnership Director is already a member of the Council's Management Board alongside the Council's Director of Planning & Prosperity, and the Managing Director of Growth Lancashire.
- 4.7 To optimise the Council's role and influence within the Combined Authority and maximise future funding opportunities through potential devolution deals and /or through the LEP, it has been agreed in principle, subject to formal confirmation through the Chief Officer Employment Committee, that the role of the Council's Director of Planning & Prosperity with varied operational, departmental and portfolio responsibilities changes to focus on Strategy and Funding with a small team, comprising existing Council staff, supporting him, with a clear focus on economic strategy supporting growth linked to the Lancashire Combined Authority (currently in shadow form) and the LEP, with Capita contributing to a proportion of the Director's time in supporting the partnership to develop in the wider region.
- 4.8 In making this change, there would be a leadership gap in terms of operational services and it has been agreed with Capita that, through the place partnership, the existing Partnership Director role is to be extended to manage service delivery on both sides of the partnership. This also means that the Partnership Director will relinquish involvement with other Capita partnerships elsewhere and spend his time on Council services and the partnership. Whilst remaining a Capita employee, approximately 70% of the time will be working for the Council and directly managing Council staff and services in accordance with Council policies. The remaining 30% will be spent managing services delivered by Capita through the partnership.
- 4.9 To accelerate delivery of the growth programme with the required commercial and development skills, it has also been agreed that a specific Capita resource will lead the growth programme and manage the integrated growth team which may consist of both Council and Capita staff. Whilst remaining a Capita employee, he will directly work for the Council managing Council staff and services and associated Capita staff as required in accordance with their respective organisation's policies.
- 4.10 To support the Council and deliver efficiencies and benefits through shared services and links to other authorities, a wider SLA with Growth Lancashire and the Managing Director will also deliver some services on behalf of the Council.
- 4.11 Agreed governance arrangements will be put in place to protect all parties, to avoid potential conflicts of interest and to ensure there are no personal incentives for the individuals involved.

### Phases

- 4.12 It is proposed that a phased approach is taken to further developing the integrated place partnership which will be easier and quicker whilst also enabling review and reassessment at key points of development

Phase 1 – Shared / integrated management team

Phase 2 – Accelerate growth programme delivery and increase capacity to support the Combined Authority and maximise funding opportunities

Phase 3 – Review future alternative service delivery options for Highways, drainage and street lighting (further to completing the network recovery and LED replacement programmes)

Phase 4 – Commercialise planning services through increased efficiency and increased income whilst maintaining or improving planning performance

Phase 5 – Explore options for offering services through the partnership to other authorities and partners, the wider Capita group and the Combined Authority

Phase 6 – Review the arrangements after 12 months, and review the potential for developing further options for the partnership depending on progress to date and developments with the Combined Authority.

*Note - Some phases may run concurrently*

### Review

4.13 These proposals have been agreed for an initial minimum period (to the end of June 2018) with a 12 month review against success criteria, to be formally agreed through the partnership, such as:

Progress in delivering the growth programme – Growth Board Members to agree  
Delivery of revenue savings in operational services and new structures implemented  
Options developed and agreed for future Highways, Drainage and Street Lighting services  
Proposals for efficiencies and commercialising planning and building control services developed and agreed  
Combined authority established and devolution deal progressing and/or successful funding opportunities identified and secured through HCA, LEP and others

4.14 Subject to the review the arrangements could then continue, change or revert to the current state. The arrangements will be subject to informal 3 month reviews through the Partnership governance arrangements and would also be reviewed should there be any changes to key personnel.

### Next steps

4.15 Capita have agreed this proposal, subject to finalising the necessary formal approvals under the contract, following discussions with the Chief Executive and Deputy Chief Executive who oversees the partnership and will agree the required changes under the contract.

4.16 Discussions have also taken place with the officers involved who are agreeable to the proposals. The Chief Officer Employment Committee may formally need to agree changes to a Council Director role.

4.17 Senior officers are also meeting with relevant managers and staff and with the Trades Unions to explain the changes to them and make the necessary changes to staffing establishments, authorisation hierarchies and delegations in the constitution.

## **5. POLICY IMPLICATIONS**

5.1 There are no policy implications arising from this report. The changes support the corporate priorities on delivering growth.

## **6. FINANCIAL IMPLICATIONS**

6.1 There will be no additional financial implications arising from these changes. The Council will reimburse Capita for additional time for the 2 roles described above and Capita will reimburse the Council for 20% of the Director's time. The investment in the shared management arrangements to ensure the partnership has the skills required to accelerate delivery of the growth programme,

manage services and optimise future funding opportunities, will be offset by additional savings and income related to the operational service changes and focus on delivering the growth programme.

## 7. LEGAL IMPLICATIONS

7.1 These proposals will be agreed through the existing partnership governance and contractual arrangements including appropriate call-off fee mechanisms and change controls which the Deputy Chief Executive has delegated authority to approve under the Council's Constitution. The associated officer decision was published on 3<sup>rd</sup> February 2017.

## 8. RESOURCE IMPLICATIONS

8.1 The shared management arrangements will provide capacity to support Combined Authority developments and optimise funding opportunities as well as commercial oversight to technical services and the delivery of the growth programme.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 10. CONSULTATIONS

10.1 The Leader and Deputy Leaders (the Executive Members for Regeneration and Resources), the Leader and Deputy Leader of the Conservative Group, Trades Union representatives, affected individuals and relevant departmental managers have been consulted by the Deputy Chief Executive who oversees the Partnership.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.



<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Denise Park</b>
<b>DATE:</b>	1 <sup>st</sup> February 2017
<b>BACKGROUND PAPER:</b>	



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Resources Executive Member for Environment
<b>LEAD OFFICERS:</b>	Deputy Chief Executive Director of Environment and Leisure
<b>DATE:</b>	9 February 2017

<b>PORTFOLIO/S AFFECTED:</b>	Environment	Resources
<b>WARD/S AFFECTED:</b>	Bastwell	
<b>KEY DECISION:</b>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

**SUBJECT: Land off Whalley Street (Rear of London Road,) Blackburn**

## 1. EXECUTIVE SUMMARY

A Petition was received from, 'London Road Residents Group,' in September, 2016 expressing concerns about fly tipping and Japanese Knotweed on the site shown by red edge on the attached plan.

## 2. RECOMMENDATIONS

That the Executive Board:

Notes receipt of the Petition and authorises the Head of Property and Development to respond, advising the site will again be tidied up from Council Environmental and Resources budgets.

## 3. BACKGROUND

A Petition was received from London Road Residents Group in September, 2016 expressing concerns about clearing rubbish and syringes from, and dealing with Japanese Knotweed on the site shown by red edge on the attached plan.

Fly tipping on this site has been an issue for years.

The site has been partially cleared of rubbish in October, and again in December 2016.

## 4. KEY ISSUES & RISKS

The location is about half a mile north east of Blackburn centre, in an area where high density, late-Victorian residential terraced dwellings predominate.

The southern part of the site is divided into a number of garage plots fronting Whalley Street, which the Council rents to a number of Council garage tenants. The northern part of the site is at a higher level than the southern garage level – sloping above the roof tops of the garages. There are a number of trees on the northern, higher section of the site, which adjoins the narrow rear lane of

terraced housing fronting London Road.

The Garage site is to be considered separately as part of a wider, Borough-wide Property Review of the Council's Garage Sites which will be reported to Asset Management Group later this financial year.

#### **5. POLICY IMPLICATIONS**

None.

The Petition is being reported to the Executive Board as a matter of Council process.

#### **6. FINANCIAL IMPLICATIONS**

It is reasonable to estimate that the costs of a 'One-off' clearing the whole site of fly-tipped rubbish and treating the knotweed should not exceed £1,000. These works will be carried out by the appropriate Council Department.

Future clearing up costs would be determined by the extent of any future fly-tipping.

#### **7. LEGAL IMPLICATIONS**

This is an ordinary petition as defined in the Council's constitution as being one signed by at least 6 people and submitted by people who live, work or study in the Borough. Part 7 of the Constitution outlines the possible mechanisms for petitions and this report and response is one such type of valid response.

#### **8. RESOURCE IMPLICATIONS**

Costs will be met from the Council's Environmental and Resources budgets.

#### **9. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

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Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

#### **10. CONSULTATIONS**

Council Departments have been consulted via Asset Management Group.

BwDBC Corporate Services Department have acknowledged receipt of the Petition and the office of the MP has been kept informed of progress.

The Petition letter advises that historically local Ward Councillors have been informed.

**11. STATEMENT OF COMPLIANCE**

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

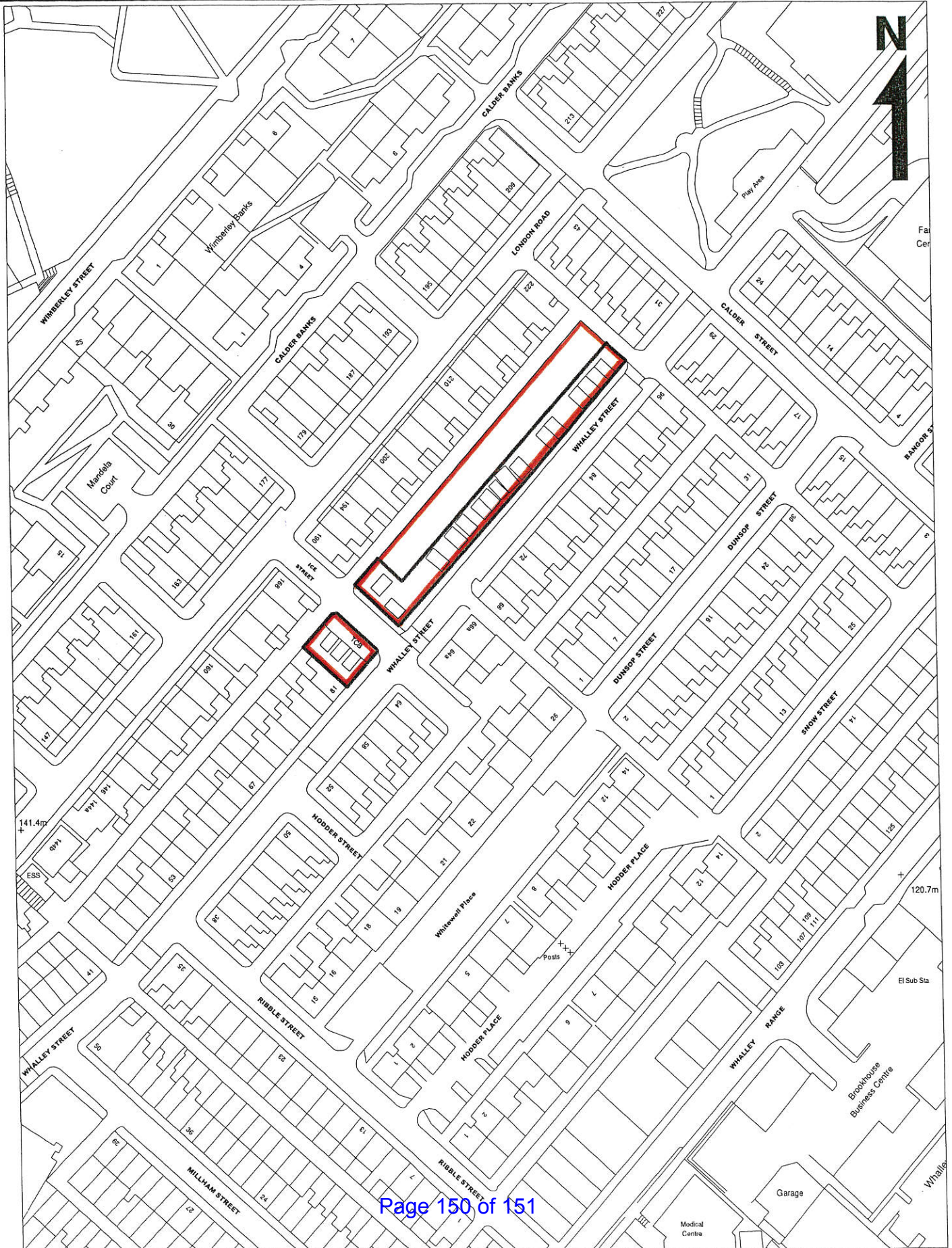
<b>VERSION:</b>	<b>2</b>
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<b>CONTACT OFFICER:</b>	
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<b>DATE:</b>	
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<b>BACKGROUND PAPER:</b>	
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London Rd Residents Group  
220 London Rd  
Blackburn  
BB1 7NA

22<sup>nd</sup> September 2016

Dear Sir or Madam:

As residents of the area we raise concern yet again with regards the failure to clean or manage the waste land at the rear of our properties. This land has been left in this condition for numerous years with little progress made in finding a long-term solution to the area.

We now face the situation that on a daily basis, youth gather at the rear of our properties smoking illicit substances and leaving discarded syringes and needles. As residents we are wanting immediate action from the registered land owners to tackle the issue of overgrown trees and shrubs in this unsecure land that results in the area open to frequent fly tipping and public nuisance. Further more we have now noticed a significant increase in the growth of the wild plant Japanese knotweed. As you well know this plant is included in part 2 schedule 9 of the countryside and wildlife act 1981. Further so, it is classified as controlled waste under the environmental protection act 1990. It is deemed to adversely affect the neighbourhood and thus is a breach of the town and country planning act. The lack of action taken by the council to manage this land and specifically tackle the growth of this plant has now resulted in our concern about potential financial losses to residents.

Japanese knotweed can cause extensive structural damage to a property as it can grow through tarmac and concrete and it can grow up to 20cm. It is very difficult to eradicate completely and the cost of dealing with it can be very high. If we intend to sell our property which is affected by the Japanese Knotweed this will have an impact on potential purchasers as they will need to disclose to the mortgage lender as the presence of the plant may affect the lender's decision as to whether or not to grant a mortgage on the property. We acknowledge the fact that we are going through very tough financial times with cut backs within the local council. However, priority must be given to ensuring both the law is not breached and risk to environment or neighbourhood is safeguarded. With changes to fortnightly bin collection, our concern is that this will further exaggerate the issues with regards fly tipping on this land. The land thus requires immediate action under the environmental protection policy of the council and to safeguard losses and potential liability claims. The matter has been raised historically with councilors on numerous occasions and has even had a site visit from Kate Hollern in the past.

We hope that a swift solution can be made to ensure the safety and well being of residents especially young children from this unsecure and hazardous wasteland. We look forward to an informed plan of action on this matter and would welcome an open forum meeting to discuss the long-term strategy. Please find attached names and signatures of residents involved in raising their concerns on this issue.

Kind Regards,  
Mr Maqsud Patel  
On Behalf of the London Rd Residents Group.