

EXECUTIVE BOARD

Thursday, 08 March 2018

Time: 18:00

Venue: Meeting Room A

Address: Blackburn Town Hall

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

Minutes of the Previous Meeting

2 8th February 2018 - Minutes

5 - 14

3 Declarations of Interest in Items on this Agenda

If a Board Member requires advice on any items involving a possible Declaration of Interest which could affect his/her ability to speak and/or vote he/she is advised to contact Phil Llewellyn at least 24 hours before the meeting

Declarations of Interest

15 - 16

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	
8.3	Children's Services	
8.3.1	Quarter 3 Fostering Service Report - 1 October 2017 -31st December 2017	
	Fostering Q3 Report 2017	17 - 20
	Fostering Service Quarter 3 - 2017-18	21 - 32
8.3.2	Ofsted Inspection Action Plan	
	Ofsted Inspection Action Plan	33 - 40
	Executive Board Decision - Ofsted Inspection Action Plan	41 - 44
8.4	Environment	
8.5	Leisure, Culture and Young People	
8.6	Neighbourhood and Prevention Services	
8.7	Regeneration	
8.8	Resources	
8.9	Schools and Education	
9	CORPORATE ISSUES	
9.1	Managing Unauthorised Encampments/Sites Protocol	
	Managing Unauthorised encampments Protocol	45 - 48
	Protocol	49 - 76
9.2	National Productivity Investment Fund (NPIF): Project Update	
	NPIF Project Update	77 - 82
9.3	Local Transport Plan 2018/19 Programme	
	Local Transport Plan programme 2018-19 P1	83 - 88
9.4	Closure of Blakey's Cafe Bar and Progression with Grant of Lease of Site	
	Closure of Blakey's cafe bar and Progression with Grant of Lease of the Site P1	89 - 92
9.5	Growth Deal 3 - Pennine Gateways Project Update	
	Growth Deal 3 Pennine Gateways Project Update	93 - 98

**10 MATTERS REFERRED TO THE EXECUTIVE
BOARD**

**PART 2 – THE PRESS AND THE PUBLIC MAY BE
EXCLUDED DURING CONSIDERATION OF THE
FOLLOWING ITEMS**

**PART 2 – THE PRESS AND THE PUBLIC MAY BE EXCLUDED
DURING CONSIDERATION OF THE FOLLOWING ITEMS**

11.1 Local Transport Plan 2018/19 Programme

Local Transport Plan programme 2018-19 P2

**11.2 Closure of Blakey's Cafe Bar at King George's
Hall and Progression with Grant of Lease of the
Site**

**Closure of Blakey's cafe bar and progression
with Grant of Lease of the site P2**

Date Published: Thursday, 08 March 2018
Harry Catherall, Chief Executive

EXECUTIVE BOARD

8th February 2018

PRESENT

COUNCILLOR:

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

PORTFOLIO:

Leader
Children's Services
Leisure, Culture & Young People
Environment
Neighbourhoods & Prevention Services
Resources
Schools and Education
Regeneration

EXECUTIVE MEMBER

John Slater

NON-PORTFOLIO

Leader of the Conservative Group

	Item	Action						
1	<u>Welcome & Apologies</u> The Leader of the Council, Councillor Mohammed Khan welcomed all present to the meeting. Apologies were received from Councillor Mustafa Desai.							
2	<u>Minutes of the Meeting held on 11th January 2018</u> The minutes of the meeting of the Executive Board held on 11 th January 2018 were agreed as a correct record.	Approved						
3	<u>Declarations of Interest</u> There were no Declarations of Interest submitted.							
4	<u>Equality Implications</u> The Chair asked Members to confirm that they had considered and understood any Equality Impact Assessments associated with reports on the agenda ahead of making any decisions.	Confirmed						
5	<u>Public Forum</u> In accordance with Part 4 of the Executive Board Procedure Rules for questions/statements by members of the public, the following questions/statements have been received, details of which are set out below:-							
<table border="1"> <thead> <tr> <th>Name of Person asking the Question</th><th>Subject Area</th><th>Response by</th></tr> </thead> <tbody> <tr> <td>David Shepard, 11 Woodlands Grove, Darwen BB3 1JZ</td><td>Resurfacing of road, 7-15 Woodlands Grove, Darwen</td><td>Councillor Phil Riley</td></tr> </tbody> </table>			Name of Person asking the Question	Subject Area	Response by	David Shepard, 11 Woodlands Grove, Darwen BB3 1JZ	Resurfacing of road, 7-15 Woodlands Grove, Darwen	Councillor Phil Riley
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David Shepard, 11 Woodlands Grove, Darwen BB3 1JZ	Resurfacing of road, 7-15 Woodlands Grove, Darwen	Councillor Phil Riley						

	Item			Action
	Tony Duckworth, District Group Chairman of Campaign to Protect Rural England, 33 Gib Lane, Blackburn BB2 5BP	Land adjacent to Tower Road, Blackburn.	Councillor Phil Riley	
	<p>Councillor Riley responded to both questions and supplementary questions arising, advising Mr Shepard that more detail was outlined in the report at Agenda item 11, but it was hoped remedial action could be undertaken in the new financial year.</p> <p>Mr Duckworth was advised that as the matter referred to was going to be considered at the Planning and Highways Committee meeting on 14th February, it would be inappropriate to comment further, but Mr Duckworth was encouraged to attend the meeting and address the Committee.</p>			
6	<u>Questions by Non-Executive Members</u>			
	No questions had been submitted by Non- Executive Members.			
7	<u>Youth MPs Update</u>			
	The Youth MP and Deputy Youth MPs were not present due to the forthcoming elections.			
8.3	<u>Children's Services Update</u>			
	Councillor Maureen Bateson verbally reported that a letter had been sent to the Chancellor of the Exchequer, Philip Hammond from the North West Forum of Lead Members and DCS's detailing serious concerns about the pressure on Children's Services budgets.			Noted
8.5.1	<u>Sport England's Local Delivery Pilot</u>			
	<p>It was reported that within Sport England's participation strategy "Towards an Active Nation" there was a substantial investment stream focussing on place based pilots to explore different and innovative ways of reducing inactivity through a whole system approach.</p> <p>In December 2017 it was publically announced that Pennine Lancashire had been successful, from 113 initial expressions of interest and was one of twelve Sport England Local Delivery Pilot areas nationally. Local Delivery Pilots would have a share of a £100m funding pot with Pennine Lancashire realistically receiving multiple million pounds worth of investment to increase activity levels and improve health and wellbeing amongst those who are inactive and experiencing poor mental wellbeing.</p> <p>The Pennine Lancashire Accountable Care Partnership would be the strategic lead for the project and it was proposed that Blackburn with Darwen Council acts as the accountable body on behalf of</p>			

	Item	Action
	<p>Pennine Lancashire partners. As such Blackburn with Darwen Council would ensure that there was appropriate and structured financial, procurement and contracting arrangements in place to provide a transparent framework giving necessary assurances to manage and mitigate financial risks with the required commissioning and contracting arrangements and budget monitoring in place both for the council, the Pennine Lancashire Accountable Care Body and for Sport England, the external funders.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> ▪ Notes the report and the application processes outlined within the report; ▪ Approves that Blackburn with Darwen Borough Council acts as the accountable body for the Sport England Local Delivery Pilot on behalf of Pennine Lancashire partners; and ▪ Delegates authority to the Director of Environment and Leisure and the Director of HR, Legal & Corporate Services, in consultation with the Executive Member for Leisure, Culture and Young People and the Executive Member for Resources, to agree and finalise the formal legal arrangements for Blackburn with Darwen to act as accountable body for the Pilot. 	<p>Noted</p> <p>Noted</p> <p>Approved</p>
8.7.1	<p><u>Blackburn with Darwen Local Development Scheme</u></p> <p>It was reported that The Local Development Scheme (LDS) was a three-year project plan for preparation of the planning documents the local planning authority intended to prepare in the forthcoming years and the timetable for the preparation of those documents.</p> <p>The Council was required by planning legislation to prepare and maintain a Local Development Scheme.</p> <p>The Council adopted its last Local Development Scheme (LDS) in January 2017. This set out a programme of work for one year mainly focusing on the production of various Supplementary Planning Documents (SPDs) and Masterplans.</p> <p>The focus was now turning to the commencement of a new Local Plan for the Borough. This would replace the adopted Core Strategy (adopted in January 2011) and the Local Plan Part 2: Site Allocations and Development Management Policies (adopted in December 2015)</p> <p>New regulations being brought forward by Government to commence on 5 April 2018 required local authorities to review Local Plans and their Statements of Community Involvement at least every five years from the date of their adoption.</p> <p>Government therefore expected local authorities to have in place an</p>	

	Item	Action
	<p>up to date Local Development Scheme to demonstrate to all relevant parties (e.g. local communities, developers, infrastructure providers and what the Council intended to do in terms of its Local Plan. Given the intention to develop a new Local Plan, it was essential that a new LDS was in place to provide key information on how the Local Plan would be produced, and set out intended key milestones for the various stages that the plan would go through until adoption.</p> <p>The Scheme was attached at Appendix 1 of the report.</p> <p>RESOLVED – That the Executive Board approves the Local Development Scheme (2018) that sets out a work programme for the next three years (2018-2021).</p>	Approved
8.8	<p><u>Resources Update</u></p> <p>Councillor Andy Kay verbally reported as follows:</p> <p>“There was much debate and speculation in the national press last week following announcements by the new Chief Executive of Capita about the company’s financial position and direction of travel which includes selling off non-profitable parts of the business. This is concerning coming so soon on the back of the collapse of Carillion, another major company providing significant services to the public sector. Our concerns are two-fold – for the services delivered through our partnership and for the wider Capita jobs in the borough at Castleway House in Blackburn and India Mill in Darwen.</p> <p>We do not take Capita’s position lightly and Capita’s Regional Director for Local Government, with responsibility for our Partnership, attended our Partnership Board meeting on Thursday last week which both Cllr Riley and I sit on.</p> <p>Members will recall that our current partnership with Capita is much smaller than our original 2001 partnership, following decisions made by the Council to in-source a number of services and reduce the scale of the partnership to a small core contract for highways and property management with greater flexibility than previously. We were reassured last week by Capita that there is no immediate threat or risk to the services delivered to the Council and that the new Chief Executive, having only been in post since late 2017, is acting quickly in putting robust plans in place to strengthen the company’s position.</p> <p>As a Council, we will continue to keep a close eye on the situation and will be reviewing all the options open to us as well as updating our contingency planning for all possibilities.”</p>	Noted
9. 1	<p><u>Council Office Accommodation Strategy</u></p> <p>Further to the report presented at the October 2017 Executive Board meeting, a report was presented outlining the next stage of the Council’s Accommodation Strategy.</p>	

	Item	Action
	<p>The business case for the previous phase of the Council's accommodation strategy involved the refurbishment of 10 Duke Street funded by enabling the Council to vacate three leased properties; the Exchange, Innovation Centre and the Beehive.</p> <p>The refurbishment of the Davyfield Road bungalow site was underway, to provide staff accommodation and emergency/civil contingency in the event of a town centre buildings network failure.</p> <p>The next phase involved addressing existing significant backlog maintenance and future cost pressures in the core office buildings, including the main Council building, Blackburn Town Hall, whilst delivering costs savings and more efficient use of space.</p> <p>As the Council's workforce had decreased so had the occupancy of the core accommodation buildings. There was therefore further scope for building rationalisation to reduce costs further and improve services.</p> <p>Detailed condition and structural surveys had been carried out on Blackburn and Darwen Town Halls and the Tower Block. All three buildings were deemed to be structurally sound and previous stonework, window and roof restoration had rendered Blackburn Town Hall externally watertight. Blackburn Town Hall and the Tower Block required significant internal investment to bring them up to current standards, with additional works in Blackburn Town Hall necessary to maximise the available internal floor space. Works required at Darwen Town Hall included external works covering the roof, rainwater goods, leadwork, windows and stone work restoration.</p> <p>The accommodation data identified that all four buildings were not required, and that the occupied sites could be rationalised from four buildings to three. This position took into account the availability of office accommodation at the Bungalow at Davyfield Road depot.</p> <p>Blackburn & Darwen Town Halls and the Tower Block all required internal modernisation, but it was not financially viable to modernise all three sites to meet the Council's accommodation needs & requirements. Modernisation of Blackburn Town Hall, would increase capacity, improve service provision, reduce operational costs and eradicate backlog maintenance costs.</p> <p>It was proposed that whilst the refurbishment works took place to Blackburn Town Hall that staff from within this building would be relocated to the Tower Block. At the same time a review would take place of which other staff currently located in the town centre would be more suited to the available space at the Davyfield Road Bungalow site.</p> <p>An assessment would also take place as to whether the existing customer facing services delivered from the ground floor of Blackburn Town Hall could be left in situ, whilst the building refurbishment took place.</p>	

	Item	Action
	<p>RESOLVED - That the Executive Board:</p> <ol style="list-style-type: none"> 1. Notes the indicative upgrade & refurbishment fit out costs of the Council's core staff office accommodation buildings of Blackburn & Darwen Town Halls of approximately £6.5 million, to inform the future Capital Programme which will be considered at Finance Council; 2. Notes that a further report will be brought once the final business case costs and subsequent running cost savings are known; and 3. Notes that a further report will be brought on the future options for the Tower Block. 	
		Noted
		Noted
		Noted
9. 2	<p><u>Corporate Revenue Budget Monitoring Report Quarter 3 – 2017/18</u></p> <p>Members received a report on the overall revenue financial position of the Council, highlighting any significant issues and explaining variations in the third quarter of the financial year.</p> <p>Actual revenue expenditure at 31st December 2017 in relation to controllable budgets across all portfolios was £77.449million, which was 68.61% of the current budget. Further details relating to the financial position of each portfolio were outlined in the report.</p> <p>General Fund unallocated reserves were forecast to be £6.119 million at 31st March 2018 based on information available at this point in time.</p>	

	Item	Action
	<p>Again, based on current information, earmarked reserves available for discretionary use within the Council were forecast to be £9.622 million at 31st March 2018 compared with a balance of £13.874 million at 31st March 2017, with a further £15.482 million of other reserves held mainly in relation to schools.</p> <p>RESOLVED - The Executive Board is asked to approve:</p> <ul style="list-style-type: none"> the portfolio budget adjustments outlined in Appendix 1; the Earmarked reserves position shown in Appendix 2; and the variations to revenue expenditure, as listed in Section 6, giving rise to a forecast balance of £6.119 million in the unallocated General Fund revenue reserve at 31st March 2018. 	<p>Approved</p> <p>Approved</p> <p>Approved</p>
9. 3	<p><u>Corporate Capital Budget and Balance Sheet Monitoring Report 2017/2018 – Quarter 3 31st December 2017</u></p> <p>The Executive Board received a report on the overall financial position of the Council in respect of the capital programme as at 31st December 2017, highlighting issues and explaining variations in the first 9 months of the financial year.</p> <p>The projected aggregate cost of the Council's capital investment programme for 2017/18 had now been adjusted from £28.136 million, as approved by Executive Board on 9th November 2017, to £22.512 million. The net variation of £5.624 million reflected:</p> <ul style="list-style-type: none"> variations made to reflect the approval of programmes during the third quarter of the year £520,000 re-profiling of budgets during the third quarter of the year (£6.144 million). <p>As at 31st December 2017, the capital expenditure across the portfolios was £10.297million (45.71% of the current, revised projected spend).</p> <p>The estimate of capital receipts expected in 2017/18 was £674,000, however this was dependent on final contract completion dates; to date £294,000 had been received.</p> <p>RESOLVED - The Executive Board is asked:</p> <ul style="list-style-type: none"> to approve the revised capital programme as per Appendix 1; and to approve the variations to the programme shown in Appendix 2. 	<p>Approved</p>
9. 4	<p><u>Extension to Brown Street Car Park</u></p>	

	Item	Action
	<p>Members were advised that Brown Street car park opened in November 2016 and was now the busiest flat surface pay and display car park operated by the Council. There was a demand for additional parking permits on Brown Street however, the Council had not been able to meet this demand as it would impact on pay and display customers who used the car park and would adversely affect income overall.</p> <p>The Council owned a large area of land which was located between Brown Street car park and the Bus Station. The land was uneven and unkempt and apart from having been used for a couple of fairground events, the land was unusable in its current poor condition.</p> <p>It was proposed that this land be converted into a pay and display car park with access via the existing Brown Street car park. The Council was confident that it could generate sufficient income on the Brown Street extension over a two year period to repay the investment required to create the extended car park.</p> <p>RESOLVED - That the Executive Board:</p> <p>Approves the investment required to create a new car park extension to Brown Street car park to support the town centre economy and generate additional income for the Council.</p>	Approved
10	<u>MATTERS REFERRED TO THE EXECUTIVE BOARD</u>	
10.1	<p><u>Petition: Woodlands Grove, Darwen</u></p> <p>A report was submitted in response to a petition received from residents of Woodlands Grove, Darwen, who had submitted a petition to the Council requesting that their road be resurfaced. As referred to earlier in the meeting under the Public Forum, although the recommendation in the report was that the Lead Petitioner be informed of the decision not to resurface the road, it was reported that it was hoped that remedial work could be undertaken early in the new financial year.</p> <p>RESOLVED - That the Lead Petitioner be informed of the decision not to resurface.</p>	Approved
11	<u>PART 2 - THE PRESS AND THE PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS</u>	
11.1	<p><u>Extension to Brown Street Car Park</u></p>	

	Item	Action
	<p>Further to the report submitted at Agenda Item 9.4, an additional report was submitted containing commercially sensitive information.</p> <p>RESOLVED – That the Executive Board:</p> <p>Approves the investment required to create a new car park extension to Brown Street car park to support the town centre economy and generate income for the Council.</p> <p>Signed at a meeting of the Board</p> <p>on the day of</p> <p>(being the ensuing meeting of the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p>	<p>Approved</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: **8TH MARCH 2018**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

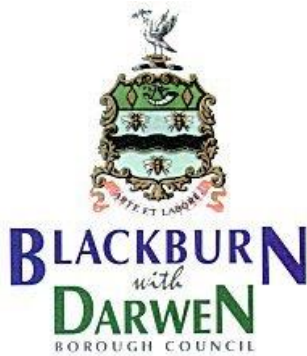
NATURE OF INTEREST:

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

REPORT OF: Executive Member for Children's Services

LEAD OFFICER: Director of Children's Services

DATE: 8th March 2018

PORTFOLIO/S AFFECTED: Children's Services

WARD/S AFFECTED: All

KEY DECISION: YES ☐ NO ☒

SUBJECT: Quarter 3 Fostering Service Report – 1 October 2017 – 31st December 2017

1. EXECUTIVE SUMMARY

To provide information on the management and performance of the Local Authority's Fostering Service.

2. RECOMMENDATIONS

That the Executive Board:

Notes this quarterly report which is available on the Council website.

3. BACKGROUND

The Fostering Service Regulations 2011 and the National Minimum Standards for Fostering Services requires the Council Executive to:

- a) Receive written reports on the management, outcomes and financial state of the Fostering Service every 3 months;
- b) Monitor the management and outcomes of the services in order to satisfy themselves that the Service is effective and is achieving good outcomes for children; and
- c) Satisfy themselves that the provider is complying with the conditions of registration.

The report has been written to address the issues identified above. It will be taken into account by OFSTED in inspecting the Service.

This report is for the third quarter of 2017- 2018, covering the period from 1st October to 31st December 2017, and provides an overview of the Service.

4. KEY ISSUES

1. The overall number of foster carers has increased in Quarter 3 despite a reduction in the number of mainstream carers as the number of family and friends carers has continued to grow.

2. Although the challenge of recruiting mainstream carers for specific groups is replicated across the region, the work of the new Marketing and Recruitment Officer has generated a great deal of interest. There are currently 12 prospective sets of foster carers in assessment which is approximately the same number of approvals achieved over the last 2 years. Whilst this is encouraging, capacity in the service to undertake assessments of prospective mainstream carers continues to be compromised by the demands to assess large numbers of family and friends carers.

3. The increase in the number of children coming into care is causing increased pressure on placements (fostering and residential) across the region resulting in further increases in the number of commissioned placements.

4. Issues around placement stability have continued during the Quarter; however, Blackburn with Darwen is still performing better than the national average.

5. Whilst the fostering service is operating within budget the commissioning budget is overspent and under increased pressure as a result of the issues highlighted above.

5. POLICY IMPLICATIONS

No policy implications identified.

6. FINANCIAL IMPLICATIONS

No financial implications identified.

7. LEGAL IMPLICATIONS

This report is required to meet statutory requirements as set out in the 'National Minimum Standards for Fostering'

8. RESOURCE IMPLICATIONS

No resource implications identified.

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

None.

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.

VERSION:	V2.0
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CONTACT OFFICER:	Alyson Hanson – Service Leader, Placement Services
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DATE:	30 th January 2018
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BACKGROUND PAPER:	Fostering Service Quarter 3 Report – 1 October 2017 – 31 st December 2017
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Fostering Service Quarter 3 Report

1st October to 31st December 2017

Executive Report



Quarterly reports to the Executive Board are a requirement of the Fostering Service to meet Standard 25.7 of the National Minimum Standards for Fostering Services. They are a key part of the documentation considered by OFSTED when conducting a Service inspection.

Introduction

Blackburn with Darwen Borough Council's Fostering Service aims to ensure that:

- The best foster carers are recruited for our children;
- All placements receive high quality support, effectively targeted according to need;
- Children are found permanent families without delay; and
- Children and young people in foster care achieve the best possible outcomes.

Children in our Care in Foster Care

The number of children in our care (CioC) increased by 4 in Quarter 3 and by 23 in the last 6 months. The increase in the number of children coming into care across the region has put the availability of all types of placement under pressure. In Quarter 3, local authorities across the North West continued to compete for a diminished number of independent fostering agency placements which have become very difficult to secure particularly for older children.

	30th September 2017	31st December 2017
Number of Children in our Care	380	384
Number of CioC in Foster Care	240 (63%)	235 (61%)
Number of children in in-house foster care placements	139 (36%)	133 (35%)
Number of children in family and friends foster care	49 (13%)	48 (12.5%)
Number of children in independent fostering agency placements	52 (14%)	54 (14%)
Number of children placed with other local authority carers	0	0

In House and Agency Placements

	In house	Family and Friends	Independent Fostering Agency
Male	85	28	37
Female	54	21	15

Age break down of children in foster placements

Age	Mainstream	Family and Friends	Independent Fostering Agency
0 to 2	18	12	8
3 to 6 years	13	17	4
7 to 10 years	30	4	11
11 to 15 years	43	13	25
16 and 17 years	29	2	6
Total	133	48	54

New Referrals in Quarter 3

47 children and young people were referred to the Fostering Service in Quarter 3 and 34 became Looked After following court decisions. Almost half of these were placed in house, principally those in the 0 to 5 years age group. The majority of older children and adolescents were placed in a mixture of agency fostering and agency residential placements. In 2017, Placements North West identified a drop of 8.1% of fostering agency households across the North West and given the increase in the number of children and young people coming into care, this continues to present a significant challenge.

	No of children	Sibling Groups	Age 0 - 5	Age 6 - 11	Age 12+	Children placed in-house	Fostering Agency	Residential placements	Short Break	Children didn't come in
Oct	22	4	6	4	12	7	5	3		7
Nov	10	1	4	3	3	2	1	2		5
Dec	15	2	6	2	7	7	3	0		3
Quarter 2 total	47	7	16	9	22	16	9	5	0	15

Feedback from children in foster care

The feedback received from children in foster care is generally positive. Their views are obtained from:

- Participation in the VOICE and Junior VOICE groups;
- The work of the Participation Champions in the Service;
- The Investing in Children assessment process;
- Participation in staff recruitment (interviews) and foster carer training;
- Contributing to the annual review report of the foster carers looking after them;
- A support group for birth children and grandchildren; and
- Social worker feedback for foster carer reviews.

Children, young people and their social workers made the following comments about placements when contributing to foster carer reviews in Quarter 3:

Children and young people said:

'I feel better when I tell my foster carers about what's bothering me'.

'I would like to move to a place where vegetables don't exist'.

'Auntie and Uncle are special people and it makes me happy when they laugh and joke'.

Social workers said:

'D has a clear attachment to both his carers. I have observed him interact warmly, confident to ask questions and discuss plans. D clearly feels that this is home.'

'C likes it at B's and thrives off the attention she provides.'

'R was placed at birth but spent 10 days in hospital. C spent every day with him in hospital until he was discharged into her care. She went over and above her role and responsibilities and recognised how important this was for his early development'.

Birth Children said:

'The children are growing into funny, polite and caring people. It's been amazing to see them flourish and thrive. Another year means amazing experiences for our family by bettering a child's life. They are amazing children'.

Promoting Children's Health, Emotional Development, Education & Leisure

Foster families are provided with pre and post-approval preparation and training on the importance and availability of health, education and leisure services to enable them to help children achieve their potential and enhance their emotional wellbeing.

Looked After Children and young people are encouraged to participate in a variety of activities in which they can succeed and are supported in achieving better outcomes. All local Looked After Children and care leavers are provided with a Be Active card, which enables them to access free sport and leisure activities within the Borough. Foster carers are also provided with a MAX Card, which offers heavily discounted access to a range of leisure parks and facilities around the North West. This is funded by the Fostering Service in partnership with the Foster Carer Association.

Children in foster care have regular medicals at the statutory frequency appropriate for their age. There is a Designated Nurse for Looked After Children, who takes an active role in following up health issues and assisting with health promotion work. Foster carers have a Health Passport for each child they care for in which they or the child records all of the child's health details. Public Health funding for 18 months has enabled the appointment of a specialist nurse to work with 'hard to reach' Looked After Children and care leavers.

There are currently 15 Looked After Children registered as having a disability in foster care. Foster carers are provided with the relevant training and support to meet the specific needs of the child they have in placement.

In relation to emotional wellbeing, Looked After Children have access to Clinical Psychology and related services through the East Lancashire Child and Adolescent Service (ELCAS) also known as Children and Adolescent Mental Health Service (CAMHS). The new Revive Service is a partnership between Blackburn with Darwen Borough Council's Children's Services and East Lancashire Hospital Trust to provide emotional health support for children known to the Local Authority and is based at Duke Street. Revive delivers consultation to foster carers, training and direct intervention on emotional health and well-being. Feedback from foster carers following consultation is very positive. The Revive Service has delivered training to foster carers on self-harm and on attachment.

As well as mandatory First Aid training, foster carers also receive training on a variety of health-related issues including 'Infectious Diseases in Childhood' and 'Managing Medicine.' Phase 1 of a 'Healthy Homes' training package for carers has been developed.

In line with Standard 8 of the National Minimum Standards for Fostering Services, the Department implements a written education policy prepared in partnership with the Education Manager for Children in Our Care. The Virtual Head's role is to ensure that the educational needs of all Children in our Care are being met and that levels of achievement and aspiration among our children and young people are raised. Termly briefings are held with a group of social workers, managers and Designated Teachers and Head teachers to consider ways to improve achievement and attainment.

The Pupil Premium allowance, previously paid to schools to support Children in our Care to achieve in school, is now managed by the Virtual Head with a system in place to administer and ensure the money is spent appropriately to further their educational achievements. The Virtual Head quality assures all Personal Education Plans (PEPs).

The Virtual School is in place and the governing body has been established. 2 hours a week of additional tuition is offered to all young people in Year 11 via Kip McGrath to promote G.C.S.E. improvements and this was extended to Year 10 pupils in Quarter 3. 6 young people are currently benefitting from this offer which will be extended again for Year 6 SATs pupils after Easter by way of a six week programme of booster sessions.

The Education Manager sits within the Children in our Care Social Work Service and, where necessary, actively intervenes with schools to promote the needs of children in foster care. As part of the preparation and assessment process and through the Foster Carer Agreement, foster carers are set a clear expectation that they will promote and support children's educational attainment. The ways in which foster carers meet children's educational needs are monitored through the foster carer review process and supervisory visits. Foster carers regularly receive training 'Promoting Educational Achievement for Children in Our Care' and this course was delivered in January 2017.

Engagement with Children & Young People

Two members of staff from the Fostering Service continue to promote the participation agenda and set a number of priorities throughout the year. Social workers use a range of tools to support the work and explore different ways of communicating with young people, gaining their wishes and feelings and ensuring their voices are heard. Members of the 'VOICE' group continue to attend foster carers preparation training where they lead an activity with applicants and provide feedback, which contributes to the applicants' assessments. Young people are involved in the recruitment of new staff. A new care leaver currently sits on the Fostering Panel.

The Fostering Service was awarded the Investing in Children Award in December 2016 and the report made a number of recommendations that the Service continues to take forward. The Service is reassessed annually to maintain the award and this will occur in Quarter 4.

The Fostering Support service continues to deliver the Saturday morning club, which is held every fortnight at The Limes. The support group is aimed at 8 - 12 year olds in foster care and the young people are offered the opportunity to choose group activities. The Fostering Support worker's time is split between the Fostering Service and the Adolescent Support Unit (ASU) where she ensures that young people who can benefit from ASU activities are able to access them. Some young people also enjoy short breaks at ASU.

VOICE Group

The VOICE group meets every month at Knott Street Community Centre and the majority of children who attend are in foster care. This venue was chosen as the facilities allow part of each session to be activity-based. The members of the group have been involved in a number of consultation activities to inform and shape services. They have also been involved in a research project with Lancaster University to design tools to improve how adults communicate with children and young people. VOICE members continue to attend Children & Young People Scrutiny Committee and Corporate Parenting Specialist Advisory Group, when appropriate.

The Participation Strategic Framework has been published, which covers all young people, not just vulnerable children and young people. The priorities are linked to the Looked After Children Strategy.

Some children in foster care are trained to interview as part of the staff recruitment process, giving them the skills and confidence to interview two children in foster care and two Care Leavers attend The Collaborate Project, to influence the Centre for Children & Young People's Participation Seminar Series.

There is a Care Leavers Forum that is well attended. A number of young people have undertaken Peer Mentoring training and are mentoring others through the 'Getting Ready for Adult Life' pack. Additionally, a Young Advisors Group which a number of care leavers attend has been working on a project on the impact of social media on young people. Members of the group have delivered Total Respect training to a multiagency audience of practitioners, Councillors and foster carers.

Transitions

Children and young people in foster care are supported to make a positive transition to adult life and foster carers attend training on 'Transitions' which focuses on their role in developing young people's skills to live independently as they progress towards adulthood. The Children in Our Care Team and the Fostering Team encourage carers and young people to consider 'staying put' and the Leaving Care Service also delivers courses for foster carers to develop their understanding of this. The training has been positively evaluated by carers and most indicate a willingness to work with 'staying put'. Although finance causes carers the most concern, some are willing to receive Housing Benefit as part of their financial package and will consider changing their status to landlord. In Quarter 3, 1 young person's Staying Put arrangement changed to short breaks from University and one new Staying Put arrangement commenced. The Leaving Care Service attended a number of reviews to discuss Staying Put with foster carers for young people aged 17 years, who will turn 18 in 2018. The Service has also started some work to develop a 'staying close' option, which may be more suitable for a number of care leavers.

The Leaving Care Service has achieved an increase in the number of supported lodgings providers this year, which increases choice for young people leaving foster care and residential placements in favour of semi independence. Participation levels continue to be good with young people delivering the Total Respect training and training for foster carers.

Young people are allocated a Leaving Care Worker at the age of 15½ years. Caseloads have increased recently and are unlikely to reduce in the future due to the ruling that care leavers can remain open post-21 years.

Care Planning

The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015 provide a revised definition of 'permanence' for Children Looked After including for the first time the definition of a long term foster placement. The responsibilities of the Local Authority in assessing the ability of the foster carer to meet the needs of the child now and in the future, and identifying any support services needed to achieve this are also set out. Local Authorities are required to achieve long term matching within reasonable timescales. The Regulations introduce new duties for ceasing to look after a child.

The Fostering Service

During Quarter 3, one manager went off for planned surgery, followed by the second manager, who has yet to return to work. The Advanced Practitioner stepped up to Team Manager to cover the role and remains in situ. This has meant that during Quarter 3 there was no Advanced Practitioner to provide advice and support for social workers completing viability assessments, family and friends assessments and Special Guardianship assessments, which has an impact on social workers in other teams.

Foster Carer Resource

	Total number of foster carers	Mainstream	Short breaks carers	Family and Friends carers
Quarter 1 2017/18	131	81	15	35
Quarter 2 2017/18	112	78	14	20
Quarter 3 2017/18	139	80	12	47

The number of mainstream foster carers increased slightly as a result of 2 new approvals during the Quarter. The number of family and friends carers increased significantly and boosted the overall number of foster carers. This is a continuing trend, which has implications for the nature of the work of the Service and the Fostering Panel. The capacity of the Service to absorb this increase has become very stretched.

Matching and Ethnicity

The only non-cultural placement made over Quarter 3 was a sibling group of 5 white British children, who were placed with two separate Asian fostering households.

Foster Carer Recruitment

In November, the Service started some low level Google Ads to ensure consistent visibility when people search for fostering services in the area. Social media posts included one about fostering myths, covering the top reasons people believe they cannot foster.

Adverts were placed in 2 publications that were chosen due to their audience having more of a propensity to foster (according to research), namely Police Life Magazine and the Caravan Club Magazine for the North West. This is a full page glossy advert that will run throughout the year but will change each quarter to keep the advert fresh whilst retaining the identity of it to maintain trust with the reader. Police Life Magazine ran in December 2017 and was available online as well as in print.

An advert placed in Quarter 3 is still on air with 2BR radio.

The Let's Foster website saw an increase of 53% page views from the previous quarter and an increase of 90% new sessions. Social media has seen an increase of 21 likes/followers on the Facebook page. Twitter saw an increase of 19 followers with 709 page visits and 7981 impressions.

Sharing positive messages from trusted sources proved popular with followers. An article from the Guardian gave the page 64 new website visits.

Initial enquiries

In Quarter 3, the Service had 67 enquiries leading to 14 expressions of interest. 16 of these enquiries were from the You Can Foster campaign with the remaining 51 from social media and Google ads. An increase in the use of social media advertising and content has been driving traffic to the Let's Foster and You Can Foster websites leading to 16 You Can Foster enquiries.

Assessments and Approvals

At the end of Quarter 3, there were 11 sets of prospective carers in assessment of which 8 families were at Stage 1 and 3 families at Stage 2. 2 carers have also been approved this Quarter.

Regional Campaign

The regional 'You Can Foster' recruitment campaign has been live since September 2016 and has helped generate enquiries via the You Can Foster website.

Fostering Service Managers and the new Recruitment and Marketing Officer have been involved in the development of this campaign to ensure that Blackburn with Darwen Borough Council derives full benefit. The campaign is prioritising recruitment at a local level through the targeting of P.R., digital marketing and additional local activity. Discussions are currently taking place to further develop this campaign dependent on collaborative funding and working from Local Authorities.

Foster Carer Retention

During Quarter 3, there were 9 resignations including five mainstream carers and four family and friends. There was 1 deregistration of a family and friends foster carer.

Reasons for resignation include 2 placement breakdowns (family and friends), an allegation, the making of SGOs, an emigration, a young person becoming 18, a placement no longer being required, illness, and one carer resigned due to a lack of baby placements (approved for baby placements only).

Assessment

Statutory guidance for fostering assessments is that they should be completed within 8 months, a timescale that is generally achieved. The quality of assessments remains good and is monitored by the Fostering Panel.

Foster Carer

The Foster Carer training programme currently provides a range of training courses covering the Mandatory Fostering Standards, specialist training on relevant topics, safeguarding training, Health and Safety training and Support Groups for carers.

The new conference style training is delivering more focused learning for carers, which is specifically tailored to their requirements and allows them to attend one training day and cover multiple topics.

In Quarter 3, one conference and one support group session were arranged. The conference was unfortunately cancelled at short notice because of an unavoidable issue with the trainer, this is to be rearranged. The support group was reasonably well attended.

There are a number of training conferences scheduled for Quarter 4 and a Fostering Forum in March 2018 when carers have the opportunity to feedback on the content and quality of training courses. In addition, Paediatric First Aid will be delivered a number of times to ensure that all carers can attend.

Fostering Panel

The relatively new Panel Chair and Panel Advisor are both developing well in these roles. The Panel has continued to function effectively.

Panel Business

The Panel continues to be presented with highly complex family and friends assessments. The assessments have continued to be robust despite the very short timescales required by the courts. Quality assurance by the Panel indicates that social workers present well to the Fostering Panel in terms of both their verbal and written submissions.

SGO (Special Guardianship Order) reports are now also presented to the Fostering rather than Adoption Panel to continue to provide a robust approach to these assessments. The Adoption Service which is now part of the Regional Adoption Agency does not deal with SGOs.

The Fostering Panel central membership list needs to increase due to the loss of the health representative and a number of social workers. Requests have gone out to social work teams to increase social work representation for both the Fostering Panel and Annual Review Panel.

Review Panel

During Quarter 3, 21 foster carer reviews were presented to the Panel. 11 of these were attended by foster carers and 7 carers completed evaluation forms. 6 carers made positive comments though 1 indicated that they were disappointed that the invitation and paperwork arrived late.

Complaints

There have been no complaints reported in the Quarter though one foster carer raised concerns about contact, which is presently being explored.

Compliments

Supervising social workers continue to receive positive feedback in the foster carer's feedback form for reviews. A letter provided by a family and friends foster carer praised and complimented the supervising social worker and fostering support worker.

Allegations

There were three allegations in Quarter 3.

The first involved concerns about a child witnessing extreme religious beliefs. The allegation was dealt with in line with fostering procedures and was unsubstantiated. A number of recommendations were agreed to support the young person and the carers. The carers review will be presented to the January 2018 Fostering Panel.

The second occurred when a Children's Guardian reported concerns about inappropriate contact and the carers' alcohol intake. The concerns were followed up and the foster carers review was presented to the December 2018 Fostering Panel with a recommendation of de-registration, which was unanimously agreed by the Fostering Panel.

The final allegation involved a carer providing incorrect information about the child's medication to a short break provider. This was fully investigated and a strategy meeting held. The allegation was substantiated and a number of safeguarding measures were agreed. The carer's review is to be presented to the February 2018 Fostering Panel.

Specific Incidents and Restraints (including Bullying, Serious Illnesses and Accidents)

7 Specific Incidents were noted in Quarter 3. One of these was a minor contact situation that was managed and resolved. Another incident involved the police because of risks to the children in placement posed by the birth family and resulted in a placement move out of the area. There were two missing from home incidents by the same young person that were managed and resulted in them returning to placement safe and well. Additionally, a minor accident led to a visit to Accident and Emergency and an incident occurred where a young person had been drinking and became very challenging. The last incident was caused by a birth mother turning up at the foster carers' address and resulted in the children and carers having to move to alternative accommodation until the children moved to their adoptive placement.

Offending by Children and Young People in Foster Care

No young people in foster care were involved with the police or Criminal Courts in Quarter 3.

Missing From Home

There were 8 missing from home incidents involving 5 young people in foster care in Quarter 3.

Three incidents involving 3 separate young people were managed in line with procedures with no further missing from home incidents and no further risks identified.

Three incidents involved a young adult, who disengaged from his foster placement and began to abscond to his birth family. Assessments were undertaken and it was agreed for this young man to move to a supported lodgings placement which was more appropriate to his needs. No concerns were raised over the foster carers and placement.

The remaining two incidents involved a young person, who was in a placement that was on the brink of disruption. The young person had disengaged from the placement and started absconding and placing herself at risk. A decision was made for her to move to an alternative placement, which is expected to happen imminently. There are no concerns with the foster carers' management of the missing from home incidents; however, a disruption meeting will be held to determine what can be learnt from these events.

Exemptions

Exemptions have to be made when 4 or more children reside in the same foster placement. They are overseen by the Service Leader and by the Fostering Panel.

There have been four exemptions over the Quarter including one new exemption from an independent agency with a carer residing in Blackburn with Darwen. Three exemptions have continued from the previous Quarter and been reviewed at the Fostering Panel.

Engagement with Foster Carers

Blackburn with Darwen has a Foster Carer Association (FCA), which meets regularly and has an Elected Committee. Members of the Committee meet senior managers and the Executive Member on a quarterly basis. The Chair of the FCA sits on the Corporate Parenting Specialist Advisory Group. The FCA has its own website, which has been increasingly used to communicate messages and news. A forum to consult foster carers on a range of issues is held twice a year. A forum was scheduled in Quarter 3 but unfortunately had to be cancelled due to sickness. This is now scheduled for March 2018.

All foster carers are provided with membership of the Fostering Network and foster carers also have access to independent support commissioned from the Fostering Network to provide support and advocacy services in the event of complaints or allegations.

A small group of foster carers are recruitment champions helping to drive recruitment forward and are involved with the planning of events, Skills to Foster preparation training, manning recruitment stands and events.

Family and Friends Foster Care

During Quarter 3, there were 7 new approvals of family and friends foster carers. However, 2 of these households resigned fairly quickly after obtaining SGOs and one was de-registered due to concerns around the placement.

There has been a steady increase in the number of family and friends assessments completed by the Service. During the Quarter, the Service completed 17 Regulation 24 placements compared to 12 in the previous Quarter and 14 combined SGO and family and friends assessments, one more than in the last Quarter. In total, 31 assessments were completed in the Quarter, an increase of 6 assessments in total. The continuing increase in family and friends assessment work has increased pressure on the Service with all staff working to full or over capacity.

There has been an increase in the number of assessments being presented to the Panel with a negative recommendation. This is a concern given service pressures and there has been some discussion about shifting some additional social work resource into the Fostering Service so that viability assessment work currently completed by safeguarding social workers becomes the responsibility of the Fostering Service where there is more expertise in this area of work.

In Quarter 3, the Advanced Practitioner covered the Team Manager role the impact of which is that there has been less support for social workers completing viability assessments resulting in negative and unnecessary assessments being undertaken. There has been less collaborative work with the Assessment and Safeguarding Team, which has impacted on the quality of assessment work.

Short Break Foster Care

There are currently 12 short break foster carers providing short breaks to 13 children, who are either living at home or in long term foster placements. Two short break carers currently have no children in placement, one of these carers is being considered to support the Adolescent Support Unit.

During the Quarter, 5 new referrals were made for short breaks. Three siblings who needed to be placed outside of the area accessed short breaks foster care as an emergency. Another placement was used for one night until the young person moved to an independent unit and another offer of regular short breaks was declined by a parent as they no longer needed this support.

Training / Staff

All staff members have individual training and a development plan, which is linked to their annual appraisal and monitored during monthly supervision.

Placement Stability

The Department uses a definition of placement stability based on 3 or more placements in a 12 month period that is calculated on a cumulative basis over the year. The average for England is measured against the figures for 2013/14 when it was 10.7%; the comparable authority percentage for the same year was 10.1%. During Quarter 3, placement stability dipped compared to the same period 12 months ago; however, placement stability continues to be better than the national average for England.

	April	May	June	July	Aug	Sept	Oct	Nov	Dec
LAC with 3 or more placements	0	0	8	9	16	16	22	26	24
Total number of LAC	367	370	363	375	371	380	394	395	384
% Stability of LAC placements 2017/18	0%	0%	2.2%	2.4%	4.3%	4.2%	5.6%	6.6%	6.3%
% Stability of LAC placements 2016/17	1.4%	1.4%	2.3%	2.6%	3.1%	3.3%	3.8%	4.1%	4.4%

Disruption meetings are held in order to identify learning and inform future planning for any child whose placement has been disrupted. A number of managers across Children's Services have been trained to chair these meetings.

Fostering Support

There were no new referrals in Quarter 3 but emergency short break support at Lytham Road was requested for a young person whose long term foster placement had broken down.

Three Young People closed to Fostering Support in Quarter 3. A sibling group of two closed due to lack of engagement. One young person closed when they moved to an agency residential placement.

The Saturday Club for 8 to 12 year olds has recently changed venue and continued to receive positive feedback from the children who attend. 10 children attend regularly. Sessions in Quarter 3 included Christmas arts and crafts, Christmas baking, breakfast with Santa and making Chinese lanterns to celebrate Chinese New Year.

Feedback from Foster Carers and Young People:

'The activities and outings she does with B are fantastic for his confidence and self-esteem as he struggles greatly in making friends'. (Foster carer)

'Having the support from L and the ASU is helping us as a fostering family but most of all it helps B'. (Foster carer)

'I really enjoyed the group we did, I liked all the young people that came, I would like to do some more of this'. (Young person)

Commissioned Placements

The number of fostering and residential commissioned placements increased overall by 1 placement from Quarter 2 to Quarter 3. However, as there was a significant increase during Quarter 2 compared to Quarter 1, the numbers remain high.

End of Quarter 1	End of Quarter 2	End of Quarter 3
Independent Agency Residential Placements - 18	Independent Agency Residential Placements - 25	Independent Agency Residential Placements – 24
Independent Agency Fostering Placements - 49	Independent Agency Fostering Placements - 52	Independent Agency Fostering Placements – 54

As the numbers of children coming into the care system across the North West region has increased, there is a significant pressure on the availability of all types of placement. There is a particular shortage of fostering placements as local authorities are all struggling to recruit carers for priority groups causing an over-reliance on independent fostering agencies, who faced a reduction of 8.1% of households in 2017. The availability of placements via independent agencies in both the fostering and residential sectors is also under great pressure with some agencies reporting that they are receiving around 100 referrals a day, a demand which is impossible to meet. Some older children are being placed through necessity in the residential sector when a foster placement would better meet their needs.

Budget

Current placement pressures in-house and across the independent fostering agency landscape is placing the commissioning budget under great pressure as increasingly adolescents are pushed into costly residential placements due to the lack of foster placements across the region.

Priorities for 2017/18

1. To recruit to the new Marketing and Recruitment Officer role and develop a new recruitment strategy for the year ahead. The recruitment of carers for older children, complex needs and parent-child placements remains the priority.
Quarter 3 update – The work of the appointee is now beginning to take effect. Public interest in the Service’s social media activity has increased and the number progressing to initial enquiry stage has improved.

2. Team development – the Team has a number of new Supervising Social Workers. The nature of the work in Fostering has changed significantly from that of assessing and supervising mainstream carers to Family and Friends work.
Quarter 3 Update – the Team Development day scheduled for Quarter 2 was delayed and will now take place later in the year. 2 newly qualified social workers have a protected caseload to enable them to develop their knowledge and skills. Skills in family and friends assessments are developing across the whole Service.

3. Engaging with foster carers – whilst the FCA is an active body, there are a large number of additional carers with whom the Service needs to engage and communicate. The Service needs to develop a more effective communication strategy for ensuring that all carers can be kept up to date with developments, messages and opportunities to be more involved with the Service. This will include the further development of the regular Fostering Forum.
Quarter 3 Update – The Director of Children’s Services, Executive Member and Service Leader met with the FCA Committee during Quarter 3 but a Fostering Forum scheduled for November 2017 had to be cancelled due to sickness in the fostering management team. This is now scheduled for March 2018. The Service is increasingly using e mail to communicate with carers on a range of issues. There is more work to do on this priority.

4. Continue to meet the training needs of all foster carers ensuring that all carers attend mandatory training in particular.
Quarter 3 Update – In Quarter 3, it was agreed to review mandatory training and further develop e learning programmes for foster carers. It was agreed to re-establish the foster carer training steering group to support changes to the programme for 2018/19. This work is ongoing.

5. To continue to develop the Fostering Support Service to help maintain good placement stability rates. This will include the recruitment of additional short breaks foster carers who can also contribute to keeping the number of children and young people entering the care system as low as possible.
Quarter 3 Update - The Fostering Support Service continues to support fragile placements with activities and short breaks for a number of young people, and consultation and advice for carers via Revive, ASU, supervising social workers and other professionals. Recruitment of short breaks carers is ongoing.

6. Link fostering into the Adolescent Strategy alongside residential services and consider creative ways to improve placement sufficiency for adolescents.
Quarter 3 Update – A review of adolescent services is under way.

7. Continue to monitor compliance with Fostering Regulations and Standards.
Quarter 3 Update – Monthly auditing of case files continues and the Fostering Service managers quality assure Panel reports, assessments and reviews.

Alyson Hanson
Service Leader, Placement Services
29th January 2018

Blackburn with Darwen SIF Inspection Action Plan

Inspection date: 25th September – 19th October 2017

Action	Lead Officer	Timescales	Progress/Comments	Completed
1. Ensure that all assessments are timely and updated to reflect changes in the children's lives, and to take account of their history and identity needs.				
Key success indicators: all assessments are completed within timescales (unless there is a good reason not), and are updated at significant events as measured through performance data and audits. Assessments clearly evidence analysis of historical information and acknowledge identity.				
a. Review and relaunch What Does Good Look Like (WDGLL) Guidance to incorporate more specific guidance relating to assessments and plans.	Head of Social Work Service	January 2018	Initial conclusion from the recent audit of assessments and plans is that specific guidance around areas of current deficiency should be referenced in WDGLL, but not explicitly covered.	
b. Further review the assessment procedure regarding re-assessment and points at which to consider update	Principal Social Worker	February 2018		
c. Develop an academy approach to the induction of new staff	Principal Social Worker; Lead HR Consultant, Workforce Development	February 2018		
d. Best Practice team to deliver mandatory training	Principal Social Worker	March 2018	Workshops are ongoing around assessments, additional needs linked to identity and risk training. A more targeted approach will be undertaken.	
e. Mandatory workshop for managers and Independent Reviewing Officers (IROs)	Principal Social Worker	February 2018	Managers approve all assessments, refresher training needed to ensure there is consistency around what a good assessment should look like.	
2. Ensure that children's plans contain clear actions, timescales and outcomes, and that actions are progressed effectively to avoid drift and delay for the child.				
Key success indicators: audits confirm that plans meet the required standard.				
a. Revise format of plan	Head of Social Work Service	January 2018	A new draft plan structure has been developed.	
b. Train social workers on new plan format	Principal Social Worker	February 2018	Timescales depend on implementation of the above	

Action	Lead Officer	Timescales	Progress/Comments	Completed
c. Deliver mandatory training to managers and IROs around plans	Principal Social Worker	February 2018		
d. Ensure senior management/IRO oversight of all plans	Service Leads; Independent Reviewing Officers	December 2017	Formal Children in Need (CIN) tracking processes were introduced in December to oversee CIN plans.	
3. Ensure that the transition arrangements for disabled children are focused on the needs of the individual child and that clear plans are in place well before their 18th birthday.				
Key success indicators: audits identify that children are receiving the services they need to meet their needs when they turn 18 (with no delay); young people and families report that they are happy with their transitions arrangements.				
a. Establish a multi-agency focus group to review transitions and consider timing of an earlier transition point	Service Lead, Children in our Care (CIOC), Children with Disabilities (CwD) and Leaving Care	January 2018	A small working group has been established to agree process, develop procedures and consider a dedicated post for transitions.	
b. Develop clear procedure, outlining expectations	Service Lead, CIOC, CwD and Leaving Care; Service Lead, Specialist Services (Adults Social Care)	February 2018		
c. Develop Memorandum of Understanding between DCS, Director of Adult Social Services (DASS) and Clinical Commissioning Group (CCG)	Director of Children's Services	April 2018		
4. Improve the quality and timeliness of pre-proceedings work, particularly in relation to chronic neglect, and ensure that monitoring systems are in place to prevent delay.				
Key success indicators: Pre-proceedings work is timely and any exceptions are clearly understood and reviewed on a regular bases by senior management; audits by senior management, IROs and the DCS do not find issues of drift and delay.				
a. Re-launch the Neglect Strategy	Head of Social Work Service; Principal Social Worker	January 2018	Strategy drafted and scheduled for Local Safeguarding Children Board (LSCB) and Children's Partnership Board (CPB) in in January 2018.	
b. LSCB to have closer line of sight to practice	LSCB Chair	Page 34 of 98	The case of concern that was referred in during the SIF	January 2018

Action	Lead Officer	Timescales	Progress/Comments	Completed
around neglect			inspection has been referred in to the LSCB for a Multi-Agency Concise Review, to provide an opportunity for learning across the partnership. In January 2018, it was agreed by the LSCB that this will be a priority area.	
c. Introduce formal tracking systems for CIN and Public Law Outline (PLO) cases	Head of Social Work Service; Head of Service, Policy Planning & Performance	November 2017	Formal Public Law Outline (PLO) tracking processes were introduced in October 2017, supported by the Social Work Team Support Officer (SWTSO). It has been agreed that pre-proceedings cannot exceed 14 weeks without agreement from Head of Service. CIN tracking systems were implemented in November. Both of these processes are under close scrutiny and will be refined as needed during this initial period.	November 2017
d. Ensure families have an offer of Family Group Conferencing (FGC) either prior to or in pre-proceedings	Service Lead, Early Intervention & Prevention	December 2017	All staff now aware of the need for an early offer of FGC.	
e. Create capacity within the fostering service to undertake more timely assessments of connected others,	Head of Social Work Service	January 2018	Proposals have been prepared and Corporate approval is being sought to implement, these have been escalated to the DCS (January 2018) for a speedy resolution.	
f. Ensure that where children are experiencing neglect that all assessments are underpinned by the graded care profile tool	Principal Social Worker	November 2017	Training will continue to be mandated and support by Advanced Practitioners. Quality Assurance activity will be undertaken to evidence impact.	November 2017
g. Greater evidence of direct work within pre-proceedings, informing future planning	Head of Social Work Service	January 2018	Service Leads now attend all care planning meetings. Considering use of Document Management System (DMS) to uploaded direct work on to Protocol.	
h. Review reporting of this area to ensure greater visibility	Head of Service, Policy Planning & Performance; Head of Social Work	October 2017 - February 2018	Reporting of children subject to Public Law Outline work now captured in the weekly reports provided to managers, Service Leads and Heads of Service.	

Action	Lead Officer	Timescales	Progress/Comments	Completed
	Service			
i. Increase senior management oversight	Service Lead, Review & Quality	January 2018	Service Lead for Review & Quality (R&Q) to review all Child Protection Plan (CP) cases one month prior to the 3 rd review conference, providing a written report to the Head of Service (HoS) to ensure senior management oversight, and recorded on child's records.	
j. Increase DCS line of sight to front line practice in this area	Director of Children's Services	January 2018	Tier 3 audits – held fortnightly by the DCS - will be re-focused on pre-proceeding cases.	
5. Ensure that life-story work and later-life letters are available for children looked after to assist each child's understanding of their history and plan for their future.				
Key success indicators: Audits of children's case files evidence good quality life story work completed at the appropriate point.				
a. Review support materials available	Head of Social Work Service	December 2017	Comprehensive materials are available however it was identified that the procedure needed to be more explicit on expectations around recording of direct work; this has been added <u>as</u> a separate action.	December 2017
b. Review policy	Principal Social Worker	February 2018	Meeting held in January to review policy; agreed to reinstate the Life story virtual team – first meeting to take place in February. Policy needs to be amended to include the role of the virtual team in quality assuring life story work.	
c. Relaunch revised policy to all staff	Principal Social Worker	February/ March 2018	The policy will be relaunched via team briefs in February/March, pending completion of the policy review.	
d. Deliver life story workshops	Principal Social Worker	March 2018	The virtual team will deliver a series of refresher workshops following the re-launch of the policy.	
6. Ensure that personal education plans for children looked after involve children and young people and are specific about targets and achievements, and that the impact of pupil premium funds is monitored and used to best effect.				
Key success indicators: All looked after children have a PEP which is reviewed each term; high quality Personal Education Plans (PEPs) are seen in termly audits; regular analysis of pupil premium funding is undertaken and reported to the Virtual School Governing Body.				
a. Review PEP format	Virtual Headteacher	September 2017	New annual format of PEP ensures that targets from previous term(s) are monitored and providing greater oversight. The new PEP format was implemented in September 2017.	September 2017

Action	Lead Officer	Timescales	Progress/Comments	Completed
b. Review Children in our care (CIOC) Pupil Premium Plus policy, engaging all stakeholders to ensure a common understanding and consistent approach	Virtual Head	March 2018		
c. Virtual School to offer mandatory training for practitioners in relation to PEPs and Pupil Premium plus (PP+).	Virtual School	November 2017	Training is already available; additional termly training on target setting has been added to the training plan and will be a recurring event.	November 2017
d. Deliver mandatory training for social workers	Virtual Head	March 2018		
e. Build capacity within the Virtual School for monitoring use and impact of PP+ and ensuring compliance and quality within PEPs.	Virtual Head	March 2018	The Virtual School Headteacher is recruiting a PEP Co-ordinator who will scrutinise target setting, amongst other things (the successful candidate will be a qualified teacher; this is the standard role/function in other local authorities). This will be funded through Pupil Premium funding. There have been delays in getting the post approved – this will be escalated however additional options are also being considered (January 2018).	
f. Review recording of PEPs	Virtual Head; Service Lead, Quality Assurance (QA), Inspections & Systems	March 2018	PEPs are not recorded on the Protocol recording system; this will be reviewed to understand whether a move to Protocol and development of a Professional Portal would improve completion rate and quality of PEPs.	
7. Improve work experience and apprenticeship opportunities for care leavers.				
Key success indicators: increased number of care leavers in education, employment and training (EET).				
a. Ensure Employment and Skills Strategy includes provision for additional support to care leavers within the Council.	HR & Workforce Strategy Manager	January 2018	Strategy has been updated to explicitly reference care leavers as a priority: <i>5.1 We will develop new strategies to support care leavers into employment.</i>	January 2018
b. Influence external partner organisations to consider creation of employment opportunities for care leavers.	Chief Executive; Director of Children's Services; HR & Workforce Strategy Manager	April 2018	Work with partners via Blackburn with Darwen Employment and Skills Board, to generate more opportunities that will appeal to care leavers and meet their needs. Report to Board to be prepared and presented by Harry Catherall.	
c. Short, time limited task and finish group to	HR & Workforce	January 2018	Project Group to meet <u>on</u> 30.1.18 to develop	

Action	Lead Officer	Timescales	Progress/Comments	Completed
be established specifically to consider apprenticeship opportunities for care leavers and the resource and support requirements necessary to ensure success and equality of opportunity.	Strategy Manager		recommendations for Children's SLT meeting within the Children's Change Programme remit.	
d. Increase offer of supported internships for pupils with Education, Health and Care Plans (EHCPs)	HR & Workforce Strategy Manager	March 2018	Also consider creation of supported internships for young people with SEND (but not necessarily EHCP). Systems and processes will need to be in place to ensure appropriate support and payment options are in place.	
8. Ensure that supervision for all staff is both regular and reflective, and promotes high-quality social work practice.				
Key success indicators: good quality supervision records; staff report feeling supported by their managers; no drift identified.				
a. Improve recording of personal supervisions	Head of Social Work Service; Principal Social Worker	January 2018	Head of Service has reviewed policy and established that the model is appropriate, the main issue lies in capacity - personal supervisions not being completed and/or recorded.	
b. Complete observations of supervision	Head of Social Work Service; Service Leads	February 2018	Template under development for Service Leads to report on the supervisions undertaken by their team managers.	
c. Consider how supervision is monitored and reported at a senior level	Head of Service, Planning, Performance & Commissioning	January 2018	Need to consider compliance data combined with qualitative auditing to understand whether quality of supervision is driving improvements for children	
9. Ensure that the performance monitoring framework analyses and reports on children's individual experiences, as well as the compliance of the activity undertaken by social workers.				
Key success indicators: Performance framework provides more child level data to enable managers to drill down into key areas; audits that focus on areas that matter most to our children and young people.				
a. Review performance framework – reports provided, indicators routinely included/analysed	Head of Service, Planning, Performance & Commissioning	June 2018	Refinement of weekly, monthly and quarterly reporting has begun - slimming down the monthly report. Further discussions w/b 8/1/18	
b. Development of a tracker for children and young people from the cusp of care to permanence	Head of Service, Planning, Performance &	April 2018	Tracker for cases in pre-proceedings created and being used and refined (see 4c)	

Action	Lead Officer	Timescales	Progress/Comments	Completed
	Commissioning			
c. Identify additional resource to increase reporting capacity	Head of Service, Planning, Performance & Commissioning	April 2018	Need for additional capacity to be factored into wider review of department structures (Jan to March 2018).	
d. Review QA framework	Service Lead, QA, Inspections & Systems	January 2018	QA Audit programme needs refocusing, less on compliance and more on the child's lived experience. It will also include young people as part of the audit activity – both as auditor and also how we can increase their input through use of technology. A focus group with young people, seeking their feedback on what matters most to them and what they want us to focus on, is being planned for February/March.	



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Children's Services
LEAD OFFICERS:	Director of Children's Services
DATE:	8 March 2018

PORTFOLIO/S AFFECTED: Children's Services

WARD/S AFFECTED: All

KEY DECISION: YES ☐ NO ☒

SUBJECT: Ofsted Inspection Action Plan

1. EXECUTIVE SUMMARY

As reported to Full Council on 25th January 2018, the Council's recent Ofsted inspection resulted in nine recommendations being made with a further 3 recommendations in respect of the Local Safeguarding Children Board (LSCB).

The action plan has been submitted to Ofsted in line with their inspection framework and will continue to be monitored by Ofsted, with the next meeting between the Director of Children's Services (DCS) and Ofsted scheduled to take place in March 2018. The LSCB is not under any requirement to share its plan with Ofsted nor is it subject to the same ongoing discussions with Ofsted with regard to progress.

The version of the action plan shared with this report is the original plan submitted to Ofsted; this plan is monitored by the Children's Services Senior Leadership Team (SLT) and updated on a regular basis.

2. RECOMMENDATIONS

That the Executive Board:

- Note the contents of the action plan
- Note that progress against the action plan will be overseen by the Children's Overview & Scrutiny Committee, who may choose to delegate relevant aspects of this responsibility to the Corporate Parenting Specialist Advisory Group as appropriate.
- Note that a further update report on progress will be shared with the Executive Board later in the year.

3. BACKGROUND

The Council's recent Ofsted inspection, completed as part of Ofsted's Single Inspection Framework (SIF), took place between 25th September and 19th October 2017 and was published on 8th December

2017.

Inspectors judged the following areas:

- Children's Services overall **(good)**
- The experiences and progress of children who need help and protection **(requires improvement)**
- The experiences and progress of children looked after and achieving permanence **(good)**
 - Adoption performance **(good)**
 - The experience and progress of care leavers **(good)**
- Leadership, management and governance **(good)**

There is a separate judgement for the Local Safeguarding Children Board, which was also judged to be good.

Following the publication of the report, the Local Authority is expected to produce an action plan in response to their recommendations and share this with Ofsted and the Secretary of State. Progress against the action plan will be monitored externally through meetings between Ofsted and the Director of Children's Services, and through any other Ofsted inspections that subsequently take place.

4. KEY ISSUES & RISKS

The attached plan shows the proposed actions that will be taken in respect of each recommendation, along with the title of the responsible Lead Officer, the anticipated completion date and comments as to progress.

Some of the actions have already been completed. The version of the action plan provided is that submitted to Ofsted; further progress has been made and detail on progress against the action plan will be overseen over the coming year by the Children's Overview & Scrutiny Committee, with delegation of the relevant aspects of this responsibility to the Corporate Parenting Specialist Advisory Group as appropriate.

A further update report on progress will be shared with the Executive Board later in the year.

5. POLICY IMPLICATIONS

A number of policies will be reviewed as part of our response and policy changes will be approved appropriately.

6. FINANCIAL IMPLICATIONS

There are no direct immediate financial implications arising from this report, however as the work in response to the inspection continues, any impact on resource and/or financial implications will be discussed and approved appropriately.

7. LEGAL IMPLICATIONS

There are no legal implications arising from publication of this report.

8. RESOURCE IMPLICATIONS

Implementation of the recommendations will impact on resource, however the detail will be scoped out separately with the appropriate approvals gained before implementation.

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

Consultation sessions have been held with staff throughout January to ensure that they are fully briefed on the inspection and our response.

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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CONTACT OFFICER:	Beth Speak, Service Lead – Quality Assurance, Inspections, Systems & Sector Led Improvement
DATE:	09/02/2018
BACKGROUND PAPER:	Ofsted SIF Inspection Action Plan (attached)



EXECUTIVE BOARD DECISION

REPORT OF: Executive Member for Resources and Executive Member for Neighbourhoods and Prevention Services

LEAD OFFICER: Director of Legal, HR and Corporate Services

DATE: 8th February 2018

PORTFOLIO/S AFFECTED: All

WARD/S AFFECTED: All

KEY DECISION: YES ☐ NO ☒

SUBJECT: Managing Unauthorised Encampments/Sites Protocol

1. EXECUTIVE SUMMARY

To seek the Executive Board's approval of the reviewed and updated joint protocol for managing and dealing with unauthorised traveller encampments in the borough.

2. RECOMMENDATIONS

- 2.1 To approve the updated multi-agency protocol for dealing with unauthorised encampments.
- 2.2 To delegate further reviews and minor amendments to the Director of Legal, HR and Corporate Services, in consultation with the Executive Members.

3. BACKGROUND

Since 2011/12 Pennine Lancashire has experienced a sharp rise in unauthorised encampments. This has resulted in significant cost to local authorities and other resources e.g. policing. Private landowners, businesses and local morale can also be affected.

Via a PLACE meeting, BWDC encouraged the facilitation of a meeting with other authorities and constabulary partners to explore finding solutions.

Following a number of meetings a protocol was produced using Rossendale Borough Council's strategy as a starting point. This provides a clear methodology and consistent approach to dealing with traveller encampments.

This protocol was approved by Executive Board in September 2015 and has recently been reviewed and updated with minor amendments.

Rationale

To ensure that dealing with unauthorised encampments is undertaken in a fair, systematic and

consistent way and that the settled community is kept informed of developments.

A multi-agency response will be more effective and consistent in dealing with unauthorised encampments.

The tools in the protocol make clear which agency has responsibility in the relevant area.

The tools will ensure that the needs of the travelling community as well as the settled community are met in a fair and consistent way

4. KEY ISSUES

The protocol clarifies our powers to deal with illegal encampments. The protocol has not resolved the whole issue of illegal encampments but it has assisted in reducing workloads and speeding up the process.

The Pennine Lancashire Division of the Lancashire Constabulary have been consulted during the review and update of the protocol.

The only main changes to the protocol have been in relation to a job title, the agencies to contact at Appendix 5 and welfare assessment reporting. Accordingly the amendments are not extensive.

Travellers are protected by law from racial discrimination under Equalities and Human Rights legislation. Their welfare must always be considered when deciding whether to arrange removal from a site.

This protocol sets out a coordinated partnership approach between Capita Property Management and the Council .It commences immediately upon notification of an encampment and covers all actions required, through to clearing any waste off the land as necessary, following possession. There is liaison with the police on every occasion as well as communication with ward Councillors and the switch board etc. to promote intranet/internet update coverage.

The protocol explains the process of notification and options, ensuring the correct legal procedure is followed to arrange removal of travellers and repossession of Council owned land, as appropriate. Roles and responsibilities are clearly set out and a brief overview is provided to signpost private land owners, should travellers set up an encampment on non council owned property. There are also precedent forms included within the document

5. POLICY IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

Possible minor costs regarding the provision of welfare and skip facilities on the site. Any costs would need to be monitored closely as currently there is no specific budget provision. Compensatory savings on other services would be investigated but if appropriate, recovery action would be sought in accordance with the Code of Conduct

7. LEGAL IMPLICATIONS

The legal issues are outlined in the attached protocol and body of this report.

8. RESOURCE IMPLICATIONS

This protocol will be administered within existing resources. It is aimed at streamlining the procedure for dealing with illegal encampments, thus reducing workloads and costs, whilst speeding up the process

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)

The link below is to the previous EIA undertaken in 2015, when the Protocol was first approved.

<http://www.blackburn.gov.uk/General%20EIA/RT6ManagingUnauthorisedEncampments.pdf>

10. CONSULTATIONS

Consultation has taken place with the Pennine Lancashire Division of the Lancashire Constabulary and relevant officers who deal with administering the protocol at the Council and Capita.

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.

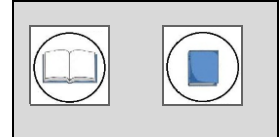
12. DECLARATION OF INTEREST

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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CONTACT OFFICER:	Sian Roxborough
DATE:	2 nd January 2018
BACKGROUND PAPER:	



Blackburn with Darwen Borough Council

Managing Unauthorised Encampments / Sites Protocol

February 2018

Responsible Section/Team	Legal Services	Version/Status	3.0
Responsible Author	Sian Roxborough	Due for Review	January 2020

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About this Protocol

This Protocol sets out Blackburn with Darwen Borough Council's approach to dealing with any persons who trespass on land owned by someone else with an intention to reside, either on a temporary or permanent basis.

An unauthorised encampment occurs where any person camps (in vans, trailers or any other moveable accommodation) or moves on to land that they do not own and where they do not have permission to reside.

This document sets out the protocol for BWDBC officers. Relevant officers have been issued with a 'Managing Unauthorised Encampments Call-Out Pack', which contains a copy of the protocol, duplicate copies of the letters and forms required as set out in the Protocol Appendices and a personal alarm.

Principles

The Council has adopted a coordinated partnership approach to managing unauthorised encampments which is based on the following:

- Gypsies and Travellers are protected by the law from racial discrimination.
- The Borough accepts that the Gypsies and Travellers community have their own needs; however it will adopt a robust approach to managing unauthorised encampments.
- The Protocol is commenced when an unauthorised encampment is identified and this is co-ordinated by Capita Property Management and Development.
- The legal process is outside the Council's control and is dependent on the availability of Bailiffs and Court dates.
- The Council will always liaise with the police who do have more immediate powers available if the circumstances are correct and where it is appropriate to exercise them.
- The Council will consider other potential sites that the travellers may move to or be directed to, any security/property concerns, plans for future cleanup and security of the site once travellers have left.
- The Council is duty bound to undertake a welfare check, this will be under taken as part of a site visit assessment.
- Communication will take place with key officers, Switch Board, Councillors, the media etc.

The Protocol

Stage 1: Process of notification and initial decision on action

- Notification and/or complaint of unauthorised encampment within the Borough.
- All notifications received should be reported centrally to Capita Property Management and Development who will request various actions/support from service areas as required. For encampments on the Highway Highways Section should also be notified.
- Out of Hours - please note: If the notification is out of hours or on a weekend, the Police will notify a member of the Out of Hours Team¹ directly. The Out of Hours Team will then notify Capita Property Management and Development at the earliest opportunity. For encampments on the Highway they should also notify the Highways Section.
- Capita's Property Management and Development team lead officer must determine from the Land Registry the ownership of the encampment site. Do we own the land? Or is it public use land? (See section 'C' below).

a. The land is not owned by the Borough Council or public use land

The Borough Council is generally not responsible for this. Contact the owner where practicable and send advice and sign posting leaflet if required (Appendix 6). The Community Safety Team maintain a central register of illegal encampments, this should be updated accordingly. If the land owner is absent or fails to co-operate then the Council may take action to remove the trespassers itself or may choose to take enforcement action against the land owner for allowing the land to be used as a caravan site without the benefit of planning permission. If there is crime and disorder, the Police can use their powers under the Criminal Justice and Public Order Act, even if the land is private. This will be for the Police to determine.

End of process.

b. The land is owned by the Council

Capita Property Management and Development notify the Police and update the Legal Services Team. Capita Property Management and Development and / or the Highways Section, attended by the Police, will arrange a visit to undertake a site assessment. This includes:

- Serving a 24 hour notice to leave from the Council (Appendix 2). Legal Services to approve notices prior to service and advise on the method of service.
- Discussing the code of conduct with the encampment (Appendix 3).

¹ Out of Hours Team can be contacted on 07970 841192. The team may assist with what measures can/should be put in place/undertaken until formal action is taken by the Council on the first working day. They will work with the Police to utilise powers under the CJPOA to remove unauthorised encampments as quickly as possible in the first instances if the sites meet the criteria for use of such powers.

- Undertaking welfare checks including consideration of adult and children safeguarding support and interventions / reporting (Appendix 4).
- Gathering of any additional information and/or evidence including written records and photographic evidence as appropriate (Appendix 4 and 7 for specific guidance).
- Determination /offer of pre-emptive provisions to reduce damage and environmental health issues. (E.g. bins, skip, toilets etc. as appropriate) while the encampment is present.

Where land is not owned by the Council but is highway maintainable at the public expense for which the Council is the Highways Authority the highway land is vested in the Council as Highways Authority.

The visiting officer should inform /liaise with other agencies as appropriate:

- The Multi Agency Safeguarding Hub should be informed of any unauthorised encampments where there are safeguarding/welfare concerns relating to children.
- The Adult Safeguarding Team should be informed of any unauthorised encampments where there are safeguarding/welfare concerns relating to vulnerable adults.
- Inclusion Team should be informed of any unauthorised encampments where there are school attendance and/or school behaviour issues arising.
- Any other welfare issues arising from the site assessment should be directed to relevant departments as appropriate, or to other agencies directly – see Appendix 5 for key contacts signposting.

Any issues arising from the site visit/assessment should be reported and actioned appropriately.

The lead Capita Property Management and Development Officer should liaise with teams internally and/or other agencies as and where appropriate for actions arising from the site assessment visit including welfare issues. NB: An unauthorised encampment would not be moved on/evicted if there are significant welfare issues identified (until resolved).

If there are no welfare issues arising from the site assessment, the lead Capita Property Management and Development Officer, with approval from the Community Safety Team Manager in liaison with the Director of Adults, Neighbourhoods and Community Protection [or in his absence the Director of Environment and Leisure], should notify Legal Services to commence the eviction process application via the Court. Go to Stage 2 and 3.

c. The Land is deemed public use land/ recreational ground under the Criminal Justice and Public Order Act (CJPO Act).

The Police have powers to remove trespassers on land very quickly under the **Criminal Justice and Public Order Act 1994**. The Police can enact *Section 61* of the CJPO Act (covering land for public use, obstruction recreational grounds or public disorder) to remove the encampment. Liaison with the Police should determine this. Regardless of whether this power is utilised, the Council should still undertake a site visit complete a site assessment record, serve a code of conduct and notice to leave, as best practice, as above, in the event that the land is Council owned.

Land is vacated. Go to Stage 3.

Stage 2: Process for Eviction

- If the decision to evict has been authorised by the Community Safety Team Manager, in liaison with the Director of Adults, Neighbourhoods and Community Protection, Capita Property Management and Development / Highways Section should determine whether the encampment has moved on/vacated the land. If the land remains occupied Legal Services should be informed and will thereafter commence proceedings via the court for a possession order.
- As a general rule, the Council usually follows the County Court process, but the Magistrates Court procedure is also available for use. Timescale is dependent on court dates and whether the County Court or Magistrates' Court² procedure is used. This decision will be made by the Legal Team on a case by case basis and will be based on consideration of both cost and time (i.e. speed of court listings).

Magistrates' Court

- Legal Services will request the Direction to leave under S77 Criminal Justice and Public Order Act 1994. It is served on the encampment, by Capita Property Management and Development and the Police, this states the travellers must leave the land immediately.
- Failure to move on immediately results in the Council applying to the Magistrates' Court for an Order for the travellers' removal. The Council is in the Court's hands for listing.
- The summons is prepared by the Council and sent to the Court for approval and signature.
- Summons is returned and Capita Property Management and Development attends with the Police to serve it on the travellers.
- Council attends the Magistrates' Court and seeks an Order for removal
- The Order is served on the travellers by Capita Property Management and Development with Police assistance on the same day. They are usually given 24

² The Magistrates' Court Procedure is only available to local authorities.

hours notice to leave. Thereafter, Property Services and the Police arrange for effective removal and enforcement of the Order.

County Court

- Application for possession is lodged at Court and issued.
- Legal Services will request that Court proceeding papers are served on the encampment with the hearing date details by Capita Property Management and Development and Police and will advise on the method of service.
- Council attends the County Court on the hearing date and seeks a possession order.
- Once the possession order is granted by the Court, this should be served on the encampment on the same day by Capita Property Management and Development and the Police, usually giving 24 hours or a specified date by which to vacate the site.
- Capita Property Management and Development should follow up after 24 hours. If the land is still not vacated, Legal Services should be informed and they will apply for a Warrant of Possession. This will be served by Capita Property Management and Development and the Police giving 24 hours notice to vacate. Thereafter the Police and Bailiffs should be arranged for effective removal and enforcement of the court eviction order.

Stage 3: Following vacation of land / eviction

- Capita Property Management and Development / Highways Section to notify Community Safety Team of the outcome of action so that the central register can be updated accordingly.
- Once the land has been vacated Capita Property Management and Development / Highways Section should notify the Environment Section to arrange for site clean up (for fly tipping etc.). If there is hazardous waste the Environment Section will arrange for a specialist contractor to clear it.
- Capita Property Management and Development will notify the Asset Management Group to assist the relevant department to arrange for the site to be secured where appropriate.
- Capita Property Management and Development, Highways Section, Environment Section and Legal Services Section should update any costs they have incurred (pre and post vacation) element of the central register.
- Need to consider any appropriate arrangements to prevent further access to the site or land.

Checklist of people to keep informed / updated on incidents

Illegal encampments create a great deal of media interest. Councillors should be regularly informed of any actions / progress which is ongoing.

Switchboard should be kept updated so they can advise callers.

The principles of the Protocol must be applied in relation to all communication with illegal site/land occupants. In particular, Gypsies and Travellers are protected by law from racial discrimination.

The following must be kept informed:

- All Councillors – All Councillors email distribution list
- All Managers - Managers email distribution list
- Switch Board
- Website 'news' from home page for all residents – update in progress during incident. The Legal Services Section is responsible for requesting communications to update the website.

Monitoring, Evaluation and Review

This Protocol will be reviewed periodically as and when required.

Further Information

Key Contact Details:

- Capita Property Management and Development : 01254273820
- Highways Section: 01254 585024
- Head of Legal Services: 01254 585252
- Community Safety Manager: 01254 585513

The officers within Capita Property Management and Development / Highways Section that are responsible for undertaking site visit assessments can be contacted on the following numbers:

Capita Property Management and Development:

- 01254 27 3564 - Lead Officer - Senior G.I.S. Technician
- 01254 27 3576 - Senior Technician

Highways Section:

- 01254 58 5024 / 07766578007 – Lead Officer – Street Works Manager
- 01254 58 5036 – Street Works Team Leader

Note that these named officers and Capita Property Management and Development / Highways Section are aware of the Health and Safety and Risk Assessment procedures that must be followed when carrying out this task. See Appendix 7 for more details.

Appendix 1: Flowchart Process of Protocol

Stage 1: Process of notification and initial decision on action

Notification and/or complaint of unauthorised encampment within the Borough.
All notifications received should be reported centrally to Capita Property Management and Development / Highways Section. NB: if the notification is on a weekend, the Police will notify /call out a member of the Out of Hours Team] directly to respond.

Capita Property Management and Development must determine land ownership of the encampment site with the Land Registry

The land is not owned by the Borough Council or public use land

The Borough Council is generally not responsible for this. Contact the owner where practicable and send advice and sign posting leaflet if required (Appendix 6).

The land is owned by the Council

Capita Property Management and Development should notify the Police and instruct a lead officer to undertake a site visit assessment. The lead officer should inform /liaise with the Police as necessary.

The Land is deemed public use land/ recreational ground under the Criminal Justice and Public Order Act (CJPO Act)

The Police have powers to remove trespassers on land very quickly under the *Criminal Justice and Public Order Act 1994*. The Police can enact Section 61 of the CJPO Act to remove the encampment. Regardless of whether this power is utilised, the Council should still undertake a site visit complete a site & welfare assessment record, serve a code of conduct and notice to leave as best practice.

Lead officer should undertake a site visit assessment with the Police. This includes serving a 24hr notice to leave the site, a copy of the Code of Conduct and Site & Welfare Assessment Record to be completed and actioned as appropriate.

Stage 2: Process for Eviction

Capita Property Management and Development / Highways Section check encampment vacated the land, if not, Legal Services to be informed and will commence proceedings via Court for possession order. Legal Services will determine which Court process is appropriate on a case by case basis.

County Court

Once possession order granted should be served on encampment same day by Capita Property Management and Development and Police, usually giving 24 hours or specified date to vacate.

If land not vacated, Legal should be informed and will apply for Warrant of Possession. This can be served giving 24 hours notice to vacate. Police and Bailiffs should then be arranged for effective removal and enforcement of court eviction order.

Magistrates' Court

Legal draft direction to leave served by Capita Property Management and Development and Police. States the occupiers must leave immediately.

Failure to move results in application to Magistrates' Court for order for travellers' removal. Summons sent to Court for approve and signature.

Capita Property Management and Development and Police serve summons on occupiers.

Council attends Court and seeks Order for removal.

Order served same day on the occupiers by Capita Property Management and Development and Police. Usually required to vacate within 24 hours. Capita Property Management and Development / Highways Section and Police then arrange for effective enforcement of order and removal of the occupiers, if necessary.

Stage 3: Following vacation of land / eviction

Once the land has been vacated Community Safety Section should be notified to update the central register. Capita Property Management and Development / Highways Section will then instruct the Environment Section to arrange for site cleanup. Relevant Section to arrange for the site to be secured where appropriate. Each Section involved should update the 'cost' (pre and post vacation) element of the central register.

**Appendix 2: 24 Hour Notice
to Leave Letter Template**

SAMPLE LETTER

Date:

**TO: PERSONS UNKNOWN IN OCCUPATION OF LAND AT
COUNCIL OWNED LAND AT**

I refer to your occupation of the above mentioned land for the purposes of parking caravans/vehicles.

The Council has not granted licence, consent or authority for any use of its land. The present use and occupation of the land is therefore unauthorised and trespass.

You are required to cease and desist your use of this land forthwith, removing all vehicles brought on to the land without Council permission.

Failure to ensure removal **no later than** _____ will result in the Council instigating legal proceedings for possession of the land without any further reference to yourselves.

You will be required to pay the Council’s costs thereof.

Signed.....

Council Solicitor

Appendix 3: A Code of Conduct for Unauthorised Encampments

Standards of behaviour on unauthorised encampments should be the same as those expected of the wider settled community. We have produced a code of conduct which we will expect to be followed in unauthorised encampments. This code will be made available to both the settled and Traveller communities.

Intimidation from *and* towards the encampment will not be tolerated.

You are occupying this location illegally. You are requested to vacate it as soon as possible/within 24 hours. This council is considering what, if any, legal action to pursue in line with its protocol on unauthorised encampments.

Whilst you are on this location, please:

- Keep groups small and inconspicuous.
- Drive and park vehicles safely and consider your own and others health and safety.
- Do not engage in acts of vandalism or criminal damage.
- Do not create a hazard to road safety or health and safety.
- Look after the land on which you park and do not cause problems for nearby residents.
- Do not allow the site or surrounding areas to become polluted with household, human or trade waste.
- Consider the dangers of fire, electrical cables and generators and passing traffic.
- Do not dump or burn rubbish and leave the land clean and tidy.
- Keep animals, especially dogs, under control.
- Co-operate with those responsible for the land (e.g. Local Authority Officers) and do not park on land needed for another purpose i.e.; Parks and Country Parks, Playing Fields and Playgrounds and areas of special scientific or nature interest.
- Do not block Rights of Way with vehicles, property, clotheslines and cables or block the progress of walkers or riders in any way.
- Do not intimidate or threaten the landowner, his agents or any other persons having legitimate access to the land.
- Once any agreed period of occupation has run out the site must be vacated and not be reoccupied.
- When encamped within earshot of residential properties do not run generators after 10.00pm, or before 7.00am.

- Do not engage in noisy work activities during the hours of darkness.
- Do not go to the toilet in public view, and do clear up afterwards.
- Respect the local community.

If anyone causes a nuisance, or is anti social or abusive to anyone or identifiably involved in criminal activity or dumping of rubbish, in most cases we are likely to evict and we will always seek to prosecute as quickly as possible.

Any crime, disorder and criminal activity will always be reported to the Police.

Evidence of fly-tipping will always be reported to the Environment Agency or Council Environmental Health Services or other as appropriate.

Appendix 4: Unauthorised Encampment Site & Welfare Assessment Record

- ☐ 24 hour notice to leave letter from BwDBC served on encampment.
☐ Code of Conduct served and discussed with the encampment.
☐ Site & Welfare Assessment Record form completed.

* Welfare checklist information – must be completed

*Assessment Officer:			
*Location of Site:			
*General Description of Site:			
Land Owner Details (if not owned by the Borough Council)		Contact Number:	
Key Contact from Site:		Log Number:	
Agencies Present: e.g. Police (name and collar number)		Date:	
*Why have they parked on the site?		Intended length of stay?	

GENERAL

*Number of Households:			
*Number of Adults:		*Are there any pregnant women? If so, when are they due to give birth?	
*Number of Children:		Are any children of school age? If so, how many?	
*Are any children of school age enrolled in local schools?			
And/or are any children of school age served by travellers' education officers?			
*Number of Vehicles Present:			

* Living – * Towing -	
*Vehicle Details *(Make, model and reg, colour etc.)	

Are any of the following matters[<i>in italics</i>]reported?	Yes	No	Don't Know	Details
<i>*Do any of the adults have any health issues/problems?</i>				
<i>*Do any of the Children have any health issues/problems?</i>				
Are there arrangements with local doctors / health authority?				
<i>*Do the travellers require social services or education welfare services? (If yes please fully detail and forward to Traveller Liaison Officer /Traveller Education Services / Social Services as necessary.) Also consider any safeguarding issues.</i>				
<i>*Does anyone require medical services now/urgently? E.g. maternity services and vaccinations?</i>				
<i>*Are there any other relevant needs identified?</i>				
Any damage present? I.e. point of access?				
Is there any litter and/or waste present as a result of the encampment? Please detail.				

Are any of the following matters[in italics]reported?	Yes	No	Don't Know	Details
*Are there any animals on site and what condition are they in?				
*Has there been any impact on the local community? Please detail and use additional paper if necessary.				
Has there been any impact on the Land Owner? Please detail and use additional paper if necessary.				
Is the location suitable for habitation? I.e. are there any health and safety, fire safety risks, road obstructions or environmental such as a rising river?				
What is the attitude of those present and are they willing to abide by the code of conduct?				
*Do any of the travellers wish to be considered for housing under the homelessness legislation? If so please detail and signpost to Housing Needs Section on 01254 585444				
*Has there been any mechanical breakdown?				

OTHER

Any other relevant needs/issues identified not already recorded:

I certify that, having undertaken the appropriate enquiries and taking into account the details above:

- ☐ There is, in my view, no justifiable reason why those in occupation of the site should not be required to leave and an order for eviction processed. Proportionate consideration has been given in terms of Human Rights.
- ☐ There are welfare considerations that make it inappropriate to require those that occupy the site to leave at the present time.

SIGNED:

NAME:

DESIGNATION:

DATE:

RECOMMENDATIONS & ACTIONS

Details of any recommendations, actions and referrals made to other agencies

Appendix 5: Key Agency Contacts / Signposting Details

Organisation Name	Contact numbers
Police	01254 353638
Housing Section (including homelessness service)	01254 585444
BwDBC	01254 585585
Environmental Health Services	01254 585397
Legal Services	01254 585252
Highways	01254 585024
Social Care	01254 666400
Safeguarding adults	01254 585949
Inclusion Team	01254 666676 – Lead Consultant New Arrivals and GRT – 01254 588954 – School Liaison GRT
Community Safety	01254 585513
Community Cohesion	01254 585454
Help Direct	0303 333 111
NHS Blackburn with Darwen Clinical Commissioning Group	01254 282000
NHS Direct / NHS Choices	0845 4647 (24 hours)
Environment Agency	General Enquiries: 03708 506 506** (Mon-Fri, 8am - 6pm) Incident hotline: 0800 807060 (Freephone, 24 hour service)
Animal Welfare – RSPCA Cruelty line	0300 1234 999

Appendix 6: Land Owner Guidance – Signposting Leaflet

This guidance is for anyone who has questions about illegal / unauthorised encampments within Blackburn with Darwen, but is primarily aimed at land owners.

Various people live in caravans, mobile homes or vehicles on land they do not own, and without the agreement of the owner. Many, but not all, are Gypsies or Travellers.

Those that choose to encamp illegally on others' land/sites can on occasion cause difficulties to other people, out of all proportion to their numbers. All people/communities should be judged by how they behave towards landowners and others in each instance, not by a stereotype or single view that others may have of the unauthorised occupants, in particular of Gypsies or Travellers generally. You are reminded that Gypsies and Travellers are protected by law from racial discrimination.

Encamping on someone's land without their consent is unlawful in itself. In certain circumstances, it is not just a breach of civil law, but also criminal law.

Does the Council have a duty to move Gypsies/Travellers when they are camped without the landowner's permission?

No. If Gypsies/Travellers are camped on Council land, the Council can evict them. If the encampment is on private land, there may be planning implications but the landowner's have the initial responsibility.

The powers given to Local Authorities and the Police Service are discretionary and can only be used when certain conditions exist. Our policy sets out those conditions and what you should expect of us. Lancashire Constabulary also has an unauthorised encampments policy. Both the Council and the Police do use their powers but have to ensure that the powers are used lawfully.

Failure to comply with both civil and criminal procedures would render Council and Police Officers liable to challenge in the Courts, proving very costly. **All landowners (including local authorities) can recover possession of their land via the County Court, if their land is occupied by someone without their consent.**

What do I do if Gypsies/Travellers come to my land?

The first thing to do is to talk to the Gypsies/Travellers to make it clear that this is actually your land. Ask why they are there and how long they are hoping to stay. Assess if they are causing a disturbance. If the encampment has spread onto a Right of Way or Highway you should contact the Highways Section. It is a good idea to inform your solicitor of the situation and to ask about likely legal costs. It is advisable to require that the Police are present when you talk to the Gypsies/Travellers.

What if the Gypsies/Travellers won't talk to me?

Most Gypsy and Traveller families welcome the opportunity to speak to other members of the community. Bear in mind that they may be suspicious of people from outside their community and may be cautious at first about talking openly. If you feel negotiations are not going well, leave the discussion for the time being and seek advice from your solicitor. If you feel intimidated at any stage then you should contact the Police.

If there are not any problems, is it okay to let them stay

Some landowners are happy to let small groups stay where good relations are established early and there are no major problems. If the group only intend to stay for a short time and a leaving date can be agreed, then there may be no need to take further action. Long term occupation will require planning

permission from your local Council.

What if I need to reclaim possession of my land?

There are various courses of action available to deal with incidents of unauthorised encampments. The best course of action to be taken depends upon the ownership of the land that is being trespassed on. It is worth remembering that trespass is a civil and not a criminal offence.

Unauthorised encampments on local authority land are dealt with in accordance with Central Government Guidance and recent case law. Decisions are made with regard to public duties and rights and responsibilities under the Human Rights Act 1998, the Equality Act 2010. Both Romany Gypsies and Irish Travellers are recognised as ethnic minorities against whom discrimination is unlawful.

Private landowners will still have to serve 24 hour notice to leave.

What are 'Common Law Powers'?

A landowner can obtain a possession order through the Civil Courts requiring the removal of trespassers from land/property.

Such action can normally be taken swiftly under Civil Procedure Rule 55 in the County Court. Common Law recognises the rights of a landowner to evict trespassers from their property. If a trespasser refuses to leave, after being requested to do so, the landowner (or an agent authorised to act on their behalf) may use only so much force as is reasonably necessary to evict them. It is important that excessive force is not used as this could result in the landowner committing an offence. Private bailiffs sometimes use this power to evict people from land.

If there is a risk of breach of the peace, the Police will need to consider whether the need for possession is sufficiently pressing for the landowner, or their agent, to continue without first obtaining a possession order. Furthermore, the Police will not exercise powers to deal with a breach of the peace in such a way as would be at variance with the execution of their own policy under section 61 of the Criminal Justice and Public Order Act 1994.

The Council is not recommending or endorsing any particular course of action. Landowners are advised to take their own legal advice on the action they should take in any individual situation.

Your solicitor will most likely advise that possession be sought in the Civil Courts under Part 55 of the Civil Procedure Rules. This will involve:

- Asking trespassers to leave (landowners responsibility)
- Issuing and serving an application for a possession order
- Seeking a possession order in County Court
- Serving the possession order, and, if necessary
- Executing a warrant for possession with County Court Bailiffs.

What will this cost me?

Your solicitor will charge their own fees so check costs first. Disposing of rubbish will be at your own cost but your Local Council may be able to offer you a quote for the work.

What about any rubbish/waste that is left?

Council, the Police and Environment Agency who have direct powers to deal with all aspects of unlawful waste disposal, are seeking ways of using existing legislation to deal with these anti-social and often expensive problems.

Private land owners are responsible for the removal of waste if on their land. Note: certain waste requires special treatment. If in doubt contact the Environment Agency Incident hotline: 0800 807060 (Freephone, 24 hour service).

What can the Police do?

The Police will visit all sites reported to them but trespass is a civil matter and not a criminal offence. Prevention of trespass and the removal of trespassers are the responsibilities of the landowner and not the Police.

Lancashire Police carefully assess each incident of unauthorised camping and, under Department for Communities and Local Government and Home Office guidelines, act proportionately.

The Police have powers to move Gypsies/Travellers off land where criminal activity by Gypsies/Travellers can be established in the same way as crime committed by the settled community has to be proven.

Police also have discretionary powers to direct Travellers off land where group behaviour is contravening to the Criminal Justice and Public Order Act 1994. In certain circumstances (for example, where the Gypsies/Travellers have with them six or more vehicles and damage has occurred), officers may use powers under Section 61 of the Criminal Justice and Public Order Act 1994. The Police are obliged to act in accordance with the Human Rights Act, which constrains the use of Section 61 of the Criminal Justice and Public Order Act 1994 in circumstances where it would stop welfare considerations from being taken account of by the civil courts.

If the Landowner fails to take the appropriate action to remove the Gypsies/Travellers, what will the Council do?

Unless you have obtained planning permission for a caravan site or you are a farmer and they are helping you with fruit picking etc, you could be breaching the planning regulations. If you are in breach of any planning or licence requirements then the council may choose to take proceedings against the landowner that require removal of the unauthorised encampment.

I own land and want to know what I can do to stop Gypsies/Travellers camping on it?

It is the primary responsibility of the land owner/user to protect his/her land. If an unauthorised encampment occurs then it is also that land owner/user who has to deal with any problems associated with that encampment. Where a site is used frequently for unauthorised encampments, preventative measures may become essential in order to avoid breaching planning and other rules.

The cost of securing the land needs to be balanced with the costs associated with legal action, the use of a bailiff, damage to the land, removal of waste, loss of business due to obstruction and possession, health and safety concerns and the effects on neighbouring businesses and residents. These costs could be substantial for each encampment.

If your premises are secure then the likelihood of an unauthorised encampment occurring on your land is reduced.

A number of preventative measures can be taken to reduce the risk of unauthorised encampments, although the following list is by no means exhaustive:

- Ploughing the land so that vehicles cannot enter
- Digging ditches and/or making earth embankments
- Reducing access width and/or headroom by the use of substantial barriers
- Placing securely locked substantial gates across the entrance
- Using the land for some purposes that make it unsuitable to live on
- Seldom used accesses could be closed using semi-permanent features such as concrete barriers, tree trunks or earth bunding that require specialist equipment to remove

Consideration should be given to the planning requirements and health and safety issues, in respect of these measures. The Council can be contacted on 01254 58 5585.

Appendix 7: Officer guidance for site visits, risk assessments and collection of evidence

Health & Safety Risk Assessment

A task based risk assessment has been undertaken on carrying out site visits and welfare assessments at unauthorised encampments. However, all officers involved in carrying out such visits must carry out their own personal risk assessment on a case by case basis, dependent upon the specific incident. This is not an area where lone working applies. No officer in or out of hours should attend site visits to unauthorised encampments alone, with no exceptions.

All officers that are required to carry out site visits should read and understand the Protocol and risk assessment requirements.

For further information please see the Corporate Health and Safety Policy (under Health and Safety Section on the intranet)

Collection of evidence during site and welfare assessment visits

Collection of written information from observations and obtaining information by speaking directly with the illegal occupants.

You must try to speak to either a representative of the encampment and/or individual residents of the encampment in order to complete the site and welfare assessment record. This should only be conducted in Police presence. If in doubt about the health and safety risks, the Health and Safety Advisor can be contacted on 01254 585573.

Photographic evidence

On occasions, it might be appropriate/necessary to take photographic evidence during a site assessment visit. The council may take photographs as necessary and proportionately as long as this is done overtly rather than covertly.

For evidence purposes, the council is mainly concerned with damage and environmental health hazards, property, caravans, car number plates etc.

It is advised that **photographs of children should not be taken**. Photographs of adults should only be taken if there is a valid reason. It may sometimes be difficult to take a photo of an object without an adult inadvertently being in the background.

Officers should judge each situation on its merits and should not take photos if it may inflame a situation and put them in any danger.

If in doubt, the Head of Legal Service can advise officers on any issues/circumstances they feel unsure about and can be contacted on 01254 585289.

Appendix 8: Summary of powers available to tackle unauthorised encampments

A summary of the powers available to local authorities and the police to tackle unauthorised encampments is set out below:

Local Authority Powers	
Power	When can the power be applied?
Licensing of caravan sites	The Caravan and Control of Development Act 1960 prohibits the use of land as a caravan site unless the occupier holds a site licence issued by the local authority. A caravan site includes anywhere a caravan (including mobile or 'park' home) is situated and occupied for human habitation including touring sites and single sites. However, it does not include sites where caravans are kept for storage only (driveways, retailers, storage parks) or where a caravan is used as additional accommodation for an existing dwelling. Violation of licensing terms brings a £100 fine for a first offence, and a £250 fine for any subsequent offence.
Possession Orders	A possession order under Part 55 of the Civil Procedure Rules can be obtained by both local authorities and private landowners who require the removal of trespassers from property including land. The claim must be issued in a County Court which has jurisdiction over the affected land/property. A claim can be issued in the High Court in exceptional circumstances where there is a risk of public disturbance and harm to persons or property that requires immediate determination. Local authorities should also be prepared to advise private landowners about their rights to recover land from trespassers through the courts or using common law powers. It is also possible that local authorities may be called upon to assist other Government bodies such as the Highways Agency. The "ordinary" possession order may be used regardless of whether the property is a building or open land, and regardless of the type of squatter or trespasser. The landlord may combine the application for the possession order with suing the squatter for damages and/or an occupation rent for the period of squatting as well as the court fees. A possession order may be secured quickly against trespassers (a minimum of 2 days' notice before a hearing can take place if the property is non-residential, or 5 days for residential property), but not as quickly as an interim possession order, and is not backed up by criminal sanctions, unlike the interim possession order (see below).
Interim Possession Order	If trespassers have occupied premises (rather than open land), a local authority or private landowner could also consider applying (under Section III of Civil Procedure Rules Part 55) for an interim possession order, an accelerated process for regaining possession of property. Once the Court has granted such an order and it has been served, trespassers who fail to leave within 24 hours of service of the order or return to the premises within the currency of the order are guilty of an offence under section 76 of the Criminal Justice and Public Order Act 1994. The interim possession order has the obvious advantages of speed and being backed up by the criminal law. It is, however, not a final order, and there is a return date at which the Court will decide whether to make the order final. If the Court decides that the interim order was not justified, the landlord may have to pay damages. The interim possession order is also more restricted in that it may only be used where the property is or includes

	a building, not open land, and may not be used where the landlord also wishes to claim damages and/or an occupation rent.
Local Byelaws	<p>Section 235 of the Local Government Act 1972 enables the local District Council or London Borough Council to make byelaws for the good rule and governance of the whole or any part of the district or borough and for the suppression and prevention of nuisances. Such byelaws include noise in streets and other public places, urinating in a public place etc.</p> <p>Section 150 (2) of the Police Reform and Social Responsibility Act 2011 enables local authorities to attach powers of seizure and retention of any property (which could include tents and sleeping equipment) in connection with any breach of a byelaw made under section 235 and enables the courts to order forfeiture of any such property on conviction for contravention of any byelaw.</p> <p>Local authorities could use this byelaw as a pre-emptive tool to prohibit encampments, if the local authority considers it has an area at risk of encampment protest. This will save having to go through costly injunctions after any encampments have been set up. Local Authorities should consider this option as part of their local risk assessment and mitigation plan; as such a byelaw would still be required to go through the normal processes for amending or introducing new byelaws. Westminster City Council has already introduced such a byelaw, which came into force for a specified area around Parliament Square on 30 March 2012.</p>
Power of local authority to direct unauthorised campers to leave land	<p>Where people are residing in vehicles (including caravans) on land the section 77 of the Criminal Justice and Public Order Act 1994 gives local authorities in England and Wales power to give a direction to leave the land.</p> <p>The power applies only to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier.</p> <p>It is an offence to fail to comply with such a direction. If the direction is not complied with, the local authority can apply to a Magistrates' Court for an order requiring the removal of vehicles and any occupants from the land (section 78). Responsibility for eviction lies with the local authority. Officers or agents of the local authority may use reasonable force to evict. It is usually recommended that the police attend such evictions in order to prevent a breach of the peace. Please note this power does not apply to other campers i.e. those sleeping under canvas.</p>
Police Powers	
Power	When can the power be applied
Power of the Police to direct unauthorised campers to leave land	<p>Should trespassers refuse to adhere to a request to leave the land, sections 61- 62 of Criminal Justice and Public Order Act 1994 gives the police discretionary powers to direct trespassers to leave and remove any property or vehicles they have with them. The power applies where the senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following:</p> <ol style="list-style-type: none"> 1. that any of the trespassers have caused damage to land or property; 2. that any of the trespassers have used threatening, abusive or insulting words or behaviour towards the occupier, a member of the occupier's family or an employee or agent of the occupier; or 3. that the trespassers have between them six or more vehicles on the land.

	Failure to comply with the direction by leaving the land as soon as reasonably practicable is an offence. Similarly it is an offence for a trespasser who has left the land in compliance with an order to re-enter it as a trespasser within three months of the direction being given.
Police Powers to direct trespassers to an alternative site	Police have powers under sections 62 A-E of Criminal Justice and Public Order Act 1994 to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area.
Offence of squatting in a residential building	<p>The offence of squatting in a residential building, which came into force on 1 September 2012, was created by section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The offence will be committed where a person is in any residential building as a trespasser, having entered as a trespasser, knows or ought to know he or she is a trespasser, and is living in the building or intends to live there for any period.</p> <p>Although the new offence does not cover squatting in non-residential buildings or on land, squatters who have broken into those premises, removed items or caused damage might be guilty of other offences such as criminal damage or burglary and should be reported to the police.</p>
Post Site Clean Up	
Power	When can the power be applied
To act in respect of Fly-tipping	<p>Fly-tipping is the illegal deposit of waste on land that does not benefit from an appropriate environmental permit contrary to section 33 of the Environmental Protection Act 1990 and local authorities and the Environment Agency may prosecute for the offence. There is an associated offence relating to the unlawful deposit of waste from a motor vehicle whereby the person who controls or is in a position to control the vehicle shall be treated as knowingly causing the waste to be deposited whether or not he gave any instructions for this to be done.</p> <p>Prosecution may be taken by the local authority or in more serious cases by the Environment Agency where there is evidence that a person either deposited the waste or knowingly caused or permitted the deposit.</p> <p>This power is ineffective where it is uncertain whether the waste is controlled waste under Environmental Protection Act 1990. Such uncertainty might arise where the waste is not considered household, commercial or industrial.</p>
Removal of waste from land	<p>Local authorities are under an obligation to remove fly-tipped waste from public land, but on private land it is the responsibility of the landowner to remove the waste and dispose of it legally. Landowners are therefore often the victims of fly-tipping. Local authorities should advise landowners what local facilities are available to enable them to clear fly-tipped waste. Section 59 of the Environmental Protection Act 1990 allows local authorities and the Environment Agency to require owners or occupiers of land to remove waste they knowingly caused or permitted to be deposited illegally. If the waste is not removed, the local authority or the Environment Agency can enter onto the land to clean up the waste and can charge the landowner the costs incurred. This power is effective where a person is still in occupation of land or where a landowner has refused to take steps to prevent fly-tipping or</p>

	has allowed fly-tipping to occur (in most cases the landowner is the victim). However, it cannot be used against the offender unless they are the occupier or landowner or where there is doubt whether the deposit is an illegal deposit.
Power to remove any thing abandoned without lawful authority	Section 6 of the Refuse Disposal (Amenity) Act 1978 provides a general power for local authorities to remove “anything in their area, other than a motor vehicle, [which] is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway”, provided that they have given notice to the occupier of the land and they have not objected within 15 days, in accordance with the Removal of Refuse Regulations 1967. The local authority may be entitled to recover the costs of removal from the person who deposited the articles.
Harm to public health	<p>Local authorities have certain duties and powers to control “statutory nuisances” pursuant to sections 79 to 81 of the Environmental Protection Act 1990 (as amended). Various matters constitute “statutory nuisances” under this legislation. These include any premises and land that are in such a state as to be prejudicial to health or a nuisance. Something will be ‘prejudicial to health’ if it is ‘injurious or likely to cause injury to health.’ A ‘nuisance’ is unacceptable interference with the personal comfort or amenity of the nearby community.</p> <p>The statute requires local authorities to inspect their areas for statutory nuisances and to take such steps as are reasonably practicable to investigate complaints of statutory nuisance made by residents in their areas. A local authority has a duty to serve an abatement notice if it is satisfied that a statutory nuisance exists, or is likely to occur or recur. The abatement notice should generally be served on the person responsible for the statutory nuisance but can be served on the owner of the land if the person responsible (e.g. a tenant or leaseholder) cannot be found or if the nuisance has not yet occurred or recurred. If the abatement notice is not complied with, the local authority has the power to take further steps to deal with the nuisance (but it not obliged to take these steps). A local authority may abate the nuisance itself. In doing so the local authority may do whatever may be necessary in execution of the notice and may be able to recover expenses from the landowner, if necessary through a charge on the land. A local authority also has the power to take criminal proceedings against a person who fails to comply with an abatement notice if it considers that doing so is in the interests of the inhabitants in its area. If the local authority considers that the criminal procedure is inadequate (e.g. in an emergency) it has a power to seek an injunction in the High Court to deal with the statutory nuisance.</p> <p>Overall this power is effective in tackling statutory nuisance issues that may arise from illegal occupation (e.g., noise, smells, accumulation of material, fumes, dark smoke). The statutory nuisance regime cannot be used to require people who are responsible for a statutory nuisance to move from a site, even if they are occupying the site illegally.</p>
Power to deal with accumulations of rubbish in the open air	The Public Health Act 1961 gives local authorities powers to deal with accumulations of rubbish in the open air. In particular, section 34 of the Public Health Act creates a power for local authorities to remove rubbish on land in open air which is seriously detrimental to the amenity of the neighbourhood. For the power to be exercised a number of conditions

	<p>must be met:</p> <ol style="list-style-type: none"> 1. There must be rubbish. "Rubbish" is defined to mean "rubble, waste paper, crockery and metal, and any other kind of refuse (including organic matter)", however "any material accumulated for, or in the course of, any business" will not fall under this definition. 2. The rubbish must be on "land in the open air" in the local authority's area. 3. The presence of the rubbish must be "seriously detrimental to the amenities of the neighbourhood." 4. The local authority must have given 28 days prior notice to the owner and occupier of the land requiring the removal of the specified rubbish. 5. The recipient of a notice has the right to serve a counter-notice stating that they will remove the rubbish themselves. If a counter-notice is served the local authority must not remove the rubbish unless the person who served the counter-notice fails to take or complete the steps in the counter-notice within a reasonable time. 6. The recipient of a notice may appeal to the Magistrates' Court on the grounds that the authority should not take action under section 34 (for example, if they allege the rubbish is not seriously detrimental to the amenity of the neighbourhood) or the steps proposed in the notice are unreasonable. If an appeal is brought against the notice, the local authority must not remove the rubbish unless and until the appeal is finally determined its favour or withdrawn. <p>This power could be used to deal with the accumulation of rubbish on land resulting from illegal occupation. This power does not extend to removing "material accumulated, for or in the course of, any business." Therefore, where illegal occupants are carrying on a business careful consideration will need to be given to whether the items the local authority wishes to remove fall under this exclusion.</p> <p>This power could not be used to evict the occupants from the unauthorised encampment.</p>
Power to seize a vehicle	<p>Where a vehicle has been used in the commission of an offence relating to the illegal deposit of waste or other waste offences a local authority or the Environment Agency on application to a court may seize a vehicle and its contents in accordance with the provisions of the Control of Pollution (Amendment) Act 1989 and the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991.</p> <p>This power is effective where a vehicle is known to have been involved in the commission of an offence e.g. fly-tipping, but there is insufficient information concerning who committed the offence. It can also be used to 'flush out' owners where it is unclear who is the registered keeper. This power is ineffective if there is no link between the vehicle and a waste offence.</p>



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Regeneration Executive Member for Resources
LEAD OFFICERS:	Director of Growth and Development
DATE:	8 th March 2018

PORTFOLIO/S AFFECTED:	Regeneration	Resources
WARD/S AFFECTED:	Shear Brow	Wensley Fold
KEY DECISION:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

SUBJECT: National Productivity Investment Fund (NPIF): project update

1. EXECUTIVE SUMMARY

Executive Board is being asked to approve the progression of the National Productivity Investment Fund (NPIF) project for delivery in financial years 2018/19 and 2019/20. The £2.9m project, funded by the Council and the Department for Transport aims to remove vehicular congestion and conflicts, improve movement and access to significant new development sites and deal with congestion and access issues which are currently restricting economic activity and local productivity in the inner urban area around and into Blackburn Town Centre.

2. RECOMMENDATIONS

That the Executive Board:

1. Approves the progression of the project
2. Approves the commencement of land and property negotiation relating to the project
3. Notes that further reporting will be made at appropriate stages within the project's progression
4. Notes that funding for the project will be via the Council's Local Transport Plan and DfT direct grant
5. Gives approval to the Director of Growth and Development in consultation with the Executive Member for Regeneration to make amendments to the project.

3. BACKGROUND

The Council's NPIF project aims to remove vehicular congestion and conflicts, improve movement and access to significant new development sites and deal with congestion and access issues which are currently restricting economic activity and local productivity in the inner urban area and Town Centre.

The project's vision and objectives are as follows, to:

- Remove congestion to ensure better through flow and a more accessible Town Centre
- Improve access to new and under-used employment sites in the north of the Town Centre
- Support Town Centre vibrancy by expanding the fashion and entrepreneurial activity found at Whalley Range into the Town Centre itself
- Encourage footfall to support businesses by making the streets and pedestrian routes safer, more comfortable and attractive [Page 77 of 98](#)
- Protect the area's unique sense of place and history

- Bring communities and people together to celebrate Blackburn's many strengths and traditions

The NPIF project aims to address the following problems and issues:

- Newly cleared development sites and under-used employment areas are hard to reach
- The existing Orbital Route is of 1980s vintage is dualled and does not serve these sites well
- Disconnection and severance for businesses due to lack of connections, particularly from the Orbital Route into Tontine Street, Sudell Cross and Northgate areas
- No current direct vehicular through route into the Blakey Moor area which contains a number of employment sites
- Vehicular dominated space creates inaccessibility for pedestrians

The Council has previously issued information on the project via:

<http://www.blackburn.gov.uk/Pages/Transport-streets-policy-strategy.aspx>

4. KEY ISSUES & RISKS

The NPIF project will tackle congestion and access issues, as well as improving opportunity and integration, and will be delivered in five packages:

Package 1: Victoria Street (North) / Tontine Street / Barbara Castle Way / Watford Street: New junctions with new direct access from Barbara Castle Way to serve redevelopment of isolated sites

Package 2: Richmond Hill / Richmond Terrace: New highway link road and junction access improvement reconnects Town Centre fringe areas

Package 3: Sudell Cross / Northgate: Northgate opened up to through traffic and re-organisation of existing junctions to free up north / south movements into development areas

Package 4: Ainsworth Street to Richmond Terrace: New echelon parking at Richmond Terrace and better pedestrian linkages between the Mall and Whalley Range areas

Package 5: Victoria Street (South): Becomes inbound only. Promotion of pedestrian movements and to provide additional parking for businesses on Victoria Street.

More footfall and movement into the Town Centre will also support the leisure, cultural and evening economy which is currently under-represented.

Further economic activity will be generated from the investment expected from private sector owners – who will reutilise derelict sites and vacant premises – turning currently remote and isolated business and retail space into a thriving, accessible and well-connected Town Centre hub.

The increase in economic activity and trading in the neighbourhood will be supported by improving legibility of the local network of footpaths and routes. Re-orientation of traffic at Victoria Street allows this key route to be used as a main artery feeding pedestrians into the town centre and the adjoining streets.

A low cost / high impact public realm treatment for key gateways and nodes will redefine the function and use of the historic streets with private businesses encouraged to make better use of external space and squares.

This approach will be used to make Victoria Street a more pedestrian-friendly street lined with independent shops. Small businesses serving the town's legal and financial sector will be encouraged to remain or return to this now popular area.

Recent clearance and demolition in the Town Centre presents an opportunity to reconfigure and improve access, which will unlock further economic development on a number of key Town Centre sites.

former Waves site, a number of key routes through the Northgate Conservation Area (for vehicles and pedestrians) are proposed, which will make the destination more attractive and easier to get to.

Expected benefits and outcomes of the project include the following:

- Creating economic activity and jobs: Transport interventions will support the unlocking of retail and business growth
- Relieving congestion: Re-organisation of junction arrangements and introduction of new infrastructure removes local traffic conflicts and improves flows
- Improving Local Roads and public transport: Promotes safer, more attractive streets, better air quality and removes barriers to movement for all modes
- Improving access to sixteen Town Centre development sites covering 29,000 square metres, enabling the creation of between 370 and 690 potential new jobs and an uplift in future Rateable Value between £851,000 and £2,091,000
- Existing, vacant and under-utilised sites becoming more marketable with improved access and egress
- Improved pedestrian routes to and from adjacent communities will generate fewer car trips, delivering road safety benefits and improved air quality.

Part of the proposed highway re-alignment requires land that is held on lease from the Council for car parking purposes. The leases are protected by the Landlord & Tenant Act. Discussions will be held with the leaseholders in relation to the provision of alternative parking spaces.

Planning permission will only be required for Package 2 as a new section of highway is proposed to be constructed. All junction improvements are within the curtilage of existing highway and are therefore classified as Permitted Development.

Regular reporting will be required to the majority funder, the Department for Transport, at quarterly intervals within the delivery stage.

A summary of timescales and milestones for the NPIF project are detailed below:

- DfT confirms availability of funding on 25th October 2017
- Scheme contained within the detailed annual work programme of the Council's Local Transport Plan (8th March 2018 Executive Board)
- Consultation with local businesses and the general public: March 2018 onwards
- Detailed design of work packages
- Statutory undertakings review and design (limited in scope – work within existing extent of the highway where possible)
- Gateway review to confirm design proposals
- Planning approval: to be obtained for works package 2 (new Richmond Hill Link Road)
- Procurement: by 12th October 2018, project packages to be delivered in house via the Council Highways Department / combination with Developer Framework
- Land elements: Agreement with leaseholders reached
- Construction: 22nd October 2018 to 31st March 2020.

5. POLICY IMPLICATIONS

The scheme directly accords with the Council's Local Transport Plan (LTP) 3 2011 – 2021 Strategic objectives, to:

- Support the economy
- Tackle climate change
- Increase safety and security
- Promote equality of opportunity
- Promote quality of life, health and the natural environment.

The scheme also contributes to the LTP3's cross cutting priority, to promote the management of the Council's transport assets.

The Council will also shortly be consulting on the Blackburn Town Centre Supplementary Planning Document (SPD) which adds detail, guidance and clarification to the suite of documents comprising the Blackburn with Darwen Development Plan, where it applies to the Town Centre. The SPD also provides a framework to guide development, facilitate positive change and ensure that high quality placemaking is embedded into future development projects within the Centre.

The NPIF project complements and supports the Town Centre SPD aspirations to:

- Link different parts of the Town Centre
- Enable walking, cycling and inclusive access throughout the area
- Respect the heritage of the historic core
- Strengthen local communities

Equality impacts will be addressed within the individual scheme development stage.

6. FINANCIAL IMPLICATIONS

The Department for Transport confirmed that Ministers gave formal approval to the project on 25th October 2017 as part of the National Productivity Investment Fund (NPIF), which aims to ease congestion on important national, regional or local routes to help unlock economic and job opportunities. £244 million of funding for 76 projects nationally has been confirmed by the Government.

The spend profile for the project is as follows:

	DfT funding	Council funding (LTP)	Total
2018/19	£500,000	£450,000	£950,000
2019/20	£1,500,000	£450,000	£1,950,000
Total	£2,000,000	£900,000	£2,900,000

Funding will be paid to the Council as grant under Section 31 of the Local Government Act 2003. Sign off and audit of expenditure will take place in parallel with the Council's Local Transport Plan reporting on an annual basis. The programme will be closely monitored to ensure full spend and any further variations or amendments will be reported via the Executive Member for Regeneration and Executive Board.

7. LEGAL IMPLICATIONS

The scheme will be designed and implemented in accordance with relevant highway, transport and traffic legislation; and will need to be procured in accordance with the Council's constitution and; where relevant, European directives; and any grant conditions.

The Council's legal section will be involved in progressing the statutory elements of the project including Traffic Regulation Orders which will commence to co-incide with implementation.

8. RESOURCE IMPLICATIONS

All professional fees will be met from allocations detailed, and staff time met from existing resources and through established non-core fee protocols using funding as detailed within this report.

The delivery of new infrastructure in the borough will upgrade a significant number of junctions, lengths of highway and highways assets. Maintenance of new lengths of highway infrastructure and associated street furniture i.e. street lighting and landscaping will be funded using existing resources.

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.

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

Initial consultations have taken place with the following key stakeholders in relation to the outline NPIF project's proposals:

- Pierce Group (Business Advisory and Accountancy Group)
- Blackburn and Darwen Business Leaders Network (HIVE)
- East Lancashire Chamber of Commerce
- Blackburn College
- Blakey Moor Townscape Heritage Project
- Trevor Dawson Commercial Property Consultants
- Capital and Regional (The Mall)

Detailed scheme consultation and information will commence in March 2018 following the approval of this report, seeking views from residents and Town Centre businesses on the proposals via a drop-in Exhibition. The Communications Plan for NPIF plans and associated Blakey Moor Public Realm designs are as follows.

- End February - Designs for Blakey Moor finalised and approved by Heritage Lottery Fund
- Press Release – issued on 8th March and embargoed until 9th March
- Friday 9th March 2018 – launch consultation on NPIF and unveil designs for Blakey Moor Public Realm
- Information on Council website which will describe objectives of the scheme and explain improvements at each key point
- Comments/feedback form established via Survey Monkey platform
- Window exhibition in Restore shop – detailed plans, annotated maps, images and materials
- Restore shop address used for postal comments
- Monday 12th March 2018, 1pm – 6pm, Staffed drop-in event at Restore
- Friday 16th March, 10am – 12 noon, Staffed drop-in event at Restore
- Invites issue to all businesses in affected area along with basic information of proposals, maps and contacts for comments
- Time slot allocated to students via Townscape Heritage Partnership
- Events promoted via Council PR, Website and Facebook networks
- Presentation to Blackburn Business Improvement District (BID) Board – March (date tbc)
- Discussion event with Blackburn BID Attract and Support Group (around 20th March tbc)
- End March 2018 – Feedback channels closed and information collated

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:	0.01
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CONTACT OFFICER:	Mike Cliffe, Strategic Transport Manager, ext 5310
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DATE:	12 th February 2018
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BACKGROUND PAPER:	None
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EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Regeneration Executive Member for Resources
LEAD OFFICERS:	Director of Growth and Development Deputy Chief Executive
DATE:	8 th March 2018

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

SUBJECT: Local Transport Plan 2018/19 programme

1. EXECUTIVE SUMMARY

To seek the Executive Board's approval for the detailed Local Transport Plan 3 (LTP3) programme for financial year 2018/19 and in outline from 2019/20 to 2020/21. The LTP3 Strategy covering the period 2011 – 2021 was originally approved by the Council Forum on 28th April 2011.

2. RECOMMENDATIONS

That the Executive Board:

- 1) Approves the Local Transport Plan 3 detailed programme for 2018/19.
- 2) Approves the Local Transport Plan 3 outline programme from 2019/20 to 2020/21.
- 3) Delegates authority to the Director of Growth and Development, in consultation with the Executive Member for Regeneration, to amend, seek and accept tenders subject to adequate budget provision.

3. BACKGROUND

The Council approved its Local Transport Plan 3 (LTP3) in April 2011 with the following goals, to:

- Support the economy
- Tackle climate change
- Increase safety and security
- Promote equality of opportunity
- Promote quality of life, health and the natural environment

The LTP 3 also has a further cross cutting priority to promote the management of the Council's transport assets.

On the 24th July 2014 the Department for Transport (DfT) confirmed details of future Integrated Block Allocations for 2015 – 2021 and on 4th December 2014 also confirmed the Council's Local Highways Maintenance Capital Block Funding for 2015 - 2021. Additional funding has also been confirmed from the DfT in relation to the Highways Maintenance Incentive Fund and National Productivity Investment Fund. The Council has also been successful in securing Local Growth Fund 2 and 3 allocations to deliver Capital Highways schemes.

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The table below summarises the total amount of funding available:

	2018/19	2019/20	2020/21
DfT Integrated Transport Block	£1,424,000	£1,424,000	£1,424,000
DfT National Productivity Investment Fund (NPIF)	£500,000	£1,500,000	
Growth Deal 2 (Darwen East Development Corridor DEDC)	£2,000,000		
Growth Deal 3 (Pennine Gateways)	£2,936,000	£5,964,000	£3,100,000
Section 106 Livesey Branch Road / Gib Lane new access	£121,000		
Section 106 DEDC Cranberry Lane	£156,000	£120,000	
Section 106 Roe Lee	£500,000		
Section 106 Gib Lane – Phase C	£80,000	£260,000	
Section 106 Blackburn North – Yew Tree Drive	£50,000	£450,000	£240,000
Section 106 Pole Lane North	£250,000	£40,000	£30,000
Section 106 Pole Lane South		£280,000	
Section 106 Roe Lee – Junction works	£350,000		
Section 106 PRow Cranberry Lane		£36,000	
Section 106 Broken Stone Road/Finnington Lane/Gib Lane			£220,000
Places for People contribution	£12,530		
Section 106 Greenbank Terrace	£34,695		
DfT Highways Capital Maintenance	£1,552,000	£1,552,000	£1,552,000
DfT Highways Maintenance Incentive Fund	£323,247	£323,247	£323,247
DfT Pothole Action Fund	£0 TBC	£0 TBC	£0 TBC
Grand Total	£10,289,472	£11,949,247	£6,889,247

Any additional funds received from Section 106 or monies from third parties (eg. DfT, Environment Agency, Natural England, Developers) will be reported within the 6 monthly LTP update report in September / October 2018. Detailed LTP programmes will continue to be reported to the Executive Board in March of each year for approval. Spend that is to be incurred from Section 106 funding will only take place upon receipt of the contribution from the developer.

4. KEY ISSUES & RISKS

The 2018/19 – 2020/21 Capital Programme for Transport and Highways will be allocated as follows. Proposed schemes have been informed by lifecycle planning factors developed as part of the authority's asset management strategy, where relevant schemes within the resilient network have been prioritised.

Corridors:

Scheme	2018/19	2019/20	2020/21
Quality Bus Shelters	£89,993	£100,000	£100,000
Highway Schemes Part 1 Compensation Claims	£16,000	£106,000	£157,000
Darwen East Corridor delivery including submission for planning and procurement, land acquisition – BwDBC contribution plus Growth Deal Major Scheme funding	£2,160,455	£304,000	£600,000
Pennine Reach final retention payments			
Growth Deal 3 Furthergate Highway Improvements – business case, procurement, land and delivery	£2,850,000	£1,100,000	
Growth Deal 3 North Blackburn – business case, procurement, land and delivery	£650,000	£1,900,000	
Growth Deal 3 South East Blackburn Highway Improvements – business case, procurement, land and delivery	£315,000	£3,335,000	£3,100,000

Hubs:

Town Centre Transport (Electrical charging points, Ainsworth Street bollards)	£81,175	£100,000	£97,000
Town Centre Transport (contribution to LEP funded scheme: Blakey Moor Network Improvements)	£200,000		
Fabric Borders National Productivity Investment Fund NPIF	£950,000	£1,950,000	
Jubilee Square highways and public realm		£273,000	£250,000

Neighbourhoods:

Corporation Park road safety	£50,000		
Section 106 Livesey Branch Road / Gib Lane new access	£121,000		
Section 106 Broken Stone Road / Gib Lane mini roundabout			

/ speed limit changes			
Section 106 Gib Lane Phase C	£80,000	£260,000	
Section 106 Blackburn North / Yew Tree Drive	£50,000	£450,000	£240,000
Section 106 Pole Lane North – Spring Meadows Highways and Drainage works	£250,000	£40,000	£30,000
Roe Lee Housing Development junction access	£350,000		
Section 106 Broken Stone Road / Finnington Lane (Gib Lane phase A)			£220,000

Sustainable Transport:

Cycle routes (local commitment to LEP scheme) - Weavers Wheel completion	£50,000		£50,000
Rights of Way Improvement Plan. 2018/19 schemes inc. Footpath 52 Tockholes “Long drag to Darwen Tower” Footpah 49 off Punstock Road – flooding resilience Completion of 2017/18 schemes	£20,000	£20,000	£20,000
Section 106 PRoW Cranberry Lane		£36,000	
Sustainable Transport and supporting growth (supporting DfT Access Fund)	£10,000	£20,000	£20,000

Other:

Performance monitoring / Cordon Counts	£20,000	£30,000	£30,000
LTP scheme development and delivery. Co-ordination, strategy development and funding bids	£150,000	£150,000	£200,000

LTP Capital Maintenance:

Structural Footway Maintenance			
Carriageway Surface Dressing: 2018/19 detailed programme approved in November 2017 Executive Member Decision	£547,976		£526,125
Structural Footway Maintenance			
Carriageway Traditional Hot Surfacing		£544,632	
DfT Highways Maintenance Incentive Fund	£323,247	£323,247	£323,247
Local Cycle Network Capital Maintenance	£30,000	£30,000	£30,000
Capital Drainage Schemes: 2018/19 187-235 Branch Road Highway Drainage Improvement works	£75,000	£75,000	£75,000
UTC Capital Upgrades and AQMA measures	£250,000	£300,000	£300,000
Bridges and Structures Maintenance	£599,626	£502,368	£520,875
DfT Pothole Action Fund	£TBC	£TBC	£TBC
TOTAL TRANSPORT CAPITAL PROGRAMME 2018/19	£10,289,472	£11,949,247	£6,889,247

Approval is sought for the following 2018/19 detailed capital maintenance projects:

UTC Capital Upgrades
Four Lane Ends
Darwen Street Bridge – access modifications including Lower Audley Street pedestrian access
A674 Bank Top pelican crossing conversion to puffin crossing
A674 Redlam pelican crossing conversion to zebra
Fibre Network Cisco Switch
Miscellaneous Planned minor works
Management and Delivery professional fees
Reserve scheme: Blackpool Street

Bridges and structures maintenance
Wesley Street Footbridge – reinstatement of footbridge
Cicely Lane Canal Bridge – footway strengthening
Railway Road, Darwen – Capital maintenance structures scheme
Essential Bridge Maintenance. Minor works
General Bridge Maintenance. Inspection, investigation, feasibility
Substandard Bridge Management Highways England and Network Rail bridge monitoring
General retaining wall strengthening. Minor works
Bridge assessments
Reserve schemes
Greens Arms Road retaining wall No. 930-06. Replace retaining wall with either masonry or reinforced soil
Garstang Cottages West retaining wall. Strengthen wall by culverting brook. Provision of restraint beyond culverted section
Willow Street Bridge No.4592. Footway strengthening
Clarence Street Bridge No.4912. Either saddle arch, waterproof or install proprietary arch reinforcing system

DfT Highways Maintenance Incentive Fund

Structural condition surveys of carriageway

Carriageway inlay

Ramsgreave Drive, east approach to junction of Lammack Road

St James Crescent, Winterton Road to Olive Lane

Cambridge Street, Audley, full length

Audley Range / North Road, Temple Close 305-484 & 20 metres of North Road

Aqueduct Road, red brick theatre gates to Hamilton Street

Carriageway handlay

Acrefield, junction of the Dene

Acrefield, junction of Beardwood Park

Acrefield, junction of Beardwood Meadow

Belmont Road, three sections South of Village

Belmont Road, North of Village, West of Reservoir

Hob Lane, various sections

Borough Road, Sunnyside, various sections

Winterton Road, zebra crossing

Heys Lane, outside number 3

Blackburn Road A666, adjacent to Snape Street

Footway handlay

Pole Lane, Marsh House to Thorncliffe Drive

Cambridge Street, Eastern footway and kerbs

St James Crescent, both footways, new kerbs, guardrails and cut off drain. Compliments carriageway work

Simmons Street, footway panel with bus stop

DfT Pothole Action Fund (long reserve list - pending confirmation of funding from DfT)**Carriageway inlay**

Hamilton Street, Hollin Bridge Street to Aqueduct Road

Whalley New Road, Topaz Street to Amethyst Street

Livesey Branch Road, Heys Lane to Ewood Roundabout

Blackburn Road, Darwen – Lyndhurst Road to George Street

Whalley Banks, Stonyhurst Road to Pump Street

Burnley Road, Holehouse Street to Whitebirk roundabout

Borough Road, Post Office to The Green

Carriageway handlay

Sett End Road, reinstate carriageway trenches

Footway handlay

Bury Fold Lane – unsurfaced panel opposite Rosedene and Ingledene

Longton Close – Mulberry Walk, Chestnut Walk, Croston Close and Acacia Walk

Any changes to the approved 2018/19 programme will be reported via the Council's Executive Member for Regeneration in September/October 2018. Changes to the LTP programme as detailed within this report will be resourced from within the programme, and as such there will be no additional impact on Council finances.

On the 1st of February 2018 the Council also received an additional £88,534 of further Pothole Action Fund funding from the Department for Transport. Approval is sought to deliver the following carriageway inlay schemes as follows within the 2017/18 financial year:

DfT Pothole Action Fund (additional 2017/18 funding)**Carriageway inlay**

Egerton Road, Witton Farm

Stonyhurst Road, Whalley Banks to Oakenhurst Road

5. POLICY IMPLICATIONS

All schemes proposed directly accord with the Local Transport Plan 3 2011 – 2021 Strategy.

6. FINANCIAL IMPLICATIONS

Funding sources are identified within section 2 of this report. The programme will be closely monitored to ensure full spend and any further variations or amendments will be reported to future

meetings of Regeneration SPT and Executive Board.

7. LEGAL IMPLICATIONS

All schemes within the programme will need to be designed and implemented in accordance with relevant highway, transport and traffic legislation; and will need to be procured in accordance with the Council's constitution and; where relevant, European directives; and any grant conditions.

8. RESOURCE IMPLICATIONS

All professional fees will be met from allocations detailed, and staff time met from existing resources. External contractors will be procured to deliver schemes that cannot be delivered by internal resources. Procurement will be in line with current best practices identified by HMEP standards.

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.

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

All schemes will be the subject of detailed individual consultations with the emergency services, stakeholders and the wider community. The LTP3 2011 – 2021 Strategy was the subject of a full consultation exercise which was undertaken prior to the document being approved in April 2011.

The proposed works have been informed by the options expressed in the most recent National Highways and Transport Public Satisfaction Survey. Residents and stakeholders will be informed prior to the start of the proposed works in respect to the nature of the scheme and their anticipated duration. This will be communicated via the Council's website, social media facilities, leaflets and letters as appropriate. Customer feedback will be actively sought on completion of each scheme, with feedback analysed and used to improve the service in the future.

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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VERSION:	0.02
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CONTACT OFFICER:	Mike Cliffe, Strategic Transport Manager, ext 5310
DATE:	1 st February 2018
BACKGROUND PAPER:	Council Forum paper dated 28 th April 2011 via the following hyperlink: http://blackburn.cmis.uk.com/blackburn/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/505/Committee/218/Default.aspx



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Leisure Culture and Young People Executive Member for Resources
LEAD OFFICERS:	Director of Environment and Leisure
DATE:	8 March 2018

PORTFOLIO/S AFFECTED:	Leisure Culture and Young People	Resources
WARD/S AFFECTED:	All	
KEY DECISION:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

SUBJECT: Closure of Blakey's café bar at King George's Hall and Progression with Grant of Lease of the Site

1. EXECUTIVE SUMMARY

The Council undertook a review of the operating costs at King George's Hall in 2016. As a result of this review the opening hours for Blakey's café bar were reduced to make savings because the café bar had operated at a loss in 2016 and the Council could not afford to subsidise the facility in future years.

Despite the closure every Monday and reduction in opening hours, Tuesday to Saturday, Blakey's continued to make an operating loss in 2017/18, hence the Council was going to have to consider options for the future operation of the facility. This consideration was going to have to be made independently of any potential opportunities that could arise.

In November 2017, the Council received an informal enquiry from an interested party about the availability of business premises in Blackburn town centre for a new restaurant. The availability of Blakey's Café Bar at King George's Hall was discussed and in December 2017, the interested party informally declared an interest in the site.

The Council instructed Brady's of Manchester to measure, inspect and advise on the 'Blakey's' food and beverage offer; i.e., the likely tenants; the anticipated market rent and the preferred leasing mechanism.

The Council also instructed Brady's to undertake a 'soft' marketing campaign to those operators considered to offer the right style and mix of food offer, to include the sale of alcohol that could operate a large venue such as Blakey's. A total of 29 operators were contacted in writing, 2 operators asked for further information, which was provided and they withdrew their interest or did not pursue it further.

During the soft marketing period, negotiations with the interested party made good progress, and it is considered that in principle, a lease can be agreed with them.

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2. RECOMMENDATIONS

That the Executive Board:

1. Approves the closure of Blakey's from Thursday 22 March 2018.
2. Approves the principle of granting a lease to the interested party for the Blakey's site.
3. Delegates authority to negotiate and agree the lease terms and other connected matters between the Council and the interested party to the Deputy Chief Executive and the Director of Environment and Leisure in consultation with the Executive Member for Leisure, Culture and Young People and the Executive Member for Resources and bring a further report to the Executive Board for approval.

3. BACKGROUND

In 2016, the Council undertook a review of the operating costs at King George's Hall. As a result of this review the opening hours for Blakey's café bar were reduced to make savings. From January 2017, the Café Bar closed on Mondays and operated at reduced opening times from 9.00am to 3.00pm from Tuesday to Saturday. The reduction in opening times was implemented because Blakey's had operated at a loss in 2016/17 and the Council could not afford to subsidise the facility in future years.

The operating costs for Blakey's have been closely monitored throughout 2017/18 and despite the closure on Mondays and the reduction in opening times; the Café Bar continues to operate at a loss when all operating costs are taken into account. As a result, the Council was considering options regarding the future operation of the facility beyond 2017/18. Further details of the financial costs are set out below.

In November 2017, the Council received an informal enquiry from an interested party about the availability of business premises in Blackburn town centre for a new restaurant offer. The availability of Blakey's at King Georges Hall was discussed and in December 2017 the interested party informally declared its interest in the site.

The Council instructed Brady's of Manchester to measure, inspect and advise on the 'Blakey's' food and beverage offer within the King George's Hall. Brady's were asked to advise on the likely tenants, the anticipated market rent and the preferred leasing mechanism, to include lease covenants protect the Council's ongoing control of the venue to ensure the smooth running of the Theatre. This information was used in the Council's negotiations with the interested party to lease Blakey's and establish a new restaurant.

The Council also instructed Brady's to undertake a 'soft' market testing campaign to those operators considered to offer the right style and mix of food offer, to include the sale of alcohol that could operate a large venue such as Blakey's. Brady's subsequently wrote to 29 operators, the terms offered were a 15 year internal repairing and insuring lease without the benefit of Security of Tenure, as retaining ongoing control of the restaurant by the Council after lease expiry was considered of paramount importance. A service charge to be levied to recover a fair proportion of external maintenance and decoration costs, the upkeep of common areas and shared services. A guide rent was also quoted.

Brady's received positive responses from two operators who requested further information which was duly supplied. Unfortunately one operator decided to withdraw from the negotiations considering the venue unsuitable for their style of operation. The other operator didn't provide a definitive response to the additional information which was supplied, despite a number of emails and phone calls; therefore we consider that their lack of further interaction signals their failing interest. The Council also had a dialogue with another operator who expressed an interest in Blakey's but also wanted control of King

George's Hall, which was not on offer, consequently they withdrew from negotiations.

During the soft marketing period and still presently, negotiations with the interested party have made good progress, and it is considered that in principle, a lease can be agreed with them.

4. KEY ISSUES & RISKS

In 2017, the opening times for Blakey's Café Bar were reduced to make savings because the facility operated at a loss in 2016/17.

The café bar continues to operate at a loss when all the operating costs are taken into account and this is unaffordable. As a result, the Council was going to have to consider options regarding the future operation of the facility beyond 2017/18. The proposed closure recommended by this report is being made independently of any of the potential opportunities that are set out also in this report.

A key issue is that this decision to close Blakey's Café Bar will mean that 5 staff face either redeployment or in the worst case, redundancy.

It is also acknowledged that a risk inclosing the Café Bar means it will render a significant area of King Georges Hall obsolete and customers visiting the venue to attend a show would have to make alternative arrangements to eat elsewhere if they wished to have a pre-concert meal.

5. POLICY IMPLICATIONS

The establishment of a new high quality restaurant in Blackburn will address a key gap in the food offer available in the town centre. This development is a key project in the Council's town centre regeneration programme and accords with the planned developments at Northgate and Blakey Moor and the proposed new cinema development. The letting of Blakey's to the interested party fits with the aspirations for this area of the town centre and will support future lettings.

6. FINANCIAL IMPLICATIONS

It will be an expected condition of any required new lease that the Council will not be required to invest in the refurbishment of Blakey's, these costs will be borne by the new tenant. However in order to provide uninterrupted trading for the new restaurant, the Council would be prepared to undertake repairs to the air handling system and replace some of the existing units which are dilapidated, inefficient and in some cases have ceased to operate. The Council would also be agreeable to removing the main bar and erect a new stud wall partition where the main bar is currently located. As part of the internal reconfiguration, the Box Office will also be relocated to the King George's Hall entrance foyer which will require some minor alterations and improvements.

Five members of staff are currently employed in Blakey's. The Council will make all efforts to redeploy these staff, however if we were unable to redeploy all the staff, there would be redundancy costs to pay.

7. LEGAL IMPLICATIONS

The agreed terms of the new lease will be provided as part of a further report, following further discussion with the new tenant and in accordance with the Council's constitution, policy and legal requirements.

8. RESOURCE IMPLICATIONS

The Council's project manager along with property colleagues will complete the improvement works to the air handling system in Blakey's.

The Council's in house legal services team will complete the lease.

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

A 'soft' market testing process was undertaken, information was sent to 29 food and beverage operators to ascertain if any other operators were interested in leasing Blakey's Café Bar to establish a new food offer, to include the sale of alcohol, that could operate a large venue such as Blakey's

Under the council's Redundancy Policy a 45 day consultation period with the affected staff has commenced including Union consultation

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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CONTACT OFFICER:	Martin Eden
DATE:	08 March 2018
BACKGROUND PAPER:	



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Regeneration Executive Member for Resources
LEAD OFFICERS:	Director of Growth and Development Deputy Chief Executive
DATE:	8 th March 2018

PORTFOLIO/S AFFECTED:	Regeneration	Resources
WARD/S AFFECTED:	Audley, Shadsworth with Whitebirk, Little Harwood, Roe Lee, Queens Park, Highercroft	
KEY DECISION:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

SUBJECT: Growth Deal 3 – Pennine Gateways Project update

1. EXECUTIVE SUMMARY

Executive Board is being asked to approve the progression of the Growth Deal 3 “Pennine Gateways” project for delivery from April 2018 to March 2021. The project consists of three infrastructure packages:

- Furthergate: Completion of the Burnley Road link road from Red Lion Roundabout to Gorse Street and a new signalised Gorse Street junction
- North Blackburn: Brownhill roundabout upgrade, Pleckgate Road / Ramsgreave Drive junction improvements plus Whalley Old Road / Whitebirk Drive junction capacity upgrade
- South East Blackburn: Haslingden Road highway improvements including widening and upgraded roundabouts at major access points plus new a new link road to Link Blackamoor Road with Roman Road

The Pennine Gateways project will support the sustainable delivery of new homes, new businesses and jobs in the three growth areas of the Borough whilst contributing to alleviating congestion.

The project has been approved in principle by the Lancashire Enterprise Partnership (LEP) for funding and was given “Programme Entry” in Spring 2017 as part of Central Government’s Growth Deal 3 announcement. Majority funding for delivery comes via the LEP with physical and financial completion required by March 2021.

2. RECOMMENDATIONS

That the Executive Board:

1. Approves the progression of the project and the associated infrastructure packages
2. Approves the commencement of land and property negotiation relating to the project
3. Notes that further reporting will be made, before the application for Full Approval is made for each project package to the LEP
4. Notes that funding for the project will be via the Council’s Local Transport Plan and the LEP
5. Gives approval to the Director of Growth and Development in consultation with the Executive Member for Regeneration to make amendments to the project.

3. BACKGROUND

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The Lancashire Enterprise Partnership has secured £320 million from the Government's Local

Growth Fund to support economic growth in the area through the Growth Deal. The Lancashire Growth Deal as agreed with Government aims to realise the growth potential of the whole of Lancashire, building on key local economic assets and high-value business clusters.

The deal will help to:

- Create up to 11,000 jobs and 3,900 new homes
- Attract £1.2 billion of new private sector investment to Lancashire

The Pennine Gateways project contributes significantly to the “Releasing Growth Potential” priority of the LEP, through essential transport improvements to motorway junctions and railway lines as well as building new roads which support job creation and enable the release of more land for homes and businesses.

4. KEY ISSUES & RISKS

The Pennine Gateways project will deliver key transport infrastructure improvements at three of the main gateways into Blackburn with Darwen off the M65 motorway at junctions 4, 5 and 6. Investment at these adjoining gateways will extend the concept of the Hyndburn – Burnley – Pendle Growth Corridor to the M65 Growth Corridor and will release the potential of a number of adjacent strategic sites to attract and accelerate new development opportunities. Major transport improvements will act as a catalyst for new housing and commercial development, contributing to the delivery of the Council's adopted Local Plan targets for new homes, businesses and jobs.

Package 1: Furthergate

- Completion of the Burnley Road Link Road
- Phase 2 Red Lion roundabout (Kenyons Haulage) to Gorse Street (Tesco) which includes a new piece of highway infrastructure to further open up surrounding land for employment
- Site access improvements - improved Gorse Street / Burnley Road signalised junction arrangements
- Enables future development of Council owned land bounded by the existing Burnley Road and the Leeds Liverpool Canal and improved access to Greenbank Industrial Estate and Imperial Mill areas
- Stubs into new development plots along the alignment to be constructed including direct access into Thornley Avenue
- New signage to advertise existing businesses proposed at the ends of Burnley Road
- Land is in full Council ownership
- Side Roads and Stopping Up Orders to be progressed
- Consultation with statutory undertakers now underway
- Planning for phase 1 and phase 2 already obtained. Update to Planning Committee will be provided
- Detailed design progressing
- Strategic Outline Business case to be submitted to the LEP before Full Approval
- Procurement: via Council's Developer Framework for Civil Engineering projects
- Costs £4m, £3.6m LEP, £0.4m BwDBC
- Programme: Executive Board June 2018, TfL Committee 5th June 2018, LEP Board 26th June 2018
- Construction July 2018 - April 2019

Package 2: North Blackburn

- Brownhill Roundabout upgrade and Whalley New Road parking amendments / bus stop formalisation
- Pleckgate Road / Ramsgreave Drive junction improvements and signal systems renewal
- Whitebirk Drive / Whalley New Road signal renewal and stacking capacity upgrades
- Associated sustainable transport improvements for walking and cycling

- Permitted development within highway boundaries
- All associated land and property in Council ownership
- Detailed design progressing
- Strategic Outline Business Case to be submitted to the LEP before Full Approval
- Procurement: package to be delivered by the Council Highways Department
- Costs: £2.6m, £2.3m LEP, £0.3m BwD
- Programme: Council Executive Board 13th September 2018, TfL Committee 16th October 2018, LEP Board 6th November 2018
- Construction: January 2019 - October 2019

Package 3: South East Blackburn

- Haslingden Road highway improvements – widening between Guide and Old Bank Lane to 3 / 4 lanes and upgraded roundabouts at major access points
- Blackamoor Link Road – 2 new junctions plus new highway linking Blackamoor Road with Roman Road to open up site for development
- Addresses Blackamoor designated Air Quality Management Area issues
- Purchase of land to facilitate widening on the corridor: discussions to progress with property and landowners including Eurogarages and Royal Blackburn Hospital/East Lancashire NHS Trust. Intention to purchase required landholdings by agreement with further reporting to the Council at the appropriate stage
- Alternative off-street parking provision for Haslingden Road residents
- Potential for developer contributions to the package in relation to Blackamoor Link Road
- Applications for Planning will be submitted for new sections of highway
- Procurement via Council's Developer Framework for Civil Engineering projects
- Strategic Outline Business Case to be submitted to the LEP before Full Approval
- Costs: £6.8m, £6.1m LEP, £0.7m BwD
- Programme: Council Executive Board May 2019, TfL Committee / LEP: June 2019
- Construction (60 weeks): July 2019 - Sep 2020

5. POLICY IMPLICATIONS

All schemes proposed directly accord with the Local Transport Plan 3 2011 – 2021 Strategy and strategic objectives to:

- Support the economy
- Tackle climate change
- Increase safety and security
- Promote equality of opportunity
- Promote quality of life, health and the natural environment.

The scheme also contributes to the LTP3's cross cutting priority, to promote the management of the Council's transport assets. Equality matters are addressed at the development stage of relevant schemes.

6. FINANCIAL IMPLICATIONS

The total project cost is £13.4m with £12m of funding to be drawn down from Growth Deal 3 via the LEP. The £1.4m local contribution will come from the Council's Local Transport Plan and is profiled as follows:

Funding profile	2017/18	2018/19	2019/20	2020/21	Total
GD3 Furthergate	LEP £0m BwD £0.05m Total £0.05m	LEP £2.536m BwD £0.314m Total £2.85m	LEP £1.064m BwD £0.036m Total £1.1m		LEP £3.6m BwD £0.4m Total £4.0m
GD3 North Blackburn	LEP £0m BwD £0.05m Total £0.05m	LEP £0.4m BwD £0.25m Total £0.65m	LEP £1.9m BwD £0m Total £1.9m		LEP £2.3m BwD £0.3m Total £2.6m
GD 3 South East Blackburn	LEP £0m BwD £0.05m Total £0.05m	LEP £0m BwD £0.315m Total £0.315m	LEP £3m BwD £0.335m Total £3.335m	LEP £3.1m BwD £0m Total £3.1m	LEP £6.1m BwD £0.7m Total £6.8m
Total	LEP £0m BwD £0.15m Total £0.15m	LEP £2.936m BwD £0.879m Total £3.815m	LEP £5.964m BwD £0.371m Total £6.335m	LEP £3.1m BwD £0m Total £3.1m	LEP £12m BwD £1.4m Total £13.4m

The programme will be closely monitored to ensure full spend and any further variations or amendments will be reported via the Executive Member for Regeneration and Executive Board.

7. LEGAL IMPLICATIONS

All schemes within the programme will need to be designed and implemented in accordance with relevant highway, transport and traffic legislation; and will need to be procured in accordance with the Council's constitution and; where relevant, European directives; and any grant conditions.

8. RESOURCE IMPLICATIONS

All professional fees will be met from allocations detailed, and staff time met from existing resources. External contractors will be procured to deliver schemes that cannot be delivered by internal resources. Procurement will be in line with current best practices identified by HMEP standards.

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.

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

Scheme consultation and information will commence in early 2018 and will seek views from residents and stakeholders on the design of the schemes. The Council's website will host a dedicated information portal for the project.

The Council has published details on the Growth Deal 3 project and advancing works via:
<http://www.blackburn.gov.uk/Pages/Transport-streets-policy-strategy.aspx>

The LEP has published information on the Growth Deal 3 project via:
<http://www.lancashirelep.co.uk/lep-priorities-growth-deal.aspx>

Detailed consultation has taken place in relation to the Furthergate package including the completion of the Burnley Road Link Road as part of the Pennine Reach major transport project, and a leaflet drop and drop-in exhibition is proposed.

In relation to North Blackburn a public consultation event was held on 20th February 2018 where members of the public were able to speak to Council Officers and Members on the proposals.

Further events are planned for South East Blackburn and Blackamoor by way of a leaflet drop and drop-in exhibition. Land and property holders are to be consulted in detail on an individual basis.

Consultations have taken place in relation to Blackamoor Air Quality Management Area and details can be found via:

<http://www.blackburn.gov.uk/Pages/Air-quality.aspx>

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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CONTACT OFFICER:	Mike Cliffe, Strategic Transport Manager, ext 5310
DATE:	14 th February 2018
BACKGROUND PAPER:	None

