

Public Document Pack

Executive Member Decisions

Friday, 20th July, 2018

Time Not Specified

AGENDA

EXECUTIVE MEMBER DECISIONS FOR WEEK ENDING 20TH JULY 2018

1. **Disposal of Council Land at Dock Street**
Dock Street EMD **2 - 46**
Dock Street EIA
Dock St - Site Feasibility Report

2. **Health and Safety Service Plan 2018-2019**
Health and Safety Service Plan 2018/19 EMD **47 - 63**
Health and Safety Service Plan 2018/19 EIA
Health and Safety Service Plan 2018/19
List of Activities for Proactive Inspection by LAs

Date Published: Date Not Specified
Harry Catherall, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Regeneration
Executive Member for Resources

LEAD OFFICERS: Deputy Chief Executive

DATE: 18 May 2018

PORTFOLIO/S AFFECTED: Regeneration Resources

WARD/S AFFECTED: Blackburn Central

SUBJECT: Disposal of Council land at Dock Street, BB1 3AT

1. EXECUTIVE SUMMARY

The land at Dock Street is circa 0.5 hectares (1.2 acres) and is situated just outside the edge of Blackburn Town Centre at Higher Eanam.

The site is currently vacant, with the exception of the north-eastern corner where a rolling monthly tenancy agreement is in place to 'The Garage Blackburn Ltd' to use the site for the parking of vehicles in connection with their nearby vehicle service and repair business.

The site is an underused gateway site. In addition, a number of enquiries about the site from local businesses highlighted that the site should be considered for disposal by the Council. Feasibility work has therefore been undertaken during the early part of 2018, in addition to gathering site technical information.

Expressions of Interest were invited from all of the Framework Partners on the Council's Contractor and Development Framework from 27th March 2018 to 30th April 2018. This resulted in two of the Framework Partners expressing their interest in developing the site for commercial use.

2. RECOMMENDATIONS

That the Executive Members:

Approve disposal of Council land at Dock Street for commercial development to a Framework Partner on the Council's Contractor and Development Framework.

3. BACKGROUND

The land at Dock Street has been vacant for some time, having previously been occupied by terraced properties prior to their clearance to allow for highway improvements which took place approximately 30 years ago.

A combination of factors have recently increased interest in the site, such as the Pennine Reach highway improvements, growth of local businesses and increasing demand for commercial space. The site's feasibility for commercial development has therefore been investigated to see how best to

utilise the land for either:

- a) a whole site owner-occupier;
- b) a development of small commercial units; or
- c) a development of serviced plots.

A Feasibility Report has been completed, which illustrates that all three of these development options could be accommodated, providing opportunities for uses such as industrial, trade counters, trade showrooms or offices.

Expressions of interest were invited from the Council's Framework Partners over a 5-week period, which resulted in the receipt of two expressions of interest to develop the site. In addition, a local business had previously expressed an interest in establishing a new showroom at the site and so all of the Framework Partners were encouraged to make contact with the business to discuss their specific requirements.

The next stage is to proceed to procurement through The Chest procurement portal so that a successful tenderer can be selected and the site be developed for commercial use.

4. KEY ISSUES & RISKS

The following surveys have been completed:

- Ecology
- Phase 1 Geo-Environmental Desk Study
- Topographical
- Tree Survey
- Utilities.

The recent surveys have helped us to understand any site constraints which could potentially affect the land value of the site and capital receipt gained. Intrusive site investigations have not been undertaken; however these may be carried out at a later date.

The surveys and Feasibility Report have provided an insight into the implications of bringing the site forward for development as regards to planning and infrastructure issues. Planning and infrastructure requirements do not present any insurmountable barriers to the site being made available for sale.

The freehold is made up of a number of individual titles of which some are subject to annual rent charges. The Council will indemnify the purchaser against any defects in title in advance of exchange of contracts, or procure satisfactory indemnity insurance for such defects. Further liaison with Legal will be necessary to assemble the title documents.

Several options have been considered, as follows:

- **Option 1 Do nothing**
The site remains undeveloped, incurring ongoing maintenance costs, attracting fly-tipping and anti-social behaviour.
- **Option 2 Sell the land at auction**
Disposal at auction with no restrictions is not recommended. Although the sale would generate a capital receipt (because the Council is entirely permitted to set a reserve price at its discretion) there are generally considered fewer controls and

the site may remain undeveloped and there would be reduced control over the type of development.

- **Option 3 Sell the land to Framework Partners through The Chest procurement portal**
Working with the Framework Partners gives the Council some control to deliver the required outcomes, although there is no guarantee of outcomes. This is because there is a distinction between the disposal of land and the Council “procuring” a development. Generally only a formal procurement exercise enables the Council to make precise contractual stipulations. The disposal strategy described above is within the scope that is entitled to be included following a tender exercise. A capital receipt would be expected.

It is recommend that option 3 is progressed, taking the disposal through The Chest procurement portal with the Framework Partners on the Contractor and Development Framework. This will ensure that the future development will be undertaken in an agreed timescales and quality. Through the tender process, the Council will explore ways in which a balance can be obtained to ensure the development is of good quality and obtains best value.

The tender evaluation is proposed to be weighted on 80% price and 20% quality as follows:

Price Responses:

Capital Receipt – 80%

Quality Responses:

Scheme proposals and quality – 10%

Design, planning and build programme – 5%

Proposed business use / end users and employment generation – 5%.

5. POLICY IMPLICATIONS

The Council's Local Plan sets an employment land requirement to meet over the 15 year Plan period. Development of the site will contribute to meeting this target and assist in providing local jobs.

6. FINANCIAL IMPLICATIONS

In respect of the rent charges, the Council is required to pay annual chief rents to a Mr Whitworth, dating back to 1989. Section 3 of the Rent charges Act 1977 provides that all rent charges shall be extinguished after 60 years of the passing of the Act. Therefore the rent charges will be extinguished in 2037, meaning that there are only 20 years' payments left at time of writing. The total potential liability for the Council is therefore £4,400.

A full assessment will be carried out on tender submissions and the recommended/successful tender details will be presented to Executive Members prior to appointment of a developer.

Development of the site will attract a capital receipt and potentially business rates.

7. LEGAL IMPLICATIONS

The proposed transaction complies with the Council's Constitution and Local Government Acts for the disposal of the Freehold of the site. The Council should be seeking to achieve best consideration reasonably obtainable for the site, unless the Council can apply the exemptions permitted by Government Circular. Although the Council has a general power of competence pursuant to S1 of the Localism Act 2011, to do anything that individuals or companies can legally do, the Local Government Act 1972 and

General Disposal Consent (England) 2003 to seek Best Consideration still applies and so this must be minded when the Council makes any decision to sell via any process, including an informal tender process.

All future approvals to enable sale of land and the completion of contractual terms will need to be signed off by the appropriate Executive Member or the Executive Board in line with the Council's constitutional requirements.

8. RESOURCE IMPLICATIONS

Current staff resources from the Council's Growth, Property, Planning, Procurement, Legal teams will be utilised to prepare the invitation to tender, complete land disposal process and project manage site development.

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

Expressions of interest were invited from Framework Partners between 27th March – 30th April 2017, during which time meetings took place with each partner to discuss the site.

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 and published if applicable.

VERSION:	V3
CONTACT OFFICER:	Helen Holland
DATE:	18/05/18
BACKGROUND	

PAPER:	
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EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Growth and Development	Date the activity will be implemented	01/06/2018
---------------------------------	------------------------	--	------------

Brief description of activity	The Council land at Dock Street, Blackburn has been identified for commercial use development. The majority of the site is vacant, with the exception of the north-eastern corner where a rolling monthly tenancy agreement is in place with the Garage Blackburn Ltd. The current status and future use of the land has been considered by the Council and as a consequence a full EIA is not required.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Budget changes - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =0	TOTAL	AGAINST =6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Helen Holland
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	07/06/2018



BLACKBURN
with
DARWEN
BOROUGH COUNCIL

Dock Street

SITE FEASIBILITY REPORT

Client Name: Blackburn with Darwen Borough Council

RIBA Stage: 1

Rev: A

Date: 16/03/2018

Page 9

CAPITA



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1.0 EXECUTIVE SUMMARY

Following on from an analysis of site constraints and opportunities three design options for industrial / commercial units have been developed as part of this Feasibility Report:

1. Whole site owner-occupier;
2. Development of small commercial units;
3. Development of serviced plots

A summary of units sizes and layouts are shown on the following page.

The site has the potential to be considered as a gateway site and as such all layout options have been positioned to maximise exposure to Higher Eanam.

All three options can accommodate the necessary parking number as per the councils' adopted Parking Standards.

Vehicular access across the front of the site (facing Higher Eanam) is restricted due to the presence of a Bus lane.

Existing vehicular site access is from Dock St and Eden St. Modifications to kerbs are necessary to accommodate HGV turning Radii - refer to page 20 for details.

An alternative site access from Higher Eanam could potentially make the site more attractive to potential owners / developers / occupiers. Following discussions with the council's Highways team it has been established that alternative site access from Eden St, via Higher

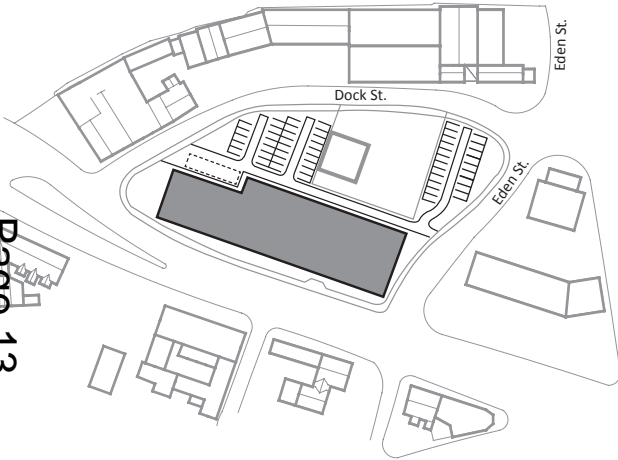
Eanam is possible if the flow of traffic on Eden St was changed from one way to two way - refer to page 18 for further details.

An overhead BT cable traverses the site. Below ground services are also present on the site - refer to page 24 for further details.

1.0 EXECUTIVE SUMMARY

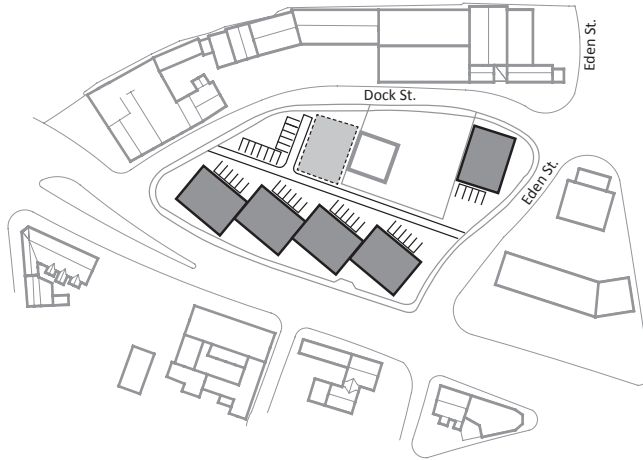


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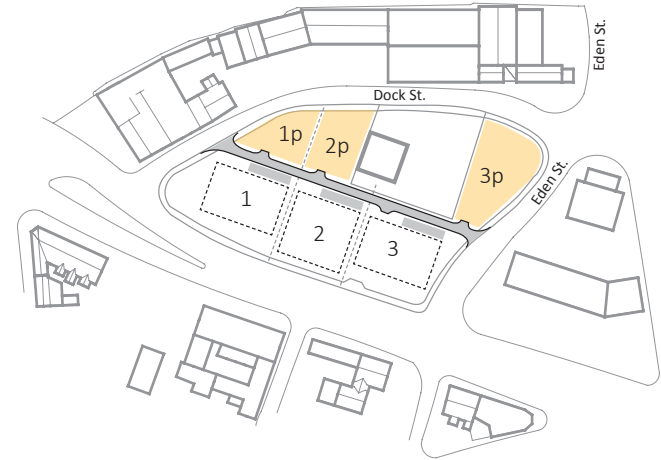
Option 1:
Whole Site Ownership

GIA	2560m ²
Car Parking Spaces	Circa 45



Option 2:
Small Commercial Units

GIA per Unit	400m ²
Number of Units	5
Total GIA	2000m ²
Car Parking Spaces	Circa 35



Option 3:
Serviced Plots

Plot 1	
Site area	~1150m ²
Parking- site area	~420m ²
Plot 2	
Site area	~800m ²
Parking- site area	~420m ²
Plot 3	
Site area	~900m ²
Parking- site area	~750m ²

* A comparative study of commercial / industrial unit sizes is shown on page 32

2.0 INTRODUCTION & BRIEF

Introduction

Blackburn with Darwen Borough Council have commissioned the Capita architecture team to produce a Feasibility Study which sets out the site constraints and opportunities.

The purpose of the commission is to help determine the development options for the site.

Brief

To provide the following:

- An assessment of the site constraints
- An indication of the potential site access points and developable area
- Illustrative layouts for a selection of potential uses (commercial / showroom / trade counters) incorporating 3 potential scenarios:
 - Whole site owner-occupier
 - Development of small commercial units
 - Development of serviced plots
- Commentary on key Infrastructure requirements which are necessary to unlock development at the site, including (if relevant) an indicative phasing plan and identification of any up front site preparation / enabling work

3.0 Site Context




Site Context



Page 15



Key:

-  Industrial and Commercial
-  Town Centre
-  Site Location

3.0 Site Context





Flood Risk Zones



Page 16

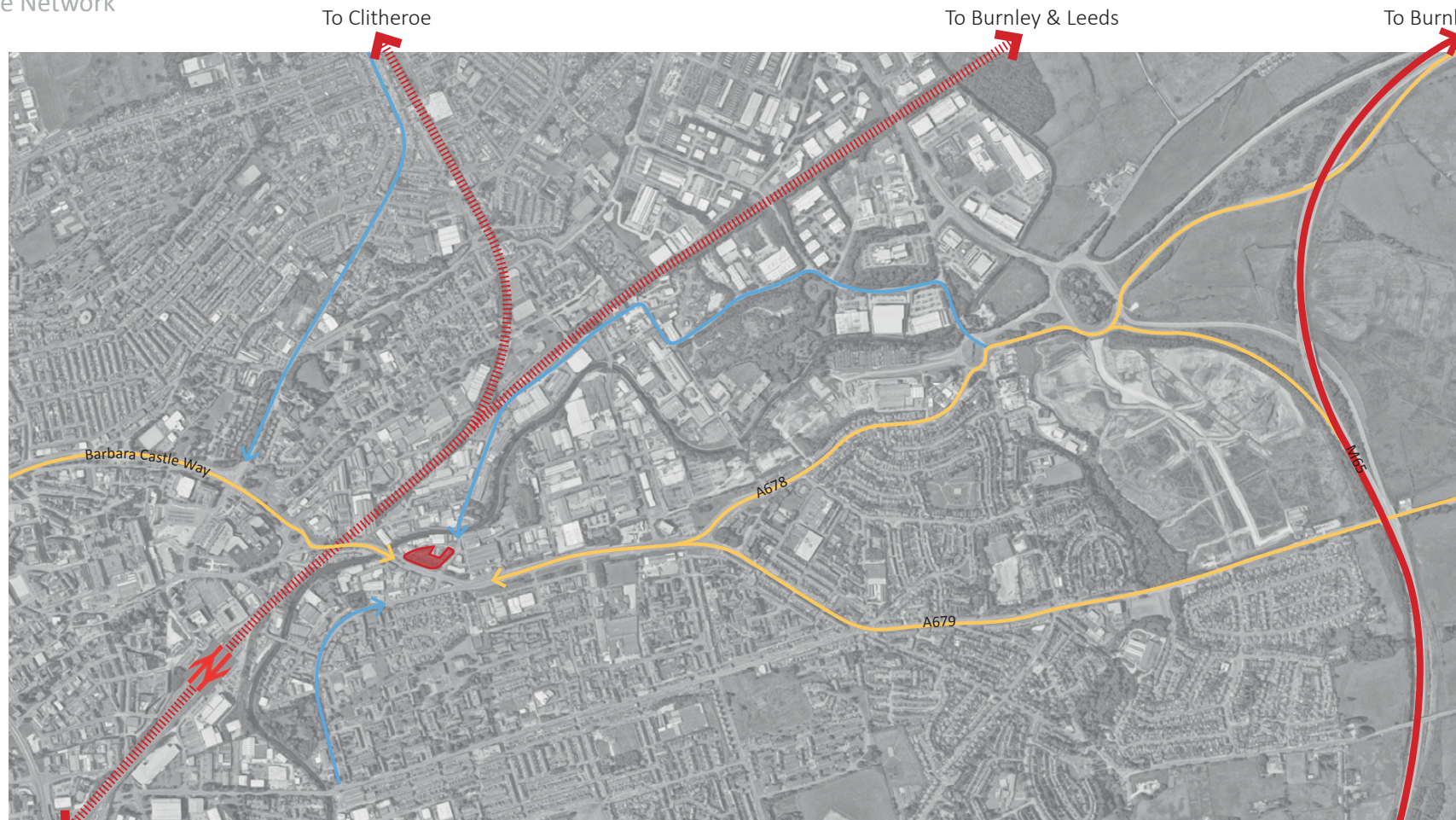


Key:

-  Primary Flood Zone
-  Secondary Flood Zone
-  Leeds & Liverpool Canal
-  Site Location

3.0 Site Context

Infrastructure Network



Key:

- Primary Access Routes
- Secondary Access Routes
- Blackburn Train Station
- Railway Line
- M65
- Site Location

4.0 Site Location

Site Location



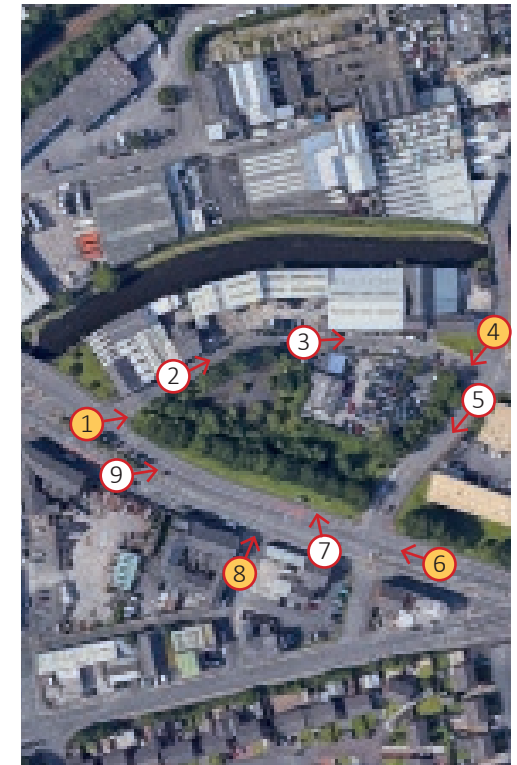
Page 8

Key:

— Extent of Study Area

4.0 Site Location

Site Photographs



Page 19

5.0 Site Analysis

Land Ownership Boundaries



Page 20



Key:

- Client Ownership - 4738 sqm
- 3rd Party Ownership

5.0 Site Analysis

Trees & Vegetation



Page 21



Key:

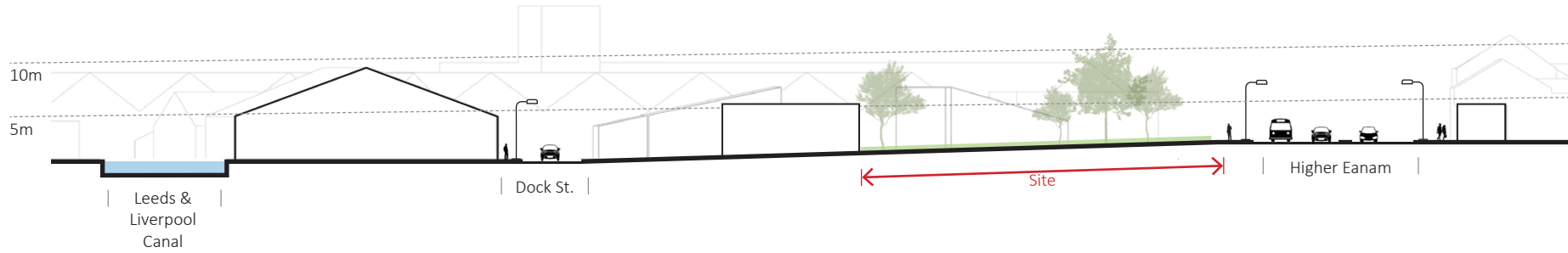
 Vegetation

* No TPO's within site boundary (Refer to appendix B for Tree Survey)

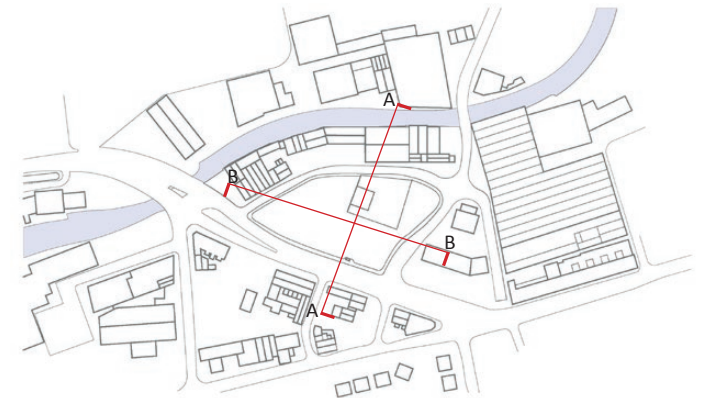
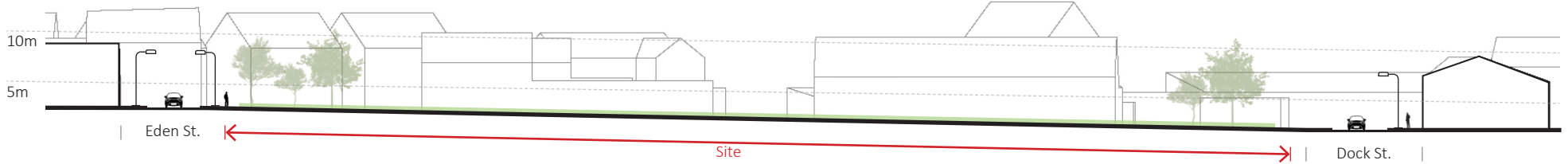
5.0 Site Analysis

Site Sections

Section A



Section B



5.0 Site Analysis

Land Uses



Page 23



Key:

- Industrial
- Commercial
- Residential

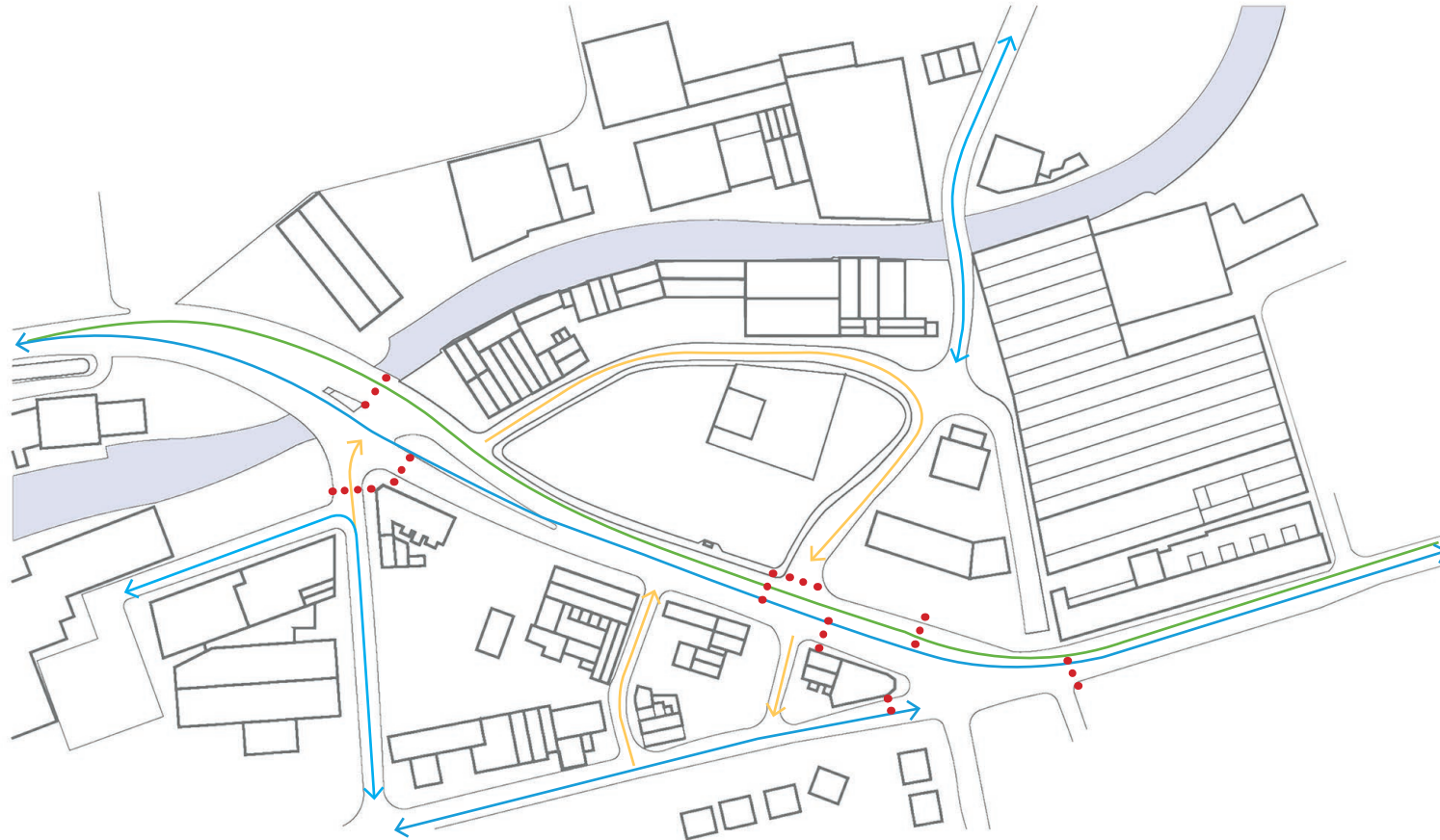
* Refer to Appendix C for further information on land uses

5.0 Site Analysis

Existing Road Networks



Page 24



Key:

- Two Way Traffic
- One way Traffic
- Bus Lane
- Traffic Lights

6.0 Site Constraints & Opportunities

Site Access - Existing & Potential

Page 25



Key:

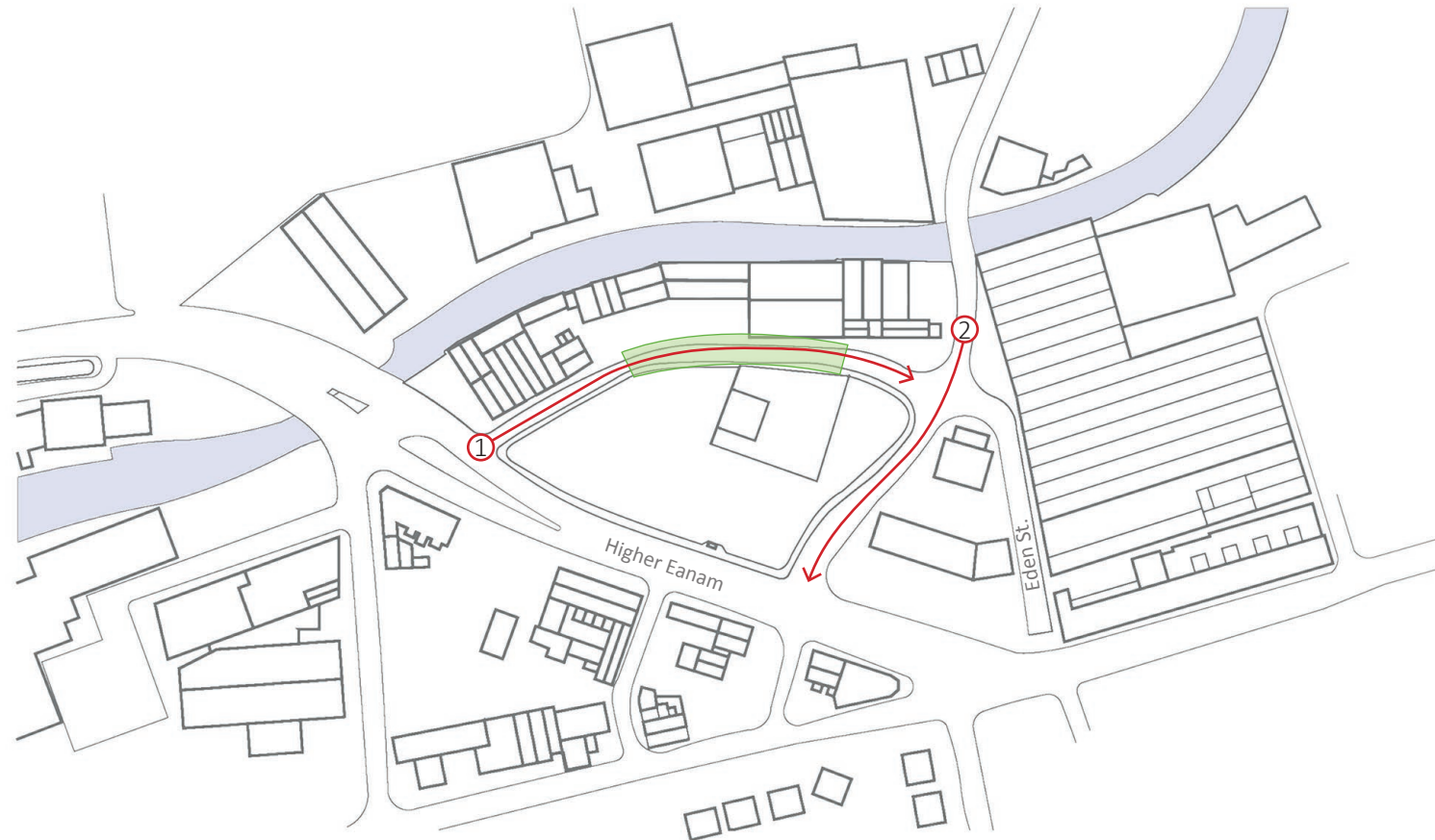
- Existing key site access routes
- -> Potential site access- Eden Street is wide enough to accommodate two way access

6.0 Site Constraints & Opportunities

Site Access - HGV Access



Page 26



Key:

- ① 4.5 - 5.75m wide single lane road- suitable for one way HGV access
- ② 6 - 10m wide double lane road- suitable for HGV access
- 5.5m height restriction due to overhead telephone cabling- suitable for HGV access

6.0 Site Constraints & Opportunities

Site Access - Largest Commercial Vehicle Turning Radii



Page 27



Key:

- Access- Largest commercial vehicle turning radii (15m in length)
- Egress- Largest commercial vehicle turning radii (15m in length)
- Bus lane preventing site access along Higher Eanam

Note:

- ① Corner to be adjusted to allow largest commercial vehicle access

6.0 Site Constraints & Opportunities




Site Access -Medium Commercial Vehicle Turning Radii



Page 28



Key:

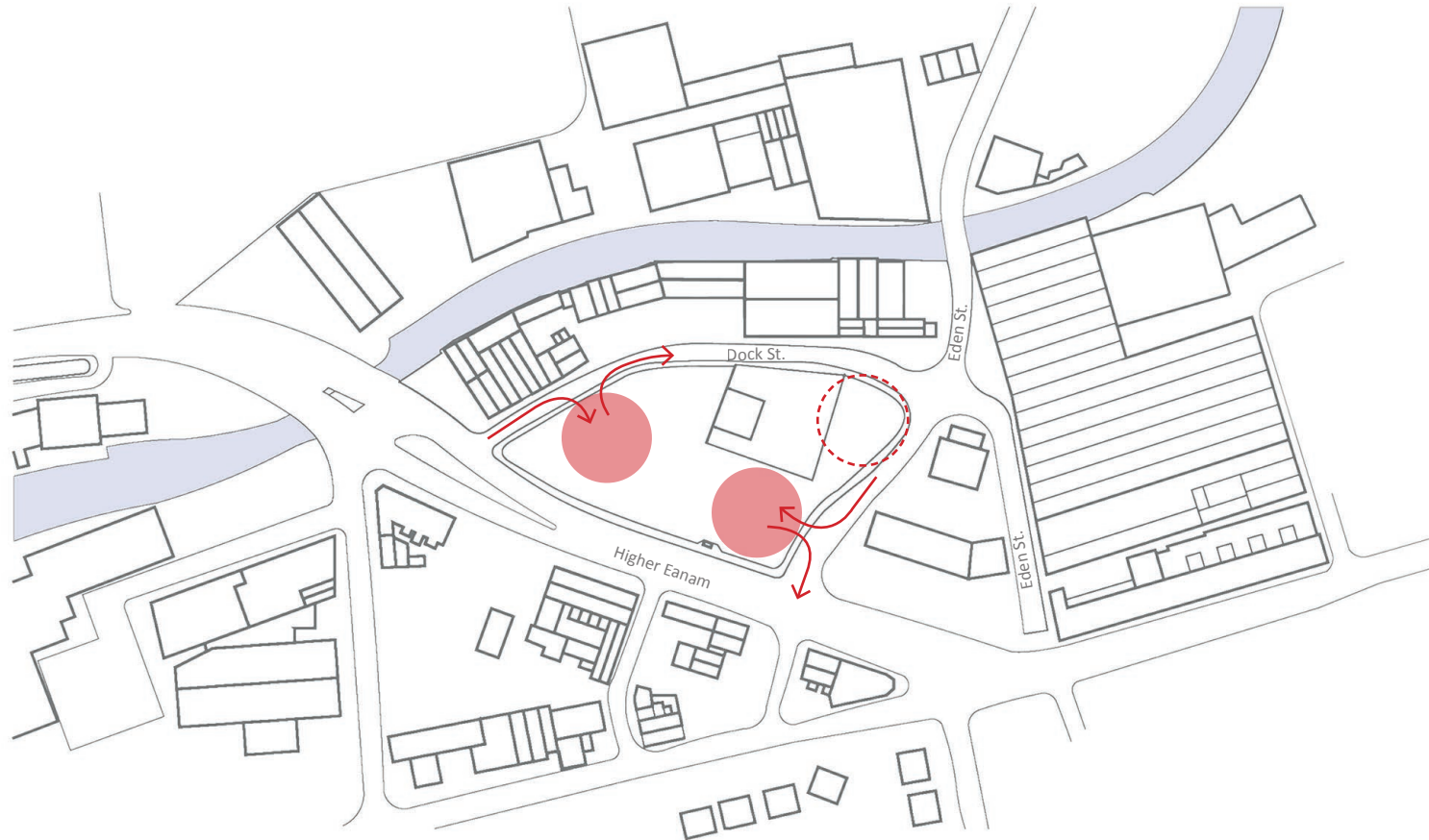
-  Access- Medium commercial vehicle turning radii (11m in length)
-  Egress- Medium commercial vehicle turning radii (11m in length)
-  Bus lane preventing access

6.0 Site Constraints & Opportunities

Site Access - Vehicle Turning Circle Opportunities



Page 29



Key:

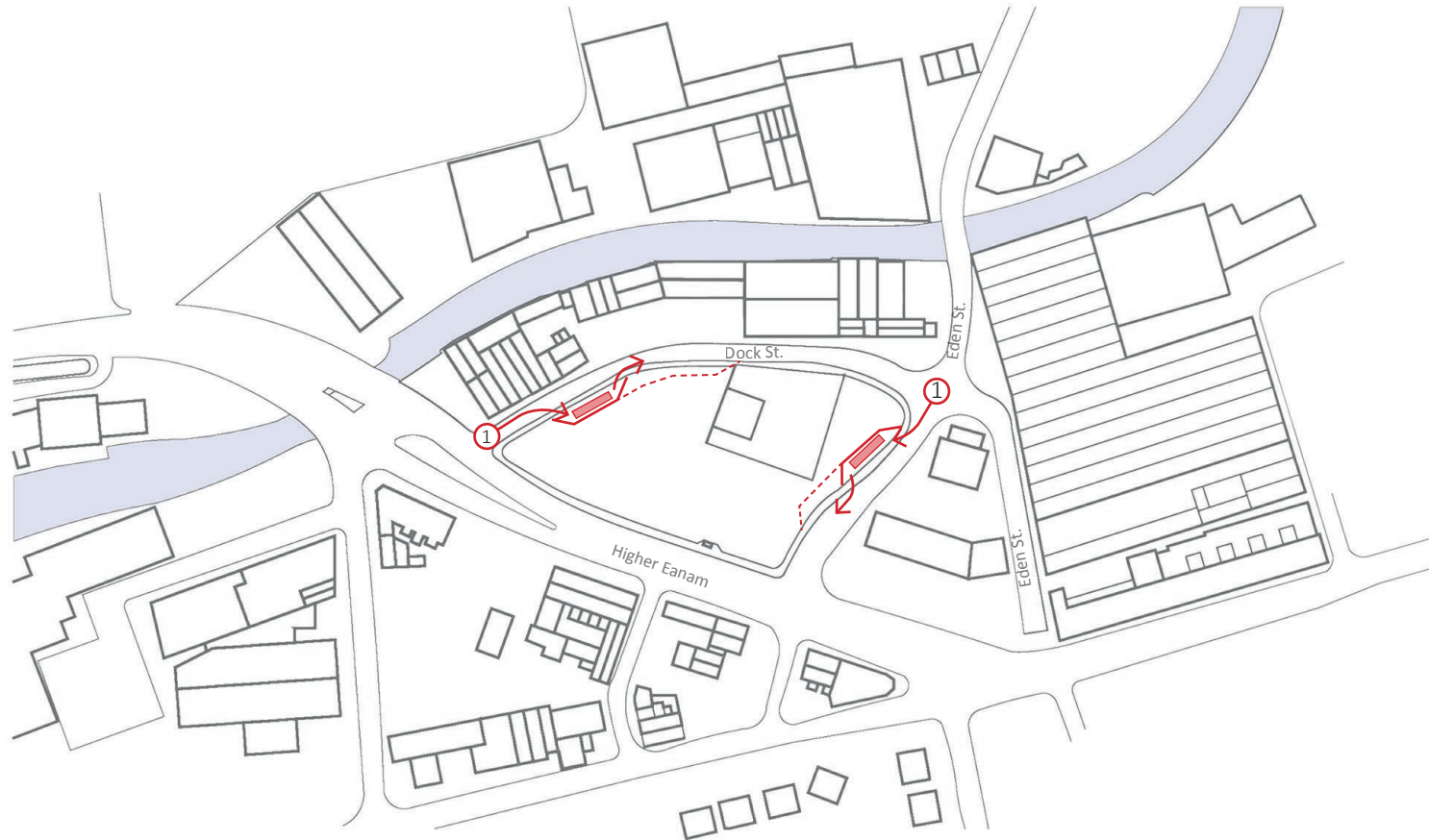
- 30m articulated HGV turning circle
- Zone not suited for HGV turning circle

6.0 Site Constraints & Opportunities

Potential Loading Bay Opportunities



Page 30



Key:

- ① Potential roadside loading bay suitable for all vehicle types

6.0 Site Constraints & Opportunities

On Street Parking



Page 31



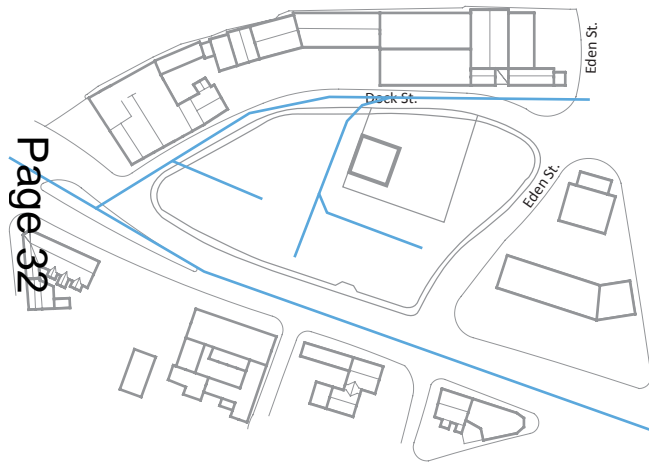
Key:

- On Street Parking
- Restricted Parking (Double Yellow)
- Zero Parking (Double Red)

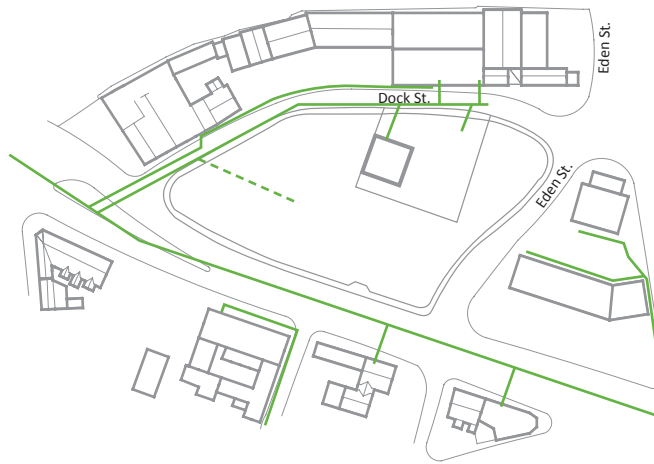
5.0 Site Analysis

Below Ground Utilities

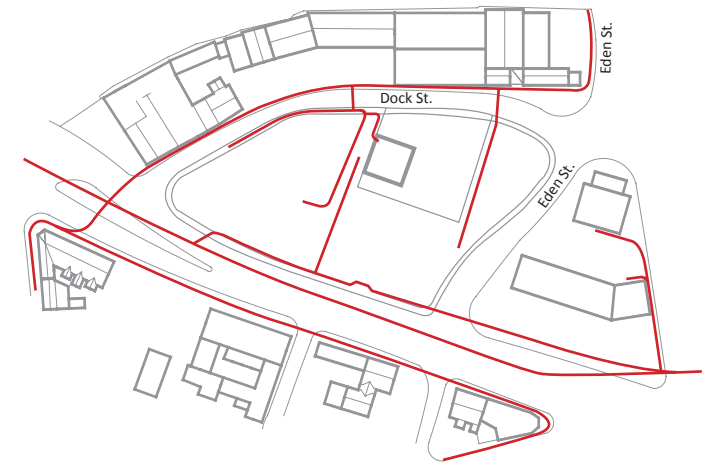
Page 32



— Sewer - existing*



— Low pressure gas main - existing
- - - Low pressure gas main - terminated*



— Low voltage electrical cable - existing*

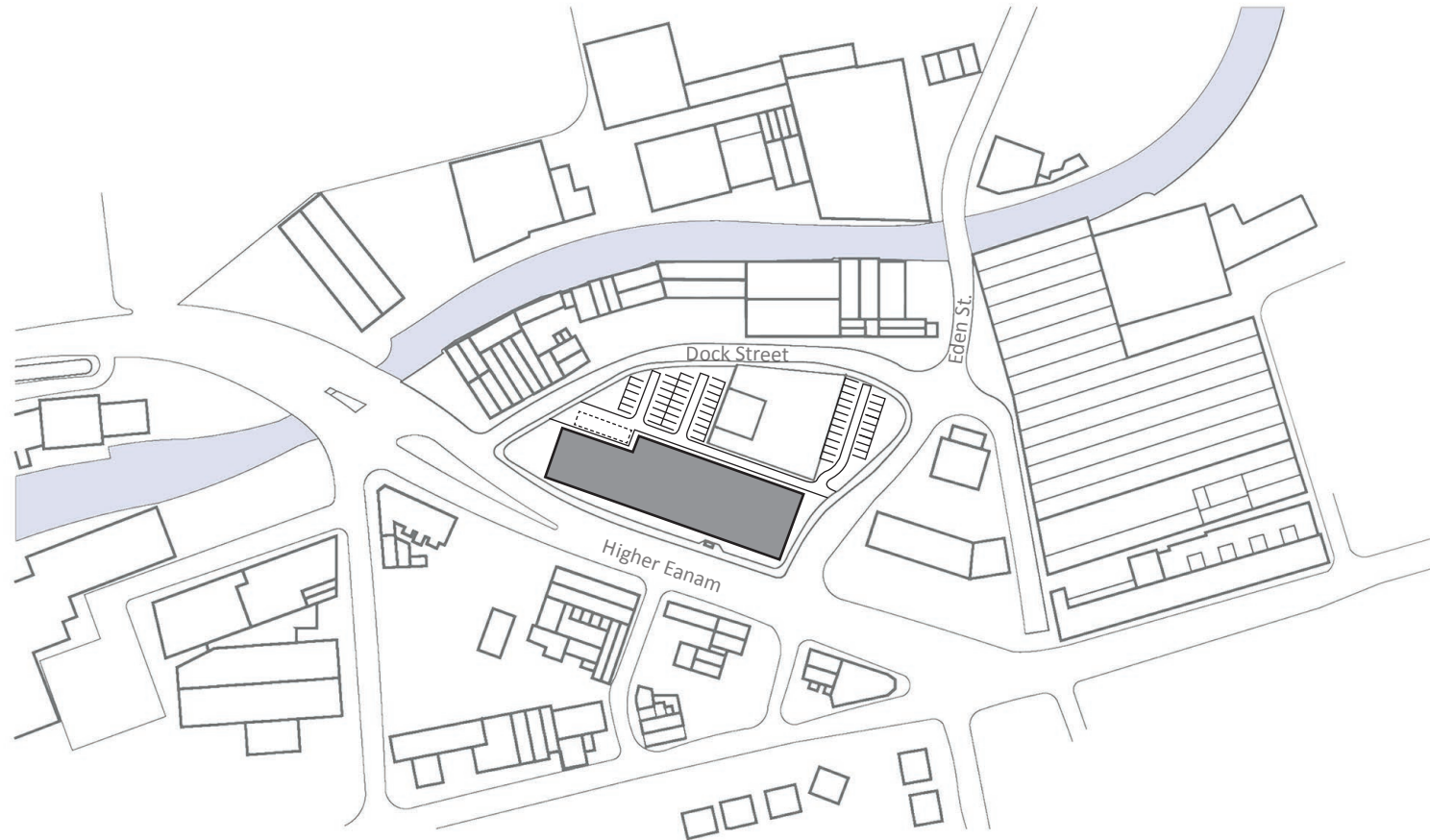
* Refer to appendix D for detailed below ground utilities maps

7.0 Design Options

Option 1 - Whole Site Occupier: Indicative Site Plan



Page 33



Note:

GIA calculation including ground floor and a 1/3 mezzanine

Number of car parking spaces in accordance with Blackburn Adopted Parking Standards (1 car parking space per 60m²)

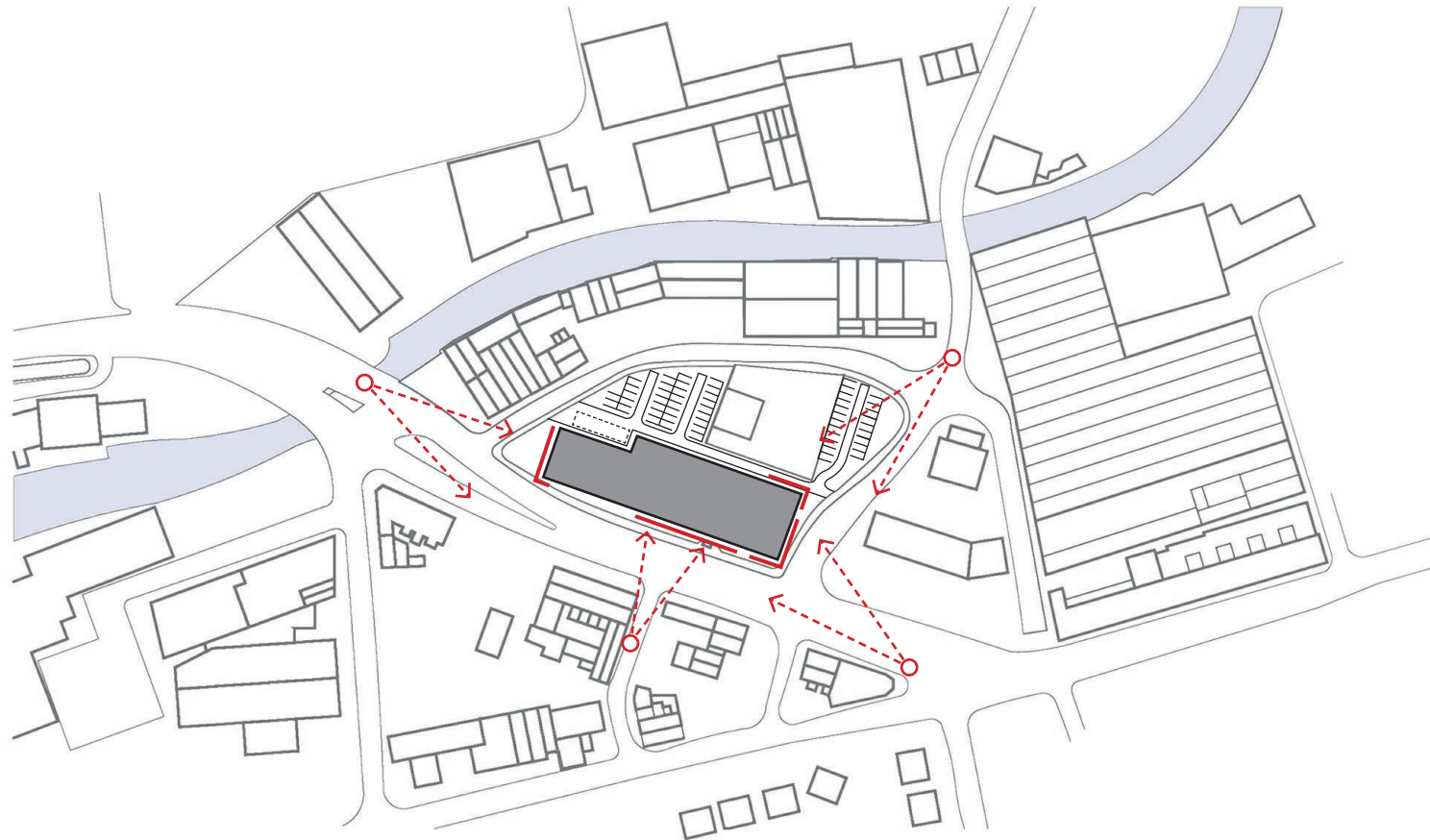
GIA	2560m ²
Car Parking Spaces	Circa 45

7.0 Design Options



Option 1 - Whole Site Occupier: Key building Frontages



Page 34



Key:

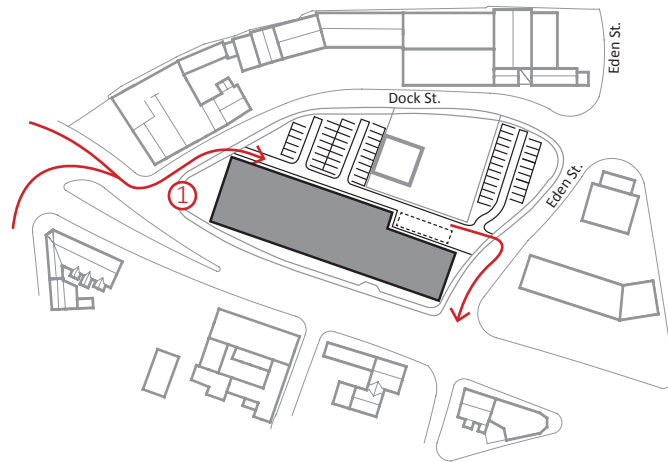
-  Key approaches to site
-  Key building frontages

7.0 Design Options

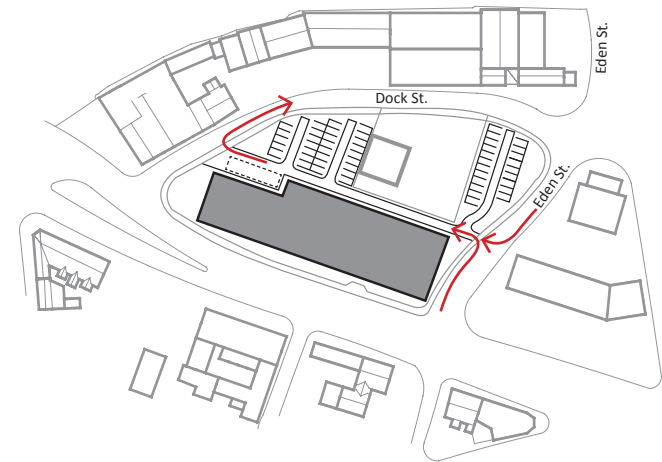
Option 1 - Whole Site Occupier: Site Access Opportunities



Page 35





Variation 1:
No Change to existing road networks



Variation 2:
Eden Street: 2-way access

Key:

-  Potential site access (all vehicle types)
-  Corner to be adjusted to allow HGV access

7.0 Design Options

Option 2 - Small Commercial Units: Indicative Site Plan



Page 36



Key:

① Communal loading bay & storage

Note:

GIA calculation including ground floor and a 1/3 mezzanine
Number of car parking spaces in accordance with Blackburn Supplementary Planning Guidance

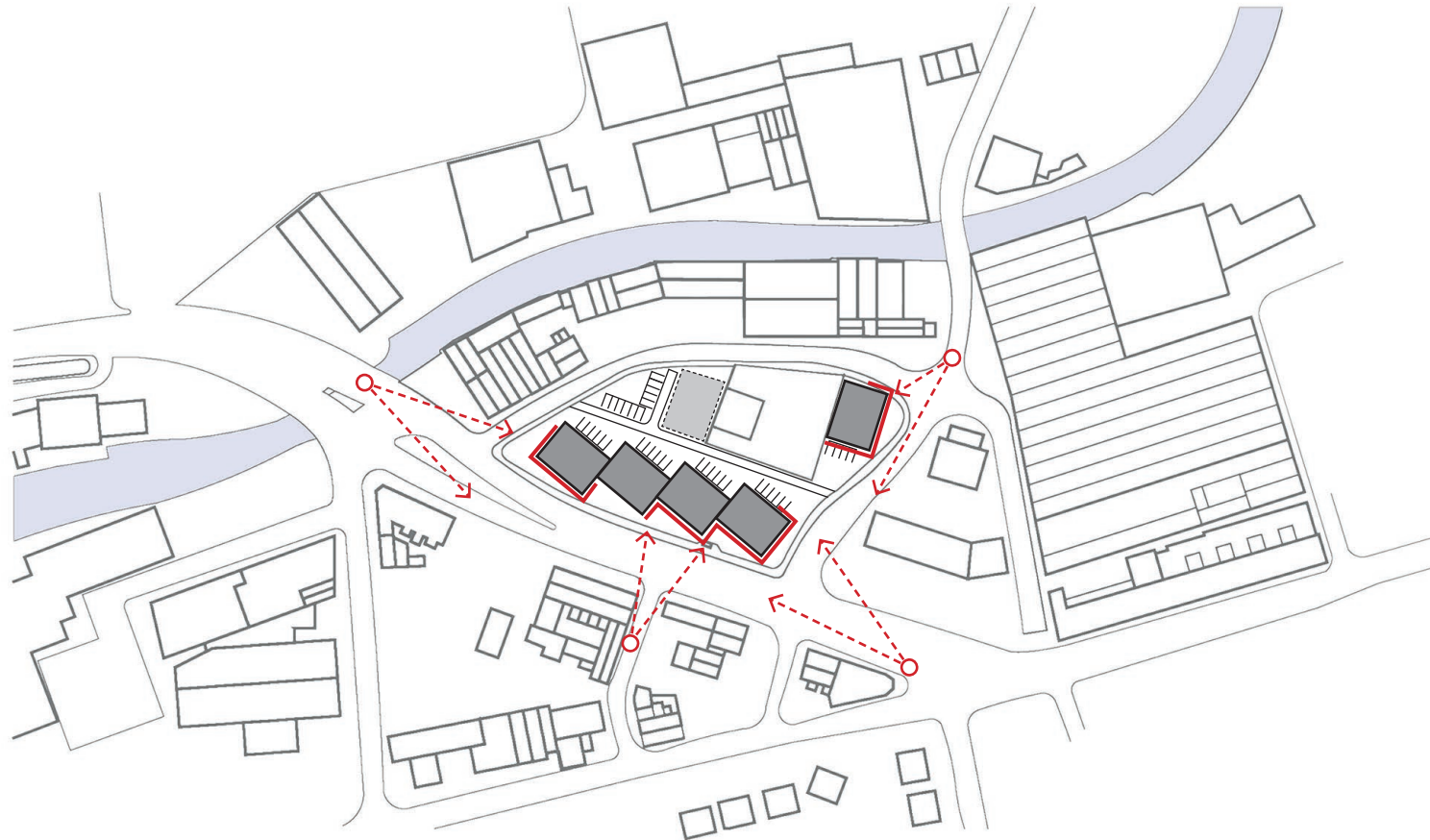
GIA per Unit	400m ²
Number of Units	5
Total GIA	2000m ²
Car Parking Spaces	Circa 35

7.0 Design Options



Option 2 - Small Commercial Units: Key building Frontages



Page 37



Key:

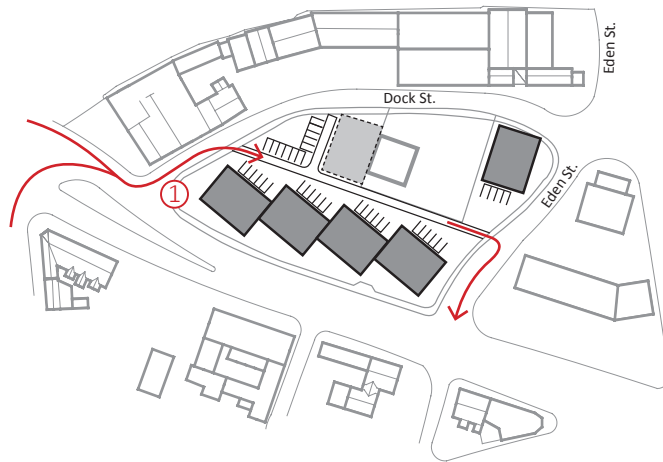
-  Key approaches to site
-  Key building frontages

7.0 Design Options

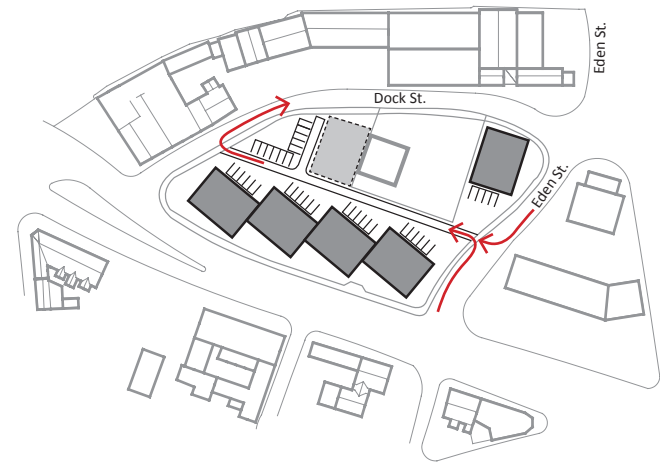
Option 2 - Small Commercial Units: Site Access Opportunities



Page 38





Variation 1:
No Change to existing road networks



Variation 2:
Eden Street : 2-way access

Key:

-  Potential site access (all vehicle types)
-  Corner to be adjusted to allow HGV access

7.0 Design Options

Option 3 - Serviced Plots: Indicative Site Plan



Page 39



- Key:
- Building Location
 - Loading Bay
 - Parking Zone

Plot 1	
Site area	~1150m ²
Parking- site area	~420m ²
Plot 2	
Site area	~800m ²
Parking- site area	~420m ²
Plot 3	
Site area	~900m ²
Parking- site area	~750m ²
<hr/>	
Potential GIA per Unit	~500m ²
Number of potential Units	3
Potential total GIA	~1500m ²

8.0 Appendix A

Area Analysis of Local Commercial Units - Size Comparison



Khanjra Foods, Blackburn:

GIA- 5,400m² (approximate)



Howdens, Blackburn:

GIA- 1275m² (approximate)



Magnet Kitchens, Blackburn:

GIA- 1010m² (approximate)



Topps Tiles, Blackburn:

GIA- 850m² (approximate)



ScrewFix, Blackburn:

GIA- 520m² (approximate)



Crown Decorating Centre, Blackburn:

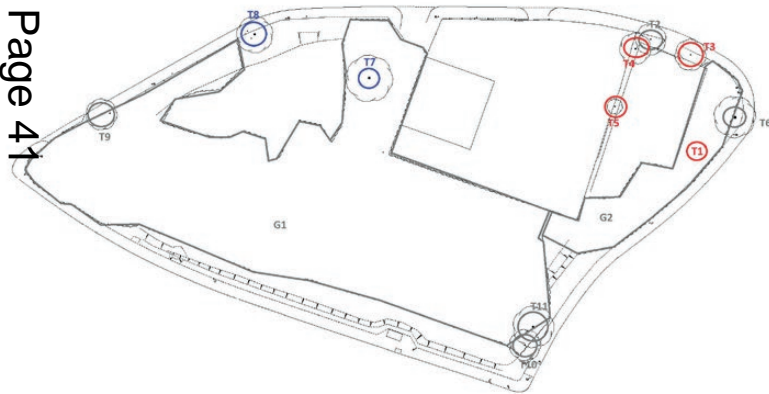
GIA- 300m² (approximate)

**All GIA calculations include a full ground floor level and 1/3 mezzanine level*

8.0 Appendix B

Tree Survey

Page 41



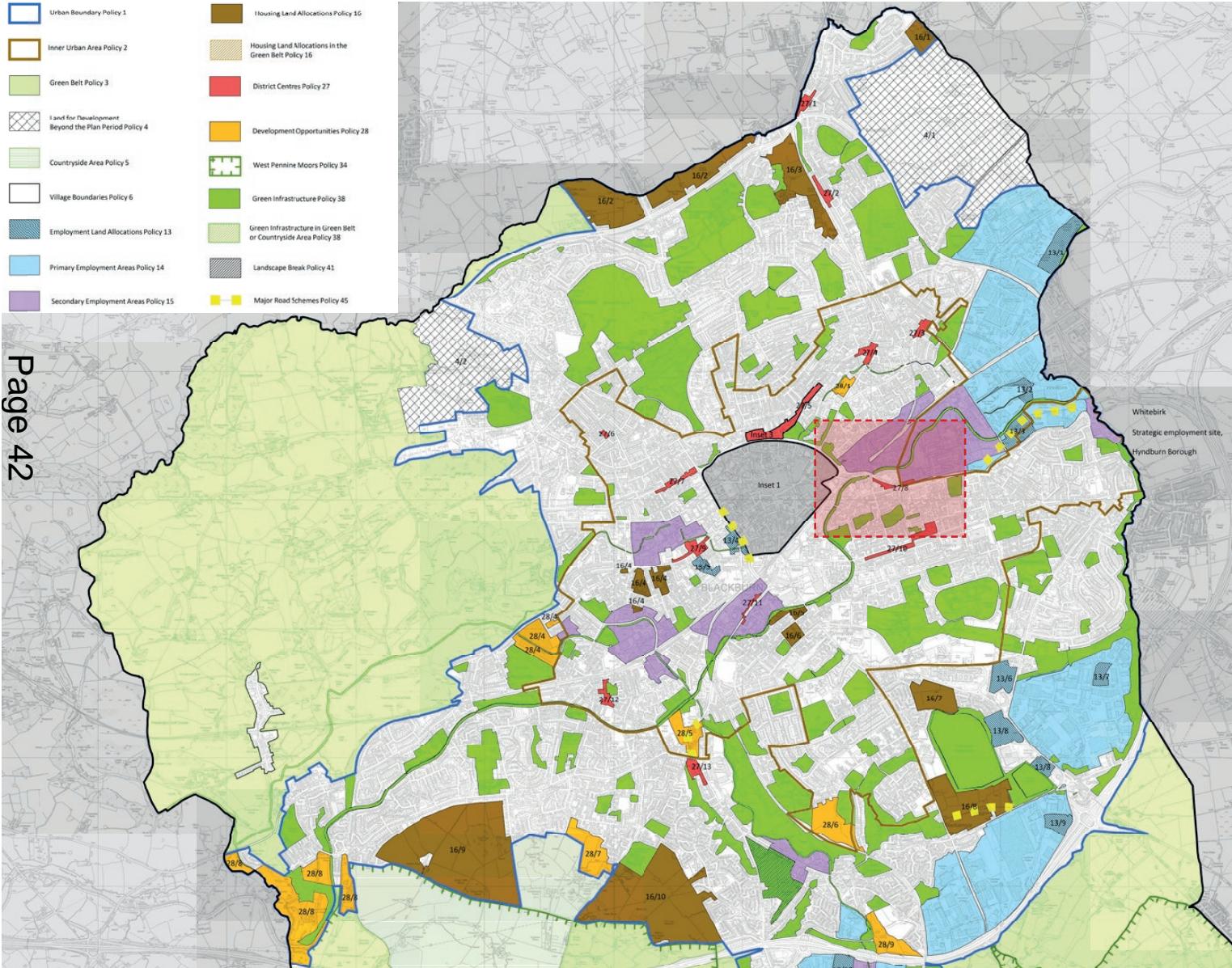
Tree No	Species	Height m	Dia @ 1.5	Crown Clear m	Age class	Physiological Condition	Structural Condition	Management Recommendations	Remaining Contribution	Retention Category
T1	Black Italian Poplar	6.5	290	1	Early Mature	poor	average	Prune dead wood and crossing branches.	<10	U
T2	Willow	6	215	5	Young	average	average	Remove dead wood	<10	C
T3	Willow	6	175	5	Young	poor	average	Remove dead wood	<10	C
T4	Willow	6	285	1.5	Young	good	poor	Remove	<10	U
T5	Cupressus	5	280	2	Young	good	poor	Remove	<10	U
T6	Willow	5.5	320	1.6	Young	average	poor	This tree needs a crown raise for visuals on one way sign and for clearance over pavement	<10	C
T7	Italian alder	9	300	0	Mature	good	good	healthy tree with a good form.	10 20	B
T8	Italian alder	10	350	1.7	Mature	good	average	Crown raise is needed over road and pavement. Soil on one side needs leveling off and Professional disposal of Japanese knot weed round the tree.	10 20	B
T9	Italian alder	5	stem 1 150 stem2 145	1.7	Early Mature	good	poor	cut out leaning co-dominant stem	10 20	C
T10	Cherry	5.5	200	1.7	Mature	good	poor	Needs crown reduction away from traffic lights	<10	C
T11	Sycamore	7.5	295	1.5	Mature	good	average	crown raise and crown reduction from cherry tree	<10	C
G1	Alder, Cherry, Willow, Dogwood	<7	<300	0	Young	average	average	This group has a mix of alder, cherry, willow, dog wood and elder. The group of trees makes a good screen from the main road. Due to the young age all are replacable.	10 20	C
G2	Birch, Black Italian Poplar, Willow	<8	<300	0	Young	average	average	This group has a mix of Birch, Black Italian Poplar, willow and other low growing shrubs. The group of trees makes a good screen from the main road. Due to the young age all are replacable.	10 20	C

8.0 Appendix C

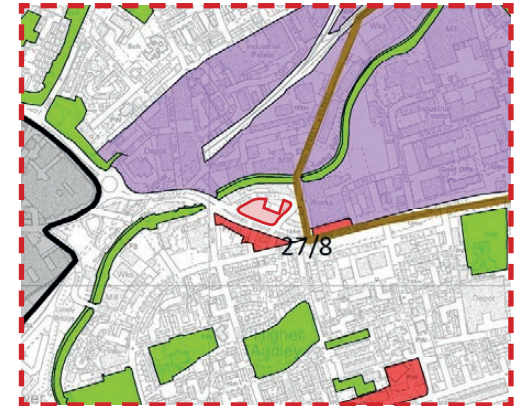
Blackburn Local Plan

- | | | | |
|--|---|---|--|
|  | Urban Boundary Policy 1 |  | Housing Land Allocations Policy 16 |
|  | Inner Urban Area Policy 2 |  | Housing Land Allocations in the Green Belt Policy 16 |
|  | Green Belt Policy 3 |  | District Centres Policy 27 |
|  | Land for Re-development Beyond the Plan Period Policy 4 |  | Development Opportunities Policy 28 |
|  | Countryside Area Policy 5 |  | West Pennine Moors Policy 34 |
|  | Village Boundaries Policy 6 |  | Green Infrastructure Policy 38 |
|  | Employment Land Allocations Policy 13 |  | Green Infrastructure in Green Belt or Countryside Area Policy 38 |
|  | Primary Employment Areas Policy 14 |  | Landscape Break Policy 41 |
|  | Secondary Employment Areas Policy 15 |  | Major Road Schemes Policy 45 |

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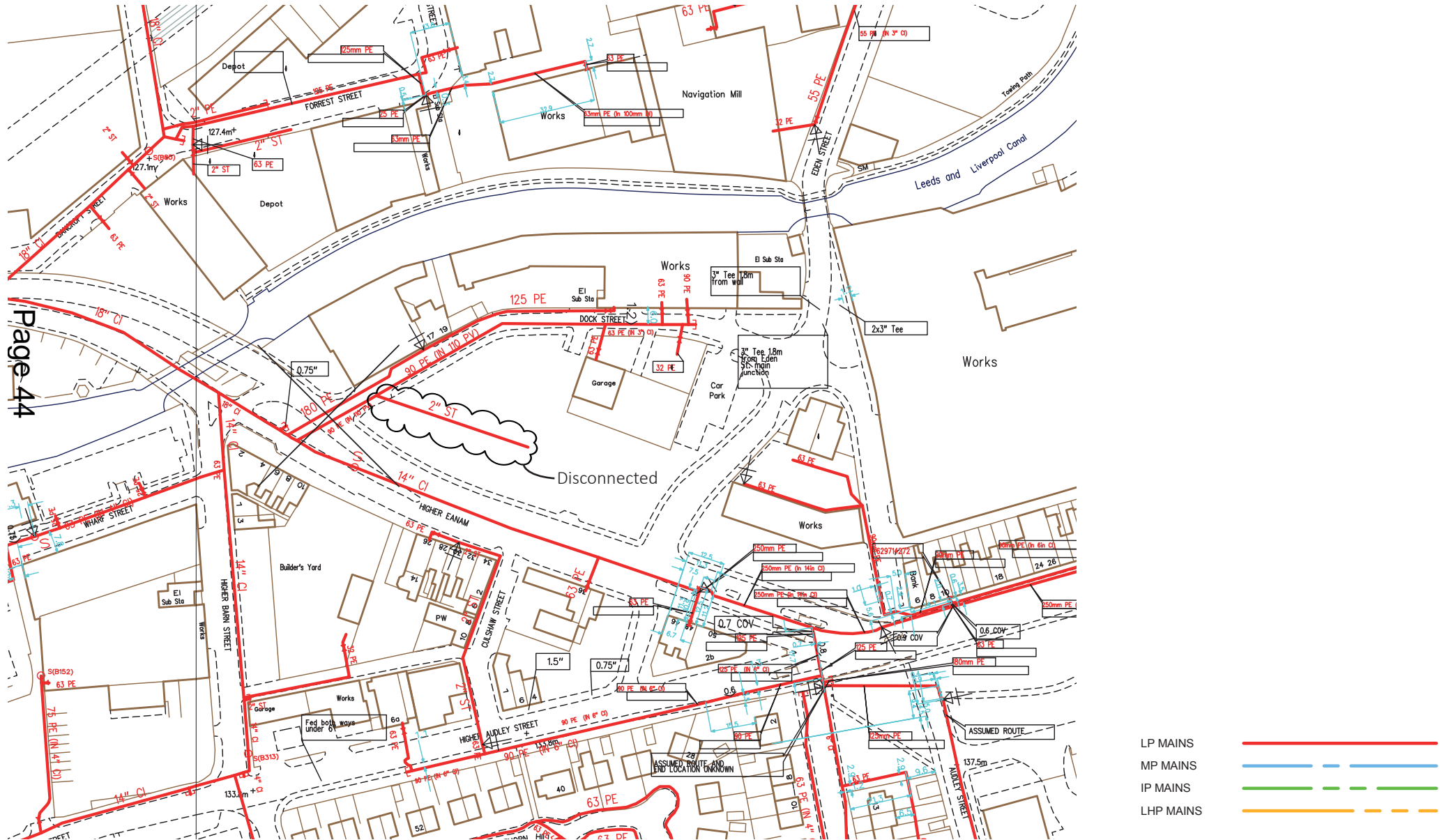


Key:
 Site Location



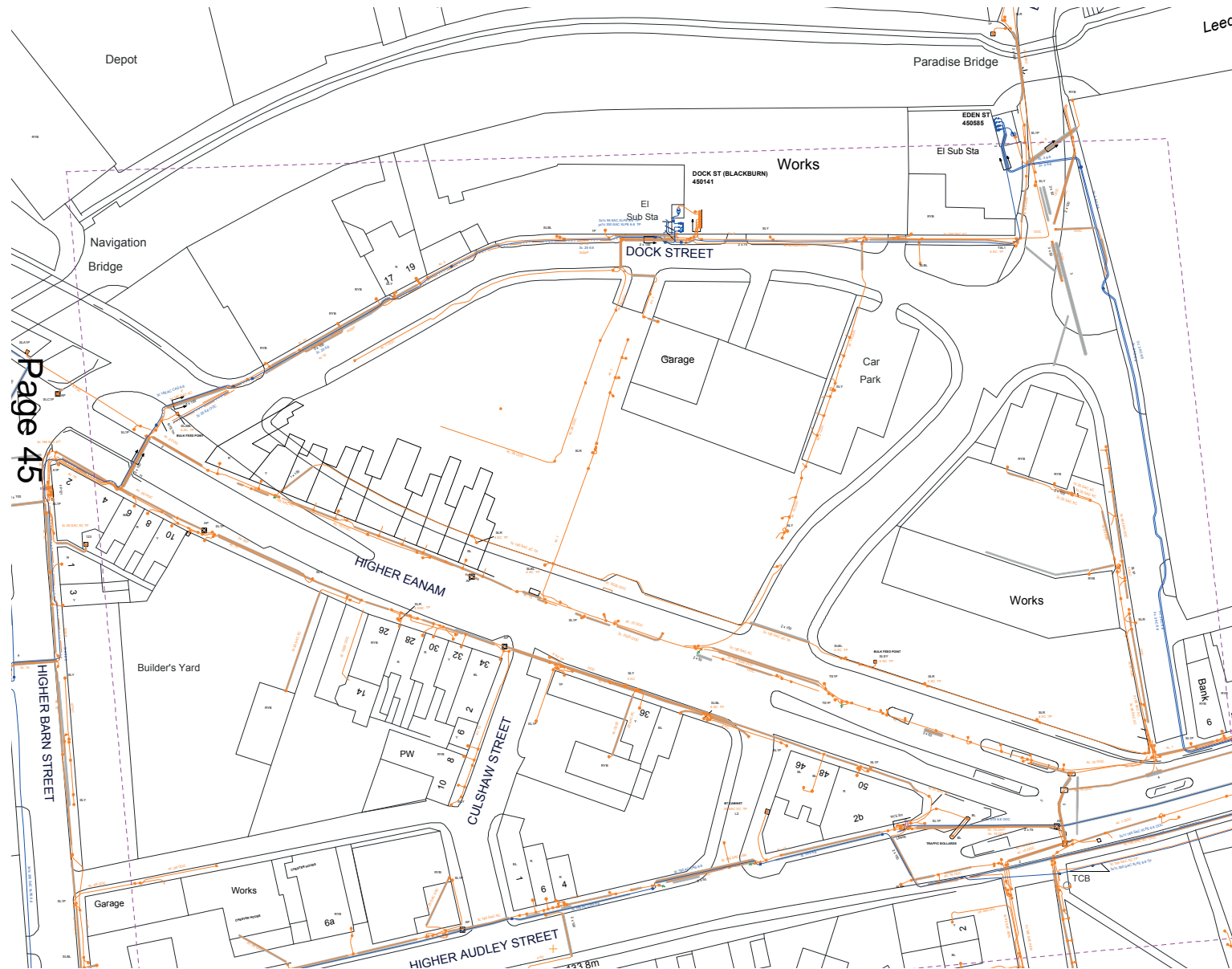
8.0 Appendix D

Utilities Survey - Gas Data



8.0 Appendix D

Utilities Survey - Electricity Data



Operating Voltage	Colour Code	Line Colour
132kV	Black	
33kV	Green	
22kV-25kV	Yellow	
11kV	Red	
6kV-6.6kV	Blue	
1kV-6kV	Violet	
LV	Orange	
Unknown Voltage	Brown	

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EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Environment

LEAD OFFICERS: Director of Environment and Leisure

DATE: 14 May 2018

PORTFOLIO/S AFFECTED: Environment

WARD/S AFFECTED: All

SUBJECT: Health and Safety Service Plan 2018-19

1. EXECUTIVE SUMMARY

1.1 This report seeks approval for the Health and Safety Service Plan for the year 2018/19.

2. RECOMMENDATIONS

That the Executive Member:

2.1 Approves the Health and Safety Service Plan 2018/19.

3. BACKGROUND

3.1 The Health and Safety Executive's (HSE) section 18 guidance sets out what the HSE expects from local authorities in their delivery of health and safety enforcement duties.

3.2 One of the requirements of the guidance is that local authorities agree a service plan for the delivery of health and safety enforcement duties.

3.3 The relevant Executive member of Blackburn with Darwen Borough Council has historically agreed the health and safety service plan.

3.4 The content of this plan sets out the arrangements required by the section 18 guidance.

4. KEY ISSUES & RISKS

4.1 The Health and Safety Executive (HSE) and Local Authorities (LAs) are the principal Enforcing Authorities (EAs) for the Health and Safety at Work etc Act 1974 (HSWA). Local authorities are responsible for regulating the health and safety of about half of the workforce of Great Britain.

4.2 The primary purpose of the HSWA is to place a duty on employers to safeguard employees, and other people who may be affected by their activities, against risks in the work place. The role of the

EAs is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

4.3 Local authorities must make “adequate arrangements for the enforcement” of health and safety and the HSE produces a code “the National Local Authority Enforcement Code” and guidance “Setting Local Authority Priorities and Targeting Interventions” which explains how to discharge this duty.

4.4 Health and Safety compliance work is delivered by 1 officer who spends the majority of his time on health and safety and 2.6 additional staff who spend a very small part of their time dealing with health and safety. This is generally in conjunction with food safety inspections. In total it is estimated that 1 FTE of staff resource is involved in health and safety compliance work.

4.4 The plan at appendix 1 sets out what work is to be prioritised for 2018/19 and a summary review of the work undertaken in 2017/18.

4.3 In 2017/18 progress was made in the following priority areas :-

- 4 during event inspections were made at Blackburn Rovers, Ewood Park. These concentrated on Health and safety at work for the staff and stewards and crowd safety for members of the public. The inspections were intelligence led and occurred when the largest number of people would be present. The stadium is the largest gathering of public and staff within the borough with the range of people attending from 2,000-27,000.
- 11 petrol storage sites were issued with licences; with 10 being inspected and advised on the safe storage and dispensing of petrol.
- 10 premises using charcoal to cook food or ignite tobacco (shisha bars) were inspected to check on safety measures in place. These sites were considered to be high risk as monitoring shows high levels of the highly toxic gas carbon monoxide can be present where these types of activity take place.
- 8 prohibition notices were served to immediately stop work activities. These included unguarded dough rollers and defective vehicle and passenger lifts.
- Of the 83 accidents reported 26 required investigation. In one case where there was a fatality an officer provided information to the Coroner’s court.

4.4 In 2018/19 the initiatives listed below will be the focus of attention for the resource available for health and safety:

- Complete the inspection programme of licensed petrol storage sites.
- Follow up incident notifications in areas of priority within the HSE’s National Code, along with any incidents where major injuries and fatalities are caused.
- Ewood Park (Safety of Sports Grounds) – 1 non-event inspection and 3 during match inspections to be undertaken
- Continue work on reducing the risk of carbon monoxide poisoning in shisha lounges and premises using solid fuel cooking in catering
- Complete a project on the safety of beverage gases in the hospitality industry

- Check on gas safety in commercial catering
- Inspect businesses needing a licence to store fireworks
- Respond to electrical incidents and other significant concerns including illegal abstractions.

5. POLICY IMPLICATIONS

5.1 The work to deliver the health and safety service plan supports the strategic objectives of improving health and wellbeing and creating more jobs and supporting business growth.

6. FINANCIAL IMPLICATIONS

6.1 The health and safety service plan will be delivered within the current budget for the Public Protection Service.

7. LEGAL IMPLICATIONS

7.1 None

8. RESOURCE IMPLICATIONS

8.1 None

9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

10. CONSULTATIONS

10.1 The health and safety service plan will be made available on the council's website for comment.

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 and published if applicable.

VERSION: 1

CONTACT OFFICER: Denise Andrews

DATE: 14 May 2018

BACKGROUND PAPER: None

EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Public Protection Service E&L	Date the activity will be implemented	01/04/2018
---------------------------------	----------------------------------	--	------------

Brief description of activity	Delivery of the health and safety service plan to fulfil the Council's obligations as an Enforcing Authority under the Health and Safety at Work etc Act 1974.
--------------------------------------	--

Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =0	TOTAL	AGAINST =6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Denise Andrews
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Gwen Kinloch
Date	02/07/2018

**BLACKBURN WITH DARWEN
BOROUGH COUNCIL
PUBLIC PROTECTION SERVICE**

**ANNUAL HEALTH AND SAFETY
SERVICE PLAN
APRIL 2018 – MARCH 2019**

Introduction

Local authorities are required to publish plans detailing the work they do in relation to health and safety at work in the local authority enforced sector.

This plan seeks to focus our Health and Safety work, to provide clarity on what we do and why we do it. It also provides a review of 2017/18.

1.1 Local Authority Profile

Blackburn with Darwen lies on the boundary between the Lancashire countryside and the Greater Manchester conurbation.

The central urban areas of the Borough have many problems more often associated with inner cities – high population density and many people from disadvantaged or vulnerable groups.

1.2 Arrangements for Enforcing Health and Safety at Work etc Act 1974

Health and safety at work compliance work is undertaken by the Public Protection and Environmental Health Service. The service also delivers legal compliance functions for food safety, infectious diseases, pollution control, trading standards and licensing (taxis, sale of alcohol and provision of regulated entertainment).

The Business Compliance team delivers the council's health and safety at work enforcement program. The team comprises 4.6 FTE officers (including team leader) working some of their time on health and safety. The main focus of this team's other work is food safety.

The types of premises the Council is responsible for health and safety include:

- Retail shops
- Wholesale premises
- Offices
- Catering premises, restaurants and bars
- Hotels and short stay accommodation
- Residential care homes
- Leisure and cultural services
- Consumer services

1.4 External Links

The Service works with neighboring local authorities through membership of the Health and Safety subgroup of Environmental Health Lancashire and with the HSE to support national campaigns on particular workplace issues to achieve national targets.

Aims and Objectives

2.1 Council aims and objectives - Corporate Plan 2016–2019

The Corporate Plan sets out the Council's 6 priority objectives. These are informed by what residents have told the council, focussing on what the authority needs to achieve locally over the period of the plan. These priorities are:

1. Creating more **jobs** and supporting business growth
2. Improving **housing** quality and building more houses
3. Improving **health and well-being**;
4. Improving outcomes for our **young people** – education and skills
5. Supporting and helping the most **vulnerable people**
6. **Making your money go further** – supporting households in difficult financial times through efficient and effective use of council tax.

2.2 Health and Safety Service Plan Objectives

The work carried out detailed in this Health and Safety Service Plan supports the corporate plan objectives of improving health and wellbeing and creating more jobs and supporting business growth.

The key aim of this plan is to continually improve the health and safety and reduce health inequalities of all individuals working in and visiting places of work within the Borough.

The objectives have been identified by considering:

- The National Local Authority Enforcement code for Health and Safety at Work
- Section 18 Guidance from the HSE - LAC 67/2 (rev7) including the list of activities / sectors for proactive inspections by LA's
<http://www.hse.gov.uk/lau/lacs/67-2-priorities-targeting-interventions.pdf>
- Local issues identified from information including from RIDDOR reports, HSE statistics and through working with the local liaison group – Environmental Health Lancashire Health and Safety Officers Group.

Objectives

1. To raise standards of health and safety in the local authority enforcement sector using a risk-based enforcement strategy. Inspections or other interventions will be carried out in those businesses presenting the highest risk as detailed in HSE National Code for Local Authority Enforcement Code (See appendix 3 for more details). Within Blackburn with Darwen we will focus on the following taken from the priority areas:
 - Beverage gases in the hospitality industry
 - Gas safety in commercial catering
 - Respond to notifications of Legionella infection.
 - Safety of sports grounds at Ewood Park
 - Reducing the risk of carbon monoxide poisoning.
 - Fires and explosions caused by the initiation of explosives, including fireworks – particularly those premises needing a licence to store fireworks.
 - Prevent injury to members of the public from accessing large commercial waste and recycling bins

2. Reduce exposure to second hand and smoke by enforcement of the Smoke-free England Regulations in all premises to which they apply. The current major concern in this area is in the shisha premises. The current number of shisha bars operating in the Borough is 4. Specialist officers are involved in issuing fixed penalty notices to those found to be smoking in enclosed workplaces.

3. License or register those premises that make an application to undertake skin piercing or sell petroleum.

4. To deal with accident notifications, service requests and enquiries concerning health and safety on a risk based approach. In 2017/18 83 accident notifications were received; 26 required substantive investigation. 160 substantive service requests were dealt with.

Not all accidents/dangerous occurrences will be investigated but all will be assessed using the “Whether to Investigate an Accident – Decision Checklist” and the reasons for non-investigation will be recorded.

5. To maintain, and where possible improve, the standards of safety at sports grounds through partnership working. In 2017/18 we chaired the Safety Advisory Group and

worked in partnership with Blackburn Rovers to ensure the highest standards of safety were maintained. In conjunction with the Football Licensing Authority and the Fire Authority we audited Blackburn Rovers arrangements with regard to their safety certificate and fire arrangements. This is through during event inspections (at least 3 in the year) and 1 non-event inspection.

6. Complete the inspection program of licensed petroleum sites.
7. We will seek to reduce the burden on local businesses by combining information gathering exercises with those conducted for Trading Standards and other Environmental Health enforcement services.
8. We will use other environmental health enforcement services to ensure compliance with health and safety requirements e.g. licensing (alcohol, street trading, taxis and private hire, outdoor entertainment, safety of sports grounds, Smokefree England).
9. Local Enforcement Issues/projects for 2018/19 are:
 - Carbon monoxide poisoning in shisha lounges and from the use of solid fuel cooking in catering
 - Respond to electrical incidents and other significant concerns including illegal abstractions.

Further information about the work completed in 2017/18 can be found in Appendix 1.

Chapter 3 Service quality considerations

3.1 Consistency

The Service seeks consistency between officers and between local authorities.

We will continue to be an active member of the Lancashire Health and Safety Officers Group. We are committed to developing the group's training, peer review, benchmarking and consistency processes. We will use the outputs from these reviews to develop our service.

We will continue to subscribe to the RIAMS web-based quality and procedure reference system.

3.2 Transparency

We seek to be transparent in all our actions. The Regulators' Code service standards are published on our website at <http://www.blackburn.gov.uk/Pages/regulators-code-information.aspx>

We will use the website and our partnerships to publish details of why we do things. This plan will be published on the council's website.

We will report to elected members of the council and senior managers the key performance indicators for this service on a 6 monthly basis.

3.3 Targeting and Proportionality

We seek to target our actions to the highest risk and to the most important local issues. We will take action in proportion to risk and compliance, addressing the most serious risks where the hazards are less well controlled - as set out in the national code.

We will use principles contained in Health and Safety Executive's Enforcement Management Model when deciding on the best of action to take when non-compliance with legislation is found.

We will train officers to be consistent, operate transparently, target their work and take proportionate action. This will normally be by discussion, using team meetings and individual performance appraisal.

3.4 Accountability (making it clear who is responsible)

We will encourage higher expectations in the workplace and make sure that employers and employees understand their respective health and safety responsibilities. We will discuss the findings of every inspection with the employee representative (where there is one).

3.5 Competency and Training

HSE's national code requires officers to be competent and that there is a training programme to maintain competencies and develop staff.

The Service uses the RDNA competency assessment tool. This is used to ensure officers are both competent and properly authorised.

3.6 Data Capture and Record Keeping

The Service uses the Civica APP computer system for Public Protection. The health and safety intervention programme is generated from the commercial database within this system.

Health and Safety officers input details of interventions, accidents, service requests etc. Administration officers create, change and close premises records.

3.7 Sustainability

We will ensure that our actions, and the results of our actions, are sustainable, not just in environmental terms but also in economic and health terms.

All officers can take advantage of being able to use council IT systems whilst working from home.

3.8 Resources to Provide the Service

The service is normally delivered Monday to Friday 9:00am to 5.00pm. Where circumstances require immediate, urgent action or out-of-hours work, officers provide that service.

The Council's Emergency contact for out of hours use is 01254 51098.

The Public Protection Service has had a reduction in staffing resources in recent years. To try to maintain service provision working practices have been revised. For instance, health and safety interventions may be delivered at the same time as a food hygiene inspection.

The Business Compliance team currently comprises 4.6 FTE officers (including team leader) with a proportion of their time dealing with health and safety duties. It is estimated that this equates to 1 FTE on health and safety compliance activity plus additional management support.

3.9 Equipment

All staff are provided with the IT equipment necessary to undertake their duties.

We have undertaken risk assessments which are reviewed periodically and when activities change. We have provided personal protective equipment to those individuals who need it.

We provide and maintain the equipment officers require for their duties e.g. light meters, thermometers, noise level meters, volt sticks, personal protective equipment and maintain a budget for purchase and calibration of equipment.

3.10 Finances

The annual budget for Business Compliance in 18/19 is:

	£
Staffing	192,800
Travel and subsistence	7,400
Equipment (including IT)	2,400
Total	202,600

Appendix 1 Targets and Performance Indicators for 2017/18

TARGET	PERFORMANCE INDICATOR
Incorporating National targets into the work programme	Number of interventions - 143
Investigating accidents according to our priority scheme	Number of accidents investigated - 26
Responding to priority service requests and complaints in line with available resources	Number of medium or high risk service requests responded to and resolved within service parameters - 160
Enforcing Safety of Sports Grounds legislation at Blackburn Rovers, issuing the new safety certificate as required	Number of inspections - 4 Issue of Safety Certificate – Ver 5.1
Inspect and license petroleum premises in accordance with the legislation and on a risk assessed basis	Number of licenses issued – 11 and inspections carried out -10
Maintaining staff competency	Number of staff competent in all areas in which they are required to be competent – 4.6
Providing advice and education in all sectors of business, to both employers and employees in line with available resources	Number of elements of advice and education provided – 264 instances in 132 premises
Maintaining the FLARE database	Additions to database Number of closed premises contacted and changes to the closed premises database - 158
Working with Environmental Health Lancashire to provide coordinated health and safety activities	Completion of EHL work-plan
Supplying accurate and timely information to stakeholders, internal management and customers	Full information published on time and to quality demanded – when requested
Providing advice on planning, building control and licensing applications where there are significant developments	Number of customer contacts giving advice - 9

Appendix 2 – Enforcement actions 2017/18

Improvement Notices Issued	0
Prohibition Notices Issued	8
Formal Cautions issued	0
Prosecutions Taken	0

List of activities/sectors for proactive inspection by LAs¹ – only these activities falling within these sectors or types of organisation should be subject to proactive inspection			
No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures, including premises that have: <ul style="list-style-type: none"> • Not yet demonstrated the ability to manage their legionella risk in a sustained manner, includes new cooling towers/evaporative condensers, or • Relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.
2	Explosion caused by leaking LPG	Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
3	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions ²	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume Warehousing/Distribution ³	Poorly managed workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises ⁴	Poorly managed workplace transport/ work at height/cutting machinery /lifting equipment
6	Industrial diseases (occupational deafness/ occupational lung disease - silicosis)	Industrial retail/wholesale premises ⁴	Exposure to excessive noise (steel stockholders). Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)
7	Occupational lung disease (asthma)	In-store bakeries ⁵ and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products.	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.
8	Musculoskeletal Disorders (MSDs)	Residential care	Lack of effective management of MSD risks arising from moving and handling of persons
9	Falls from height	High volume Warehousing/Distribution ³	Work at height

10	Manual Handling	High volume Warehousing/Distribution ³	Lack of effective management of manual handling risks
11	Unstable loads	High volume Warehousing/Distribution ³ Industrial retail/wholesale premises ⁴	Vehicle loading and unloading
12	Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
13	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
14	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality ⁶) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign
15	Fires and explosions caused by the initiation of explosives, including fireworks	Professional Firework Display Operators ⁷	Poorly managed fusing of fireworks

¹ See LAC 67/2 (rev 7) for guidance on the application to certificated petroleum storage sites.

² Animal visitor attractions may include situations where it is the animal that visits e.g. animal demonstrations at a nursery.

³ Typically larger warehousing/distribution centres with frequent transport movements/work at height activity.

⁴ Includes businesses such as: steel stockholders; builder's and timber merchants.

⁵ For supermarket and other chain bakeries etc check to see if there is a Primary Authority inspection plan with more specific guidance.

⁶ Pubs, clubs, nightclubs and similar elements of the night time economy.

⁷ Specific guidance on the application of the Explosives Regulations 2014 to the activities of professional firework display operators is available on the HSE website -

www.hse.gov.uk/explosives/er2014-professional-firework-display.pdf

January 2018 Version - (for use with LAC 67-2 Rev 7)