

Public Document Pack

Executive Board

Thursday, 11 April 2019

Time: 6.00 pm

Venue: Meeting Room A

Address: Blackburn Town Hall

AGENDA

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

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
Minutes March 2019 **4 - 11**
3. **Declarations of Interest**
DECLARATIONS OF INTEREST FORM **12**
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 4pm on the day prior to the meeting.
6. **Questions by Non-Executive Members**
To receive written questions submitted by Non-Executive Members no later than 4pm on the day prior to the meeting.
7. **Youth MPs Update**
To receive an update from the Youth MPs along with any issues they would like to raise.
8. **Executive Member Reports**
Verbal updates may be given by each Executive Member.

Leader

- 8.1 **Lancashire Enterprise Partnership**

	Lancashire Enterprise Partnership - Change in Company Membership	13 - 16
Health and Adult Social Care		
Children, Young People and Education		
8.2	Statutory Site Transfer of Blackburn Central High School with Crosshill Statutory Site Transfer BCHS with Crosshill BLACKBURN CENTRAL HIGH SCHOOL .1	17 - 22
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Leisure and Culture		
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Regeneration		
8.4	LTP/Capital Monitoring Scheme 2019/20 Local Transport Plan 2019-20 P1	30 - 34
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9.1	Disposal of Former Market Site Former Blackburn Markets Development Site P1 Annex A - Former Blackburn Markets Site Annex B - Former Blackburn Markets Site Development Phasing	35 - 42
10.	Matters referred to the Executive Board	
 <u>PART 2 – THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS</u>		
11.1	LTP/Capital Monitoring Scheme 2019/20 Local Transport Plan 2019-20 P2	43 - 47
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Date Published: Wednesday, 03 April 2019
Harry Catherall, Chief Executive

EXECUTIVE BOARD Thursday, 14th March, 2019

PRESENT

COUNCILLOR:

Councillor Maureen Bateson MBE
Councillor Shaukat Hussain

Councillor Andy Kay
Councillor Mohammed Khan OBE
Councillor Phil Riley
Councillor Jim Smith
Councillor Damian Talbot
Councillor Brian Taylor

PORTFOLIO:

Children, Young People and Education
Neighbourhood and Prevention
Services
Resources
Leader of the Council
Regeneration
Environment
Leisure and Culture
Health and Adult Social Care

EXECUTIVE MEMBER:

Councillor John Slater

NON-PORTFOLIO:

Leader of the Conservative Group

ALSO IN ATTENDANCE:

Uday Akram
A'Aishah Patel
Corey McPartland

Youth MP
Deputy Youth MP
Deputy Youth MP

	Item	Action
1	<p><u>Welcome and Apologies</u></p> <p>The Leader of the Council, Councillor Mohammed Khan, welcomed all present to the meeting.</p>	
2	<p><u>Minutes of the Previous Meeting</u></p> <p>The Minutes of the meeting held on 14th February 2019 were agreed as a correct record.</p>	Approved
3	<p><u>Declarations of Interest</u></p> <p>Councillor Maureen Bateson declared a Non-Pecuniary interest in Agenda Items 8.3 and 8.4 (Strategic Youth Alliance and Football Foundation investment into new 3G pitches at Witton Park).</p>	Noted
4	<p><u>Equality Implications</u></p> <p>The Chair asked Members to confirm that they had considered and understood any Equality Impact Assessments associated with reports on the agenda ahead of making any decisions.</p>	Confirmed
5	<p><u>Public Forum</u></p> <p>No questions had been received from members of the public.</p>	
6	<p><u>Questions by Non-Executive Members</u></p> <p>No questions had been received from Non-Executive Members.</p>	

	Item	Action
7	<p><u>Youth MPs Update</u></p> <p>The Youth MPs updated the Executive Board on recent activities including:</p> <ul style="list-style-type: none"> • Attendance at the People Overview and Scrutiny Committee, where young people’s mental health was discussed. • Involvement in the recent interviews for the new Head of Education. • A forthcoming meeting with Healthwatch on young people’s mental health and emotional wellbeing services. • Work on gender equality and women’s rights, inspired by International Women’s Day, including fundraising ideas towards the proposed Barbara Castle statue. 	Noted
8	<p><u>Executive Member Reports</u></p>	

LEADER

HEALTH AND ADULT SOCIAL CARE

CHILDREN, YOUNG PEOPLE AND EDUCATION

Councillor Maureen Bateson verbally reported on some recent Ofsted inspections, namely that Pleckgate CLC had been rated ‘Outstanding’ and Longshaw Nursery which had been rated as ‘Good’ and Councillor Bateson noted the excellent progress made by both in recent years which had now been recognised by the recent inspections.

8.1 Fostering Service Quarter 3 Report 1st October to 31st December 2018

A report was submitted which provided information on the management and performance of the Local Authority’s Fostering Service.

RESOLVED – That the Executive Board:

Notes the Quarterly Report which is available on the Council’s website.

Noted

8.2 Schools Capital Programme

The Executive Board received a report containing details of the proposed Capital Programme for Schools and Education for 2019-20.

RESOLVED – That the Executive Board:

	Item	Action
	<p>1: Approves the attached list of projects as detailed in Appendix 1 & 2 for inclusion in the 2019 -2020 Schools and Education capital programme funded from Basic Need, School Condition Allocation, Devolved Formula Capital, Healthy Pupil Capital Fund and SEN Capital Fund;</p> <p>2: Authorises officers to procure works in accordance with the Contracts Procedure Rules as written in the Council's Constitution;</p> <p>3: Approves expenditure to be incurred on individual projects, in line with the Council's Standing Financial Instructions; and</p> <p>4: Notes that regular reports will be provided for the Executive Member detailing any variations/amendments to programmes of work and seeking necessary approvals where these are required to ensure compliance with financial instructions and the Constitution.</p>	<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Noted</p>
<p>8.3</p>	<p><u>Strategic Youth Alliance</u></p> <p>Members were advised that the 2018/19 agreed reduction of £313,000 in the Young People's Services budget had resulted in the need to reduce the universal neighbourhood and holiday provision available to children and young people in Blackburn with Darwen. As a result, there was a need to work collaboratively with partners to ensure a universal provision continued to remain available for local young people.</p> <p>To take the work forward the proposal was to establish a Strategic Youth Alliance, bringing together youth sector organisations, to develop and coordinate a Borough-wide offer of universal provision. The Council would support the universal provision with an investment of £150,000 and would continue to invest £500,000 to deliver Targeted Youth Support services.</p> <p>The proposal would allow the Council to influence the offer of key partners. In addition, the Alliance would work collectively to secure external funding to enhance universal neighbourhood provision and support to smaller youth sector organisations in order to meet the needs of young people in local communities.</p> <p>RESOLVED –</p> <p>That the Executive Board is asked to approve the proposal to establish a Strategic Youth Alliance Board and Network to develop and coordinate universal provision across Blackburn with Darwen neighbourhoods in term-time and during holiday periods.</p>	<p>Approved</p>

ENVIRONMENT

LEISURE AND CULTURE

	Item	Action
8.4	<p><u>Football Foundation investment into new 3G pitches at Witton Park</u></p> <p>Members received a report which advised of external investment into new 3G pitches at Witton Park.</p> <p>Consultants, procured through the Football Foundation had provided a report identifying that the facilities were past their useful life span, and presented a health and safety concern.</p> <p>The Football Foundation were very keen to work with Blackburn with Darwen Council to create an excellent football hub which met FA league standards, promoted grassroots participation and provided the Borough with external investment into facilities with a robust business plan that secured funding for future replacement in 10 years' time.</p> <p>A funding bid to the FA (for Football Foundation funding) was submitted in December 2018 to secure a grant of £778,045 (matched by £400,000 of Section 106) to develop 2 new full sized 3G pitches (including floodlights and fencing) and refurbished changing rooms. On 28th February the Council were informed that the FA Board had approved the full amount of grant requested.</p> <p>RESOLVED – That the Executive Board: NOTES the following:</p> <p>2.1 That the Football Foundation have confirmed external grant funding of £778,045 to Blackburn with Darwen Council for the development of 2 new 3G pitches and refurbishment of the changing rooms at Witton Park.</p> <p>2.2 The externally funded scheme will be managed by the council and be completed in September 2019</p> <p>2.3 The changing room refurbishment works were advertised using the councils “Chest” procurement system with companies required to price for a design provided by the by the councils building consultancy team. A successful contractor has been chosen and the Council is in a position to award the contract.</p> <p>2.4 The floodlight, fencing and pitch renewal program was advertised under the Football Foundation procurement framework by the FF consultants Robinson Low Francis Ltd. A successful contractor has been chosen and the Council is in a position to award the contract.</p> <p>That Executive Board APPROVES the following:</p> <p>2.5 Award of the works contracts to the successful contractors and delegates authority to the Director of Public Health in</p>	<p>Noted</p> <p>Approved</p>

	Item	Action
	<p>consultation with Executive Member for Leisure, Culture and Young People to enter into works contracts with both companies to deliver the proposed development within the April – September time frame.</p> <p>2.6 Delegates to the Director of Public Health in consultation with Executive Member for Leisure, Culture and Young People to approve and enter into the Football Foundation funding agreement that will allow the scheme to be delivered and the agree outcomes following the completion of the development.</p> <p>2.7 Authorise the Director of Finance and Customer Services to arrange finances to cover the delay in the receipts of Section 106 contributions coming in from the housing developer.</p>	

NEIGHBOURHOOD AND PREVENTION SERVICES

REGENERATION

8.5 Future High Streets Fund - Darwen Town Centre

The Executive Board was advised that the £675m Future High Street Fund was launched by Government on 26 December 2018. The purpose of the Fund was to help local authorities and their partners improve the performance of their town centres with a focus on those places struggling with rapid changes in the retail sector and consumer behaviour, but with the potential to create viable places which are attractive to residents, visitors, established traders and new business occupiers, as part of a wider place-focused growth strategy. This was a nationally competitive fund with over 400 submissions anticipated.

In the first instance, Government was only seeking an Expressions of Interest (EOI) by 22 March 2019. Government would then assess EOI submissions with a view to inviting selected town centres to develop their plans and business case in detail. However, there was no guarantee of funding, even if selected to develop more detailed plans.

Given the Government's bidding guidance, it was considered that Darwen Town Centre had the strongest strategic fit with this national funding opportunity. The report set out the opportunity and rationale to bid for funding in support of Darwen.

Additionally, the report sought approval to submit an EOI by 22 March 2019. Further updates would be submitted to the Board to update Members on progress.

RESOLVED - The Executive Board is asked to:

- Note and approve the decision to submit an Expression

Noted and

	Item	Action
	<p>of Interest to the Government's Future High Street Fund for Darwen Town Centre by March 22nd 2019;</p> <ul style="list-style-type: none"> • Authorise the Deputy Chief Executive, in consultation with the Director of Growth and Development, to finalise the Council's Expression of Interest; • Request the Director of Growth and Development to provide progress updates to the Executive Board. 	<p>Approved</p> <p>Approved</p> <p>Approved</p>

RESOURCES

8.6 Refinancing of Building Schools for the Future - Private Finance Initiative -Phase 1 - Pleckgate High School

Further to the Executive Board report in July 2017 and the Executive Member Decision in November 2018, Members received a report which provided an update on the recent refinancing of one of the two Private Finance Initiative (PFI) schemes which the Council entered into as part of the Building Schools for the Future (BSF) programme in 2010. The report focussed on the outcome relating to Pleckgate High School.

RESOLVED – That the Executive Board:

Notes the outcome of the recent refinancing exercise for the Phase 1 Private Finance Initiative (PFI) Scheme – Pleckgate High School, the funding for which was originally put in place as part of the Building Schools for the Future (BSF) programme in 2010.

Noted

9 Corporate Issues

9.1 Growth Programme 2019/20: Site Disposal & Development Projects

Members received a report outlining the growth programme for 2019/20 and details the schedule of sites for disposal and seeking approval to dispose of these sites for development.

The report requested delegated authority to vary the growth programme for 2019/20 by adding or removing sites as required reflecting emerging priorities.

Each site would undergo an options appraisal to select the best way of disposing the site for development, delegated authority was sought to finalise the disposal route for each site following the options appraisal.

The report also requested approval to extend the scope of the development investment fund to include all growth sites within the programme.

The Council would work with local registered provider partners, including; together housing, places for people and great places to build new affordable homes across the Borough.

	Item	Action
	<p>RESOLVED –</p> <p>That the Executive Board:</p> <p>2.1 Note the contents of this report and the Growth Programme for 2019/20 as attached in Annex 1;</p> <p>2.2 Delegates authority to revise the Growth Programme for 2019/20 by adding or removing sites to the Growth Programme Director and the Chief Executive (designate) in consultation with the Executive Members for Resources and Regeneration;</p> <p>2.3 Delegates authority to agree the disposal route for each site to the Growth Programme Director and the Chief Executive (designate) in consultation with the Executive Members for Resources and Regeneration with subsequent decisions on disposal by the Exec Member or Exec Board route as required.</p> <p>2.4 Note the funding of the ‘Development Investment Fund’ as approved at Finance Council on 25th February 2019 to provide financial support to bring forward and enable Council owned sites for sale and development.</p> <p>2.5 Approve the extension of the scope of the Development Investment Fund to allow the funding to be used to bring forward and enable all Council owned housing and commercial sites.</p> <p>2.6 Approve the use of Affordable Homes commuted sum payments received from planning section 106 agreements to be used to support the development of affordable housing schemes by one of the Council’s Registered Provider Partners; Together Housing, Places for People and Great Places.</p>	<p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
10	<p><u>Treasury Management Strategy 2019/2020</u></p> <p>The Executive Board was reminded that Treasury risk management was conducted within the framework of the Chartered Institute of Public Finance and Accountancy’s Treasury Management in the Public Services: Code of Practice 2017 Edition (the Treasury Management Code) which required the Council to approve a Treasury Management Strategy before the start of each financial year. The report fulfilled the Authority’s legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.</p> <p>RESOLVED – That the Executive Board:</p> <p>2.1 Approves the proposed Treasury Management Strategy for 2019/20, detailed in Appendix 1, including the proposed Treasury Management Indicators.</p>	<p>Approved</p>
11	<p><u>Matters referred to the Executive Board</u></p> <p>None.</p>	

	Item	Action
	<p>Signed at a meeting of the Board on Thursday, 11 April 2019</p> <p>(being the ensuing meeting on the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p>	

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **EXECUTIVE BOARD**

DATE: **11TH APRIL 2019**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

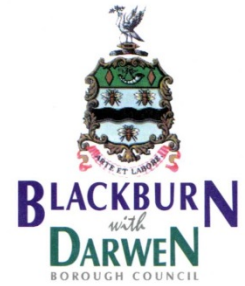
DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

EXECUTIVE BOARD DECISION



REPORT OF:	Leader of the Council
LEAD OFFICERS:	Deputy Chief Executive
DATE:	Thursday, 11 April 2019

PORTFOLIO(S) AFFECTED:	Regeneration
WARD/S AFFECTED:	(All Wards);
KEY DECISION:	Y

SUBJECT:

Lancashire Enterprise Partnership - Change in Company Membership

1. EXECUTIVE SUMMARY

The Lancashire Enterprise Partnership is responsible for developing a growth strategy that enables local partners, including Blackburn with Darwen Council, to compete for national growth funds and attract new private investment.

The Council is represented by the Executive Member for Regeneration on the Board of the Lancashire Enterprise Partnership.

The purpose of this report is to seek the approval of the Executive Board for the Council to become a member of the Lancashire Enterprise Partnership company, as part of a wider change programme to ensure compliance with new Government guidance, in advance of new local growth funding streams.

2. RECOMMENDATIONS

That the Executive Board:

1. Note the changing national context influencing the Lancashire Enterprise Partnership and the need for strengthened independence with greater separation from Lancashire County Council;
2. Approve the Council's membership of the Lancashire Enterprise Partnership company, with financial liabilities of members limited to £1; and
3. Subject to 2 above, authorise the Director of Growth & Development and the Director of HR, Legal & Governance, in consultation with the Executive Member for Resources and the Executive Member for Regeneration, to agree and finalise the Members Agreement and other documentation necessary to formalise the Council's membership.

3. BACKGROUND

Local Enterprise Partnerships were created by Government in 2010, as private sector-led partnerships, with public sector support, to lead and develop local growth strategies in the 38 city-regions and sub-regions of England.

The Lancashire Enterprise Partnership, established in 2010, includes Blackburn with Darwen and

Blackpool unitary areas and Lancashire County Council's area of responsibility, as this is considered to be a functional economic geography of scale. In recent years, the Lancashire Enterprise Partnership has been highly successful in competing for national growth funds and initiatives, including £320m in Growth Deal funds and the Samlesbury Aerospace Enterprise Zone.

In partnership with the Lancashire Enterprise Partnership, the Council has been successful in competitively securing nearly £20M in Growth Deal funding to deliver the enabling infrastructure needed to unlock new housing and employment growth in South East Blackburn and Darwen with additional funding for initiatives such as the Making Rooms and Café Northcote.

In July 2018, Government initiated a national review of Local Enterprise Partnerships to ensure they are fit for purpose and compliant with new and enhanced national guidance in relation to governance and performance. Moving forward, Government has signalled that Local Enterprise Partnerships in non-Mayoral Combined Authority areas will play a central role in new local growth strategies and public investment frameworks, via Local Industrial Strategies. Although details on any new local growth funds are limited, at this stage, a positive outcome for Lancashire to the review is especially important as Government is considering successor arrangements to the Local Growth Deal Fund and EU funding streams. Currently, these two public investment funds, which will continue until 2021, are worth an unprecedented £500m to Lancashire.

A key dimension of the national review requires each Local Enterprise Partnership to demonstrate it is functioning as a truly independent business-led entity, free from undue local authority control or influence (actual or perceived), within an Assurance Framework agreed with Government to ensure public funds are delivering value for money and decision-making arrangements are transparent and accountable.

The Lancashire Enterprise Partnership is currently agreeing a number of changes to ensure compliance with new Government guidance, in advance of new local growth funding arrangements. One of the key changes required relates to the Lancashire Enterprise Partnership's company structure. The Lancashire Enterprise Partnership was established as a company limited by guarantee, a legal status which is compliant with new Government guidance. However, Lancashire County Council is the sole company member with effective control and ownership of the Lancashire Enterprise Partnership company, which is non-compliant with Government guidance. The County Council's sole ownership of the Lancashire Enterprise Partnership, along with its roles as its accountable body, company secretary and host of the core team, combine to inform the widely-held perception that the Partnership is unduly controlled by the County.

To drive separation and strengthen independence, as required by the Government review, the Lancashire Enterprise Partnership and County Council agreed at the Board meeting on 19 March to accept additional company members. It was agreed that the five local authorities currently represented on the Board of the Lancashire Enterprise Partnership Board (Blackburn with Darwen, Blackpool, South Ribble, Burnley and Lancashire), along with Lancashire's two Chambers of Commerce (East and North West), would form the new nucleus of the company membership, subject to confirmation.

The financial liabilities of members are to be limited to £1 with members bound by the company's Members Agreement and Articles of Association, though these are currently being revised.

This membership change was agreed by the Board as a necessary initial change to demonstrate greater separation between the County Council and the Lancashire Enterprise Partnership, with the company membership ultimately reflecting the public/private sector composition of the Board, which operates with a two-thirds private sector majority. This outcome is to be achieved within the next 6 months, as part of a wider change programme further clarifying the role of the accountable body, and the creation of an independent secretariat to provide the Lancashire Enterprise Partnership with the capacity to compete with neighbouring city-regions for new growth funding

and private investment.

The purpose of this report is to secure the approval of the Executive Board for the Council to become a member of the Lancashire Enterprise Partnership company; and to authorise the Leader and Executive Member for Regeneration, in conjunction with the Chief Executive and S151 Officer, to finalise and agree the company's revised Members Agreement and Articles of Association.

4. KEY ISSUES & RISKS

The Lancashire Enterprise Partnership plays a key role in enabling local partners, including the Council, to compete for and access national growth funds.

If the Lancashire Enterprise Partnership fails to become a fully independent business-led body, as required by new Government guidance, this may have significant implications for the ability of Lancashire as a whole, and local partners, to secure funding from new national growth programmes.

5. POLICY IMPLICATIONS

There are no direct implications.

6. FINANCIAL IMPLICATIONS

There are no direct implications.

7. LEGAL IMPLICATIONS

Local Enterprise Partnerships operate within a National Assurance Framework agreed by Government. From 1 April 2019, a revised Framework will be in effect with enhanced governance requirements. With reference to the new Framework, an updated the Local Growth Assurance Framework was considered and approved by the Board of the Lancashire Enterprise Partnership on 19 March 2019. One of the requirements in the Framework is that Local Enterprise Partnerships must have a legal personality. Although this already exists in the case of Lancashire (which is a private company limited by guarantee), there is also the need to address the "perception test" of undue control and influence by a single local authority. At the Board meeting it agreed that Lancashire County Council would no longer continue as the sole member of the company.

The draft Members Agreement required to formalise the Council's membership will need to be considered together with the current Articles of Association to ensure the revised corporate structure promotes greater independence.

8. RESOURCE IMPLICATIONS

There are no direct implications.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

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.

10. CONSULTATIONS

N/A

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.

CONTACT OFFICER:	Martin Kelly, martin.kelly@blackburn.gov.uk
DATE:	1 April 2019
BACKGROUND PAPER:	N/A

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Children's Services Young People & Education
LEAD OFFICERS:	Director of Children's Services (Please Select)
DATE:	14 March 2019

PORTFOLIO/S AFFECTED:	Children's Services, Young People & Education		
WARD/S AFFECTED:	Blackburn Central	(Please Select...)	
KEY DECISION:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	

SUBJECT: Statutory Site Transfer of Blackburn Central High School with Crosshill

1. EXECUTIVE SUMMARY
 On the 20th September 2018 Blackburn with Darwen Borough Council received formal notification from the Secretary of State for Education giving permission for Blackburn Central High School with Crosshill to become an academy sponsored by Champion Education Trust (CET). The sponsorship by CET has the full support of the Department for Education (DfE). Officers from Schools and Education are working with school colleagues and CET to ensure the proposed date for conversion of 1st May 2019 is met.

2. RECOMMENDATIONS

That the Executive Board approves:

2.1 The transfer of the Council's freehold interest in the site, which includes the Buildings, associated hard play areas and playing fields to the Trust on its commencement date (1st May 2019), in accordance with Schedule 6 para 2 of The School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007. This relates to the area of land shown, edged red on the attached plan in Appendix 1.

2.2 Officers to negotiate and enter into the Commercial Transfer Agreement (CTA) between the Council, the Governing Body and the CET.

2.3 Officers to negotiate and enter into revised Private Finance Initiative agreements in respect of the conversion to an Academy Trust to deal with the PFI status of the school.

3. BACKGROUND
 Blakewater College secured foundation status in the summer of 2009. During this time the school was part of the reorganisation proposals under the Councils BSF Programme with the proposal for relocation to a new site, which would be developed under PFI arrangements. The new site was a Council owned site which was previously used as a golf driving range on Haslingden Road, Blackburn. At the time of establishing foundation status the Council and trustees agreed to delay the transfer of the then school site to the trustees in light of the impending move to the new site. This

agreement intended to negate the requirement for another subsequent transfer once the new PFI school was constructed. In 2012 Blakewater College and Crosshill special co-located to the new PFI site and became known as Blackburn Central High School with Crosshill (BCHS). Whilst the beneficial interest in the land automatically vested in the trust at the date it established a foundation, due to an oversight the legal interest was not formally transferred once the school moved to the PFI site. It is the Councils intention to complete this transfer to align with the schools conversion to academy status.

Blackburn Central High School with Crosshill is proposing to convert to academy status on the 1st May 2019 under the sponsorship of Champion Education Trust. The Board of Directors will be responsible for the key strategic decisions relating to Blackburn Central High School with Crosshill. The school will have a local governing body that reports into the multi academy trust.

3.2 Under the Academies Act 2010, the Council is required to transfer any land and building related assets wholly or mainly used for the purposes of a maintained school to the academy trust subject to the approval of the Executive Board.

3.3 Blackburn Central High School with Crosshill is a PFI school and therefore subject to a Private Finance Initiative contract with a private sector contractor. Appropriate legal documents have been developed by the Department for Education to help address the additional complexities which can arise when a PFI school converts to an academy. The DfE have stated that converting to an academy is not an opportunity for a school to extricate itself from a PFI agreement. Following the conversion the Local Authority will still be required to manage the PFI contract for the remaining concession. In the case of Blackburn Central High School with Crosshill this is 19 years.

4. KEY ISSUES & RISKS

4.1 Schedule 1 to the Academies Act 2010 enables the Trustees and their appointed consultants to request the areas they feel suitable for school purposes. This schedule also enables the Secretary of State to make a scheme in relation to land (i.e. to make mandatory directions in relation to the transfer of land to the Academy Trust) in line with the Trustees' requirements. The Council is not able to retain any part of the site area outlined in Appendix 1, and therefore must transfer those areas requested. The prescribed form of transfer required by the DfE for such transfers does provide some protection to the Council in that the land and or buildings cannot be disposed of or used for non-educational purposes without the Council's consent.

4.2 The contractual arrangements between the Authority and the Academy Trust will need to be formalised by a School Agreement, which will replace the existing Governing Body Agreement between the Authority and the School. To ensure for the benefit of the Local Authority that its liabilities to the Project Company will not be increased by virtue of the PFI School becoming an academy, the Secretary of State enters into a separate contract called (a Principle Agreement) with the Authority and the Academy Trust. The Authority will also need to enter into a deed of variation with the Project Company to vary the terms of the PFI Project Agreement. This is to recognise the interests of the Academy Trust in place of the Governing Body and also address any other consequences arising from the conversion.

4.3 Transfer of staff to the Academy Trust will be subject to a Transfer of Undertakings Protection of Employment (TUPE) process. As the staff are not Council employees the Authority has very little involvement.

5. POLICY IMPLICATIONS

5.1 Officers will continue to liaise with other Departments to ensure relevant policies on community use, retention of assets and disposal are adhered to.

6. FINANCIAL IMPLICATIONS

6.1 The Academies Act 2010 does not place any obligation on the Local Authority to cover any legal and other professional costs incurred by the Academy Trust in completing the transfer. The Academy Trust will be eligible for a £25k payment from the Department of Education to assist with their costs and there is an additional grant of up to £12k for PFI schools.

6.2 There are additional costs relating to PFI schemes. PFI Contractor legal fees and drafting of the deed of variation is estimated at £12k. It is the intention of the Authority to pass these costs over to the school.

6.3 The Council receives no additional income to meet the costs of the conversion. Due to the complexity of a PFI school converting to an Academy it is proposed the Authority levy a cost recovery contribution from the school for the sum of £7,500.00.

7. LEGAL IMPLICATIONS

7.1 The current contractual arrangements between the Local Authority and the Special Purpose Vehicle (SPV) are set out in a PFI Project Agreement. There is also a Governing Body Agreement between the Local Authority and the School within which the school is legally committed to pay a contribution to the Unitary Charge payable to the SPV.

7.2 The Academy conversion will involve the signing of a suite of legal documents which are the responsibility of the Local Authority, School and / or DfE.

These include:

- The Funding Agreement between the Secretary of State and the Academy
- The Lease between the Local Authority and the Academy
- The Asset Transfer Agreement
- The School Agreement
- The Principal Agreement
- The Deed of Variation to the Project Agreement

7.3 Upon conversion to an Academy the school will cease to be funded by the Local Authority. The Governing Body will be dissolved and the Academy Trust will be directly funded from the Department for Education and enter into a "Funding Agreement". The Authority will enter into a new agreement with the school known as the "School Agreement" which will include detailed provisions where risks and obligations are transferred from the Authority to the Academy.

7.4 Schedule 6 para 2 of The School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007, the local authority is obliged to transfer its interest in the whole school site to the Trust for nil consideration.

7.5 The Asset Transfer Agreement will deal with assets, contracts and certain liabilities to be transferred to the Academy.

7.6 Under the current PFI arrangement the Local Authority entered into a contract with the PFI SPV for the design, construction and ongoing maintenance of the school. . This contract is known as the PFI Project Agreement. Both parties assume a number of detailed contractual obligations designed to reflect the long-term nature of the PFI relationship. The Local Authority has mitigated some of the risks and obligations they assume under the Project Agreement by entering into a Governing Body Agreement with the school. The School's Agreement places an obligation on the Academy to pay the Authority a sum in return for the PFI services which is a contribution to the Local Authority's funding of the unitary charge. It also places obligations on the Academy not to act so as to place the Authority in breach of the Project Agreement. The School Agreement is to be entered into between the Local Authority and the Academy and replaces the current Governing Body Agreement between the Local Authority and the School.

7.7 The Principal Agreement will provide the Authority with comfort in the event that the Academy Trust fails to perform its obligations under the School Agreement. A tripartite agreement will be entered into between the DfE, the Local Authority and the Academy. This agreement acknowledges that the Authority continues to be liable to the PFI SPV under the Project Agreement in the same way it was liable prior to conversion, but allows the Authority to approach the DfE where the Academy is in breach of its obligations under the School Agreement.

- 7.8 The Project Agreement will be amended by way of a deed of variation which will include:
- Amending the school name and the "related party" provisions in the Project Agreement to recognise the change in status of the school to an Academy.
 - Adding the Academy and its officers onto the project insurances as named insured parties.

There may be the need for other provisions in the deed of variation which will become apparent as we progress through the conversion process.

7.9 The Academy conversion will constitute a transfer to which the Safeguarding of Employees Directive (2001/23/EC) and the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) applies and the Council officers will need to ensure that all of the requirements under the legislation are met accordingly.

8. RESOURCE IMPLICATIONS

8.1 Resource implications will be met from within the Schools and Education portfolio. There will be a requirement for support from Legal and Procurement the provisional costs of which are indicated at 6 above.

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

Consultations to support the Academy conversion are the responsibility of the schools Governing Body.

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:	2
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CONTACT OFFICER:	Carol Grimshaw
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DATE:	13 February 2019
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BACKGROUND PAPER:	
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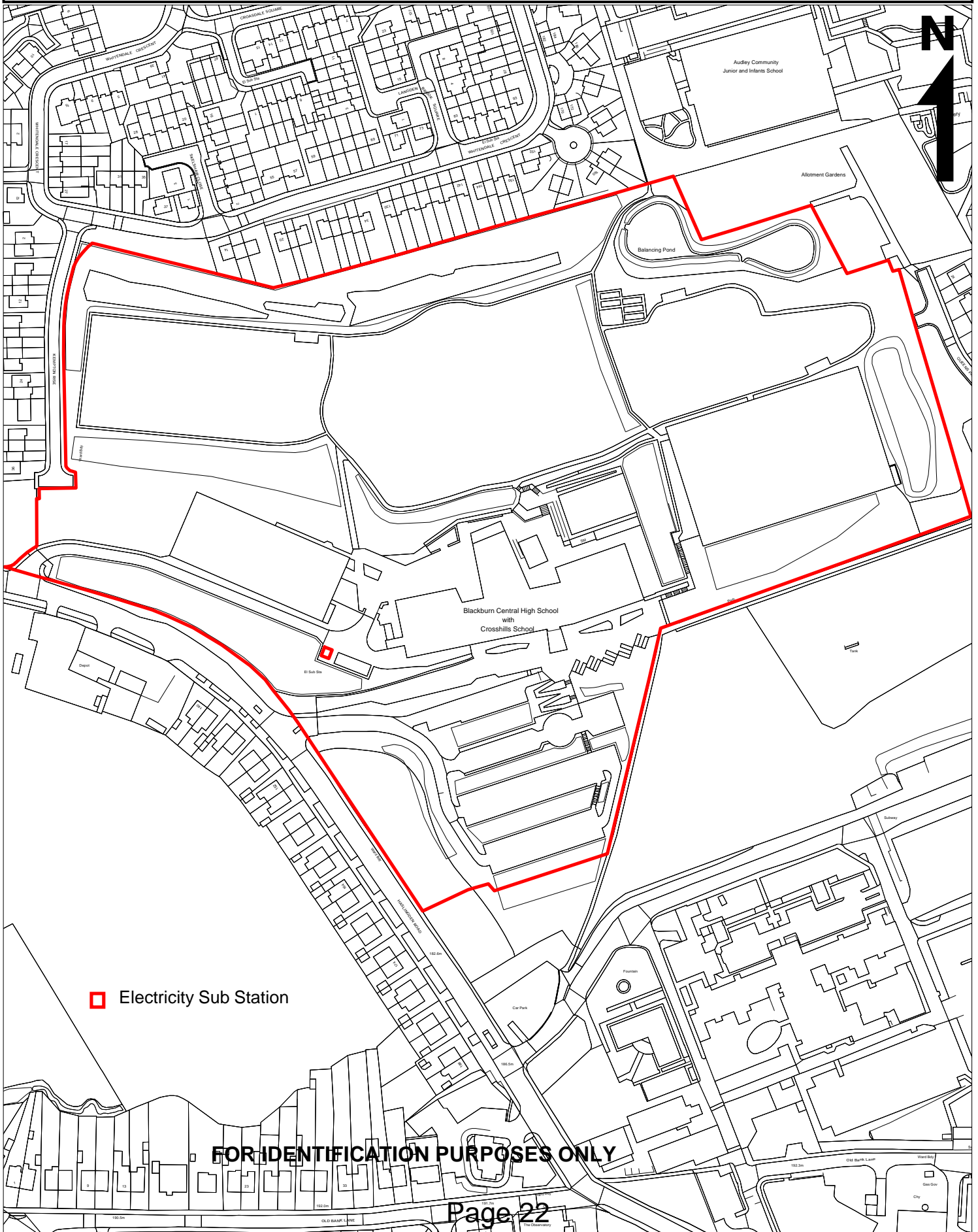


GROWTH AND DEVELOPMENT DEPARTMENT

TITLE: BLACKBURN CENTRAL HIGH SCHOOL AND CROSSHILL ACADEMY

DATE : 5TH MARCH 2019

SCALE : 1:2500



Electricity Sub Station

FOR IDENTIFICATION PURPOSES ONLY

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Children, Young People and Education

LEAD OFFICERS: Director of Children's Services & Education

DATE: Thursday, 11 April 2019

PORTFOLIO(S) AFFECTED: Children's Services

WARD/S AFFECTED: (All Wards);

KEY DECISION: Y

SUBJECT:

Local Safeguarding Children Board Reforms

1. EXECUTIVE SUMMARY

This briefing paper sets out the recommended option for the replacement of the Local Safeguarding Children's Board (LSCB) to comply with the new area children's safeguarding arrangements. This is being presented to the three Lancashire Councils, (Blackburn with Darwen, Lancashire and Blackpool) the Executive bodies of the Clinical Commissioning Groups (CCGs) and the Police.

The Council and its partners in safeguarding are required to publish their plans for the new arrangements by 29th June 2019 and have the new arrangements implemented by 29th September 2019 in order to comply with the provisions of the Children Act 2004 (as amended by the Children Social Work Act 2017).

2. RECOMMENDATIONS

That the Executive Board:

Approves the formation of the Blackpool, Blackburn with Darwen and Lancashire Safeguarding Children Strategic Partnership Board which has been agreed in principle with safeguarding partner agencies.

In Blackburn with Darwen the business unit covering both the children and adult safeguarding boards has been one unit since 2009. In order to continue the efficiencies realised, the Executive Board are asked to approve the new arrangements for the children board subject to the same adult board arrangements being agreed.

3. BACKGROUND

Under the Children Act 2004, as amended by the Children and Social Work Act 2017, Local Safeguarding Children Boards (LSCBs) will be replaced. Under the new legislation, three agencies are identified as key safeguarding partners (Local Authorities, Chief Officers of Police and Clinical Commissioning Groups (CCGs)) and must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area.

Also under the new guidance, two agencies (Local Authorities and Clinical Commissioning Groups) are identified as the child death review partners and must set up child death review arrangements. These will remain as the Child Death Overview Panels but with no formal link to the new safeguarding arrangements.

The current Serious Case Review arrangements will be replaced by Child Safeguarding Practice Reviews, which may be conducted at a local or national level. The National Child Safeguarding Practice Review Panel was established on 29th June 2018 and transitional guidance has been published setting out the responsibility of safeguarding partners when a serious incident occurs from that date onwards. This arrangement will remain until such time as the new safeguarding arrangements are implemented locally.

[Working Together to Safeguard Children](#) (July 2018), sets out the statutory guidance to which all new safeguarding arrangements must adhere. This guidance sets out specific detail of the functions to be carried out by new arrangements. Chief Officers/Executives of the new statutory partners (or their nominees) have reviewed these proposals and make the proposal outlined below to establish effective new arrangements and ensure specific compliance with the responsibilities set out in these guidance documents.

Under the guidance it is permissible for the new arrangements to cover more than one local authority area, police force and/or CCG. This report sets out proposals for the three Local Safeguarding Children Boards in Blackpool, Blackburn with Darwen and Lancashire to be replaced by new arrangements that will cover all areas. It is proposed that the new arrangements are called the Blackpool, Blackburn with Darwen and Lancashire Safeguarding Children Strategic Partnership Board.

Alongside the approval of the framework for the new arrangements by Blackpool, Blackburn with Darwen and Lancashire Councils full detailed arrangements for this partnership must also be endorsed by the governance boards of the CCGs, and by the police, as set out earlier in this report. Following agreement, arrangements for internal partnership governance and the business support functions will be completed by the chief officers of each of the named safeguarding partners as required.

To inform these proposals, representatives from each council and representatives from other safeguarding partners have been in discussions by way of a working group. Other partners have been kept informed that discussions were ongoing but they do not have a decision-making role in how the arrangements are established.

The working group has considered proposals set out in this paper for the new arrangements based on:

- The parameters set out by the Children and Social Work Act 2017 and Working Together to Safeguard Children 2018;
- Analysis of the effectiveness of outstanding Local Safeguarding Children Board functions reviewed by Ofsted;
- Analysis of published reports of Multi-Agency Joint Targeted Area Inspections; and
- Concerns from partner agencies about the current level of duplication and risk of inconsistent safeguarding responses present in the current LSCB arrangements.

4. KEY ISSUES & RISKS

There is a risk to child protection and safeguarding if the changes to these arrangements are not

made effectively and to the reputation of the council (including inspection grades, fulfilment of statutory duties of elected members and chief officers) if arrangements are not effective. The key issues to arrange are set out below.

1. Geographical Area

The Blackpool, Blackburn with Darwen and Lancashire Safeguarding Children Strategic Partnership Board will co-ordinate safeguarding services and act as a strategic leadership group across the unitary authorities and county. Activity by the partnership will include the identification of the needs of children and young people living in diverse urban and rural areas and ensuring that effective action is taken to safeguard them.

Driving forward effective local arrangements requires attention to the detail of what works and where improvement is needed. In order to achieve this level of detail across the diverse areas of need, the new arrangements will be supported by joint thematic sub groups and will include reporting and scrutiny of some key functions in particular geographical areas, or in themes, for example similar ward characteristics on deprivation.

The new arrangements will be subject to review and this will include analysis of future opportunities to build on existing practice which brings together a number of sub-groups where the effectiveness of the co-ordination and scrutiny of arrangements across the three geographical council areas can be sustained and improved.

The new arrangements will be supported by changes in the framework for health commissioning and greater collaboration of CCGs across the ICS area.

Each local authority will remain responsible for fulfilling its own statutory and legislative duties to safeguard and promote the welfare of children.

The District Councils will continue to have essential safeguarding responsibilities. In order to uphold their responsibilities for safeguarding, arrangements will be developed for the District Councils to actively participate in their existing joint arrangements to co-ordinate their safeguarding duties.

The statutory requirements do not allow for local authority boundaries to be split but every effort will be made to ensure a collaborative approach with the new arrangements established for Cumbria given the health boundary extends into South Cumbria.

2. Independent Scrutiny and Role of Elected and Lay Members

The role of independent scrutiny is to provide assurance in judging the effectiveness of multi-agency arrangements to safeguard and promote the welfare of all children in a local area, including arrangements to identify and review serious incidents and conduct child safeguarding practice reviews (previously known as serious case reviews).

It is proposed that there is ongoing independent scrutiny delivered through the role of an independent chair of the Strategic Board. A key feature of effective LSCBs, the role of the independent chair will provide the opportunity for scrutiny across the three local authority areas with demonstrable independence and a sufficient degree of authority to ensure that the agencies respond positively and work to address areas of weaker practice.

The revised guidance reflects the requirement that young people and members of the community have an increased role in shaping service development across all agencies and contributing to the scrutiny processes that hold agencies to account. This will require an increased focus within the new arrangements.

There is a requirement within the new arrangements to consider the part played by existing partners and designate those with a crucial role as “relevant agencies”. The recommendation is that considerable benefit has been derived from the breadth of the existing partnership and, while efficiencies can be gained by shared representation, a broad range of agencies should be nominated. It is also felt that there have been benefits from the presence of lead elected members and from lay members and that future arrangements should enable some continued involvement.

3. Strategic Board

Strong leadership is critical for the new arrangements to be effective in bringing together the various organisations and agencies within the partnership. The statutory safeguarding partners across Blackpool, Blackburn with Darwen and Lancashire have equal and joint responsibility for local safeguarding arrangements.

In order to ensure that the responsibilities of the partnership are being effectively discharged, it is proposed that the Strategic Board includes representation from the following (including all areas covered by the different organisations listed below):

- Director of Children’s Services & Lead Member Blackpool Council
- Director of Children’s Services & Lead Member Blackburn with Darwen Council
- Director of Children’s Services & Lead Member Lancashire County Council
- Director of Safeguarding NHS England on behalf of Pan Lancashire CCGs
- Superintendent, Public Protection Unit, Lancashire Constabulary
- Victims & Vulnerable Lead, Lancashire Police and Crime Commissioner
- Chief Officers of the other relevant agencies or their nominees.

The Strategic Board members will:

 speak with authority for the safeguarding partner they represent;

 take decisions on behalf of their organisation or agency and be empowered to commit them on policy, resourcing and practice matters;

 hold their own organisation or agency to account on how effectively they participate in and implement the local arrangements; and

 play an active role, facilitating and driving action beyond institutional constraints and boundaries.

In situations that require a clear, single point of leadership, all safeguarding partners will decide who would take the lead on issues that arise. The detailed governance arrangements will explicitly set out how this will be achieved, mindful of the ongoing responsibilities for each Director of Children’s Services for the safety of children in their area (as set out in section 18 of the Children Act 2004). The Chair of the Board will have a role as arbitrator if agreement cannot be reached.

The Strategic Board will:

- publish a plan setting out local arrangements and how they will be implemented and a Memorandum of Understanding to ensure that there are transparent governance arrangements and decision-making processes;
- ensure that the new arrangements are implemented within the prescribed timescales

and meet the requirements of national guidance;

- publish an annual report regarding the effectiveness of the implementation of the new arrangements, including the effectiveness of any sub groups;
- publish a business plan and drive forward improvements in local safeguarding arrangements across the area;
- present the report on the effectiveness of local safeguarding arrangements to other public boards including Health and Wellbeing Boards, Safeguarding Adult Boards, Channel Panels, Improvement Boards, Community Safety Partnerships, the Local Family Justice Board and Multi-Agency Public Protection Arrangements (MAPPAs);
- respond to recommendations from local and/or national child safeguarding practice reviews;
- drive forward learning and organisational development to improve safeguarding arrangements.

4. Support for the Strategic Board

The Strategic Board will establish its own arrangements within the available budget to co-ordinate the business plan and ensure delivery of the work of the Board to improve safeguarding arrangements and to inform the Strategic Board. This will be via the establishment of a single business unit, which will also continue to support the work of the Safeguarding Adult Board functions across the three LA areas.

5. Tactical and Operational Area Based Groups

It is suggested that the Strategic Board is supported by three tactical/operational area based groups reflecting the following three geographical areas:

- Blackpool and North Lancashire
- Central and South Lancashire
- Blackburn with Darwen and East Lancashire

This will ensure delivery of the Strategic Board objectives at a local level and ensure the Strategic Board's work is also informed by more local issues or concerns. The footprint of these groups will also enable current cross-boundary issues and inconsistencies to be more easily addressed.

6. Established Sub Groups

A number of the existing sub-groups will remain but be extended to cover the whole Pan-Lancashire footprint. Considerable efficiencies and economies will be achieved by doing things once rather than three times as is often currently the case. Other groups may be added as required and are likely to be on a task and finish basis rather than standing sub-groups.

7. Timescale for publication of the plan

Safeguarding partners have up to 29th June 2019 to agree their local arrangements and publish their arrangements but may do so at any time before the end of that period.

8. Implementation of the new arrangements

Following publication of arrangements, safeguarding partners have up to three months from the date of publication to implement the arrangements. The implementation date should be made clear in the published arrangements. All new local arrangements must have been implemented by 29th September 2019.

If the safeguarding partner arrangements are in place and ready to operate before the child death review partner arrangements for a local area, the safeguarding partners may begin work, without waiting for the child death review partner arrangements to begin.

Once the arrangements have been published and implemented, the three LSCBs in Blackpool, Blackburn with Darwen and Lancashire will cease to exist.

Consultations have taken place with key agencies as defined in the legal requirements and more broadly with existing members of the three LSCBs via their meetings.

5. POLICY IMPLICATIONS

As outlined in section 4

6. FINANCIAL IMPLICATIONS

The current budgets for the Boards are as set out in the budget for the three individual councils and the budgets of partner establishments. For Blackburn with Darwen the Safeguarding budget is a ring fenced budget within the Children's Services portfolio.

There may be efficiency savings going forward.

7. LEGAL IMPLICATIONS

The Council and its partners in safeguarding are required to publish their plans for the new arrangements by 29.06.2019 and have the new arrangements implemented by 29.09.2019 in order to comply with the provisions of the Children Act 2004 (as amended by the Children Social Work Act 2017).

8. RESOURCE IMPLICATIONS

As set out above

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

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.

10. CONSULTATIONS

Consultations have taken place in 2018 with partner agencies of the LSCB. Further consultation will be completed with partners and the public once the proposals are agreed.

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	5.0
CONTACT OFFICER:	Abdul Ghiwala, Gary Rich, Justine Westwell abdulaziz.ghiwala@blackburn.gov.uk
DATE:	27 th March19
BACKGROUND PAPER:	

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Regeneration and Growth

LEAD OFFICERS: Director of Growth and Development

DATE: 11th April 2019

PORTFOLIO/S AFFECTED: Regeneration and Growth

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: Local Transport Plan 2019/20 programme

1. EXECUTIVE SUMMARY

To seek the Executive Board's approval for the detailed Local Transport Plan 3 (LTP3) programme for financial year 2019/20 and in outline for 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 2019/20.
- 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 allocations to deliver Capital Highways schemes.

The table below summarises the total amount of funding available:

	2019/20	2020/21
DfT Integrated Transport Block	£1,424,000	£1,424,000
DfT National Productivity Investment Fund (NPIF)	£1,520,000	
Growth Deal 3 (Pennine Gateways)	£3,366,727	£6,100,000
Section 106 Cranberry Lane	£156,000	£156,000
Section 106 Roe Lee	£350,000	£150,000
Section 106 Gib Lane Phase C	£20,000	£260,000
Section 106 Blackburn North – Yew Tree Drive	£50,000	
Section 106 Pole Lane North – Highways Drainage	£150,000	£100,000
Section 106 School Lane, Guide	£36,000	£4,500
DfT Highways Capital Maintenance	£1,552,000	£1,552,000
DfT Highways Maintenance Incentive Fund	£326,000	£326,000
DfT Pothole Action Fund	£0	£0
Committed Sum: Network Rail for Wainwright Bridge	£200,000	
Grand Total	£9,150,727	£10,072,500

As Growth Deal 3 monies are claimed according to defrayed payments on a 90% Growth Deal / 10% LTP split basis, the exact amount of Growth Deal funding claimed and received in 2019/20 and 2020/21 will be subject to change and further reporting.

Any additional funds received from Section 106 or monies from third parties will be reported within the 6 monthly LTP update report to be published later in 2019. Detailed LTP programmes will continue to be reported to the Executive Board in March of each year for approval.

4. KEY ISSUES & RISKS

The 2019/20 and 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.

Integrated Transport Block:

Quality Bus Shelters
Highway Schemes Part 1 compensation claims
Ellison Fold Way: scheme retention and completion (Section 106 Cranberry Lane)
Growth Deal 3 Furthergate Highway Improvements – scheme delivery and completion
Growth Deal 3 North Blackburn – scheme delivery
Growth Deal 3 South East Blackburn Highway Improvements – business case, procurement, land/property acquisition and delivery
West Blackburn Transport
Town Centre Transport (Electrical charging points)
Fabric Borders National Productivity Investment Fund NPIF
Jubilee Square highways and public realm
Blackburn Bus Station capital maintenance
Cycle routes - Weavers Wheel spurs and spokes
Public Rights of Way Improvement Plan
Local Road Safety schemes including completion of Egerton Road, Belmont
Performance monitoring / Cordon Counts
LTP scheme development and delivery. Co-ordination, strategy development and funding bids
Section 106 Roe Lee – completion
Section 106 Gib Lane Phase C (sustainable transport 19/20 – West Blackburn 20/21)
Section 106 Blackburn North Yew Tree Drive
Section 106 Pole Lane North
Section 106 School Lane, Guide

LTP Capital Maintenance:

Highways Carriageway Maintenance 2019/20 c.£540,000
Haslingden Road, Brandy House Brow mini roundabout to Old Bank Lane HRA
A666 Bolton Road, Oakdale, option to retexture / HRA
A666 Blackburn Road, Hollins, option to retexture / HRA
DfT Highways Maintenance Incentive Fund 2019/20 c. £326,000

Higher Eanam HRA
Aqueduct Road HRA
Brandy House Brow HRA
Contingencies / retentions 2018/19
DfT Pothole Action Fund
Local Cycle Network Capital Maintenance
Capital Drainage Schemes: Completion of 2018/19 schemes
UTC Capital Upgrades and AQMA measures
Bridges and Structures Maintenance c £815,000 2018/19
Cicely Lane Canal Bridge – retention release
Reservoir Intake Retaining Wall – retention release
Bridge Inspections
A675 Belmont Road South feasibility Study – Grange Brook retaining wall (DfT Challenge Fund bid)
A666 Blackburn Road feasibility study, adjacent to Cadshaw Bridge (DfT Challenge Fund bid)
Greenbank Terrace feasibility study – develop options for repair of highway and retaining walls
Wayoh Bridge (DfT Challenge Fund bid)
Wainwright Railway Bridge: Principal inspection. Maintenance painting of bowstring girders and hangers (funded from Network Rail Commuted Sum)
Wesley Street Footbridge – reinstate highway support to Whalley New Road
Broadhead Road slope repair: Remedial works to failed slope
Longworth Clough footbridge: reinstate footbridge
Garstang Cottages West retaining wall – risk assess site for road restraint
Houghton Farm footbridge
Clarence Street – Saddle arch, waterproof and install drainage
Essential Bridge Maintenance: Dunscair Bridge, Repair of armco barrier at Eccleshill Bridge, Aqueduct Road bridge barrier, Witton Park bridge, Union Street culvert
General Bridge Maintenance: Repair of railings to Eccleshill footbridge north and south
Substandard Bridge Maintenance: Entwistle railway station bridge, Calf Hey bridge
Retaining Wall Strengthening: Jumbles nursery Turton, Belgrave square retaining wall
Bridge Assessment: Aqueduct Road footbridge, Sandy Lane bridge, Tower Road car park bridge, Peabody Street footbridge, Charnley Street footbridge
Reserve scheme: Rakes Bridge Culvert – repair of downstream retaining walls and de-silting of culvert (c.£131,000)
Wellington Road retaining wall – replace parapet railing (c.£40,000)

Any changes to the approved 2019/20 programme will be reported via the Council's Executive Member for Regeneration later in 2019. 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.

In relation to schemes funded from Section 106 and developer contributions, scheme design and delivery will only commence once monies have been received.

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 3 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, traffic and equality 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. *(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

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.

VERSION:	0.01
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CONTACT OFFICER:	Mike Cliffe, Strategic Transport Manager, ext 5310
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DATE:	18 th March 2019
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BACKGROUND PAPER:	Local Transport Plan 3 Council Forum paper dated 28 th April 2011
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EXECUTIVE BOARD DECISION

REPORT OF: Executive Member for Regeneration
Executive Member for Resources

LEAD OFFICERS: Director of Growth and Development

DATE: 11th April 2019

PORTFOLIO/S AFFECTED: Regeneration Resources

WARD/S AFFECTED: Blackburn Central

KEY DECISION: YES NO

SUBJECT: Disposal of the Former Blackburn Markets Site

1. EXECUTIVE SUMMARY

1.1 This report outlines the outcome of the Informal tender for the site of the former Blackburn market and seeks approval to dispose of the site via an initial exclusivity agreement to the recommended preferred bidder.

2. RECOMMENDATIONS

That the Executive Board:

2.1 Approves the appointment of Bidder A as Preferred Developer Partner.

2.2 Grants an exclusivity period for 12 months to the Preferred Developer Partner to progress with developing scheme proposals.

2.3 Approves the provisionally agreed terms relating to the disposal of the land as detailed in this report.

2.4 Grants permission for Council officers to negotiate the Heads of Terms to finalise the terms of the disposal.

2.5 Delegates authority to conclude negotiations, including terms for the land sale and contracts to the Growth Programme Director and Deputy Chief Executive in consultation with the Executive Members for Resources and Regeneration.

2.6 Authorises the Director of HR, Legal and Governance to complete the necessary legal formalities.

3. BACKGROUND

3.1 The plot of land (shown edged red on the attached Annex A plan) is part of the site of the former Blackburn Market Hall, demolished in 2013. The land was marketed for sale by informal tender from 04th October 2018 on the Council's website, with a final closing date for offers on 28th January 2019. The tender required bidders to submit sealed bids with no external identification to the Town Hall. The tender exercise was reported on by publications including the Lancashire Telegraph and Place North West.

3.2 Two competing tender offers were received by the final closing date.

3.3 The informal tender form required interested parties to:

- make an offer (conditional on planning and ground conditions)
- detail proposed uses including layout drawings / plans
- provide evidence of their experience of completing similar schemes
- provide evidence of their financial ability to fund the scheme
- indicate timeframe for development

3.4 The tenders have been evaluated in accordance with the criteria referred to in paragraph 3.3 above.

4. KEY ISSUES & RISKS

4.1 Two informal tenders were received by the deadline of 12:00 Monday 28th January 2019. The tenders were opened on 28th January 2019 at 14:00.

4.2 The tenders are summarised as follows:

Bidder ID Number	Proposed Use	Comments
A	Retail led development of 3 units, associated car parking and public realm. Potential for future phasing	Conditional on planning and pre lets. Successful negotiations with the agreed end users will be a key factor in the Council's decision.
B	Development of cultural quarter with proposed Asian wedding theme	Conditional on planning and speciality retail pre lets. Non – compliant bid – tender forms not completed. Bid received via. email. No evidence of similar experience provided.

4.3 Bidder A have not only offered the highest price and produced a more attractive comprehensive redevelopment proposal but also already have a successful proven track record with the Council.

4.4 For these reasons it is proposed to accept the tender from Bidder A and in accordance with the tender documentation the provisionally agreed heads of terms are as follows:

Purchaser (Preferred Developer)

Bidder A

Description

Land off Penny St / Brown St, extending to approximately 3.76 acres (attached Annex A edged red)

Exclusivity Agreement

The Council and the Purchaser shall enter into an Exclusivity Agreement for a period of 12 months in order to secure end user/retailer pre lets for the scheme.

The exclusivity period may be extended subject to agreement between the parties.

During the exclusivity period, the Purchaser shall:

- undertake negotiations with retail occupiers to agree heads of terms for the new retail space proposed
- progress necessary design work and build cost assessments to allow viability studies to be developed
- undertake further technical due diligence, including on site surveys

If the Purchaser cannot secure pre lets during the exclusivity period each party shall have the right to withdraw from the agreement.

If the Purchaser secures pre lets then the Council reserves the right to assess the quality of the pre lets to ensure the scheme fulfills the town centre vision and aspirations to attract higher quality retail end users with good covenant strength.

If the Purchaser secures quality pre lets and the Council withdraws from the agreement, the Council shall refund the Purchaser's reasonable costs which will be assessed at the time of application.

Method of Disposal

The land will be disposed of by way of a 250 year lease. The Purchaser will enter into building licences to suit the phasing of the development. On completion of each phase of development the leasehold interest will be transferred to the Purchaser.

Phasing

The development will be phased with the initial and future phases identified on Annex B. The Exclusivity Agreement shall initially apply to Phase 1 with an Exclusivity Agreement granted for Phase 2 following successful completion of Phase 1. Phase 1 extends to 3.2 acres, with the remainder of the 3.76 acre site being Phase 2.

Profit Share

An overage calculation is to be undertaken 12 months after the completion of each phase of development. This will identify the surplus profitability of the development once minimum land receipt, developers' profit and development costs have been deducted. This surplus amount is then to be shared with the Council.

Costs

The Purchaser will be responsible for the payment of the Council's surveyor's fees and legal costs.

Other

The building licence/s will ensure that the development is carried out within an agreed timeframe and in accordance with planning consent.

Risk

A number of design and other issues will require further clarification with the purchaser but it is expected that these will be resolved to the satisfaction of the parties.

5. POLICY IMPLICATIONS

5.1 The Council's Local Plan Part 2 sets out a retail and mixed use requirement for the site, in order to enhance the Blackburn Town centre offer. Successful town centres are those which have responded to these issues and become a destination for more than simply shopping. Our key objective in managing development in Blackburn and Darwen town centres is to maintain progress and increase their competitiveness, and to broaden their function, beyond a traditional shopping focus, while managing any negative pressures that such change may bring.

5.2 Policy 26 Town Centres – a Framework for Development - sets out a framework within which this can take place, identifying priorities and establishing key parameters while retaining flexibility for the market to bring forward solutions. Key areas are as follows:-

- Strengthening and focusing the shopping offer
- Expanding the role of the town centres
- Protecting and enhancing the leisure offer and developing an evening economy
- Establishing a vibrant town centre residential population

5.3 The Local Plan Part 2 is further supported by the Town centre SPD (August 2018). The Town Centre SPD identifies the land at the former Blackburn markets and Exchange site as a key investment area as it represents one of the main opportunities in the town centre to create new retail and commercial floorspace at scale.

6. FINANCIAL IMPLICATIONS

6.1 The Council will receive a capital receipt from Phase 1 (excluding any overage).

6.2 An overage calculation is to be undertaken 12 months after the completion of each phase of development. This will identify the surplus profitability of the development once minimum land receipt, developers' profit and development costs have been deducted. This surplus amount is then to be shared with the Council.

6.3 The Council will receive a future capital receipt for Phase 2 which will be assessed based on viability. Executive Board approval to the disposal of Phase 2 will be sought at the relevant point in time.

6.4 The Council will lose the current car parking income on site.

6.5 The Council will retain operational control of the car parking with potential for future income subject to final agreement with the retail end-users.

6.6 The Council will receive future business rates income from the development which will help to reduce the impact of losing the car parking income.

6.7 The Purchaser will be responsible for the payment of the Council's surveyor's fees and legal costs.

7. LEGAL IMPLICATIONS

7.1 This site was advertised for potential disposal by way of an informal tender. Despite this phrasing it can be asserted that this overall widely advertised for offers, including notifying the Council's development partners on its own development framework. It was on the Council's own website and also received local press attention as well as being published in some of the websites frequented by developers. Accordingly, the Council has quite widely advertised the presented opportunity.

7.2 The Council via, its wide advertising as described in 7.1 demonstrates that the best consideration

reasonably obtainable can be demonstrated. The Council will need to ensure that the proffered consideration is not subsequently diminished in any substantive way which might undermine this.

7.3 The Council will look to safeguard its interests in ensuring that the land is developed in line with its future revenue benefit projections by agreeing a build programme with the developer.

7.4 The Council will comply with current procurement rules, which includes ensuring that this development does not amount to a public works contracts.

8. RESOURCE IMPLICATIONS

8.1 The disposal will be led by the Growth team; Legal resources will be required to complete the legal formalities relating to the freehold disposal.

8.2 Additional support may be required from Capita to carry out assessments of scheme proposals, deliverability and Heads of Terms.

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 proposal has been subject to extensive consultations between Council officers and Growth Board.

10.2 Consultation on the proposed development will take place through the planning process.

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

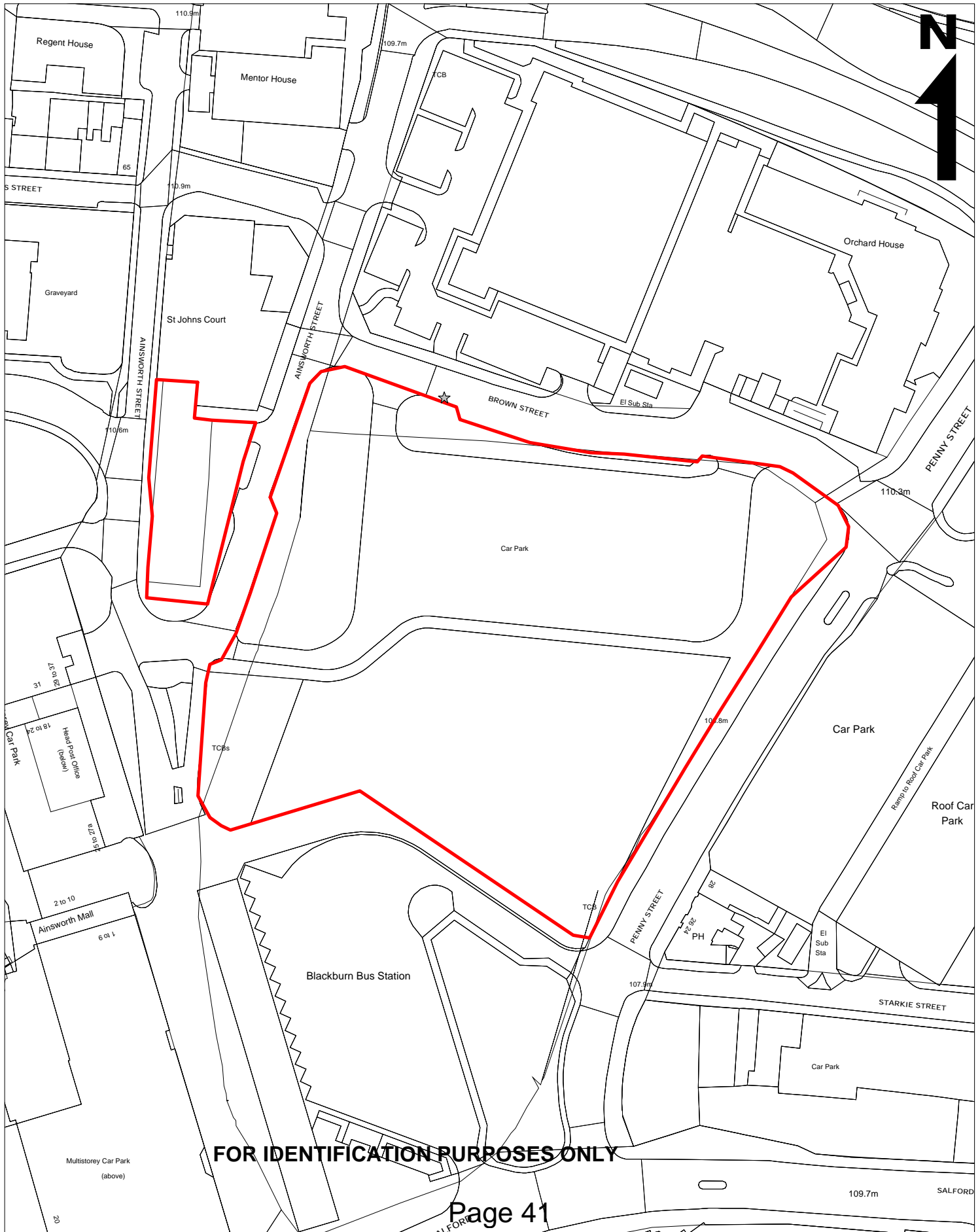
CONTACT OFFICER:	Simon Jones, Growth Programme Director
DATE:	01 st April 2019
BACKGROUND PAPER:	Executive Member Report Disposal of former Blackburn Market site 14 th September 2018

Annex A

FORMER BLACKBURN MARKETS SITE, BLACKBURN

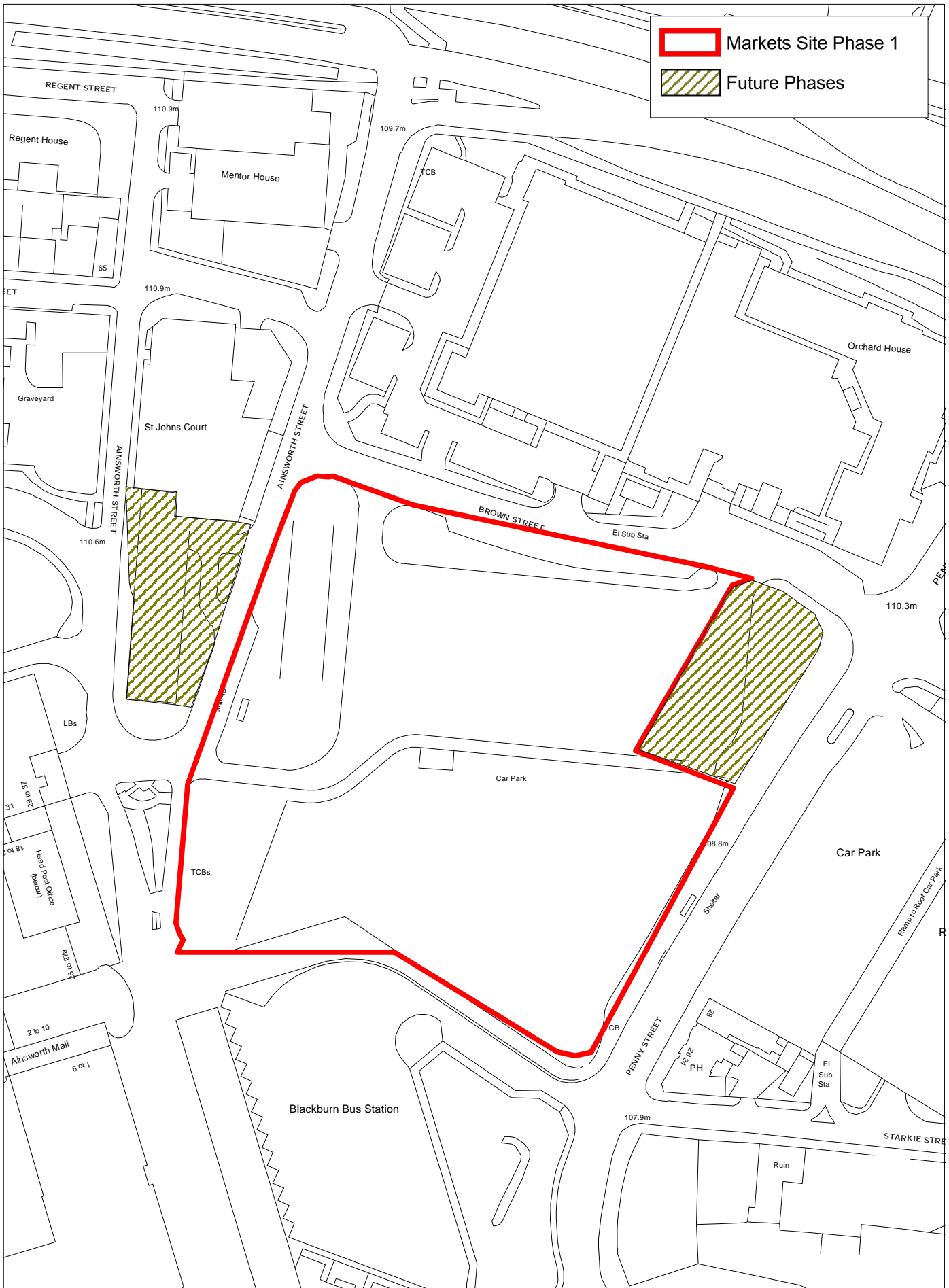
DATE : 2019

SCALE : 1:1250



FOR IDENTIFICATION PURPOSES ONLY

ANNEX B FORMER BLACKBURN MARKET SITE DEVELOPMENT PHASING



Scale 1:1250

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

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