

# Public Document Pack

## Executive Member Decisions

Friday, 15th February, 2019

---

### AGENDA

- DfT - Local Transport Capital Funding 2018/19 -  
Additional surfacing**  
**EMD - DfT additional funding allocation** **2 - 9**  
**Blackburn\_with\_Darwen**  
**EIA checklist DfT additional funding allocation**

Date Published: 15<sup>th</sup> February 2019  
Harry Catherall, Chief Executive

## EXECUTIVE MEMBER DECISION



**REPORT OF:** Executive Member for Regeneration and Growth

**LEAD OFFICERS:** Director for Environment and Operations

**DATE:** 15<sup>th</sup> February 2019

**PORTFOLIO/S AFFECTED:** Regeneration and Growth

**WARD/S AFFECTED:** Billinge and Beardwood, Livesey with Pleasington and Blackburn Central

**SUBJECT:** Local Transport Capital Funding 2018/19 – Additional surfacing

### 1. EXECUTIVE SUMMARY

To update on progress made with the appointment of a main surfacing contractor to deliver the additional DfT award of £855,000 to the authority.

### 2. RECOMMENDATIONS

That the Executive Member for Regeneration and Growth:

1. Gives approval to accept the main contract tender
2. Notes that further reporting will be made on the Council's website upon scheme completion
3. Gives approval to the Director of Environment and Operations, in consultation with the Executive Member for Regeneration and Growth to make the full award and engage with the winning contractor to commence the works.

### 3. BACKGROUND

The DfT announced additional funding on 13<sup>th</sup> November 2018 of £855,000 to Blackburn with Darwen Borough Council.

Quote from the letter issued:

*"We expect your authority to use this funding for its intended purpose. We would also expect your authority to publish a brief note on its website by end of March 2019, copied to the Department for Transport, setting out how the funding we allocated to authorities earlier this financial year and this new extra funding has been utilised. It would be helpful also if you could ensure, where feasible, that your authority publishes pictorial evidence on your website which shows the 'before' and 'after' of each repair undertaken."*

The authority's roads suffered damage as a consequence of the heatwave during the summer of 2018. Many of the direct damage impacted on previously surface dressed roads, which was later confirmed via a SCRIM survey undertaken in November 2018 in accordance with best practice and asset management principles. As a consequence the following roads required intervention and treatment:

Preston New Road, Livesey Branch Road and Higher Audley Street.

As part of the DfT letter, a request was made to also publish what roads have been resurfaced as part of the LTP integrated maintenance block for the financial year of 18/19. A list of these roads to be done via this allocated funding are as follows, St. James Crescent, Cambridge Street, Ramsgreave Drive, Audley Range, Whalley New road and Chapels Lane in Tockholes.

The timescales of additional funding award and the procuring of a surfacing contractor required a swift solution given the funding requirements for the money to be delivered by the end of March 2019. In order to meet this timeframe, the Growth and Development framework has been utilised.

#### 4. KEY ISSUES & RISKS

The timescale for delivery was the biggest risk along with the seasonal variation of weather given the time period.

The tender exercise utilised the existing Growth and Development framework for a swift turnaround.

##### **Full Approval Tender award :**

The Executive Member for Regeneration is being asked to approve the resurfacing tender for the additional DfT funding allocation for the value of £757,284.29.

##### **Main Headlines:**

Tender return cost: £757,284.29. Additional DfT funding allocation is £855,000 leaving a potential of £97,715.71. This will be utilised to support Call off works associated with these schemes via the Capita contract.

##### **Programme:**

The earmarked roads will be complete by the end of March 2019 subject to any adverse weather impacts given the nature of seasonal weather and the time of year.

001	Preston New Road, Meins Road to Beardwood	£190,807.43
002	Preston New Road, Revidge Road to Saunders Road	£33,484.66
003	Livesey Branch Road, Green Lane to Hordens Rake	£389,683.83
004	Higher Audley, St Paul's to 38 Oxford Drive	£122,426.69
005	Higher Audley, 38 Oxford Drive to Higher Eanam	£20,881.68
<b>£757,284.29</b>		

**Casey Construction Limited** scored the highest combined quality/price.

#### 5. POLICY IMPLICATIONS

The road schemes will be delivered as part for the SCRIM survey returns and as part of the Highway Asset Management Policies and Principles in accordance with the codes of practice.

#### 6. FINANCIAL IMPLICATIONS

The road resurfacing schemes tender return value is £757,284.29 along with an allocated funding from the DfT of £855,000. £97,715.71 is retained and will be allocated call off items for works involved with the delivery of these schemes via the current Capita contract.

#### 7. LEGAL IMPLICATIONS

The Council's legal section will be involved in progressing the statutory elements of the project i.e. Traffic Regulation Orders. Contract has been procured in accordance with Council's Contract Procurement Procedure Rules and Public Contracts Regulations 2015 by using a mini-competition under an already established framework. Contract will be in a form approved by legal officers in Contracts and Procurement team.

#### 8. RESOURCE IMPLICATIONS

The nature of the works will be delivered via external sub-contractors for the resurfacing element

along with associated call off work to enable Capita to both monitor and supervise the contract as Principle Contractor under the CDM requirements.

## 9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

## 10. CONSULTATIONS

A communications Strategy and Action Plan has been developed and proposes the following:

- Leaflet drops to adjacent properties before works commence
- An information portal on the Council's website to keep residents and businesses up to date
- Ongoing information releases to Elected Members and the Member of Parliament
- Social Media releases throughout the scheme's delivery phase via the "BwD Roads" Facebook account.

## 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.

<b>VERSION:</b>	0.01
<b>CONTACT OFFICER:</b>	Stuart Scott, Highways and Network Manager, ext 5310
<b>DATE:</b>	12 <sup>th</sup> February 2019
<b>BACKGROUND PAPER:</b>	Executive Member Capital LTP programme update December 2019. Department for Transport letter dated 13 <sup>th</sup> November 2018



# Department for Transport

Harry Catherall  
Chief Executive  
Blackburn with Darwen Borough Council  
Via email:  
harry.catherall@blackburn.gov.uk

Dear Mr Catherall

Anthony Boucher  
Local Infrastructure Division  
Department for Transport  
Room 2/14  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR  
Direct Line: 0207 944 2149

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

13 November 2018

## **LOCAL TRANSPORT CAPITAL FUNDING 2018/19 FINANCIAL YEAR**

The Chancellor of the Exchequer announced in the Budget 2018, the Government is allocating £420 million in the 2018/19 financial year for local highways maintenance, including the repair of potholes, to keep local bridges and structures open and safe, as well as to help aid other minor highway works that may be needed.

This new capital funding represents a significant extra investment in road maintenance and is on top of the funding we have allocated to highway authorities this financial year for local highways maintenance purposes.

In order to minimise administrative burdens for all concerned and to be fair and proportionate, we will be distributing the funding formulaically, based on the Department's existing local highways maintenance capital funding needs element formula, which takes into account highway assets for which each authority is responsible. We will make the payment for your share of the funding on 13 November.

We expect your authority to use this funding for its intended purpose. We would also expect your authority to publish a brief note on its website by end of March 2019, copied to the Department for Transport, setting out how the funding we allocated to authorities earlier this financial year and this new extra funding has been utilised. It would be helpful also if you could ensure, where feasible, that your authority publishes pictorial evidence on your website which shows the 'before' and 'after' of each repair undertaken.

The Grant Determination for the fund your authority is receiving is attached, as is a declaration at Annex A that you and your Authority's Chief Internal Auditor are required to sign and to return to the Department for Transport by 30 September 2019. We are content for this declaration to be combined with the declaration for the Local Transport Capital Block Funding 2017/18 as set out in my letter of 11 April 2018.

The table below shows your allocation from the Fund.

<b>Grant Stream</b>	<b>2018/19 Allocation</b>
Budget 2018 Additional Highway Maintenance	£855,000

Please contact us at [LT.PLANS@DFT.GSI.GOV.UK](mailto:LT.PLANS@DFT.GSI.GOV.UK) or telephone Gordon Rolfe on 0207 944 2249 for queries relating to the capital block funding allocations outlined in this letter.

Yours sincerely,



Anthony Boucher  
Deputy Director: Local Infrastructure

# **LOCAL TRANSPORT CAPITAL BLOCK FUNDING (INTEGRATED TRANSPORT AND HIGHWAY MAINTENANCE) SPECIFIC GRANT DETERMINATION (2018/19): No 31/3224.**

The Minister for Local Transport (“the Minister”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

## **Citation**

1) This determination may be cited as the Local Transport Capital Block Funding (Integrated Transport and Highway Maintenance) Specific Grant Determination (2018/19) No.31/3224.

## **Purpose of the grant**

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

## **Determination**

3) The Minister determines that the maximum additional amount of grant payable to Blackburn with Darwen Borough Council shall be £855,000.

## **Grant conditions**

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Minister determines that the grant will be paid subject to the conditions in Annex B.

## **Treasury consent**

5) Before making this determination in relation to local authorities in England, the Minister obtained the consent of the Treasury.

Signed by authority of the Minister for Local Transport



Anthony Boucher

A senior civil servant within the Department for Transport

November 2018

## **ANNEX A - GRANT CONDITIONS**

1. Grant paid to a local authority under these determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.

2. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of the Local

Infrastructure team<sup>1</sup> in the Department for Transport a declaration, to be received no later than 30 September 2018, in the following terms:

“To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to the Local Transport Capital Block Funding (Pothole Action Fund) Specific Grant Determination (2018/19) No.31/3221 have been complied with”.

3. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister may-

a) reduce, suspend or withhold grant; or

b) by notification in writing to the authority, require the repayment of the whole or any part of the grant.

4. Any sum notified by the Minister under paragraph 3(b) shall immediately become repayable to the Minister.



## 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.

<b>Service area &amp; dept.</b>	Highways	<b>Date the activity will be implemented</b>	31/03/2019
<b>Brief description of activity</b>	DfT additional funding allocation		


<b>Answers favouring doing an EIA</b>	<b>Checklist question</b>	<b>Answers favouring not doing an EIA</b>
<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 checked="" 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 type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> 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
<b>FOR =1</b>	<b>TOTAL</b>	<b>AGAINST =5</b>

**Will you now be completing an EIA?**

Yes

No

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

<b>Assessment Lead Signature</b>	Gwen Kinloch
<b>E&amp;D Lead Signature</b>	
<b>Date</b>	13/02/19