

# Public Document Pack

## Executive Member Decisions

Friday, 24th May, 2019

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### AGENDA

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Date Published: 24<sup>th</sup> May 2019  
Denise Park, Chief Executive

## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Regeneration Executive Member for Resources
<b>LEAD OFFICERS:</b>	Director of Growth and Development
<b>DATE:</b>	30 <sup>th</sup> April 2019

<b>PORTFOLIO/S AFFECTED:</b>	Regeneration	Resources
<b>WARD/S AFFECTED:</b>	Ewood	

**SUBJECT: PURCHASE BY AGREEMENT – 12 DYSON STREET, BLACKBURN**

### 1. EXECUTIVE SUMMARY

To seek approval to purchase the above privately owned empty property by agreement as part of the Council's Empty Property Strategy to reduce the numbers of long term empty properties and provide much needed accommodation for the Borough.

### 2. RECOMMENDATIONS

That the Executive Member:

Upon being satisfied that:

- a) this action would contribute to the economic, social and environmental well-being of the Borough;
- b) The condition of the property would justify the use of CPO powers under s17 of the Housing Act 1985
- c) sufficient funds exist for carrying the resolution into effect;

- 2.1 Authorise the Director of Growth and Development in conjunction with the Director of HR, Legal and Governance to negotiate to acquire the property by agreement to bring about its re-use.
- 2.2 2. that following any acquisition, the Director of Growth and Development be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
- 2.3. gives authority, if negotiations fail, for a compulsory purchase order (CPO) to be made under Part II, Section 17 of the Housing Act 1985 in respect of the property.

### 3. BACKGROUND

- 3.1 As part of the Council's commitment to bringing empty properties back into use, this property has been evaluated using the priority scoring system (appendix 1).
- 3.2 The last tenant at the property vacated quickly in August 2018 following alleged anti-social behaviour. Once the property became unoccupied, it was broken into and vandalised by persons unknown.

- 3.3 The site of the property is outlined in red on the attached plan (appendix 2).
- 3.4 Substantial efforts have been made by the Empty Housing Project Manager to identify and contact the owner to encourage him to bring the property back into use. The owner has co-operated with the Council and carried out emergency securing works each time the property has been broken into.
- 3.4 12 Dyson Street, Blackburn is a pre-1919, brick built mid-terraced house with a pitched slate roof and a single storey annexe. The ground and first floor windows and doors are boarded over following various vandalism incidents. The rear yard gate has been smashed, resulting in fly-tipping which has filled the rear yard. Internally, the kitchen units and bathroom suite have been vandalised beyond repair.
- 3.5 The owner has been in negotiations with his insurance company but feels that their offer would not cover the cost of refurbishment works required to bring the property back into a habitable state and rather than wait for the lengthy CPO process, has agreed to sell the property to the Council to enable it to be brought back into use by a local owner, in a timely manner.

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

- 4.1 Tackling empty properties supports the key priorities in the Council's Corporate Plan and the Empty Property Strategy.
- 4.2 There are currently around 2,569 empty and unfurnished properties in the Borough, of which 417 have been empty for over 2 years and are being charged a premium rate for Council Tax (as at April 2019). Contact has been made with all owners of long term empty properties and as a direct result of that intervention, 508 empty properties were brought back into use in 2018/19. However, as quickly as properties are removed from the empty property list, others are added to it.
- 4.3 Continued efforts are required to ensure that properties are empty for a minimum period of time and the Council's message that long term empty properties will not be tolerated continues to be communicated.
- 4.4 There are currently no grant funding opportunities available to support empty homes (previous HCA initiatives ended in March 2015). Direct support and signposting is offered to help owners to bring their properties back into use. Where owners are unwilling or unable to bring their properties back into use, enforcement action is considered to be the most appropriate course of action to be taken.
- 4.5 Empty properties in the Borough can have negative environmental impacts on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties attract fly-tipping, crime, arson and nuisance. It is a priority to tackle these problems through enforcement action as part of the wider effort to improve neighbourhoods and prevent blight.
- 4.6 Bringing empty properties back into use creates additional accommodation for rent or sale and can also generate additional income for the Council via New Homes Bonus (NHB) payment.
- 4.7 Purchase by agreement and any proposed CPO action (if required) will be funded through the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme. The budget allows for the acquisition and re-sale of CPO properties. Capital receipts received from the sale of properties are recycled back into the project to enable further CPO's and

purchases by agreement to be carried out. It is estimated that the property will be valued at around £35,000 and there are adequate uncommitted funds available within this project to support the acquisition.

- 4.8 Once acquired, this property will be offered for sale via a local estate agent to the highest bidder, with preference given to buyers who intend to owner/occupy the property once renovated. A building licence will be granted to the buyer and the formal sale is completed once the property has been renovated to the Council's required standard. This approach also encourages the use of local labour and local spend.
- 4.9 To date, 17 properties have been acquired using Neighbourhood Intervention Project funding. Of these, 13 have been successfully refurbished, 3 are in the process of being refurbished and 1 is in the process of being sold with works to commence in the near future.

## **5. POLICY IMPLICATIONS**

- 5.1 The Corporate Plan prioritises new house building and improvement of conditions in older housing. Bringing empty properties back into use is an alternative means of increasing supply and also improves housing conditions and is, therefore, relevant to both of the key corporate objectives
- 5.2 Bringing housing back into use would increase housing supply in the borough. Properties may be occupied by owner/occupiers or be available as private rented accommodation. It would also free the local community of the problems created by properties standing empty and derelict for such a long time.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The funding for acquisitions by agreement is available in the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme.
- 6.2 Proposed purchase by agreement for this property will be funded through the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme. This project has a capital budget of £596,000 (Capital receipts received on the sale of properties are recycled back into the project to enable further CPO's and PBA's to be carried out) The property is expected to be valued at around £35,000 and there are currently £200,000 of uncommitted funds available within the project to support the acquisition.
- 6.3 Some revenue budget will be required to fund the subsequent sale of the property. The amount required will be approximately £1,200 for the estate agent's fees which will be funded from within existing budgets.
- 6.4 Capital receipts from sale of assets funded by the Neighbourhood Intervention Fund will be recycled back into the project so that further acquisitions by agreement and CPO's can be undertaken, as and when required.

## **7. LEGAL IMPLICATIONS**

7.1 Under the provisions of section 17 of the Housing Act 1985, the local authority may acquire houses or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings. The power is available even if the ownership of the property is to be transferred to someone else.

7.2 The making of a CPO does not prevent negotiations with any person holding an interest in land affected by the CPO as these negotiations can proceed in parallel with the statutory process. Indeed, it is advised that where possible, negotiations can continue throughout the process even up to confirmation of the Order.

7.3 In this case, the owner has no objections to the Council acquiring the property and is prepared to negotiate to sell by agreement, negating the requirement for the lengthy CPO procedure.

## 8. RESOURCE IMPLICATIONS

8.1 Resources needed to acquire the property will be provided by the Empty Properties Team and the legal team.

8.2 Some support will be required from Capita to carry out a valuation of the property concerned.

## 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 Comprehensive consultation has been undertaken to understand the impacts of empty properties on local communities. The Strategic Housing Market Assessment (SHMA) supports bringing empty properties back into use. This has also been reflected in the Council's Local Plan which treats empty properties as a valuable resource towards meeting housing need within the borough.

10.2 The further development of the Council's Empty Property Strategy has also consulted stakeholders and agencies prior to consideration of further tools to tackle empty properties.

## 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 a public 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>	<b>0.04</b>
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<b>CONTACT OFFICER:</b>	<b>Project Manager Empty Housing - Nicola Fox</b>
<b>DATE:</b>	30/04/2019
<b>BACKGROUND PAPER:</b>	Empty Property Strategy

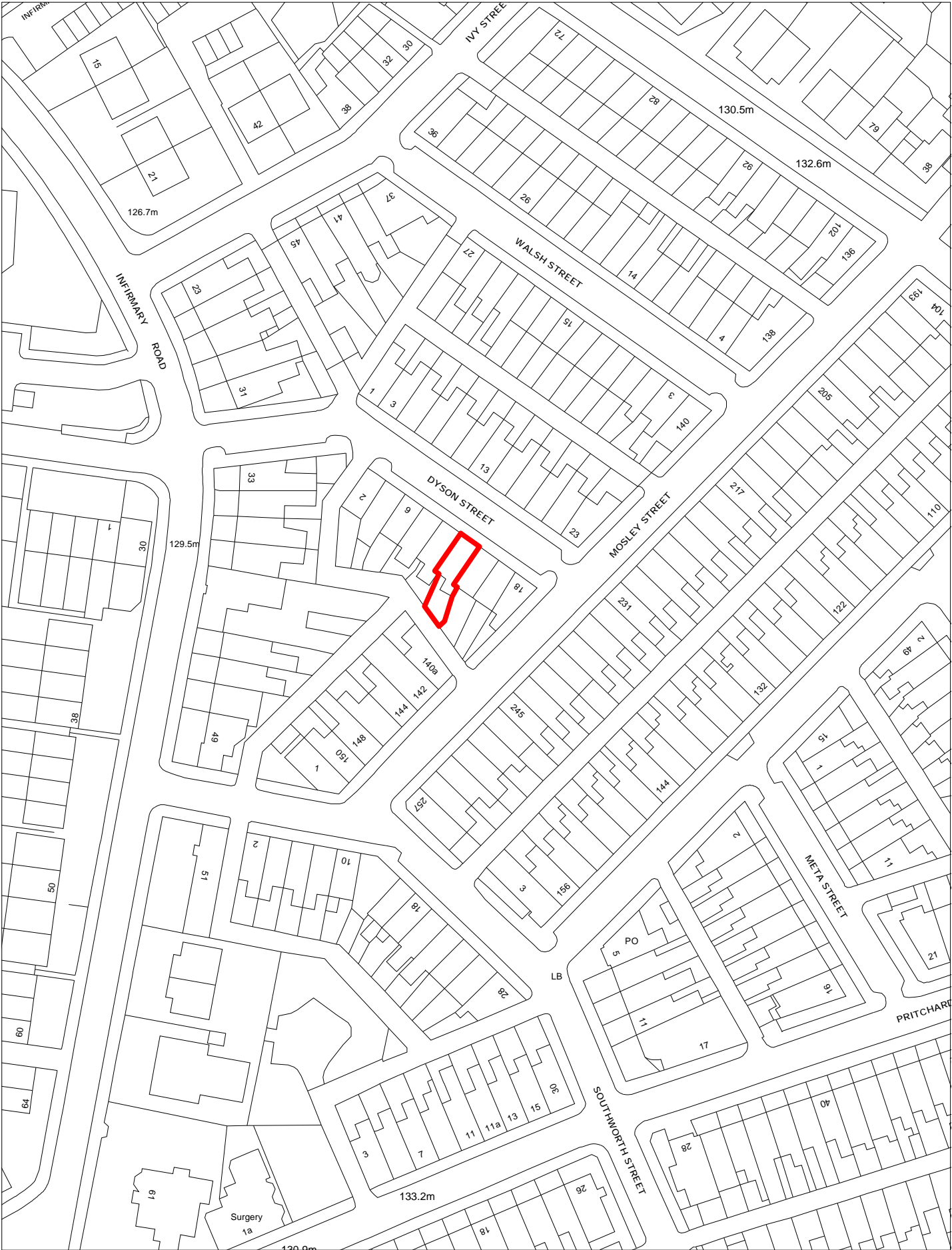
## Appendix 1

# PRIORITY SCORING MATRIX

Maximum Points: 38 (must score 26 or over)

Address: 12 Dyson Street, Blackburn.		Score
How long has the property been Empty?	Less than 6 months	0
	6 months to 2 years	1
	2 – 5 years	2
	Over 5 years	4
Is the property in disrepair?	No	0
	Moderate disrepair	1
	Serious disrepair	2
	Severe disrepair	4
Have complaints been received in Respect of this property?	No complaints	0
	Under 3 complaints	1
	3 to 8 complaints	2
	8 complaints or over	4
Is the property within an Intervention area?	No	0
	Yes	2
Is the property within an Investment area?	No	0
	Yes	2
Is the property within a selective Licensing area?	No	0
	Yes	2
Adequate evidence of previous Contact with owner?	No	0
	Yes	20
TOTAL SCORE		31

# 12 DYSON STREET, BLACKBURN





# Health Impact Assessment Screening Tool

Toolkit produced by: Public Health  
Toolkit version: 1.2  
HIA version: 1.0  
Date HIA completed: 31<sup>st</sup> January 2017

***Health is not merely the absence of disease or infirmity but a state of complete physical, mental, social and spiritual well-being.***  
***(modified by M. Birley (2013) from World Health Organisation's definition – 1948)***

**Title of policy, programme or project ("activity") to be assessed:**

**Compulsory Purchase of individual empty properties within Blackburn with Darwen Borough**

**What is the activity about? What is the context outlined for the activity? (e.g. policy context, history, background)**

Tackling empty properties supports the key priorities of the council's corporate plan and the Empty Property Strategy. Empty properties in the borough can have a negative environmental impact on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties attract fly-tipping, crime, arson and nuisance. It is a priority to tackle these problems by agreement or enforcement as part of the wider effort to improve neighbourhoods and preventing blight.

**Does this activity have the potential to impact on health? Explain**

*(please consult appropriate Public Health colleague if you are unsure or require further information)*

Bringing empty properties back into use through the Empty Property Strategy enables the authority to ensure the removal of category 1 and 2 hazards from properties prior to occupation as defined by the Housing Health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.

Re-occupation of these empty properties will also deter fly-tipping, reduce crime, arson and nuisance which contribute to the improvement of health and safety in homes and neighbourhoods.

Whilst no negative impacts have been identified for the compulsory purchase of empty properties, we will continue to complete the full HIA screening as the reasons surrounding the need for a Compulsory purchase Order (CPO) may vary between each individual property. As a result of this it would be wise to further explore this activity to ensure that all aspects have been considered.

***\*If no health impacts are identified then the screening does not need to continue, but please ensure that this has been discussed with the appropriate Public Health colleague prior to discontinuation\****

**Does this activity relate to / impact on any of the Health & Wellbeing Strategy objectives?**

- ☒ **Best start for children and young people**
- ☐ **Health & Work**
- ☒ **Safe & healthy homes & neighbourhoods**
- ☐ **Promoting health and supporting people when they are unwell**
- ☐ **Older people's independence and social inclusion**

**Does the activity concern any of the following determinants?**

Lifestyle	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Physical environment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Social / economic environment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Other, please specify		

**What are the potential positive impacts?**

Bringing this long term empty property back into use enables the authority to ensure the removal of category 1 and 2 hazards from the property prior to re-occupation as defined by the Housing health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.

Re-occupation of this empty property will also deter fly-tipping, reduce crime, arson and nuisance in the area which will contribute to the improvement of safe and healthy homes in this neighbourhood. Which in turn will offer children and younger people a much better setting to grow up in.

**What are the potential negative impacts?**

No negative impacts on health have been identified in association with this activity. The activity seeks to ensure that a greater number of houses are used for their purpose.

**What are the assumptions/risks embedded in or underpinning the activity?**

No assumptions or risks have been identified with this activity.

**Are there any external factors which identify the nature and extent of the impacts on health for this type of proposal (e.g. research; policy changes etc.)**

Local Government Association, action to tackle empty homes -

[http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&groupId=10180](http://www.local.gov.uk/c/document_library/get_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&groupId=10180)

House of Commons, Empty Housing Briefing Paper -

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport>

Housing Health and Safety rating System –

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

**List the groups most likely to be affected by this proposal**

This proposal will contribute positively to the overall health and safety off all members of the community and neighbourhood affected.

**What are some of the potential equity issues?**

The re-occupation of these empty, and potentially problematic properties, will contribute to the reduction of nuisance, crime, arson and fly-tipping resulting in an overall improvement to the social and physical environment of the neighbourhood. This will be to the benefit of all residents regardless of any individual characteristics.

## CHECKLIST

Answers favouring doing an HIA	To your knowledge	Answers favouring not doing a HIA
<b>Health impacts</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health directly?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health indirectly?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any potential serious negative health impacts that you currently know of?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is further investigation necessary because more information is required on the potential health impacts?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No	Are the potential health impacts well known and is it straightforward to identify effective ways in which beneficial effects can be maximised and harmful effects minimised?	<input checked="" type="checkbox"/> Yes
<b>Community</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is a large proportion of the population likely to be affected by the initiative ( <i>over 25% of the resident population</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any socially excluded, vulnerable, disadvantaged groups likely to be affected?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any community concerns about any potential health impacts?	<input checked="" type="checkbox"/> No
<b>Initiative</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there some reason to suspect that health issues not considered in the planning process of this initiative might become more visible by doing an HIA?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the cost of the initiative high ( <i>over £100,000</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the nature and extent of the disruption to the affected population likely to be major?	<input checked="" type="checkbox"/> No
<b>Organisation</b>		
<input checked="" type="checkbox"/> Yes	Is the initiative a high priority/important for the organisation/partnership?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Are the individuals and organisations with a stake in this initiative likely to buy into the HIA process?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there potential to change the proposal? Will there be any other similar proposals in the future?	<input type="checkbox"/> No
<b>FOR = 3</b>	<b>TOTAL</b>	<b>AGAINST = 11</b>

## Choosing which HIA to do

Health Impact Statement	Type of HIA	Comprehensive
<input checked="" type="checkbox"/> Yes	Is there only limited time in which to conduct the HIA?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is there only limited opportunity to influence the decision?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is the timeframe for the decision-making process set by external factors beyond your control?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Are there only very limited resources available to conduct the HIA?	<input type="checkbox"/> No

## Deciding who should do the HIA

External	Assessors	Internal
<input type="checkbox"/> No	Do personnel in the organisation or partnership have the necessary skills and expertise to conduct the HIA?	<input checked="" type="checkbox"/> Yes
<input checked="" type="checkbox"/> No	Do personnel in the organisation or partnership have the time to conduct the HIA?	<input type="checkbox"/> Yes

Is an HIA appropriate?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Why or why not?	
No negative impacts to health have been identified. All impacts on health will be positive ones including the removal of category 1 and 2 hazards from houses and the reduction of fly-tipping, crime, arson and nuisance to neighbourhoods.	
If yes, what type and how?	
N/A	
Recommendations / comments	
none	

Completed by: \_\_\_\_\_


Date: 16<sup>th</sup> January 2017

Approved by

(Head of Service/Director):


Date: 16<sup>th</sup> January 2017

*This signature signifies the acceptance of the responsibility and ownership of the HIA and the resulting action plan (if applicable).*

Approved by

(Public Health):



Date: 31/01/2017

*This signature signifies the acceptance of the responsibility to publish the completed HIA.*

***\*Once this form has been completed and approved, this document should be saved as the Health Impact Statement for the specified activity, any actions should be monitored appropriately\****

## 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>	Growth and Development. Empty Properties Team	<b>Date the activity will be implemented</b>	24/05/2019
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<b>Brief description of activity</b>	Purchase by agreement of an empty property at 12 Dyson Street, Blackburn
--------------------------------------	--------------------------------------------------------------------------

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

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

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

☐ Yes

☒ No

<b>Assessment Lead Signature</b>	Nicola Fox
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date</b>	08/05/2019

## EXECUTIVE MEMBER DECISION



**REPORT OF:** Executive Member for Environment

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

**DATE:** 9<sup>th</sup> May 2019

**PORTFOLIO/S AFFECTED:** Environment

**WARD/S AFFECTED:** All

**SUBJECT:** Authorisation to Retender the contract for the Dog Fouling and Litter Enforcement Service

### 1. EXECUTIVE SUMMARY

Littering and dog fouling legislation is enforced by the Council, although is non-statutory. A contract for the provision of a Dog Fouling and Litter Enforcement service in Blackburn with Darwen was first tendered in 2017, with the team commencing operation in October of that year.

Following a review in 2018 the contract was extended for a further year, but it is now recommended that the contract is retendered with an enhanced specification.

### 2. RECOMMENDATIONS

That the Executive Member:

Authorises the tendering of the contract for up to 3 years for the Dog Fouling and Litter Enforcement service.

### 3. BACKGROUND

Littering is an offence under Section 87 of the Environmental Protection Act 1990, which can be dealt with by means of a fixed penalty notice (FPN) as an alternative to prosecution.

Dog fouling (as a breach of a Public Space Protection Order, or PSPO) is an offence under Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014. This too can be dealt with by means of an FPN as an alternative to prosecution. In Blackburn with Darwen the provisions of the dog control PSPO include keeping dogs on leads in specified cemeteries, and keeping dogs out of specified children's' play areas.

The Council does not have a statutory duty to enforce these provisions, so over time resources had been focussed elsewhere, resulting in relatively low levels of enforcement.

In 2017, the Council took the decision to tender for a contract for a Dog Fouling and Litter enforcement service, with a view to raising awareness for personal responsibility for waste-related

offending, and delivering a significantly improved service in a way which was cost neutral for the Council. The successful bidder, Kingdom Environmental Services Group Ltd, commenced operation in October 2017. After a 12 month review the contract was extended for a further year.

Equality Impact Assessment work carried out for the Corporate Prosecution Policy, the original tendering for of the Dog Fouling and Litter Enforcement service and the Dog Control PSPO are considered to cover the retendering of this contract, and are available on request.

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

The Dog Fouling and Litter Enforcement team has been embedded within Public Protection and Environmental Health, and is managed by the Service Lead. The current contractor has performed satisfactorily throughout, and the close working between contractor and Council has minimised the risks associated with this type of contract.

At the time of writing, a total of 8747 fixed penalty notices have been issued; 8029 for littering, 55 for dog fouling, 5 relating to dogs not being on leads, and 658 relating to smoke free England. The payment rate is 65%. Approximately 1500 prosecutions for non-payment of the FPN have been undertaken via the Single Justice Procedure.

In terms of meeting its objectives the contract has been successful; the profile of personal responsibility for litter and waste has been raised in the Borough, and a robust dog fouling and litter enforcement service has been provided at no cost to the Council.

From the experience gained over two years managing the contract it is felt that there is scope for adding to the specification for the service, and so it is recommended that the contract be retendered for commencement in October 2019 once the amended specification has been drawn up. As this field of service delivery is always developing, opportunities for enhancing the current service will be explored as part of the retendering process. The procurement and contract structure will ensure that the contract is at worst cost neutral and will maximise revenue where possible. The contract will be for an initial twelve month period with the option to extend for up to two further 12 month periods.

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

The provision of a Dog Fouling and Litter Enforcement service in the Borough supports the following Corporate Priorities:

- Creating more jobs and supporting business.
- Making your money go further.

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

The provision of the Dog Fouling and Litter enforcement service will continue to be at worst cost-neutral for the Council and may generate revenue which will help cover costs of Public Protection and/or Legal Services.

#### **7. LEGAL IMPLICATIONS**

The operation of the Dog Fouling and Litter enforcement service generates a large single justice procedure caseload for Legal Services.



With the knowledge gained from the two years of the Team's operation, processes are being reviewed with a view to rationalising them to reduce demands on both Legal Services and Public Protection as far as is possible.

The contract will be advertised in OJEU and procured under the Open Procedure in accordance with the Public Contracts Regulations 2015. The contract will be in a form approved by legal officers in the Contracts and Procurement team.

## 8. RESOURCE IMPLICATIONS

The Team will be embedded within Public Protection and Environmental Health.

## 9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

## 10. CONSULTATIONS

None

## 11. STATEMENT OF COMPLIANCE

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

## 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>	<b>1.1</b>
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<b>CONTACT OFFICER:</b>	<b>Gary Johnston</b>
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<b>DATE:</b>	<b>9<sup>th</sup> May 2019</b>
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<b>BACKGROUND PAPER:</b>	<b>N/A</b>
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## EQUALITY IMPACT ASSESSMENT CHECKLIST

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

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

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

<b>Service area &amp; dept.</b>	Environmental & Operations – Public Protection & Environmental Health	<b>Date the activity will be implemented</b>	01/10/2019
---------------------------------	-----------------------------------------------------------------------------	----------------------------------------------	------------

<b>Brief description of activity</b>	Retendering for the contract for the Dog Fouling and Litter Enforcement Service
--------------------------------------	---------------------------------------------------------------------------------

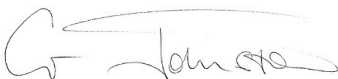
Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Budget changes - Change to existing Council policy/strategy	<input checked="" type="checkbox"/>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

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

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

☐ Yes

☒ No

<b>Assessment Lead Signature</b>	
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date</b>	09/05/2019



## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Growth and Development Executive Member for Environment
<b>LEAD OFFICERS:</b>	Director of Growth and Development Director of Environment and Operations
<b>DATE:</b>	4 <sup>th</sup> March 2019

**PORTFOLIO/S AFFECTED:** Growth and Development Environment

**WARD/S AFFECTED:** Blackburn Central

**SUBJECT:** Borough of Blackburn with Darwen – Various Streets Disabled Bays

### 1. EXECUTIVE SUMMARY

To inform the Executive Member for Growth and Development and Executive Member for Environment of the proposal to consolidate and modify existing Disabled Bay restrictions in to a new Traffic Regulation Order which will cover all disabled bays in a single traffic order.

### 2. RECOMMENDATIONS

That the Executive Member:  
Authorise the Director of HR, Legal & Governance to advertise the proposed Traffic Regulation Order as per the attached schedule.

### 3. BACKGROUND

Due to changes in the highway network within the town centre it has become necessary to modify a number of traffic regulation orders.

Disabled bays within the town centre are being created, existing ones relocated and other administrative modifications to tidy up old and inappropriate restrictions.

It is proposed to create a new Borough-wide disabled bay order, which will allow for easier administration and amendment of disabled bay restrictions. Moving forward, this will also allow for any potential future enforcement of residential disabled bays as these can be appended to this order as and when required, subject to any future disabled bay policy being ratified.

### 4. KEY ISSUES & RISKS

No risks arising from this proposal have been identified. The proposal is of benefit to the social and economic well being of the Borough.

## 5. POLICY IMPLICATIONS

The proposal to make and revoke Traffic Regulation Orders requires delegated approval from the Executive Member for Growth and Development and Chief Officer. Traffic Regulation Orders are required to be published in the local press and on site to comply with the Road Traffic Regulations Act 1984. Directly affected properties are consulted in line with current procedure.

## 6. FINANCIAL IMPLICATIONS

The cost of making and advertising this Traffic Regulation Order will be approximately £2000 and be funded from the National Productivity Infrastructure Fund.

## 7. LEGAL IMPLICATIONS

The necessary legal powers to implement this scheme are within the Road Traffic Regulations Act 1984. The advertising of the proposals will enable comments/objections and suggestions on how the experimental order may be improved through variation from members of the public as well as the relevant council highway officers.

Unresolved objections will be reported to the Planning and Highways Committee and brought back for a decision by the Exec Member.

## 8. RESOURCE IMPLICATIONS

None

## 9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

## 10. CONSULTATIONS

Members of the public will be given the opportunity to comment on the Order during the advertising period.

## 11. STATEMENT OF COMPLIANCE

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

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**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>2</b>
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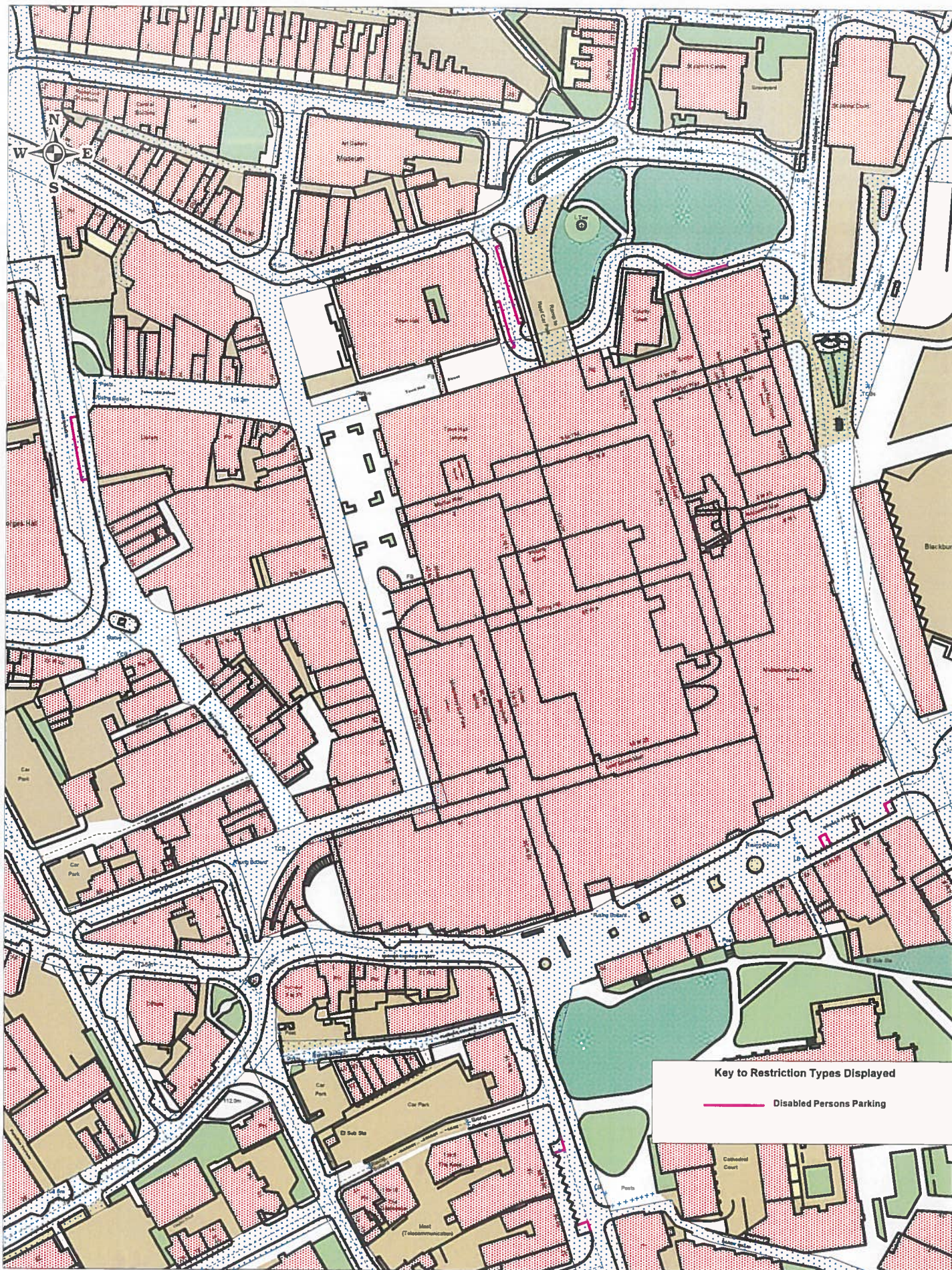
<b>CONTACT OFFICER:</b>	Chris Pearson
<b>DATE:</b>	4th March 2019
<b>BACKGROUND PAPER:</b>	Appendix 1 - Schedule Appendix 2 - Plans

## **SCHEDULES**

### **DISABLED PERSONS PARKING ALL BLACKBURN**

<b>Street</b>	<b>Side</b>	<b>Location</b>
CHURCH STREET,	south	from a point approx 42m north east of the centre line of Temple Court for a distance of approx 4m  from a point approx 15m north east of the centre line of Temple Court for a distance of approx 4m
DARWEN STREET,	west	from a point approx 18m south of the centre line of Market St Lane for a distance of approx 4m in a southerly direction  from a point approx 14m north of the centre line of St Peter St for a distance of approx 4m in a northerly direction
NORTHGATE,	east	From a point approx 10m south of the centre line of Town Hall Street for a distance of approx 30m in a southerly direction
TACKETT STREET,	east	from a point approx 20m south of the centre line of Exchange Street for a distance of approx 35m
TACKETT STREET,	south	from a point approx 30m south of the centre line of Exchange St for a distance of approx 25m in a southerly direction
UN-NAMED ROAD TO THE REAR OF COUNTY COURT,	south	from a point approx 30m west of the centre line of Ainsworth St for a distance of approx 25m in a westerly direction
VICTORIA STREET,	east	from a point approx 15m south of the centre line of James St for a distance of approx 24m in a southerly direction





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# Proposed TRO - Borough Disabled bays Page 24

SCALE	1 : 1910
DATE	07/05/2019
DRAWING No.	
DRAWN BY	
CHECKED BY	





## 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>	Traffic	<b>Date the activity will be implemented</b>	03/06/2019
<b>Brief description of activity</b>	Revoke existing multiple orders for the Borough's disabled bays and place all in a single specific Traffic Regulation Order		


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

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

☐ Yes

☒ No

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

<b>Assessment Lead Signature</b>	
<b>E&amp;D Lead Signature</b>	Gwen Kinloch
<b>Date</b>	07/05/2019