

Public Document Pack

Executive Member Decisions

Friday, 21st June, 2019

AGENDA

1. **Compulsory Purchase of the Disused Former Working Men's Club and Land at Queen's Park Working Men's Club, 84 Audley Range, Blackburn, BB1 1TF**
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QP Working Men's Club Site Plan
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Date Published: 21st June 2019
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Growth & Development
Executive Member for Finance & Governance

LEAD OFFICERS: Director of Growth and Development

DATE: 21st May 2019

PORTFOLIO/S AFFECTED: Growth and Development Finance & Governance

WARD/S AFFECTED: Blackburn Central

SUBJECT: Compulsory Purchase of the Disused Former Working Men's Club and Land at Queen's Park Working Men's Club, 84 Audley Range, Blackburn. BB1 1TF

1. EXECUTIVE SUMMARY

To seek approval to initiate compulsory purchase action on the above disused former working men's club and land which, despite intensive intervention as part of the Council's Empty Property Strategy, remains a derelict eyesore that is subject to regular anti-social behaviour including arson, vandalism and fly-tipping. The building is a continual source of complaints due to its negative impact on the surrounding neighbourhood, resulting in the Council carrying out works in default as the owner neglects to maintain the security of the building.

Although it will be costly for the buyer to refurbish the property at his/her own expense to the Council's requirements due to the extensive works required to bring it back into use, this action is deemed to be the most appropriate course of action. This outcome will further contribute to the Council's corporate objectives for the provision of much needed family housing across the Borough.

2. RECOMMENDATIONS

That the Executive Member:

Upon being satisfied that:

- a) It would contribute to the economic, social and environmental well-being of the borough;
- b) There is a compelling case in the public interest as the interference with Human Rights involved is proportionate in the interests of the provision of housing;
- c) Sufficient funds exist for carrying the resolution into effect;
- d) No impediments exist to the implementation of the scheme to redevelop the property (subject to making of the order) and there is a reasonable prospect of its implementation, should the order be made;
- e) The whole of the legal estate could not be acquired by agreement.

2.1 Authorise the Director of Growth and Development, in conjunction with the Director of HR, Legal and Governance to prepare and make a Compulsory Purchase Order (CPO) under s17 of the Housing Act 1985 and the Acquisition of Land Act 1981, for the purpose of acquiring the land and building for housing provision.

- 2.2** Authorise the Director of Growth and Development to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the order prior to its confirmation.
- 2.3** Authorise the Director of HR, Legal and Governance (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the order if he is satisfied to do so.
- 2.4** Authorise the Director of Growth and Development to approve agreements with the land owner setting out the terms of withdrawal of objections to the Order (including the power to defer implementation post confirmation) and in consultation with the Director of HR, Legal and Governance to make deletions from and/or minor amendments and modifications to the proposed order and order maps.

3. BACKGROUND

- 3.1** As part of the Council's commitment to tackle long term empty properties, the property has been evaluated using the priority scoring matrix. It scores highly as it has been empty for over 23 years and is in a state of serious disrepair.
- 3.2** The proposed CPO site is outlined in red on the attached plan (Appendix 1).
- 3.3** The Queen's Park Working Men's club is situated in the Blackburn Central ward of the Borough at 84 Audley Range, on a main road at the end of a block of Victorian terraced properties. It is set in a predominantly residential area, comprising pre-1919 terraced housing, some of which have been converted to mixed use residential and commercial properties.
- 3.4** The double fronted 2-storey abandoned Working Men's Club with basement has been disused since approximately 1996 and is now in a state of serious disrepair. Temporary fencing panels surround the building as it has been deemed unsafe to enter by the Building Control team. Several Section 215 Town and Country Planning Act 1990 notices have been served, requiring steps to be taken to bring the external of the building in to a suitable state of repair, dated 10th November 2016 and 9th February 2017 respectively. Part of the roof is missing exposing the roof beams and there are multiple broken windows on all elevations, with roof tiles evident on the pavement. There is very little yard space at the rear but it continues to be used for fly tipping.
- 3.5** The building has been plagued by vandalism, fly tipping, squatters, substance misuse and drug dealing and in 2014, arson, causing a severe nuisance to the local neighbourhood. The building is therefore the subject of frequent complaints regarding its condition and the related anti-social behaviour issues, which are having a negative impact on the local surrounding area. These issues have also been raised regularly by the local MP Kate Hollern and ward councillors on behalf of their constituents. Ward councillors have also expressed the view that the proposed CPO action by the Council would have the support of the local community.
- 3.6** Queen's Park Working Men's Club was placed with an Insolvency Practitioners in April 1996 and went in to compulsory liquidation on the 16th June 2010. Despite this action, no owner of the building has actually been identified.
- 3.7** Extensive investigations to identify and locate the owners of the building and land have been carried out including the gathering of local intelligence from business owners and residents in the area and examining historical information in relation to the address. A Land Registry Search has revealed the owner of the Freehold interest in the land in the title but his whereabouts are unknown and the name and whereabouts of the Leasehold owner remains unknown.

3.8 Extensive attempts have been made to locate the owner of the Freehold interest in the land including writing to all people with the same name within the Greater London area but these attempts have proved unsuccessful.

4. KEY ISSUES & RISKS

- 4.1** Tackling empty properties supports the key priorities of 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.
- 4.2** 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.
- 4.3** Engagement with the owners of the land and building has not been possible due to the fact that they cannot be located and compulsory purchase action is now considered to be the most appropriate course of action.
- 4.4** 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 as part of the wider effort to improve neighbourhoods and prevent blight.
- 4.5** Bringing empty properties back into use creates extra accommodation for rent or sale and could also generate additional income for the Council via New Homes Bonus (NHB) payment.
- 4.6** Proposed CPO action 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 £595,000 which allows for the purchase and re-sale of CPO properties. Capital receipts received on the sale of properties are recycled back into the project to enable further CPO's to be carried out. The property is expected to be valued at under £100,000 and there are adequate uncommitted funds available within the project to support the making of this CPO.
- 4.7** Once CPO'd the 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 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.
- 4.8** As there is evidence of bulging walls, settlement and subsidence at the building, it is highly likely that the refurbishment process will require some level of demolition and rebuild, the extent of which is currently not known. It is, therefore, expected that the building licence period will need to be extended to allow for the additional works required.
- 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. HUMAN RIGHTS IMPLICATIONS

- 5.1** A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. Members should be sure that the purposes for which it is making a CPO sufficiently consider the human rights of those with an interest in the land affected. In particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the European Convention on Human Rights (which provides every person is entitled to respect for his home and private life).
- 5.2** Notwithstanding the acknowledged impact that the CPO will have with regard to some aspects of the Human Rights Act 1998, the benefits identified in this report present a compelling case in the public interest for making the proposed CPO and compensation will be payable under the statutory compensation code.
- 5.3** The making of the proposed CPO is in the public interest because:-
- It will promote the social, environmental and economic well-being of the area and increase residents' confidence in the area.
 - It will create extra accommodation for sale or rent.
 - It will reduce the negative environmental impacts on the neighbourhood as empty properties can attract fly tipping, crime, arson and nuisance.

6. POLICY IMPLICATIONS

- 6.1** 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.
- 6.2** 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.

7. FINANCIAL IMPLICATIONS

- 7.1** The funding for this order made pursuant to section 17 of the Housing Act 1985 is available in the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme.
- 7.2** The Neighbourhood Intervention Project has a budget of £595,000 to support the purchase of proposed CPO properties. Currently there is around £165,000 uncommitted funds available within the budget, some of which will be used to support this individual CPO.
- 7.3** Some revenue budget will be required to fund the CPO action and subsequent sale of the property. The amount required will be approximately £2,100 for the appropriate service of the

required legal notices and £2,000 for the estate agent's fees. This will be funded from within existing budgets.

8. LEGAL IMPLICATIONS

- 8.1 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 for housing provision. The power is available even if the ownership of the property is to be transferred to someone else.
- 8.2 Legal challenges to compulsory purchase are always a possibility and can lead to a Public Local Inquiry which would incur additional costs for the Council. A CPO on an unoccupied building is likely to have a very limited number of objectors, although the owner as a statutory objector may object to the Order.
- 8.3 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.

9. RESOURCE IMPLICATIONS

- 9.1 Resources needed to make the CPO and serve the relevant statutory notices will be provided by the Housing Development Team. Some support will be required from the legal team which will increase if the CPO action results in a Public Local Inquiry.
- 9.2 Some support will be required from the property team and 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 completion of further tools to tackle empty properties.

Comprehensive consultation has been undertaken to understand the impacts of empty properties on local communities.

- 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 impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

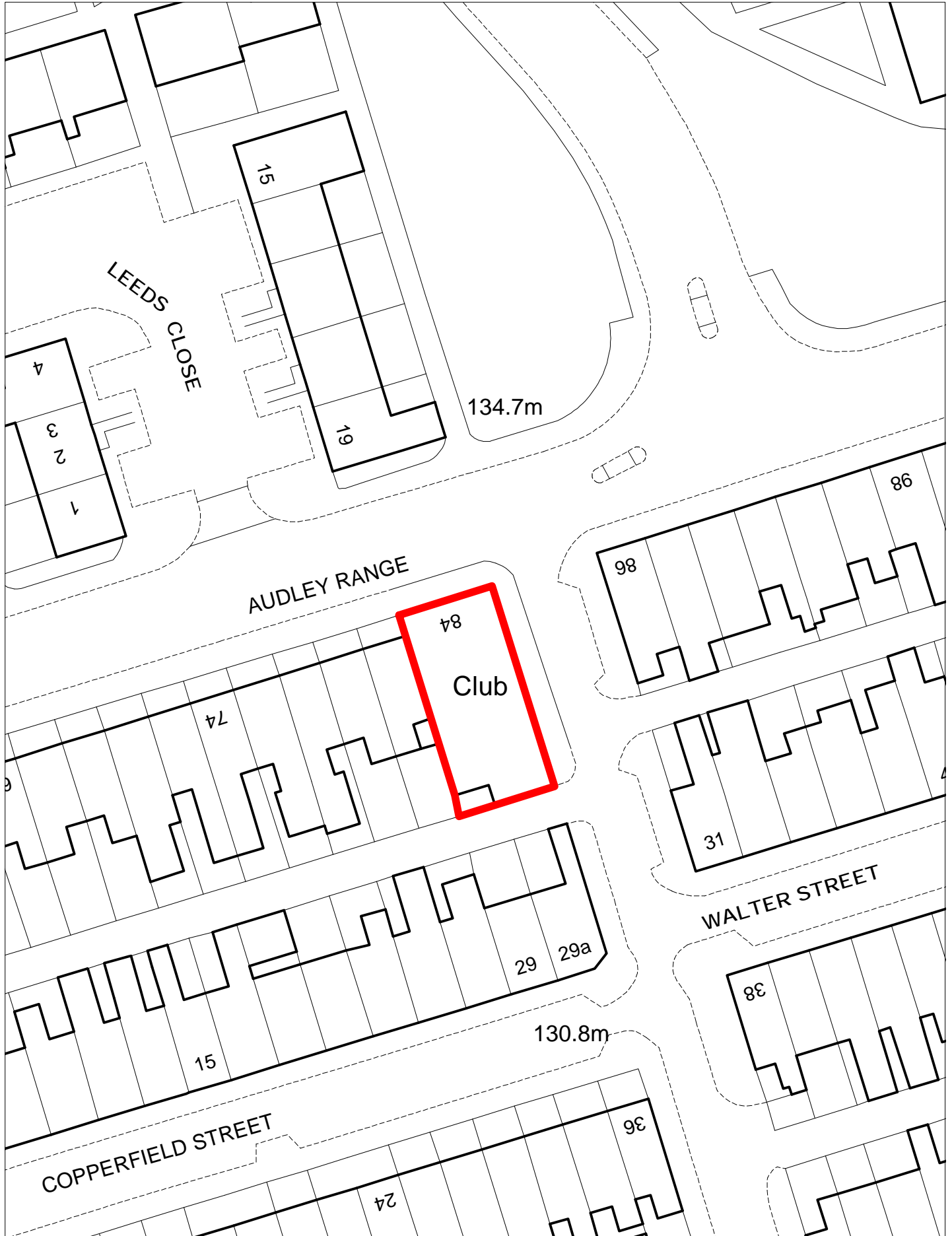
13. DECLARATION OF INTEREST

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

VERSION:	0.01
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CONTACT OFFICER:	Nicola Fox – Project Manager (Housing) Jennette Owen – Empty Properties Project Assistant
DATE:	21st May 2019
BACKGROUND PAPER:	Empty Property Strategy

QUEEN'S PARK WORKING MEN'S CLUB 84 AUDLEY RANGE, BLACKBURN



Health Impact Assessment

Screening Tool

Toolkit produced by: Public Health
Toolkit version: 1.2
HIA version: 1.0
Date HIA completed: 31st 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?
<p>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.</p> <p>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.</p>

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.)
<p>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</p> <p>House of Commons, Empty Housing Briefing Paper - http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport</p> <p>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</p>

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
Health impacts		
<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
Community		
<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
Initiative		
<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
Organisation		
<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
FOR = 3	TOTAL	AGAINST = 11

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: 16th January 2017

Approved by

(Head of Service/Director):


Date: 16th 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

QUALITY IMPACT ASSESSMENT CHECKLIST

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

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

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

Service area & dept.	Growth Team, Growth and Development.	Date the activity will be implemented	21/05/2019
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Brief description of activity	Compulsory Purchase of a Disused Former Building and Land at Queen's Park Working Men's Club, 84 Audley Range, Blackburn.
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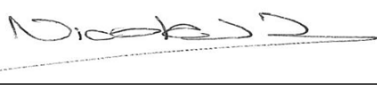
Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =0	TOTAL	AGAINST =6

Will you now be completing an EIA?

Yes

No

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

Assessment Lead Signature	
E&D Lead Signature	Gwen Kinloch
Date	21/05/2019

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Environmental Services

LEAD OFFICERS: Director of Environment and Operations

DATE:

PORTFOLIO/S AFFECTED: Environment

WARD/S AFFECTED: All

SUBJECT: Health and Safety Service Plan 2019-20

1. EXECUTIVE SUMMARY

1.1 This report seeks approval for the Health and Safety Service Plan for the year 2019-20.

2. RECOMMENDATIONS

That the Executive Member:

2.1 Approves the Health and Safety Service Plan 2019-20.

3. BACKGROUND

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

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

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

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

4. KEY ISSUES & RISKS

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

4.2 The primary purpose of the HSWA is to place a duty on employers to safeguard employees, and other people who may be affected by their activities, against risks in the work place. The role of the EAs is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

4.3 Local authorities must make “adequate arrangements for the enforcement” of health and safety and the HSE produces a code “the National Local Authority Enforcement Code” and guidance “Setting Local Authority Priorities and Targeting Interventions” which explains how to discharge this duty. Further details about the local authority role is explained in the “Statement of Commitment between Local Authority and HSE regulatory services” at Appendix 1.

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

4.4 The plan at appendix 2 sets out what work is to be prioritised for 2019/20 and a summary review of the work undertaken in 2018/19.

4.3 In 2018/19 progress was made in the following priority areas :-

- 4 during event inspections were made at Blackburn Rovers, Ewood Park. These concentrated on Health and safety at work for the staff and stewards and crowd safety for members of the public. The inspections were intelligence led and occurred when the largest number of people would be present. The stadium is the largest gathering of public and staff within the borough with the range of people attending from 2,000-27,000.
- 11 petrol storage sites were issued with licences; with 5 being inspected and advised on the safe storage and dispensing of petrol.
- 11 catering premises were inspected to check on gas safety measures in place.
- 2 prohibition notices were served to immediately stop work activities. These were for an unguarded dough roller and missing machine guarding from a chipping machine.
- Of the 86 accidents reported 14 required investigation.

4.4 In 2019/20 the initiatives listed below will be the focus of attention for the resource available for health and safety:

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

- Respond to electrical incidents and other significant concerns including illegal abstractions.
- Prevent injury to members of the public from accessing large commercial waste and recycling bins
- Ensuring all large scale inflatable pieces of play equipment are compliant with the new “Bouncy castles and other play inflatables”: safety advice issued by the HSE in December 2018

5. POLICY IMPLICATIONS

5.1 The work detailed in this Health and Safety Service Plan supports the corporate plan objectives of reducing health inequalities and improving health outcomes, safe and clean environment and, supporting our town centres and businesses.

6. FINANCIAL IMPLICATIONS

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

7. LEGAL IMPLICATIONS

7.1 None

8. RESOURCE IMPLICATIONS

8.1 None

9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

10. CONSULTATIONS

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

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with

equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

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

VERSION:	1
CONTACT OFFICER:	Denise Andrews
DATE:	May 2019
BACKGROUND PAPER:	None

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

**ANNUAL HEALTH AND SAFETY
SERVICE PLAN
APRIL 2019 – MARCH 20**

Introduction

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

This plan seeks to focus our Health and Safety work, to provide clarity on what we do and why we do it. It also provides a review of 2018/19.

1.1 Local Authority Profile

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

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

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

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

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

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

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

1.4 External Links

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

Aims and Objectives

2.1 Council aims and objectives Corporate Plan 2019-23

The Corporate Plan has 4 strategic themes underpinned by eight corporate priorities – these are:

- **People – A good quality of life for all our residents**
 - P1. Supporting young people and raising aspirations
 - P2. Safeguarding and supporting the most vulnerable people
 - P3. Reducing health inequalities and improving health outcomes
- **Place – Community pride in a vibrant place to live and visit**
 - P4. Connected Communities
 - P5. Safe and clean environment
- **Economy – A strong and inclusive economy with continued growth**
 - P6. Strong, growing economy to enable social mobility
 - P7. Supporting our town centres and businesses
- **Council – Delivered by a strong and resilient council**
 - P8. Transparent and effective organisation

The work carried out detailed in this Health and Safety Service Plan supports the corporate plan objectives of reducing health inequalities and improving health outcomes, safe and clean environment and supporting our town centres and businesses.

2.2 Health and Safety Service Plan Objectives

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

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

The objectives have been identified by considering:

- The National Local Authority Enforcement code for Health and Safety at Work

- Section 18 Guidance from the HSE - LAC 67/2 (rev8) including the list of activities / sectors for proactive inspections by LA's
<http://www.hse.gov.uk/lau/lacs/67-2-priorities-targeting-interventions.pdf>
- Local issues identified from information including from RIDDOR reports, HSE statistics and through working with the local liaison group – Environmental Health Lancashire Health and Safety Officers Group.

Objectives

1. To raise standards of health and safety in the local authority enforcement sector using a risk-based enforcement strategy. Inspections or other interventions will be carried out in those businesses presenting the highest risk as detailed in HSE National Code for Local Authority Enforcement Code (See appendix 3 for more details). Within Blackburn with Darwen we will focus on the following taken from the priority areas:
 - Beverage gases in the hospitality industry
 - Gas safety in commercial catering (gas for cooking, hot water and heating)
 - Respond to notifications of Legionella infection.
 - Safety of sports grounds at Ewood Park
 - Reducing the risk of carbon monoxide poisoning.
 - Fires and explosions caused by the initiation of explosives, including fireworks – particularly those premises needing a licence to store fireworks.
 - Prevent injury to members of the public from accessing large commercial waste and recycling bins
 - Ensuring all large scale inflatable pieces of play equipment are compliant with the new “Bouncy castles and other play inflatables”: safety advice issued by the HSE in December 2018
2. Reduce exposure to second hand and smoke by enforcement of the Smoke-free England Regulations in all premises to which they apply. The current major concern in this area is in the shisha premises. The current number of shisha bars operating in the Borough is 5. Specialist officers are involved in issuing fixed penalty notices to those found to be smoking in enclosed workplaces.

3. License or register those premises that make an application to undertake skin piercing or sell petroleum.
4. To deal with accident notifications, service requests and enquiries concerning health and safety on a risk based approach. In 2018/19 86 accident notifications were received; 14 required substantive investigation. 138 substantive service requests were dealt with.

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

5. To maintain, and where possible improve, the standards of safety at sports grounds through partnership working. In 2018/19 we chaired the Safety Advisory Group and worked in partnership with Blackburn Rovers to ensure the highest standards of safety were maintained. In conjunction with the Football Licensing Authority and the Fire Authority we audited Blackburn Rovers arrangements with regard to their safety certificate and fire arrangements. This is through during event inspections (at least 3 in the year) and 1 non-event inspection.
6. Complete the inspection program of licensed petroleum sites.
7. We will seek to reduce the burden on local businesses by combining information gathering exercises with those conducted for Trading Standards and other Environmental Health enforcement services.
8. We will use other environmental health enforcement services to ensure compliance with health and safety requirements e.g. licensing (alcohol, street trading, taxis and private hire, outdoor entertainment, safety of sports grounds, Smokefree England).
9. Local Enforcement Issues/projects for 2019/20 are:
 - Carbon monoxide poisoning in shisha lounges and from the use of solid fuel cooking in catering
 - Respond to electrical incidents and other significant concerns including illegal abstractions.

Further information about the work completed in 2018/19 can be found in Appendix 1.

Chapter 3 Service quality considerations

3.1 Consistency

The Service seeks consistency between officers and between local authorities.

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

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

3.2 Transparency

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

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

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

3.3 Targeting and Proportionality

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

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

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

3.4 Accountability (making it clear who is responsible)

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

3.5 Competency and Training

HSE's national code requires officers to be competent and that there is a training programme to maintain competencies and develop staff. Training needs are identified through the annual staff appraisal process.

Officers make use of the HSE webinars broadcast throughout the year to build or maintain competency.

3.6 Data Capture and Record Keeping

The Service uses the Civica APP computer system for Public Protection. The health and safety intervention programme is generated from the commercial database within this system. Health and Safety officers input details of interventions, accidents, service requests etc.

3.7 Sustainability

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

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

3.8 Resources to Provide the Service

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

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

The Public Protection Service has had a reduction in staffing resources in recent years. To try to maintain service provision working practices have been revised. For

instance, health and safety interventions may be delivered at the same time as a food hygiene inspection.

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

3.9 Equipment

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

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

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

3.10 Finances

The annual budget for Business Compliance in 19/20 is – this includes delivery of the food safety and standards functions of the team:

	£
Staffing	196,300
Travel and subsistence	7,400
Equipment (including IT)	3,000
Total	206,700

Appendix 1 Targets and Performance Indicators for 2018/19

TARGET	PERFORMANCE INDICATOR
Incorporating National targets into the work programme	Number of interventions – 64 made up of :- <ul style="list-style-type: none"> • 53 inspections during food visits where matters of evident concern for H&S were raised • 5 H&S Non Programmed Inspections • 1 H&S Reactive Visit
Investigating accidents according to our priority scheme	Number of accidents investigated - 14
Responding to priority service requests and complaints in line with available resources	Number of medium or high risk service requests responded to and resolved within service parameters - 138
Enforcing Safety of Sports Grounds legislation at Blackburn Rovers, issuing the new safety certificate as required	Number of inspections – 4 Issue of Safety Certificate – Ver 5.1
Inspect and license petroleum premises in accordance with the legislation and on a risk assessed basis	Number of licenses issued – 11 and inspections carried out - 5
Maintaining staff competency	Number of staff competent in all areas in which they are required to be competent – 4.6
Providing advice and education in all sectors of business, to both employers and employees in line with available resources	Number of elements of advice and education provided – 194 instances in 191 premises
Maintaining the FLARE database	Additions to database Number of closed premises contacted and changes to the closed premises database - 141
Working with Environmental Health Lancashire to provide coordinated health and safety activities	Completion of EHL work-plan
Supplying accurate and timely information to stakeholders, internal management and customers	Full information published on time and to quality demanded – when requested
Providing advice on planning, building control and licensing applications where there are	Consultations responded to - 24

significant developments	
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Appendix 2 – Enforcement actions 2018/19

Improvement Notices Issued	2
Prohibition Notices Issued	2
Formal Cautions issued	0
Prosecutions Taken	1 ongoing awaiting trial date



Statement of commitment between: Local Authority and HSE Regulatory Services

This joint statement of commitment (SoC), agreed by local authority (LA) representative bodies and the Health and Safety Executive (HSE) in March 2019, sets out our shared vision for an ongoing LA/HSE co-regulatory partnership. Ensuring LAs and HSE work together as effective, modern and professional regulators - delivering the positive benefits of efficient, world leading workplace health and safety, to achieve:

- Sustainable arrangements for the enforcement of work related health and safety.
- Established joint working arrangements resulting in effective engagement, consultation and communication.
- Consistency of high quality regulation across HSE and LA enforced businesses.

This shared SoC is aimed at Councillors, LA Chief Executives and their Heads of Regulatory Services. It outlines how LA senior managers and HSE will work together, to achieve sustainable future delivery of effective workplace health and safety enforcement in Great Britain (GB).

Current position

LAs are a key part of the health and safety system in GB. They have a statutory duty under Section 18 of the Health and Safety at Work etc. Act 1974 to 'make adequate provision' for health and safety enforcement in their area, as set out in the 'National LA Enforcement Code' (the Code) (www.hse.gov.uk/lau/la-enforcement-code.htm).

LAs enforce workplace health and safety in two thirds of all business premises, around half of the total GB workforce. LAs predominantly cover the retail, consumer services, entertainment and warehousing/ supply chain sectors.

Currently failures in the management of health and safety in LA enforced business sectors result in around 10 deaths, 5000 major injuries and over 100,000 new cases of ill health a year. Many of those harmed are members of the public/children, or vulnerable workers not provided with reasonable workplace protection.

HSE provides national direction via the the Code and its supporting documentation e.g. annually updated targeting advice (www.hse.gov.uk/lau/lacs/67-2.htm) supports LAs to develop locally responsive sustainable delivery plans, using the most current intelligence and regulatory practice.

Effective management of health and safety brings direct benefits to the local community, by:

- Reducing work related death, injuries and ill health.
- Reducing the need for local public health and support for those recovering from injury and ill health.
- Reducing the rate of business failure due to business outages caused by incidents and harm to staff, or the loss of reputation.

This SoC was developed as part of the on-going work of the strategic group overseeing the HSE/LA co- regulatory partnership (HELA) and the supporting Practitioner's Forum. It also has the endorsement of the Local Government Association (www.local.gov.uk/), Welsh Local Government Association (www.wlga.gov.uk/) and Society of Chief Officers of Environmental Health in Scotland (www.socoehs.com/) and recognises that:

- LAs must target and prioritise regulatory resources to meet their legal duty to enforce health and safety;
- Continued delivery of effective co-regulation will require ongoing evolution in both the LA and HSE approaches to regulatory delivery, and
- The HSE and LA co-regulatory partnership plays a vital role in delivering the 'Help GB Work Well' strategy. (campaigns.hse.gov.uk/hgbww/)

This SoC does not relate to an LA's own responsibilities as a health and safety dutyholder. Information to support LAs as employers, service providers and procurers/commissioners of goods and services can be found on the HSE website (www.hse.gov.uk/services/localgovernment/index.htm).

Joint LA/HSE Commitments to Targeted Sustainable Health and Safety Enforcement

What LAs & HSE will do together as co-regulatory partners to #HelpGBworkwell

LAs & HSE will provide an effective regulatory framework by:

- Sharing information, to make sure we take decisions on the best available evidence.
- Delivering risk based, targeted frontline interventions.
- Maintaining liaison and effective two-way communication via joint representation at county liaison groups as well as the joint LA/HSE HELA and Practitioner forums.

LAs & HSE will secure effective management and control of risk by:

- Delivering a consistent approach to the enforcement of work related health and safety across GB in line with the principles of the Regulator's Code (www.gov.uk/government/publications/regulators-code).

LAs & HSE will lead and engage with others to improve workplace health and safety by:

- Promoting the benefits of proportionate health and safety in their frontline engagement.
- Working together as co-regulatory partners to influence businesses as part of a national strategy.
- Using the latest in behavioural insight to develop new ways to change business behaviour.

What LAs will do as independent co-regulators to #HelpGBworkwell

LAs will provide an effective regulatory framework by:

- Providing the competency, capacity, resource and support to fulfil their delivery plans.
- Working with other LAs to peer review activities and promote better health and safety outcomes.

LAs will secure effective management and control of risk by:

- Developing and implementing local delivery plans which clearly link to national and local priorities.
- Using national and local intelligence to effectively target poor performing sectors.
- Annually reporting their health and safety enforcement activity to HSE.

LAs will lead and engage with others to improve workplace health and safety by:

- Leading and engaging with their local business community to promote health and safety priorities and adopting the "Better Business for All" approach where relevant and sustainable.
- Sharing relevant local intelligence with HSE to inform the national perspective.
- Championing their role as health and safety regulators.

What HSE will do as the national policy lead and a co-regulator to #HelpGBworkwell

HSE will provide an effective regulatory framework by:

- Reviewing the effectiveness of GB's occupational health and safety system.
- Providing LA regulators with access to topic specific materials and technical / forensic support.
- Monitoring and reporting on LA regulatory activity to the HSE's Board and other stakeholders.

HSE will secure effective management and control of risk by:

- Setting national regulatory priorities and the overarching strategic direction.
- Sharing expertise, practice and supporting materials to promote consistent/proportionate regulation.
- Supporting LAs to develop effective intervention plans by providing targeting guidance based upon up-to-date information and intelligence via targeting guidance which accompanies the Code.

HSE will lead and engage with others to improve workplace health and safety by:

- Co-ordinating national engagement and promotion of proportionate health and safety and using feedback from LAs to inform the development of national priorities in the LA enforced sectors.
- Providing support for LA local and national regulatory liaison and industry sector working groups.
- Championing the LA role as health and safety regulator.

EQUALITY IMPACT ASSESSMENT CHECKLIST

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

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

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

Service area & dept.	Public Protection Service E&L	Date the activity will be implemented	01/04/2019
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Brief description of activity	Delivery of the health and safety service plan to fulfil the Council's obligations as an Enforcing Authority under the Health and Safety at Work etc Act 1974.
--------------------------------------	--

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

Will you now be completing an EIA?

Yes

No

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

Assessment Lead Signature	Denise Andrews
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Gwen Kinloch
Date	07/02/2019

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Children, Young People & Education
LEAD OFFICER:	Director of Children's Services
DATE:	21 st June 2019

PORTFOLIO/S AFFECTED:	Children, Young People & Education
WARD/S AFFECTED:	All
KEY DECISION:	No

SUBJECT: Re-tendering of Special Educational Needs and Disability School Transport 1st January 2020 – 31st December 2023.

1. EXECUTIVE SUMMARY

To seek approval from the Executive Member for Children, Young People and Education to re-tender the Special Educational Needs and Disability School Transport through the creation of a Dynamic Purchasing System framework.

2. RECOMMENDATIONS

That the Executive Member for Children, Young People and Education approves: that Special Educational Needs and Disability School Transport services are retendered and awarded through a newly set up Dynamic Purchasing System framework in order to ensure the continuation of Special Educational Needs and Disability School Transport services commencing 1st January 2020.

3. BACKGROUND

The current framework for the provision of the service was set up 1st January 2016 to last for up to a four year period. The department is proposing to set up a new Dynamic Purchasing System framework for the next 4 years. A Dynamic Purchasing System framework unlike a traditional one allows suppliers to join the framework at any stage whilst the framework is live, this will ensure that any new entrants to the market will have an opportunity to bid during the lifetime of the framework. It is further proposed that following the success of the previous Special Educational Needs Disability School Transport e-auctions that further competitions on the new framework are carried out using this method.

Currently there are 114 Special Educational Needs Disability School Transport contracts providing school transport which are all due to expire 31st December 2019. In order to ensure continuity of these services a procurement law compliant Dynamic Purchasing System framework will need to be established.

Contracts under the newly tendered and awarded services are based on providing Special Educational Needs Disability School Transport for an initial 2 year period from the 1st January 2020 until 31st December 2021. At the end of this period a further e-auction will be undertaken for the following 2 years.

4. KEY ISSUES

The Council needs to have a cost effective, timely and compliant procurement solution to ensure that the requirements for school transport services can be provisioned when required; use of the framework agreement will achieve this.

By using a Dynamic Purchasing System framework this will enable suppliers to join at any stage over the duration of the framework allowing a constant flow of suppliers ensuring there is sufficient competition to drive best value for money.

5. POLICY IMPLICATIONS

A continuation of service is required in order to meet the required statutory obligation of providing Home to School Transport.

Education and Inspections Act 2006.

508B and 508C Education Act 1996.

6. FINANCIAL IMPLICATIONS

The current budget for Special Educational Needs and Disability School Transport in 2019/20 is £1,084m

The full cost implications will not be known until the tenders have been awarded.

7. LEGAL IMPLICATIONS

The tendering of these services will be undertaken in accordance with the European Procurement Rules, Public Contracts Regulations 2015 and the Councils Contract and Procurement procedure rules. Adherence to the statutory time frame for tendering set out in the regulations will be observed. Contract will be in a form approved by legal officers in Contracts and Procurement team.

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.

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 with this report.

11. STATEMENT OF COMPLIANCE

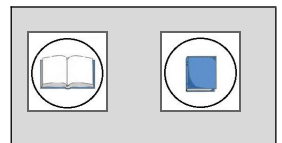
The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered as detailed in the attached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

12. DECLARATION OF INTEREST

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

VERSION:	1.0
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CONTACT OFFICER:	Jackie Clarkson – Team Leader, Transport Team
DATE:	June 2019
BACKGROUND PAPER:	None



EQUALITY IMPACT ASSESSMENT CHECKLIST

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

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

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

Service area & dept.	Schools and Education	Date the activity will be implemented	01/07/2019
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Brief description of activity	Re-tendering of Tenders for Special Educational Needs and Disability School Transport 1 st January 2020 – 31 st December 2023.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input checked="" type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR = 1	TOTAL	AGAINST = 5

Will you now be completing an EIA?

Yes

No

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

Assessment Lead Signature	Jackie Clarkson
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	28/05/2019