

Public Document Pack

Executive Member Decisions

Friday, 26th July, 2019

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Date Published: 26th July 2019
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF:	Leader
LEAD OFFICERS:	Director of Environment and Operations
DATE:	12 July 2019

PORTFOLIO/S AFFECTED:	Environmental Services
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WARD/S AFFECTED:	All
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SUBJECT: Kerbside Recycling Contract

1. EXECUTIVE SUMMARY

The Kerbside Recycling contract has recently been tendered. Unfortunately, no bids were submitted despite extensive soft market testing and allowing bidders the opportunity to bid back their risk position.

The existing contractor, Biffa, has made it clear that they are not prepared to extend their contract for the collection, haulage and processing of recyclates beyond 31 March 2020.

In order for the Council to discharge its statutory responsibilities as a Waste Collection Authority and a Waste Disposal Authority, it is imperative that provision is made for the collection and disposal of recyclates from residents of the Borough and that an alternative method for continuing this service is put in place to be fully operational with effect from 1st April 2020.

The Council's Waste and Recycling Programme Board has met to consider the options. Given;

- The failure to secure any bid submissions following the recent tender exercise, despite the extensive soft market testing and opportunity for bidders to bid back their risk position
- The fact that Biffa have clearly stated that they will not continue their service beyond 31st March 2020 and,
- The high risks associated if the council undertakes a further tender exercise (i.e. the risk that no bids would be submitted, or if bids are submitted, the risk that the timescales are insufficient to implement a new service by 1st April 2020),

the Board has concluded that the Council must revert to the 'default' position which is;

- to bring the collection service in-house at the end of the current contract on 31st March 2020, and
- to tender separately for the reception, haulage and processing of the recyclates.

In order to ensure that the service can be maintained, and that the Council's statutory responsibilities are met on 1st April 2020, based on the above, the decision to adopt the 'default position' and to begin preparations for the on-boarding of the service is required by the end of July 2019 due to the lead-in time required to manufacture the six refuse vehicles.

2. RECOMMENDATIONS

Given the fact that no bids were submitted in the tender exercise and that the Council must discharge its statutory responsibilities as a Waste Collection Authority and a Waste Disposal Authority, the Leader is recommended;

1. To consider the recommendation of the Council's Waste and Recycling Programme Board and, noting the 'default position', to accept taking the kerbside collection of recycling in-house at the end of the current contract with Biffa, on 31st March 2020.
2. Subject to 1 above, and in order to facilitate the collection of the recyclates, to approve capital funding for the purchase of six refuse collection vehicles.
3. Subject to 1 above, to approve the procurement of these vehicles through an appropriate Procurement Framework Agreement, conditional upon the delivery of the vehicles to the Council in advance of 31st March 2020, to ensure a seamless transition to the new, in-house service.
4. To note that by in-sourcing the kerbside collection of recycling at the end of the current contract with Biffa on 31st March 2020, that there may be TUPE implications; these will be reported to the Executive Board on 8 August.

A report will be taken to the Executive Board meeting on 8th August 2019, to inform Executive Board Members of the Leader's decision regarding the procurement of the six refuse vehicles and to ask the Executive Board to approve the procurement of a contract for the reception, haulage and processing of the recyclates collected, as part of the doorstep recycling service, through an Open Tender Procurement exercise

3. BACKGROUND

Recycling collections are a statutory requirement and the Council has a legal responsibility as both a Waste Collection Authority and also a Waste Disposal Authority.

The current kerbside recycling contract was let in 2010 for a 10-year period, with Biffa selected as the contractor following a tendering process. This contract is due to end on 31st March 2020.

Biffa operate the service from a facility that they lease in Darwen and they also operate with their own fleet of vehicles and employ their own staff to deliver the service.

The service Biffa provides is for the collection of the recyclable glass, tins, cans, plastics, paper, cardboard, textiles and waste electronic electrical equipment from every household within the borough on a 2 weekly cycle. The contract also requires them to remove recycling waste from businesses as directed by the Council. The collected materials are then taken to the Biffa depot in Darwen, where they are sorted for the removal of any visible contamination of the recycling, before the recyclates are transported to a Biffa facility in the North East for processing. For the contract as a whole, Biffa are paid an agreed amount per tonne collected.

Biffa informed the Council that they would not be bidding for the new contract nor would they agree to extend the contract after the current contract end date of 31st March 2020.

During the term of the contract, there have been significant global changes in the waste and recycling industry, with more emphasis being placed on the quality of the recycled materials, and the cessation by China of the majority of their imports of recycled waste, and for those recyclates that they do accept, the now stipulate that this cannot contain more than 1% contamination. This has had a massive effect on recycling across the world, **Page 3** was the biggest import destination for recycled

waste. As a result of this action, alternative destinations have been sought, but again those available have followed China's lead and have stipulated maximum thresholds for levels of contamination. There are insufficient outlets for the recycling generated within the UK, with the UK being a net exporter of recycling materials.

The lack of outlets has subsequently depressed market prices for recycling materials and indeed on occasion, charges have been levied for the processing of the materials as the market prices have not covered the costs of recycling the materials at the processing plants.

This seismic change within the industry has seen those private sector companies, who are capable and interested in providing kerbside recycling and processing contracts, become more selective about the individual contracts which they bid for, focussing on those contracts with minimum risk exposure and maximum profitability.

Over the course of the next three years, it is expected that there will be in excess of 70 waste and recycling contracts to be let by councils across the country; as such the private sector companies are now being extremely selective in respect of which contracts they bid for. This information was drawn from the extensive soft market testing undertaken in October and November 2018, as part of our preparation for procuring the new kerbside recycling contract and the Council's energy from waste contract.

This soft market testing process enabled the Council to develop a tender that was suited to the waste and recycling industry requirements.

Tendering the contract for kerbside recycling attracted interest from three companies who completed the tender questionnaire, and two of the three companies were taken forward to the next stage of the procurement process. Unfortunately neither submitted tender submissions; as detailed above, the Council needs to progress the matter urgently to provide an alternative option to ensure service continuity for residents of the Borough on 1st April 2020.

Earlier this year, the Council established a Waste and Recycling Programme, consisting of the Chief Executive, the Executive Members for Resources and for Environment, the Director of Environment and Operations, the Head of Environment and the Head of Communications and Engagement, to drive forward improvements and decision making with waste and recycling services within the borough.

4. KEY ISSUES & RISKS

The Kerbside Recycling contract has recently been tendered but unfortunately no bids were submitted despite extensive soft market testing and allowing bidders the opportunity to bid back their risk position. The existing contractor, Biffa, has made it clear that they are not prepared to extend their contract for the collection, haulage and processing of recyclates beyond 31 March 2020, therefore in order for the Council to discharge its statutory responsibilities as a Waste Collection Authority and a Waste Disposal Authority, it is imperative that provision is made for the collection and disposal of recyclates from residents of the Borough, and that the service must be fully operational with effect from 1st April 2020.

A series of options have been explored by the Council's Waste Programme Board. Members of the Board concluded that in the absence of any bid submissions in the recent tender exercise, the Council must revert to the 'default' position which is;

- to bring the collection service in-house at the end of the current contract on 31st March 2020, and
- to tender separately for the reception, haulage and processing of the recyclates.

In order to provide an in-house collection service, the Council needs to procure a fleet of refuse

vehicles by the end of July due to the lead-in time for their specification, production, modification and delivery; refuse vehicles are manufactured to order and can take a minimum of six months for delivery from the date of placing the order. In recommending approval to purchase these vehicles by the end of July, the Council will need to stipulate that the order is conditional upon delivery of the vehicles to the Council in advance of 31st March 2020 to ensure a seamless transition to the new, in-house service.

If decisions about the purchase of the vehicles is delayed beyond July 2019, the Council will not have sufficient time to a secure a value for money solution for service delivery before the current contract with Biffa ends on 31 March 2020. As such, it would be unable to collect recyclates from residents of the Borough and will be in breach of its statutory responsibilities as a Waste Collection Authority and also a Waste Disposal Authority.

The implications of TUPE will also need to be considered in taking the collection service in-house at the end of the contract with Biffa; HR colleagues will provide support in respect of this.

The feedback on the Government's Waste Strategy Consultation is due to be released within the next few months, which will hopefully provide an indication of the future direction of waste and recycling within England.

5. POLICY IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

Purchase of refuse collection vehicles

The capital programme will need to be adjusted to provide for the initial purchase of 6 new refuse vehicles.

Following purchase, the Council will explore the financial benefits of the option to finance the vehicles through a leasing agreement. If leasing proved financially to be the best option, the Council would then sell the vehicles to a lease financing entity, and lease them back over a fixed period; from previous exercises, this would probably be over a five-year period. The default would then be the return of the vehicles at the end of the lease to the leasing company, although it is usually possible to negotiate an extension of the lease at the end of the period. If leasing were not the best option, the Council would own the vehicles and finance these through prudential borrowing over a period of five years.

By transferring the collection of kerbside recycling service to in-house provision, TUPE may apply with the TUPE transfer of employees from Biffa to the Council; this could result in an increase in operating costs as the individuals concerned would transfer over to the Council and move on to Council terms and conditions.

The separate tendering of the reception, haulage and processing of the recyclates, will likely see an additional annual cost, however the scale and quantum of the increase will not be known until the return of tenders for this service.

7. LEGAL IMPLICATIONS

The Council, as a Waste Collection Authority (WCA) and a Waste Disposal Authority (WDA), has a legal duty under the Environmental Protection Act 1990 to provide waste collection and disposal services in the Borough. In addition, the Household Waste Recycling Act 2003 provides that waste collection authorities must (except in limited circumstances) ensure that they collect at least two types of recyclable waste together or individually separated from the rest of the household waste.

Therefore, as stated in the main body of report, the Council must continue to provide the kerbside recycling service (whether through a service provider or itself) after 31 March 2020.

Legally and contractually, the existing service provider is not obliged to continue providing the kerbside recycling service to the Council beyond 31 March 2020, and if the service is not re-procured to a service provider, it will need to be provided in-house by the Council in order to meet its statutory duties as a WCA and a WDA.

The recommendations contained within the report relate to the executive functions and decisions of the Council. In accordance with the Council's model of governance, all executive functions are initially vested in the Leader who has delegated them (in accordance with the Constitution) to the Executive Board, to Executive Members and to Officers. Due to the circumstances as stated in the report, and the urgency to initiate the procurement for the 6 refuse vehicles in order to continue with the statutory service after 31 March 2020, the Leader is requested to consider and approve the procurement which must commence before the end of July. This is on the basis that the Leader's approval (if granted) will also be reported to the Executive Board on 8 August 2019 along with the other aspects in relation to the change of the kerbside recycling service from 31 March 2020, such as TUPE and the procurement of a contract for the reception, haulage and processing of the recyclates collected.

Due to the urgency of the procurement process for the refuse vehicles, decisions can be made under Rule 15 (call-in and urgency) Overview and Scrutiny Procedure Rules, which allows for an urgent decision to be taken without the call-in procedure applying. The requirements for applying Rule 15 must be complied with as stated in the Rules.

Procurement exercises will be undertaken in accordance with Contract Procurement Procedure Rules and Public Contracts Regulations 2015. Contracts shall be in a form approved by legal officers in the Contracts and Procurement Team. As set out above, the Transfer of Undertakings Protection of Employment Regulations 2006 are likely to apply to bringing the service in house and will need to be complied with.

8. RESOURCE IMPLICATIONS

The TUPE transfer of staff from Biffa to the Council will require additional support from HR.

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

The Council's Waste and Recycling Programme Board has been consulted on the options proposed to take the recycling service 'in house'.

Unite Trade Union has been consulted on the potential TUPE transfer of staff to the Council.

Consultation with the waste and recycling industry as part of soft market testing have identified the report recommendations as being the most economically advantageous to the Council.

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:	3
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CONTACT OFFICER:	Tony Watson
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DATE:	23 July 2019
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BACKGROUND PAPER:	
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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.	Environment	Date the activity will be implemented	01/08/2019
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Brief description of activity	The tendering of the council's kerbside recycling contract has not attracted any bids and due to the short timeframes before the end of the contract, the uncertainty of government legislation and the need to provide a service post 31 st March 2020, it is proposed to take the collection service in-house, with staff from Biffa likely to be TUPE transferring to the Council. The reception, haulage and processing of the recyclates will be tendered separately, in order to achieve value for money for the council.
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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 - Budget changes - 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?

No

Yes

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

Assessment Lead Signature	D.J. Andrews
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Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	12/07/2019



BLACKBURN
with
DARWEN
BOROUGH COUNCIL

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Public Health and Wellbeing
LEAD OFFICERS:	Executive Member for Environment Director of Public Health and Wellbeing Director of Environment and Operations
DATE:	07/07/2019

PORTFOLIO/S AFFECTED:	Environmental Services	Public Health and Wellbeing
WARD/S AFFECTED:	Darwen East	

SUBJECT: Proposal to asset transfer Blacksnape Playing Fields and Changing Rooms

1. EXECUTIVE SUMMARY

To seek approval for the asset transfer of Blacksnape Playing Fields, associated changing rooms and car parking to a suitable club, league or organisation capable of managing and maintaining the largest outdoor sports provision in Darwen (9 football pitches: 3 x full size adult pitches, 4 x three quarter size pitches and 2 x 9v9 pitches)

It is important to secure an alternative operating model that will increase the access and usage of this prominent Darwen facility, deliver regular match play on the pitches, improve the playing pitch conditions, maintain the site for recreational participation by the local community and mitigate financial risk.

The benefit to the local community is that they will continue to have access to Blacksnape Playing Fields for a range of recreational activities including football and cricket, but also as a key piece of green space in Darwen popular with dog walkers and families too. The pitches / grass will have improved maintenance and cutting enhancing the green space for all.

The opportunity would be advertised to all teams, clubs and organisations in the Borough via the Council's procurement portal The Chest and a robust, transparent selection process undertaken to ensure that the best possible partner is identified to operate this facility.

2. RECOMMENDATIONS

That the Executive Member:

- Notes the financial risks and potential grant claw-back associated with 'doing nothing'.
- Approves the asset transfer of Blacksnape Playing Fields on a 25 year lease from the Council
- Approves the advertisement of the asset transfer opportunity via the Chest and the undertaking of a robust and transparent assessment process to identify and secure the successful operator.

3. BACKGROUND

Blacksnape playing fields attracted £900,000 of funding investment in 2008 to build new changing facilities and improve some of the pitches. This extensive outdoor facility is available for use by the football fraternity, has cricket wicket provision and is enjoyed as an open greenspace by the local community.

The development plan, 10 years ago sought to drive increased use of these pitches (football and cricket) with the new facilities. Unfortunately, for a number of reasons this has not happened. The council had expected a large increase in the need for cricket facilities in the Borough based on demographic evidence supported by insight from the English Cricket Board, the governing body. This has not occurred and there has actually been a decline in the number of teams in the cricket league.

Due to budget cuts the maintenance on the grass pitches has reduced; as such the Blacksnape football pitches now need further investment to improve the drainage particularly in the bottom four pitches. Currently, due to the poor condition of pitches and in part to the exposed location the facility is only used very occasionally for booked matches and no games have been played there at all for the last three months. There are very few Darwen or Blackburn teams playing on the pitches; Blacksnape pitches are the borough's second largest outdoor sports and pitch provision and should be utilised far more than they currently are.

Grant Funding

The site attracted c. £700,000 from the Football Foundation (FF) and a £200,000 contribution from Darwen Academy (DACA) to renovate the pitches and construct a new changing block. This project was completed in 2008

In line with the terms and condition of the FF grant the Council have to respond annually to a monitoring and evaluation regime. This reports on the number of games, age groups, gender, number of coaches and other criteria operating at the site. The information currently being reported does not demonstrate that the facility is delivering the outcomes agreed when the funding was approved, meaning that the site is failing in monitoring terms.

Like other grant funders, the FF could seek to claw back their investment if the current usage were to continue and this would have significant financial impact on the council.

Pitch Asset Transfers

There are a number of good practice examples in the Borough where pitches have been successfully transferred to clubs and third sector organisations. These include Woolridge pitches at Pleckgate, Roman Road, Griffin Park and Green Lane pitches. These sites now have volunteers involved in the running and maintenance of these sites and they are certainly more valued in the community. All the asset transferred sites are running successfully with 500 matches being played on Woolridge Pitches alone this last season.

Clubs like the asset transfer model as it gives them ownership and a 'home ground' to train and play matches on. To hold on-site competitions for boys, girls, men and ladies which can be used for income generation and increase the overall usage of the site. Clubs / organisations are responsible for the maintenance of the site; grass cutting, marking out and end of season maintenance. This creates a saving to the Council

The model works well and with a clear tender / expression of interest process there is transparency in the decision making and clubs etc are fully aware of their responsibilities and expectations.

Proposal for Blacksnape

To seek an alternative operating model that will increase the access and usage of this prominent Darwen facility.

It is proposed to offer the site for asset transfer to a suitable club, league or organisation capable of operating it and improving the management of it; delivering the participation levels that meet the FF required outcomes and thereby reducing the financial risk to the Council from any potential, future clawback of the FF grant received in 2008.

Following an initial scoping exercise there is interest from a number of clubs / leagues in the Borough who would have the capability of taking on and managing this sizable site. The opportunity would be advertised to all teams and clubs in the Borough via the council's procurement portal The Chest and a robust selection process undertaken to ensure that we have the best possible partner on board to operate this facility.

The benefit to the local community is that they will continue to have access to Blacksnape Playing Fields for a range of recreational activities including football and cricket, but also as a key piece of green space in Darwen popular with dog walkers and families too. The pitches / grass will have improved maintenance and cutting enhancing the green space for all.

4. KEY ISSUES & RISKS

As the biggest outdoor pitch asset in Darwen (9 football pitches: 3 x full size adult pitches, 4 x three quarter size pitches and 2 x 9v9 pitches), Blacksnape is lacking investment, is significantly under-used and therefore is not being maximised for the benefit of local residents or for sporting participation levels across the borough as a whole.

Without agreeing an alternative, improved operational model i.e. 'do nothing', the Council may have to pay-back the FF grant investment unless action is taken to increase the number of games played, including the number of boys, girls, men and ladies number of coaches and other FA priorities participating at the site. The asset transfer proposal seeks to minimise the risk of any future grant clawback.

Despite a reduced maintenance schedule in order to deliver budget efficiencies, there is still an ongoing pitch maintenance cost to the Council (Environment & Operations Dept). Whilst there will be the need for the Council to continue to contribute to the important seasonal maintenance of the 2 Darwen Academy pitches (under the legal agreement with DACA) there are some small cashable savings that can be realised across the site as a whole through an asset transfer arrangement such as utilities and business rates.

There is adequate cricket provision on the Pleasington pitches to accommodate the small number of mid-week and weekend matches relocated from Blacksnape. Alternatively, the successful operator may wish to develop local partnerships to promote cricket use during the summer period.

In addition, if the facility is asset transferred to a community operator, they will then be able to bid for external, additional funding from the FF (and other grant funding bodies) to secure investment to improve the drainage, especially of the bottom four pitches that are wet and in winter are unusable. There is also the potential to operate a small café from the changing block; if pursued, this would benefit local families and walkers as well as teams and supporters.

It is important to gain consensus to put the asset transfer out to 'tender' via The Chest as soon as possible in order to provide adequate time for the evaluation of interested parties, appointment of the successful club/organisation, and to give time for them to set up their maintenance schedule ahead of the start of the football season in September 2019.

The facility's overall client liaison function will still remain within the Public Health and Wellbeing portfolio.

5. POLICY IMPLICATIONS

Asset transfer is something that as a Council has endorsed across services to promote community ownership and involvement. This new way of working ensures that facilities are improved and utilised more.

6. FINANCIAL IMPLICATIONS

Asset transfer will assist in mitigating the risk of clawback from the Council of the FF grant provided in 2008 of £700,000.

As part of the DACA/Council lease agreement, the Council will continue to make an annual contribution from the Environmental Services portfolio budget to the operator of £11,000 to cover; the site requirements which include:

- Putting up (August) and taking down goals (April) for the 2 DACA pitches
- Marking out the 2 DACA pitches each week
- Emptying the litterbins on the pitch/car park minimum of twice a week
- Mowing of the whole playing fields once a week during the grass growing season

The changing block will continue to be maintained by the Council, although operational building costs including utilities and NNDR will be transferred as part of the lease agreement.

7. LEGAL IMPLICATIONS

The asset transfer process will follow the Council's procurement process and utilise the Chest portal. It will follow a procurement process agreed with the Service Lead – Contracts and Procurement to ensure a robust selection process and identification of a suitable operator.

The successful tenant will operate under a long term 25 year lease agreement which will be managed by a client function in Leisure. The Lease agreement shall be in a form approved by Legal Services.

Consent from previous grant funders shall be obtained to mitigate any risk of clawback.

8. RESOURCE IMPLICATIONS

The changing room block will remain a Council asset.

There will be staff resource benefits for Environment and Operations Dept realised from the removal of the maintenance function.

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

There is 0.5 FTE staff member assigned to Blacksnape changing rooms. The post is not at risk but will move to Witton Park to join the team covering the 3G pitches and the increased opening hours for this exciting new site. This person has been consulted as per Council policy.

Informal consultations have taken place with some clubs and leagues to understand the level of interest in the site.

The Lancashire Football Association are aware of the intention to explore an alternative operating model in order to increase usage and they are supportive of this approach

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:	2
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CONTACT OFFICER:	Graham Harris
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DATE:	27/06/2019
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BACKGROUND PAPER:	Executive Member Briefing Paper 07/06/2019
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EQUALITY IMPACT ASSESSMENT CHECKLIST

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

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

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

Service area & dept.	Public Health and Wellbeing	Date the activity will be implemented	01/09/2019
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Brief description of activity	Asset Transfer of Blacksnape Playing Fields and Changing rooms.
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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 - 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	Graham Harris
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	27/06/2019

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Director of Growth and Development

DATE: 11th July 2019

PORTFOLIO/S AFFECTED: Regeneration

WARD/S AFFECTED: Wensley Fold

SUBJECT: Proposal of Traffic Regulation Order – Various restrictions – Network Rail Depot scheme Blackburn (experimental to permanent)

1. EXECUTIVE SUMMARY

To inform the Executive Member for Regeneration of the proposal to introduce a Traffic Regulation Order as detailed below and seek approval to make it:-

No Waiting & No loading/unloading at any time.....	Brunswick Street, Blackburn Harrison Street, Blackburn Dale street, Blackburn Stout Street, Blackburn Thomas Street, Blackburn Unnamed street between Brunswick St & Thomas St Whalley Banks, Blackburn
Limited Waiting 8am to 6pm 1hr no return within 1 hr.....	Whalley Banks. Blackburn
Limited waiting Mon-Sat 8am to 6pm 2hrs no return within 3hrs.....	Harrison Street, Blackburn Brunswick Street, Blackburn Stout Street, Blackburn Dale street, Blackburn
No Waiting mon-sat 7am to 7pm.....	Harrison Street, Blackburn Whalley Banks, Blackburn
Loading only.....	Whalley Banks, Blackburn

2. RECOMMENDATIONS

That the Executive Member:

Authorise the Director of HR, Legal & Governance to advertise the making of the permanent Traffic Regulation Order as per the attached schedule and make the order should no objections be made.

3. BACKGROUND

When the new Network Rail depot opened in 2018 it was acknowledged that new parking restrictions were required to allow sufficient clearance for the large goods vehicles which service it to turn into and out of Brunswick Street and Harrison Street, Blackburn. An experimental order was introduced.

In order to ensure that parking is properly managed and to provide sufficient parking for local business customers, limited waiting was introduced on Brunswick Street, Stout Street and Thomas Street, Blackburn.

As part of this experimental order and in order to ensure access to the new depot for HGVs, existing limited waiting on Dale Street and Whalley Banks was modified to 8am to 6pm every day instead of Monday to Saturday. These changes to restrictions have improved access for larger vehicles whilst preserving as much on street parking as possible.

The experimental scheme has been operating successfully since March 2018. No changes have been made to the restrictions within it and it is therefore justified to make the experimental scheme permanent by making a Traffic Regulation Order.

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. If the proposal is not implemented there is a greater chance of large goods vehicles being obstructed.

5. POLICY IMPLICATIONS

The proposal to make and revoke Traffic Regulation Orders requires delegated approval from the Executive Member for Regeneration 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 £1000 and will be funded by the developer .

7. LEGAL IMPLICATIONS

The necessary legal powers to implement this scheme are within the Road Traffic Regulations Act 1984. The advertising of the making of the permanent order will provide the public with the opportunity to challenge the validity of the order by applying to the High Court.

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 challenge the validity of the order by applying to the High Court following statutory advertising on site and in the local newspaper.

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

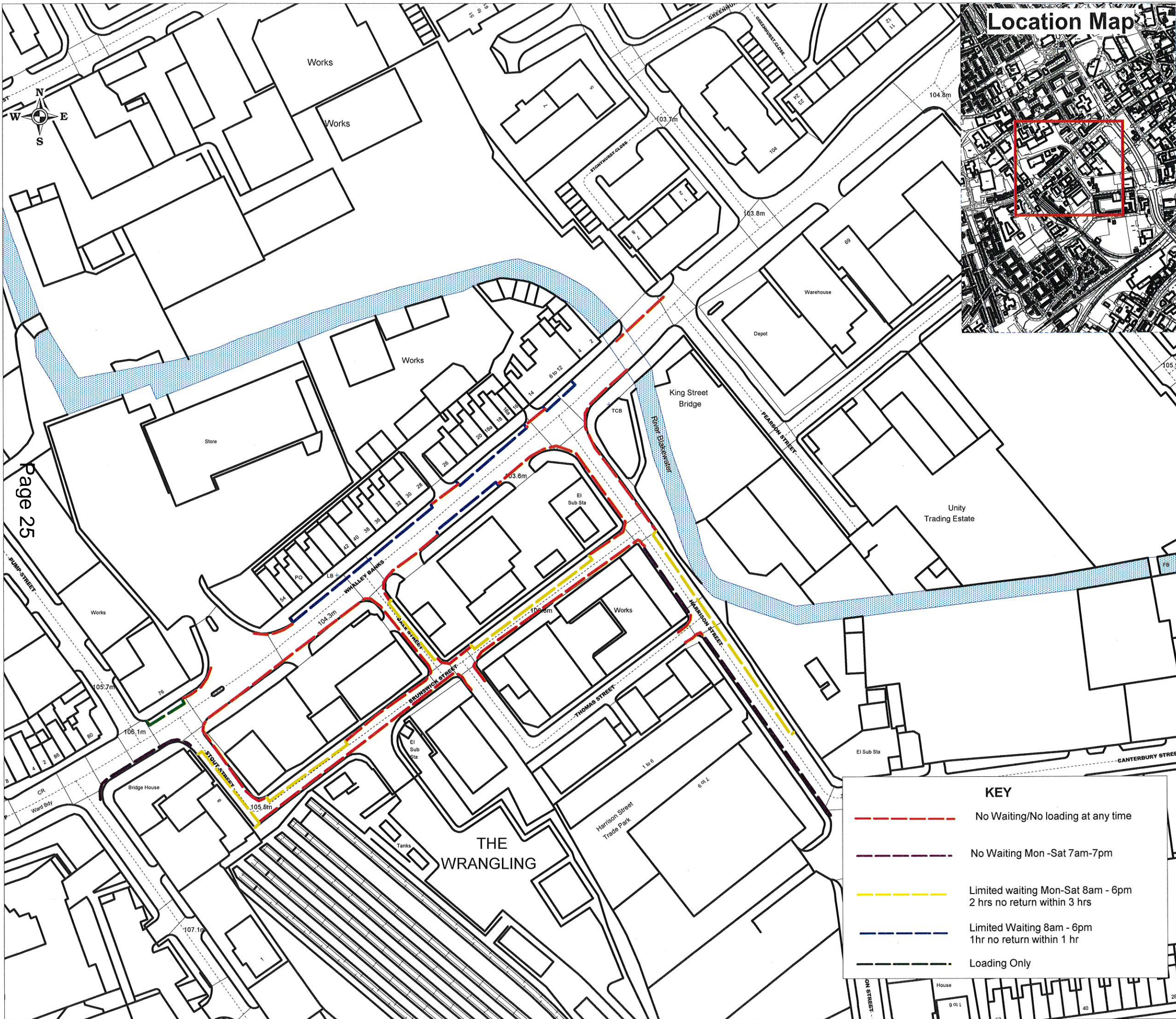
All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Gina Lambert
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DATE:	11 th July 2019
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BACKGROUND PAPER:	Appendix 1 - plan Appendix 2 - schedule
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KEY	
	No Waiting/No loading at any time
	No Waiting Mon -Sat 7am-7pm
	Limited waiting Mon-Sat 8am - 6pm 2 hrs no return within 3 hrs
	Limited Waiting 8am - 6pm 1hr no return within 1 hr
	Loading Only

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DRAWING TITLE
**Proposed TROs
Network Rail Depot Scheme**

SCALE	1 : 1250
DATE	19/02/2018
DRAWING No.	
DRAWN BY	

SCHEDULES

NO WAITING AT ANY TIME

Street	Side	Location
BRUNSWICK STREET,	north-west	From its junction with Dale Street for a distance of 40 metres in a south westerly direction From its junction with Dale Street for a distance of 14 metres in a north easterly direction From its junction with Harrison Street for a distance of 19 metres in a south westerly direction
BRUNSWICK STREET,	south-east	From its junction with Stout Street to its junction with Harrison Street
DALE STREET,	north-east	From its junction with Whalley Range for a distance of 12 metres in a south easterly direction
DALE STREET,	south-west	From its junction with Whalley Banks to its junction with Brunswick Street
HARRISON STREET,	north-east	From the centre line of Whalley Banks for a distance of 51 metres in a south easterly direction
HARRISON STREET,	south-west	From its junction with Whalley Banks to its junction with Brunswick Street
STOUT STREET,	north-east	For its entire length
THOMAS STREET,	both	From its junction with Harrison Street for a distance of 10 metres in a south westerly direction
UNAMED STREET BETWEEN BRUNSWICK STREET AND THOMAS STREET,	both	From its junction with Brunswick Street for a distance of 10 metres in a south easterly direction
WHALLEY BANKS,	north-east	from a point 20 metres north east of its junction with Pump Street for a distance of 66 metres in a north easterly direction
WHALLEY BANKS,	north-west	From a point 129 metres north east of the centre line of Pump Street for a distance of 12 metres in a north easterly direction From a point 41 metres south west of the centre line of Stonyhurst Road for a distance of 23 metres in a south westerly direction From a point 170 metres north east of the centre line of Pump Street for a distance of 9 metres in a north easterly direction
WHALLEY BANKS,	south-east	From its junction with Stout Street to its junction with Dale Street From the centre line of Dale Street for a distance of 29 metres in a north easterly direction From the centre line of Harrison Street for a distance of 31 metres in a south westerly direction From the centre line of Harrison Street for a distance of 28 metres in a north easterly direction

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LOADING BAY

Street	Side	Location
WHALLEY BANKS,	north-west	From a point 8 metres north east of the centre line of Pump Street for a distance of 12 metres in a north easterly direction

NO WAITING MON-SAT 7AM-7PM

Street	Side	Location
HARRISON STREET,	south-west	From the centre line of Thomas Street for a distance of 119 metres in a south easterly direction
WHALLEY BANKS,	south-west	from its junction with Stout Street to its junction with Duckworth Street

NO LOADING /UNLOADING AT ANY TIME

Street	Side	Location
BRUNSWICK STREET,	north-west	From its junction with Dale Street for a distance of 40 metres in a south westerly direction From its junction with Dale Street for a distance of 14 metres in a north easterly direction From its junction with Harrison Street for a distance of 19 metres in a south westerly direction
BRUNSWICK STREET,	south-east	From its junction with Stout Street to its junction with Harrison Street
DALE STREET,	north-east	From its junction with Whalley Banks for a distance of 12 metres in a south easterly direction
DALE STREET,	south-west	From its junction with Whalley Banks to its junction with Brunswick Street
HARRISON STREET,	east	From the centre line of Whalley Banks for a distance of 51 metres in a south easterly direction
HARRISON STREET,	west	From its junction with Whalley Banks to its junction with Brunswick Street
STOUT STREET,	north-east	For its entire length
THOMAS STREET,	both	From its junction with Harrison Street for a distance of 10 metres in a south westerly direction

UNAMED STREET BETWEEN BRUNSWICK STREET AND THOMAS STREET,	both	from its junction with Brunswick Street for a distance of 10 metres in a south easterly direction
WHALLEY BANKS,	north-east	from a point 20 metres north east of its junction with Pump Street for a distance of 66 metres in a north easterly direction
WHALLEY BANKS,	north-west	From a point 129 metres north east of the centre line of Pump Street for a distance of 12 metres in a north easterly direction From a point 41 metres south west of the centre line of Stonyhurst Road for a distance of 23 metres in a south westerly direction From a point 170 metres north east of the centre line of Pump Street for a distance of 9 metres in a north easterly direction
WHALLEY BANKS,	south-east	From its junction with Stout Street to its junction with Dale Street From the centre line of Dale Street for a distance of 29 metres in a north easterly direction From the centre line of Harrison Street for a distance of 31 metres in a south westerly direction From the centre line of Harrison Street for a distance of 28 metres in a north easterly direction

LIMITED WAITING 2 HOURS, NO RETURN WITHIN 3 HOURS MON-SAT 8AM-6PM

Street	Side	Location
BRUNSWICK STREET,	north-west	From a point 7 metres north east of the centre line of Stout Street for a distance of 33 metres in a north easterly direction From a point 14 metres north east of the centre line of Dale Street for a distance of 51 metres in a north easterly direction
DALE STREET,	north-east	From a point 12 metres south east of the centre line of Whalley Banks for a distance of 25 metres in a south easterly direction
HARRISON STREET,	north-east	From a point 51 metres south east of the centre line of Whalley Banks for a distance of 83 metres in a south easterly direction
STOUT STREET,	south-west	From a point 13 metres south east of the centre line of Whalley Banks for a distance of 32 metres in a south easterly direction

LIMITED WAITING 8AM-6PM LIMITED WAITING 1 HOUR, NO RETURN WITHIN 1 HOUR

Street	Side	Location
WHALLEY BANKS,	north-west	From a point 140 metres north east of the centre line of Pump Street for a distance of 30 metres in a north easterly direction

		From a point 179 metres north east of the centre line of Pump Street For a distance of 13 metres in a north easterly direction
		From a point 66 metres north east of the centre line of Pump Street for a distance of 63 metres in a north easterly direction
WHALLEY BANKS,	south-east	From a point 29 metres north east of the centre line of Dale Street for a distance of 27 metres in a north easterly direction

SCHEDULE OF REVOCATIONS

Item No. Road Name Side of Road Extents

Items to be removed from:

THE BOROUGH OF BLACKBURN WITH DARWEN (VARIOUS STREETS) (NO. 4) (PROHIBITION AND RESTRICTION OF WAITING AND REVOCATION) ORDER 1998

No waiting at any time

DALE STREET south-west from its junction with Whalley Banks to its junction with Brunswick Street

Limited Waiting 1 Hour, No Return Within 1 Hour Mon-Sat 8am-6pm

DALE STREET north-east from its junction with Whalley Banks to its junction with Brunswick Street

Items to be removed from:

THE COUNTY BOROUGH OF BLACKBURN (CANTERBURY STREET AREA) (NO WAITING) ORDER 1968

No waiting Mon-Sat 7am-7pm

HARRISON STREET south-east from King Street to Alice Street

Items to be removed from:

THE COUNTY BOROUGH OF BLACKBURN (CENTRAL AREA NO. 1) (NO WAITING) ORDER 1965

No waiting Mon-Sat 7am-7pm

WHALLEY BANKS north from opposite Harrison Street to King Street Bridge

Items to be removed from:

THE COUNTY BOROUGH OF BLACKBURN (VARIOUS STREETS) (NO. 2) (PROHIBITION AND RESTRICTION OF WAITING) ORDER 1971

No waiting Mon-Sat 7am-7pm

WHALLEY BANKS north from the eastern boundary of 16 Whalley Banks to the eastern boundary of 20 Whalley Banks

south from Harrison Street to Duckworth Street

Limited Waiting 30 Minutes, No Return Within 30 Minutes Mon-Sat 7am-7pm

WHALLEY BANKS north from the eastern boundary of 20 Whalley Banks to the western boundary of 68 Whalley Banks

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.	Traffic	Date the activity will be implemented	09/09/2019
Brief description of activity	Proposal of Traffic Regulation Order – Various restrictions – Network Rail depot scheme (experimental to permanent)		


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	11/07/2019