

# Public Document Pack

## Call In Committee

Wednesday, 28th August, 2019

6.00 pm

Meeting Room A - Old Town Hall, Blackburn

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### AGENDA

1. **Welcome and Apologies**
2. **Declarations of Interest**  
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3. **Procedure for Hearing a Call-in**  
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4. **Reasons for the Call-in**  
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**Call In Asset Transfer Blacksnape**
5. **Proposal to Asset Transfer Blacksnape Playing Fields and Changing Rooms**  
**Proposal to asset transfer Blacksnape Playing Fields and Changing Rooms** 8 - 13  
**EIA-Checklist**
6. **Decisions of the Meeting**  
The Committee will move to a Recorded Vote and will record reasons for reaching such a Decision.

Date Published: Monday 19<sup>th</sup> August 2019  
Denise Park, Chief Executive

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **CALL- IN COMMITTEE**

DATE: **28<sup>TH</sup> AUGUST 2019**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

## **GUIDANCE NOTE FOR CALL INS**

The following procedure shall be used by overview and scrutiny committees when meeting to hear a call in.

1. *Chair of the Committee hearing the Call In welcomes those present.*
2. *Chair asks if everyone has a copy of the reasons why the decision had been called in along with a copy of the Call In procedure.*
3. *Chair asks for apologies/substitutes.*
4. *Chair asks whether there are any Declarations of Interest.*
5. *Chair asks the Legal Adviser to explain the process to be followed.*
6. *Chair asks the representative of those Members who requested the Call In and the Executive Member to take their places at the table.*
7. *Chair asks representative of those Members who requested the Call In to speak to explain the reasons for the call in. He/she may do so alone or may do so with another person.*
8. *The Executive Member may seek clarification of any issues from the Member representing those responsible for the Call In.*
9. *Members of the Committee may ask questions of that Member.*
10. *Chair asks the Executive Member to explain the reasons for the decision made by the Board. He/she may do so alone or may do so with the relevant Chief Officer.*
11. *The Member representing those who requested the Call In may ask questions.*
12. *Members of the Committee may ask questions of the Executive Member/Chief Officer.*
13. *The Member who requested the Call In and then the Executive Member may sum up.*
14. *The Chair asks the representative of those Members who requested the Call In and the Executive Member to leave the table and sit in the public area. They may remain in the room if they wish.*
15. *Chair requests any final contributions from Members before deciding how to proceed.*
16. *Chair indicates that Members of the Committee will now consider what they have heard and decide how to proceed. He asks the legal adviser to go through the options which are:*

**To accept the decision**

*If Members do this then they need not do any more. The decision will take effect straight away. It could be that some minor issues arise during the debate which the Executive Member will agree to take on board. These might be dealt with as part of the Minute. As an example when a land sale was called in the Chief Executive gave assurances about how it would proceed and these were simply recorded in the minutes.*

**To refer the decision back to the decision making person or body**

*If Members do this they need to agree what their concerns are. These will be recorded in writing and presented to the decision making person or body who will then make a final decision. The decision will not take effect until it is reconsidered by the decision making person or body. (This decision may not be Called In)*

**To refer the decision to Council**

*Statutory Guidance from the DTLR (formerly ODPM, now DCLG) states overview and scrutiny committees should only use the power to refer matters to the full council if they consider that the decision is contrary to the budget and policy framework or contrary to or not wholly in accordance with the budget. The Committee ought to identify those parts of the policy framework which are not being followed.*

*This situation has so far not arisen. Therefore the authority would be learning as it goes along. Guidance suggests that the correct approach in these circumstances would be for the Committee to refer the issue to the Monitoring Officer and Strategic Director Resources who would have to report on whether the issue is within the framework. A report would then go to the next meeting of the relevant Scrutiny Committee as well as to the Executive Board. If the view was that the decision fell outside the policy framework then the Scrutiny Committee could refer the issue to Council Forum. That may require a special Council meeting.*

17. Move to Named Vote and recording of reasons for reaching such a decision.

18. Inform Executive Member of decision reached as soon as possible.

- (e) Having considered the decision, the Overview and Scrutiny Committee may
- (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
  - (ii) refer the matter to full Council. Such a referral should, in accordance with the Budget and Policy Framework Rules, only be made where the Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (f) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Overview and Scrutiny Committee before a final decision is made.
- (g) If following a call in, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Overview and Scrutiny

Committee meeting. If the Overview and Scrutiny Committee does not meet the decision shall take effect from the date when the Committee should have met.

- (h) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (i) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.



**TO: THE CHIEF EXECUTIVE**  
For the immediate attention of  
[Democraticservices@blackburn.gov.uk](mailto:Democraticservices@blackburn.gov.uk)

**From Councillor Neil Slater**

**Date: July 29<sup>th</sup> 2019**

**EXECUTIVE BOARD/MEMBER DECISION TO BE CALLED IN: Ref EMD V4/19**

**EXECUTIVE BOARD/EMD**

**DATE OF PUBLICATION: 26/07/2019**

**Subject:**

**Proposal to Asset Transfer Blacksnape Playing Fields and Changing Rooms**

**EXECUTIVE BOARD/MEMBER DECISION CALLED IN BY:**  
(6 Members)

Councillor	Signature
1. NEIL SHOTOL	<b>SIGNATURES REDACTED</b>
2. PAUL MARROW	
3. LILIAN SALTON	
4. Jacqueline Slater	
5. Julie Slater	
6. JOHN C. PEARSON	
Date Received by Democratic Services: 30/7/19	

## REASONS FOR THE CALL IN

*Please state reasons for the Call In, which will be addressed by the appropriate Executive Member.*

*As agreed at Council Forum on 26<sup>th</sup> June 2009, the lead signatory must provide detailed reasons for the Call in.*

*Council Forum resolved that it was no longer sufficient to provide limited reasons such as Lack of consultation or inaccurate information.*

## Proposed Asset Transfer of Blacksnape Playing Fields

The following are reasons why this decision has been called in:-

- Report is too general with a lack of essential details.
- Limited background information regarding underuse of facility and historic lack of realising opportunities.
- Scope and transparency of consultation prior to and after decision.
- Lack of implications associated with length of lease and sole 'ownership'.
- Insufficient regard given to public accountability, oversight and safeguarding.
- Disregard for the sustainability of the cricket pitches, play and leisure areas.

Councillor Neil Slater 29<sup>th</sup> July 2019

## EXECUTIVE MEMBER DECISION



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

<b>PORTFOLIO/S AFFECTED:</b>	Environmental Services	Public Health and Wellbeing
<b>WARD/S AFFECTED:</b>	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.

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

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

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

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

<b>Service area &amp; dept.</b>	Public Health and Wellbeing	<b>Date the activity will be implemented</b>	01/09/2019
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<b>Brief description of activity</b>	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	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not (i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not (i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)	<input checked="" type="checkbox"/> No
<b>FOR = 0</b>	<b>TOTAL</b>	<b>AGAINST = 6</b>

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

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

☐ Yes

☒ No

<b>Assessment Lead Signature</b>	Graham Harris
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date</b>	27/06/2019