

Public Document Pack

Executive Member Decisions

Friday, 15th November, 2019

AGENDA

1. **One Cathedral Square - First Floor Letting**
EMD-One Cathedral Square First Floor 2 - 9
EMD-Part 2 - One Cathedral Square - First Floor
EIA Checklist - One Cathedral Square - First Floor

2. **Services for Schools Management Information System**
EMD - Services for Schools 10 - 14
Appendix A
EIA-Checklist

3. **Griffin Housing Site Appropriation**
EMD - Griffin Housing Site Appropriation 15 - 25
Appendix A - Griffin Housing site Appropriation area
EIA - Griffin Housing Site Appropriation

Date Published: 15th November 2019
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Finance and Governance

LEAD OFFICERS: Director of Growth and Development

DATE: 11th November 2019

PORTFOLIO/S AFFECTED: Finance and Governance

WARD/S AFFECTED: Shear Brow and Corporation Park

SUBJECT: One Cathedral Square – First Floor Letting

1. EXECUTIVE SUMMARY

In negotiations with Council's Growth & Development team, a proposed Heads of Terms have been agreed with a prospective tenant for the 1st floor letting of One Cathedral Square.

2. RECOMMENDATIONS

That the Executive Member:
Approves the proposed Heads of Terms for occupancy of the first floor at One Cathedral Square, with the prospective tenant, and a lease to be formalised under the Landlord & Tenant Act 1954.

3. BACKGROUND

One Cathedral Square is a Grade A BREEAM Excellent five storey office building above two ground floor retail/restaurant units.

The Council has a twenty-five year full repairing lease with Legal and General. The creation of high quality office space within a mixed use development in the town centre has improved the office market offer and provides city style accommodation for new and expanding businesses. A 60 bed hotel, restaurants and high quality public space, surrounding Lancashire's Cathedral and new residential and commercial buildings provide the amenity and attraction for occupiers.

Terms have been negotiated with the prospective tenant for the first floor, which are acceptable and within the parameters of the Council's property strategy.

4. KEY ISSUES & RISKS

The property is currently being marketed by Trevor Dawson and Knight Frank. Current occupiers of the building include Govnet, Cummins Mellor, Northern Rail, Blackburn with Darwen Borough Council, A Mano & Starbucks.

This letting is to an established and well respected business within the Borough. This further inward investment consolidates the attractiveness of the location to the company, who are currently actively recruiting for new staff to join their business, in this new location.

This letting also compliments the diverse range of professional services companies taking space in the building, all employing a highly skilled workforce.

The additional occupiers will further support the existing infrastructure and cafes and restaurants within the development and adjacent. The company is looking to expand further and their expansion plans are linked to being located in Grade A office space, in a town centre location, with good public transport connections to help attract a wider catchment area of candidates for new professional jobs.

5. POLICY IMPLICATIONS

The Cathedral Quarter development is a high quality regeneration scheme, built around the Cathedral to provide town centre grade A office space, a hotel and food and beverage offer and high quality public realm. The development is part of the Council's Growth Programme for continued town centre growth. The letting with the prospective tenant, fits with the aspirations for the development and will support future lettings.

6. FINANCIAL IMPLICATIONS

Business rates payable are approximately £24,427.25 p.a. with an overall rateable value on the 1st floor of £49,750 p.a.

The Council will also receive rental income, of which the full terms are set out in the Heads of Terms.

7. LEGAL IMPLICATIONS

Heads of Terms have been agreed and the Council will negotiate with the occupiers Solicitors to agree a lease.

8. RESOURCE IMPLICATIONS

The Council's Growth & Development Property team and in house Legal Department will negotiate and complete the lease. The Property team will also review and approve any alteration works proposed by the tenant, subject to Statutory approvals.

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

Consultations with the Council's Senior Management and the Executive Member for Finance & Governance have taken place.

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:	Lee Kinder
-------------------------	-------------------

DATE:	11 th November 2019
--------------	--------------------------------

BACKGROUND PAPER:	
------------------------------	--

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.	Growth & Development - Property	Date the activity will be implemented	02/12/2019
---------------------------------	---------------------------------	----------------------------------------------	------------

Brief description of activity	One Cathedral Square – First Floor Letting
--------------------------------------	--------------------------------------------

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	Lee Kinder
Checked by departmental E&D Lead	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date	11/11/2019

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Children's Young People and Education

LEAD OFFICERS: Director of Children's Services and Education

DATE: 14 October 2019

PORTFOLIO/S AFFECTED: Children's Young People and Education

WARD/S AFFECTED: All

NB: *The Services for Schools management system is used Council wide for advertising and trading services. As such all Council portfolios will be affected by this proposal.*

SUBJECT:
Services for Schools management information system.

1. EXECUTIVE SUMMARY

To seek approval from the Executive Member to increase the annual contribution from provider/suppliers for hosting, managing and coordinating the Services for Schools management information system/service.

2. RECOMMENDATIONS

That the Executive Member: approves an increase of 0.7% (from 0.8% to 1.5%) for the provider/suppliers annual contribution for hosting, managing and coordinating the Services for Schools management information system/service from April 2020.

3. BACKGROUND

Blackburn with Darwen's Services for Schools website (www.bwdservicesforschools.co.uk) was established in 2013, and is a platform for schools and other learning establishments to purchase all their services from one place at the click of a button.

The system is used to set up and manage all service level agreements between schools and providers.

The website can also be used as a standalone advertising portal. The charge for using this function alone is £250.00 per year. We have a small number of charities/3rd sector organisations using the website for advertising purposes only for whom a discounted rate is offered.

In addition, the website acts as an information platform for the sharing of important information, updates, and good practice with schools.

Income to support service delivery is generated by:

- Suppliers/providers contributing a % (currently 0.8%) of the annual income that they have generated through the sale of their services; and/or
- A annual fixed charge for the purposes of advertising only (currently £250.00)

4. KEY ISSUES & RISKS

Over the last three years, the amount of money generated from the annual contribution of 0.8% from the service providers has not covered the cost of hosting the website.

The current fees for hosting the website are £14,445.00, which includes £13,945.00 for the annual license fee and £950.00 for the annual managed portal fee.

The income generated from service providers over the previous 3 years has totalled:

- 2016-2017 - £9,798.35
- 2017-2018 - £10,028.98
- 2018-2019 - £11,435.61

The Services for Schools Website is currently used by 46 service providers/suppliers (Appendix A) for advertising their SLAs, services and/or training. There is a small risk that providers may not want to pay an increased charge and choose not to advertise their SLAs via the Services for Schools Website.

Suppliers/providers may pass the value of the increased charges to the purchaser e.g. schools.

5. POLICY IMPLICATIONS

None.

6. FINANCIAL IMPLICATIONS

Based on the income generated by suppliers/providers in 2018/19, increasing the annual contribution to 1.5% would generate an income of £21,000.00. This figure would cover the annual fees for hosting the website and also contribute to:

- managing and coordinating the system
- undertaking the required tasks to support the operational delivery of traded services
- specialist training on the system as and when required.

Council Service Providers will be informed of the increase of the annual contribution to 1.5% in November 2019 when reviewing their SLA service specifications and fees for the next financial year.

7. LEGAL IMPLICATIONS

None.

8. RESOURCE IMPLICATIONS

All existing arrangements for the co-ordination, promotion and administration of SLAs on the Services for Schools Website would remain in place. No further resources would be required.

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

Current providers/suppliers will be consulted with on the proposed increase commencing December 2019.

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:	Mary Bolton – 01254 666461 Cathy Salt – 01254 666756
DATE:	14.10.19
BACKGROUND PAPER:	Appendix A: List of current providers suppliers that use the Services for Schools management system

Appendix A

- Advertising & Sponsorship Service
- Audit and Assurance Services
- BwD Virtual School for Children in our Care
- Civil Contingencies
- Clerking Service for School Governor Meetings
- Education Consultancy
- Educational Psychology
- Educational Visits Service
- Energy Bureau
- Facilities Management
- Financial Management
- Governor Support - Training and Development
- Health, Safety & Wellbeing Service
- HR Consultancy & Training Service
- HR E-Learning Services
- HR Recruitment Service
- Inclusion Officer Support
- Information Governance to Schools
- Insurance Cover
- King George's Hall Facilities & Event Management
- Legal Services
- Music Service
- New Directions Careers, Information, Advice and Guidance Service
- Newly Qualified Teacher services – BwD LA
- Payroll, Pensions & Administration Service
- Property Services - Planned Preventative Maintenance, Repairs and Statutory Compliance
- Property Services – Fire Safety
- Public Relations & communications support
- Radiation Protection Services & CLEAPPS Membership
- School Admissions for Free Schools, Academies, Aided, Foundation & Trust Schools ONLY
- School Improvement Officer Team
- Schools and Education
- Schools Swimming Service
- SEND Support Service
- SIMS Support Service
- Witton Country Park Services
- Witton Park City Learning Centre
- Young People's Services - Outdoor Education & Facilities Hire

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.	Access to Learning Children's Services	Date the activity will be implemented	01/11/2019
---------------------------------	-------------------------------------------	----------------------------------------------	------------

Brief description of activity	Proposal to increase the annual fee which Council Departments/Service Areas contribute to the Services to Schools Website when advertising their Service Level Agreements.
--------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 - Budget changes	<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

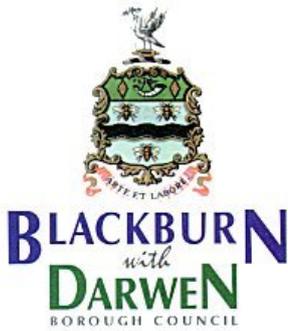
Will you now be completing an EIA?

Yes

No

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

Assessment Lead Signature	Mary Bolton
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	30/10/2019



EXECUTIVE MEMBER DECISION

REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Director of Growth and Development

DATE: 25th October 2019

PORTFOLIO/S AFFECTED: Growth and Development

WARD/S AFFECTED: Blackburn Central Mill Hill and Moorgate

SUBJECT: Griffin Housing Site Appropriation

1. EXECUTIVE SUMMARY

1.1 This report seeks the Executive approval to authorise the Director of Growth and Development to appropriate the Council owned land known as the Griffin redevelopment site for planning purposes under section 122 of the Local Government Act 1972.

The appropriation is for the purpose of enabling the construction of 141 new two, three and four bed family homes of mixed tenure.

1.2 The Council identified 165 sub-standard homes for clearance and the land to be redeveloped to provide new housing to meet the Borough's aspiration and need. 163 properties have been bought along with the decommissioned Griffin Inn public house which was also purchased and included in the land assembly

Properties bought for clearance have been demolished as full terraces had been assembled. The cleared sites were seeded to improve their visual impact across the neighbourhood

1.3 A procurement exercise was carried out in 2018 and a preferred developer was chosen to carry out the redevelopment of the site. The preferred developer is currently finalising the scheme layout and plan to submit a planning application in November.

14. Since appointing the preferred developer, the Council has been considering the effect that the proposed development will have on residents who may have enjoyed the benefit of using the cleared site and treating the land as informal open space.

In order to implement the redevelopment proposals for the Griffin redevelopment site, the Council is now required to appropriate the land for planning purposes.

The site for appropriation is in the Council's ownership

2. RECOMMENDATIONS

That the Executive Members:

- 2.1 Authorise the Director of Growth and Development to appropriate the land at Griffin shown edged red on plan attached Appendix A from housing to planning purposes in accordance with section s.122 of the Local Government Act 1972 and subsequent use of the Council's powers under s.203 – 206 of the Housing and Planning Act 2016 to override any third party rights and easements on the land
- 2.2 Authorise the Director of HR, Legal and Governance to advertise the proposal to appropriate in accordance with the statutory process under Section 122 of the Local Government Act 1972
- 2.3 Note that in authorising the commencement of the appropriation process of the Griffin regeneration site, the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 as set out in this report.
- 2.4 Authorise the negotiation and payment of any compensation claims emerging from this appropriation.

3. BACKGROUND

- 3.1 Since 2008 the Council has been actively purchasing properties by agreement in the Griffin regeneration area. 165 properties had been identified for purchase and clearance through a Neighbourhood Renewal Assessment undertaken for the area.
- 3.2 The Council has successfully assembled a substantial portion of the clearance area, with only 2 properties remaining to be purchased which will be excluded from the appropriation.

Housing development can now be brought forward to complete the redevelopment programme. To ensure developer confidence the Council has undertaken a number of intrusive surveys along with securing additional grant funding from the One Public Estate Land Release Fund to support site remediation.
- 3.3 The Council more recently bought the Griffin public house which has been demolished with the site added to the larger site creating a more comprehensive housing site with main road frontage.
- 3.4 Planning permission to carry out Enabling Works was successfully secured under application number 10/18/0612
- 3.5 A preferred developer was selected through a procurement exercise through the Council's 'Contractor and Development Framework'

4. KEY ISSUES & RISKS

- 4.1 During the Griffin site assembly, parcels of land where terraced properties had been demolished have been seeded and left to flower to make the site more attractive for residents still living in the clearance area.

All cleared parcels are surrounded by a perimeter of soil of around two feet high ('bunded') to deter illegal access or encampment. Some of the areas have been open to pedestrian access, children playing, and dog walkers and it is considered that some of the land could be considered to be 'open space' within the meaning of the Town and Country Planning Act 1990.

4.2 Due to this potential situation the Council plans to use the prescribed process that must be followed before it can dispose of such open space. Whilst this is a previous clearance area, it is situated in close proximity to Blackburn town centre and would provide much needed family housing for local people.

The most appropriate use for the site is family housing as outlined in the Local Plan (2015) and Griffin Supplementary Planning Document (2017). The site has potential to provide around 140 new family homes for sale and rent.

4.3 The site disposal strategy has been developed to ensure that family housing meets the needs of the local residents as well as from the whole Borough.

To prepare the site for development the Council has undertaken a number of actions, surveys and investigations on the site to ensure deliverability whilst creating developer confidence.

These included.

- Demolition of existing buildings
- Ecology survey
- Phase 1 Geo-Environmental Desk Study
- Phase 2 GIA survey
- Topographical survey
- Tree Survey
- Asbestos
- Ground penetrating Radar
- Air Quality Assessment

These surveys have helped us to understand any site constraints which could potentially affect Development proposals for the site and scheme viability.

The appointed preferred developer will undertake further surveys such as traffic impact assessment and drainage strategy. The developer is currently preparing a planning application which will be submitted over the coming months.

4.4 APPROPRIATION

4.41 The Council can appropriate land for any purpose for which it is authorised to acquire land by agreement. The appropriation process is set out in section 122(1) of the Local Government Act 1972 (1972 Act).

4.42 The Council should only resolve to appropriate land for another purpose if it is satisfied that the land in the Griffin Development site is not required for the purpose for which it is held. The clearance site has been assembled for redevelopment to provide family housing in line with the adopted Griffin Supplementary Planning Document (2017). A portion of the site has been previously used as a children's play area but has been decommissioned for a number of years and added to the development site.

The Griffin development site is included in the Council's Growth programme and has planning permission for enabling works to prepare the site for housing development so the proposed appropriation complements this permission and planning status.

4.43 Furthermore the Griffin development site is allocated as a housing site in the Council's Local Plan (2015). The adopted Supplementary Planning Document (2017) will help reshape development proposals for the site.

4.43 The Council considers there could be some informal private rights of way and other informal

easements over the Griffin development site due to the site being 'open' for a considerable period of time. Where land is appropriated for planning purposes, the Council may rely upon the provisions of Section 203 of the Housing and Planning Act 2016. The Council has this statutory power to override easements or rights of way affecting land.

5. POLICY IMPLICATIONS

5.1 The Council's Local Plan sets a housing requirement to meet over the 15 year Plan period.

Development of the site will contribute to meeting this target and assist in improving the quality of the Borough's housing offer.

The adopted Supplementary Planning Document (2017) has been developed in consultation with the community and outlines plans to redevelop the clearance site for new family housing provision.

6. FINANCIAL IMPLICATIONS

6.1 Section 204 of the Housing and Planning Act 2016 provides that compensation will be payable to those parties whose interests have been affected by any appropriation.

This is generally based on a diminution of property value bases. The primary liability for the compensation is the party interfering with the right and the Council can decide to take on that limited risk or seek an indemnity from the successful bidder before enabling the development to proceed should appropriation be approved.

7. LEGAL IMPLICATIONS

7.1 The proposed development site comprises of land and properties that had been purchased from private owners.

7.2 The National Planning Policy Framework has replaced the National Planning Policy on Housing (PPS3). However, requirements still remain with the Council to demonstrate the provision of an adequate mix of housing developments and setting of targets for affordable housing. As any future proposed disposal is likely to be for the freehold of the land or a very long lease, then various aspects of S123 of the Local Government Act 1972 ("the Act") shall apply.

7.3 Firstly, the Council should be seeking to achieve best consideration reasonably obtainable for the site, unless the Council can apply the exemptions permitted by Government Circular. Although the Council has a general power of competence pursuant to s1 of the Localism Act 2011 to do anything that individuals can legally do, the Local Government Act 1972 and General Disposal Consent (England) 2003 to seek Best Consideration still applies and so this must be minded when the Council makes any decision to sell via any process, including an informal tender process.

7.4 Secondly, to the extent that the land to be disposed of is considered to be "open space" then s123 (2A) of the Act shall apply. This requires the Council to advertise the proposal twice over two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

7.5 "open space" is defined in section 336(1) of the Town and Country Planning Act 1990 as: "means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground" (emphasis added) And it is the conclusion in the body of the report that much of the site is reasonably likely to fall into that category to the extent that it would be

prudent for the Council to treat it as such. While there is case law on such matters, it may be sufficient to only look at the plain English language meaning of the phrase in this case.

7.6 Section 122(1) of the 1972 Act states: "Subject to the following provisions of this section, a principal Council may appropriate for any purpose for which the Council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a Council by virtue of this sub-section shall be subject to the rights of other persons in, over or in respect of the land concerned."

7.7 This appropriation process is a helpful avenue for the Council where agreement cannot be reached or the beneficiaries of any (possible) rights are unknown. Section 203 authorises the overriding of any private rights affecting the use of land which is held for planning purposes where development is carried out in accordance with planning permission. The power extends not only to development by the local planning authority itself but also to any person authorised by that authority. The ability to interfere with these (possible) rights is important in the context of enabling any development to proceed. The power to override such rights does not prevent such rights being compensated.

7.8 Section 122(2) of the 1972 Act requires the Council, prior to any appropriation, to advertise the proposal twice over two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

8. RESOURCE IMPLICATIONS

8.1 Existing staff resources will be provided from the Council's Growth, Property, Planning and Legal teams along with some support from Capita

9. EQUALITY AND HEALTH IMPLICATIONS

The Human Rights Act 1998 (HRA) has been in force since late 2000.

9.1 Provisions of the HRA which are relevant in relation to the proposed appropriation are:

(1) The European Convention on Human Rights (the Convention) is an international treaty signed under the auspices of the Council of Europe.

(2) The HRA still does not incorporate the Convention into UK law but what it does is to enable individuals to invoke Convention rights for certain purposes and for certain effects.

(3) The main article of the Convention which is of importance in circumstances where the Council is considering appropriating land is Article 1 of Protocol 1 – the protection of property.

(4) In appropriating land an authority must show that the appropriation is justified in the public interest.

9.2 Article 1 of Protocol 1 provides that:

(1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions.

(2) No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.

(3) However, the above rules shall not prevent a State enforcing such laws as it deems necessary

to control the use of property in accordance with the general interest.

(4) The Council must decide in relation to Article 1 whether a fair balance has been struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The right to compensation is a relevant factor in considering the balance.

(5) With regard to Article 1 of Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the works particularly taking into account the fact that there is a legal right to compensation for the interference with rights arising from the appropriation.

9.3 In addition to the HRA, the Council is required to comply with the Equalities Act 2010. Section 149 of the Equalities Act 2010 requires the Council to have due regard to the need to:

(1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

9.4 The Council has carried out an equality impact analysis checklist. This first of all assessed from a relevance perspective whether a full impact assessment was needed. This assessment concluded that the proposed appropriation would not negatively impact on any particular group in a disproportionate way. As such no full assessment was required. The Council considers that it has complied with its duty under the Equalities Act 2010.

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

Extensive stakeholder consultations have been undertaken during the course of developing a Supplementary Planning Document for the Griffin area Further consultations will be undertaken in line with statutory requirements during the Planning process for the development.

Previous consultation has also been undertaken in the development of the Council's Local Plan and Strategic Housing Market Assessment (SHMA)

11. STATEMENT OF COMPLIANCE

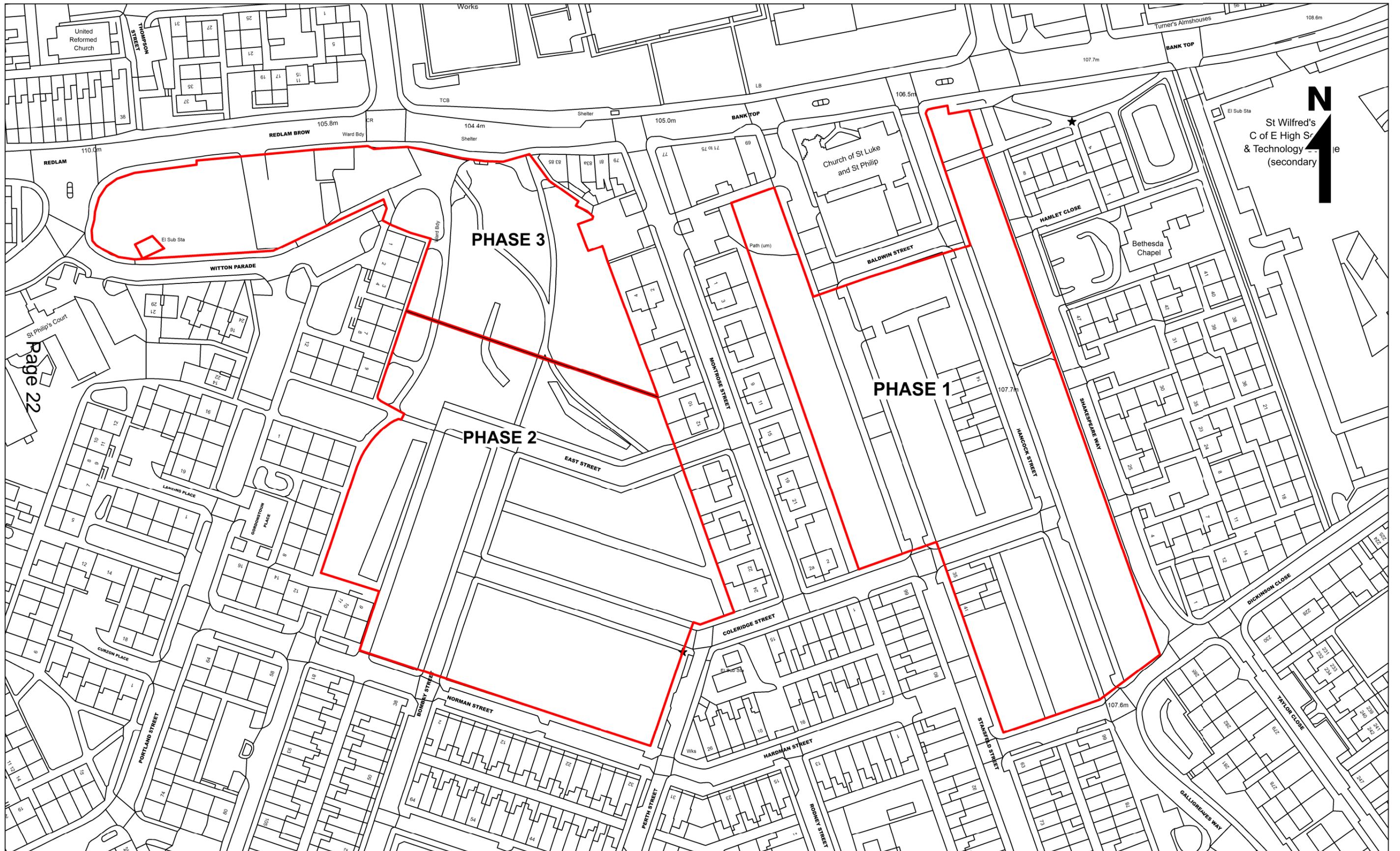
The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect 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:	0.01
-----------------	-------------

CONTACT OFFICER:	Subhan Ali, Strategic Development Manager (Housing)
DATE:	25 th October 2019
BACKGROUND PAPER:	Local Plan part 1 (2015), Griffin Supplementary Document (2017)



Page 22

Name of the activity being assessed				Griffin Housing Regeneration Site land appropriation			
Directorate / Department		Growth and Development		Service		Assessment Author	
Is this a new or existing activity?		<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		Responsible manager / director for the assessment		Simon Jones	
Date EIA started		25/10/2019		Implementation date of the activity		21/01/2020	
		Growth				Subhan Ali	

SECTION 1 - ABOUT YOUR ACTIVITY

<p>How was the need for this activity identified? I.e. Why are we doing this activity?</p>	<p>A Masterplanning exercise in Griffin identified a large number of substandard/unfit terraced houses for clearance and demolition. The assembled site was planned to be redeveloped to provide new family housing to meet local demand. The Council has been buying house by agreement for a number of years and demolishing full terraces as they are assembled. All cleared parcels of land are surrounded by a perimeter of soil of around two feet high ('bunded') to deter illegal access or encampment.</p> <p>Some of the areas have been open to pedestrian access, children playing and dog walkers and it is considered that some of the land could be construed to be 'open space' within the meaning of the Town and Country Planning Act 1990.</p>
<p>What is the activity looking to achieve?</p>	<p>The appropriation will allow the assembled site to be brought forward for housing development in line with the Griffin Supplementary Planning Document (2017). This was developed in collaboration with local residents, members and stakeholders to develop plans for the regeneration of the clearance site.</p> <p>Redevelopment of the clearance site will provide much needed family housing for sale and rent. New homes will offer residents modern facilities such as off street parking, private gardens and choice of 2, 3 and 4 bed homes to meet their need. The external environment will offer landscaped areas and quality walkways connecting the old and new housing areas.</p> <p>The appropriation will remove any uncertainty of land use for the clearance site and allow development to commence.</p>
<p>Services currently provided (if applicable)</p>	<p>None, the site is clearance land which has been banded to mark out the land boundary and deter illegal vehicle access.</p>
<p>Type of activity</p>	<p> <input type="checkbox"/> Budget changes <input type="checkbox"/> Change to existing activity <input type="checkbox"/> Decommissioning <input type="checkbox"/> Commissioning <input type="checkbox"/> New activity <input checked="" type="checkbox"/> Other [appropriation of land] </p>

SECTION 2 - UNDERSTANDING YOUR CUSTOMER

What resources will support in undertaking the equality analysis and impact assessment?

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

The Growth Team, Planning Development Team.

The Griffin Health Impact Assessment Council's Adopted Local Plan (2015) and Griffin Supplementary Planning Document (2017)

The Griffin Renewal Area Health Impact Assessment. Conducted on behalf of Blackburn with Darwen Borough Council and NHS Public Health Service (March 2011) by MEL Associates

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

Comprehensive consultation has been undertaken with the Local residents, ward Councillors and Stakeholders in the development of the above plans and documents.

Additional consultations will be undertaken as part of the planning process.

Page 24

	Service users	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly	<input type="checkbox"/> Indirectly																
<p>Who does the activity impact upon?*</p>	Members of staff	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly	<input type="checkbox"/> Indirectly																
	General public	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly	<input type="checkbox"/> Indirectly																
	Carers or families	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly	<input type="checkbox"/> Indirectly																
	Partner organisations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly	<input type="checkbox"/> Indirectly																
	Positive impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Sex	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups													
<p>Does the activity impact positively or negatively on any of the protected characteristics as stated within the Equality Act (2010)?*</p>		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers														
		<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Sex	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Vulnerable groups														
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Carers														
<p>The groups in blue are not protected characteristics (please refer to p. 3 of the guidance notes)</p>		<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input checked="" type="checkbox"/> Gender reassignment	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Marriage & Civil Partnership	<input checked="" type="checkbox"/> Vulnerable groups														
		<input checked="" type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or belief	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input checked="" type="checkbox"/> Carers														
<p>No impact</p>		<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input checked="" type="checkbox"/> Gender reassignment	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Marriage & Civil Partnership	<input checked="" type="checkbox"/> Vulnerable groups														
		<input checked="" type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or belief	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input checked="" type="checkbox"/> Carers														

***if no impact is identified on any of the protected characteristics a full EIA may not be required. Please contact your departmental Corporate Equality & Diversity representative for further information.**

Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty? Refer to p.3 of the guidance for more information
A public authority must have 'due regard' (i.e. consciously consider) to the following:

DUTY	DOES THE ACTIVITY MEET THIS DUTY? EXPLAIN
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic)	The intended redevelopment of the site will provide much needed housing which is open and available to all groups of residents in line with Council policies. The end use of the site will have a positive impact on eliminating unlawful discrimination, harassment and victimisation of any protected characteristics.
Advance equality of opportunity between those who share a protected characteristic and those who do not (i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people)	New homes built will offer all residents an equal opportunity to rent or purchase the properties subject to lawful requirements such as eligibility and affordability
Foster good relations between people who share a protected characteristic and those who do not (i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low)	All new residents will be able to enjoy the benefits of the new development and be included in the existing community.

ASSESSMENT	Is a full EIA required?	Yes	No
Please explain how you have reached your conclusion (A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts)		<input type="checkbox"/>	<input checked="" type="checkbox"/>

The appropriation exercise removes uncertainty about use of the land and allows the Council to commence the redevelopment of the clearance site for the provision of new homes for residents. New homes will be in line with the Supplementary Planning Document (2017) which has been developed in conjunction with residents, stakeholders and ward councillors.

Author Signature		Date	25/10/2019
Head of Service/Director Signature		Date	29/10/2019
<i>The above signatures signify acceptance of the ownership of the Initial EIA and the responsibility to publish the completed Initial EIA as per the requirements of the Equality Act 2010.</i>			
Departmental E&D Lead Signature		Date	29/10/2019