

Public Document Pack

Executive Member Decisions

Friday, 3rd January, 2020

AGENDA

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Date Published: 3rd January 2020
Denise Park, Chief Executive

Agenda Item 1

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Public Health and Wellbeing Executive Member for Environmental Services
LEAD OFFICERS:	Director of Public Health and Wellbeing Director of Environment and Operations
DATE:	3 rd January 2020

PORTFOLIO/S AFFECTED:	Public Health and Wellbeing	Environmental Services
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WARD/S AFFECTED:	Darwen South	(Please Select...)
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SUBJECT: Asset transfer of Blacksnape Playing Fields, Changing Rooms and Car Park
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1. EXECUTIVE SUMMARY

In August 2019 the Council made the decision to asset transfer the football pitches, changing rooms and car parks at Blacksnape Playing Fields in Darwen to a suitable club, league or organisation capable of managing and maintaining the second largest outdoor sports provision in the borough (9 football pitches consisting of 3 x full size adult pitches, 4 x three quarter size pitches and 2 x 9v9 pitches). This followed the successful asset transfers completed for other outdoor sports sites and pitches in the Borough. On completion this alternative operating model will deliver savings to the council, expand the use of the site for football and, in the longer term secure external funding for pitch drainage and improvements.

The opportunity for expression of interest to manage the site was advertised via The Chest, the Council's procurement portal. This ensured a robust, equitable and transparent process.

A two-stage procurement process was undertaken. The first stage sought expressions of interest from football clubs, leagues and other organisations who were required to provide detailed responses to standardised questions. Expressions of interest were received from three organisations. One organisation subsequently requested not to proceed.

The submissions were evaluated by a panel, in line with the Council's processes and procedures, with each question being scored against a pre-determined weighting system. The scores were totalled as followed:

Organisation	Score (out of 100)
Group A	80
Group B	68

Stage two of the process was to undertake a due diligence exercise focussing on sustainability. Interested parties were required to provide a five-year business plan to demonstrate that their organisation had a financially viable and sustainable delivery model. This was an important stage in order to give the Council assurance that the new leaseholder would have the ability, under a 25-year

lease, to cover the costs associated with Blacksnape pitches, changing rooms and future investment should projected income not be achieved.

The business plans received for the site itself showed similar levels of surplus over five years. However, from the information provided it was very clear that, should the site income not be achieved as expected, only one group has the demonstrable ability to financially sustain the site. This information provides the Council with confidence that through an asset transfer there is the ability to cover not only the running costs, but have the ability to invest in and develop the site without the need for external investment.

All the information provided through the asset transfer assessment process clearly places Group A as the strongest and preferred organisation to manage Blacksnape Playing Fields.

The make-up of Group "A" shows that 30% of their players live in Darwen itself as do several of the committee including the club welfare officer, events officer and several coaches of the various boys and girls teams. This is a club that serves the whole Borough and Darwen is well represented in both the organisation of the club and playing numbers.

The pitches and site need to be invested in. The Football Foundation are keen to support this through their funding streams but require a 25-year lease to be in place to ensure that any investment lasts for many years to come.

The recommendation from the robust and transparent procurement process is to award a 25 year lease to Group A to operate and manage Blacksnape Playing Fields, changing rooms and car park.

2. RECOMMENDATIONS

That the Executive Member:

1. Formally notes the updates regarding the Blacksnape Playing Fields, changing rooms and car park asset transfer.
2. Formally approves the decision to award the 25-year lease to Group A subject to the formal decision to approve the disposal of open space pursuant to the Local Government Act 1972.
3. Delegates authority to Director of Public Health and Well-being and the Director of Environment and Operations to agree final terms of the formal legal agreements, including the intended transfer of responsibilities under the 25-year lease and approve conditions in the lease that will delegate the responsibility for pitch and car park maintenance to the lease holder together with the utility costs for the changing rooms. The council will continue to repair and maintain the changing rooms.

3. BACKGROUND

The Council's model for asset transferring facilities has successfully been utilised across the borough. It has allowed the Council to maintain community delivery through 3rd sector organisations and/or volunteer community groups. In a continuingly challenging financial climate, asset transfers have enabled the Council to reduce or withdraw resources and financial commitment from several outdoor sports facilities.

The agreed asset transfer process aimed to ensure that Blacksnape Playing Fields, changing rooms and car park can be rejuvenated with increased usage through the identification and appointment of an experienced group/club who can demonstrate that they are capable of effectively managing and developing the site for football and increasing the number of matches played.

The Executive Member decision to proceed with an asset transfer and advertise the opportunity to interested parties was on 25/06/2019. Through the democratic framework the decision was challenged. The Call-in Committee's outcome was to uphold the initial decision and progress with the asset transfer.

Stage 1: An Expression of Interest was advertised on the Council's procurement portal, The Chest on 9th September for 19 days. Submissions were received from three organisations.

All submissions were reviewed on Tuesday the 1st October 2019. The evaluation of the bids were assessed by the Senior CAPS Officer (Procurement), the Commissioning and Procurement Officer and the Leisure Facilities Manager and were evaluated with each question being scored against a pre-determined weighting system.

Stage two of the process was to undertake a due diligence exercise focussing on sustainability. Interested parties were required to provide a five-year business plan to demonstrate that their organisation had a financially viable and sustainable delivery model. This was an important stage in order to give the Council assurance that the new leaseholder would have the ability, under a 25-year lease, to cover the costs associated with Blacksnape pitches, changing rooms and future investment should projected income not be achieved.

The two business plans for the site itself showed similar levels of surplus over five years. However, from the information provided it was very clear that, should the site income not be achieved as expected, only one group has the demonstrable ability to financially sustain the site. This information provides the Council with confidence that through an asset transfer there is the ability to cover not only the running costs, but have the ability to invest in and develop the site without the need for external investment.

All the information provided through the asset transfer assessment process (stage one and stage two) clearly places Group A as the strongest and preferred organisation to manage Blacksnape Playing Fields.

The assessment panel were satisfied that the successful tenderer had demonstrated an excellent understanding of the site operation requirements and how it would develop the pitch site in the future.

The Council will work to ensure community interests are protected in the lease as far as possible to ensure the balance is achieved for the benefit of the footballing fraternity and the local community.

Work will commence to ensure that Group "A" are able to take on the new Blacksnape lease at the earliest opportunity to gain a part year, in-season benefit.

4. KEY ISSUES & RISKS

- Blacksnape Playing Fields is the second largest outdoor pitch provision of 9 football pitches: 3 x full size adult pitches, 4 x three quarter size pitches and 2 x 9v9 pitches.
- To manage risk it is important that a robust and transparent process is undertaken to provide assurance that the selected organisation has the strength, knowledge, commitment and financial sustainability to effectively and efficiently operate Blacksnape
- A full procurement process for the asset transfer has been completed with Group A selected as the successful tenderer.
- The successful tenderer has strong financial resources to support the facility already in place for both the short-term and long-term and has an achievable business plan with plans to generate income which will enable the site to become self-sustainable.
- Group A has a strong group of volunteers with a range of skills that will support the operations as

well as effectively manage the site.

- A Council contribution of £14,000 has been agreed to ensure that the two Darwen Academy schools pitches can be maintained to a good standard.
- There will be savings to the council of the changing room utility bills, business rates and the maintenance of the football pitches themselves.

5. POLICY IMPLICATIONS

A robust and compliant tender exercise has been undertaken in line with the Council's Contract and Procedure Rules.

6. FINANCIAL IMPLICATIONS

A Council contribution of £14,000 annually has been agreed to support the Academy pitch maintenance.

There will be savings to the Council from the changing room utility bills and business rates of c. £8,800 and from the maintenance of the football pitches themselves. These savings sit within the Environmental Services portfolio.

The Council costs will only be that of the maintenance of the changing rooms and associated checks of the facility. The pavilion is a valuable council facility and this arrangement will mean that it is looked after properly for years to come.

7. LEGAL IMPLICATIONS

A 25-year lease is intended to be granted to the successful tenderer to transfer the external and internal facilities. The proposed terms will mean the tenant will be responsible for all running costs associated with the building and the external pitch maintenance.

As this is a proposed grant of lease for a length of term more than 7 years and is a disposal of open space within the Local Government Act 1972 ("the 1972 Act") this will require advertising in the Lancashire telegraph on two consecutive weeks (Section 123(2A) and any objections or comments formally considered.

The Council should also be seeking to achieve best consideration reasonably obtainable for the site, unless the Council can apply the exemptions permitted by Government Circular or it has obtained Secretary of State consent. 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 grant long leases, even in circumstances in what is considered to be a community asset transfer. However the Council is not required to obtain consent from the Secretary of State for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted ("the undervalue") is £2,000,000 (two million pounds) or less.

8. RESOURCE IMPLICATIONS

There are no staff implications relating to this lease arrangement with the current staff being moved to cover the increased opening hours at the new Witton 3G pitch site.

There will be ongoing year on year cost savings to the council.

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 many different teams, leagues, and organisations have taken place. The opportunity was also advertised via the council's social media platforms to ensure that all interested parties were informed and able to apply for the lease.

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:	Graham Harris
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DATE:	26 th November 2019
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BACKGROUND PAPER:	
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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	01/01/2020
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Brief description of activity	Asset Transfer of Blacksnape Playing Fields / Changing Rooms and Car Park
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input checked="" type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - 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	Claire Ramwell
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	26/11/2019

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

EXECUTIVE MEMBER DECISION



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

LEAD OFFICERS: Director of Children's Services and Education

DATE: 03/01/2020

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

WARD/S AFFECTED: All

SUBJECT: Foster Carer Payments/Allowances Paper

1. EXECUTIVE SUMMARY

A review of the payments and allowances paid to Blackburn with Darwen foster carers has been undertaken, specifically in relation to the annual pay increase. This was to determine an annual pay increase percentage, given that an offer of 1% has been awarded over the past five years.

The review process has considered Local Authority challenges in terms of the recruitment and retention of foster carers, also taking into account our competitors in neighbouring authorities and Independent Fostering Agencies in terms of pay. In order to recruit and retain foster carers the offer of allowances and support need to be appealing and well promoted in the Borough and beyond.

2. RECOMMENDATIONS

That the Executive Member considers the approval of the recommended 2% annual pay increase for all foster carers and Special Guardianship Order carers, and the additional benefits for foster carers. It is therefore requested that agreement is considered to commission;

A 2% annual pay increase for all foster carers and SGO carers

This would be an annual increase of £84,548 for all bands 1-3 and SGO carers.

A further proposal for a foster carer retainer fee will be brought for an Executive Member Decision at a later date due to further discussions ongoing around the financial implications.

2. BACKGROUND

Given the challenges with recruiting and retaining foster carers, and the increase in the number of children in our care, it has been vital to consider the foster carer payment offer to remain as competitive as we can be in the market. There has been a 1% annual pay increase for foster carers and SGO carers for the past five years, and no award for this financial year yet agreed.

The proposal is to award a 2% increase and **Page 14** this to 1st April 2019. It is increasingly

challenging for the Local Authority to attract potential foster carers in the current climate, and it is fair to say that neighbouring Authorities and Independent Fostering Agencies (IFA's) are also reviewing and increasing allowances to remain competitive in the market. Blackburn with Darwen aim to enhance our foster carer offer and promote this to try to attract new applicants, and boost our recruitment figures.

4. KEY ISSUES & RISKS

- An annual pay increase is required with some priority with a backdated payment to April 2019, to assist with the retention and recruitment of foster carers.
- There is a widespread challenge nationally with the recruitment of foster carers, and the market is increasingly competitive. As a small authority, we strive to remain attractive to potential foster carers above our major competitors. The more appealing our recruitment drive, the more placements we can achieve in-house therefore making a longer term saving.
- Placement sufficiency is a key issue for the service and our focus is to promote this support and pay increase for foster carers as part of the recruitment campaign. Attracting more foster carers will protect and reduce our commissioning budget, however as a service we can only do this with an attractive support offer and allowances for our in-house carers.

5. POLICY IMPLICATIONS

The foster carer payments policy and guidance will be revised following decision making from this paper.

6. FINANCIAL IMPLICATIONS

To award a 2% annual pay increase to all foster carers and Special Guardianship carers at their banding levels 1, 2 and 3 would result in an additional spend of £84,548.

7. LEGAL IMPLICATIONS

None for this annual increase.

8. RESOURCE IMPLICATIONS

There are no additional resource implications of this decision

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

No formal consultation due to the financial decision-making nature of this request. However, the Foster Carer Association for Blackburn with Darwen have been involved in discussions about annual pay decisions and timescales.

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:	Pamela Price, Interim Service Lead Placements
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DATE:	13/12/2019
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BACKGROUND PAPER:	
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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.	Children's Services	Date the activity will be implemented	06/12/2019
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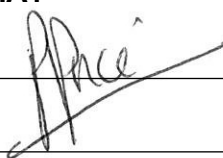
Brief description of activity	Foster Carer and Special Guardianship Payments and allowances for Foster Carers.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input checked="" type="checkbox"/> Yes	Does this activity 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

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

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

Agenda Item 3

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Finance and Governance Executive Member for Children's Young People and Education
LEAD OFFICERS:	Director of Finance and Customer Services Director of Children's Services and Education
DATE:	3rd January 2020

PORTFOLIO/S AFFECTED:	Finance and Governance Education	Children's Young People and Education
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WARD/S AFFECTED:	All
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SUBJECT: Building Schools for the Future (BSF) Strategic Partnering Agreement (SPA) Extension

1. EXECUTIVE SUMMARY

Under Building Schools for the Future (BSF), programmes were delivered through the procurement of a private sector partner to enter into a Strategic Partnering Agreement (SPA) as a Local Education Partnership (LEP). The Council, in conjunction with Bolton MBC, entered into a ten year SPA with the Local Education Partnership (LEP) for the delivery of its BSF programme, as well as creating a procurement vehicle for future delivery. The current SPA expires on the 12th January 2020 and the Council wishes to extend the SPA for a further 5 years under the same terms of the Agreement.

2. RECOMMENDATIONS

That the Executive Members:

Approve the extension of the current BSF SPA for a further five year period until 12th January 2025 and authorises that the Director of Finance and Customer Services to issue the extension notice on behalf of the Council.

3. BACKGROUND

Under Building Schools for the Future programmes were delivered through the procurement of a private sector partner to enter into a Strategic Partnering Agreement as a Local Education Partnership (LEP). The Council undertook a joint procurement with Bolton MB Council through the Competitive Dialogue procurement procedure to appoint the Balfour Beatty Investments (now Amber Infrastructure Limited) as their preferred partner. Both Councils entered into the SPA on the 12th January 2010. The LEP model was the 'Partnerships for Schools' recommended delivery vehicle for the delivery of the BSF programmes.

Procurement was based on two sample schemes plus future waves or phases of investment, based on these sample schemes and contract documentation. The exclusivity over future delivery of investment phases by the LEP was reliant on delivery of key performance targets. The LEP delivery model anticipated substantial procurement savings by negating the need for individual procurements

for each scheme.

The programme initially focused solely on secondary schools over two phases, although it was anticipated that the LEP's remit would expand to incorporate the potential primary school capital programme. The Councils OJEU notice and contractual documentation allowed for other services to be within the LEP's remit, on a non-exclusive basis, to complement the Council's wider vision of urban regeneration and strategic partnering, however the Council would only use the LEP for these wider projects if it represented the best value for money option in comparison to a procurement process.

Since entering into the SPA, the LEP has successfully delivered the Councils BSF Programme which consisted of three PFI new builds and four significant remodels, including one 90% new build scheme. As well as the Council's secondary school estate, the LEP was commissioned to deliver St Silas' Primary School and the Council's accommodation project at 10 Duke Street. The use of the LEP negated the need for going through further procurement processes and resulted in efficiencies. The LEP has also been called upon to provide feasibility studies for other projects within the Council, including potential options for the future of the Tower block. Any decision to utilise the LEP will always be on the basis of it representing value for money to the Council.

Since the completion of the construction aspects of the BSF Schemes, the LEP now continues to operate and manage the PFI Schemes (Phase 1 and Phase 2), each of which have been entered into for a period of 25 years.

Following the cancellation of its BSF Programme, Bolton MBC was not able to deliver its schemes via the LEP. However despite this, Bolton MBC has remained as a partner within the LEP to ensure that should it require the use of the LEP for any services, then it is able to do so, maximising on the efficiencies of the initial procurement process.

As a shareholder in the LEP both Councils will continue to receive dividends should the LEP be used, and profits made under the LEP Shareholders agreement.

4. KEY ISSUES & RISKS

The SPA has been in place for ten years and the Council and the LEP wish to complete the required paperwork for the SPA to be extended for a further five year period. This extension will simply allow both Councils to carry on utilising the LEP for the next 5 years, for the same services it has had the option to do so for the last 10 years. This would mean that the Council can continue to use the LEP (where it represents value for money) to deliver education led projects (and other projects on a non-exclusive basis), as defined by the scope of the original OJEU notice, as the LEP would remain a pre-procured option for the Council to use.

To allow the extension to take effect, both Blackburn with Darwen BC and Bolton MBC must issue their notice to extend prior to the 12th January 2020 to comply with the terms of the SPA.

Whilst Bolton MBC has not used the LEP's services to date, the legal advice provided to the LEP is that the preferred approach to extension is to obtain the consent of all parties to the original SPA. Bolton MBC are currently working through their own approvals processes for the extension. Whilst this is the preferred manner in which to extend, the drafting of the SPA also allows for Blackburn with Darwen BC to extend the SPA even if Bolton MBC decide not to do so.

The cost to the Council of extending the SPA for a further 5 years is nil (£0). There are no further costs attached to extending the SPA by 5 years as the LEP will continue to exist in any case, with the usual payments for the BSF PFI Schemes running through the LEP from the two connected PFI Project Companies.

There is merit in extending the SPA as it will allow the Council to call upon the services covered by the original LEP OJEU / in the SPA, such as construction works for education facilities should they be required. The Council's Growth Team is considering some new projects for which it may wish to consider using the LEP, and whilst these conversations are in the early stages, the extension would allow this to happen without the need for further procurement.

The LEP have recently extended a number of the SPAs over the last 2 years with other Council partners across the country and the process is a simple one, which does not require external legal advice.

The process to extend is set out in Clause 3.2 of the SPA which stipulates that the Council send a letter to the LEP requesting an extension by the required date (then a reply from the LEP confirming it agrees to the request).

It should be noted that there is no detriment to the Council even if we have no LEP new projects in mind as yet; this process simply allows the option for the Council to use the LEP in the future for another 5-year period, taking the procurement option to 12th Jan 2025.

5. POLICY IMPLICATIONS

There are no specific policy implications associated with this report.

6. FINANCIAL IMPLICATIONS

There are no specific financial implications associated with this report.

7. LEGAL IMPLICATIONS

The extension is in accordance with the terms of the legal documentation and there are no other legal implications of this report.

8. RESOURCE IMPLICATIONS

There will be no additional resource requirements as a result of this report and the management of the LEP will continue as currently.

9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

10. CONSULTATIONS

None.

11. STATEMENT OF COMPLIANCE

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

12. DECLARATION OF INTEREST

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

VERSION:	1
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CONTACT OFFICER:	Rizwana Karim
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DATE:	20 th December 2019
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BACKGROUND PAPER:	
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EQUALITY IMPACT ASSESSMENT CHECKLIST

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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.	BSF PFI, Finance department	Date the activity will be implemented	01/01/2020
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Brief description of activity	Extension of the BSF LEP Strategic Partnering Agreement
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =	TOTAL	AGAINST =6

Will you now be completing an EIA?

Yes

No

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

Assessment Lead Signature	
Checked by departmental E&D Lead	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date	Click here to enter a date.