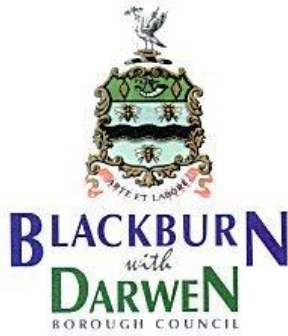


## AGENDA



## EXECUTIVE MEMBER DECISION

**REPORT OF:** Executive Member for Growth and Development

**LEAD OFFICERS:** Director of Growth and Development

**DATE:** 28<sup>th</sup> October 2020

**PORTFOLIO/S AFFECTED:** Growth and Development

**WARD/S AFFECTED:** All

**SUBJECT:** Local Transport Plan 2020/21 Programme Update

### 1. EXECUTIVE SUMMARY

To advise the Executive Member of changes and required approvals for the Local Transport Plan programme 2020/21, which was originally approved by the Council's Executive Board on 12<sup>th</sup> March 2020.

### 2. RECOMMENDATIONS

That the Executive Member:

- 1) Approves the revisions to the Local Transport Plan programme for 2020/21.
- 2) Delegates authority to the Director of Growth and Development, in consultation with the Executive Member for Growth and Development, to amend, seek and accept tenders subject to adequate budget provision.

### 3. BACKGROUND

The Council approved its Local Transport Plan 3 (LTP3) in April 2011 with the following goals, to:

- Support the economy
- Tackle climate change
- Increase safety and security
- Promote equality of opportunity
- Promote quality of life, health and the natural environment
- Promote the management of the Council's transport assets

On the 24<sup>th</sup> July 2014 the Department for Transport (DfT) confirmed details of future Integrated Block Allocations for 2015-2021 and on 4<sup>th</sup> December 2014 also confirmed Local Highways Maintenance Capital Block Funding for 2015-2021.

Additional funding has also been confirmed from the DfT in relation to the Highways Capital Maintenance Incentive Fund and Pothole Action Fund. The Council has also been successful in securing Local Growth Fund allocations and Section 106 developer contributions to deliver Capital Highways schemes.

The table below summarises the updated total amount of capital funding available in 2020/21:

| <b>Funding Source</b>  | <b>2020/21 amount</b> |
|--|-----------------------|
| DfT Integrated Transport Block   | £1,424,000            |
| DfT Integrated Transport Block – bring forward from 2021/22 as per Jan 2020 Exec Board paper (Local Growth Fund 3 South East Blackburn contribution) | £715,000              |
| DfT Emergency Active Travel Fund Phase 1   | £75,649               |
| DfT Emergency Active Travel Fund Phase 2 – awaiting final confirmation from the DfT  | £308,000              |
| Growth Deal 3 Furthergate (90% LEP contribution)   | £92,995               |
| Growth Deal 3 North Blackburn (88% LEP contribution)   | £169,621              |
| Growth Deal 3 South East Blackburn (78% LEP contribution)  | £6,185,000            |
| Blackburn Bus Station performance bond   | £250,000              |
| Section 106 Yew Tree Drive (Wainhomes)   | £450,000              |
| Section 106 Blackburn North – Yew Tree Drive (Wainhomes)   | £50,000               |
| Section 106 Roe Lee (Persimmon Homes)  | £150,000              |
| Section 106 Gib Lane Phase C (Story Homes)   | £260,000              |
| Section 106 School Lane (Wainhomes)  | £36,000               |
| Section 106 Pole Lane North (Kier)   | £150,000              |
| Section 106 Spring Meadows (Persimmon Homes)   | £200,000              |
| DfT Highways Capital Maintenance   | £1,552,000            |
| DfT Highways Maintenance Block incentive element   | £323,000              |
| DfT Pothole Action Fund  | £1,265,000            |
| Commuted Sum: Network Rail for Wainwright Bridge   | £440,308              |
| <b>Grand Total</b>   | <b>£14,096,573</b>    |

As Growth Deal 3 monies are claimed according to defrayed payments on a % Growth Deal / % LTP split basis dependent on project grant funding agreements, the exact amount of Growth Deal funding claimed and received in 2020/21 will be subject to change.

#### 4. KEY ISSUES & RISKS

There are a number of changes proposed to the original LTP programme for 2020/21 which was approved by the Council's Executive Board on 12<sup>th</sup> March 2020. These changes are as a result of the following factors:

- Re-prioritisation of approved schemes
- Changes to budget requirements for schemes in the originally approved programme following consultation, detailed design and tendering

Changes to the LTP programme as detailed within this report will be resourced from within the programme, and as such there will be no additional impact on Council finances. The revised programme to be approved is detailed below:

##### LTP Integrated Transport Block:

|   |
|---|
| Quality Bus Shelters: South East Blackburn corridor   |
| Highway Schemes Part 1 compensation claims  |
| Ellison Fold Way: scheme retention and completion – credited in 2019/20   |
| Growth Deal 3 Furthergate Highway Improvements – scheme retention and completion  |
| Growth Deal 3 North Blackburn – scheme retention and completion. Includes resurfacing of Emerald Avenue (Whalley New Road to #54) and Whalley New Road (Parsonage Road to Borough Boundary) |
| Growth Deal 3 South East Blackburn – scheme delivery  |
| Town Centre Transport (Electrical charging points: Jubilee Square project)  |
| DfT National Productivity Investment Fund (NPIF) Fabric Borders – scheme completion   |
| Jubilee Square highways and public realm  |
| Blackburn Bus Station capital maintenance   |
| Cycle routes: Walking and Cycling (DfT funding: phase 1 and phase 2)  |
| Public Rights of Way Improvement Plan: Wards Reservoir Belmont  |
| Local Road Safety schemes including interactive speed signs and Pole Lane traffic calming scheme  |
| LTP Performance monitoring / cordon counts  |
| LTP scheme development and delivery: co-ordination, strategy development and funding bids   |
| Section 106 West Blackburn Infrastructure: Bank Hey Masterplan and Bog Height Road Link Road  |
| Section 106 Yew Tree Drive: speed reduction, markings and lining, signage, median works, toucan crossings   |
| Section 106 School Lane: pedestrian crossing, village gateway and slow down markings  |

##### LTP Capital Maintenance:

|   |
|---|
| HIGHWAYS CARRIAGEWAY MAINTENANCE: RESILIENT NETWORK RESURFACING |
|---|

|   |
|---|
| Higher Eanam: number 26 to 50 both sides  |
| Preston New Road: Beardwood to Boundary   |
| Livesey Branch Road: Catterall Street to 172 Livesey Branch Road  |
| DFT HIGHWAYS MAINTENANCE INCENTIVE FUND: RESILIENT NETWORK SURFACE TREATMENTS   |
| Brandy House Brow: Rockcliffe Street to Park Lee Road   |
| Aqueduct Road: Red Brick Theatre to Hamilton Street including mini roundabout   |
| Belmont Road, Belmont: Bolton MBC boundary to Egerton Road  |
| Broadhead Road, Edgworth: Gabion Bend to Toby Inn   |
| Hamilton Street, Blackburn: Aqueduct Road to Hollin Bridge Street   |
| DFT POTHOLE FUND  |
| Resurfacing and patching at various network locations   |
| 2019/20 scheme retentions   |
| Tockholes Road, Tockholes: Brokenstone Road to A675 Belmont Road  |
| Borough Road, Darwen: Post Office to The Green, reconstruction  |
| Barbara Castle Way  |
| Duke Street / Blakey Moor: full length  |
| Quebec Road   |
| Parsonage Road: Whalley New Road to #61   |
| Park Farm Road  |
| Cranberry Lane: Cranberry Close to the end – reserve scheme and into 2021/22  |
| Operations Handlay Patching: various  |
| Spray Injection Patching: various   |
| Emerald Avenue: Whalley New Road to number #54 – funded by GD3 scheme   |
| Whalley New Road: Parsonage Road to Boundary – funded by GD3 scheme   |
| RESERVE SCHEMES   |
| Openshaw Drive: Briar Road to Thornwood Close   |
| East Park Road: 30m above Preston New Road to number 55 East Park Road  |
| Livingstone Road: Number 60 to Oozehead Lane  |
| Glenshiels and Chapman Road: full length  |
| Lower Eccleshill Road: Davyfield Brook south for 570m until 64m south of Global Way   |
| Local cycle network capital maintenance   |
| Capital drainage schemes: EA flood wall Freckleton Street   |
| UTC CAPITAL UPGRADES  |
| Audley Range / Queens Park Road: replacement with priority T junction   |
| Bolton Road / Blackpool Street: Convert to zebra crossing   |
| Blackburn Road / Cavendish Street and A666 between Hollins Grove Street and Lorne Street: pedestrian and traffic survey to determine crossing type, location, pedestrian access and parking provision |
| Whalley Range / Brook House Street / Earl Street: procurement of site investigation and detailed design / construction package for future scheme development  |
| Preston Old Road / Witton Park: replacement of clearview sensors  |
| Darwen Street Bridge: installation of detector feeder cables and connection of loops  |
| Darwen Street / Jubilee Street / Mill Lane: build out and tactile paving improvements   |
| Controller re-configuration at various locations: to improve operational efficiencies   |
| Essential capital signals maintenance   |
| Siemens Traffic Signal Equipment Asset Review   |
| UTC Staffing capitalisation   |
| STRUCTURES MAINTENANCE  |
| A666 Blackburn Road, Cadshaw: repair of highway and retaining structure, funded over 2020/21 and into 2021/22   |
| Wainwright Bridge repaint and refurbishment: funded from Network Rail commuted sum  |
| Cicely Lane Canal Bridge  |
| Essential Bridge Maintenance: Duchess Street Bridge, Luddington Footbridge  |
| General Bridge Maintenance: Beech Hill Footbridge   |
| Substandard Bridge Maintenance: Bridge height signage upgrade, St Johns Railway footbridge  |
| Retaining Wall Strengthening: Jumbles Nursery (Turton)  |
| Bridge Assessments: Aqueduct Road footbridge, Kings Canal Bridge, Charnley Street footbridge  |
| Bridge inspectors capitalisation of staff   |
| Rakes Bridge Culvert – repair of downstream retaining walls and de-silting of culvert, strengthen stone masonry arch by resin injection techniques: 2020/21 and 2021/22 delivery.                     |
| Street Lighting column replacements inc. Chapeltown Road / School Lane lighting upgrade   |

As of 28th October 2020 LTP expenditure stood at £3.064m (22%). Expenditure and scheme progress has been slowed due to the impact of COVID-19 but it is anticipated that there will be no issues in delivering the 2020/21 LTP programme and 100% spend is expected to be achieved by the end of March 2021.

In relation to schemes funded from Section 106 and developer contributions, scheme design and delivery will only commence once monies have been received.

## 5. POLICY IMPLICATIONS

All schemes proposed directly accord with the Local Transport Plan 3 2011 – 2021 strategy.

The Council is currently developing the next Local Transport Plan (LTP4) strategy covering the period from 2021 onwards. Accompanying the strategy will be an implementation plan containing Blackburn with Darwen's provisional capital programme and transport projects from 2021/22 to 2025/26.

## 6. FINANCIAL IMPLICATIONS

Funding sources are identified within section 3 of this report. The programme will be closely monitored to ensure full spend and any further variations or amendments will be reported via the Executive Member for Growth and Development.

## 7. LEGAL IMPLICATIONS

All schemes within the programme will need to be designed and implemented in accordance with relevant highway, transport and traffic legislation; and will need to be procured in accordance with the Council's constitution and; where relevant, European directives; and any grant conditions.

## 8. RESOURCE IMPLICATIONS

All professional fees will be met from allocations detailed, and staff time met from existing resources. External contractors will be procured to deliver schemes that cannot be delivered by internal resources. Procurement will be in line with current best practices identified by HMEP standards.

## 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

All schemes will be the subject of detailed individual consultations with the emergency services, stakeholders and the wider community. The LTP3 2011 – 2021 Strategy was the subject of a full consultation exercise which was undertaken prior to the document being approved in April 2011.

The proposed works have been informed by the options expressed in the most recent National Highways and Transport Public Satisfaction Survey. Residents and stakeholders will be informed prior to the start of the proposed works in respect to the nature of the scheme and their anticipated duration. This will be communicated via the Council's website, social media facilities, leaflets and letters as appropriate. Customer feedback will be actively sought on completion of each scheme, with feedback analysed and used to improve the service in the future.

## 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>          | 0.01  |
| <b>CONTACT OFFICER:</b>  | Mike Cliffe, Strategic Transport Manager, ext 5310  |
| <b>DATE:</b>             | 28 <sup>th</sup> October 2020   |
| <b>BACKGROUND PAPER:</b> | Council Forum paper dated 28th April 2011<br>Executive Board Paper, Local Transport Plan Programme, dated 12 <sup>th</sup> March 2020 |

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.

|                                 |  |  |            |
|---------------------------------|--|--|------------|
| <b>Service area &amp; dept.</b> | Strategic Transport – Growth & Development | <b>Date the activity will be implemented</b> | 16/10/2020 |
|---------------------------------|--|--|------------|

|                                      |  |
|--------------------------------------|--|
| <b>Brief description of activity</b> | Local Transport Plan programme 2020/21 update. To advise the Executive Member of changes and required approvals for the Local Transport Plan programme 2020/21, which was originally approved by the Council's Executive Board on 12 <sup>th</sup> March 2020. |
|--------------------------------------|--|

| 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:<br>- Commissioning / decommissioning a service<br>- Change to existing Council policy/strategy<br>- 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<br><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<br><input type="checkbox"/> Not sure | <b>Does this activity:</b><br>Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act<br>(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<br><input type="checkbox"/> Not sure | Reduce equality of opportunity between those who share a protected characteristic and those who do not<br>(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<br><input type="checkbox"/> Not sure | Foster poor relations between people who share a protected characteristic and those who do not<br>(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?**

☐ Yes

☒ No

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

|                                  |  |
|----------------------------------|--|
| <b>Assessment Lead Signature</b> | Mike Cliffe, Strategic Transport Manager |
| <b>E&amp;D Lead Signature</b>    | Gwen Kinloch                             |
| <b>Date</b>                      | 30 <sup>th</sup> September 2020          |



## EXECUTIVE MEMBER DECISION



**REPORT OF:** Executive Member for Environmental Services  
Executive Member for Finance and Governance

**LEAD OFFICERS:** Director of Environment and Operations

**DATE:** 25<sup>th</sup> September 2020

**PORTFOLIO/S AFFECTED:** Environmental Services Finance and Governance

**WARD/S AFFECTED:** All

**SUBJECT:** Review of Waste Enforcement Fixed Penalty Notices

### 1. EXECUTIVE SUMMARY

The issuing of fixed penalty notices (FPN) for certain waste crime offences have been offered to alleged offenders for many years. Over the years, new legislation has been passed in order to give Local Authorities more powers to issue FPN's. Local Authorities do have the discretion to offer a reduced payment if received with 10 days of the issuing of the FPN before the amount reverts back to the maximum allowed. This report sets out proposals for removing the reduced amount for FPN payments and having a single payment amount regardless of time limits.

### 2. RECOMMENDATIONS

That the Executive Member:  
Approves the removal of the reduced amount option for the payment of FPN's with immediate effect.

### 3. BACKGROUND

The issuing of fixed penalty notices (FPN) waste crime offences can be offered to alleged offenders. Over the years, new legislation has been passed in order to give Local Authorities more powers to issue FPN's. Local Authorities do have the discretion to offer a reduced FPN payment.

#### FPN's Offences

|                                   | Default Penalty | Min Full Penalty | Max Full Penalty | Min Discounted Penalty |
|-----------------------------------|-----------------|------------------|------------------|------------------------|
| Littering                         | £100            | £65              | £150             | £50                    |
| Graffiti                          | £100            | £65              | £150             | £50                    |
| Fly Posting                       | £100            | £65              | £150             | £50                    |
| Dog Fouling                       |                 |                  | £100             | £75                    |
| Unauthorised Distribution         | £100            | £65              | £150             | £50                    |
| Nuisance Parking                  | £100            | £100             | £100             | £60                    |
| Abandoned Vehicles                | £200            | £200             | £200             | £120                   |
| Fly Tipping                       | £200            | £150             | £400             | £120                   |
| Household DOC                     | £200            | £150             | £400             | £120                   |
| Failure to produce Transfer Notes | £300            | £300             | £300             | £180                   |
| Commercial Waste Receptacles      | £100            | £75              | £110             | £60                    |
| Failure to Show Waste Document    | £200            | £150             | £400             | £120                   |
| Failure to Comply CPN             |                 |                  | £100             | £60                    |

**Blackburn With Darwen Borough Council Current FPN charges**

|                                   | Lesser Amount        | Full Amount          |
|-----------------------------------|----------------------|----------------------|
| Littering                         | £75                  | £75                  |
| Graffiti                          | £50                  | £75                  |
| Fly Posting                       | £50                  | £75                  |
| Dog Fouling                       | £75                  | £100                 |
| Unauthorised Distribution         | Not Currently Issued | Not Currently Issued |
| Nuisance Parking                  | Not Currently Issued | Not Currently Issued |
| Abandoned Vehicles                | £200                 | £200                 |
| Fly Tipping                       | £300                 | £400                 |
| Household DOC                     | £200                 | £200                 |
| Failure to produce Transfer Notes | £180                 | £300                 |
| Commercial Waste Receptacles      | £60                  | £100                 |
| Failure to Comply CPN             | £60                  | £100                 |

**Blackburn With Darwen Borough Council Proposed FPN charges**

|                                   | One Amount |
|-----------------------------------|------------|
| Littering                         | £75        |
| Graffiti                          | £75        |
| Fly Posting                       | £75        |
| Dog Fouling                       | £100       |
| Unauthorised Distribution         | £150       |
| Nuisance Parking                  | £100       |
| Abandoned Vehicles                | £200       |
| Fly Tipping                       | £400       |
| Household DOC                     | £200       |
| Failure to produce Transfer Notes | £300       |
| Commercial Waste Receptacles      | £100       |
| Failure to Comply CPN             | £100       |

**4. KEY ISSUES & RISKS**

This is the first time alterations to fixed penalty notices have been proposed. This report sets out a single payment amount for each offence, this will negate any confusions over amounts and time scales. The outcomes will either be an increase in FP revenue for the Council or an increase in prosecutions for non-payment.

**5. POLICY IMPLICATIONS**

There are no policy implications to this change, it is at the Council's discretion whether or not to offer a FPN in order to discharge liability.

**6. FINANCIAL IMPLICATIONS**

We could see an increase in money generated for the Environment department through FPN payments.

**7. LEGAL IMPLICATIONS**

There is a possibility that the number of prosecutions being sent to legal if there is a failure to pay the FPN may increase, however it is not envisaged that any increase would be a significant one.

**8. RESOURCE IMPLICATIONS**

There are no resource implications, the new information will be highlighted on the Council web site.

## 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

## 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>1</b> |
|-----------------|----------|

|                         |                    |
|-------------------------|--------------------|
| <b>CONTACT OFFICER:</b> | <b>Martin Eden</b> |
|-------------------------|--------------------|

|              |                                 |
|--------------|---------------------------------|
| <b>DATE:</b> | 25 <sup>th</sup> September 2020 |
|--------------|---------------------------------|

|                              |  |
|------------------------------|--|
| <b>BACKGROUND<br/>PAPER:</b> |  |
|------------------------------|--|

## 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> | Environmental Services | <b>Date the activity will be implemented</b> | 01/10/2020 |
|---------------------------------|------------------------|--|------------|

|                                      |  |
|--------------------------------------|--|
| <b>Brief description of activity</b> | Creating a single amount payment for Fixed Penalty Notices, this will stop confusion with regard to amounts and time limits for the alleged offender and make any payments easier to understand. |
|--------------------------------------|--|


| 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:<br>- Commissioning / decommissioning a service<br>- Change to existing Council policy/strategy<br>- 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<br><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"/> No<br><input type="checkbox"/> Not sure | <b>Does this activity contribute towards meeting the Equality Act's General Public Sector Equality Duty? Does it:</b><br>Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act<br>(i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic) | <input checked="" type="checkbox"/> Yes |
| <input type="checkbox"/> No<br><input type="checkbox"/> Not sure | Advance equality of opportunity between those who share a protected characteristic and those who do not<br>(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"/> Yes |
| <input type="checkbox"/> No<br><input type="checkbox"/> Not sure | Foster good relations between people who share a protected characteristic and those who do not<br>(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"/> Yes |
| <b>FOR = 1</b>   | <b>TOTAL</b>  | <b>AGAINST = 5</b>                      |

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

☐ Yes

☒ No

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

|   |   |
|---|---|
| <b>Assessment Lead Signature</b>            |  |
| <b>Checked by departmental E&amp;D Lead</b> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                 |
| <b>Date</b>                                 | 01/10/2020  |

## EXECUTIVE MEMBER DECISION



|                       |   |
|-----------------------|---|
| <b>REPORT OF:</b>     | Executive Member for<br>Public Health and Wellbeing |
| <b>LEAD OFFICERS:</b> | Director of Public Health and Wellbeing             |
| <b>DATE:</b>          | 18 <sup>th</sup> September 2020                     |

|                                  |                             |                             |
|----------------------------------|-----------------------------|-----------------------------|
| <b>PORTFOLIO/S<br/>AFFECTED:</b> | Public Health and Wellbeing | Public Health and Wellbeing |
| <b>WARD/S AFFECTED:</b>          | All                         |                             |

**SUBJECT: Procurement process for Sexual Health Services**

### 1. EXECUTIVE SUMMARY

To note the provision of Sexual Health services across Blackburn with Darwen will be retendered due to the current contract coming to an end. The sexual health service (including contraception) incorporates a range of service contracts, covering both young people's services through to adulthood. There is a need to ensure that the service is dynamic and innovative to respond to emerging challenges and trends, whilst becoming more efficient, value for money with improved quality and outcomes. The new commissioning model will incorporate provision of PrEP which is a new commissioning responsibility that has transferred to the local authority as well

### 2. RECOMMENDATIONS

That the Executive Member:

- To note the commencement of a tendering and procurement activity to offer this service to the wider market, with revised contractual and commissioning arrangements to be in place from 1st April 2021. This contract will encompass both adults and young peoples' services and provide advice, prevention, support and interventions across the life course. The contract will be awarded for 3 years with an option to extend for up to 2 year's subject to satisfactory delivery which will be monitored via robust contract review processes.
- The decision to award the final contract can be made via delegated authority

### 3.BACKGROUND

Since 1st April 2013 upper tier and or unitary Local Authorities (LA's) have had responsibility under the Health and Social Care Act (2012) for improving the health of their local population and for public health services including those aimed at promoting good sexual health and reducing prevalence of sexual health infections.

Each local authority has responsibilities under the Public Health Grant to commission community open access sexual health services. Blackburn with Darwen currently commission the following service provision for sexual health locally:

- Tier 3 provision via LSCFT
- Young Peoples service from Brook
- HIV support and PSE outreach work via Renaissance

#### **4. KEY ISSUES & RISKS**

The sexual health service provision was last reviewed in 2016. The current contract started on 1<sup>st</sup> April 2016 and will expire on the 31<sup>st</sup> March 2021. Whilst performance has progressed and efficiencies have been made, procurement regulation and the contract term mean that a refreshed model should be considered following a period of consultation and engagement with various stakeholders including service users and non-service users. In conjunction with strategic commissioning, appropriate and relevant processes will be adhered to. This will ensure that any risks will be identified throughout the process and improved monitoring can be explored.

The possibility of an extension with the current provider was considered but terms could not be agreed within Council's budget parameters.

The tender documentation (and subsequent contract/specifications) will incorporate details to ensure that any successful provider will adhere to our quality standards. This includes learning from recent safeguarding cases, clinical governance, national and local standards, NICE and CQC compliance. This will include the recent addition of PrEP provision in the Blackburn with Darwen area, as well as updating the spec in line with other changes to guidance in terms of the sexual health agenda nationally.

Conversations have been undertaken to explore opportunity to further integration elements of service delivery from a CCG and a primary care perspective within the Blackburn with Darwen footprint, and also consideration of a wider delivery across the Pennine Lancashire ICP footprint. These opportunities are explored further in the recently finished Sexual Health Needs Assessment. The new process and exercise can be mindful of the specification requirements and contract lengths and terms in order to allow for future alignment at a time suitable for the ICP and other stakeholders such as Lancashire County Council and Blackpool Council in terms of the sexual health provision across Lancashire and South Cumbria.

TUPE transfer implications will be considered as part of the process. Transfer of estate leases and other assets linked with the sexual health delivery will also be considered as part of the procurement exercise.

A detailed tender timeline has been determined.

#### **5. POLICY IMPLICATIONS**

This process will be aligned to both local and national sexual health guidance and recommendations, the Health and Wellbeing Strategy, local Transforming Lives strategy, local Vulnerable People Strategy, the Early Help Strategy, and will also consider implications with regards to a number of other developing strategic agendas.

The EIA checklist has been completed.

The NHS long term plan and also local Pennine Lancashire prevention plans will also be considered.

## 6. FINANCIAL IMPLICATIONS

The allocation of funding in relation to this tender and future contract arrangements has been kept in line with the projected public health budget for sexual health services 2020/21 before allowing for efficiencies which are being discussed and remain subject to approval.

The current financial allocation for this collective group of services is £830,641, with out of area funding of £50,000 and Agenda for Change monies of £15,116, this equates to a total of £895,757 (projected figures on the basis of savings being offered from PH allocations).

Please see below for funding to date:

| Total costs for contract<br>£ | 2016-17   | 2017-18 | 2018-19 | 2019-20 |
|-------------------------------|-----------|---------|---------|---------|
| Total fixed fee               | 910,303   | 760,889 | 705,806 | 705,806 |
| Total variable fee            | 160,491   | 134,295 | 124,835 | 124,835 |
| Total for year                | 1,070,794 | 895,184 | 830,641 | 830,641 |

## 7. LEGAL IMPLICATIONS

An open tender process will be followed to ensure this tender attracts providers with sufficient knowledge and expertise to enable quality delivery. The tendering process will need to comply with the Public Contracts Regulations and the Council's Contract and Procurement Procedure Rules. The contract will be in a form approved by legal officers in the Contracts and Procurement team. TUPE will be addressed as part of the procurement process.

## 8. RESOURCE IMPLICATIONS

The management and implementation of the tender will be actioned within BwD team resources including input from Legal, Finance, Integrated Strategic Commissioning and Public Health

## 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 a provider event planned to take place shortly before the commencement of the tender to allow the market place the opportunity to better understand the local need and the proposed process.

This will also allow opportunities for them to raise significant queries via the CHEST procurement system.

#### **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>1</b> |
|-----------------|----------|

|                          |                               |
|--------------------------|-------------------------------|
| <b>CONTACT OFFICER:</b>  | <b>Lee Girvan/Aysha Mulla</b> |
| <b>DATE:</b>             | <b>18.9.20</b>                |
| <b>BACKGROUND PAPER:</b> |                               |



## 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> | 01/04/2021 |
|---------------------------------|-----------------------------|--|------------|

|                                      |                      |
|--------------------------------------|----------------------|
| <b>Brief description of activity</b> | Sexual Health Tender |
|--------------------------------------|----------------------|

| 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:<br>- Commissioning / decommissioning a service<br>- Change to existing Council policy/strategy<br>- 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<br><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<br><input type="checkbox"/> Not sure | <b>Does this activity:</b><br>Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act<br>(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<br><input type="checkbox"/> Not sure | Reduce equality of opportunity between those who share a protected characteristic and those who do not<br>(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<br><input type="checkbox"/> Not sure | Foster poor relations between people who share a protected characteristic and those who do not<br>(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 =1</b>   | <b>TOTAL</b>   | <b>AGAINST =5</b>                       |

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

☐ Yes

☒ No

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

|   |   |
|---|---|
| <b>Assessment Lead Signature</b>            | Lee Girvan  |
| <b>Checked by departmental E&amp;D Lead</b> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Date</b>                                 | 21/09/2020  |