

# Public Document Pack

## Executive Board

Thursday, 10 December 2020

Time: 6.00 pm

Venue: Virtual Meeting

[Join Here](#)

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### AGENDA

**Information may be provided by each Executive Member relating to their area of responsibility**

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**  
**Executive Board Minutes November 2020** **3 - 12**
3. **Declarations of Interest**  
**DECLARATIONS OF INTEREST FORM** **13**
4. **Equality Implications**  
The Chair will ask Members to confirm that they have considered and understood any Equality Impact Assessments associated with reports on this agenda ahead of making any decisions.
5. **Public Forum**  
To receive written questions or statements submitted by members of the public no later than 4pm on the day prior to the meeting.
6. **Questions by Non-Executive Members**  
To receive written questions submitted by Non-Executive Members no later than 4pm on the day prior to the meeting.
7. **Youth MPs Update**  
To receive an update from the Youth MPs along with any issues they would like to raise.
8. **Executive Member Reports**  
Verbal updates may be given by each Executive Member.

**Leader**

**Adult Services and Prevention**

## **Children, Young People and Education**

<b>8.1</b>	<b>Fostering Quarter 1 and Quarter 2 report</b>	
	<b>Fostering Report Quarter 1 and 2</b>	<b>14 - 32</b>
	<b>Appendix 1</b>	
	<b>Appendix 2</b>	

## **Environmental Services**

## **Public Health and Wellbeing**

## **Digital and Customer Services**

## **Growth and Development**

<b>8.2</b>	<b>Public Consultation on Draft Local Plan</b>	
	<b>Public Consultation on Draft Local Plan</b>	<b>33 - 38</b>

## **Finance and Governance**

## **9. Corporate Issues**

<b>9.1</b>	<b>Write-off of irrecoverable debt</b>	
	<b>Write off of irrecoverable debt Part1</b>	<b>39 - 45</b>

## **10. Matters referred to the Executive Board**

## **PART 2 – THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**

<b>11.</b>	<b>Write-off of irrecoverable debt</b>	
	<b>Write off of irrecoverable debt Part 2</b>	<b>46 - 52</b>

Date Published: Wednesday, 02 December 2020  
Denise Park, Chief Executive

## EXECUTIVE BOARD Thursday, 12th November, 2020

### PRESENT

#### **COUNCILLOR:**

Councillor Mohammed Khan CBE  
Councillor Julie Gunn  
Councillor Jim Smith  
Councillor Musafa Desai  
Councillor Vicky Ellen McGurk  
Councillor Phil Riley  
Councillor Damian Talbot  
Councillor Quesir Mahmood

#### **PORTFOLIO:**

Leader of the Council  
Children, Young People and Education  
Environmental Services  
Adult Services and Prevention  
Finance and Governance  
Growth and Development  
Public Health and Wellbeing  
Digital and Customer Services

#### **EXECUTIVE MEMBER**

Councillor John Slater

#### **NON PORTFOLIO**

Leader of the Conservative Group

#### **ALL IN ATTENDANCE:**

Muhammed Bapu

Deputy Youth MP

	Item	Action
1	<b><u>Welcome and Apologies</u></b>  The Leader of the Council, Councillor Mohammed Khan, welcomed all to the meeting and read out the statement explaining that this was a virtual meeting.	
2	<b><u>Minutes of the Previous Meeting</u></b>  The Minutes of the Meeting held on 10 <sup>th</sup> September 2020 were agreed as a correct record.	<b>Agreed</b>
3	<b><u>Declarations of Interest</u></b>  There were no Declarations of Interest submitted.	
4	<b><u>Equality Implications</u></b>  The Chair asked Members to confirm that they had considered and understood any Equality Impact Assessments associated with reports on the agenda ahead of making any decisions.	<b>Confirmed</b>
5	<b><u>Public Forum</u></b>  In accordance with Part 4 of the Executive Board Procedure Rules for questions/statements by members of the public, the following questions/statements have been received, details of which are set out below:-	

Item			Action
Name of Person asking the Question	Subject Area	Response by	
Jon Baldwin	Newfield ASD Project	Vicky McGurk, Finance and Governance	
Imtiaz Badat	Yew Tree Drive Petition	Phil Riley, Growth and Development	
Mr Jones	5G Microwave Mast	Phil Riley, Growth and Development	
David Foster	Pedestrian crossing, Bolton Rd, Darwen	Phil Riley, Growth and Development	
Mr and Mrs Hill, Stephen Lomax, Leslie Duckett, Amanda Hodgkinson, Andrew Turner, Janet Duxbury, James Mattinson, Alison Turner, and Lewis Marginson	Arkwright Fold Petition	Phil Riley, Growth and Development	
<p>In respect of the question by Jon Baldwin, Cllr McGurk read out the answer and advised that this would be sent to Mr Baldwin as he was not in attendance.</p> <p>Councillor Riley gave detailed responses to the questions and supplementary questions arising, advising that these responses would be sent to all who had submitted questions after the meeting.</p> <p>In outlining the position relating to the Arkwright Fold Petition, Cllr Riley advised of the legal position, whilst also acknowledging the concerns of residents and local Councillors, and advised that he and officers would work with them to try and find a satisfactory solution.</p>			
Page 4			

	Item	Action									
6	<p><b><u>Questions by Non-Executive Members</u></b></p> <p>In accordance with Part 4 of the Executive Board Procedure Rules for questions/statements by Non-Executive Members, the following questions/statements had been received, details of which are set out below:-</p> <table border="1"> <thead> <tr> <th>Name of Non-Executive Member asking the Question</th><th>Subject Area</th><th>Executive Member and Portfolio</th></tr> </thead> <tbody> <tr> <td>Councillor Denise Gee</td><td>Arkwright Fold Petition</td><td>Councillor Phil Riley, Growth and Development</td></tr> <tr> <td>Councillors Maureen Bateson and Jim Casey</td><td>Arkwright Fold Petition</td><td>Councillor Phil Riley, Growth and Development</td></tr> </tbody> </table> <p>Councillor Riley's previous response under Agenda Item 5 was referred to and Councillors Gee and Casey who were present advised that they were supportive of the proposed approach suggested in terms of finding a suitable solution for residents.</p>	Name of Non-Executive Member asking the Question	Subject Area	Executive Member and Portfolio	Councillor Denise Gee	Arkwright Fold Petition	Councillor Phil Riley, Growth and Development	Councillors Maureen Bateson and Jim Casey	Arkwright Fold Petition	Councillor Phil Riley, Growth and Development	
Name of Non-Executive Member asking the Question	Subject Area	Executive Member and Portfolio									
Councillor Denise Gee	Arkwright Fold Petition	Councillor Phil Riley, Growth and Development									
Councillors Maureen Bateson and Jim Casey	Arkwright Fold Petition	Councillor Phil Riley, Growth and Development									
7	<p><b><u>Youth MPs Update</u></b></p> <p>The Deputy Youth MP verbally reported on recent events and activities including :</p> <ul style="list-style-type: none"> <li>• Involvement in the National Young Inspectors program. This program would have 24 young people from across the UK inspecting services for young people funded by the Department of Digital, Culture, Media and Sport, and plans to run a similar exercise in BwD.</li> <li>• Continuing to get ideas from young people across the Borough about the response to COVID-19. A meeting on this matter was scheduled with key officers and Executive Member, Councillor Julie Gunn.</li> <li>• Muhammed had been supported by YPS to also submit an application to be part of the Lancashire Police Youth Commissioning Board to further advance with my campaign focus of Youth Involvement in Crime and to try to gain more information and provide feedback on the best ways to tackle certain issues.</li> <li>• The forum collectively had also been working on an energy-efficient homes project for Youthfocus North West.</li> <li>• The national Make Your Mark Scheme went live on the 1<sup>st</sup></li> </ul>	Noted									

	Item	Action
	<p>November, this was a fantastic opportunity for young people in BwD to get their voice heard. This year was all digital, with the top 5 issues nationally to be debated by the UK Youth MP's, which unfortunately may not take place in the House of Commons but be by Zoom in February next year.</p> <p>Councillors Gunn and McGurk made comments on the excellent work of the Youth Forum, particularly in view of the current barriers, and despite these, fantastic progress was still being made.</p>	
8	<p><b><u>Executive Member Reports</u></b></p> <p><b><u>Leader's Update</u></b></p> <p>Councillor Mohammed Khan verbally reported on the current position relating to the Covid-19 pandemic and reminded all of the importance of following the latest guidelines and restrictions.</p>	Noted
8.1	<p><b><u>Homelessness and Rough Sleeper Strategy</u></b></p> <p>Members received a report which advised that as part of the Homelessness Act 2002, the Homeless Reduction Act 2017 and the Governments more recent Rough Sleeper Strategy, each Local Authority had a duty to agree and publish a strategy document that detailed how the authority planned to tackle homelessness and rough sleeping over the following five year period.</p> <p>The attached strategy contained the Councils vision to end rough sleeping and reduce homelessness across the Borough and also details the values that everyone who was homeless had a right to expect. The strategy was split into four strategic objectives:</p> <ul style="list-style-type: none"> <li>• Prevention and relief of homelessness</li> <li>• Limiting the use of B&amp;B and the provision of suitable temporary accommodation.</li> <li>• Tackle and reduce the levels of rough sleeping.</li> <li>• Addressing the over-supply of Houses in Multiple Occupation.</li> </ul> <p><b>RESOLVED</b> - That the the Homelessness &amp; Rough Sleeper Strategy 2020-2025 be adopted as Blackburn with Darwen Borough Council's formal strategy for the next five year period.</p>	Approved
8.2	<p><b><u>Childcare Sufficiency Assessment 2020</u></b></p> <p>A report was submitted to advise the Council's Executive Board of the outcomes of the Childcare Sufficiency Assessment 2020 in respect of the Local Authority's statutory duties and functions as detailed in the Childcare Act 2006 and 2016.</p>	

	Item	Action
	<p><b>RESOLVED</b> - That the Executive Board: Notes the content of the report in relation to the 2020 review of Childcare Sufficiency across Blackburn with Darwen.</p>	<b>Noted</b>
8.3	<p><b><u>Land at Holden Fold, Darwen, Masterplan</u></b></p> <p>A report was submitted relating to the draft Masterplan relating to land at Holden Fold, Darwen. The land was in multiple ownership and included some Council owned land. Overall, it was estimated the site could accommodate approximately 430 new homes.</p> <p>As part of the work to ensure the site was brought forward in a holistic manner, the landowners had been working collaboratively to prepare a Masterplan which would guide the layout and form of new housing development on the site. The masterplan sought to create a high quality, distinctive neighbourhood, identifying spatial principles for land use, transport, design and green infrastructure which needed to be adhered to in bringing forward development on the site.</p> <p>Both the Masterplan document and accompanying Infrastructure Delivery Plan were needed to bring forward the Holden Fold development site in a holistic manner. The Collaboration Delivery Agreement would primarily enable the Masterplan to be realised in a cost effective manner for the Borough and landowners.</p> <p>The draft masterplan was subject to a four week public consultation period between 7<sup>th</sup> September 2020 and 5<sup>th</sup> October 2020.</p> <p>Councillor John Slater voted against the recommendations in the report.</p> <p><b>RESOLVED-</b> That the Executive Board:</p> <ol style="list-style-type: none"> <li>1. Approve the adoption of the Land at Holden Fold Masterplan and accompanying Infrastructure Delivery Plan subject to all landowners signing the Collaboration Delivery Agreement;</li> <li>2. Agree delegation to the Growth Programme Director and Executive Member for Growth &amp; Development to make minor amendments to the masterplan following Executive Board approval; and</li> <li>3. Approve the Collaboration Delivery Agreement between the Council and all other landowners and agree delegation to the Growth Programme Director and Executive Member for Growth &amp; Development to finalise and sign the agreement on behalf of the Council.</li> </ol>	<p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>
8.4	<p><b><u>Corporate Revenue Monitoring Report – Quarter 2 2020/21</u></b></p>	

	Item	Action
	<p>The Executive Board received a report outlining the overall revenue financial position of the Council, highlighting any significant issues and explaining variations in the second quarter of the financial year.</p> <p><b>RESOLVED</b> – The Executive Board is asked to approve:</p> <ul style="list-style-type: none"> <li>the portfolio cash limit adjustments outlined in Appendix 1.</li> <li>the Earmarked reserves position shown in Appendix 2</li> <li>the variations to revenue expenditure, as listed in Section 6, giving rise to a balance of £8.045 million in the unallocated General Fund revenue reserve.</li> </ul>	<p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>
8.5	<p><b><u>Corporate Capital Monitoring Report Quarter 2 2020/21</u></b></p> <p>Members received a report on the overall financial position of the Council in respect of the capital programme as at 30<sup>th</sup> September 2020, highlighting key issues and explaining variations in the first 6 months of the financial year.</p> <p><b>RESOLVED -</b></p> <p>The Executive Board is asked;</p> <ul style="list-style-type: none"> <li>to approve the revised capital programme as per Appendix 1,</li> <li>to approve the variations to the programme shown in Appendix 2</li> </ul>	<p><b>Approved</b></p> <p><b>Approved</b></p>
8.6	<p><b><u>Treasury Management Strategy 2020/21 Mid-Year Review</u></b></p> <p>Members were updated with regard to the Treasury Management position to date, and the proposed Strategy for the remainder of 2020/21.</p> <p>In March 2020 the Executive Board agreed a Treasury Management Strategy for 2020/21. It was necessary to review and consider updating the Strategy, if required.</p> <p>The mid-year review would be considered and noted by the Audit and Governance Committee at their meeting on 26<sup>th</sup> November 2020.</p> <p><b>RESOLVED</b> - It is recommended that the Executive Board:</p> <ol style="list-style-type: none"> <li>Notes the Treasury Management position for the year to date, and approves the proposed Strategy for the remainder of the year, detailed in Appendix 1, and</li> <li>Approves the proposed changes to the Investment Counterparty limits and that there are no changes to all other existing Treasury and Prudential Indicators for</li> </ol>	<p><b>Noted</b></p> <p><b>Approved</b></p>



	Item	Action
	2020/21, as set at Executive Board (12 <sup>th</sup> March 2020).	
9.1	<p><b><u>Sale of Minority Shareholding in BSF Project Companies</u></b></p> <p>A report was submitted advising that further to the Executive Board report in March 2020, where it was approved that the Council should progress the sale of its shares of the minority shareholdings in the BSF Project Companies to the majority shareholder Amber Infrastructure, the report provided an update on the completion of the sale of the Council's shares, which were originally acquired as part of the Building Schools for the Future (BSF) programme in 2010.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <p>Notes the outcome of the recent share sale exercise of the Council's minority shareholding in the BSF Project.</p>	Noted
10.1	<p><b><u>Petition: Yew Tree Drive</u></b></p> <p>A petition signed by residents of seven of the eight properties on the side road servicing numbers 105 to 119, inclusive, off Yew Tree Drive, has been submitted to the Council requesting that their road be resurfaced.</p> <p>The previous long term plan for highway work, approved by the Executive Member for Regeneration and published on 3<sup>th</sup> February 2017 described the authority's approach and commitment to highway maintenance.</p> <p>Present funding levels, both revenue and capital, effectively restricted consideration of only the Borough's major classified roads for the foreseeable future. It would be unrealistic to expect or anticipate routine, planned resurfacing of side streets or cul-de-sacs in the foreseeable future. Unfortunately the structural condition and visual appearance of these roads would continue to</p>	

	Item	Action
	<p>deteriorate, however the authority would continue to inspect them to ensure that safety defects were identified and repaired.</p> <p><b>RESOLVED</b> - That the Executive Board:</p> <ul style="list-style-type: none"> <li>• Notes the petition.</li> <li>• Supports the officers' recommendation that the request for resurfacing be refused.</li> <li>• Request that officers inform the lead petitioner of the decision.</li> </ul>	<p><b>Noted</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>
10.2	<p><b><u>Petition: Arkwright Fold</u></b></p> <p>Members received a report advising that the Council had a duty to maintain all Public Rights of Way (PROW). Residents were notified of the intention to undertake maintenance on Public Footpath 106, which was at the rear of Arkwright Fold, Blackburn. Since this notification the residents had submitted an objection petition to halt the works.</p> <p>The report advised that a national walking group had raised the obstructions on this path, and that the path should be returned to use. If the Council took no action, any member of public or walking group could serve notice on the authority at which point the authority would have one month to serve official notice on persons causing obstruction. Any application received by landowners to divert, change or extinguish the right would likely be met with objection from the statutory bodies and thus fail.</p> <p>Residents had been written to and officers were removing vegetation to reveal obstructions. Dealing with these obstructions allowed the authority to progress the work in a measured and planned way. If the authority refused to deal with the issue, the authority would be open to a legal notice and would have a much shorter time scale in which to serve notice and remove obstructions.</p> <p><b>RESOLVED –</b></p> <p><i>Following discussions under Public Questions on this item, in addition to the original recommendation below, Cllr Riley moved an additional recommendation that the Council would work with residents and local Councillors to try and reach a solution</i></p>	<p><b>Noted</b></p>

	Item	Action
	<p><i>acceptable to residents.</i></p> <p>That the Executive Board recognises the legal duty of the Council to maintain these routes and approves the planned maintenance on this public footpath.</p> <p><b>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING.</b></p>	<b>Noted and Approved</b>
11.1	<p><b><u>Land at Holden Fold Darwen, Masterplan</u></b></p> <p>Further to the report submitted at Agenda Item 8.3, an additional report was submitted, containing commercially sensitive information.</p> <p>Councillor John Slater voted against the recommendations in the report.</p> <p><b>RESOLVED-</b> That the Executive Board:</p> <ol style="list-style-type: none"> <li>1. Approve the adoption of the Land at Holden Fold Masterplan and accompanying Infrastructure Delivery Plan subject to all landowners signing the Collaboration Delivery Agreement;</li> <li>2. Agree delegation to the Growth Programme Director and Executive Member for Growth &amp; Development to make minor amendments to the masterplan following Executive Board approval; and</li> <li>3. Approve the Collaboration Delivery Agreement between the Council and all other landowners and agree delegation to the Growth Programme Director and Executive Member for Growth &amp; Development to finalise and sign the agreement on behalf of the Council.</li> </ol>	<p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>
11.2	<p><b><u>Sale of Minority Shareholding in BSF Project Companies</u></b></p> <p>Further to the report submitted at Agenda Item 9.1, an additional report was submitted, containing commercially sensitive information.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <p>Notes the outcome of the recent share sale exercise of the Council's minority shareholding in the BSF Project.</p>	<b>Noted</b>

	Item	Action
	<p>Signed at a meeting of the Board</p> <p>on 12<sup>th</sup> November 2020</p> <p>(being the ensuing meeting on the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p>	

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: EXECUTIVE BOARD

DATE: **10<sup>TH</sup> DECEMBER 2020**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

## EXECUTIVE BOARD DECISION



<b>REPORT OF:</b>	Executive Member for Children, Young People and Education
<b>LEAD OFFICERS:</b>	Director of Children's Services & Education
<b>DATE:</b>	10 <sup>th</sup> December 2020

<b>PORTFOLIO(S) AFFECTED:</b>	Children, Young People and Education
<b>WARD/S AFFECTED:</b>	(All Wards);
<b>KEY DECISION:</b>	<b>N</b>

### SUBJECT:

Fostering Service Report for Quarter 1 and 2 – April to September 2020

### 1. EXECUTIVE SUMMARY

This report provides information on the management and performance of the Local Authority's Fostering Service and is revised each quarter. This report alongside Appendix 1, provides analysis of the period April to September 2020, and reflects upon data and any patterns within the Service to determine development and progress. This report also outlines how the Service has responded to the COVID-19 pandemic.

### 2. RECOMMENDATIONS:

That the Executive Board notes the Fostering Service Report for Quarters 1 and 2, alongside the Appendix 1 report for further Service delivery information.

### 3. BACKGROUND

The Fostering Service Regulations 2011 and the National Minimum Standards for Fostering Services requires that the Council Executive:

- Receive written reports on the management, outcomes and financial state of the Fostering Service every 3 months;
- Monitor the management and outcomes of the services in order to satisfy themselves that the service is effective and is achieving good outcomes for children;
- Satisfy themselves that the provider is complying with the conditions of registration.

The report has been written to address the areas identified above. It will be taken into account by OFSTED when inspecting the service.

The report is both Quarter 1 and 2 covering the period from 1st April to 31<sup>st</sup> September 2020 and provides a comprehensive overview of the service. Both Quarter reports have been combined on this occasion to reflect the impact of the pandemic initially upon the Service, alongside developments in Quarter 2.

## 2. KEY ISSUES & RISKS

This report and Appendix 1 outlines how the Fostering Service responded to the Covid-19 pandemic in terms of Service delivery and implementing new, virtual methods of working with foster carers, while supporting placements at this vulnerable time. Appendix 2 also highlights the Covid Risk Assessment adhered to throughout this period.

Placement stability in Quarter 1 remained consistent, and the anticipated placement disruption was not observed within this period. The number of children and young people placed in-house saw an increase, alongside the proportion of family and friends placements. The general consensus and explanation for this was felt to be a sense of resilience and commitment from foster carers, to maintain children and young people in their care, at a time of uncertainty and school absence for many.

Children in our Care Teams, Fostering and Safeguarding Teams worked collaboratively to 'RAG' rate placements in order of priority for additional support and enhanced communication with foster carers to offer stability. The priority risk assessments for children, young people and foster carers/residential carers continues to date throughout the pandemic. (Appendix 2) The Independent Reviewing Officers also had oversight and input into placement stability, offering emotional support to our children and young people, and working with Children's Services to provide an enhanced support plan in this time of need.

Placement visits and assessment visits continued throughout the lockdown period and continue to be undertaken for the most vulnerable placements, alongside additional support from REVIVE from a therapeutic and emotional well-being perspective. A large proportion of virtual support visits and calls were maintained, certainly for those foster carers who were shielding or at higher risk. The Fostering Service increased support calls for those who requested them, or were risk assessed as requiring such support.

Quarter 2 saw the start of more placement instability, and some disruptions with both fostering and residential placements. This was anticipated at the point of children and young people returning to school, and also as a result of the longevity of the pandemic and its impact. There has been an increase in Quarter 2 with Agency placements being required, but most important to note is that the availability of foster placements saw a reduction possibly as a result of foster carers on a national scale isolating, feeling anxious about accepting new placements and also the age of many of our foster carers placing them in the vulnerable category. Placement instability therefore saw an increase in this Quarter, but also placement sufficiency was hugely impacted. Some children were delayed at the very start of the pandemic in moving to their adoptive families for a period of time, and in turn this held up foster placements that were anticipated to become available for other children.

The impact of Covid-19 has had a significant impact upon the more typical methods of engagement and participation, towards virtual methods with children and young people. While this works for many, there is still a cohort of children and young people who prefer face to face interaction and feel that virtual or telephone communication does not work for them. The VOICE group is taking place and the attendees have been asked to assist with looking at 'what a Corporate Parent should look like' and also helping the REVIVE Team to consider a relaunch and new name. Where risk assessed and possible, some groups have taken place face to face, to promote engagement with young people.

Foster Carer recruitment remains a challenge, and on a national scale, even more so during the pandemic. Quarter 2 saw the Service objective of maintaining digital advertising with a community presence. The bus stop campaigns brought in some interest, and Q2 promoted a new 'Lets Foster'

billboard to ensure a presence in the community to link in with the bus stop promotion and radio advert which are all current. The billboards are in place for 12 months and will be regularly refreshed.

Recruitment and Retention of foster carers remains the primary focus of the Service while working creatively with colleagues and providers to achieve greater placement sufficiency in the Borough due to the limited placement options available at this time. A Foster Carer payment enhancement is also being considered alongside this report to further support foster carers for Blackburn with Darwen and to remain as competitive in the recruitment market as we can be.

Blackburn with Darwen are working collaboratively with the DfE and Outcomes UK, with Lancashire, Cumbria and Blackpool as part of a 'SEED' funding bid for which a second grant has been awarded. The objective is to work as a North West cohort to address issues of recruitment, retention, how placements are commissioned in our area and also digital recruitment campaigns. This is an exciting opportunity and one which aims to enhance the number of in-house foster carers in the Borough.

### **3. POLICY IMPLICATIONS**

No Policy implications have been identified.

### **4. FINANCIAL IMPLICATIONS**

The Fostering Budgets are closely monitored as part of the regular portfolio review. The financial pressures facing the Children, Young People and Education portfolio as a whole have been recognised by the Council and a cash limit increase of £1.8m has been approved by Executive Board in order to address the predicted overspend.

### **LEGAL IMPLICATIONS**

No legal implications identified.

### **5. RESOURCE IMPLICATIONS**

No additional resource implications.

### **6. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below.**

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.

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.

### **7. CONSULTATIONS**

None



## 8. 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.

## 9. 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 in the Summary of Decisions published on the day following the meeting.

<b>CONTACT OFFICER:</b>	Pamela Price, Ailsa Smith, , pamela.price@blackburn.gov.uk, ailsa.smith@blackburn.gov.uk
<b>DATE:</b>	03/12/20
<b>BACKGROUND PAPER:</b>	Appendix 1 Fostering Report Appendix 2 Risk Assessment

## Fostering Quarter 1 and 2 Report

1<sup>st</sup> April – 30<sup>th</sup> September 2020

### **Executive Report**



Quarterly reports to the Executive Board are a requirement of the Fostering Service to meet Standard 25.7 of the National Minimum Standards for Fostering Services. They are a key part of the documentation considered by OFSTED when conducting a Service inspection.

## **Introduction**

Blackburn with Darwen Borough Council's Fostering Service aims to ensure that:

- The best foster carers are recruited for our children;
- All placements receive high quality support, effectively targeted according to need;
- Children are found permanent families without delay;
- Children and young people in foster care achieve the best possible outcomes.

This year, due to the Covid-19 pandemic, and the initial impact from April during the lockdown period, a Quarter 1 summary has been combined with Quarter 2. This is to enable a true reflection of the impact upon the Service over this period, and takes into account the initial suspension of certain aspects of the Service from March 2020. This report aims to reflect the initial impact of Covid-19, and how in Quarter 2 developments had been made to embrace and implement a new way of working for all.

## **Children in our Care in Foster Care**

Placement stability in Quarter 1 remained consistent, and the anticipated placement disruption was not observed within this period. The number of children and young people placed in-house saw an increase, alongside the proportion of family and friends placements. The general consensus and explanation for this was felt to be a sense of resilience and commitment from foster carers, to maintain children and young people in their care in a time of uncertainty and school absence for many.

Children in our Care Teams, Fostering and Safeguarding Teams worked collaboratively to 'RAG' rate placements in order of priority for additional support and enhanced communication with foster carers to offer stability. The priority risk assessments for children, young people and foster carers/residential carers continues to date throughout the pandemic. The Independent Reviewing Officers also had oversight and input into placement stability, offering emotional support to our children and young people and working with Children's Services to provide an enhanced support plan in this time of need.

Placement visits and assessment visits continued throughout the lockdown period and continue to be undertaken for the most vulnerable placements, alongside additional support from REVIVE from a therapeutic and emotional well-being perspective. A large proportion of virtual support visits and calls were maintained certainly for those foster carers who were shielding or at higher risk. The Fostering Service increased support calls for those who requested this, or were risk assessed as requiring this.

Quarter 2 saw the start of placement instability and some disruptions with both fostering and residential placements. This was anticipated at the point of some children and young people returning to school, and also as a result of the longevity of the pandemic and its impact. There has been an increase in Quarter 2 with Agency placements being required, but most important to note is that the availability of foster placements saw a reduction possibly as a result of foster carers on a national scale isolating, feeling anxious about accepting new placements and also the age of many of our foster carers placing them in the vulnerable category. Placement instability therefore saw an increase in this Quarter, but also placement sufficiency was hugely impacted. Some children were delayed at the very start of the pandemic in moving to their adoptive families for a period of time, and in turn this held up foster placements that were anticipated to become available for other children. The two tables below reflect data over both Quarters.

**Quarter 1 Data**

	As at 30th June 2020
No of Children in Foster Care (All)	255
<b>Placement Type</b>	
No. children in Foster Placements (in-house)	138
No. children in Family and Friends placements	67
No. children in Foster Placements (agency)	50
Female	115
Male	140
<b>Is Disabled?</b>	
Yes	7
No	248

**Quarter 2 Data**

	As at 30th Sept 2020
No of Children in Foster Care (All)	245
<b>Placement Type</b>	
No. children in Foster Placements (in-house)	130
No. children in Family and Friends placements	65
No. children in Foster Placements (agency)	50
<b>Gender</b>	
Female	107
Male	138
<b>Is Disabled?</b>	
Yes	7
No	238

The number of males in our care remains the highest gender group, with a consistent pattern each Quarter of the 11-15 years age group being the most significant and more challenging in terms of sufficiency to identify long-term placements. Teenage placements remain the most consistent in terms of challenging to place and young people, and the most difficult to identify such placements within fostering both in-house and on a national scale.

Age breakdown End of Quarter 2	
0-2	30
3-6	40
7-10	47
11-15	92
16+	36

The White British ethnic group, at 80% have a significantly higher number of children in our care as opposed to 12% from the Asian population.

There are 7 children with disabilities in our care in Quarter2, with no new placement requests for this cohort of children which is positive and demonstrates the supportive Child in Need packages in place to prevent family placement breakdown.

### **Placement Stability**

The Department uses a definition of placement stability based on 3 or more placements in a 12 month period that is calculated on a cumulative basis over the year. The average for England is measured against the figures for 2013/14 when it was 10.7%; the comparable authority percentage for the same year was 10.1%. Since August 2017, placement stability has been deteriorating. This is not an issue specific to the Fostering Service but reflects instability for all types of placements and is an issue for Local Authorities overall. The table below demonstrates the minimal placement stability issues as outlined in Quarter 1, to the steady increase in Quarter 2.

Year to date Q1 –Q2	Apr	May	Jun	Jul	Aug	Sep
LAC with 3 or more placements (cumulative)	0	0	1	3	4	7
Total no. of LAC	411	414	407	399	395	394
<b>% Stability of LAC placements 2020/21</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.2%</b>	<b>0.8%</b>	<b>1.0%</b>	<b>1.8%</b>

Reasons for placement instability includes the disruption of placements for teenagers displaying challenging behaviours and missing from home episodes, and an influx of larger sibling groups. It remains the case that babies and under 2s are placed in parent and child assessment units and in foster placements for example for the duration of care proceedings, before settling into their permanent placement and this can impact upon the above figures. This year, certainly by Quarter 2 the impact of Covid-19 has been felt and some already vulnerable placements are beginning to become fragile. Support is always the response along with training needs but the impact of the pandemic is certainly felt and even more so at the point of placement matching.

Disruption meetings are held for any long term matched foster placement that breaks down, and learning taken from the findings. Teenagers are another high percentage group who have three or more placements, consistently due to behavioural needs and challenges for foster carers to manage in the longer term. Changes in educational placement also impact significantly upon placement stability. It can be challenging for the young person to emotionally invest in further foster placements

when the first has disrupted. This is when the Service refers to REVIVE where consultations and assessments take place to support this group of young people and their carers.

There is a focus on establishing a support package for teenagers at the point of a new placement commencing, to try to reduce the likelihood of disruption.

### **Matching and Ethnicity**

Two white, British children aged 5 and 3 years were placed in a non-culturally matched placement with British, Asian foster carers in an emergency. The foster carers were very experienced at caring for white, British children, and there have been no issues with this match.

### **Engagement with Children & Young People and the VOICE Group**

The impact of Covid-19 has had a significant impact upon the more typical methods of engagement and participation, towards virtual methods with children and young people. While this works for many, there is still a cohort of children and young people who prefer face to face interaction and feel virtual or telephone communication does not work for them. The VOICE group is taking place at the attendees have been asked to assist with looking at 'what a Corporate Parent should look like' and also helping the REVIVE Team to consider a relaunch and new name. Where risk assessed and possible, some groups have taken place face to face to promote engagement with young people.

### **Feedback from Children in Foster Care:**

Children and young people, and foster carers, have made the following comments over Quarters 1-2:

'I liked being with them (foster carers) during lockdown we had fun'

'I hated home education, I missed my mates'

'I have had a number of Social Workers over the past year'

'We did lots of baking in lockdown, I am getting to be really good!'

### **Birth Children and Birth Parents told us:**

'H has been really welcoming and when I visit for family time'

'My child has had a lot of different social workers'

'We FaceTime a lot and I still get to see my daughter even though we can't meet in person'

### **Promoting Children's Health, Emotional Development, Education and Leisure:**

Looked After Children and young people are encouraged to participate in a variety of activities in which they can succeed and are supported in achieving better outcomes. All local Looked After Children and care leavers are provided with a Be Active card, which enables them to access free sport and leisure activities within the Borough, albeit this has been largely suspended during the pandemic. Foster carers are provided with a MAX Card, which offers heavily discounted access to a range of leisure parks and facilities around the North West. This is funded by the Fostering Service in partnership with the Foster Carer Association.

Children in foster care have regular medicals at the statutory frequency appropriate for their age. There is a Designated Nurse for Looked After Children, who takes an active role in following up health issues and assisting with health promotion work. Foster carers have a Health Passport for each child in their care, which is a record of all of the child's health details. Medicals have been impacted initially due to Covid-19 with some delay, but there has been regular communication around this and in

Quarter 2 this has started to see improvement. The impact on all medical appointments nationally has been affected.

There are 7 Looked After Children in foster care, who are registered as having a disability. Foster carers are provided with the relevant training and support to meet the specific needs of the child in placement and they are able to access support from the Children with Disabilities Team with aids and adaptations, Disability Links registration and information and advice where needed.

In relation to emotional wellbeing, Looked After Children have access to Clinical Psychology and related services through REVIVE and the East Lancashire Child and Adolescent Service (ELCAS) also known as Children and Adolescent Mental Health Service (CAMHS). The REVIVE Service is a partnership between Blackburn with Darwen Borough Council's Children's Services and East Lancashire Hospital Trust to provide emotional health support for children known to the Local Authority and is based at Duke Street. REVIVE delivers consultation to Foster Carers, training and direct intervention on emotional health and well-being.

In Quarter 2, two new Clinical Psychologists commenced in post in REVIVE and a Play Therapist will commence in post in January 2021.

In line with Standard 8 of the National Minimum Standards for Fostering Services, the Department implements a written education policy prepared in partnership with the Virtual Head Teacher and the Education Manager for Children in Our Care. The Virtual Head's role is to ensure that the educational needs of all Children in our Care are being met and that levels of achievement and aspiration among our children and young people are raised. Termly briefings are held with a group of social workers, managers and Designated Teachers and Head Teachers to consider ways to improve achievement and attainment.

The Pupil Premium allowance, previously paid to schools to support Children in our Care to achieve in school, is managed by the Virtual Head who has a system in place to administer and ensure the money is spent appropriately to enhance educational achievements. The Virtual Head quality assures all Personal Education Plans (PEPs). Nationally in March 2020, children and young people were educated at home due to the pandemic. Children and young people who were looked after and vulnerable learners were prioritised for continuous school provision during the lockdown period and until schools returned to some sense of 'normality' in September. The Local Authority provided Pupil Premium funding to children and young people in foster placements, residential placements and also those placed with parents under a Care Order. This was to support home education, to purchase activities, workbooks and other tools to assist education during lockdown.

The Education Manager, where necessary, actively intervenes with Schools to promote the needs of children in Foster Care. As part of the preparation and assessment process and through the Foster Carer Agreement, Foster Carers are set a clear expectation that they will promote and support children's educational attainment. The ways in which Foster Carers meet children's educational needs are monitored through the foster carer review process and supervisory visits. Foster Carers regularly receive training around 'Promoting Educational Achievement for Children in Our Care'.

The return to school was a focus within the Virtual School and wider Children's Services and Education Department during the summer period. In order to prepare and identify any potential issues, the following activity was carried out:

- 1) RAG rating of all Children in our Care (CIOC) in relation to their level of risk re: non-attendance at the start of the academic year – this was completed by Virtual School,

reviewed, and agreed by their social worker. This enabled a joint focus for monitoring specifically those at Red or Amber.

- 2) Virtual School Education Support Workers made contact with identified CIOC/carers specifically those transitioning to new schools or where there were existing concerns to offer support/advice and a point of liaison.
- 3) Virtual school contacted all designated teachers offering support and guidance and requesting schools make contact with the virtual school should any concerns/issues arise
- 4) Virtual School provided parents, carers and foster carers with a return to school resource booklet and additional resources developed by the Educational Psychology team.

In addition, a consultation exercise with young people was undertaken and in summary the common themes from the session were that the children were looking forward to returning to school. They were most excited about seeing friends but felt some apprehension and anxiety.

### **Transitions**

Children and young people in foster care are supported to make a positive transition to adult life and Foster Carers attend training on 'Transitions' which focuses on their role in developing young people's skills to live independently, as they progress towards adulthood. The Children in Our Care Team and the Fostering Service also encourage carers and young people to consider 'Staying Put' and the Leaving Care Service also delivers courses for Foster Carers to develop their understanding of this. The training has been positively evaluated by carers and most indicate a willingness to work with 'Staying Put'. The Leaving Care Service attends Reviews to discuss Staying Put with foster carers for young people aged 17 years.

The Leaving Care Service has the Investing in Children Award, and the Service was rated as 'Good' by Ofsted from the last 2017 inspection. The Service is also working hard to encourage and support care leavers into apprenticeships, of which there were three young people this Quarter. The Leaving Care Service has achieved Staying Put placements this Quarter, and also continues to offer supported lodgings and supported accommodation which increases choice for young people leaving foster care and residential placements in favour of semi-independence. The Nightsafe at St Silas project continues to be a valuable resource for young people and referrals continue to be managed by the Leaving Care Team. Another joint commission between Nightsafe and the Local Authority is planned for Quarter 3 with a post 16 provision being established at Whalley New Road to create further support accommodation placements for this age group 16 plus.

The Leaving Care Service has eight advisors. Three advisors are working with the 16 to 18 year old age group resolving issues with accommodation, education, training and employment and Staying Put. Five advisors are providing advice and guidance to the 21 to 25 year old age group, and in addition, all advisors have a caseload of at least twenty 18 to 21 year olds for whom they provide general support.

Children and young people with disabilities who are in our care are also referred at 17 years of age to Adult Social Care for an assessment of need prior to turning 18 years, and there is a period of twelve months for planning to be undertaken around post 18 years provision.

### **Care Planning**

The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015 provide a revised definition of 'permanence' for Children Looked After, including for the first time the definition of a long term foster placement. The responsibilities of the Local Authority in assessing the ability of



the foster carer to meet the needs of the child now and in the future, and identifying any support services needed to achieve this are also set out. Local Authorities are required to achieve long term matching within reasonable timescales. The Regulations introduce new duties for ceasing to look after a child.

### **The Fostering Service**

The Fostering Service is structured into three teams, including the Permanence Team, which launched on 1<sup>st</sup> July 2018. The Team completes all assessments of family members/connected persons from Child Protection to Public Law Outline pre-proceedings, and Care Proceedings, as highlighted in the Ofsted Action Plan. There are four full time Social Workers and one working four days per week. The Special Guardianship Social Worker is part time and continues to experience capacity issues due to the increasing number of Special Guardianship applications.

At the end of Quarter 2 there were 33 connected persons fostering households, with a further 9 households under temporary fostering approval under Regulation 24.

There are two mainstream Fostering Teams in the Service, who focus upon family finding, assessment and supervision of Foster Carers, alongside recruitment. There are 87 mainstream foster carers approved to provide placements for children in our care and 10 for short breaks.

Quarter 2 saw the start of two Deputy Team Managers, one in Permanence and one in Mainstream as part of the Service restructure. The Mainstream Team also recruited to a full time Supervising Social Worker post.

### **Foster Carer Recruitment and Retention**

Understandably during the first lockdown period of Quarter 1, the number of approvals for this period saw a reduction despite maintaining a steady flow of enquires throughout this period. Facebook and Radio were the main sources of advertising for Let's Foster. The Heart Radio advert was launched just prior to lockdown, and therefore for the increased number of people suddenly home based, this radio advert received a lot of air time and generated numerous enquiries into the Service. Enquiries therefore did remain consistent despite the pandemic from April onwards. The number of enquiries transferring into Registrations of Interest or Stage 1 Assessments did see a decline, reasons for this were that applicants felt uncertainty about the future, feeling unable to commit to fostering. Others reported that having children and young people coming into their home during the Covid-19 pandemic caused some anxiety, and this was perceived to be a heightened risk of contracting the virus. Many were making enquiries but decided to progress to assessment after more consideration. To provide a flavour of the channels most successful in attracting attention from the public, the table below outlines this within Quarter 2.

Google Ads	16
Phone	5
Web Ads	3
Facebook	6
Radio	9
Bus Stops	3

The impact of Google Ads has increased registrations of interest overall, alongside the continued advertising on Twitter, Facebook and the Let's Foster website.

Quarter 2 saw the Service objective of maintaining digital advertising with a community presence. The bus stop campaigns brought in some interest, and Q2 promoted a new 'Lets Foster' billboard to ensure a presence in the community to link in with the bus stop promotion and radio advert which are all current. The billboards are in place for 12 months and will be regularly refreshed.



### **Foster Carer Training**

The start of 2020 and the entirety of Quarter 1 was impacted by the pandemic, and largely the Service was reacting to the changing landscape and ways of working. This meant that all training was suspended in Quarter 1, offering the existing online options only during this time.

Quarter 2 saw a review of training delivery, and how the Service could be creative with the training offer. Me-Learning has been the primary source of online training, and links have been made with Foster Talk to negotiate a bespoke online training offer which is in the infancy of being established.

Some mandatory training remains impossible to offer in full such as Paediatric First Aid and this simply cannot be delivered virtually. All training is online, some foster carers have already accessed a volume of online training, others requiring more support to do so.

### **Fostering Panel and Review Panel**

With the introduction in Quarter 1 of lockdown, and colleagues largely working from home, the Fostering panels have had to adapt and offer a virtual platform in order to continue to function to

approve both mainstream, and family and friend's foster carers. The Fostering Service became a pilot for MS Teams virtual panel delivery, coordinated by both business support and the Fostering Team Manager. By the end of Quarter 2, Fostering main panel had been fully functioning via MS Teams, allowing foster carers to be 'seen' and questions asked of them by panel members and this worked extremely well. Due to a reduction in the steady stream of enquiries being transferred into full assessments and approvals over Q1 and Q2, there were two mainstream fostering households approved within this period. Reasons for this as stated have included potential fostering households feeling uncertain and vulnerable during the Covid-19 pandemic in order to fully commit to fostering and to welcome unknown young people into their homes.

Annual Review Panel has also continued in the lockdown period of Q1 and into Q2 but this was held as a review by the Service Lead as opposed to a panel with foster carers in attendance. This will recommence as a virtual panel once again in Q3.

### **Complaints**

There has been one complaint within this timeframe, which was centred around communication. This was addressed and minor adjustments within the Service have resolved the likelihood of further issues.

### **Compliments**

Over Quarters 1 and 2 there have been 9 compliments received by the Service. Some examples of these compliments include:

Foster carers have said:

*"My Social Worker has always been brilliant, always answers phone calls/emails/texts. Has supported me through a turbulent last 6 months."*

*"Excellent support is offered by my Social Worker. I think we have built up a good relationship which complements our thinking."*

*"Our Social Worker is very professional, honest, and supportive, he helps us be a foster family!"*

*"As always our Social Worker has been a constant source of support. They are personable but always professional. They are easy to talk to and we have no worries when it comes to making contact with them with any needs we may have."*

### **Allegations**

There have been 2 allegations over Quarter 1 and 2. These allegations were made by a young person following her experiences of a placement disruption, after making a series of allegations against her foster carers which were unsubstantiated.

### **Specific Incidents and Restraints**

During Quarters 1 and 2, there were 13 Specific Incidents received within the service. Eight were classified as serious illness or accidents/injury and were all addressed appropriately and recorded.

### **Bullying Reports**

There were no reports of bullying in Quarter 1. In Quarter 2 there was 1 reported bullying incident which was appropriately recorded and managed by the foster carers and school. The reported incident took place at school whereby the young person was a victim of a physical and verbal altercation.

### **Serious illness and accidents**

There have been 7 reports in Quarters 1 and 2, and all have been appropriately managed and reported, and 3 resulted in Hospital admission.

### **Missing From Home**

Quarter 1 saw 5 reports of missing from home, and Quarter 2 had 16 reported incidences of missing from home involving 10 young people. All were appropriately recorded via Engage and interviews offered or had taken place.

### **Exemptions**

The end of Quarter 2 saw two exemptions in place. One of which has supported 2 long-term placements, a parent and child placement and an additional parent and child placement. The further exemption that remained and also ended during this Quarter period enabled 3 siblings to remain placed alongside one another and transitioned to the care of extended family.

### **Engagement with Foster Carers**

Blackburn with Darwen has a Foster Carer Association (FCA), which did meet regularly, and has an Elected Committee. The Chair of the FCA sits on the Corporate Parenting Specialist Advisory Group. The FCA has its own website, which is used to communicate messages and news updates about events. The foster carer support group also meets regularly and is attended by the Children's Services Elected Member.

Since the pandemic in March 2020, all FCA meetings have been suspended. The rising number of Covid-19 cases in the Borough, and the number of vulnerable foster carers due to health or age related reasons, has meant that support from the FCA is via phone calls, email and social media. New dates were set in Quarter 2 but the decision was made to postpone until further notice.

The FCA have been attending virtual meetings with the Head of Service, Service Lead and Fostering Team Manager on a frequent basis to ensure any concerns and queries are addressed.

There remains a Local Authority commission in place with The Fostering Network, for advice and mediation support, which is readily accessible if and when needed by foster carers in the Borough.

### **Short Break Foster Care**

All short breaks were initially suspended due to the Covid 19 pandemic lock down measures coming into force from Monday 23 March 2020 and throughout Quarter 1. There are currently 10 approved short break carers within the Service. Short break carers continue to buddy up and provide day care and emergency support to other short break carers.

In Quarter 2, discussions have taken place with short breaks foster carers around reinstating breaks following a Covid risk assessment. One short break arrangement has recommenced following a robust plan, however due to the personal views and health needs of many of the short breaks carers, there has been an understandable reluctance and anxiety about recommencing the provision of short breaks, certainly with local Covid-19 figures rising and many who are in the vulnerable category. The Service continues to review short breaks provision to recommence this at the very earliest opportunity.

A full Review of short breaks provision is planned for Quarter 3.

### **Commissioned Placements**

The requests for commissioned placements in Quarter 1 continued to see a reduction and the number of new agency placements were low. Quarter 2 however started to see an increase in both Independent Foster Placements and Residential placements. The most significant challenge to date remains identifying placements for teenagers, and more specifically with mental health needs which has seen an increase in Quarter 2. It is evident that when placement requests are being sent out on the North West Framework for both Fostering and Residential, the number of placements being identified is at an all-time low with very little being identified. This undoubtedly creates a problem when trying to place teenagers and the Covid-19 pandemic has certainly had an impact with foster placements and carers feeling able to accept new placements during these uncertain times. The table below provides an overview of the type of placements commissioned at the end of Quarter 2.

Placement Type	
Adoptive Placements	19
Foster Placements (in-house)	130
Foster Placements (agency)	50
Friends & Family	65
Placed with Parents	81
Independent Living	0
Children's Homes (in-house)	4
Children's Homes (agency)	19
Secure	0
Prison/HMYOI	3
NHS	2
Residential Not Subject to CH Regulations	11
Other	9
Residential School	0

### **Budget**

Current placement pressures in-house and across the independent fostering agency landscape continue to place the commissioning budget under pressure. The Case Tracking and Commissioning Panel monitors placements and ensures that there are robust plans for those that could be brought back to in-house provision. The financial position across both of these areas is closely monitored throughout the year. Pressures for this financial year are due to the demands on the Service with the numbers of children in our care, placement sufficiency and stability. Placements for teenagers and those with complex needs are the most costly, and largely in residential or therapeutic placements.

The financial pressures facing the service have been recognised by the Council and a cash limit increase of £1.8m has been approved by Executive Board in order to address the predicted overspend. The Local Authority are working in partnership with Health colleagues to negotiate joint funding of placements for those children and young people with significant needs.

#### **New Service Priorities and Updates for 2020/21:**

1. The management team will continue to monitor compliance with Fostering Regulations and National Minimum Standards and will increase the number of case file audits completed each month to support this.
2. Placement sufficiency and stability will continue to be a key area of focus, with areas for learning taken from disruption meetings and case auditing. Blackburn with Darwen are part of the cohort of North West Authorities collaboration for the DfE SEED funding and research project, which looks specifically at recruitment, retention, sufficiency and producing a Market Position Statement. The aim is to form a new local commissioning framework and hold regular Exchange Days to focus on long term matching opportunities. **Update Sept 2020: One virtual Exchange Day has been held in Quarter 2 and was successful. Exchange Days with other North West Authorities will take place every 8 weeks and will place focus upon family finding.**
3. The Fostering Front Door/You Can Foster has now ceased. The interim plan has seen this service brought back in-house and managed via the Fostering Service and Business Support. A review of the duty/placement referral system and fostering commissioning process will be undertaken and a proposal presented for consideration. **Update: Assessment Tracking panel takes place fortnightly to ensure potential fostering households are not experiencing delay with assessment and this can be expedited.**
4. Recruitment will focus upon emergency and short break foster carers, to respond to the increasing demand for urgent placements for teenagers. This will also enable a support package of short breaks to be considered for those young people who are more challenging to place and/or in fragile placements currently and will seek to assist with placement stability alongside our Revive offer. **Update: The DfE Seed funding project will assist BwD and other LA's with digital marketing and recruitment for harder to place children and young people, specifically teenagers.**
5. The delivery of a comprehensive training offer will be outlined and implemented online until face to face training can resume. This will be coordinated with ME-Learning and Foster Talk, along with Nurturing Attachments training from REVIVE Psychologists for foster carers.
6. A review of short breaks fostering will commence in Quarter 3. Alongside this review, ongoing Covid risk assessments will be carried out to try to progress with the re-introduction of short breaks working collaboratively with short breaks carers.
7. A virtual Fostering Forum will take place in January 2021.

Pamela Price  
Service Lead, Placements

# Covid-19 Risk Assessments

## SOCIAL CARE

During the Covid-19 pandemic, we must balance the need to protect, support and supervise children and their families, with the need to reduce virus transmission.

Since the outbreak, we have continued to proactively identify levels of risk and have assessed the risk posed to each child and young person using a traffic-light system:



<b>RED</b>	Level of risk is <b>HIGH</b>
<b>AMBER</b>	Level of risk is <b>MEDIUM</b>
<b>GREEN</b>	Level of risk is <b>LOW</b>

These risk levels are used to determine the frequency of contact our services will have with children and young people, and if it will take place in-person or virtually.

### Key Messages:

- All cases rated **RED** must have in-person contact as frequently as necessary to keep children safe.
- All cases rated **AMBER** can be seen through a reduced rate of in-person visits or through virtual platforms.
- All cases rated **GREEN** can be seen via virtual platforms.

### KEY PRINCIPLES

*Based on guidance from the Association of Directors of Children's Services (ADCS)*

- In-person visits and Family Time are essential for child welfare.
- Virtual arrangements are to be implemented by exception only.
- Decisions to implement virtual visits/Family Time must occur on a case-by-case basis.
- Travel by CSC staff can continue for essential service delivery.

### RISK ASSESSMENTS ARE CREATED...

- When allocated to the SW and following commencement of the initial assessment.

### HOW THIS LINKS TO SCHOOLS/SETTINGS...

- Every vulnerable child and young person will also be given a RAG rating by their school or setting.
- This RAG rating will determine the approach used to 'keep in touch' with pupils/for blending learning.



### ASSESSING RISKS & PRIORITISING NEEDS DURING COVID-19

### RISK ASSESSMENTS ARE UPDATED WHEN...

- Assessments are completed.
- The child's circumstances change.
- Any significant event takes place.
- Prior to Core Group/CiN meetings, CP Conferences and LAC reviews.

*They should also be considered following home visits and in monthly supervisions.*

### QUALITY IS ASSURED THROUGH OVERSIGHT

- RED - weekly oversight.
- AMBER - fortnightly oversight.
- GREEN - monthly in supervision.

*Requests for in-person visits for cases rated Amber and Green should be made to your line manager.*

### RISK ASSESSMENTS CONSIDER THE...

- Level of risk if no professional was able to have face-to-face contact.
- Impact of Covid-19 on the child, his or her family and the existing risks.
- Protective factors, support needs and any safeguarding measures.

<b>RAG-RATING OF CASES OPEN TO CHILDREN'S SOCIAL CARE</b> All RAG-ratings will be made in accordance with the following descriptors.		<b>METHOD &amp; FREQUENCY OF CONTACT BY CSC</b>
<b>RED</b>	<b>Urgent safeguarding concerns about a child, requiring immediate action to ensure their safety.</b> <ul style="list-style-type: none"> <li>Children who are at risk of immediate harm.</li> <li>Children who are exposed to chronic neglect and conditions where it is necessary to have in-person contact in order to maintain a safe level of oversight.</li> <li>Children about whom there is reasonable cause to believe may be at risk of immediate harm and in-person contact is required to make the necessary enquiry.</li> <li>Children who will experience any form of placement disruption without in-person contact.</li> </ul>	<ul style="list-style-type: none"> <li>Contacts will be in-person/face-to-face.</li> <li>The frequency of in-person contact will depend on the level of assessed risk and progress of the plan.</li> <li>Statutory visits will be completed in timescale.</li> </ul>
<b>AMBER</b>	<b>Significant welfare concerns about a child who is in need (of care and support).</b> <ul style="list-style-type: none"> <li>Children who are exposed to long-term neglect and the situation can be monitored through a reduced rate of in-person contact and/or methods of virtual contact.</li> <li>Children for whom it is assessed that the situation will escalate into risk of immediate harm and in-person contact is required to mitigate the risk.</li> </ul>	<ul style="list-style-type: none"> <li>To be determined by the assessed level of risk but all statutory visits will be in timescale and the child will be seen.</li> </ul>
<b>GREEN</b>	<b>Concerns that a child will benefit from additional support or intervention.</b> <ul style="list-style-type: none"> <li>Maintenance cases where a safe oversight can be maintained through virtual contact.</li> <li>Children who are looked after away from home and reside in a safe and stable environment.</li> </ul>	<ul style="list-style-type: none"> <li>Statutory visits will be conducted via virtual platforms and within timescale unless there are any significant changes in circumstances when the child needs to be seen.</li> </ul>



### Using Your Professional Judgement

- Different circumstances will warrant a different approach based on assessed risk, environment, the purpose of an in-person visit, and the needs of the child. A blanket approach should not be undertaken and it is imperative that the voice of the child continues to be heard.
- Travel into other LAs is permitted to ensure workers can fulfil their duties in protecting children.
- Cases rated Amber and Green can be visited when it is deemed to be in the best interest of the child. In-person visits for Amber and Green cases must be authorised by your line manager.
- All risk assessments should be sanctioned and agreed in consultation with your line manager.



## EXECUTIVE BOARD DECISION



<b>REPORT OF:</b>	Executive Member for Growth and Development
<b>LEAD OFFICERS:</b>	Director of Growth & Development
<b>DATE:</b>	Thursday, 10 December 2020

<b>PORTFOLIO(S) AFFECTED:</b>	Growth and Development
<b>WARD/S AFFECTED:</b>	(All Wards);
<b>KEY DECISION:</b>	Y

### SUBJECT:

Public Consultation on Draft Local Plan

### 1. EXECUTIVE SUMMARY

- 1.1 Blackburn with Darwen Borough Council currently has a two-part local plan (made up of the Core Strategy and Local Plan Part 2: Site Allocations and Development Management Policies) that sets out the land use planning strategy for the Borough up to 2026.
- 1.2 New planning regulations were published by Government in late 2017 that required local authorities to review Local Plans at least every five years from the date of their adoption. In response to the new regulations, an assessment of the two adopted local plan documents was undertaken.
- 1.3 The Council therefore approved a new Local Development Scheme in February 2018, which set out the intention to develop a single new Local Plan to replace the Core Strategy and the Local Plan Part 2. An initial "Issues and Options" public consultation was subsequently carried out in Feb-Apr 2019, and the Local Development Scheme was again updated in January 2020.
- 1.4 This stage of public consultation, on draft strategic policies and site allocations, marks a key milestone in the development of our emerging new local plan for Blackburn with Darwen. It illustrates the Council's proposals for a "balanced growth" strategy, aiming to provide new jobs and homes as well as protecting our environment. The intention is to consult on the draft Local Plan document in January - February 2021 for a period of six weeks.
- 1.5 The consultation draft Local Plan includes the period up until 2037. The document (at Appendix A [www.blackburn.gov.uk/localplan](http://www.blackburn.gov.uk/localplan)) and supporting evidence cover the following matters:
  - Vision, Strategic Objectives and Balanced Growth Strategy;
  - Core Policies (housing, economic development, town centres, climate change, health, design and infrastructure); and
  - Proposed areas for Growth, Renewal or Protection.

### 2. RECOMMENDATIONS

That the Executive Board:

1. Agree that the Local Plan Consultation Draft, and its evidence base, should be approved for consultation;
2. Delegate to the Director of Growth and Development (in consultation with the Executive Member for Growth and Development) any editorial amendments to the Consultation Document prior to its final publication for consultation.

### 3. BACKGROUND

- 3.1 Blackburn with Darwen Borough Council currently has a two-part local plan (Core Strategy, and Local Plan Part 2: Site Allocations and Development Management Policies) that sets out the land use planning strategy for the Borough up to 2026.
- 3.2 New planning regulations were published by Government in late 2017 which required local authorities to review Local Plans at least every five years from the date of their adoption. In response to the new regulations, an assessment of the two adopted local plans was undertaken. Key factors that needed to be considered with respect to the current local plans were:
  - Progress on the delivery of development set out in the Core Strategy and the Local Plan Part 2 and an evaluation of the strategy set out in the plans;
  - Government consultations including the Housing White Paper (2017) and the proposals for a Standard Housing Methodology; and
  - The publication of a revised National Planning Policy Framework (NPPF) in July 2018 and updated Planning Practice Guidance (PPG) in September 2018.
- 3.3 Following consideration of these factors, the Council approved a new Local Development Scheme in February 2018 that set out the intention to develop a single Local Plan to replace the Core Strategy and Local Plan Part 2. An initial “Issues and Options” public consultation was subsequently carried out in Feb-Apr 2019, and the Local Development Scheme was again updated in January 2020.
- 3.4 In the intervening period since ‘Issues and Options’, the Council has prepared a significant package of evidence base material to assist in developing its new Local Plan. This suite of technical reports and studies, along with wider strategies of the Council and partner organisations, have helped to inform the ‘Consultation Draft’ paper at Appendix A [www.blackburn.gov.uk/localplan](http://www.blackburn.gov.uk/localplan). Additional influences have been a further revision to the NPPF (February 2019) and publication of proposed Government planning reforms set out in the Planning White Paper ‘Planning for the Future’ (August 2020). Despite potential changes to national regulations ahead, current advice from Government officials is to press on with our Local Plan preparations. The Council is therefore progressing on the best advice available to the Council at this time.
- 3.5 The next stage of public consultation, on draft strategic policies and site allocations, marks a key milestone in the development of our emerging new local plan for Blackburn with Darwen. It illustrates the Council’s proposals for a “balanced growth” strategy, aiming to provide new jobs and homes as well as protecting our environment, and invites views and suggestions. The intention is to consult on the draft Local Plan document in January - February 2021 for a period of six weeks.
- 3.6 The consultation draft Local Plan (see Appendix A [www.blackburn.gov.uk/localplan](http://www.blackburn.gov.uk/localplan)) includes the period up until 2037 and covers the following main themes:
  - Vision, Strategic Objectives and Balanced Growth Strategy;

- Core Policies (housing, economic development, town centres, climate change, health, design and infrastructure); and
- Proposed areas for Growth, Renewal or Protection.

3.6 Within each chapter, the key issues and proposed policies are described. Further detail on each section is set out below.

### **Vision, Strategic Objectives and Balanced Growth Strategy**

3.7 The current local plan includes a vision and a number of strategic objectives that guide the overall approach to development in the Borough. The draft new Local Plan document updates the Vision and Strategic Objectives and sets out a Balanced Growth Strategy, all structured around the three priority themes of the Council's Corporate Plan for 2019-2023, which are people, place and economy.

### **Core Policies**

3.8 The latest approach to deriving a housing requirement figure for the Borough is described, including consideration of the Government's Standard Housing Methodology. It is important to note that the Government has recently consulted on proposals to amend the current approach to the Standard Housing Methodology, with further details awaited.

3.9 National policy and guidance through the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) invites Councils to consider alternative levels of housing growth to that set by the Standard Housing Methodology. The PPG identifies that there are circumstances that could justify a higher housing figure, including where growth strategies are in place that suggest a higher level of housing delivery.

3.10 In response to the guidance in the PPG, the Council in conjunction with Hyndburn Borough Council commissioned a Housing and Economic Needs Assessment Study (HENAS). The HENAS sets out a number of options for the two Councils to consider with respect to future housing requirements. These are set alongside the Standard Housing Methodology. The study also provides possible options for employment land requirements. As part of the work, an economic forecast was used to generate a baseline forecast and also an Economic Growth Scenario which took account of local strategies and planned investment, and as a result would be expected to lead to a growth situation with respect to new jobs created over the plan period up to 2037.

3.11 The Standard Housing Methodology requirement figure is currently 160 dwellings per annum for Blackburn with Darwen, however the Government's draft revised approach could increase this to around 350 dwellings per annum.

3.12 The Economic Growth Scenario, put forward in the Draft Plan, has considered a future where job growth in the order of around 5,000 jobs is envisaged to 2037 (58 hectares of employment land). To clarify, over the plan period there will be thousands of new jobs created or lost, and there will be labour market churn within sectors. The employment proposals in the Plan creates the potential to add a further 5,000 to the Borough's employment base over the lifetime of the Plan. The HENAS works through the potential housing need that would be associated with the Economic Growth Scenario, which suggests a potential need for 358-411 new homes each year during the plan period, i.e. around 7,000 new homes to 2037 (the figure for the full plan period 2018-2037 is 6,802–7,809 new homes). It is important to note that the two requirements, for housing and employment land, are intrinsically linked.

3.13 Further Core Policies are included within the Draft Plan, describing the approach to improved sustainable transport, design, green infrastructure, biodiversity, health, protecting heritage and importantly how the borough will increase resilience to the impacts of climate change.

### **Growth, Renewal or Protection**

3.14 The Draft Plan includes a Policies Map, which broadly groups all land in the Borough into three areas: Growth, Renewal or Protection. There are further sub-divisions of each category. Policies Maps will be available to view online via an interactive map during the consultation period.

3.15 Within the Growth Areas, which are areas deemed suitable for substantial development, sites are allocated in order to meet the Borough's requirements for housing, employment, gypsy and traveller pitches, mixed use development or major infrastructure. Sites have been selected via a robust site selection and sustainability appraisal process, considering any reasonable alternatives. If Government proposals in the Planning White Paper are progressed then sites identified as Growth Areas within an adopted Local Plan would be granted outline planning permission in principle. Sites would still require Reserved Matters applications, Technical Details Consent or a similar application to resolve matters of detail prior to development taking place.

3.16 Areas for Renewal include the urban area, including Town and District Centres. These are areas deemed suitable for development where smaller scale development is appropriate. For example gentle densification, infill schemes, or regeneration initiatives.

3.17 Finally, Protection Areas are those which, as a result of particular environmental and/or cultural characteristics, justify more stringent development control. For example these cover the Green Belt, countryside, our green infrastructure network including designated local green spaces, heritage sites and areas of highest flood risk.

3.18 The document particularly highlights and supports six key schemes and ideas:

- Blackburn Growth Axis linking strategic growth sites across the Borough and beyond;
- Darwen Town Investment Plan with the potential to deliver major growth improvements for Darwen;
- North East Blackburn Strategic Housing Site – a new neighbourhood on the edge of the town;
- South East Blackburn Strategic Employment Site to attract jobs and investment at a key motorway location;
- Blackburn Town Centre Major Development Site – a unique opportunity to boost the vitality of Blackburn town centre; and
- Infrastructure Delivery Plan – an important series of interventions to improve infrastructure for all, such as roads, schools and health facilities.

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

4.1 Inevitably the focus will fall on the growth sites. The key point to note is that an Economic Growth Scenario is proposed, as part of a Balanced Growth Strategy, because this is considered to be the most appropriate way to support a positive economic future for the Borough. If the growth scenario is not taken forward, forecasts show that the bulk of household growth would be in those households headed by people aged 65 years or more along with a decline in households headed by people aged 16 to 64. This would inevitably have an impact on the size of the working age population in the Borough and hence the ability of employers to grow their businesses within the area. To clarify, doing nothing would lead to a forecast of working population and economic decline. Our policy-on analysis

shows that the Balanced Growth Strategy is both ambitious and evidence-based, and is the best option to support a positive economic future for the Borough.

- 4.2 A review of existing employment land illustrated that the required employment land allocations cannot all be accommodated within the urban area. Therefore a Green Belt Review has taken place and the Draft Plan proposes to amend the Green Belt boundary in order to create a new strategic employment site close to the M65.
- 4.3 The Council has investigated the continued economic case for a new strategic employment site in light of the considerable economic impacts of Covid-19. The long timeframe of the Local Plan, the current shortage of employment land supply, and the prospects for supporting both economic recovery and long term Council and LEP ambitions for growth, innovation, increased productivity and social mobility justify this approach. This is a key issue though which will need to be fully considered throughout the emergence of the new Local Plan.
- 4.4 A further area of risk at this stage is associated with a failure to develop a new Local Plan. The Core Strategy was adopted in 2011 and the evidence base that informed it is in some cases over 10 years old. It is therefore clearly in need of review, notwithstanding the requirement, introduced by regulations in late 2017, to review local plans every five years. The other main risk is around a degree of uncertainty revolving around the application of the revised Standard Housing Methodology. The recent consultation that Government has undertaken on the Standard Housing Methodology demonstrates that there is likely to be further guidance and announcements on its application.
- 4.5 A final key risk relates to the Government's recent "Planning for the Future" white paper, which may result in wide-ranging changes to the Planning System, including the procedure for the production of Local Plans. The Council will respond and adapt the emerging Local Plan in accordance with Government guidance as it becomes available. The Consultation Draft Local Plan is deliberately structured to enable the Council to react quickly to these reforms as they progress. Despite the potential changes ahead, current advice from Government officials is to press on with our Local Plan preparations. The Council is therefore progressing on the best advice available to the Council at this time.

## **5. POLICY IMPLICATIONS**

- 5.1 The consultation on the Draft Local Plan marks a key stage in development of the new local plan, which (once adopted) will replace the existing two-part Local Plan. It allows the Council to receive and assess feedback on the emerging strategy and policies, therefore adapting the Plan where necessary before finalising the Plan for Examination by Government.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The consultation is to be funded by existing budgets allocated for the Local Plan.

## **7. LEGAL IMPLICATIONS**

- 7.1 Local Planning Authorities have a statutory requirement to produce a Local Development Plan, as described by the National Planning Policy Framework, the National Planning Practice Guidance, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning & Compulsory Purchase Act 2004. This consultation on a Draft Plan forms part of the plan preparation work towards meeting this statutory requirement.

## **8. RESOURCE IMPLICATIONS**

8.1 The consultation will be managed by existing resources and budgets allocated for the Local Plan within the Council's Growth Team.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

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.

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.

## 10. CONSULTATIONS

The public consultation regarding this document will take place for 6 weeks during January – February 2021. Consultation will be undertaken using the Council website, direct mailing, public advertisements, and via other Council communication avenues such as social media. Public events and meetings will not take place at this stage due to the COVID-19 pandemic, however it is proposed to display exhibition material within Blackburn and Darwen Markets and to carry out youth engagement work.

A key purpose of the consultation is to engage as widely as possible to determine views on the proposed Growth, Renewal and Protection areas. The extent of public engagement will therefore be significant. Each property in the Borough will receive a direct mail notification of the consultation once it has commenced. A comprehensive consultation and communications strategy has been prepared involving resource from a number of Council services. Specific youth engagement work forms a part of the consultation strategy.

## 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 in the Summary of Decisions published on the day following the meeting.

<b>CONTACT OFFICER:</b>	Darren Tweed
<b>DATE:</b>	30 November 2020
<b>BACKGROUND PAPER:</b>	

## EXECUTIVE BOARD DECISION



<b>REPORT OF:</b>	Executive Member for Finance and Governance
<b>LEAD OFFICERS:</b>	Director of Growth and Development Director of HR, Legal and Governance Director of Finance
<b>DATE:</b>	10 <sup>th</sup> December 2020

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

**WARD/S AFFECTED:** All

**KEY DECISION:** YES NO

**SUBJECT: Write-Off of irrecoverable debt**

### 1. EXECUTIVE SUMMARY

The report details several debtor accounts that have proved irrecoverable and as such, in line with the Financial Procedure Rules within the Council's Constitution (Section 7 B.7.), are presented to the Executive Board for consideration for write-off.

This report is presented at a time when the duration and intensity of the economic impact of the COVID-19 pandemic is acknowledged and recognised has a major contributing factor in a number of the businesses cases set out in this report.

During these difficult times the Government has recognised this and has legislated to protect commercial tenants and thereby placing restraints on landlord's ability to recover outstanding rents.

### 2. RECOMMENDATIONS

That the Executive Board;

1. Notes the amounts of each of the debts below and the action taken to date, in respect of the debts;
2. Approves the write-off of the debts as detailed below.

### 3. BACKGROUND

The Council's Standing Orders and Financial Regulations stipulate that:

- the Director of Finance may authorise the write off of any individual debt up to the value of £5,000.
- for those debts above £5,000 and below £30,000, the Director of Finance, in conjunction with the Executive Member for Finance and Governance, can authorise the write off
- for those individual cases where the debt is over £30,000, the case must be referred to the Executive Board for authorisation.

In arriving at a decision to write off a debt, Officers must pursue a rigorous process to establish whether funds can be recovered before concluding as a last resort, that the debt is deemed to be irrecoverable. The Companies identified in this report have been requested and pursued as appropriate for the outstanding payments.

Unfortunately it has not been possible to recover the money owed to the Council.

#### 4. KEY ISSUES & RISKS

The individual cases below are presented for write-off with details of the amount of the debt and a summary of what this relates to, along with the actions taken by Officers that have now resulted in the request to the Executive Board for write-off:

##### Company 1

**Request for write-off:** £45,506.51 (comprising £32,808.69 Sundry Debts and £12,697.82 Business Rates)

##### *Details of the debt:*

£350.00	Trade Waste
£1,498.01	Insurance
£22,209.65	Rent
£8,751.03	Utilities
£12,697.82	Business Rates

##### **Recovery Action Taken:**

With regards to the liability for Business Rates, this ran from 6th October 2017 to 17th January 2019. The initial bill was issued on the 30th November 2017 and was followed by an Annual bill in March 2018 for the new financial year (2018/19). Recovery notices were issued promptly following non-payment of the instalments by the Ratepayer. Following non-payment, two summonses were issued and Liability Orders obtained, one on 27th February 2018, and one on 30<sup>th</sup> April 2019. Action was taken to enforce the Liability Orders, however, Enforcement Agents found that the registered office had been empty since 24<sup>th</sup> May 2018.

With regard to the other debts, all notices were issued in accordance with the lease and 'Reminder Letters' were also issued in accordance with standard debt recovery processes. The lease provided for a Guarantor, who was also pursued for the debt. A Letter before action was sent in July 2018 but no response was received. Tracing agents were employed but they were unable to trace either the Leasee or the Guarantor. Court action was considered, but as the debtor has no assets it was deemed unviable to peruse the debt.

The Company was dissolved on the 27th August 2019.

##### Company 2

**Request for write-off:** £53,389.28

##### *Details of the debt:*

£11,629.92	Utilities
£1,200.00	Advertising
£22,029.65	Rent
£544.81	Insurance
£17,984.90	Business Rates



**Recovery Action Taken:**

Liability for occupation covered the period 11<sup>th</sup> May 2018 to 24<sup>th</sup> March 2019.

It has been identified that no invoices were raised during the occupation of the property as no lease was in place to enable the Finance Team to bill the occupier. This has resulted in the failure to collect funds due to the Council. These have been calculated to include the rent that would have been due as outlined in the Executive Board report granting authority for the lease. The processes and procedures are being reviewed and this is referenced in part 2.

It has been established that initially the Business Rates team were unable to issue a bill to the company until the Valuation Office Agency had conducted its work on the assessment. Once this had been completed, a bill was issued on the 26<sup>th</sup> June 2019. As this remained unpaid, a reminder notice and summons were issued. A court hearing took place on 1<sup>st</sup> October 2019 where a Liability Order was obtained. An additional letter requesting an offer of payment was issued on the 2<sup>nd</sup> October, however no contact was made by the business owner and the debt was referred to Enforcement Agents on the 9<sup>th</sup> January 2020.

We are aware that the Company was Dissolved on 28<sup>th</sup> January 2020.

In view of the fact that the tenant/occupier is a company that has been dissolved, coupled with fact that there is no executed lease in place it would be very difficult to legally pursue for the debt. Firstly, the Council would need to apply to Companies House for restoration of the company followed by an action on the basis of an implied lease. This would be difficult, costly and there is no guarantee of successful recovery.

**Company 3**

**Request for write-off:** £71,293.66

**Details of the debt:**

(£1,076.00)	Unallocated cash-receipt – payment on account
£65,825.91	Rent
£535.75	Insurance
£6,008.00	Business Rates

**Recovery Action Taken:**

Further to the above re company 2, a new company with a similar name took over. Arrears have been calculated in relation to the assumed period of occupation from 25<sup>th</sup> March 2019 as the council was initially unaware that a separate company was in situ.

No invoices were raised during this company's occupation of the property as no lease was in place.

An initial Business Rates bill was issued on the 16<sup>th</sup> October 2019 following receipt of information that a new company had taken over the business on 25<sup>th</sup> March 2019. A reminder was issued, however no further action could be taken due to the pandemic. It has been ascertained that the liability for Business Rates ended on 31<sup>st</sup> August 2020 when a new business moved in to the premises.

This company however is still showing at Companies House as an active company with the registered office still being the Council's premises.

Based on occupation from 25<sup>th</sup> March 2019 through to 31<sup>st</sup> August 2020, the figures above include the rent that would have been charged if a lease had been signed based on the figure that was presented to Executive

Board in seeking authority to grant the initial lease on the premise. The figures also reflect a £20,000 payment made by this company towards outstanding rental costs in September 2020.

The Council could seek recovery of the debt by pursuing the company but as referenced above there is no lease in place and any action would need to be based on an implied lease. In this context the absence of a lease makes the prospects of success in pursuing the debt unlikely and this would also very likely be an expensive course of action.

Currently there are ongoing discussions as regards a lease with a potential 3<sup>rd</sup> company who wish to trade under a similar name from the premises, who have until 15<sup>th</sup> December 2020 to sign a lease prepared for formal occupation.

## **Company 4**

***Request for write-off:*** £136,936.20

### ***Details of the debt:***

£131,337.68	Rent and Service Charges
£5,598.52	Business Rates

### ***Recovery Action Taken:***

Responsibility for invoicing and recovery of this debt rested with the property management company who were contracted to manage the lettings and tenancies of a council premises.

From 1 April 2020, the Council took responsibility for Property Management back in-house from the property management company, and along with that, responsibility for debt recovery.

The lease was in the name of a company who became insolvent 20<sup>th</sup> December 2018. Managing this issue had been the responsibility of the property management company. All procedures were enforced to formally end the lease and remove the occupier from the premises.

The status is recorded at Companies House as "Insolvency Proceedings". There is/was an executed lease in place with the company and the Council may forward its claim for the debt to the Administrator/Liquidator as an unsecured creditor, but the prospects of successful recovery is usually very low. Any legal action would inevitably incur costs which would not be viable.

## **Company 5**

***Request for write-off:*** £31,932.90

### ***Details of the debt:***

The debt relates to the recharge of costs incurred by BwD in respect of a service user whose care costs were to be funded by an external body.

The external body have refused liability for this and the Service area cannot support the debt with any evidence of an agreement.

### ***Recovery Action Taken:***

Recovery letters have been sent in line with the Council's standard debt recovery processes and the Service area has been engaged in pursuing the external body for the debt but unfortunately the debtor will not move on their position.

A 100% specific Bad Debt provision was made in the 2017/18 accounts for this debt and formal request is now sought from the Executive Board for write-off.

## **COUNCIL TAX BAD DEBT WRITE-OFF**

### **Individual**

***Request for write-off:*** £60,522.72

### ***Details of the debt:***

The debt is in respect of one landlord and 16 properties that he owns within the borough, with liabilities across the period 5<sup>th</sup> March 2008 to 6<sup>th</sup> November 2019, varying from property to property, and ranging in value on each from £391.41 to £13,526.89.

### ***Recovery Action Taken:***

Following extensive recovery action, through which the debtor made many promises to pay which did not materialise, the Council entered into Bankruptcy proceedings against the debtor across all of the above properties and obtained a hearing date in Court on 16th March 2020.

At the hearing, the debtor produced a set of Individual Voluntary Arrangement (IVA) proposals which were due to be presented at a Creditors meeting on the 3rd April - this resulted in the Bankruptcy proceedings being adjourned.

On the 3rd April the IVA proposals were accepted by a number of the individual's Creditors, and specifically his mortgage company, and so the Bankruptcy proceedings have now been withdrawn.

Following proof of debt being submitted to the IVA Supervisor, it is our procedure for the debt to be written off pending any payment/dividend being received. The costs incurred by the Council in pursuing the debt of £6k are now classed as a preferential debt within the terms of the IVA, and therefore should be paid before anything else.

## **5. FINANCIAL IMPLICATIONS**

In accordance with recommended accounting practice, the Council maintains an accounting provision for potential bad debt write-off in respect of general debts, Business Rates and Council Tax. The adequacy of this provision is reviewed each year and is subject to audit review.

The amount for write off detailed in this report is £399,581.27. Some of these debts are specifically provided for in the bad debt provision, the balance will be offset against the general provision already made.

## **6. LEGAL IMPLICATIONS**

The Council has a duty to pursue debt and recover outstanding monies due, acting within the legal framework. However, when considering action the Council need to take into account the specific circumstances, the potential costs in pursuing the debt and the realistic prospects of a successful recovery. In particular, pursuing insolvent companies or bankrupt persons to recover outstanding monies is usually difficult and unviable.

With regard to commercial business tenancies and the Covid 19 pandemic, the Government has recognised the need to protect commercial tenants by imposing restrictions on landlords (i.e. the Council) in pursuing non-payment of any sums due under a commercial lease. In particular, section 82 Coronavirus Act 2020 prevents any forfeiture between 26 March and 31 December 2020. It is likely that this will be extended again by regulations. However, the outstanding amounts would remain due. In addition, [the Taking Control of Goods and Certification of Enforcement Agents \(Amendment\) \(Coronavirus\) Regulations 2020](#) prevented landlords from using Commercial Rent Arrears Recovery action unless an amount of at least 90 days' rent was due (it had previously been seven days or more). This has now been increased to at least 276 days' rent from 29 September, and will increase again to 366 days' rent from 25 December. This restriction also now applies until 31 December 2020 or such later date as may be specified in regulations. Other measures introduced include provisions in the [Corporate Insolvency and Governance Act](#) which prohibits the presentation of a winding-up petition based on an unsatisfied statutory demand served between 1 March and 31 December 2020.

## 7. RESOURCE IMPLICATIONS

The Resources of the Council's Growth and Development Team, financial Services Team and Legal Services Team have been utilised to try and achieve payment of these debts.

## 8. 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 in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	10.0
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<b>CONTACT OFFICER:</b>	Louise Mattinson, David Fairclough, Martin Kelly
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<b>DATE:</b>	12 <sup>th</sup> December 2020
<b>BACKGROUND PAPER:</b>	Various Debt Files

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

Document is Restricted