

Public Document Pack

Executive Board

Thursday, 14 January 2021

Time: 6.00 pm

Venue: Virtual

[Join Meeting Here](#)

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 December 2020 **3 - 7**
3. **Declarations of Interest**
DECLARATIONS OF INTEREST FORM **8**
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 & Prevention

Children, Young People & Education

Environmental Services

Public Health & Wellbeing

Digital & Customer Services

Growth & Development

8.1	Compulsory Purchase in Griffin Regeneration Area	
	Compulsory Purchase - Griffin area	9 - 13

Finance & Governance

9. Corporate Issues

9.1	Schools Capital Programme variation to support the creation of new school places	
	Schools Capital Programme Variation AppendixAVariationReport	14 - 19

10. Matters referred to the Executive Board

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

Date Published: Wednesday, 06 January 2021
Denise Park, Chief Executive

EXECUTIVE BOARD Thursday, 10th December, 2020

PRESENT

COUNCILLOR:

Councillor Mohammed Khan CBE
Councillor Julie Gunn
Councillor Jim Smith
Councillor Musafa Desai
Councillor Vicky 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	<p><u>Welcome and Apologies</u></p> <p>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.</p>	
2	<p><u>Minutes of the Previous Meeting</u></p> <p>The Minutes of the Meeting held on 12th November 2020 were agreed as a correct record.</p>	Agreed
3	<p><u>Declarations of Interest</u></p> <p>There were no Declarations of Interest submitted.</p>	
4	<p><u>Equality Implications</u></p> <p>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.</p>	Confirmed
5	<p><u>Public Forum</u></p> <p>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:-</p>	

	Item			Action
	Name of Person asking the Question	Subject Area	Response by	
	Iain Sykes	Lay-by at Sunnybower, anti-social behaviour	Councillor Jim Smith, Environmental Services	
	Cllr Smith read out the answer and advised that this would be sent to Mr Sykes as he was not in attendance.			
6	<u>Questions by Non-Executive Members</u>			
	No Questions had been received from Non-Executive Members,			
7	<u>Youth MPs Update</u>			
	Muhammed Bapu, Deputy Youth MP verbally reported on recent events and activities including :			Noted
	<ul style="list-style-type: none"> Over the past couple of weeks, the forum collectively had been working on new ideas to boost support for young people across the Borough. This process consisted of meeting with Cllr Julie Gunn and Jo Siddle to discuss ideas on ways information could be distributed to young people and have them more in tune what changes are occurring in Blackburn with Darwen and what their ideas and opinions were. The main idea discussed was weekly COVID Forums that would provide the local authority with opinions of young people in every school and allow the Youth MPs to contribute as much as possible. Muhammed had been attending the Lancashire Youth Commission meetings contributing with feedback and highlighting issues that young people were facing, during the pandemic. A meeting last week with Robert Rushton from the Violent Reduction team, focussed on Hate Crime and the real causes of violence such as situations in the home and poverty, unemployment and the perception of the Police amongst young people. 			
	<u>Executive Member Reports</u>			
	<u>Leader's Update</u>			
	Councillor Mohammed Khattabi verbally reported on the current			Noted

	Item	Action
	<p>position relating to the Covid-19 pandemic, advising of declining rates and noting that vaccinations had started.</p> <p>In response to a question from Councillor John Slater, Cllr Khan agreed to provide information relating to funding of the statue for former MP Barbara Castle.</p> <p><u>Adult Services and Prevention</u></p> <p>In response to a question from Councillor John Slater, Cllr Mustafa Desai agreed to look further into the issues reported in the press following concerns expressed by the Care Quality Commission relating to County Council care homes, where some residents from the Borough were placed.</p>	
8.1	<p><u>Fostering Quarter 1 and Quarter 2 Report</u></p> <p>Members received a report providing information on the management and performance of the Local Authority's Fostering Service. The report, alongside Appendix 1, provided analysis of the period April to September 2020, and reflected upon data and any patterns within the Service to determine development and progress. The report also outlines how the Service had responded to the COVID-19 pandemic.</p> <p>RESOLVED - That the Executive Board notes the Fostering Service Report for Quarters 1 and 2, alongside the Appendix 1 report for further Service delivery information.</p> <p><u>Public Health and Wellbeing</u></p> <p>Members discussed Covid testing for schools and the impact of the Tier system on local businesses.</p> <p><u>Growth and Development</u></p> <p>In response to a query about businesses who had been awarded Discretionary Covid Grants, Councillor Riley advised that he would arrange for Cllr Slater to receive the information.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
8.2	<p><u>Public Consultation on the Draft Local Plan</u></p> <p>The Executive Board was reminded that Blackburn with Darwen Borough Council currently had a two-part local plan (made up of the Core Strategy and Local Plan Part 2: Site Allocations and Development Management Policies) that set out the land use planning strategy for the Borough up to 2026.</p> <p>In response to new planning regulations in 2017 that required local authorities to review Local Plans at least every five years from the date of their adoption, an assessment of the two adopted local plan documents was undertaken, and the Council in February</p>	

	Item	Action
	<p>2018 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.</p> <p>This stage of public consultation, on draft strategic policies and site allocations, marked a key milestone in the development of the emerging new local plan for Blackburn with Darwen. It illustrated the Council’s proposals for a “balanced growth” strategy, aiming to provide new jobs and homes as well as protecting the environment. The intention was to consult on the draft Local Plan document in January - February 2021 for a period of six weeks. The consultation draft Local Plan includes the period up until 2037.</p> <p>Councillor John Slater voted against the recommendations in the report and requested the postponement of consultation for 6 months to enable people to engage in the process fully. Councillor Riley advised that the Government wanted Councils to get on with the process, and that he felt that it was probable that more responses would be received in a digital consultation process.</p> <p>RESOLVED – That the Executive Board:</p> <ol style="list-style-type: none"> 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. <p><u>Write-off of irrecoverable debt</u></p> <p>Members received a report detailing several debtor accounts that had proved irrecoverable and as such, in line with the Financial Procedure Rules within the Council’s Constitution (Section 7 B.7.), were presented to the Executive Board for consideration for write-off.</p> <p>The report was presented at a time when the duration and intensity of the economic impact of the COVID-19 pandemic was acknowledged and recognised had been a major contributing factor in a number of the businesses cases set out in the report.</p> <p>During the difficult times the Government had recognised this and has legislated to protect commercial tenants and thereby placing restraints on landlord’s ability to recover outstanding rents.</p> <p>Councillor John Slater voted against the recommendations in the report.</p>	<p>Approved</p> <p>Approved</p>
9.1		

	Item	Action
	<p>RESOLVED -</p> <p>That the Executive Board:</p> <ol style="list-style-type: none"> 1. Notes the amounts of each of the debts detailed in the report and the action taken to date, in respect of the debts; 2. Approves the write-off of the debts as detailed in the report. <p>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING.</p>	<p>Noted</p> <p>Approved</p>
11.1	<p><u>Write-off of irrecoverable debt</u></p> <p>Further to the report submitted at Agenda Item 9.1, an additional report was submitted, containing commercially sensitive information.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <ol style="list-style-type: none"> 1. Notes the amounts of each of the debts detailed in the report and the action taken to date, in respect of the debts; 2. Approves the write-off of the debts as detailed in the report. <p>Signed at a meeting of the Board</p> <p>on 14th January 2021</p> <p>(being the ensuing meeting on the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p>	<p>Noted</p> <p>Approved</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: 14TH JANUARY 2021

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



REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Director of Growth & Development

DATE: Thursday, 14 January 2021

PORTFOLIO(S) AFFECTED: Growth and Development

WARD/S AFFECTED: Blackburn Central; Mill Hill and Moorgate;

KEY DECISION: Y

SUBJECT:

Compulsory Purchase in the Griffin Regeneration Area

1. EXECUTIVE SUMMARY

To seek approval to initiate compulsory purchase action under s226 of the Town and Country Planning Act 1990 in respect of the remaining privately owned properties situated within the Griffin Regeneration Area that it has not been possible to purchase by agreement.

2. RECOMMENDATIONS

That the Executive Board:

Upon being satisfied that:

- a) It would contribute to the economic, social and environmental well-being of the borough;
- b) There is a compelling case in the public interest as the interference with Human Rights involved is proportionate in the interests of land assembly for housing development;
- c) Sufficient funds exist for carrying the resolution into effect;
- d) No impediments exist to the implementation of the scheme to assemble the land for housing development (subject to the making of the order) and there is a reasonable prospect of its implementation, should the order be made;
- e) The whole of the legal estates to the affected properties could not be acquired by agreement.

- 2.1 Authorise the Director of Growth and Development, in conjunction with the Director of HR, Legal and Governance to prepare and make a Compulsory Purchase Order (CPO) under section 226 of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981, for the purpose of land assembly to carry out housing development on the land.
- 2.2 Authorise the Director of Growth and Development to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the Order prior to its confirmation.
- 2.3 Authorise the Director of HR, Legal and Governance (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the order if he is satisfied that it is appropriate to do so.

- 2.4 Authorise the Director of Growth and Development to approve agreements with the landowner setting out the terms of withdrawal of objections to the Order (including the power to defer implementation post confirmation). In consultation with the Director of HR, Legal and Governance to make deletions from and/or minor amendments and modifications to the proposed Order and Order plans.

3. BACKGROUND

- 3.1 A neighbourhood assessment of the Griffin regeneration area was undertaken during 2008. The assessment identified 165 properties of very poor quality for purchase and clearance. The Council subsequently embarked on a programme to purchase properties for clearance and site assembly. A Supplementary Planning Document (SPD) for Griffin was developed in July 2011 to help inform the redevelopment of the area once all properties had been cleared.
- 3.2 To date, the Council have purchased 163 properties by agreement and, on numerous occasions has attempted to enter into negotiations with owners of the remaining properties at 24, 26 Hardman Street and the car repair workshop adjoining 26 Hardman Street, Blackburn, ('the remaining properties') without success. The site will consist of the 163 properties already acquired and the remaining properties
- 3.3 In order to ensure that the required land assembly is completed within the required time, the Council considers having exhausted all other options and as a last resort, to now make a compulsory purchase order under section 226 of the Town and Country Planning Act 1990 to acquire the remaining properties. This will enable land assembly for the provision of housing development on the whole development site.
- 3.4 The Griffin Supplementary Planning Document (updated 2017), which was developed following extensive public consultation with local residents, stakeholders and ward members identified a need for good quality family homes containing 2, 3 and 4 bedrooms in the neighbourhood.
- 3.5 Extensive site surveys and assessments have been undertaken on the site to create market confidence and create viability for potential developers. The Council also acquired the Griffin public house for demolition, with the site included in development proposals to allow a better frontage for the new scheme onto Bank Top/Redlam.
- 3.6 The Council also successfully secured grant funding from the One Public Estate Land Release Fund to support site remediation and enabling works to aid financial viability and prepare the site for development.
- 3.7 During August 2018 Executive Approval was secured to appoint a preferred developer following a tender exercise through the Council's 'Contractor and Developer Framework'. Seddon Partnerships was appointed to develop the site in two phases.
- 3.8 Phase 1 to provide 56 new affordable homes on the Hancock St and Stansfeld St parcel of land. Plans to build a further 85 homes in Phase 2, land around Coleridge and East St, are currently being prepared for planning submission in spring.

4. KEY ISSUES & RISKS

- 4.1 The site assembly required for the phase 2 development requires the acquisition and demolition of the properties at 24, 26 Hardman Street and the car repair workshop adjoining 26 Hardman Street, Blackburn.
- 4.2 Phase 2 contains the three properties to be included in the CPO and redevelopment of this site is critical to providing much needed new homes and completing the regeneration of the Griffin clearance area.
- 4.3 Engagement with the owners of the properties, including attempts to acquire the properties by agreement, have been exhausted and compulsory purchase action is now considered to be the only course of action left to the Council.
- 4.4 Failure to initiate / deliver the CPO will adversely affect the regeneration plans for the area. This is likely to undermine the comprehensive regeneration currently underway and leave residents feeling let down by the Council.
- 4.5 The Council's adopted Local Plan (2015) identified a need for around 9,500 new homes across the borough over a 15 year period. The Griffin area is an area of pre-war terraced properties densely packed in a number of streets. The existing homes offer little amenity space, no front or rear gardens and no off street parking. The houses are unable to meet the needs and aspirations of local residents who need larger family homes for 21st century living. All new homes will provide off street parking, front and back gardens and quality public realm for existing and new residents to enjoy.
- 4.6 Following on from land assembly and securing planning permission for the first phase of the development. The Council has carried out an appropriation of the cleared lands under Section 122 of the Local Government Act 1972 to enable housing development (Delegated Authority report dated August 2020). The Council also served the necessary open space notices relating to the open space land under the LGA 1972 section 123(1)2A (Delegated Authority report dated August 2020). No representations were made under either notice.
- 4.7 Not being able to include the properties on Hardman St into the redevelopment proposals will also affect the overall scheme viability for the whole site. This may result in Seddon Partnership losing income/suffering loss which they may look to the Council for redress. The Council believes the remaining properties are crucial to the site and are required by the preferred developer. The Council would not have been in a position to successfully market and redevelop the site as a whole without the remaining properties.
- 4.8 The Griffin regeneration proposals funded by the Housing Market Renewal Funding programme had certain outcomes that needed to be delivered. The redevelopment of the cleared sites and provision of new homes was one of the key required outcomes. Failure to include the remaining properties as part of the redevelopment may result in Government seeking to clawback funding provide to the Council under the HMR programme and subsequent Transitional Grant Funding.
- 4.9 The Council has already purchased numbers 18, 20 and 22 Hardman St by agreement and failure to complete the demolition and redevelopment of this terrace may result in Crichel Down Rules being applied. Crichel Down Rules would involve the Council having to go to considerable expenditure to refurbish the properties (to a decent homes standard) to make them habitable and offer them for resale to the original owners. If the original owners decided against the purchase, the Council would have to offer them for open market sale.
- 4.10 The Council has earmarked adequate funds to carry out the CPO action and purchase the remaining properties. No new funding is required.

- 4.11 To summarise the Council has a developer on board to deliver the scheme, the developer will seek planning permission in Spring 2021, and funding is already in place.

5. POLICY IMPLICATIONS

- 5.1 The proposed residential developments will support delivery of new homes in line with the Local Plan, the Council's 2030 Vision and the Council's Corporate Plan.
- 5.2 The Council's Consultation Draft Local Plan suggests a minimum target range of between 358-411 dwellings per annum to be delivered over the Plan period (2018-2037). This is the economic scenario identified in the Housing & Economic Need Assessment (HENA 2019). The site is allocated for housing development in the current Local Plan, and is proposed for allocation in the new Local Plan currently in preparation and is an integral part of the Council's 5 year housing supply 2020 - 2025

6. FINANCIAL IMPLICATIONS

- 6.1 The Council's Growth Capital Programme has adequate funds available to pay for acquisition of the remaining properties in the Griffin clearance area. No additional funding is required.
- 6.2 Funding is also available to carry out the CPO action if acquisition by agreement is unsuccessful.
- 6.3 Homes England may exercise a 'Clawback' on funding provided if the project is not fully delivered
- 6.4 The Council may be required to spend additional monies to refurbish the properties already bought on Hardman St if Crichel Down is applied.

7. LEGAL IMPLICATIONS

- 7.1 Under the provisions of section 226 of the Town and Country Planning Act 1990, the local authority may acquire any land in their area if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.
- 7.2 The Council also needs to consider the Guidance on Compulsory Purchase Process and the Crichel Down Rules published by the Ministry of Housing Communities & Local Government.
- 7.3 Legal challenges to compulsory purchase are always a possibility and can lead to a Public Local Inquiry, which would incur additional costs for the Council. A CPO on these 2 properties plus the car repair workshop is likely to have a very limited number of potential statutory objectors, although in this case the registered owners are known. The owners will be served with the relevant statutory notices in accordance with the Acquisition of land Act 1981.
- 7.4 The making of a CPO does not prevent negotiations with any person holding an interest in land affected by the CPO as these negotiations can proceed in parallel with the statutory process. Indeed, it is advised that where possible, negotiations can continue throughout the process even up to confirmation of the Order

8. RESOURCE IMPLICATIONS

- 8.1 Resources required for the making of the CPO will come from the Legal Department, which will increase if the CPO action results in a Public Local Inquiry.
- 8.2 Some support will be required from the property services team and Capita Symonds to carry out Valuations of the properties concerned.

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

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

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

11. STATEMENT OF COMPLIANCE

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

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

CONTACT OFFICER:	Subhan Ali, , subhan.ali@blackburn.gov.uk
DATE:	
BACKGROUND PAPER:	Local Plan Part 1, Griffin Supplementary Planning Document (2017) Griffin Housing Development Strategy (EBD Report December 2017) Griffin Development Site Tender (EBD Report August 2018) Griffin Housing Site Appropriation (EMD Report October 2019)

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Children, Young People and Education
Executive Member for Growth and Development
Executive Member for Resources

LEAD OFFICERS: Director of Children's Services & Education
Director of Growth and Development

DATE: Thursday, 14 January 2021

PORTFOLIO(S) AFFECTED: Children, Young People and Education

WARD/S AFFECTED: (All Wards);

KEY DECISION: Y

SUBJECT:

Schools capital programme variation to support the creation of new school places.

1. EXECUTIVE SUMMARY

To present for consideration and approval a variation to the capital programme for Schools and Education for the 2020-2021 academic year and a request to enter into an extended premises lease arrangement for the purpose of pupil place growth.

2. RECOMMENDATIONS

That the Executive Board:

1: Approves the following financial variations to the Schools and Education capital programme for the 2020-2021 academic year:

- £550,000 from Schools Basic Need Funding for the planned expansion programme at Lammack Community Primary School
- £660,000 for the planned relocation of Longshaw Nursery School, of which £265,000 is requested from Schools Basic Need Funding
- £380,000 from Schools Basic Need Funding to undertake lease ready works and support a planned refurbishment programme at The Sunnyhurst Centre.

2: Delegates authority to Director of Children's Services & Education and the Director of Growth and Development, in consultation with the Executive Member for Children, Young People and Education, to negotiate terms and enter into a 30-year lease with The Champion Academy Trust for The Sunnyhurst Centre.

3. BACKGROUND

Each of the priorities referred to within this report have previously been approved through Executive Board:

EBD March 2019 – Schools Capital Programme 2019-2020

EBD March 2020 – Creation of new school places to meet demand of pupil growth from planned housing developments across Blackburn with Darwen

EBD Sept 2020 – Schools Capital programme 2020-2021

Though these priorities are established in the Schools & Education Capital programme, feasibility works were required to determine the estimated costs of each project. These feasibilities are now complete.

Each of the schemes will result in the creation of new school places across the early years, primary, secondary and/or specialist phases of education, whilst also realising added benefits in respect of ensuring fit for purpose buildings for the future and reducing the ongoing and excessive repair and maintenance costs at some sites.

4. KEY ISSUES & RISKS

To ensure that the Council is able to meet its statutory requirements, both for normal school admissions rounds and ongoing significant In Year admissions, there is a need to create new pupil places across the primary, secondary and specialist phases of education in both Blackburn and Darwen. The analysis of required places is based on historical birth-cohort effects that are working through the school-age population, in combination with the effects that planned housing development may have on the size and distribution of the school-age population in Blackburn with Darwen.

Primary Phase

For the Primary phase of education, demand for new places is a priority in the North Blackburn due to the extensive housing growth. It is anticipated that the area will require up to 203 new primary school places.

A paper presented to and approved by Executive Board in March 2020 outlined the plans for school expansion at Lammack Community Primary School, increasing the school capacity from 490 to 630 (140 new places). Full feasibilities have been undertaken, and an estimated schedule of costs detailed.

The estimated cost of the project is £2,100,000. Funding for the scheme will predominantly be met through Section 106 funding, of which £1,550,000 has been secured. The remaining £550,000 of funding to secure commencement of the expansion is requested from the Schools and Educations Basic Need Funding Stream (Appendix A).

Some of the spend on this scheme is expected to be incurred in advance of the receipt of the Section 106 funding. The Council will finance this spend in the short term by main programme borrowing, which will be replaced once the Section 106 contributions are received.

Secondary Phase

For the secondary phase of education, demand for new mainstream places is in Blackburn. This demand is due to increased birth rates between 2009 and 2012, alongside planned housing growth. The borough has also seen an increasing demand for more specialist provision for secondary aged pupils, specifically pupils requiring additional support to meet their social, emotional and mental health needs.

Papers presented to and approved by Executive Board in March 2019, and September 2020 advised of a project involving the relocation of Crosshill School from its existing site (co-located with Blackburn Central High School) to The Sunnyhurst Centre, Darwen. This relocation will provide accommodation for up to 42 additional pupils at Crosshill whilst also enabling Blackburn Central High School to expand mainstream provision by an additional 100 places. The Sunnyhurst Centre is currently considered a surplus asset to the council, this proposal will potentially see the Council benefit from additional investment by The Champion Trust and Government. The planned programme will see a significant financial investment resulting in a building being brought back into use and impacting positively on the immediate community in which it is located.

The overall funding package required for the refurbishment of The Sunnyhurst Centre is estimated at £2,000,000. The refurbishment can be phased, with phase one of the project requiring the higher investment to ensure that the premises meets all necessary building compliances. The current funding package includes £358,837 allocated from the Schools and Education SEND Capital Fund alongside investment of £500,000 (across the 2 phases) from The Champion Trust.

To progress the project, a further investment of £380,000 from the Schools Basic Need budget (Appendix A) is required to undertake works to make the premises lease ready and to secure the first phase of the planned project. The required lease ready works (£180,000) will be procured and managed directly by the Council. The refurbishment works (£200,000) will be led and managed directly by The Champion Trust.

The Champion Trust are progressing an application for Condition Improvement Funding to support the second refurbishment phase. The entire relocation of Crosshill School is not dependant on completion of the second phase; this will however further improve the premises and result in the potential for the school to provide additional specialist places should this be required. The security of a long lease will positively support The Champion Trust in their application for grant funding. It is requested that the Council approves a full repair and insure lease for the premises at The Sunnyhurst Centre for a period of 30 years with a peppercorn rental agreement.

Heads of Terms documentation has been issued to The Champion Trust for review and includes detail around the tenant being responsible for internal and external repairs and decoration, paying Business Rates and utilities, complying with all statutory obligations, regulations and orders applying to the premises or to the operations carried on therein. With the tenants only option to break being on the fifteenth anniversary of the term, subject to giving no less than 12 months' notice in writing.

Early Years

On a borough wide basis, there are sufficient places to meet the demand for Early Years Education (EBD November 2020, Childcare Sufficiency Assessment). There are however, some areas of Blackburn where supply does not currently meet demand, and/or planned housing growth is expected to result in increased demand. Early Years provision in the Longshaw and Higher Croft areas is currently in low supply, and existing provision within these areas has limited capacity to expand. It is anticipated that the planned housing growth will attract families with younger children and create increased demand for Early Years provision in the area.

A paper presented to and approved by Executive Board in March 2020 advised of a planned programme to relocate Longshaw Nursey School from its current site and co-locate it with Longshaw Infant School. The current Nursery School premises is in a poor state of repair and no longer fit for purpose. The planned project will allow for increased capacity of places to meet anticipated demand, and create a fit for purpose environment that secures qualitative early years provision in the area. The estimated cost of the project and variation requested for the 2020/21 capital programmes is £660,000, of which £395,000 has been secured from s106 funding and the balance of £265,000 is requested from the Schools Basic Need budget (Appendix A).

5. POLICY IMPLICATIONS

National Policy Context - The Council has responsibility to ensure that all allocated funding for maintained sector schools is used in accordance with the associated grant terms and conditions.

Performance Implications - The capital programme, will be closely monitored against agreed performance indicators representing measures of quality, cost and timescale.

6. FINANCIAL IMPLICATIONS

Unallocated funds

- School Condition budget – £311,500
- Basic Need budget – £3,136,625 (includes confirmed 2021/22 allocation)

Variation requests

- £550,000 from Schools Basic Need Funding for the planned expansion programme at Lammack Community Primary School

- £660,000 for the planned relocation of Longshaw Nursery School, of which £265,000 is requested from Schools Basic Need Funding
- £380,000 from Schools Basic Need Funding to undertake lease ready works and support a planned refurbishment programme at The Sunnyhurst Centre.

All costs set out are currently estimated based on feasibility studies, concept design and benchmark exercises, they include industry standard contingency figures but will not be firm costs until they have been procured.

Some of the spend on the Lammack Community Primary School scheme is expected to be incurred in advance of the receipt of the Section 106 funding. The Council will finance this spend in the short term by main programme borrowing, which will be replaced once the Section 106 contributions are received.

Schemes financed by S106 Commuted Sums monies are subject to the state of the economy and reliant on proposed developments progressing. If developments do not progress as planned the schemes may need supplementing with additional Basic Needs monies or from additional borrowing on behalf of the Council.

7. LEGAL IMPLICATIONS

The report has been compiled with regard to the Council's Constitution, in particular the Financial Procedural Rules and the Contract Procedure Rules. All procurement and contract activity in connection with this programme must be carried out in accordance with the relevant parts of the constitution and legislation.

All contracts prepared in relation to the programme must be in conjunction with Legal Services/CAPS team.

The proposed granting of a lease to the Champion Trust must be in accordance with the constitution, council policies & procedures and in conjunction with Legal Services and Property Management.

8. RESOURCE IMPLICATIONS

Resource requirements for managing and coordinating the capital programme will be met from within the current Building Consultancy structure and Schools and Education team. Support will be required from Legal services.

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

A robust analysis of pupil places has been undertaken and informs of the anticipated year-on-year demand for school places based on birth rate projections and increased pupil yield from planned housing growth.

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.

CONTACT OFFICER:	Carol Grimshaw, Service Lead, Children's Services and Education carol.grimshaw@blackburn.gov.uk Adam Clarkson, Finance Manager adam.clarkson@blackburn.gov.uk Rob Addison, Building Consultancy Manager robert.addison@blackburn.gov.uk
DATE:	14 December 2020
BACKGROUND PAPER:	Appendix A –Variation report

			Previous forecast					Latest forecast				Variance between forecasts			Current Year								Future Years 21/22						Future Years 22/23											
General Ledger Code	Scheme	Lead Officer	Approved Scheme	Finance Council	Slippage at outturn	In year Exec Board Approval	Actual Budget 2020/2021	Previous Years' Spend	Current Year	Future Years	TOTAL (previous + current + future)	Current Year	Slippage	Future Years	TOTAL (previous + current + future)	Current Year	Future Years	TOTAL	Amount to be Financed	Grants Total	Schools Condition Maint	Basic Need	Sen Allocation	External Contribution Total	£106 Funding	Main Programme Borrowing	Funding to be identified (will equal over spend)	Amount to be Financed	Grants (school Condition	Grants (Basic Need	£106 Funding	Main Programme Borrowing	Funding to be identified (will equal over spend)	Amount to be Financed	£106 Funding	Main Programme Borrowing	Funding to be identified (will equal over spend)			
4277	Lammack School Extension	Carol Grimshaw	1,550	750	-	10	740	10	740	800	1,550	740		1,350	2,100	-	550	550	740	ok	-				340	340	400	-	1,300		550	900	-	150	-	50	300	-	250	-
4258	BCHS/Crosshill SEN	Carol Grimshaw	300		300	59	359		359		359			380	739	-	380	380	359	ok	359			359	-			-	380		380			-	-			-		
4279	Longshaw Nursery relocation	Carol Grimshaw	1,500				-			1,500	1,500			660	660	-	-	840	840	-	ok	-				-		-	660		265	395			-	-			-	
Portfolio Total			3,350	750	290	59	1,099	10	1,099	2,300	3,409	1,099	-	2,390	3,499	-	90	90	1,099		359	-	-	359	340	340	400	-	2,340	-	1,195	1,295	-	150	-	50	300	-	250	-

Current Unallocated Funding	£
Basic Need	305,000
Schools Condition Allocation	311,500
Confirmed Basic Need 2021/2022	2,831,625
	3,448,125