

Public Document Pack

Executive Board

Thursday, 10 June 2021
Time: 6.00 pm
Venue: King George's Hall
Address: Blackburn

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 April 2021 4 - 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

- 8.1 **BwD ongoing response to Covid-19**

	Exec Board report - covid response.June 2021 updated Covid Response Structure BAU v3 (002)	14 - 21
8.2	Year-end Corporate Plan Performance	
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Children, Young People & Education		
8.3	School Holiday Pattern for Community and Controlled Schools for 2022/23	
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9.	Corporate Issues	
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	PT 1 Milking Lane	70 - 74
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10.	Matters referred to the Executive Board	

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

- | | | |
|-------------|---|----------------|
| 11.1 | Local Transport Plan 2021-22
LTP Part 2 | 75 - 79 |
| 11.2 | Disposal of Residential Plots on Milking Lane,
Blackburn
PT 2 Milking Lane | 80 - 83 |

Date Published: Wednesday, 02 June 2021
Denise Park, Chief Executive

EXECUTIVE BOARD Thursday 8th April 2021

PRESENT

COUNCILLOR:

Councillor Mohammed Khan CBE
Councillor Julie Gunn
Councillor Jim Smith
Councillor Mustafa 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
Zainab Dassu

Deputy Youth MP
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. Apologies were received from the Youth MP, Zara Hayat.</p>	
2	<p><u>Minutes of the Previous Meeting</u></p> <p>The Minutes of the Meeting held on 11th March 2021 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	
	Dr J.H Gazdula	Greenbelt land/Local Plan	Councillor Phil Riley, Executive Member for Growth & Development	
	Elliot Gazdula	Local Plan Consultation/Petition – Bailey’s Field	Councillor Phil Riley, Executive Member for Growth & Development	
	<p>Cllr Riley read out the answer to Dr Ghazdula’s question and advised that this would be sent to him as he was not in attendance.</p> <p>In response to the question from Elliot Ghazdula, Councillor Riley advised of the levels of engagement relating to the recent consultation on the draft Local Plan and also the breakdown of petitioners on the Bailey’s Field Petition, a significant proportion of which were outside the Borough. In response to a supplementary question Cllr Riley advised that a suggested 50% Local Plan response rate would not be achievable and would be a greater percentage than most electoral turnouts.</p>			
6	<p><u>Questions by Non-Executive Members</u></p> <p>No Questions had been received from Non-Executive Members,</p>			
7	<p><u>Youth MPs Update</u></p> <p>The Deputy Youth MPs verbally reported on recent events and activities including :</p> <ul style="list-style-type: none"> • A very busy month, with a return to education and some semblance of normality. • Attendance at the PEOPLE Overview and Scrutiny Committee. • Further work for the Young Inspectors Programme and the Lancashire Police Youth Commission. • Commencement of work on a Mental Health First Aid Course for Young People. • Development had begun on a Forum Newsletter. <p><u>Executive Member Reports</u></p> <p><u>Leader’s Update</u></p>			Noted

	Item	Action
	<p>Councillor Mohammed Khan verbally reported on the current position relating to the Covid-19 pandemic, latest vaccinations figures and also it was hoped that people would follow the rules as the next stage of the roadmap out of lockdown commenced on 12th April.</p>	<p>Noted</p>
<p>8.1</p>	<p><u>Digital Strategy 2021-2024</u></p> <p>Members received a report which outlined the vision and objectives for digitisation across services, the Borough and for residents. The vision set out an approach to enabling digitisation across the Borough for our people, creating the conditions for a high performing Council organisation and providing the best experience for customers. The strategy detailed four work streams and outlined a roadmap and strategic investment plan in order for delivery of the vision. Implementing the strategy would enable the Council to deliver simple and effective online services, to utilise data insights and to continually improve by deploying the right infrastructure, tools and skills for the workforce.</p>	<p>Noted</p>
	<p>RESOLVED - That the Executive Board approves the Council's new Digital Strategy.</p>	<p>Approved</p>
<p>8.2</p>	<p><u>Growth Programme 2021-22</u></p> <p>Members were reminded that the Council had an economic Growth Programme to support the creation of jobs, housing and infrastructure within the Borough, delivering on the strategy set out in the adopted Local Plan. The Council's strategy, including the Growth Programme, had helped to deliver strategic growth since 2015 by securing the delivery of new homes and jobs in the Borough.</p> <p>To deliver this Growth Programme the Council continued to identify and manage a pipeline of projects which currently comprises a working total of over 200 sites across the Borough with projects planned to be implemented over the short, medium and long term. These projects utilised a combination of private or public sector land and cover employment, housing and town centre developments. Delivery of these private and public sector projects would generate many benefits to the Borough, which were outlined in the report submitted.</p> <p>The report provided a summary of progress to date and outlined the programme of projects for 2021/22. The report also requested delegated authority to vary the Growth Programme for 2021/22 by adding or removing sites as required, reflecting emerging priorities. The report also sought approval to grant a two-year extension to the successful Growth Framework.</p> <p>Councillor John Slater requested that the extension of Growth Framework be brought to Full Council to consider – Cllr Riley advised that he didn't want approval to be held up, but would come</p>	

	Item	Action
	<p>back to Councillor Slater with suggestions.</p> <p>RESOLVED – That the Executive Board:</p> <ul style="list-style-type: none"> • Notes the good progress made by the Growth Team during 2020-21 through challenging operational conditions; • Approves the Growth Programme to progress from feasibility stage through to tender stage during 2021-22; • Delegate’s authority to revise the Growth Programme for 2021/22, attached as Annexe A (by adding, removing or prioritising sites) to the Growth Programme Director in consultation with the Executive Member for Growth & Development; and • Approves a 2-year extension to the Growth Framework to March 2024 and reappoint the following five partners to the Framework, [in alphabetical order]: Barnfield Construction Ltd, Eric Wright Group Ltd, I&H Brown Ltd, Seddon Construction and The Casey Group Ltd. 	<p></p> <p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
<p>8.3</p>	<p><u>Disposal of Council land for residential development at Haslingden Road to a preferred developer</u></p> <p>The Executive Board was advised that the Haslingden Road development site in South East Blackburn was identified as a strategic site within the Council’s Growth programme. The site was well placed to provide vital keyworker homes for use by staff at the Royal Blackburn Hospital alongside providing a number of family homes for market sale.</p> <p>A number of technical surveys were undertaken for the site as part of a feasibility study to assess suitability and viability of the site to develop new homes. The feasibility study supported the development of the site to provide a mix of tenure and type of new homes.</p> <p>The site was offered for development via a three stage tender exercise through the Homes England Developer Procurement Panel 3.</p> <p>10 bidders expressed initial interest in developing the site. Officers assessed bids through the three stages of the tender process and identified a suitable bidder that could develop the site to meet with the Council’s aspiration.</p> <p>RESOLVED – That the Executive Board:</p> <p>2.1 Notes the outcome of the Tender undertaken for the Haslingden Road development site through the Homes England Developer Procurement Panel 3 (DPP3)</p> <p>2.2 Notes the financial offer for the Council owned site in the part 2 report</p>	<p></p> <p>Noted</p> <p>Noted</p>

	Item	Action
	2.3 Authorise officers to confirm bidder 'A' as preferred bidder and bidder B as reserve bidder.	Approved
	2.4 Grants permission for Council officers to negotiate Heads of Terms to finalise the terms of the disposal.	Approved
	2.5 Delegates authority to conclude negotiations, including terms of any land sale and contracts to the Growth Programme Director and Director of Finance in consultation with the Executive Members for Finance and Governance, and Growth and Development to approve the final heads of terms.	Approved
	2.6 Authorises the Director of HR, Governance & Engagement to complete the necessary legal formalities.	Approved
	2.7 Authorise the Strategic Director Place to appropriate the land at Haslingden Road shown edged red on plan attached Appendix A from the Resources and Growth & Development portfolios to the Growth & Development department for planning purposes pursuant to s226 Town and Country Planning Act 1990.	Approved
	2.8 Noting that the land is generally open space in character then such appropriation must also comply with s122(2A) of the Local Government Act 1972 and hence authorise the Director of HR, Governance & Engagement to advertise the proposal to appropriate accordingly.	Approved
	2.9 Authorise the Director of HR, Governance & Engagement to advertise the proposal to dispose of 'open space' in accordance with the statutory process under Section 123(2A) of the Local Government Act 1972	Approved
	2.10 Note that in authorising the commencement of the appropriation process of the Haslingden Road site, the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 as set out in this report.	Noted
	2.11 Authorise the Strategic Director Place for the consideration of any objections to both the appropriation proposal and 'open space' disposal.	Approved
	2.12 Note the Council's powers under s.203 – 206 of the Housing and Planning Act 2016 to override any third party rights and easements on the land once planning permission for the planning purpose has been obtained and so where necessary to enable the planning purpose to be achieved, authorise the Strategic Director of Place to override any said third party rights or easements.	Noted
	2.13 If the appropriation for planning purposes is approved and any third party rights and easements have been overridden, authorise the negotiation and payment of any compensation claims potentially emerging from the appropriation.	Approved

	Item	Action
8.4	<p><u>Covid-19 Finance Update</u></p> <p>The Executive Board received a report detailing the Covid-19 funding received by the Council to date including direct financial support for businesses, partners, community organisations and residents as well as funding in respect of the Council’s ongoing response to and the impact of the pandemic.</p> <p>In response to a request from Cllr John Slater, Cllr McGurk agreed to produce a summary of Covid and Business Grants funding received from the Government to financial year end.</p> <p>Following a question from Cllr Julie Gunn, Cllr McGurk advised of the process for recovery of staff time spent on dealing with grant funding and how this would involve HR and Finance reconciliation. In response to a question from Councillor Gunn on an inaccurate press report following the recent Audit & Governance Committee meeting on Counter Fraud activity by Internal Audit, Cllr McGurk clarified the position.</p> <p>RESOLVED – It is recommended that the Executive Board notes the contents of the report.</p>	Noted
9.1	<p><u>Replacement HR & Payroll System Procurement Decision</u></p> <p>Members received a report on the procurement of a replacement HR and Payroll system and which sought approval to award the contract to the successful bidder with the associated financial implications.</p> <p>The Council previously entered into a contract for its current HR system on the 10th March 2014 which was for up to an 8 year period with the current contract due to end in March 2022. The current solution was hosted in the Councils data centre, over recent years the market has seen a shift from on premise solutions to those hosted by the supplier. This has meant that suppliers were now no longer investing in on premise solutions and were implementing modules that were available to customers who move to their hosted solution. Due to the costs involved in moving to a hosted solution this left the Council with no legal alternative, but to tender for a new solution.</p> <p>The report set out the tender process and implementation phases, as well as highlighting the benefits of entering into a new contract.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> • Further to the approval of the Capital Programme at Finance Council in March 2021, the Executive Board is 	Approved

	Item	Action
	<p>asked to approve the reallocation of £716,000 from the earmarked ICT Capital Reserve, to commence the programme of works to replace the Council's current HR and Payroll system.</p> <ul style="list-style-type: none"> • Approves the awarding of the contract to the successful bidder. • Notes the potential additional modules that may be implemented. 	<p>Approved</p> <p>Noted</p>
	<p>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING.</p>	
11.1	<p><u>Disposal of Council land for residential development at Haslingden Road to a preferred bidder</u></p> <p>Further to the report submitted at Agenda Item 8.3, an additional report was submitted, containing commercially sensitive information.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <p>2.1 Notes the outcome of the Tender undertaken for the Haslingden Road development site through the Homes England Developer Procurement Panel 3 (DPP3)</p> <p>2.2 Notes the financial offer for the Council owned site in the part 2 report</p> <p>2.3 Authorise officers to confirm bidder 'A' as preferred bidder and bidder B as reserve bidder.</p> <p>2.4 Grants permission for Council officers to negotiate Heads of Terms to finalise the terms of the disposal.</p> <p>2.5 Delegates authority to conclude negotiations, including terms of any land sale and contracts to the Growth Programme Director and Director of Finance in consultation with the Executive Members for Finance and Governance, and Growth and Development to approve the final heads of terms.</p> <p>2.6 Authorises the Director of HR, Governance & Engagement to complete the necessary legal formalities.</p> <p>2.7 Authorise the Strategic Director Place to appropriate the land at Haslingden Road shown edged red on plan attached Appendix A from the Resources and Growth & Development portfolios to the Growth & Development department for planning purposes pursuant to s226 Town and Country</p>	<p>Noted</p> <p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>

	Item	Action
	Planning Act 1990. .	
	2.8 Noting that the land is generally open space in character then such appropriation must also comply with s122(2A) of the Local Government Act 1972 and hence authorise the Director of HR, Governance & Engagement to advertise the proposal to appropriate accordingly	Approved
	2.9 Authorise the Director of HR, Governance & Engagement to advertise the proposal to dispose of 'open space' in accordance with the statutory process under Section 123(2A) of the Local Government Act 1972	Approved
	2.10 Note that in authorising the commencement of the appropriation process of the Haslingden Road site, the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 as set out in this report.	Noted
	2.11 Authorise the Strategic Director Place for the consideration of any objections to both the appropriation proposal and 'open space' disposal.	Approved
	2.12 Note the Council's powers under s.203 – 206 of the Housing and Planning Act 2016 to override any third party rights and easements on the land once planning permission for the planning purpose has been obtained and so where necessary to enable the planning purpose to be achieved, authorise the Strategic Director of Place to override any said third party rights or easements.	Noted
	2.13 If the appropriation for planning purposes is approved and any third party rights and easements have been overridden, authorise the negotiation and payment of any compensation claims potentially emerging from the appropriation.	Approved
11.2	<p><u>Replacement HR & Payroll System Procurement Decision</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> <ul style="list-style-type: none"> • Further to the approval of the Capital Programme at Finance Council in March 2021, the Executive Board is asked to approve the reallocation of £716,000 from the earmarked ICT Capital Reserve, to commence the programme of works to replace the Council's current HR and Payroll system. • Approves the awarding of the contract to the successful bidder • Notes the potential additional modules that may be implemented 	<p>Approved</p> <p>Approved</p> <p>Noted</p>

	Item	Action
	<p>Signed at a meeting of the Board on 10th June 2021</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: 10th JUNE 2021

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

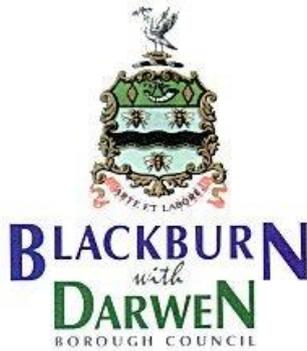
DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

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 Finance and Governance Leader
LEAD OFFICERS:	Chief Executive
DATE:	10 June 2021

PORTFOLIO/S AFFECTED:	Finance and Governance	Public Health and Wellbeing
WARD/S AFFECTED:	All	
KEY DECISION:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

SUBJECT: Covid-19 - Ongoing Response & Recovery

1. EXECUTIVE SUMMARY

In March 2020, the Council activated its Corporate Business Continuity Plan and emergency planning protocols in response to Covid-19. Regular updates on progress have been reported to Council Forum, Executive Board and Policy Council.

The Council has implemented strong governance and democratic oversight of our response to Covid-19 and a number of internal groups and cells were established. This includes a Health Protection Board, Local Outbreak Engagement Board, Incident Management Hub and critical response teams.

The Council has worked within the framework and structure of the Lancashire Local Resilience Forum (LRF) and from April 2021, the Council's Chief Executive is Chair of the LRF's Recovery Co-ordinating Group (RCG).

The new Coronavirus Act 2020 became law in March last year, and provided public sector bodies, and the Government, additional duties and powers to react quickly to the pandemic. For Local Government this included reducing administrative burdens, supporting people in crises and enhanced powers to take enforcement action in response to threats to public health and safety.

Provisions were made for the postponement of elections as well as regulation removing the requirement for local authority meetings to be held in person.

With support from Elected Members, the Council's Senior Management Team has taken swift and decisive action within the regulations of the Act and statutory responsibilities of the Civil Contingencies Act, to keep our residents safe and ensure they, and our businesses, receive the support needed.

This report outlines some of the key resource requirements to support the Council's ongoing Covid-19 response and moving into recovery, ensuring that our plans remain flexible to adapt our approach to the pandemic as and when needed over the course of 2021/22.

2. RECOMMENDATIONS

That the Executive Board:

- a) note the content of this report.
- b) acknowledge the significant council resource and capacity that has been prioritised to respond to the pandemic to date.
- c) agree that the Council will continue to resource activity related to the Covid-19 continuing response and local recovery, utilising funding allocated for this purpose
- d) agree that further updates be provided to elected members during the year.

2. BACKGROUND

Elected Members will be aware that the first transmission of Covid-19 within the UK was confirmed in February 2020 and on 3rd March 2020 the UK government published its action plan to respond to the pandemic with a phased approach – Contain, Delay, Mitigate.

At this stage, the Council activated its Corporate Business Continuity Plan and emergency planning protocols and, through the Lancashire Local Resilience Forum (LRF), the Council and partners responded to the outbreak at pace, working extremely hard to put in place all of the new measures and guidance expected of us by the Government.

During 2020/21, the Council's resources and workforce across all departments were re-prioritised to focus on our response to the pandemic, some services were required to close which enabled staff to be redeployed to support new Covid services whilst others, including environmental and highways services continued to deliver business as usual to a large extent.

Since the start of the pandemic regular updates have been provided at Council Forum and also Policy Council on activity and the on-going response. Our website also has lots information about our response, including the Covid Response Plan published in November 2020. As reported at Executive Board on 12th November 2020, Covid-19 has created a significant shock to the national and local economy, and resulted in significant, unplanned expenditure and income losses for the Council.

Council Forum received a report at its meeting on 25th March 2021 with an overview of the key highlights of the Council's response over the previous 12 months. A Covid-19 funding update was also provided to the Executive Board at the previous meeting in April 2021.

3. KEY ISSUES & RISKS

As the pandemic began to unfold the council's emergency plans were triggered. These plans provide a set of procedures to follow and a framework of considerations to take into account based

on legislation, good practice and historic events, although the scale and challenges of the pandemic were unprecedented.

The Council has implemented strong governance and democratic oversight of our response to Covid-19. We quickly introduced a number of internal groups and cells with a direct link to the Chief Executive and Elected Members, including a Health Protection Board, Local Outbreak Engagement Board, Incident Management Hub, education response cell, adult social care response cell as well as a core COVID team to co-ordinate the response. We have worked closely with colleagues in national and local government, health, police, business groups, community groups, faith settings and the private sector.

The COVID response plan on the Council website provides a high level outline of the governance and partnership frameworks we have been working within.

To ensure business continuity, the Council accelerated its planned roll-out of Microsoft Teams to enable those staff who were able to work from home to do so, and many continue to do so although we anticipate more staff returning to the offices and workplaces in a blended / hybrid working approach. Some staff whose normal duties were halted due to the pandemic were redeployed into roles that could support our immediate Covid response, including the Help Hub, contact tracing, testing and supporting businesses. The report to Council Forum on 25th March 2021, provides a summary of how our services have adapted and responded throughout the pandemic.

On 25th March 2020, the Coronavirus Act 2020 received royal assent and became law. The Act gave the Government, and other public sector bodies, powers to take the right action at the right time to respond effectively to the progress of the pandemic. The Act enabled actions in five key areas – increasing health and social care workforce by removing barriers to workforce retention; reducing administrative burdens so that resources could be reprioritised; providing public health officers with powers to control the spread of the virus; enabling a death management system to deal with increased demands; supporting people in crises. Provisions were made for the postponement of elections with regulations also put in place to remove the requirement for local authority meetings to be held in person until May 2021.

With support from Elected Members, the Council's Senior Management Team has taken swift and decisive action within the regulations of the Act and the statutory duties of the Civil Contingencies Act, to keep our residents safe and ensure they, and our businesses, receive the support needed as much as was possible. Elected Members were supported by our Digital Team to ensure they had the correct equipment and software to access Council meetings remotely and our first formal virtual Council meeting was held on 4th June (Annual Council).

The Government have also introduced a number of new duties and powers for local authorities in response to the pandemic. This has included directions to impose new prohibitions and restrictions on some industries (e.g. hospitality/leisure) and also public spaces (e.g. outdoor gatherings), or the issuing of fixed penalty notices within regulations. Responsibility for enforcing compliance with the restrictions sits with the Police. Whilst we use our best endeavours to support businesses and premises with advice and guidance, unfortunately formal action is needed when there is no other alternative. Since the start of the pandemic, the Council has issued 10 Direction orders and issued 10 Fixed Penalty Notices. Details of the Directions are on our website.

The Government published its Covid-19 Response – Spring 2021 on 22nd February setting out the roadmap out of the third national lockdown which started in January 2021. This sets out four steps

for reopening and gradual lifting of social restrictions starting from 8th March 2021. The latest information on restrictions and reopening is regularly updated on our website.

The Council has put plans in place to reopen and restart services aligned to the Government's 4 Step Roadmap and resume business as usual in many service areas. Covid-19 will stay with us for many years and we will continue to adjust and adapt as we live alongside the virus and the impact of new variants emerging.

In the first quarter of 2020/21, the costs of responding to the pandemic and the loss of almost all income from sales, fees and charges was of increasing concern and the Council's financial position was extremely challenging as reported previously to Executive Board. At Finance Council on 1st March 2021, we reported on the council's budget position, highlighting the spiralling costs in the early stages of the pandemic.

During the course of 2020, the Government began to provide additional resource to Councils to meet these costs and mitigate some of the financial losses incurred. Funding was made available through the Contain Outbreak Management Fund (COMF). This funding is ring-fenced for public health purposes to tackle Covid-19, working to break the chain of transmission and protecting the most vulnerable. Additional funding was also provided for Local Authorities like ours under the local restrictions tiering in 2020. As the continuing response to and recovery from Covid-19 spans financial years, funding received in the financial year 2020/21 can be carried forward into 2021/22 to support ongoing response and recovery work with a final outturn to be provided to Government in June 2022. Indeed the specific funding will be critical during 2021/22 as we deliver Covid-related activity alongside more Council services returning to business as usual.

As reported at Finance Council, we have received a Covid-19 grant for 2021/22 of £5,125,000, which will be used to meet additional costs as we respond to changing circumstances throughout the next financial year.

To support our continued emergency response into and throughout the current year, 2021/22, resource will continue to be made available for front line activity including site marshals, testing team, public protection, Help Hub, education/social care/crises response and our core public health covid incident management teams. We will also retain a focused Covid programme management team to co-ordinate activity such as governance, reporting, communications, testing, contact tracing, vaccination support. We will also ensure all of our council premises and spaces remain safe and covid-secure. This more dedicated response resource will enable other services to focus on returning to business as usual as far as is possible in the circumstances.

As with other public sector organisations, we are also dealing with a backlog and rise in demand across many of our services including social work support for vulnerable adults and children, legal, registrars, public protection, youth provision, employment and business support. To acknowledge the adjustments to services in continuing to respond to the pandemic, and operate within Covid-safe guidelines, we have allocated additional resource in this first phase to manage increased demand and provide capacity to deal with backlogs due to Covid-19.

We will continue to invest in the digital infrastructure across all premises to enable continued remote and hybrid working facilities and collaboration which will also reduce travel costs and time in future, and, recognising the significant pressure our employees have faced, we will continue to support employee wellbeing.

We will allocate £1,500,000 to support sustained recovery, including economic recovery for businesses and the town centres, supporting residents and communities to recover as the area with the highest cumulative rate of cases over the pandemic, and having been impacted by national and local restrictions for most of the last 15 months or so. As recommended by government and in line with guidance, these funds will also be used in our parks and other outdoor spaces and facilities for young people to make sure they are safe and welcoming enabling more people to access the health and wellbeing benefits of the outdoors and stay safe indoors.

Our first phase plans make provision for flexibility to adapt our approach to Covid-19 which may be needed throughout the course of 2021/22, as indeed we have experienced through 2020/21. The NHS vaccination programme is going well and we have a strong test and trace system in place. However, there is still uncertainty on aspects of the virus, including variants and future vaccination requirements, and it is important that we continue to have contingency arrangements in place to meet any unexpected demands placed on the Council.

Regular updates on activity and progress will be provided to Elected Members at future Council meetings.

4. POLICY IMPLICATIONS

We will continue to monitor government advice and guidance and tailor any policy requirements as necessary.

5. FINANCIAL IMPLICATIONS

There have been, and will continue to be significant financial implications arising from our response to COVID-19. Reports to Finance Council, Executive Board and Council Forum provide further information. We will continue to press the Government for additional resource and financial support as needed.

Throughout 2020/21, much of the Council's resources were prioritised to assist the response to the COvid-19 pandemic, significant additional costs were incurred including emergency food and other support, PPE, communications and engagement, test and trace systems, there were substantial losses of income from sales, fees and charges across leisure and cultural services, parking and many other services. Regular reporting returns have been made to government on the extent of additional costs incurred, claims for partial recovery of lost income have been submitted and additional funding was received specifically to support, for example, the regulated care sector, support for homelessness and economic support for businesses through a variety of business rates relief and both mandatory and discretionary grant schemes.

Much of the response effort continues beyond 31 March 2021, into the current financial year, income streams will take some significant time to recover to previous levels, and we are now planning recovery work alongside business as usual. The specific Covid funding provided by government to the local authority under the Contain Management Outbreak framework can be carried forward and utilised over two financial years 2020/21 and 2021/22. This will be reported formally in the 2020/21 Revenue Monitoring outturn report to the next Executive Board meeting.

Given the uncertainties we have seen throughout the pandemic and which still continue, this report is recommending utilisation of funding for the first phase of continuing response and recovery work in 2021/22, including the specific Covid response resources, addressing some of the capacity and backlog resourcing challenges, and planning for recovery across the Council relating to residents, communities and our wider local economy.

The first phase funding of £5.2m is proposed for:

- £2.7m continuing Covid response throughout 2021/22
- £1m supporting capacity and demand challenges across service departments
- £1.5m recovery funding

We will focus on economic recovery (£750k), marketing for service recovery / income generation, town centres and events (£150k), safe & welcoming indoor and outdoor public spaces (£390k), digital upgrades, training and wellbeing (£125k), and behavioural insights, communications, research and community engagement (£125k).

The functions supporting ongoing response and recovery across the Council are shown at Appendix A.

6. LEGAL IMPLICATIONS

The Council must ensure that it fully complies with the various Coronavirus legislation and Government guidance introduced from time to time, in respect of all its services, powers and duties. The Council must also continuously monitor the changes in legislation and guidance, to ensure the provision of its statutory and other responsibilities.

8. RESOURCE IMPLICATIONS

Please refer to section 5. Financial implications, in this report.

9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

10. CONSULTATIONS

Chief Officers have been consulted on the resource requirements to continue to deliver response activity, recovery and resume service delivery in their service areas.

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

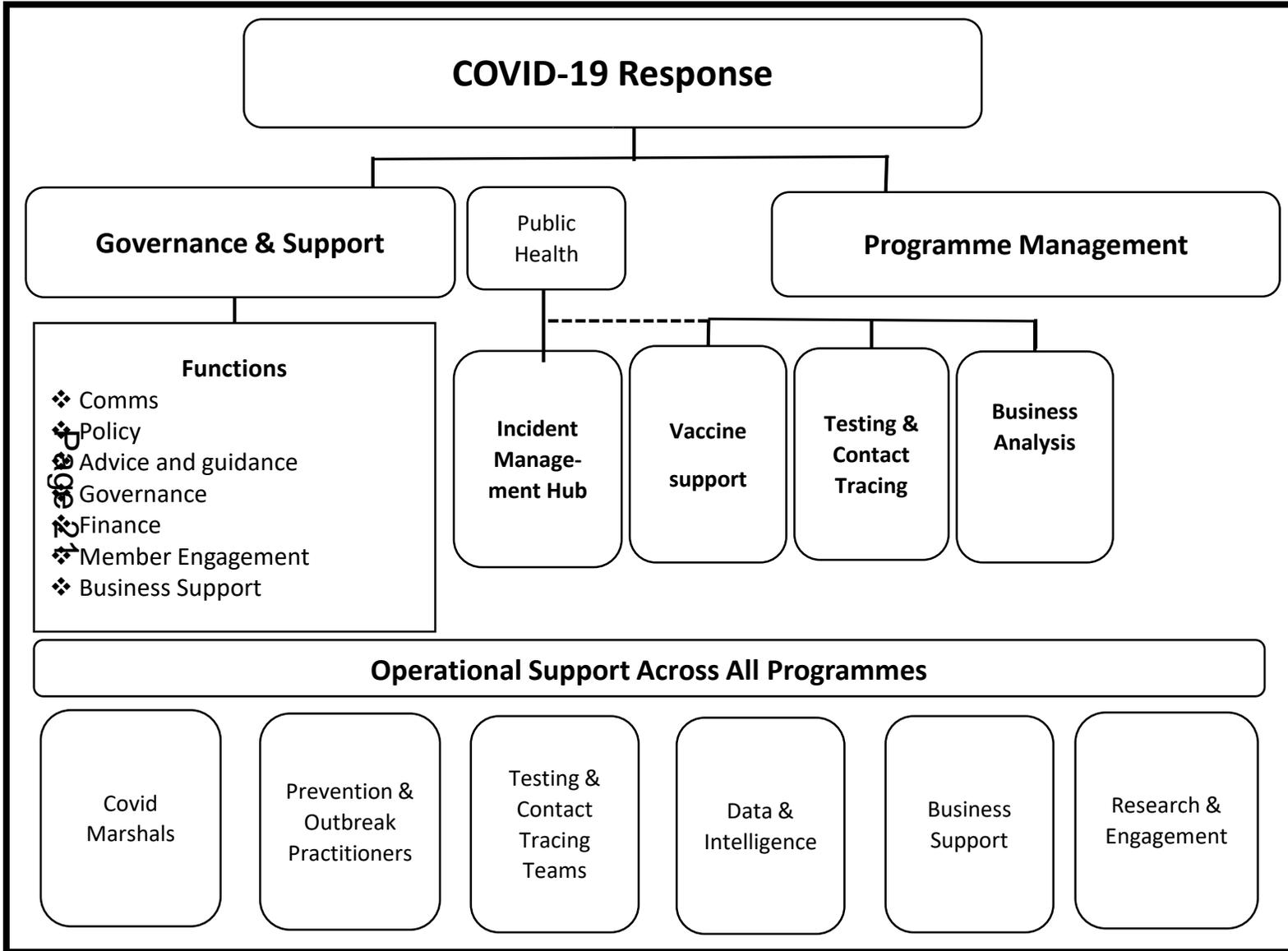
All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION: 1

CONTACT OFFICER:	Denise Park, Chief Executive
DATE:	25 th May 2021
BACKGROUND PAPERS:	<ul style="list-style-type: none">• Report to Executive Board 8 April 2021 – ‘Covid-19 Funding’• Report to Council Forum 25 March 2021 – ‘Council Response to Covid-19 Pandemic – One Year On’.• Report to Policy Council 3 December – ‘2020 Local and National Reflection; 2021 – Future priorities’.• Council key strategies and plans - https://www.blackburn.gov.uk/coronavirus/key-strategies-and-plans• The Government's One-year report on the status of provisions of the Coronavirus Act 2020 - https://www.gov.uk/government/publications/coronavirus-act-one-year-report-march-2021

Covid Response BAU Arrangements 2021/22

Departmental Response Functions

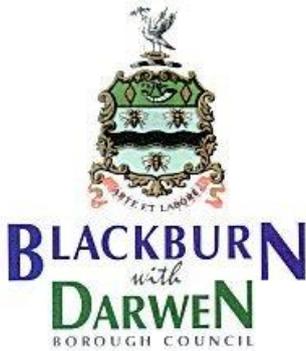


cross programme governance & information sharing arrangements

- **Adults & Health**
- **Care Sector Response Group**
- **Help Hub / Support for Vulnerable People**
- Data & Intelligence
- Community Engagement
- Outbreak Management
- Wellbeing
- Community Connectors
- **Children's & Education**
- **Education Response Team**
- Children & Young People Engagement
- Education Catch Up Projects
- Post 16 opportunities
- Vulnerable learners
- **Place**
- Business Engagement
- Testing & Vaccination Sites (Logistics)
- Enforcement & Public Protection Compliance
- Covid Marshals
- Event Restarts
- **Resources**
- Contact Centre
- Grants & Covid returns
- Housing debt & arrears
- **HR, Governance & Engagement**
- **Emergency & Resilience / LRF Planning**
- Corporate Communications
- Elected Members Engagement
- HR/H&S/Legal Advice
- Recruitment
- Covid Secure Elections

Key - - - - - Intelligence & Info sharing link

EXECUTIVE BOARD DECISION



REPORT OF:	Leader
LEAD OFFICERS:	Chief Executive
DATE:	10 June 2021

PORTFOLIO/S AFFECTED:	All
WARD/S AFFECTED:	All
KEY DECISION:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

SUBJECT:
Report on the progress against the Corporate Plan 2020/2021 for six months to Year-end (October 2020 to March 2021).

1. EXECUTIVE SUMMARY

To provide Executive Board the opportunity to review progress against the Council's strategic priorities documented within the Corporate Plan (2019-23) and to provide assurance that appropriate actions are being taken to address key areas of concern.

2. RECOMMENDATIONS

That the Executive Board:

1. Note the overall performance against the delivery of the Council's strategic objectives as illustrated in Appendix One Performance
2. Note the remedial action to improve delivery against the 2019-2023 Corporate priorities which are giving cause for concern, as outlined in Appendix Two Exception Reports

3. BACKGROUND

In March 2019, the Council endorsed the Corporate Plan 2019-2023, which outlines eight corporate priorities and ambitions providing a focus for our activity over the coming years.

To help us measure our performance against our corporate priorities and ambitions a performance framework is in place. The Council currently measures performance based on 73 Key Performance Indicators (KPIs).

4. KEY ISSUES & RISKS

4.1 Performance summary

The attachments to this report provide an overview of the Council's performance up to 31st March 2021. Elected members will be aware that since early March, the Council has been responding to the emergencies of the Coronavirus pandemic. Therefore, in some instances we have not been able to report data for all of the 73 KPIs.

Each portfolio has been asked to allocate a red, amber or green forecast to the measures that they

OWN.

The 73 measures within the Corporate Plan (2019-20) are linked to the Council's priority objectives and information for the period is as follows:

- 3% (2 actual) have been forecast as "red" where performance is, or is likely to be off track
- 21% (15 actual) have been forecast "amber" where delivery is on track and currently being managed
- 59% (43 actual) have been forecast "green" or on track
- 17% (13 actual) of the measures data and or a RAG rating is currently unavailable

The table below shows a breakdown of the measures across priorities:

Priority		Total	Red	Amber	Green	Awaiting Data / no data due to Covid-19
People (30) A good quality of life for all of our residents	P1 – Supporting young people and raising aspirations	6	0	1	5	0
	P2 – Safeguarding and supporting the most vulnerable people	9	0	3	6	0
	P3 – Reducing health inequalities and improving health outcomes	15	2	2	7	4
Place (13) Community pride in a vibrant place to live and visit	P4 – Connected communities	8	0	1	7	0
	P5 – Safe and clean environment	5	0	1	4	0
Economy (14) A strong and inclusive economy with continued growth	P6 – Strong, growing economy to enable social mobility	10	0	1	7	2
	P7 – Supporting our town centres and businesses	4	0	0	0	4
Council (16) Delivered by a strong and resilient Council	P8 – Transparent and effective organisation	16	0	6	7	3
Total		73	2	15	43	13
Overall percentage		100%	3%	21%	59%	17%

The following guidelines have been provided to ensure a standardised approach to allocating these forecasts:

Red

- The measure is likely to fail or perform poorly in the future
- The measure falls below a set national target / statutory required performance.

- The measure may also be below a minimum requirement for the particular service as agreed by the department
- The lead department perceives there could be a potential serious risk to the Council

Amber

- The measure is at risk of failure, but the lead department feels this is currently being managed
- Actions are or need to be in place to ensure that the end of year position is achieved

Green

- The measure is on target/ over performing / over achieving (if departmental target has been set)
- The lead department perceives there is currently no risk to the council in relation to this measure.

5. POLICY IMPLICATIONS

There are no additional policy implications. The proposed activity over the next 12 months will strengthen existing policies.

6. FINANCIAL IMPLICATIONS

There are no additional financial implications. Activity will be managed within department existing budgets.

7. LEGAL IMPLICATIONS

There are no legal implications as a result of this report.

8. RESOURCE IMPLICATIONS

There are no resource implications as a result of this report. Resource implications of any actions referred to in the report will be included in an appropriate briefing paper.

9. EQUALITY AND HEALTH IMPLICATIONS

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

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

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. [Corporate Plan 2019/2023 EIA](#)

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 report has been developed in consultation with the relevant Council officers and Executive Members

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.

VERSION:	1
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CONTACT OFFICER:	Denise Park
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DATE:	14/05/2021
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BACKGROUND PAPER:	Corporate Plan 2019-2023
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**Appendix One: Corporate Plan 2020/2021:
Performance Report for year-end and annual outturn (1st October 2020 – 31st March 2021)**

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
PEOP Page 16	P1 – Supporting young people and raising aspirations	1. % of children and young people in care performing at nationally expected levels: a) At the end of primary school	Children’s, Young People & Education Cllr Julie Gunn	Children’s Services & Education	Higher	2018/19 CIOC 12 months+ 40% Achieved expected standard in Reading, Writing and Maths	% CIOC achieving the expected standards in KS2 Reading, Writing and Maths (target to be reviewed annually)	40% in 2018/19 academic year *There were no end of Key Stage 2 tests for CIOC in 2020. The target is to be reviewed annually and provisional results are expected in September 2021. (GREEN)	As half-year status There were no end of Key Stage 2 tests for CIOC in 2020. The target is to be reviewed annually and provisional results are expected in September 2021. (GREEN)
		2. % of children and young people in care performing at nationally expected levels: b) At the end of secondary school	Children’s, Young People & Education Cllr Julie Gunn	Children’s Services & Education	Higher	2017/18 CIOC 12 months + 10.5% 5+ English / Maths	% CIOC achieving GCSE English and Maths combined at 4+ and 5+ (target to be reviewed annually)	CIOC 5+ English/Maths 26% in 2018/19 CIOC 4+ English/Maths 35% in 2018/19 (see *text for data exceptions) *2020/21 KS4 results were impacted by the Covid-19 pandemic. Schools were not required to publish their results therefore there is no national comparative data for CIOC for 2019/2020. The target is to be reviewed annually and provisional results are expected in September 2021. (GREEN)	As half-year status 2020/21 KS4 results were impacted by the Covid-19 pandemic. Schools were not required to publish their results therefore there is no national comparative data for CIOC for 2019/2020. The target is to be reviewed annually and provisional results are expected in September 2021. (GREEN)
		3. % increase in uptake of the two years old offer by eligible children	Children’s, Young People & Education Cllr Julie Gunn	Children’s Services & Education	Higher	58% (2018/19)	3% increase on 2019/2020	67% take up – Q1 Spring Term 2020 59% take up – Q2 Summer Term 2020 (AMBER)	60% take up – Q3 Autumn Term 2020 56% take up – Q4 Spring Term 2021 (AMBER)
		4. Personal Education Plans for cared for children a) % of children & young people with plans in place	Children’s, Young People & Education Cllr Julie Gunn	Children’s Services & Education	Higher	84% (2018/19)	95%	90% in Q2 (2019/20 academic year) (AMBER)	95% in Autumn Term 2020 (2020/21 academic year) (GREEN)
		5. Personal Education Plans (PEP) for cared for children	Children’s, Young People & Education Cllr Julie Gunn	Children’s Services & Education	Higher	46% (2018/19)	55%	72% Autumn and Spring Term *The average for Autumn and Spring term at Good or better	68% (2019/20 academic year)

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
		b) % of audited plans rated as Good or Outstanding						was 72% however this figure should be treated with caution as is likely higher than it would have been had a higher number been audited. It is important to note that all PEPS have had an initial QA and compliance check even though there has been less detailed auditing. (AMBER)	Figures should be treated with caution due to small % of PEPS receiving a detailed audit. However, for Autumn Term 2020 (2020/21 academic year) audits returned to more usual levels with 60% judged to be good or better. All PEPS continue to have an initial QA and compliance check. (GREEN)
		6. Council Apprenticeship start-ups	Finance & Governance Cllr Vicky McGurk	HR, Governance & Engagement	Higher	New measure 2019/2020	20 apprentices	20 apprentices recruited (GREEN)	20 apprentices (GREEN)
	P2 – Safeguarding and supporting the most vulnerable people	7. % of Transforming Lives Cases closed with outcomes achieved	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	50%	56%	74% of Transforming Lives Cases closed with outcomes achieved (GREEN)	72% of Transforming Lives Cases closed with outcomes achieved (GREEN)
		8. *NEW FOR 2020/21* % of looked after children with 3 placements or more in year	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education	Lower	13.1% (2019/20)	Achieve at or below national average for 2020/21 (10.4%)	8% (GREEN)	8% For the 12 months up to the end of March 2021 (GREEN)
		9. % of children in care for 2 ½ years who have remained in the same placement for at least 2 years	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education	Higher		Achieve at or above national average for 2020/21 (69%)	65% (AMBER)	65% As at the end of March 2021 (AMBER)
		10. % of children leaving care where a Special Guardianship Order (SGO) placement is granted.	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education	Higher	23% (2018/19)	Higher than 2019/20 (16%)	24% (GREEN)	25% For the 12 months up to the end of March 2021 (GREEN)
		11. Number of children open to children's social care including; those who are Child in Need, looked after or open to child protection.	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education	Lower	1,852 (open referrals as at end March 2019)	10% reduction on 2019/20 (1,533)	1,444 open referrals as at end September 2020 (GREEN)	1,340 open referrals as at end of March 2021. (GREEN)
		12. Rate of cared for children per 10,000 compared with the regional average.	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education	Lower	105* per 10k as at 31 st March 2019 *Recalculated in October 2020	At or below the regional average (Regional average yet to be published)	102 per 10,000 head of 0 to 18 population (2019/20 Regional data has not yet been published for comparison)	97 per 10,000 head of 0 to 18 population (as at end of March 2021) (GREEN)
		13. Rate of re-referrals into Children's Social Care	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education	Lower	17.9% (BWD 2018/19)	At or below national average	21% (October 2019 to September 2020)	17.9% (April 2020 to March 2021)

Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
						(national average yet to be published)	(2019/20 National data has not yet been published for comparison)	(GREEN)
	14. Increase in the number of Young Carers identified	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education	Higher	183 young people (2019/20)	200 young people	184 young carers - Q1 201 young carers - Q2 (GREEN)	Q3 - 175 Young Carers Q4 - 188 Young Carers (AMBER)
	15. Percentage of commissioned residential placements for Looked After Children as a total of all Looked After Children placements.	Children's, Young People & Education Cllr Julie Gunn	Children's Services & Education		7.1% (2018/19)	Maintain	5.8% (GREEN)	5.96% (AMBER)
P3 – Reducing health inequalities and improving health outcomes	16. Continue to achieve over 85% of Learning Disability service users living in settled accommodation	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	92.3% (2019/20)	85%	91.5% (GREEN)	Data not yet available This is an outcome of the SALT return, for which the deadline is the end of May 2021. On track to meet target
	17. Number of those in residential care aged 65 and above to be within 5% of the 2018-19 figure.	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Lower	157 (2019/20)	150	67 admissions (GREEN)	142 admissions (GREEN)
	18. Increase the number in Extra Care by over 10% compared to 31st March 2020.	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	120 (2019/20)	176	141 as at 30/09/2020 (GREEN)	141 people 2021-21 target not met mainly due to the delayed opening of Albion Mill, which will provide additional Extra Care Capacity. Performance has however been consistent. (GREEN)
	19. Greater than 85% of people aged 65 and over independent at home for 91 days or more following hospital discharge into one of our intermediate tier services.	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	89% (2019/20)	Greater than 85%	88% year to date (GREEN)	88% (GREEN)
	20. Increased number of residents referred and discussed at the integrated neighbourhood team (INTs) weekly meeting	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	740 (2018/19)	Target yet to be agreed	Data unavailable	562 residents referred and discussed (AMBER)
	21. Ensure 90% of Mental Health Act requests are responded to within 8 hours of notification	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	100% (2019/20)	90%	95% (GREEN)	96% (GREEN)
	22. *NEW FOR 2020/21* Where outcomes are expressed by the service user in	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	95% (2019/20)	85%	88%	Data not yet available.

Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
	safeguarding investigations, to ensure that 85% are fully or partially achieved.						(GREEN)	This information is an outcome of the Safeguarding Adults annual return, which is due 09/06/2021. (GREEN)
	23. *NEW FOR 2020/21* Number of households prevented from becoming homeless.	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	814	550	274 households prevented from becoming homeless. (AMBER)	579 households prevented from becoming homeless. (GREEN)
	24. *NEW FOR 2020/21* Number of Domestic Abuse victims contacted for support within 48 hours.	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	New Measure 2020/21	95%	100% (GREEN)	100% (GREEN)
	25. % of alcohol retailers compliant with licensing conditions.	Environmental Services Cllr Jim Smith	Environment & Operations	Higher	≥95%	Target yet to be agreed	Data unavailable	Data unavailable Licensed premises have been the subject of significant enforcement attention during the pandemic with the intention of balancing their recovery with the safety of customers and staff).
	26. Number of leisure attendances (including pitches)	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Higher	917,783	230,000	Total 77,021 (GREEN)	Leisure Centres have been closed as per Government Guidance for the majority of 2020/21.
	27. Total number of referrals into the BwD wellbeing service	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Higher	2,050	825	303 (Q1 & Q2) (GREEN)	Referrals into the BwD wellbeing service have been impacted by the Covid-19 pandemic 267 (Q3 & Q4) 2020/21 year-end outturn is 570 (AMBER)
	28. Reduce smoking in adults	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Lower	16.2% (2018)	15%	15.5% (2019) (AMBER)	15.5% (RED) See Appendix Two, Exception Reports
	29. Proportion of all in drug treatment who successfully completed treatment and did not re-present within six months.	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Higher	22.3%	24%	21.6% Figure is a combined total between opiate and non-opiate completions until end of Q1 2020	20.55% (Q3 2020)

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
								(AMBER)	(RED) See Appendix Two, Exception Reports
		30. Child obesity – child measurement programme survey for both reception and year 6 children – prevalence of overweight (including obesity)	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Lower	Reception 23.2% Year 6 34.6% (2017/18)	Target yet to be agreed	Data unavailable Due to Covid National Child Measurement Programme, measurements for school year 2019/20 are incomplete. The next data set will be due out for 2020/21 in September/October 2021.	Public Health England (PHE) have advised that Local Authorities (LA) will only be required to achieve a representative sample of 10% data as per PHE guidance for 2020/21. This will not produce LA level data for 2020/21
P L A N E Page 30	P4 – Connected communities	31. Number of referrals “Stepped Down” from Social Work Teams to the Neighbourhood Service for Community Connectors and Volunteers	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	165 (2019/20)	200	33 Due to Covid-19 and lockdown, referrals from Social Work Teams have been directed through to the Help Hub for support. (AMBER)	54 during Q3 and Q4 22 cases stepped down from Adult Social Care plus 32 cases from wider partners. These numbers are expected to rise as the road map opens up services. (AMBER)
		32. Number of individuals engaged in activity across the Our Community Our Future Programme	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	N/A	Target yet to be agreed for 20/21, subject to funding being received from MHCLG	Data unavailable	Funding has been confirmed for a further year of work through the Our Community, Our Future programme, with most delivery taking place in the 2021/22 financial year. (GREEN)
		33. Number of community groups engaged in activity across the Our Community, Our Future Programme	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	N/A	Target yet to be agreed	Data unavailable	Funding has been confirmed for a further year of work through the Our Community, Our Future programme, with most delivery taking place in the 2021/22 financial year. (GREEN)
		34. Number of volunteers supporting Council services	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	1,173 volunteers (2018/19)	2,000 volunteers	1,789 volunteers (GREEN)	2,083 volunteers Total number of volunteers signed up as at March 2021 (GREEN)
		35. Number of citizens engaged through Digital Health and Care Hubs	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Higher	N/A	110	52 (GREEN)	490 (GREEN)
		36. Number of volunteer hours supporting Culture and Leisure services delivery	Public Health & Wellbeing	Public Health & Wellbeing	Higher	34,866 (2018/19)	4,475	1,790 volunteer hours (Q1 & Q2) Libraries: 493	2,425 volunteer hours (Q3 & Q4) Libraries: 773

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
			Cllr Damian Talbot					Arts and Heritage: 1,062 Leisure: 235 (GREEN)	Arts and Heritage: 991 Re:Fresh / Leisure: 661 2020/21 Annual Outturn is 4,215 (GREEN)
		37. Number of cultural events and activities across arts and heritage services	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Higher	182 (2018/19)	83 cultural events & activities	52 cultural events & activities (GREEN)	217 cultural events & activities (Q3&Q4) 2020/21 Annual Outturn is 269 (GREEN)
		38. *NEW FOR 2020/21* Number of digital library loans	Public Health & Wellbeing Cllr Damian Talbot	Public Health & Wellbeing	Higher	New Measure 2020/21	Target to be confirmed	There has been a significant increase in the uptake of e-reading offers: 65% increase in eBook registrations 82% increase in eBook loans 68% increase in eMagazine checkouts (GREEN)	Home Library Service customer base increased by 51% Overall e-loans (e-books, e-audio and e-magazines have increased by 55% on the previous year to 53,241). (GREEN)
	P5 – Safe and clean environment	39. Increase in number of your call community litter pickers	Environmental Services Cllr Jim Smith	Environment & Operations	Higher	820 volunteers	1,500 volunteers	1,579 volunteers (GREEN)	319 Volunteers (Q3 & Q4) 2020/21 Annual Outturn is 1,898 volunteers (GREEN)
		40. Increase number of S80 prosecutions for enviro-crime offences	Environmental Services Cllr Jim Smith	Environment & Operations	Higher	28	Target to be confirmed	40 Actions (Q1 & Q2) (GREEN)	79 Actions (Q3 & Q4) 2020/21 Annual Outturn is 119 enforcements. Which includes 49 Prosecutions, 66 Fixed Penalty Notices, 4 Simple Cautions. (GREEN)
		41. Number of 4-hour repair/make safe following inspection of dangerous defects on the highways	Growth & Development Cllr Phil Riley	Environment & Operations	Higher	96%	98%	99.12% (GREEN)	98.05% (GREEN)
		42. Increase the household recycling rate	Environmental Services Cllr Jim Smith	Environment & Operations	Higher	28%	32%	April - September: Data not yet available. Data for Qtr. 1 (via Environment Agency web site, Waste Data Flow): 31%.	At the end of Q3, the recycling rate was 31.7%, up from 29.1% for the same period in 2019/20. Data for Q4 2020/21 (January to March) will not be available until approx. end of May 2021.

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
								(GREEN)	(AMBER)
		43. Reduce waste to landfill	Environmental Services Cllr Jim Smith	Environment & Operations	Lower	50%	60%	April - September: 100% diversion from landfill. (GREEN)	October to March: 100% diversion from landfill. (GREEN)
E C O N O M Y	P6 – Strong, growing economy to enable social mobility	44. Number of adult qualifications achieved (via the Adult Learning contract)	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	400 (2018/19)	400	282 (2019/20 period - the Adult Learning contract runs from August to July each year) (AMBER)	202 (2020/21 to date) This programme works on an academic year - this is the number of qualifications from August 2020 only. (GREEN)
		45. Number of people supported into employment or learning	Adult Services & Prevention Cllr Mustafa Desai	Adults & Prevention	Higher	845	1,379 (Target is made up of National Citizen Service (NCS) and More Positive Together project (MPT))	226 people supported (AMBER)	508 people supported (AMBER)
		46. Private rented sector homes, which have been inspected and have had Cat 1 and 2 hazards removed	Environmental Services Cllr Jim Smith	Environment & Operations	Higher	371 Category 1 & 2 hazards removed (2018/19)	Target to be confirmed	17 Cat 1 and 2 hazards removed. (Guidance issued by DCLG recommended that proactive inspection work should cease therefore only high-risk service requests have been responded to during the pandemic).	95 Cat 1 and 2 hazards removed. (Guidance issued by DCLG recommended that proactive inspection work should cease therefore only high-risk service requests have been responded to during the pandemic).
		47. Unlicensed properties identified and licensed, and audit/inspections undertaken.	Environmental Services Cllr Jim Smith	Environment & Operations	Higher	370 licences issued 144 inspected (2018/19)	Target to be confirmed	20 licences issued. (Housing Standards staff redeployed to deal with Covid-secure enforcement and track and trace work. Only high-risk service requests are being actioned at present).	24 selective licences issued. (DCLG guidance recommended that physical inspections should not be carried out during the pandemic. Housing Standards staffing resource has been utilised in the Covid-19 enforcement work).
		48. Number of long term (over 6 months) empty properties brought back into use	Growth & Development Cllr Phil Riley	Growth & Development	Higher	271	400	210 long-term empty properties brought back into use and are on track to achieve the annual target. (GREEN)	321 empty properties brought back into use in Q3 and Q4 531 Cumulative Total for 2020/21 (all figures based on long-term empties) (GREEN)

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
		49. Monitoring against national planning performance targets 2018: Major projects decided in 13 weeks	Growth & Development Cllr Phil Riley	Growth & Development	Higher	80%	85%	95% - 11 major applications determined. (GREEN)	100% 13 major applications determined. 3 applications determined within 13 weeks, and 10 applications determined within agreed extensions of time. (GREEN)
		50. Monitoring against national planning performance targets 2018: Non-major projects decided in 8 weeks	Growth & Development Cllr Phil Riley	Growth & Development	Higher	90%	90%	95% - 221 applications determined. (GREEN)	95% - 283 applications determined. 195 applications determined within 8 weeks, and 73 applications determined within agreed extensions of time. (GREEN)
		51. Appeals: Major applications allowed preceding 2 years	Growth & Development Cllr Phil Riley	Growth & Development	Lower	2%	2%	0% (GREEN)	0% (GREEN)
		52. Appeals: Non-major applications allowed preceding 2 years	Growth & Development Cllr Phil Riley	Growth & Development	Lower	2%	2%	0.41% (GREEN)	0.74% (GREEN)
		53. Development of new employment space in the year (m ²)	Growth & Development Cllr Phil Riley	Growth & Development	Higher	N/A	8,000 sq.m	720 sq.m (AMBER)	16,554 sq.m developed in Q3 & Q4 Total for 2020/21 is 17,274 sq. m (GREEN)
	P7 – Supporting our town centres and businesses	54. Number of ticketed events at King Georges Hall (KGH)	Environmental Services Cllr Damian Talbot	Environment & Operations	Higher	129 ticketed events		Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)	Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)
		55. Total attendances for ticketed events at King Georges Hall (KGH)	Environmental Services Cllr Damian Talbot	Environment & Operations	Higher	2019/20 Baseline year		Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)	Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)
		56. Number of ticketed events at Darwen Library Theatre (DLT)	Environmental Services Cllr Damian Talbot	Environment & Operations	Higher	125 ticketed events		Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)	Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)
		56. Total attendances for ticketed events at Darwen Library Theatre (DLT)	Environmental Services Cllr Damian Talbot	Environment & Operations	Higher	2019/20 Baseline year		Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)	Data unavailable (Service closed due to Covid restrictions in place across the Theatres industry)

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
COUNCIL – Page 34	P8 – Transparent and effective organisation	58. Online satisfaction rates for new Blackburn with Darwen website	Digital & Customer Services Cllr Quesir Mahmood	Resources	Higher	New measure 2019/20	Target to be agreed end of Q3	50% increase of traffic to the new website based on the same period last year. (GREEN)	New website feedback form launched in March 2021. Website traffic continues to remain high compared to previous year. (GREEN)
		59. Number of digital champions trained within the Council	Digital & Customer Services Cllr Quesir Mahmood	Resources	Higher	New measure 2019/20	Target and KPI to be reviewed	Due to the interactive nature of the training course, this has paused during Covid restrictions. (GREEN)	Critical roles have been trained and online training is available for all staff. (GREEN)
		60. Number of online customer transactions and forms completed	Digital & Customer Services Cllr Quesir Mahmood	Resources	Higher	152,000 (full year)	200,000	124,757 77,286 Council Customer Portal (CCP) 47,471 Digital Customer Portal (DCP) (GREEN)	145,100 86,433 Legacy: Council Customer Portal (CCP) 58,667 New: Digital Customer Portal (DCP) 2020/21 Annual Outturn is 269,857 (GREEN)
		61. Response to Freedom of Information Requests (FOIs) within timescale	Digital & Customer Services Cllr Quesir Mahmood	Resources	Higher	97.73% (2018/19)	90% Compliance rate	Compliance rate 92.27% (GREEN)	Compliance rate 92.11% (GREEN)
		62. Response to Environmental Information Requests (EIRs) within timescale	Digital & Customer Services Cllr Quesir Mahmood	Resources	Higher	86.16% (2018/19)	90% Compliance rate	Compliance rate 76.63% (AMBER)	Compliance rate 73.35% (AMBER)
		63. Response to Subject Access Requests (SARS) under the Data Protection Act within timescale	Digital & Customer Services Cllr Quesir Mahmood	Resources	Higher	67.98% (2018/19)	90% Compliance rate	Compliance rate 78.78% (AMBER)	Compliance rate 89.70% (GREEN)
		64. Undisputed and valid supplier invoices paid within 30 days	Finance & Governance Cllr Vicky McGurk	Finance	Higher	74% (2019/20)	95%	91% (AMBER)	91% (AMBER)
		65. 95.5% collection of Council Tax	Finance & Governance Cllr Vicky McGurk	Resources	Higher	94.9% (2019/20)	95.5%	52.4%. (Quarter 2) (RED) See Appendix Two, Exception Reports	94.8% (Quarter 4) The outturn is just 0.1% behind 2019/20. (AMBER)

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 & Q4 - October 2020 to March 2021)
		66. 98.5 % collection of Business Rates	Finance & Governance Cllr Vicky McGurk	Resources	Higher	98.5% (2019/20)	98.5%	50.66% (Quarter 2) (RED) See Appendix Two, Exception Reports	97.3% (Quarter 4) The outturn figure represents a reduction in collection of 1.2% behind 2019/20. (AMBER)
		67. Current ratio of total useable reserves (excluding Public Health and schools) to net revenue expenditure	Finance & Governance Cllr Vicky McGurk	Finance	Higher	24.03% (2017/18)	Average level reported by all Unitary Authorities (Average in 2019/20 = not yet published due to delays because of Covid-19)	The data is only published after submission of the Revenue Outturn Returns to MHCLG at the year-end.	Data unavailable Following the amendment to deadlines for the preparation of draft statutory accounts, the deadline for submission of the RO suite of forms is now the end of August 2021
		68. Percentage change in reserves over the past 3 years	Finance & Governance Cllr Vicky McGurk	Finance	Higher	26.54% i.e. reduction in 2017/18	Average level reported by all Unitary Authorities (Average in 2019/20 = not yet published due to delays because of Covid-19)	The data is only published after submission of the Revenue Outturn Returns to MHCLG at the year-end.	Data unavailable Following the amendment to deadlines for the preparation of draft statutory accounts, the deadline for submission of the RO suite of forms is now the end of August 2021
		69. Achieve a breakeven or underspend against overall portfolio and corporate budgets	Finance & Governance Cllr Vicky McGurk	Finance	Higher	Breakeven	Breakeven or underspend	Forecast outturn (excl DSG) based on assumptions made and information available at 30th September 2020, we are forecasting an underspend of £1.913m across the underlying portfolio budgets. (AMBER)	Data unavailable Revenue outturn has been delayed due to the additional work required to ensure that Covid-19 related expenditure and grants have all been captured and accounted for correctly in line with current guidance, and reconcile with the various government returns that departments across the Council have been completing throughout the year.
		70. 10% year on year reduction of carbon emissions from Council facilities	Growth & Development Cllr Phil Riley	Growth & Development	Lower	10% reduction	10% year on year reduction	-21% (AMBER)	14% Reduction of 878 tonnes of CO2 (AMBER)
		71. Response time and progress of stage One complaints to the Council	Digital & Customer Services Cllr Quesir Mahmood	HR, Governance & Engagement	Higher	85% (2018/19)	85% reduced this back to previous year due to delays surrounding Covid-19 and the low levels of complaints	Qtr. 1 - 88% Qtr. 2 - 70%	Qtr. 3 - 71% Qtr. 4 - 80%

	Priority	Performance measure	Portfolio	Department	Good performance is	Baseline	20/21 target	Half-year performance and rating (Q1 & Q2 – April to September 20)	Year-end & annual outturn Performance and rating (Q3 &Q4 - October 2020 to March 2021)
							escalating to Stage One	(AMBER)	(AMBER)
		72. Reduction in employee absence through sickness	Finance & Governance Cllr Vicky McGurk	HR, Governance & Engagement	Lower	8.81 days per annum (2018/19)	8 days per annum	3.56 days (Excluding Covid-19 absences) 4.99 days (Inclusive of Covid-19 absences) (AMBER)	7.58 days (2020/21 excluding Covid-19 absences) 10.69 days (2020/21 inclusive of Covid-19 absences) (GREEN)
		73. Information relating to RIDDOR	Finance & Governance Cllr Vicky McGurk	HR, Governance & Engagement	Lower	13 per annum (2018/19)	10 per annum	3 RIDDOR (GREEN)	7 RIDDOR (GREEN)

Corporate Plan 2020/2021: Performance Report
Year-end (1 October 2020 to 31 March 2021) Exception Reports

Priority:

P3 – Reducing health inequalities and improving health outcomes

- KPI No. 28 Reduce smoking in adults
- KPI No. 29 Proportion of all in drug treatment who successfully completed treatment and did not re-present within six months.

Department: Public Health & Wellbeing		
Priority: P3 – Reducing health inequalities and improving health outcomes		
Performance Measure: KPI No. 28 Reduce smoking in adults		Good performance is: Lower
Target: 15%		Baseline: 16.2% (2018)
Quarterly performance	Half year performance and RAG rating 15.5% (2019) (AMBER)	Year-end performance and RAG rating 15.5% Taken from Tobacco Control Profile Data: Period 2019 (latest report) (RED)
<p>What is the reason for the performance? Current Rate is 15.5% against the North West rate of 14.5% and England rate of 13.9%. Prevalence rates have dropped continuously from 2015 when they were 21.3%. (Date Source: Public Health England Local Tobacco Control Profiles)</p> <p>Smoking at time of delivery (SATOD) year to date data notes 1,494 pregnancies in BwD, of which 167 are smokers (11.2%). 2019/ 20 data noted the rate was 12.2%, a 1% reduction. (Data Source: NHS Digital)</p> <p>Current value rate of smokers that have successfully quit at 4 weeks is 1,990 (NW 1,986 / England 1,808) showing an improvement. Smoking attributable hospital admissions (data from 2018/19) has increased with the value at 2,129, which is as high as 2014/15. Smoking attributable mortality value rate (2016/18) of 373.1, has reduced since 2013/15. (Date Source: Public Health England Local Tobacco Control Profiles)</p> <p>Following guidance from National Centre for Smoking Cessation and Training, quit verifications in 2020 to present have been confirmed by self and not CO-Monitoring due to COVID restrictions. This may have an impact on quit rates for 2020/21.</p> <p>Other issues include:</p> <ul style="list-style-type: none"> • Lack of cohesive working with services with examples to include sharing of data, referral pathways (GP's / workplaces) and promotion of the service. • Decrease in the number of pharmacies signed up to the programme with 13 in 2020/21, in 2019/20 there were 21. 		

- No community offer such as Stop Smoking Clinics to reach those who are using alternative methods such as self-help, via GP's with Varenicline prescriptions and vulnerable / hard to engage groups.
- No local promotional materials to raise the awareness of the programme.

The Wellbeing team offer signposting to the pharmacies, personalised support, motivation and encouragement but there is no follow up / 360 feedback if referrals are received from sources such as maternity services. The Wellbeing team does not have a Stop Smoking Specialist, and training has been identified as an area for development with the service manager.

Pharmacies who deliver the Stop Smoking Service need to follow up on quit verification status as over 35% of data is outstanding.

The Tobacco Control Alliance has not met since February 2020 to provide strategic leadership and drive for the tobacco control agenda in Blackburn with Darwen in line with local and national priorities

What is the likely impact of continued performance? Increase in smoking related harms (hospital admissions, mortality, premature birth, birth defects, low birth weight, pregnancy loss). There will be a financial implication both short and long term with hospital admissions, days absent from work in routine & manual workers and impact of second hand smoke on others.

What activities have been or are being put in place to address these issues?

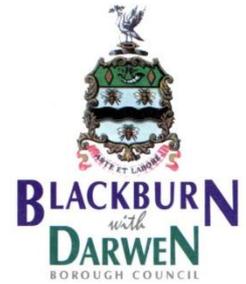
- Increase the number of pharmacies delivering the Stop Smoking Services in 2021/22 – 16 (at present)
- Enhanced training offer to health professionals delivering Stop Smoking Services
- Pilot projects taking place with Age UK, Union House (Hostel) and CGL / Inspire to reach more vulnerable populations
- Pilot with 5 pharmacies (in addition to CO monitors), 2 hostels and CGL to utilise spirometers as tool to raise the awareness and impact of smoking related harms on lung health
- New awareness raising material developed in both print and digital formats with a 7 week campaign planned for July 2021
- Tobacco Alliance reformed with increased membership, terms of reference and quarterly meetings
- Long Term Plan development work with acute and local maternity services across the ICS to reduce the number of smokers at time of delivery with support to partners
- Undertake CLeaR assessment in BwD to understand local offer and need in community, acute & maternity and drug and alcohol settings. Blackburn with Darwen are one of four sites in the North West to pilot the drug and alcohol assessment on behalf of Public Health England
- Working with NHS Lung Health Check Group to deliver the offer in Blackburn with Darwen for those aged People aged over 55 years old but less than 75 years old that have ever smoked
- Target of 10% outstanding Quit Status verification data per pharmacy in the specification for 2021/22. This will be supported with training and the development of a pharmacy support group with Community Pharmacy Lancashire Service Development Manager
- Prevention First focus to eliminate smoking among under 18s and achieve the first SmokeFree generation

- Proposal to recruit Stop Smoking Advisors to connect the Stop Smoking Programme with the 4 Primary Care Networks, workplaces, deliver community clinics and establish smoking champions across the network.

Are there any decisions likely to be required of Executive Members in the future, in relation to this issue? Proposal to recruit Stop Smoking Advisor(s). The Executive Member for Public Health & Wellbeing is regularly briefed on this issue. The activities to address the underperformance outlined above are also discussed via six monthly performance reporting and budget monitoring.

Department: Public Health		
Priority: P3 – Reducing health inequalities and improving health outcomes		
Performance Measure: KPI No. 29 Proportion of all in drug treatment who successfully completed treatment and did not re-present within six months.		Good performance is: Higher
Target: 24%		Baseline: 22.3%
Quarterly performance	<p>Half year performance and RAG rating 21.6% Figure is a combined total between opiate and non-opiate completions until end of Q1 2020 (AMBER)</p>	<p>Year-end performance and RAG rating 20.55% Q3 2020 (RED)</p>
<p>What is the reason for the performance? Given changes to service delivery due to Covid and staff capacity pressures during the pandemic, the number of unplanned discharges has increased. This situation appears to be improving as restrictions are lifted, as inpatient detox was deemed clinically unsafe during this period. In some instances and if service users needed support, we would encourage them to re-present and re-engage with services before the six month period, to keep them safe and in treatment.</p> <p>There has been a reduction in drug related deaths during the year. However, other areas across the Integrated Care System (ICS) have seen an increase. This seems to have happened when people have left treatment before they are ready. This trend has been seen nationally.</p>		
<p>What is the likely impact of continued performance? We expect this to be resolved post Covid and for the figures to improve in Q4 2021</p>		
<p>What activities have been or are being put in place to address these issues? Post Covid recovery of service delivery, increased investment in criminal justice, recovery and drug related death activity. Increased digital support and interventions including peer support have been increased through Covid lockdowns.</p>		
<p>Are there any decisions likely to be required of Executive Members in the future, in relation to this issue? No. However, the Executive Member for Public Health & Wellbeing is regularly briefed on this issue. The activities to address the underperformance outlined above are also discussed via six monthly performance reporting and budget monitoring.</p>		

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Children, Young People and Education
LEAD OFFICERS:	Strategic Director of Children's & Education (DCS)
DATE:	Thursday, 10 June 2021

PORTFOLIO(S) AFFECTED:	Children, Young People and Education
WARD/S AFFECTED:	(All Wards);
KEY DECISION:	Y

SUBJECT:
 Amendment to the published school holiday pattern for Community and Controlled schools 2021/2022
 School holiday pattern for Community and Controlled schools 2022/2023

1. EXECUTIVE SUMMARY

The Local Authority (LA) has responsibility for setting the school holiday pattern for Community and Controlled schools. It does this in consultation with neighbouring LAs, schools and teacher associations. For other maintained schools (Voluntary Aided and Foundation) the governing board sets the holiday pattern. Trustees of free schools and academies (schools independent of the LA) have responsibility for setting their term and holiday dates.

The school holiday pattern for 2021/2022 was agreed by the Executive Board in June 2020 and the dates were agreed and circulated to schools. In November 2020 the government announced that the Spring Bank Holiday in 2022 will be moved to Thursday 2 June and an additional Bank Holiday on Friday 3 June will see a four-day weekend to celebrate Her Majesty The Queen's Platinum Jubilee. Since these dates fall within the previously determined published dates for the 2022 Summer Half Term break, the Community and Controlled schools will already be closed for half-term during that whole week, so no amendment is required to the already agreed school holiday pattern. However, the DfE has confirmed its firm intention to reduce both the number of days that children are required to be in attendance during the 2021-22 academic year (from 190 to 189) and the number of days teachers are required to work (from 195 to 194). Accordingly, Executive Board is asked to agree that once the necessary legislative amendments have been made, the Governing Board of each Community and Voluntary Controlled School will be required to select an additional day (within the existing term dates) which will be a holiday for all their pupils and staff in lieu of the additional bank holiday, to ensure that their school community receives their full holiday entitlement like everyone else. Likewise, the Governing Bodies of any other schools within BwD which follow the holiday pattern determined by the LA will need to also select an additional holiday date for their own schools.

2. RECOMMENDATIONS

That the Executive Board:

- Notes the anticipated changes to normal attendance requirements for both pupils and staff in the 2021/2022 academic year, as a result of the additional bank holiday which will result in children attending for 189 days and teachers being available for work for 194 days in that academic year;

- Agrees that once the necessary legislation has been published, the Governing Board of each Community and Voluntary controlled school will select a date within the previously determined term dates for the 2021-22 School year (based on their school priorities) which will then be taken as a holiday by the staff and pupils of that school in lieu of the additional bank holiday;
- Agrees the school term and holiday pattern for Community and Controlled schools for 2022/2023 (as set out in Appendix 1 ' Draft School Term and Holiday Pattern 2022/2023)

3. BACKGROUND

The LA is required to set the school holiday pattern for its Community and Controlled schools. The dates are agreed at least 12 months in advance of schools beginning the new academic year. In March the dates were circulated for consultation with all schools settings. In addition the dates were sent to Teacher Association representatives for their comments.

4. KEY ISSUES & RISKS

Schools have a preference for the LA to set a pattern that is aligned with Lancashire County Council. In this way there is less disruption for families and employees.

Due to the composition of the maintained school sector in the Borough agreeing a uniform set of dates is not possible as all of the secondary schools and over a half of primary schools can set their own holiday patterns.

5. POLICY IMPLICATIONS

Schools, Governors and Teacher Associations were all asked for comments in relation to the proposed holiday pattern. In recent years the LA has received only a very limited number of comments and these have been consistent with comments received in previous years wanting the pattern to be aligned with Lancashire's holiday pattern, to avoid problems with members of staff who have children attending schools in Lancashire. Only 2 responses have been received this year, one from a Headteacher of a Community school supporting the pattern and the other from a Headteacher of a Voluntary Aided school suggesting that the break at the end of the Autumn term was too early and recommending a later finish during the week commencing 19th December.

It is important to note that once agreed by the LA and published, the holiday pattern is binding on all community and voluntary controlled schools in Blackburn with Darwen. Voluntary Aided and Foundation governing boards are requested to give consideration to the advice from the LA when determining their school calendars.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

7. LEGAL IMPLICATIONS

The Education (School Day and School Year) (England) Regulations 1999 stipulate that maintained schools must be open for 190 days during any school year to educate their pupils. Under the annual School Teachers' Pay and Conditions Document (STPCD), all teachers are required to be available to work for 190 (+5 inset) days in each academic year. The DfE has confirmed that they plan to amend the legislation and STPCD to reduce the number of required days in relation to the 2021/2022 academic year from 190 to 189, in order to account for the additional agreed bank holiday to celebrate the Queen's Platinum Jubilee. As community and voluntary controlled schools will already be on their half-term holiday break on the June bank holiday dates, there is no need to amend the Council's published holiday pattern for 2021/2022 to

comply with that change. However, once the amending legislation comes into force, the Governing Board of each school that is already closed for half-term on the additional bank holiday will need to select a different additional day to be a holiday for staff and pupils (in lieu of the additional bank holiday) in order to comply with the reduced attendance requirements which will then be in place for pupils and staff in the 2021-22 academic year.

Attendance requirements will revert to normal in the 2022-2023 academic year, when all maintained schools will need to be open for the education of their pupils for the usual 190 days and teachers will be required to be available for work for the standard 190 (+ 5 inset) days. The 2022-2023 School Term and Holiday pattern that Executive Board has been asked to approve for Community and Voluntary Controlled schools in this borough (as set out in Appendix 1) will satisfy those legal requirements.

The LA remain responsible for setting the school holiday pattern for Community and Controlled schools

8. RESOURCE IMPLICATIONS

There are no resource implications arising from this report.

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

Schools, governors and Teacher Associations were all asked for comments in relation to the proposed holiday pattern. The LA has received 2 responses from Headteachers as outlined above.

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:	Andrew Hutchinson, Ailsa Smith, , andrew.hutchinson@blackburn.gov.uk, ailsa.smith@blackburn.gov.uk
DATE:	

**BACKGROUND
PAPER:**

APPENDIX 1

DRAFT

SCHOOL TERM AND HOLIDAY PATTERN 2022/2023

AUTUMN TERM 2022

Re-open on
Mid Term Closure

Thursday 1 September 2022
Monday 24 October-
Friday 28 October 2022 (inc)
Friday 16 December 2022
72

Closure after school on
Number of openings

SPRING TERM 2023

Re-open on
Mid Term Closure

Tuesday 3 January 2023
Monday 13 February-
Friday 17 February 2023 (inc)
Friday 31 March 2023
59

Closure after school on
Number of openings

SUMMER TERM 2023

Re-open on
May Day Closure
Mid Term Closure

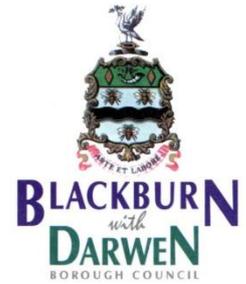
Monday 17 April 2023
Monday 1 May 2023
Monday 29 May -
Friday 02 June 2023 (incl)
Friday 21 July 2023
64

Closure after school
Number of openings

TOTAL NUMBER OF OPENINGS - 195

Edgworth CE/Methodist Primary School and Belmont Community Primary school have traditionally followed the agreed holiday pattern of Bolton LA. This arrangement will continue for 2022/2023

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Strategic Director of Place

DATE: Thursday, 10 June 2021

PORTFOLIO(S) AFFECTED: Growth and Development

WARD/S AFFECTED: (All Wards);

KEY DECISION: Y

SUBJECT:

Local Transport Plan 2021-22

1. EXECUTIVE SUMMARY

To seek the Executive Board's approval for the detailed Local Transport Plan programme for the financial year 2021/22.

2. RECOMMENDATIONS

That the Executive Board:

- 1) Approves the Local Transport Plan detailed programme for 2021/22
- 2) Delegates authority to the Strategic Director of Place, in consultation with the Executive Member for Growth and Development, to amend, seek and accept tenders subject to adequate budget provision.

3. BACKGROUND

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

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

On the 15th February 2021 the Department for Transport (DfT) confirmed details of future Integrated Block Allocations and Local Highways Maintenance Capital Block Funding for 2021/2022.

Additional funding has also been confirmed from the DfT in relation to the Emergency Active Travel Fund (walking and cycling tranche 2). The Council has also been successful in securing a

number of Section 106 developer contributions to deliver Capital Highways improvement schemes.

The table below summarises the total amount of funding available:

	2021/22
20/21 LTP carry forward	£347,541
DfT Integrated Transport Block	£1,435,000
DfT Highways Capital Maintenance	£1,070,000
DfT Highways Maintenance Incentive Fund	£268,000
DfT Pothole Fund	£1,070,000
DfT Emergency Active Travel Fund (Walking and Cycling) Phase 2	£213,359
Growth Deal 3 balance of monies	£843,110
17/0578 Section 106 Blackburn North Yew Tree Drive (Wainhomes)	£681,371
18/0895 Section 106 Blackburn North Roe Lee (Persimmon Homes)	£150,000
20/0265 Section 106 Blackburn North Land at Ramsgreave Drive (McDermott Homes)	£130,000
17/0211 Section 106 Gib Lane Phase C (Story Homes) West Blackburn	£267,862
19/0520 (18/0075) Section 106 School Lane (Wainhomes)	£35,580
16/0789 (17/1523) Section 106 Pole Lane North (Kier)	£100,000
16/0789 (17/1523) Section 106 Pole Lane North (Kier)	£150,000
19/0317 Section 106 Spring Meadows (Persimmon Homes)	£200,000
Commuted Sum: Wainwright Bridge	£411,808
Grand Total	£7,373,631

Any additional funds received from Section 106 or monies from third parties will be reported within the 6 monthly LTP update report to be published later in 2021.

4. KEY ISSUES & RISKS

Proposed schemes have been informed by lifecycle planning factors developed as part of the Council's asset management strategy, where relevant schemes within the resilient network have been prioritised.

The 2020/21 Capital Programme for Transport and Highways will be allocated as follows:

LTP Integrated Transport Block: totals £4,273,006

Highway Schemes Part 1 Compensation Claims
Growth Deal 3 South East Blackburn
DfT National Productivity Investment Fund Fabric Borders – scheme retention
Walking and Cycling (phase 2 DfT funding)
Public Rights of Way Improvement Plan
Local Road Safety schemes (including interactive speed signs)
LTP Performance monitoring
LTP scheme development and delivery (preparation / strategy development / business case work)
West Blackburn Infrastructure: Bank Hey Masterplan
Section 106 Yew Tree Drive (speed reduction, markings and lining, signage, median works, toucan crossings)
Section 106 School Lane (pedestrian crossing and slow down markings)

LTP Capital Maintenance: totals £2,954,174

LTP carriageway maintenance: resilient network resurfacing
Whalley New Road / Duke Street / Yew Tree Drive / Rockholes Road

Carriageway Improvements - Emerald Avenue, Junction Brownhill Drive, Blackburn
Bolton Road, Green Arms Road north to Moss Gap Cottages, Darwen
Jubilee Square and Barton Street highway improvements
DfT Highways Maintenance Incentive Fund – resilient network surface treatments
New Chapel St, Blackburn
Belmont Road, Belmont north to Boundary with LCC, Belmont
DfT Pothole Fund
Cranberry Lane
Targeting defect areas
Spray Injection Patching Programme
Roman Road Improvements
Capital Drainage
Pleckgate Road (from no. 110 to the brook)
Preston Old Road – Cherry Tree Lane - (no's. 520 to 546)
UTC Capital Upgrades
Little Harwood Crossing
Haslingden Road (Old Bank Lane) Conversion
King Street and Montague Street Junction Signal Improvements
Haslingden Road corridor UTC integration
Haslingden Road and Guide Island Phase 1 Physical modifications
Preston New Road and Yew Tree Drive Detection Replacement
Asset Management
Journey Time as a Service (JTaaS) Installation
Emerging Priorities and Management
Highways Structures capital maintenance
Rakes Bridge Culvert
Kings canal bridge
Clinton Street Bridge, Moss Street to Stanley Street, Blackburn
Essential Bridge Maintenance: St Ives Bridge - Parapet
General Bridge Maintenance: Old Man Culvert, A675 - Scour repairs
Substandard Bridge Maintenance: Entwistle Station Signage
General Retaining Wall Strengthening: Cob Wall Retaining Wall and Parapet
Traffic Barriers: Billinge End and Wellington Mews
Bridge Assessments: Aqueduct Road Footbridge, Charnley Street Footbridge and High Street Subway
Bridge Inspections - Various confined space structures
Wainwright Railway Bridge Repainting and Refurbishment
Roman Road Drainage
Street Lighting Column Repairs
Capital maintenance reserve schemes
Highway Structures - Lithermans Culvert, B6391 Chapelton
Highway Structures - Plane Street Railway Bridge
Highway Structures - Whalley New Road opposite Jasper St
Drainage - Blackburn Road – Edgworth – Pike House
Drainage - Aqueduct Road, Blackburn
Carriageway Resurfacing - Bolton Road, Cochran Street to The Circus, Darwen
Carriageway Resurfacing - Accrington Road, Number 298 east to boundary, Blackburn
Carriageway Resurfacing - Whalley New Road, Greenacre garage south to Perrys garage, Blackburn
Carriageway Resurfacing - Hardman Way, Bolton Road to Foundry Street, Darwen
Carriageway Resurfacing - Blackburn Road, Bolton Road to Isherwood Fold, Edgworth

Carriageway Resurfacing - Pleckgate Road, Number 160 south to Pleck Farm Avenue, Blackburn
Carriageway Resurfacing - Darwen Street, Canterbury Street to Bridge Street
Footway Micro-asphalt - Arran Avenue, Blackburn
Footway Micro-asphalt - Birch Hall Avenue, Darwen
Footway Micro-asphalt - Paul Rink Way, Blackburn
Footway Micro-asphalt - Calico Street, Blackburn
Footway Micro-asphalt - Nuttall Street, Blackburn
Footway Micro-asphalt - Tapestry Street, Blackburn
Footway Micro-asphalt - Kidder Street, Blackburn
Footway Micro-asphalt - Bunkers Hill Close, Blackburn
Footway Micro-asphalt - Bolton Road, Blackburn
Footway Micro-asphalt - Finsbury Place, Blackburn
Footway Micro-asphalt - Heys Close, Blackburn
Footway Micro-asphalt - Fowler Height Close, Blackburn
Footway Micro-asphalt - Parklands Way, Blackburn
Footway Micro-asphalt - Cockridge Close, Blackburn
Footway Micro-asphalt - Shorrock Lane, Blackburn
Footway Micro-asphalt - Oban Drive, Blackburn
Footway Micro-asphalt - Buncer Lane, Blackburn
Footway Micro-asphalt - Coniston Drive, Darwen
Footway Micro-asphalt - Rakes Bridge, Lower Darwen, Blackburn
Footway Micro-asphalt - Skye Crescent, Blackburn
Footway Micro-asphalt - Spring Vale Garden Village, Darwen
Footway Micro-asphalt - Jack Walker Way, Blackburn
Footway Micro-asphalt - Wensley Road, Blackburn
Footway Micro-asphalt - Tunnel Street, Darwen
Footway Micro-asphalt - Greenfield Street, Darwen
Footway Micro-asphalt - Glenshiels Avenue, Huddlesden
Footway Micro-asphalt - Glencoe Avenue, Huddlesden
Footway Micro-asphalt - Gleneagles Avenue, Huddlesden
Footway Micro-asphalt - Carus Avenue, Huddlesden
Footway Micro-asphalt - Ranken Drive, Huddlesden
Footway Micro-asphalt - Glencarron Close, Huddlesden
Footway Micro-asphalt - Chapman Road, Huddlesden
Footway Micro-asphalt - Albion Road, Blackburn
Footway Micro-asphalt - Tweed Street, Blackburn
Carriageway Surface Treatment - Daisy Street, Blackburn
Carriageway Surface Treatment - Emerald Avenue, Blackburn
Carriageway Surface Treatment - Amber Avenue, Blackburn
Carriageway Surface Treatment - Beryl Avenue, Blackburn
Carriageway Surface Treatment - Pearl Street, Blackburn
Carriageway Surface Treatment - Rosewood Avenue, Blackburn
Carriageway Surface Treatment - Kelsall Avenue, Blackburn
Carriageway Surface Treatment - Greenhead Avenue, Blackburn
Carriageway Surface Treatment - Unnamed Road leading from Whalley New Road, by Leo's carpets, Blackburn
Carriageway Surface Treatment - Heys Lane, Darwen
Carriageway Surface Treatment - Dove Lane Darwen
Carriageway Surface Treatment - Harwood Street, Darwen
Carriageway Surface Treatment - Prospect Avenue, Darwen
Carriageway Surface Treatment - Owlet Hall Road, Darwen
Carriageway Surface Treatment - Vale Street, Darwen

Carriageway surface treatment - Furness Avenue, Blackburn
UTC - Junction of Preston Old Rd and Witton Park Detection Upgrade
UTC - Ewood Park Detection Upgrade
UTC - Aqueduct Road Detection and Lining Upgrade

Any changes to the approved 2021/22 programme will be reported via the Council's Executive Member for Growth and Development later in 2021. Changes to the LTP programme as detailed within this report will be resourced from within the programme, and as such there will be no additional impact on Council finances. The equality impacts of each project are considered and assessed at the scheme design stage.

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

The Council is currently developing the next Local Transport Plan (LTP4) strategy covering the period from 2021-2041. Accompanying the strategy will be an implementation plan containing Blackburn with Darwen's provisional capital programme and transport projects from 2022/23 to 2026/27.

5. POLICY IMPLICATIONS

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

6. FINANCIAL IMPLICATIONS

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

7. LEGAL IMPLICATIONS

The Council has a statutory duty under Sections 108 and 109 of the Transport Act 2000 ("the Act") (as amended by the Local Transport Act 2008) as local transport authority to ensure that the Council has up to date policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area. Each local transport authority must prepare a document to be known as the Local Transport Plan ("LTP") containing its policies for the purposes above and its proposals for the implementation of those policies.

All schemes within the programme will be designed and implemented in accordance with relevant highway, transport, traffic and equality legislation; and will need to be procured in accordance with the Council's constitution, procurement law and Government grant conditions.

8. RESOURCE IMPLICATIONS

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

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

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

All schemes will be the subject of detailed individual consultations with the emergency services, stakeholders and the wider community.

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

11. STATEMENT OF COMPLIANCE

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

12. DECLARATION OF INTEREST

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

CONTACT OFFICER:	Dwayne Lowe, Head of Highways and Network Operations, dwayne.lowe@blackburn.gov.uk
DATE:	10 th May 2021
BACKGROUND PAPER:	None

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Growth and Development
LEAD OFFICERS:	Strategic Director of Place
DATE:	Thursday, 10 June 2021

PORTFOLIO(S) AFFECTED:	
WARD/S AFFECTED:	Livesey with Pleasington;
KEY DECISION:	N

SUBJECT:
Appropriation of Land and Disposal of Open Space of Land at Lomond Gardens and Land off Old Gates Drive, Blackburn (the Land).

1. EXECUTIVE SUMMARY

- 1.1 This report outlines proposals for disposal of a public open space and the appropriation of land for planning purposes, and invites the Executive Board to consider the objections received to the proposed appropriation of Council owned land at Lomond Gardens and land off Old Gates Drive for disposal.
- 1.2 This report outlines the process for the disposal of the public open space and appropriation of land.

2. RECOMMENDATIONS

- That the Executive Board:
- 2.1 Acknowledges and considers the objections received for the appropriation of land at Lomond Gardens and land off Old Gates Drive.
 - 2.2 Acknowledges and considers the objections received for the disposal of open space at Lomond Gardens and land off Old Gates Drive.
 - 2.3 Having considered the objections, approve the proposed appropriation of land and disposal of open space of land at Lomond Gardens and land off Old Gates Drive for the reasons set out in this report.

3. BACKGROUND

- 3.1 On 12th March 2020, the Executive Board approved the disposal of Council owned land at Lomond Gardens to McDermott Homes for housing development, as well as the proposed appropriation of / disposal of open space at Lomond Gardens for planning purposes under Section 122 of the Local Government Act 1972.
- 3.2 The proposed appropriation (shown edged red on the attached plan, Appendix A) is for enabling the construction of up to 30 new family homes. The developer has formally submitted a reserved matters planning application (planning reference 10/21/0277) of the

proposed scheme for consideration by the Planning team. Outline planning permission was secured in 2019 (planning reference 10/19/0542).

- 3.3 To date, notice has been given on two separate occasions under Section 122 of the Local Government Act 1972 that the Council intends to appropriate the land at Lomond Garden and land at Old Gates Drive for planning purposes. This will enable new housing to be developed on site and enable the Council to override third party rights and easements pursuant to Section 203 of the Housing and Planning Act 2016.
- 3.4 In accordance with the Council's Executive Board approval, the Council proceeded with the statutory requirements for Appropriation of Land and Disposal of Open Space by way of issuing site and press notices. This required the Council to advertise the proposal twice over two consecutive weeks in the local newspaper and consider any objections to the proposed appropriation which may be made to them. The Notices were printed in the Lancashire Telegraph and displayed on site on the following dates:
- 3.4.1 9th April 2020, 16th April 2020 and 23rd April 2020
- 3.4.2 25th March 2021 and 1st April 2021
- 3.5 Initially when the Notices were first displayed in April 2020 the developer was in the early stages of scheme preparation. The Council opted to pause the appropriation process and resume activity once the reserved matters application had been submitted.

4. KEY ISSUES & RISKS

- 4.1 Over the course of the two advertising periods the Council received a total of 60 objections (58 in 2020 and 2 new objectors in 2021) in relation to the appropriation / disposal of open space by local residents including the Feniscowles & Cherry Tree Residents' Association.
- (Appendix B references detailed responses to the objections received. In summary the main areas of concern related to the site access point being off Old Gates Drive, which could impact on highways issues and loss of open space. The developer has now proposed the site access point to be from Lomond Gardens, which satisfactorily addresses most objections. Construction traffic will now access the site from Green Lane and use the temporary road that was constructed as part of the recent drainage works. The Planning process will give full consideration to; highways, road safety, planning policies and construction traffic matters).
- 4.2 The Council has considered the use of the open space and has assessed that the sporadic use of the open space can be better used to provide additional new housing, for which there is a need in the borough. In addition, the development will now retain and enhance the public open space at Old Gates and include the future maintenance of this land within the landscape management proposals for the housing scheme.
- 4.3 The Council has considered developing homes on the site without appropriating the Land for planning purposes, however, the Land which was used for education purposes as an all-weather pitch for St Bede's RC High School for any sports or recreational purposes has not been used for this purpose since at least 1997. Over time, the land has been left open and has been used as a public open space, albeit sporadically, and has on occasions attracted anti-social behaviour. It was therefore proposed that the land be disposed of and be appropriated for planning purposes under Section 122 of the Local Government Act 1972 and subject to the powers provided by Section 237 of the Town and Country Planning Act 1990. An options assessment was also undertaken during 2019, which identified the site as being suitable for housing development. The Council therefore considers that there is a need to appropriate the land for planning purposes to enable the development of the Land to help fulfil its Local Plan to build new homes in the borough. This will support the

regeneration of the area and the effect of appropriating land in this way is that the rights of affected third parties (such as rights of light and rights of access) can be overridden to the extent that they become an entitlement to compensation rather than a right to obtain an injunction to prevent the development happening.

- 4.4 To not appropriate the land for planning purposes would risk the proposed development being frustrated by third party rights, which, in turn, could delay the building of new homes. The Council does, however, recognise where a legal basis is established for any third party rights that those third parties will be duly compensated.
- 4.5 The use of appropriation power needs to be justified by a clear 'public interest' case that overrides the individual rights of potential affected third party owners and occupiers of nearby properties.
- 4.6 The justification for recommending the land be appropriated for planning purposes rests on the need for regeneration and provide more housing in the borough. The development of the Lomond Gardens site will contribute towards the borough's identified housing needs requirements over the draft Local Plan period to 2037.
- 4.7 The development of new homes is likely to bring a positive contribution to the economic, social and environmental conditions of the area. Given these benefits, it is considered that there is a clear and compelling case in the public interest to pursue the development protected from possible restraint by injunction. Appropriating the land for planning purposes will achieve that while still enabling any interference with third party rights to be addressed via compensation.

5. POLICY IMPLICATIONS

- 5.1 The Council's draft Local Plan sets a housing requirement to meet over the Local Plan period to 2037.
- 5.2 Development of the site will contribute to meeting this target and assist in improving the quality of the borough's housing offer.

6. FINANCIAL IMPLICATIONS

- 6.1 The Council will receive a capital receipt for the land and the scheme will provide a Section 106 contribution towards local infrastructure.
- 6.2 The Council will also receive Council Tax income and New Homes Bonus from 30 new homes.
- 6.3 Section 204 of the Housing and Planning Act 2016 provides that compensation will be payable to those parties whose interests have been affected by any appropriation.

7. LEGAL IMPLICATIONS

- 7.1 The proposed development site has been owned by the Council or Lancashire County Council since 1967.
- 7.2 The National Planning Policy Framework has replaced the National Planning Policy on Housing (PPS3). However, requirements still remain with the Council to demonstrate the provision of an adequate mix of housing developments and setting of targets for affordable housing. As any future proposed disposal is likely to be for the freehold of the land, then

various aspects of Section 123 of the Local Government Act 1972 (“the Act”) are considered to apply.

- 7.3 The extent that the land to be disposed of is considered to be open space is guided by Section 123 (2A) of the Act. This requires the Council to advertise the proposal twice over two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
- 7.4 Open space is defined in Section 336(1) of the Town and Country Planning Act 1990 as: “any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground”. And it is the conclusion in the body of the report that while the site is generally unkempt which limits its effective use as open space that much of the site is reasonably likely to fall into that category to the extent that it would be prudent for the Council to treat it as such. While there is case law on such matters, it may be sufficient to only look at the plain English language meaning of the phrase in this case.
- 7.5 Section 122(1) of the 1972 Act states: “Subject to the following provisions of this section, a principal Council may appropriate for any purpose for which the Council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a Council by virtue of this sub-section shall be subject to the rights of other persons in, over or in respect of the land concerned.”
- 7.6 This appropriation process is a helpful avenue for the Council where agreement cannot be reached or the beneficiaries of any (possible) rights are unknown. Section 203 authorises the overriding of any private rights affecting the use of land which is held for planning purposes where development is carried out in accordance with planning permission. The power extends not only to development by the local planning authority itself but also to any person authorised by that authority. The ability to interfere with these (possible) rights is important in the context of enabling any development to proceed. The power to override such rights does not prevent such rights being compensated.
- 7.7 Section 122(2) of the 1972 Act requires the Council, prior to any appropriation, to advertise the proposal twice over two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.
- 7.8 The Council has complied with the statutory requirements in respect of advertising the proposed disposal of open space and appropriation of land.

8. RESOURCE IMPLICATIONS

- 8.1 Existing staff resources will be provided from the Council’s Growth, Property, Planning and Legal teams.

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.

9.1 In authorising the appropriation and disposal of open space of Land at Lomond Gardens and Land of Old Gates Drive, the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998, so far as they might be applicable in deciding whether or not to authorise the appropriation, and with regard to Article 1 of Protocol 1 Part II of Schedule 1 of the Human Rights Act 1998, it is considered that in balancing the rights of the individuals who may be affected by the appropriation against the benefit to the community of proceeding with the appropriation, the appropriation resulting in the interference of (possible) individual rights is justified in the interests of providing necessary housing to the area.

10. CONSULTATIONS

Stakeholder consultation will be undertaken during the full planning process.

11. STATEMENT OF COMPLIANCE

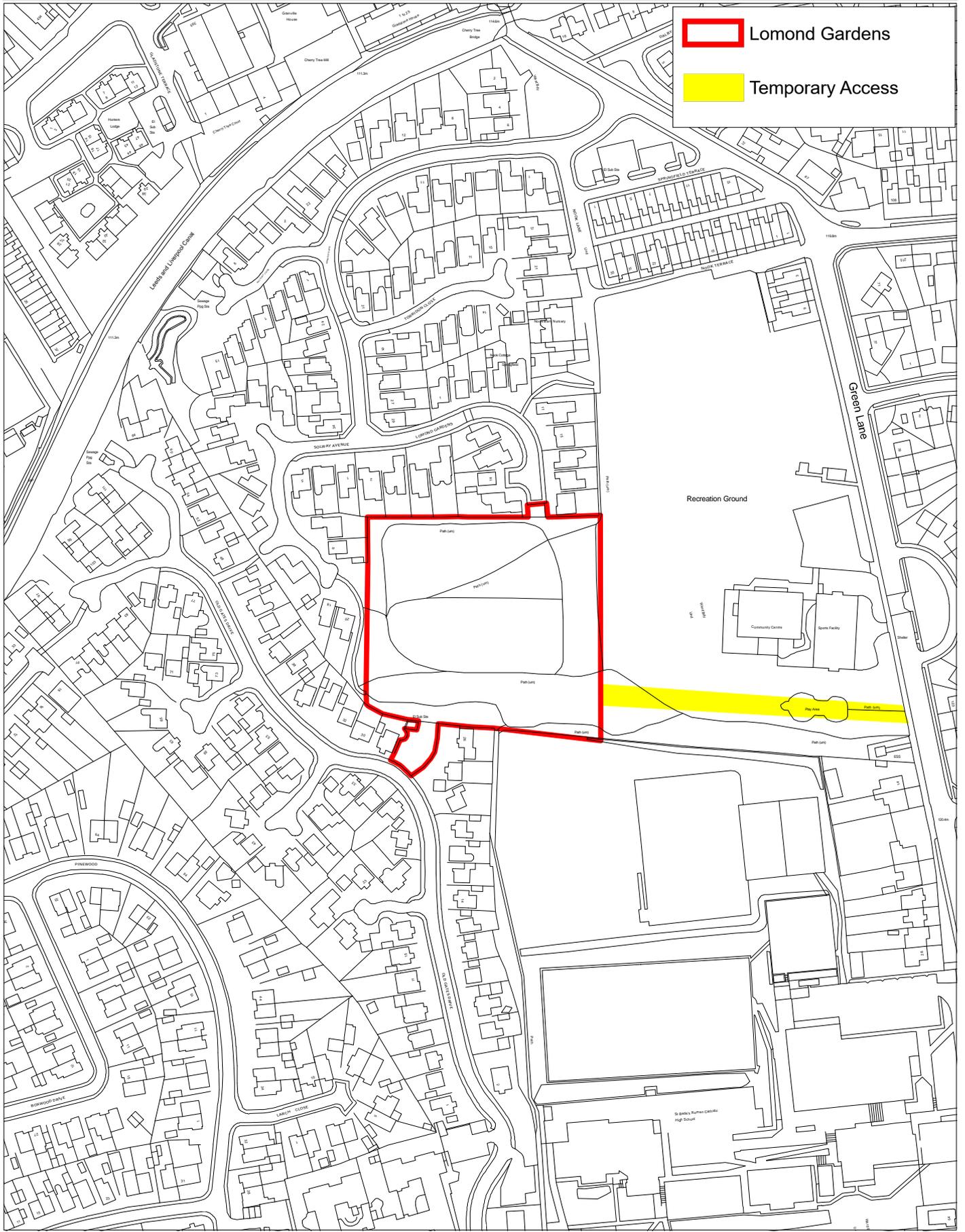
The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect 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:	Simon Jones – Growth Programme Director
DATE:	June 2021
BACKGROUND PAPER:	EBD March 2020 - Disposal of Council Land at Lomond Gardens, Blackburn, Site Appropriation and Disposal of Open Space

Appendix A - Land at Lomond Gardens & land off Old Gates Drive



Scale 1:2500



Appendix B - Appropriation of Land and Disposal of Open Space of Land at Lomond Gardens and Land off Old Gates Drive, Blackburn

Numbered Objection	Summary of Objection	Response
1	Access point for the new development of Old Gates Drive, Blackburn	<p>McDermott Homes considered various access points for its proposed new development. Following an options appraisal, the access point onto the new development will be from Lomond Gardens, Blackburn.</p> <p>The proposed development can be viewed on the Council’s Planning Portal under Planning Application reference 10/21/0277</p>
2	Loss of open space, to accommodate the proposed development of the access road from Old Gates Drive	<p>The proposed development scheme indicates that the site access will comprise an area of open space/green infrastructure to the southern boundary that will include/retain high quality landscaping to give an attractive entrance into the new development.</p> <p>As required by local planning policies, the development will also provide a financial contribution towards the provision of new and/or improvements to the quality/accessibility of existing Green Infrastructure/Public Open Space within Blackburn.</p> <p>Access from Lomond Gardens will mitigate any loss of open space at Old Gates Drive, which was previously being considered as an access point.</p>
3	Road Safety to residents, delivery, and service vehicles and accidents	<p>Issues of road safety raised were based on the access point being off Old Gates Drive and the existing narrow bends at the junction of the open space causing road traffic incidents. Regardless of the development access point all Highways matters will be fully considered as part of the planning application process.</p>
4	Increased Public and/or Construction Traffic / Congestion	<p>All construction traffic will access the development site from Green Lane and use the temporary road in situ. This mitigates residents’ concerns relating to construction traffic. The Planning application process will consider all highways and construction traffic matters.</p>
5	Developer Working Hours	<p>All developments must adhere to requirements set out in the national planning policies framework. The working hours for construction work will be considered as part of the planning application process.</p>

6	Parking – double parking on road near Old Gates Drive creates issues for drivers to navigate	Risk mitigated as the access point will now be of Lomond Gardens. The planning application process will be fully consideration to all highways matters.
7	Sub Station prone to flooding	A drainage strategy has been prepared and a flood risk assessment carried out for the site that adequately mitigates flood risk both on and off the site.
8	Flooding	A drainage strategy has been prepared and a flood risk assessment carried out for the site that adequately mitigates flood risk both on and off the site.
9	Privacy/ trees/ shrubs/ bushes home to wildlife	An ecological appraisal has been carried out on the land that included a desktop study and an extended Phase 1 habitat Survey. This confirmed that none of the habitats within the site are of significant interest nor representative of semi-natural habitat. Therefore, the development can provide an opportunity to secure ecological enhancement for the site.
10	Perceived Infrastructure Costs to create road through Nook Lane	The access point from Lomond Gardens will reduce infrastructure costs.
11	Pollution - Air, noise	Air pollution, noise from construction and increased traffic will be considered as part of the planning application process.
12	Old Peoples Home/ Emergency Services	The planning application process will give full consideration to all highways matters including the site access point and any effects of potential increased traffic may have on access for emergency services, service vehicles, staff, residents and relatives visiting Old Gates Nursing Home.
13	Public Right of Way (PROW)	It is intended for the PROW to remain insitu. PROW runs along the western and southern perimeter of the site. The PROW continues in a southerly direction along the edge of the St Bede's RC High School playing fields, from where it can be accessed. The PROW can also be accessed from the west via Solway Avenue.

14	Lack of Info: Planning	All planning applications can be accessed via the Council's website. Local residents are consulted as part of the planning application process, which provides an opportunity for interested parties to view the development scheme and supporting documents and provide any comments to the case officer for consideration.
15	Land ownership & Covenants	<p>The developer will only develop on land that is within Council ownership, which is confirmed by the Land Registry Titles and will comply with the covenants set within the titles.</p> <p>To date notice has been given on two separate occasions under Section 122 of the Local Government Act 1972 that the Council intends to appropriate the land at Lomond Garden and land at Old Gates Drive for planning purposes. This will enable new housing to be developed on site and enable the Council to override third party rights and easements pursuant to Section 203 of the Housing and Planning Act 2016.</p>
16	Objections to duration of Notice Period	<p>The Council acknowledges that the planning application reference number 11/06/2019 only made reference to Lomond Gardens and that the notices displayed in April 2020 also included Old Gates Drive.</p> <p>In light of the objections received, the Council postponed the process until the developer had confirmed the access point for the development, which has since been identified as Lomond Gardens.</p>
17	Notices (Display)	The Council proceeded with the statutory requirements for Appropriation of Land and Disposal of Open Space by way of issuing site and press notices for land at Old Gates Drive on 9th, 16th and 23rd April 2020 and also on 25th March 2021 and 1st April 2021. The notices were displayed as reasonably practicable as possible. Notices were issued electronically to those that had requested them.
Objection Number	Objector	
1	1,2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60	
2	7, 8, 10, 18, 19, 21, 29, 41, 44, 45, 53, 56, 57, 58, 60	
3	1,2, 4, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 25, 27, 29, 31, 32, 33, 36, 37, 49, 50, 51, 52, 56, 57	

4	1,2, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 44, 45, 46, 51, 52, 53, 56, 57, 59	
5	11, 12	
6	3, 21, 27, 36, 37, 51	
7	4, 7, 8, 11, 12	
8	15, 21, 30, 41, 59	
9	24	
10	18, 19, 38, 39	
11	18, 19, 31, 32, 33, 51, 58	
12	4, 33, 36, 37, 44, 45	
13	4, 11, 12, 15, 18, 19	
14	7, 8, 21, 59	
15	38, 42	
16	11, 12, 41, 53	
17	9, 10, 41, 53	

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Finance and Governance, Executive Member for Growth and Development
LEAD OFFICERS:	Director of Growth & Development
DATE:	Thursday, 12 March 2020

PORTFOLIO(S) AFFECTED:	Growth and Development
WARD/S AFFECTED:	Livesey with Pleasington;
KEY DECISION:	Y

SUBJECT:	Disposal of Council Land at Lomond Gardens, Blackburn, Site Appropriation and Disposal of Open Space
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1. EXECUTIVE SUMMARY

1.1 This report outlines the outcome of the Informal tender for the Council owned land at Lomond Gardens, Blackburn and seeks approval to dispose of the site for housing development to the recommended preferred bidder.

1.2 This report seeks the Executive approval to authorise the Director of Growth and Development to appropriate the Council owned land known as the Land at Lomond Gardens for planning purposes under section 122 of the Local Government Act 1972.

The appropriation is for the purpose of enabling the construction of up to 35 new family homes.

1.3 Executive approval is also required to authorise the Director of Growth and Development for the consideration of any objections and approval for the disposal of 'open space' under section 123(2A) of the Local Government Act 1972.

1.4 The land at Lomond Gardens was previously used as an all-weather pitch for St Bede's RC High school. The former all weather pitch has not been used by St Bede's RC High School for any sports or recreational purposes since at least 1997. An options assessment was undertaken during 2019 which identified the site as being suitable for housing development. Outline planning consent was secured in August 2019 to develop new homes on the site and the site has been offered for sale through an informal tender exercise with tender's scheduled to be returned January 2020.

2. RECOMMENDATIONS

That the Executive Board:

2.1 Approves the appointment of Bidder A as preferred bidder.

2.2 Approves the appointment of Bidder B as reserve bidder.

2.3 Grants permission for Council officers to negotiate Heads of Terms to finalise the terms of the disposal.

2.4 Delegates authority to conclude negotiations, including terms of any land sale and contracts to the Growth Programme Director and Director of Finance and Customer Services in consultation with the Executive Member for Finance and Governance and Executive Member for Growth and Development to approve the final heads of terms.

2.5 Authorises the Director of HR, Legal and Governance to complete the necessary legal formalities.

2.6 Delegates authority to agree a contribution from the purchase price to St Bede's RC High School's Capital programme to the Growth Programme Director in consultation with the Executive Member for Finance and Governance and Executive Member for Growth and Development.

2.7 Authorise the Director of Growth and Development to appropriate the land at Lomond Gardens shown edged red on plan attached Appendix A from the Education and Environment portfolios to Growth & Development in accordance with section s.122 of the Local Government Act 1972 and subsequent use of the Council's powers under s.203 – 206 of the Housing and Planning Act 2016 to override any third party rights and easements on the land.

2.8 Authorise the Director of HR, Legal and Governance to advertise the proposal to appropriate in accordance with the statutory process under Section 122 of the Local Government Act 1972

2.9 Authorise the Director of HR, Legal and Governance to advertise the proposal to dispose of 'open space' in accordance with the statutory process under Section 123(2A) of the Local Government Act 1972

2.10 Note that in authorising the commencement of the appropriation process of the Lomond gardens site, the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 as set out in this report.

2.11 Authorise the Director of Growth and Development for the consideration of any objections to both the appropriation proposal and 'open space' disposal.

2.12 If the appropriation is approved, authorise the negotiation and payment of any compensation claims potentially emerging from the appropriation.

3. BACKGROUND

3.1 The land (shown edged red on the attached plan Appendix A) has been identified as surplus by the Council's Education department. The former all weather pitch has not been used by St Bede's RC High School for any sports or recreational purposes since at least 1997, which has been confirmed in writing by the current Head teacher.

3.2 Outline planning permission for up to 35 Class C3 dwellings and associated works was successfully secured in August 2019 under application number 10/19/0542.

3.3 The plot of land has been marketed for sale by informal tender as outlined in the Executive Board Decision - Growth Programme 2019/20: Site Disposal & Development Projects March 2019 as this has been identified as a priority.

3.4 The tender period was from 20th November 2019 to 13th January 2020.

3.5 A 'Data Room' was set up on the Council's website which contained all tender information along with a host of technical reports and surveys commissioned on the site by the Council. Over 100 developers were e-mailed directly by the Growth Team with full marketing particulars, and follow up calls being made.

3.6 The informal tender form required interested parties to:

- Make an offer for the housing site using the technical surveys provided whilst still carrying out their own due diligence
- Make an offer conditional on planning, including s106 contributions which will be determined by the Planning Authority.
- Show proposed layout, house types and numbers.
- Demonstrate previous housing development experience
- Demonstrate financial resources and source of finance
- Outline timeframe for development

3.7 The tenders have been evaluated in accordance with the criteria referred to under paragraph 3.6 above.

4. KEY ISSUES & RISKS

4.1 Land Disposal

4.1.1 The Council received significant interest in the Lomond Gardens site. Seven informal tenders were received by the closing date 12.00 pm 13th January 2020. Tenders were opened at 3.30 pm on the 13th January 2020 and all bids were compliant.

4.1.2 Five of the tenderers have previously never built in the borough and were attracted by the quality of the site on offer and the comprehensive data pack.

4.1.3 The tenders are summarised as follows:

* Financial offer includes agreed s106 contributions, for which the amount is yet to be determined, and will be done so by the Planning Authority. The agreed s106 contribution will be deducted from the purchase price.

Bidder ID Number	Scheme Proposal	Conditions of Offer / Bid Summary
Bidder A	29 No. 3 and 4 bed large family homes for sale.	Subject to planning, excludes S106. Good experience of house building.
Bidder B	31 No. 3 and 4 bed large family homes for sale.	Subject to planning, excludes S106. Good experience of house building.
Bidder C	28 No. 3 and 4 bed large family homes for sale.	Subject to planning, excludes S106. Good experience of house building.
Bidder D	35 No. 2, 3 and 4 bed homes for sale.	Subject to planning, excludes S106. Good experience of house building.
Bidders E	45 No. 2, 3 and 4 bed homes.	Subject to planning, excludes S106. Limited experience, proposals do not match Council's aspirations.
Bidder F	31 No. 3 and 4 bed large family homes for sale.	Subject to planning, excludes S106.
Bidder G	41 No. 2, 3 and 4 bed homes. 50 % Shared Ownership and 50% Affordable Rent.	Subject to planning, excludes S106. Unknown developer, proposals do not match Council's aspirations.

4.1.4 Following initial assessment Bidder A and Bidder B were shortlisted, both offers being above the Growth team's informal valuations.

4.1.5 A post tender clarification meeting was scheduled in January with Bidder A and Bidder B to discuss their offers.

4.1.6 Bidder A and Bidder B were formally requested to submit their final offers by on Thursday 6th February 2020 reconfirming their acceptance to the conditions of sale and completing the requested information.

4.1.7 The Council received final offers from Bidder A and Bidder B by the closing date. Tenders were opened at 15.05 pm on the 6th February 2020 and all bids were compliant.

4.1.8 The tenders are summarised as follows:

* Financial offer includes agreed s106 contributions, for which the amount is yet to be determined, and will be done so by the Planning Authority. The agreed s106 contribution will be deducted from the purchase price.

Bidder ID Number	Scheme Proposal	Conditions of Offer
Bidder A	29 No. 3 and 4 bed large family homes for sale	Clean offer, subject to planning.
Bidder B	31 No. 3 and 4 bed large family homes for sale	Clean offer, subject to planning.

4.1.9 Analysis of recent land sales in West Blackburn of similar development size and density highlights that Bidder A's offer represents a significant offer for the land and the Council will have achieved best value by disposing of the site for the offered amount.

4.1.10 Bidder A's offer represents the highest price and best value following full evaluation of conditions of offer. Bidder A also provided a good level of detail showing a scheme layout, house types, floor sizes, previous experience of high quality housing delivery and 'open space' proposals. Bidder A is an established, trusted local developer and has been active in the borough for many years.

4.1.11 For these reasons it is recommended that the Council accept the Bidder A offer and appoint them as preferred bidder. Bidder A has provisionally accepted the conditions of sale and draft Heads of Terms in the tender documentation.

The draft heads of terms are as follows:

Vendor

Blackburn with Darwen Borough Council

Purchaser

Bidder A

Description

Council owned land at Lomond Gardens (see attached plan Appendix A)

Method of Disposal

Freehold subject to planning approval

Development Timescale

Still to be finalised but confirmed full build within the required 3 years

Costs

The purchaser will be responsible for the payment of the Council's surveyor's fees and legal costs to a maximum a cap.

Risk

The sale will be subject to planning approval, the developer plans to submit a planning application Spring 2020.

4.1.12 Reserve Bidder

Bidder B's offer represents a very competitive price following full evaluation of conditions of offer. Bidder B also provided a good level of detail showing a scheme layout, house types, floor sizes and 'open space' proposals.

4.1.13 For these reasons it is recommended that the Council appoint Bidder B as reserve bidder, allowing the Council to appoint Bidder B if negotiations cannot be concluded with Bidder A.

4.2 Appropriation

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

4.2.2 The Council should only resolve to appropriate land for another purpose if it is satisfied that the land is not required for the purpose for which it is currently held. The former school playing field, has been declared surplus for redevelopment as it has not been used for this purpose since 1997. The land at Lomond Gardens site is included in the Council's Growth programme and has outline planning permission for up to 35 residential dwellings and so the proposed appropriation complements this permission and planning status. To expand on the process, which is stated briefly in the recommendations, any objection on the proposed appropriation will need to be formally considered by a subsequent formal decision. This will be in the form of an executive member approval.

4.2.3 The Council considers there could be a small chance of some informal private rights of way and other informal easements having accrued over time over the development site due to the site being 'open' for a considerable period. Where land is appropriated for planning purposes, the Council may rely upon the provisions of Section 203 of the Housing and Planning Act 2016. The Council has this statutory power to override easements or rights of way affecting land.

4.3 Disposal of Open Space

4.3.1 As the land at Lomond Gardens can be considered to have been reasonably open to the public for use, it considers that it is best to act cautiously and deem this site suitable as one to which ought to be considered as 'open space'. A proposed disposal of open space must follow on from the process provided for under section 123(2A) of the Local Government Act 1972. This requires the Council to advertise the proposal twice over two consecutive weeks in a newspaper circulating in the area in which the land is situated, erect site notices, and consider any objections to the proposed disposal which may be made to them..

4.3.2 It is recommended that the council delegates authority to the Director of Growth and Development, in consultation with the Executive Member for Finance and Governance and

Executive Member for Growth and Development, to consider any objections or comments raised to the proposed disposal of 'open space' at Lomond Gardens and if appropriate approve the proposed disposal of 'open space' at Lomond Gardens for the proposed housing development.

5. POLICY IMPLICATIONS

5.1 The disposal is in accordance with the Council's disposal policy and will meet the strategic aims of the Council's Growth Programme.

6. FINANCIAL IMPLICATIONS

6.1 A purchase price will be received from the transaction. This purchase price consists of; s106 contributions to be received by the Council, a contribution towards the capital programme at St Bede's RC High School and a capital receipt to be received by the Council.

6.2 The Council will also receive Council Tax income and New Homes Bonus for 29 homes.

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

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

7. LEGAL IMPLICATIONS

7.1 The proposed development site has been owned by the Council or Lancashire County Council since 1967.

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

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

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

7.5 "open space" is defined in section 336(1) of the Town and Country Planning Act 1990 as: "means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground" (emphasis added) **Page 68** the conclusion in the body of the report that

much of the site is reasonably likely to fall into that category to the extent that it would be prudent for the Council to treat it as such. While there is case law on such matters, it may be sufficient to only look at the plain English language meaning of the phrase in this case.

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

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

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

7.9 The land off Old Gates Drive is subject to an electricity substation long lease and so any developer will have to adhere to such covenants under that lease.

7.10 For completeness, this land is considered to be informal open space because the all-weather pitch ceased to be used over 20 years ago, it is not considered that the ambit of guidance on disposal of former playing fields is at all applicable here.

8. RESOURCE IMPLICATIONS

8.1 Existing staff resources will be provided from the Council's Growth, Property, Planning and Legal teams.

9. EQUALITY AND HEALTH IMPLICATIONS

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

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

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

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

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

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

9.2 Article 1 of Protocol 1 provides that:

- (1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions.
- (2) No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.
- (3) However, the above rules shall not prevent a State enforcing such laws as it deems necessary to control the use of property in accordance with the general interest.
- (4) The Council must decide in relation to Article 1 whether a fair balance has been struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The right to compensation is a relevant factor in considering the balance.
- (5) With regard to Article 1 of Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the works particularly taking into account the fact that there is a legal right to compensation for the interference with rights arising from the appropriation.

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

- (1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

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

Please select one of the options below.

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

Stakeholder consultations have been undertaken during the Outline Planning process for the development and further statutory stakeholder consultation will be undertaken during the reserve matters/full planning process.

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:	Simon Jones – Growth Programme Director
DATE:	13/02/2020
BACKGROUND PAPER:	Growth Programme 2019/20: Site Disposal & Development Projects – EBD March2019

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Finance and Governance, Executive Member for Growth and Development
LEAD OFFICERS:	Strategic Director of Place
DATE:	Thursday, 10 June 2021

PORTFOLIO(S) AFFECTED:	Growth and Development
WARD/S AFFECTED:	Blackburn South and Lower Darwen;
KEY DECISION:	Y

SUBJECT:

EB (Executive Board) Disposal of Residential Plots off Milking Lane, Lower Darwen, Blackburn

1. EXECUTIVE SUMMARY

1.1 To seek approval to proceed with the sale of residential development parcels off Milking Lane as shown in Appendix A via Barnfield Blackburn Ltd, a company in which the Council is part shareholder.

2. RECOMMENDATIONS

That the Executive Board:

2.1 Approve that the Council as shareholder of Barnfield Blackburn Ltd authorises the nominated directors to sign off the sale of residential development parcels off Milking Lane as shown in Appendix A to an identified developer.

2.2 Authorise the nominated Council Directors to finalise and complete the terms of the disposal.

3. BACKGROUND

3.1 Barnfield Blackburn Limited was established as a Joint Venture company between Barnfield Construction Ltd and Blackburn with Darwen Borough Council as a Special Purpose Vehicle, to proactively promote development sites and not to land bank. The SPV ensures this happens by preparing all necessary surveys and permissions to ensure the sites are ready for disposal.

3.2 Land off Milking Lane and Greenbank Terrace was identified and acquired in 2018 by Barnfield Blackburn Ltd. The Council owns a 25% stake in the business.

3.3 Upon purchase the intention was to develop the site, with residential to the North East, off Milking Lane; and commercial to the West of the site, off Greenbank Terrace.

3.4 LEP funding was secured in September 2019 for a new road linking Greenbank Terrace to Milking Lane – this new road opens up the site and will alleviate traffic congestion on Milking Lane.

3.5 Potential flooding issues to Greenbank Terrace will be solved as a result of a flood mitigation strategy developed by a flood risk management consultancy and the proposed measures were approved by the Environment Agency through planning in February 2020, subject to conditions.

Tender Process

3.6 Tenders were issued for Residential Parcel 1 in late 2020 with a deadline date of 17th December 2020 whilst additional preparatory works were carried out on Residential Parcel 2. Seven bids were received, with the top two bidders being shortlisted.

3.7 The shortlisted bidders were then invited to submit offers for both Residential Parcels combined, with a deadline date of 01st March 2021.

3.8 Bidder A submitted an offer for both parcels with minor caveats. Bidder B, submitted a heavily caveated lower offer for both parcels.

3.9 Further clarifications were sought from Bidder A and a subsequent offer was received conditional only upon planning. This gross land value will be subject to permitted deductions under s.106, which will be quantified during the planning process. A deposit shall be payable upon entering into a conditional contract.

3.10 Bidder A is a high quality Cheshire based house builder which has not delivered a scheme in the borough before. The developer has delivered a number of high quality schemes in the north west and is keen to develop more sites in the borough.

3.11 It is proposed that the bid from Bidder A is accepted and that it is appointed as preferred bidder.

Residential Parcel 1

3.12 Residential Parcel 1 extends to approximately 3.44 acres gross / 3.37 acres net developable (precise acreage to be agreed), and is to be accessed off Milking Lane. 45 dwellings, a mix of detached and semi-detached, are proposed to be constructed on the plot. Properties will eventually be sold on a Freehold basis.

Residential Parcel 2

3.13 Residential Parcel 2 extends to approximately 5.2 acres gross / 2.596 acres net developable (precise acreage to be agreed), and is to be accessed off the newly constructed Millbank Road. 31 dwellings, a mix of detached and semi-detached, are proposed to be constructed on the plot. Properties will eventually be sold on a Freehold basis.

Development Programme

3.14 Planning shall be submitted within 3 months of exchange of contracts, with a longstop date of 31st December 2021. Construction is anticipated to commence in January 2022 with completion of the development scheduled for late 2024 / early 2025.

Green Infrastructure

3.15 Green infrastructure across the two development parcels shall be managed and maintained through a management company.

Costs

3.16 Bidder A shall contribute towards Barnfield Blackburn's surveyor and legal costs, which will be dealt with by Woodcocks Howarth and Nuttall. No legal expenditure will be incurred by the Council as any additional fees will be paid out of working capital within the joint venture company

4. KEY ISSUES & RISKS

4.1 Following a tender exercise, a deal has been negotiated for the development of the residential parcels which meets the Council's financial aspirations. It is recommended that Barnfield Blackburn Ltd. proceeds with the transaction.

4.2 Should the transaction not be completed then Barnfield Blackburn Ltd. will explore other options and re-market the sites.

5. POLICY IMPLICATIONS

5.1 The disposal method accords with the Council's approved policy for disposals.

6. FINANCIAL IMPLICATIONS

6.1 A gross pre-tax capital receipt (minus permitted deductions such as s.106) will be received by Barnfield Blackburn Ltd. for the land sales, with the Council's receiving a gross pre-tax 25% share (minus permitted deductions such as s.106). Any money to be received by the Council from the joint venture company shall either be paid at each year-end via. shareholder dividend or kept within the joint venture company for future regeneration purposes.

7. LEGAL IMPLICATIONS

7.1 The disposal method complies with the Council's legal obligations for such transactions and with the Council's Disposal Policy 2019.

8. RESOURCE IMPLICATIONS

8.1 Nominated director and surveyor resources will be required to complete the transaction

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

10.1 The proposal has been subject to consultations between Council Officers, Executive members, and Legal and Planning departments

11. STATEMENT OF COMPLIANCE

11.1 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.

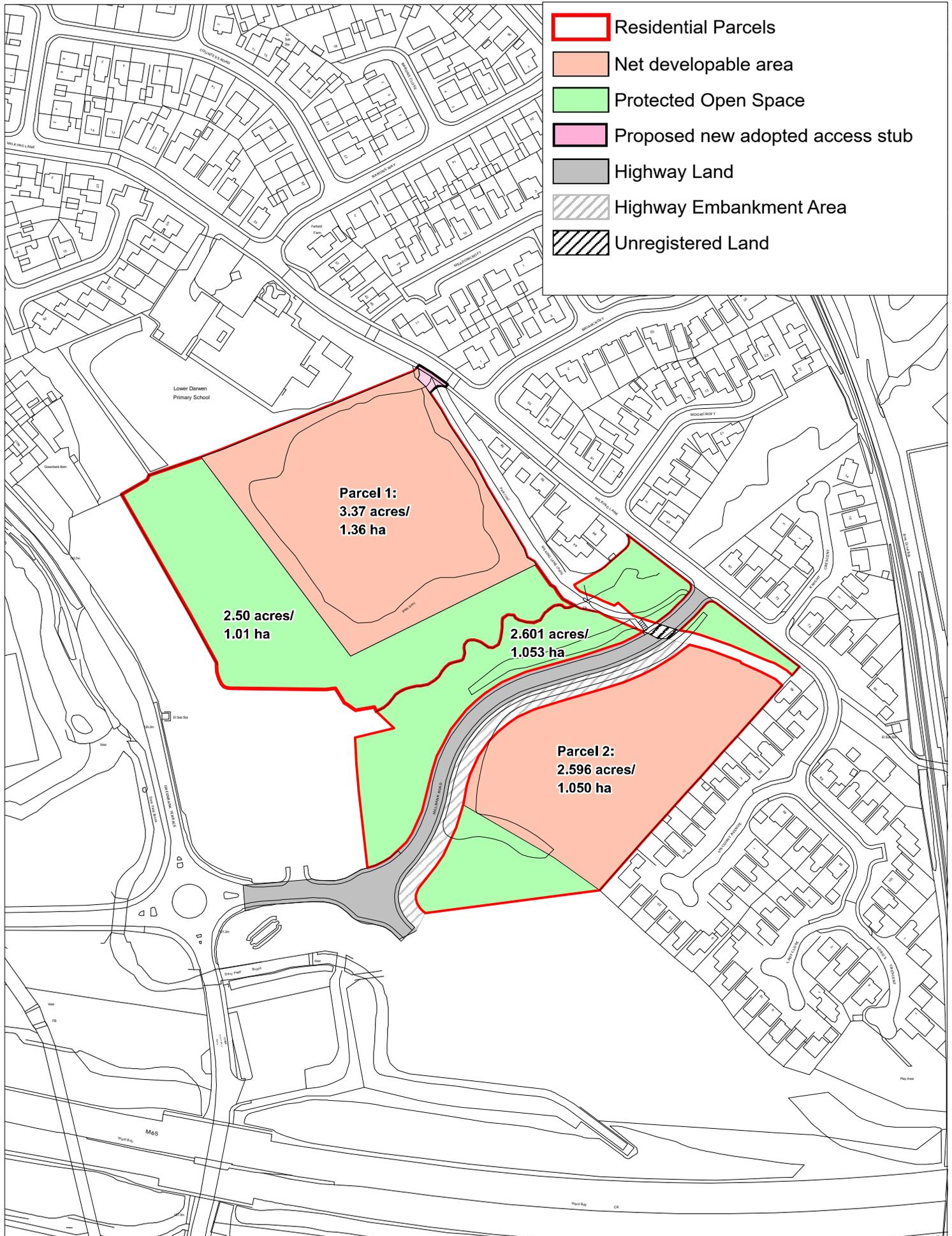
The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

12.1 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:	Alex Wildman, Strategic Development Manager (Commercial)
DATE:	12 th May 2021
BACKGROUND PAPER:	None

LAND AT MILKING LANE: RESIDENTIAL PARCELS 1 AND 2



- Residential Parcels
- Net developable area
- Protected Open Space
- Proposed new adopted access stub
- Highway Land
- Highway Embankment Area
- Unregistered Land



Scale 1:2500 @ A4

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