

# Public Document Pack

## Officer Decisions

Friday, 18th August, 2023  
10:00am

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### AGENDA

- 1. Section 278 Roadworks Holden Fold Moor Lane Darwen**  
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- 2. Closure of Daisyfield Pools on grounds of Health and Safety**  
**Daisyfield Pool closure Officer decision** 5 - 7

Date Published: 18<sup>th</sup> August 2023  
Denise Park, Chief Executive

Agenda Item 1

**RECORD OF DECISION TAKEN UNDER  
DELEGATED AUTHORITY FROM  
EXECUTIVE/COUNCIL/COMMITTEE   
DELEGATED POWERS OUTLINED IN  
THE CONSTITUTION**



<b>DELEGATED OFFICER DECISION TAKEN BY:</b>	Strategic Director of Environment & Operations
<b>DELEGATED BY:</b>	Executive (9 <sup>th</sup> March 2023 date of delegation)
<b>IN CONSULTATION WITH:</b>	Executive Member
<b>PORTFOLIO AREA:</b>	Growth & Development

**SUBJECT: Section 278 Roadworks Holden Fold Moor Lane Darwen**

**1. DECISION**

To award to the successful contractor who has submitted the most advantageous tender to provide the scheme as detailed for Junction Improvements to Holden Fold, Moor Lane Blackburn.

This is an Officer Decision under delegated powers under the constitution.

**2. REASON FOR DECISION**

The further competition was open to all contractors on the Growth and Development Framework. A mini-competition was undertaken via the Council's e-tendering portal – The Chest.

Three of the framework partners submitted high quality bids. The bids were evaluated against the below published scoring criteria.

70% Price/ 30% Quality.

Submissions were evaluated by members of the Council's Highways & Transport Team, the Contracts and Procurement Team and WSP Real Estate & Infrastructure Ltd. The relevant scores are detailed in the table below;

	Bidder A	Bidder B	Bidder C
<b>Total score</b> %	81.20%	78.70%	83.44%

It is therefore the intention to award the contract to **The Casey Group Ltd** as they had the highest overall score.

### **3. BACKGROUND**

The project will deliver the construction of the proposed roundabout arrangement at the junction of Moor Lane, Holden Fold and Knowle Lane together with associated works on Chapels and Goose House Lane. This includes the construction of two car parks for use by the local residents on Knowle Lane.

The infrastructure works proposed form the next stage of the DEDC (Darwen East Development Corridor) improvement scheme.

Executive Board approval was sought 9<sup>th</sup> March for the Local Transport Plan for the financial year 23-24.

[EBD1: Executive Board Decision \(moderngov.co.uk\)](#)

Exec Member approval to go out to tender for procurement of the works via the Growth & Development Framework was sought 28 April 2023.

[EMD1: Executive Member decision template \(moderngov.co.uk\)](#)

### **4. KEY ISSUES AND RISKS**

The planning application for this has already been approved, therefore key risks have been mitigated. The land in question is within the adopted highway/council owned land.

Positive consultations have been carried out with Key Stakeholders, Members and Residents affected.

The junction forms part of the DEDC Strategic Route, the works therefore are required to improve the highway network.

The funding is a combination of LTP (ITB Funds) and S106 Monies. The S106 funding has already been received from approved Darwen schemes.

### **5. FINANCIAL IMPLICATIONS**

The successful bid falls within the funding available for the scheme and through the Council's Local Transport Plan and secured through ITB and S106 contributions 16/0789 and S106 Ellison Way as part of the Darwen East Development Corridor

### **6. LEGAL IMPLICATIONS**

The works will be carried out under terms and conditions of the Engineering and Construction Contract (ECC), Third Edition, (NEC3) published in June 2005 (with amendments April 2013) by the Institution of Civil Engineers, using Option B priced contract with Bill of Quantities.

### **7. RESOURCE IMPLICATIONS**

None

## 8. OPTIONS CONSIDERED AND REJECTED

The decision to use the Growth and Development Framework was taken as the partners have a vast amount of experience in the borough, and have a commitment to using local labour and suppliers which is a key priority for the Council.

## 9. CONSULTATIONS

A Resident's consultation meeting was carried out, together with Ward members/Executive Members engagement. The planning application will consult with the wider public through the Planning Application process

## 10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

<b>VERSION:</b>	<b>1</b>
<b>CONTACT OFFICER:</b>	<b>Heather Bailey/Saf Alam</b>
<b>DATE:</b>	
<b>BACKGROUND DOCUMENTS:</b>	

Agenda Item 2

**RECORD OF DECISION TAKEN UNDER  
DELEGATED AUTHORITY FROM  
EXECUTIVE/COUNCIL/COMMITTEE**

**DELEGATED POWERS OUTLINED IN  
THE CONSTITUTION**



<b>DELEGATED OFFICER DECISION TAKEN BY:</b>	Strategic Director of Environment & Operations
<b>DELEGATED BY:</b>	Choose an item. (date of delegation)
<b>IN CONSULTATION WITH:</b>	Choose an item.
<b>PORTFOLIO AREA:</b>	Public Health, Prevention & Wellbeing

**SUBJECT: Closure of Daisyfield Pools on grounds of Health and Safety**

**1. DECISION**

To take immediate steps to close operations and services at Daisyfield Pools with effect from 19 August 2023 on grounds of health and safety, pending consideration of a full report to the Executive Board on 7 September 2023.

**2. REASON FOR DECISION**

Following recent surveys, there are increasing concerns regarding health and safety of the building and the pool plant at Daisyfield Pools. The health and safety of service users and the operational staff cannot be put at risk, and immediate action is necessary pending consideration of a full report and decision by Executive Board regarding future operations at Daisyfield Pools.

**3. BACKGROUND**

Following the leisure services review and subsequent public consultation in October 2015 regarding Daisyfield Pools, Half Fish' a local charitable organisation informed the Council of their interest in operating and managing the facility. They were the only interested party following a public meeting and local adverts, and the Council agreed with Half Fish to operate Daisyfield Pools on a landlord / tenant arrangement from 1 September 2016.

The Council has been made aware from recent surveys of a number of health and safety issues and there are now growing concerns regarding the health and safety risks of continuing to operate Daisyfield Pools. These issues and concerns have been raised with the operator and the risks highlighted. The issues identified cannot be remedied immediately and therefore urgent steps are needed to protect public health and safety, pending full consideration and decision by Executive Board regarding the longer-term position and future use of Daisyfield Pools.

#### **4. KEY ISSUES AND RISKS**

The health and safety concerns identified following recent surveys are of a serious nature and poses a risk to public health and safety.

Although the Council does not operate or manage the facility, as a local authority and as owners of the building and plant at Daisyfield, the Council must consider the implications from the findings of the survey and take the necessary action.

#### **5. FINANCIAL IMPLICATIONS**

There is no capital or revenue funding available to undertake the immediate remediation works and measures at Daisyfield Pools.

There may be some initial costs associated with closing the facility and building security costs should it become unoccupied.

#### **6. LEGAL IMPLICATIONS**

Although there is no signed lease in place, there are implied rights and obligations on both the Council (as landlord) and the operator (as the tenant). The closure referred to in this report is in relation to the use of the swimming pool at the premises due to health and safety concerns rather than the actual occupation of the building by the tenant. This may be considered in the report to the Executive Board on 7 September, regarding the longer-term position and future use of Daisyfield Pools.

A formal notice will need to be served on the operator to notify them of the closure of the swimming pool on health and safety grounds.

As the owner of the building and the plant at Daisyfield Pools, the Council could be also held jointly liable with the operator for any liability rising from health and safety breaches, and subject to any potential action by the Health & Safety Executive in the event of any serious injury or fatality.

This Officer Decision is taken under rule 15 of the Overview & Scrutiny Procedure Rules to enable immediate implementation, and therefore will not be subject to the a call-in review.

#### **7. RESOURCE IMPLICATIONS**

Management time to meet with the current users of Daisyfield Pool and organise their relocation to other Council owned pools within the Borough.

Input from colleagues in Property Services plus any costs associated with securing a closed building

#### **8. OPTIONS CONSIDERED AND REJECTED**

The facility cannot remain open to the public until the issues identified have been remediated. As this cannot be done immediately, the use of the swimming pool must cease.

To take no action would be a serious health and safety risk to the public.

## 9. CONSULTATIONS

The proprietor of Half Fish has been briefed and advised of the situation. The Deputy Leader (in the Leader's absence) has also been briefed. The Director of Public Health has also been informed.

## 10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	Martin Eden, Strategic Director, Environment and Operations
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<b>DATE:</b>	17 August 2023
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<b>BACKGROUND DOCUMENTS:</b>	
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