

# Public Document Pack

## Officer Decisions

Friday, 8th December, 2023  
10.00 am

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### AGENDA

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Date Published: 8 December 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 Growth & Development
<b>DELEGATED BY:</b>	Choose an item. (date of delegation)
<b>IN CONSULTATION WITH:</b>	Executive Member
<b>PORTFOLIO AREA:</b>	Growth & Development

**SUBJECT: Procurement of Technical Consultants for Heat Network Studies**

**1. DECISION**

Subject to receipt of grant from the Heat Network Delivery Unit, technical consultants to be appointed to progress detailed project development work for a potential Heat Network; including techno-economic feasibility.

**2. REASON FOR DECISION**

As part of the Council's work to decarbonise the heating of its key buildings, work has commenced to understand the potential for Heat Networks in Blackburn and Darwen town centres. Further detailed work is now needed to test and check the initial project findings and to undertake a detailed technical and economic analysis that provides the Council with sufficient information to determine whether to invest in progressing the scheme(s).

Grant funding to support the work is being sought from the Heat Network Delivery Unit as described below.

**3. BACKGROUND**

The Council declared a climate Emergency in 2019 and pledged to work towards becoming carbon neutral by 2030. Included within the supporting Climate Emergency Action Plan is an objective to cut emissions from the heat supply to Council buildings.

A Heat Decarbonisation Plan (HDP) prepared in Q4 of 2022/23 for 13 of the Council's highest energy consuming buildings concluded that heat pumps would be the most practical way to cut emissions and that heat networks would be more efficient than individual standalone heat pumps for each building. All but two of the buildings are located in either Blackburn or Darwen town centre. The conclusion reinforced a heat mapping and masterplanning study undertaken in 2019

that identified potential networks in the borough, but which wasn't followed up due to lack of resource and then the outbreak of Covid-19. This study received a grant of £26,281 from the Heat Network Development Unit in 2018/19.

Heat networks (also known as district heating) supply heat from a central source to consumers, via a network of underground pipes carrying hot water. Heat networks can cover a large area or be fairly local supplying a small cluster of buildings. They can be expanded over time and heat 'off-takers' other than Council can connect to them.

Further, detailed work is needed to test and check the initial findings and to undertake a detailed technical and economic analysis that provides the Council with sufficient information to determine whether to invest in progressing the scheme(s).

The proposal is to commission technical consultants who can undertake:

1. Heat Network Zoning:

To identify potential strategic heat network zone(s) and determine potential core heat networks in the borough, which based on detailed technical and economic analysis, offer the lowest cost solution to consumers, in accordance with Heat Zoning Technical Specification section 3.

The Technical Consultant will be working with client and stakeholders to collect local data that will add to and improve the data within the HNDU/DESNZ heat network zoning model for this area.

2. Techno-Economic Feasibility of Core Heat Networks:

To develop a clear set of recommendations, based on detailed technical and economic analysis, as to the feasibility of developing a low-carbon heat network scheme(s) for the borough, how it may be expanded in the short and long terms to align with the Heat Network Zoning ambitions identified in the first stage of works.

The detailed technical assessment and economic optimisation of the recommended core scheme option(s) includes detailed cash flow modelling; outline scheme design for the energy centre(s) to at least RIBA Stage 2 'Concept Design', pipe network, and cooling and private wire networks (where relevant); design of customer interface connections; and a clear assessment of the deliverability of key options.

The study must provide the Client with a clear and justifiable basis upon which to evaluate the full potential for heat networks in the study area for both the short and long-term and how these may best be delivered and enable the Client to complete an HM Treasury compliant Outline Business Case. Schemes should be designed to a carbon intensity which is, at least or better than, circa 100gCO<sub>2</sub>e/kWh delivered heat.

Assuming techno-economic viability of one or more heat networks is demonstrated:

3. Project Development:

Further technical, financial, legal, and commercial project development beyond techno-economic feasibility leading to the production of a Business Case and all other associated project specific documentation required to obtain a positive decision to proceed with delivery of the project.

This work will take the project through to completion of ITT specifications for the delivery of heat network infrastructure.

The Heat Network Delivery Unit (HNDU) offers financial assistance to undertake heat network viability assessment.

- HNDU will fund 100% of the heat network zoning element, capped at £40,000.
- Grants of 67% of the cost of detailed techno-economic feasibility and project development are available, subject to a satisfactory application. The threshold values are £100,000 for

techno-economic feasibility and £200,000 for project development (for a borough of our size). In reality, total costs are expected to be lower.

The remainder of the cost, capped at 33% of the threshold value set by the HNDU for any stage of the work, will be met from the Council's Climate Emergency budget.

Public sector bodies can also request support for an external project management and stakeholder engagement resource. HNDU will meet 100% of the cost up to a maximum threshold of £30,000 for techno-economic feasibility and £50,000 for project development. This element of the project will be tendered separately.

An application is to HNDU is in preparation for support for all elements of the project, including external support, is in preparation.

The commission will be tendered using a CCS framework (Heat Network Design) and competitive award.

The contract will be evaluated 80% quality, 20% price.

The evaluation criteria for the tenders are as follows:

Category	Category Weighting	Element	Element Weighting Score
Approach	35%	Detail how you intend to undertake this commission, demonstrating how you will meet the Council's aims, objectives, and scope of study and the specific local circumstances of Blackburn with Darwen	25%
		Provide information demonstrating recent and relevant experience of delivering at least 3 similar projects over the last 3 years to timescale, budget and Client requirements	10%
Staff & Experience	25%	Provide details of named staff who will be allocated to deliver the scope of works, including name, position, full CVs (not summaries), specific project roles, key assigned tasks, hours, cost rates, costs and specific relevant experience. The number of hours and charge-out rates shall be provided for each staff member working on the project. <b>(NB: the allocated hours/costs per individual staff member may vary during the delivery of the project, but the overall cost submitted and the assessment of individual staff allocations is at the <u>Consultant's risk</u> if subsequently deemed by the Consultant to be insufficient to meet this specification. For the avoidance of doubt the Consultant's fee will not exceed the tendered amount under any circumstances except where the Client instructs a variation to this scope of works that has been signed off by HNDU.</b>	20%
		What are your contingency proposals to ensure deliverability of the proposed programme to timescale and budget in the event of loss or absence of staff?	5%
Project & Programme Management	20%	Detail your proposals for project management and quality assurance, including how you will deal with the Council's issues and concerns.	10%
		Provide a project programme and associated Gantt chart for key work packages	10%

The length of contract is expected to be 18 months from January 2024 to June 2025, assuming all stages of the work are implemented. Heat network zoning and techno-economic feasibility is expected to take 6 months and project development 12 months.

The project will be overseen by a Project Management group comprising internal and external project managers and representatives from Growth & Development, Highways, Finance, Procurement and Building Maintenance. The Project Sponsor will be the Strategic Director of Growth & Development.

Further financial assistance from Government is available from the Green Heat Network Fund (GHNF), which provides capital grant support for the commercialisation and construction of

new low- and zero-carbon heat networks. This funding route would be explored at the end of the feasibility and project development phase.

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

The commission covers three stages of heat network development work. They are being tendered together to guarantee the same consultants oversee the project from start to finish, avoiding the need to have earlier work reviewed or repeated. There are break points at the end of each stage to allow the work to be brought to a close should it be concluded that there is no economic case for continuing with the commission.

Stage one involves verifying modelling work already done by the Department of Energy Security and Net Zero that there are viable heat zones and core networks in the borough. Earlier work done by the Council confirms that there are; however, there is a risk that stage one of this commission does not provide the evidence needed by HNDU. There should be no financial risk to the Council as the costs of this part of the study are fully met by HNDU.

Stage 2 involves techno-economic feasibility of core networks, with 33% of the cost met by the Council. It is possible that the outcome of the work concludes that development of the networks is not economically viable. This would result in a financial loss to the Council.

HNDU require earlier heat network and masterplanning studies to be reviewed and updated, if necessary, prior to detailed techno-economic feasibility, unless convinced otherwise. The case for skipping this step is included in the grant application form. However, if HNDU disagrees, the review will have to be undertaken at the Council's expense, as no grant is available for this stage of the work.

Stage 3 involves developing the project in readiness for commercialisation and construction. The key risk is that full Detailed Project Development is not, in fact, required and that an alternative, such as DPD-lite or DPD-Concession is preferred. The format will depend on the outcome of the previous stage and the Council's appetite for risk and investment. It is necessary, however, to spec for full DPD to avoid under-estimating costs and to ensure a full grant allocation can be secured.

Without financial support from the Heat Network Delivery Unit, the financial burden on the Council would be significant and the project is unlikely to go ahead in its current form. A compliant bid is likely to be supported (assuming funding is available), however, and HNDU provide support to ensure that applications meet their criteria.

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

An application is being made to the Heat Network Delivery Unit for financial support towards the commission and its project management. The Council's contribution would be capped at 33% of the threshold value set by the Heat Network Development Unit, for any stage of the work. The contribution towards the cost is expected to be no more than £100,000, to be met from the Council's Climate Emergency budget.

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

The procurement process would follow the Council's contract and procurement procedure rules.

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

The project would require input from officers in Growth and Development, Highways, Finance, Procurement and Building Maintenance. Additional time would be required to appoint and manage the external project management resource needed for the project.

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

Consideration was given to tendering each stage of the study separately, but rejected to avoid having to repeat earlier stage of work or have them reviewed, adding to costs and project timescales.

An open tender was considered, but there is a large number of consultancies capable of undertaking the work. Use of a framework reduces the number of potential returns to a manageable number from a list of pre-approved suppliers.

## 9. CONSULTATIONS

None

## 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>2</b>
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<b>CONTACT OFFICER:</b>	<b>Gwen Kinloch</b>
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<b>DATE:</b>	22 <sup>nd</sup> August 2023
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<b>BACKGROUND DOCUMENTS:</b>	
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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
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<b>IN CONSULTATION WITH:</b>	Executive member
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<b>PORTFOLIO AREA:</b>	Environment
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**SUBJECT: Refuse Collection Vehicles Purchase**

**1. DECISION**

Approve the purchase of 3 x Refuse Collection Vehicles (RCV's) via Direct Award to Dennis Eagle through the ESPO Specialist Vehicles Framework (215-20)

**2. REASON FOR DECISION**

An expression of interest was recently conducted on lot 1 (RCV's) of ESPO's specialist vehicles framework. The expression of interest demonstrated that only Dennis Eagle were interested in supplying our requirement due to the specific nature of our requirement. Two other suppliers responded confirming they would not be interested and no responses were received from the other suppliers on lot 1.

Dennis Eagle have since then, been approached directly to provide a finalised quotation in accordance with the Council's full specification.

Each RCV will cost £235,396.00 bringing the total for 3 vehicles to £706,188.00.

**3. BACKGROUND**

Two RCV's were purchased last year as part of the annual fleet replacement programme. The purchase of these vehicles followed the exact same approach which involved an expression of interest followed by a direct award to Dennis Eagle through the ESPO Specialist Vehicle Framework (215-20).

Historically, the Council has conducted full tender exercises for RCV's however, these have only ever resulted in getting a single response from Dennis Eagle with other suppliers choosing not to respond or being deemed non-compliant due to our requirement for narrow track RCV's.

Blackburn with Darwen Borough Council, similar to a lot of Council's throughout the country, have a requirement for their RCV's to fit down lots of narrow streets due to the large number of terraced housing in Blackburn with Darwen. Due to this, a narrow track chassis must be included within the specification for the RCV's.

The nature of the RCV market means no other supplier can provide a narrow track chassis at a competitive price, which gives Dennis Eagle a major advantage. Conversations were held with staff from ESPO who reinforced that no other supplier would even bid for a narrow track RCV if a tender were to be published.

Following the market research and advice from ESPO, it was decided that a direct award to Dennis Eagle through the framework was the most effective option, as this would save the time and money of conducting a further competition, only to receive a single response from Dennis Eagle.

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

Direct Award – Using a direct award to purchase the vehicles means no competitive tender exercise will be conducted. However, following the expression of interest, due to the Council's specific requirements and the nature of the RCV market, this particular route to market is deemed the most cost and time effective.

Lead-time – Dennis Eagle have stated that the current lead-time for new vehicles is 32-34 weeks from receipt of order. However, the Council anticipated long lead times and can continue to use the old vehicles until the new RCV's arrive.

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

No major financial implications – The cost of the vehicles will be met from approved capital budget.

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

Use of the ESPO Framework as set out is in with accordance with the Council's Contract and Procurement Procedure rules and the Public Procurement Regulations.

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

No major resource implications.

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

- Further competition through the ESPO Specialist Vehicles Framework (Lot 1) – This was rejected due to the results from the expression of interest, advice from staff at ESPO and existing knowledge of the RCV market which suggests no other supplier is capable of providing a narrow track RCV at a competitive price.

***Further information is available via the following link [ ] or from the report author***



## 9. CONSULTATIONS

The Executive member of Environment has been consulted about this decision

## 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>	<b>Joanne Byrne/Mark Hailwood</b>
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<b>DATE:</b>	31-10-23
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<b>BACKGROUND DOCUMENTS:</b>	Vehicle Replacement Programme – Exec Board Paper
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# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Environment & Operations, Executive Member for Finance and Governance
<b>LEAD OFFICERS:</b>	Deputy Director Legal and Governance, Strategic Director of Environment & Operations
<b>DATE:</b>	Thursday, 6 July 2023

<b>PORTFOLIO/S AFFECTED:</b>	Environment & Operations
<b>WARD/S AFFECTED:</b>	(All Wards);
<b>KEY DECISION:</b>	Y

**SUBJECT: Vehicle Replacement Programme**

## 1. EXECUTIVE SUMMARY

The Council's vehicle replacement programme has identified that a number of vehicles in the Council's fleet are old, need replacing, to reduce the impact on the Council of increased maintenance costs and also hired replacement vehicle costs and provide up to date conformity with emission targets for engine efficiency. Vehicle failures can also affect the delivery of key services to the public that can also lead to reputational damage to the Council.

The evaluation criteria for the procurement varies between specific vehicles, as the fleet does not just rely in a standard vehicle type, as there are variable body and machinery requirements.

Cultural services, Welfare and Youth services have a number of vehicles, which are over 10 years old and are beyond economical repair.

The Refuse Collection Team has three vehicles that are over 9 years old and need replacing due to increased vehicle failure and repair costs.

The Street lighting Team has an 18 tonne flat bed crane wagon that needs replacing due to safety concerns, this wagon is 16 years old.

The Environment Amenities Team have two vans on hire that can be replaced by one larger panel van.

The Environment Amenities Team has already scrapped a 4x4 utility vehicle that was over 12 years old and needs replacing.

The Public Transport Team have two Community Welfare buses that are 16 years old and need replacing to effect regular and reliable service delivery. They also have a small van which is 13 years old and needs to be replaced.

The Youth Service team have a mini bus that is 17 years old and needs replacing.

The Culture and Leisure team have a large mini bus, which is 10 years old that needs replacing.

The Highways team have two large tippers, which are 12 years old and need replacing. They also have a small van that is 17 years old and needs replacing.

## **2. RECOMMENDATIONS**

It is recommended that the Executive Board authorise the replacement of these old and hired vehicles, using £1,350,000 of the £1.7m that has been earmarked in the 2023-2026 capital programme for vehicle replacement, as part of the procurement strategy for the replacement and management of the Council's fleet, utilising existing framework providers and/or The Chest, North West Procurement Portal

## **3. BACKGROUND**

It should be noted that the Council is attempting to move its fleet towards alternative fuels, although the cost effectiveness of this at present is with the smaller vehicles operated. The larger vehicles are still to use diesel, although they are to be Euro 6 standard, the latest available to meet the required emissions requirements. The Council's Fleet Transport Manager is constantly reviewing options for alternative fuel usage and is seeking to switch the fleet at appropriate times, with the charging facilities also needing to be considered and available.

The Council has a fleet of 17 refuse collection vehicles that are currently utilised for collecting household waste and trade waste throughout the Borough, within the 17 there is a provision of 4 spare vehicles. In addition, the council is maximising the use of the Refuse Collection fleet with 4 vehicles from the fleet being used each week on a Friday and Saturday to collect the garden waste generated within the borough. The vehicles are of varying ages. The oldest two vehicles are now 9 and 10 years old and becoming increasingly unreliable with increased maintenance costs and by virtue, increased costs for overtime for service completion, to ensure that the work is completed and income generated from trade waste is not lost. There is also the impact on the Council finances in terms of hired replacements on occasion.

Of the required replacement vehicles, the street lighting team have a flat back crane wagon, which is used to transport and erect street lamps. It is also used for collection and delivery of 'street furniture' throughout the borough. This vehicle is 16 years old and is proving expensive to maintain. This is a specialist one off type vehicle and should this be off the road we will be looking at £800p/w to hire an equivalent, if we can source one.

The Grounds Maintenance team currently uses two small hired vans to undertake the weed spraying contract that was brought back in-house at the start of the summer 2021. The current hire cost is approximately £4,500 each per annum and is not the most economical way of providing the service. It is intended to investigate the market to replace these vehicles with one large panel van which would also be used to pull a trailer for the quads used when spraying and would be able to carry a 1000ltr water supply, to service the quads when weed spraying. Due to the towing and weight carrying requirements for this vehicle there is currently no electric option for this van.

The Ground maintenance (Arborists) team utilise a 4x4 style vehicle to enable them to carry out 'off road' work. The original vehicle was recently disposed of when it became beyond economical repair. At present, the marketplace for electric 4x4 utility vehicles is very limited, with purchase prices high, so a diesel engine may have to be procured.

The Welfare team have 6 large mini buses, two of these are 16 years old and need to be replaced. They are becoming increasingly unreliable and are proving expensive to maintain. The exterior and interior condition is poor and do not present a good impression when in use aside from the disruption breakdowns cause to the service users. Electric versions of such vehicles that can accommodate a number of wheelchair users is only available in a very limited number of specialist coach building

companies, with purchase prices significantly higher than that of diesel comparators.

The Youth Services team have a mini bus, which is 17 years old. This vehicle is in a poor condition and is need of some major repairs. This would make the vehicle beyond economical repair. As the vehicle requires the ability to travel significant distances on a single tank of fuel or charge, the electric version at present, is not something that can provide the mileage needed, so a diesel option is required at present.

The Public Transport Team have two mini buses, which are 16 years old and are becoming increasingly unreliable. The intention is to replace these with new vehicles. Again, due to the limitations at present of electric options, diesel Euro 6 engines will be procured. The approximate cost would be £75,000 each. Public Transport also have small van, which is used to repair and maintain the street furniture. This van is 13 years old and is in need of replacing. The intention is to procure an electric van.

The procurement strategy of the fleet would be continue as per previous years, via proven and established routes, utilising established framework contracts that have delivered the best value for the Council in previous years. Evaluation criteria for each vehicle type that is procured have been developed and will be finalised and agreed between the Head of Environment and the Head of Legal and Procurement. The criteria will based on the overall cost, service needs and dynamics of the type of vehicle being procured, since whilst the body and chassis may be a standard design, there are many variables to be considered when evaluating the bids received, e.g. the provision of specialist lifting equipment, purpose built access and egress provision for minibuses, facilities for wheelchair access etc., all play a part on why separate evaluation criteria are used.

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

The main cause for concern in not replacing these three vehicles would be reliability, which could result in a shortage of vehicles to complete the refuse, recycling and trade waste rounds, thus affecting service delivery to customers and jeopardising the £1,000,000 per year trade waste income the Council generates. The availability of hire vehicles around the country is limited and as such, we are fully dependent on the availability of our own refuse collection vehicles. There is also the impact of vehicle failures in other key services such as the welfare transport service, whose service users are often the most vulnerable members of our community.

An ageing fleet also sees the Council run the risk of not using the latest technology to help tackle the Climate Emergency that has been called by the Council.

A procurement strategy for the Council fleet enables the Council to manage and monitor its capital and revenue commitments for the operation of its fleet.

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

Priority 6 for the council identifies that the council will 'make your money go further', which this report aims to provide. Vehicle procurement and replacement enables the Council to mitigate additional costs due to vehicle downtime due to maintenance failures, due to an aging fleet. The procurement strategy follows that already established by the Council.

#### **6. FINANCIAL IMPLICATIONS**

The approximate cost for all of the new vehicles would be £1,350,000. The Council would seek to finance the purchase of the new vehicles through a "sale and lease back" arrangement. Assuming this was the best option, the Council would lease the vehicles over a five-year period, at an estimated cost of £300,000 per annum to be borne by the respective services revenue budgets. All options regarding funding the procurement will be considered by the Council's Finance team.

If leasing was not the most economic or a viable option, the Council would finance the vehicles through prudential borrowing. The respective revenue budgets would then be adjusted to finance this cost.

The Council has been set a target of becoming carbon neutral by 2030. In this report, there are plans to purchase a number of electric vehicles to help with achieving the target. There is likely to be additional costs in providing sufficient additional charging facilities at the Davyfield Road depot, which are presently being discussed and reviewed, with funding bids submitted for capital development of the charging station..

## 7. LEGAL IMPLICATIONS

The Council as a Waste Collection Authority (WCA) and a Waste Disposal Authority (WDA) has a legal duty under the Environmental Protection Act 1990 to provide waste collection and disposal Services in the borough, so the provision of an effective and efficient fleet is paramount

A procurement exercise will be undertaken in accordance with the Council's Contract Procurement Procedure Rules and Contracts shall be in a form approved by legal officers in the Contracts and Procurement Team.

## 8. RESOURCE IMPLICATIONS

The procurement of the new vehicles can be accommodated within existing resources.

## 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

Consultation with the respective management teams has taken place to identify the best option going forward to deliver the service.

## 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.

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<b>VERSION:</b>	<b>2</b>
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<b>CONTACT OFFICER:</b>	<b>Joanne Byrne, Tony Watson</b>
<b>DATE:</b>	13-07-23
<b>BACKGROUND PAPER:</b>	

Agenda Item 3

**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 (date of delegation) 29-11-23
<b>IN CONSULTATION WITH:</b>	Executive Member
<b>PORTFOLIO AREA:</b>	Growth and Development

**SUBJECT: Increase in Highways Fees and Charges**

**1. DECISION**

To increase fees and charges with effect from 1 January 2024 for a variety of Highways services which are delivered in accordance with the following legislation:

- Local Authorities (Transport Charges) Regulations 1998
- Charges under the Highways Act 1980
- Charges under the New Roads and Street Works Act 1991
- Charges under the Signs and Tourism Signs RTRA s.65(1)

**2. REASON FOR DECISION**

The cost associated with the delivery of Highways services has increased significantly in the past year, specifically the service has had to contend with increases in vehicle, fuel and staffing costs. The cost of materials has increased by up to 40%. The Council is also having to manage financial challenges due to inflationary pressures on budgets which are unfunded.

**3. BACKGROUND**

The Highways service is a statutory service and is legally responsible for undertaking a range of duties relating to the highways and footpaths within the Borough, including:

- Maintaining all highways classed as being “maintainable at public expense” within the Borough.
- Maintaining records of all “highways maintainable at public expense” within the Borough.
- Regulating the activities of developers in relation to the highways.
- Keeping the surface of public rights of way which are maintained at public expense in a fit state for public use.

- Ensuring obstructions are removed and adequate warning signs are in place for any dangers on the road.
- Maintaining bridges over natural watercourses

The cost of delivering these services has increased significantly, in particular, the cost of materials to repair and maintain the Highways have increased by up to 40% due to inflationary pressures. The highways service has also seen significant increases in vehicle, fuel and staffing costs.

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

The cost of delivering the service has increased significantly due to inflationary pressures on a range of budgets, particularly the cost of materials to repair and maintain the highways

The proposed increases to fees and charges will help to offset the increased costs of delivering these statutory services.

Further information is available via the background document 'Highways Fees and Charges 2024' or from the report author

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

The increase in Highways charges and the additional income generated aligns with the Council's Corporate Plan and the supporting mission to tackle the budget challenge. The increases in fees and charges will generate an additional £60,000 income in 2024/25

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

The Council as the Highways Authority can legally make a charge for a range of highway services and can readily justify the proposed changes for inflationary reasons.

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

These are existing services, the resources required are already in place to increase the fees and charges for these services.

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

An option to not increase Highways fees and charges was considered, this was rejected because the costs of delivering Highway services have increased significantly due to inflationary pressures.

#### **9. CONSULTATIONS**

The Executive Member for Growth and Development has been consulted on the increase in fees and charges.



**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>	<b>Martin Eden/Joanne Byrne</b>
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<b>DATE:</b>	29 November 2023
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<b>BACKGROUND DOCUMENTS:</b>	Highways Fees and Charges 2024
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Detail of Charge	2023 Charge	Proposed Charge	Percentage Increase
<b>LOCAL AUTHORITIES (TRANSPORT CHARGES) REGULATIONS 1998: HIGHWAYS CHARGES</b>			
Skip Membership Scheme Fee	£250.00	£265.00	6.00%
Scaffolding Membership Scheme Fee	£250.00	£265.00	6.00%
Skip Permit - Member - Type 0, 1, & 2 Roads, including Town Centre Zonal Map [HA 1980 S139]	£40.00	£44.00	10.00%
Skip Permit - Member - Type 3 & 4 Traffic Sensitive Roads [HA 1980 S139]	£30.00	£33.00	10.00%
Skip Permit - Member - Type 3 & 4 Non Traffic Sensitive Roads [HA 1980 S139]	£20.00	£22.00	10.00%
Skip Permit - Non Member - Type 0, 1, & 2 Roads, including Town Centre Zonal Map [HA 1980 S139]	£90.00	£100.00	11.11%
Skip Permit - Non Member - Type 3 & 4 Traffic Sensitive Roads [HA 1980 S139]	£80.00	£90.00	12.50%
Skip Permit - Non Member - Type 3 & 4 Non Traffic Sensitive Roads [HA 1980 S139]	£70.00	£80.00	14.29%
Scaffolding Permit - Member - Type 0, 1, & 2 Roads, including Town Centre Zonal Map [HA 1980 S169]	£40.00	£44.00	10.00%
Scaffolding Permit - Member - Type 3 & 4 Traffic Sensitive Roads [HA 1980 S139]	£30.00	£33.00	10.00%
Scaffolding Permit - Member - Type 3 & 4 Non Traffic Sensitive Roads [HA 1980 S139]	£20.00	£22.00	10.00%
Scaffolding Permit - Non Member - Type 0, 1, & 2 Roads, including Town Centre Zonal Map [HA 1980 S139]	£90.00	£100.00	11.11%
Scaffolding Permit - Non Member - Type 3 & 4 Traffic Sensitive Roads [HA 1980 S139]	£80.00	£90.00	12.50%
Scaffolding Permit - Non Member - Type 3 & 4 Non Traffic Sensitive Roads [HA 1980 S139]	£70.00	£80.00	14.29%
Deposition of building materials [HA 1980 s.171 (1) (2)(4) & (5)]	£25.00	£27.50	10.00%
Excavation in highway [HA 1980 s.171 (1) (2)(4) & (5)]	£800.00	£880.00	10.00%
Consent not to erect hoarding at building works adjacent to highway [HA 1980 s.172 (1)]	£75.00	£85.00	13.33%
Hoarding inspection [HA 1980 s.171(3) & s.173(1)]	£47.50	£55.00	15.79%
Vehicle Crossing Admin Charge for initial assessment paid on application		£250.00	New

Detail of Charge	2023 Charge	Proposed Charge	Percentage Increase
<b>LOCAL AUTHORITIES (TRANSPORT CHARGES) REGULATIONS 1998: TRAFFIC REGULATION</b>			
Permanent TRO /PPO – creation, amendment or revocation	£1,600.00	£ 1,750.00	9.38%
Temporary traffic regulation order [RTRA 1984 s.14(1)]*	£1,925.00	£ 2,100.00	9.09%
Or giving notice under RTRA s.14(2)	£990.00	£ 1,100.00	11.11%
Temporary traffic regulation order [RTRA 1984 s.16a]	£1,925.00	£ 2,100.00	9.09%
Road Closure Notification Fee (Failure notify HA of road closure with 1 hour of road being closed)	£100.00	£110.00	10.00%
Temporary Traffic Regulation Orders (special/Charitable events)	£650.00	£720.00	10.77%
<b>SIGNS AND TOURISM SIGNS RTRA s.65(1)</b>			
<b>Permanent direction signs to premises (excluding tourism signing)</b>			
Assessment resulting in refusal on policy or traffic and safety grounds	£250.00	£275.00	10.00%
Assessment and provision of cost estimates (including applications that are subsequently not proceeded with by applicant)	£500.00	£550.00	10.00%
<b>Permission for Signs to housing sites</b>			
Fixed fee	£500.00	£550.00	10.00%
Per sign per annum	£300.00	£330.00	10.00%
Consideration of application for consent to operate temporary traffic signals on the highway	£275.00	£300.00	9.09%
H-bar road marking at private drive (traffic signs regulations and general directions 2002 dia.1026.1)	£160.00	£175.00	9.38%
H-bar road marking renewal private drive (traffic signs regulations and general directions 2016 dia.1026.1)	£100.00	£110.00	10.00%
<b>CHARGES UNDER HIGHWAYS ACT 1980 - MISCELLANEOUS CHARGES</b>			
<b>s.116/117 stopping up or diversion of highway</b>			
After preliminary consultation and investigation by highways	£850.00	£935.00	10.00%
After formal consultation and legal work by head of legal services before application to magistrates court	£1,750.00	£1,925.00	10.00%
Following magistrates court decision	£2,200.00	£2,420.00	10.00%

Detail of Charge	2023 Charge	Proposed Charge	Percentage Increase
<b>s.118/119 stopping up or diversion of footpath or bridleway</b>			
Stage One - Completion of Planning and Highways Committee report	£1,000.00	£1,100.00	10.00%
Stage Two - When the order of Making is advertised + advertisements	£1,000.00	£1,100.00	10.00%
Stage Three - On completion + advertisements	£1,000.00	£1,100.00	10.00%
Temporary Closure of a PROW [RTRA 1984 s.14(1)]* + advertisements	£1,000.00	£1,100.00	10.00%
Extension to a temporary closure of a PROW + advertisements	£500.00	£550.00	10.00%
<b>s.142 licensing of planting</b>			
Granting licence	£70.00	£80.00	14.29%
Annual charge for administering the licence	£70.00	£80.00	14.29%
<b>s.177 licence to build over highway</b>	£1,000.00	£1,100.00	10.00%
<b>TECHNICAL APPROVAL FOR HIGHWAY STRUCTURES</b>			
Early Engagement Pre-Submission		£500.00	New
Category 0 and others deemed 0 or below		£1,000.00	New
Category 1 and 2 structures 10% of fee		£260.00	New
Category 3 structures 10% of fee		£380.00	New
Hourly Rate (as required)		£100.00	New
<b>CHARGES FOR MINOR WORKS AUTHORISED BY HIGHWAYS ACT 1980 - s.278</b>			
Technical review for administration (minimum fee)	£1,500.00	£1,500.00	0.00%
additional reviews		£500.00	New
<b>MISCELLANEOUS DRAINAGE FUNCTIONS</b>			
Retrieving keys from gully (weekdays day time only)	£105.00	£115.50	10.00%

Detail of Charge	2023 Charge	Proposed Charge	Percentage Increase
<b>HIGHWAYS JETTING/CALLOUT</b>			
Jetting 1 hour	£147.00	£160.00	8.84%
Jetting out of hours (2 hours minimum charge)	£294.00	£320.00	8.84%
<b>CHARGES UNDER THE NEW ROADS AND STREET WORKS ACT 1991 - s.96</b>			
Supervision of a bus stop/placement of temporary stop for duration of works	£160.00	£175.00	9.38%
Supervision of a bus stop/placement of temporary stop for duration of works - less than 24 hrs notice	£210.00	£210.00	0.00%
Retrospective bus stop suspension	£400.00	£500.00	25.00%
<b>MISCELLANEOUS TRANSPORT CHARGES</b>			
Bus stop information panel	£5.00	£5.50	10.00%
Blackburn Bus Station departure charges - Local Service Bus	£0.80	£0.90	12.50%
Blackburn Bus Station departure charges - National Express	£1.52	£1.65	8.55%
Blackburn Bus Station - toilet charges	£0.30	£0.30	0.00%
<b>TRAFFIC SIGNALS</b>			
Bagging or turning signals off			
- Standard weekday 9.00am to 5.00pm	£1,050.00	£1,150.00	9.52%
- Outside standard hours	£1,200.00	£1,300.00	8.33%
<b>New Roads and Street Works Act (NRSWA) 1991</b>			
Section 50 Street Works Licence			
- Licence & Inspection Fees	£900.00	£1000.00	11.11%
- Application for works on additional Streets which are linked to the application	£200.00	£220.00	10.00%
- Additional Fee for Late/Retrospective Application (Major Works)	£300.00	£330.00	10.00%
- Additional Fee for Late/Retrospective Application (Minor/Standard Works)	£150.00	£165.00	10.00%
- Administration Fee for Varying or Extending Licence	£50.00	£55.00	10.00%
- Application for further works linked to the original application	£400.00	£440.00	10.00%
- Application to carry out Remedial Works to Interim to Permanent Reinstatement	£200.00	£220.00	10.00%

Agenda Item 4

**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 (date of delegation)13-11-23
<b>IN CONSULTATION WITH:</b>	Executive Member
<b>PORTFOLIO AREA:</b>	Environment

**SUBJECT: Procurement Strategy - Supply of Tyres & Associated Services**

**1. DECISION**

To approve the procurement strategy for the supply of Tyres & Associated Services.

**2. REASON FOR DECISION**

The Council spends approximately £95,000 per year on the purchasing and fitting of tyres and associated services. Therefore, it is essential that a tendering exercise is conducted to ensure the Council achieve best value for money. The tender will be advertised on Find a Tender Service, The Chest e-tendering portal and Contracts Finder.

**3. BACKGROUND**

The Council currently has a contract for the Supply of Tyres & Associated Services however, this contract is due to expire on the 31<sup>st</sup> March 2024. This contract has run smoothly over the past four years and the Council has subsequently developed a strong working relationship with the incumbent supplier (Lodge Tyre Company).

Due to the success of the current contract, a very similar approach to the procurement is recommended for the upcoming tendering exercise. This will involve an open tender process, which will be advertised on Find a Tender Service, The Chest e-tendering portal and Contracts Finder. An open tender process will help maximise competition and give local suppliers the opportunity to bid.

It is proposed that an initial 3-year contract is established with an option to extend for a further 12 months.

Tenders will be evaluated against the following criteria:

- Price - 50%
- Quality - 35%
- Social Value - 15%

Depending on the level of interest in the contract the Council may run an e-auction to achieve the best possible price.

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

The current contract for the Supply of Tyres & Associated Services expires on 31/03/2024. Failure to procure a new contract by this time will leave the Council outside a formal agreement, putting the Council at risk of not able to demonstrate it is achieving value for money.

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

- No major financial implications, the cost of the services to be undertaken will be met from within existing budgets
- The successful contractor(s) will be required to fix their prices for 12 months and any future price increases will be capped at no more than CPI.

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

The procurement process will be carried out in accordance with the Council's Contract and Procurement Procedure rules and the Public Procurement Regulations. Contracts will be in a form approved by legal officers.

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

Members from the Contracts and Procurement Team and the Environment Department will be required to develop the tender documents, evaluate the bids received and award the subsequent contract.

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

The use of a national framework such as YPO or ESPO – This option was rejected due to the framework being split into multiple lots. The success of the Council's previous approach to encompass the whole requirement into one has been evident throughout the life of the contract. Splitting the requirement into lots would open up the possibility of awarding contracts to multiple suppliers and potentially failing to create the strong working relationship with one supplier that has worked so well previously. Our due diligence also suggests that there are multiple suppliers available that can provide the full extent of the Council's requirements.

***Further information is available via the following link [ ] or from the report author***

#### **9. CONSULTATIONS**

The Executive member for Environment has been consulted about this decision

**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>	<b>Mark Hailwood/Joanne Byrne</b>
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<b>DATE:</b>	13 November 2023
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<b>BACKGROUND DOCUMENTS:</b>	None
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Agenda Item 5

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



<b>DELEGATED OFFICER DECISION TAKEN BY: DELEGATED BY:</b>	Deputy Director Legal and Governance
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<b>IN CONSULTATION WITH:</b>	Chief Officer
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<b>PORTFOLIO AREA:</b>	Children, Young People and Education
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**SUBJECT: Change to FM Contractor Guarantor – Building Schools for the Future Project  
Phase 1- Pleckgate High School Phase 2 – Witton Park High School/Blackburn Central High  
School**

**1. DECISION**

Consent has been sought from the Council to replace the existing Facilities Management (FM) Contractor Guarantor for the Building Schools for the Future Phase 1 and Phase 2 contracts. The Council consents to the entry by the parties to the FM PCG Release, Replacement FM Contractor Guarantee, and the FM Deed of Variation.

**2. REASON FOR DECISION**

Equans Services Limited (formerly Balfour Beatty Workplace Limited)) (the "FM Contractor") proposes to release the Outgoing Guarantor, International Power Ltd (CRN: 02366963), from its obligations under the Facilities Management (FM) Guarantee under the terms of a deed of termination and enter into a guarantee in respect of the FM Agreement with EQUANS Holding UK Limited (CRN: 08155362) ("the Company").

**3. BACKGROUND**

Under the Building Schools for Future contract arrangements the FM Contractor currently provides facilities management services at the BSF schools to Blackburn with Darwen and Bolton Phase 1 Limited ("**Project Co**") pursuant to a contract dated 12 January 2010/ Blackburn with Darwen and Bolton Phase 2 Limited ("**Project Co**") pursuant to a contract dated 15 October 2010 and as amended, supplemented, novated and varied from time to time (the "**FM Agreement**"). The FM Agreement is guaranteed by International Power Ltd (the "**Existing Guarantor**") pursuant to a parent guarantee dated 13 February 2019.

In connection with this matter, , it is also proposed that the rights, benefits, liabilities, duties and obligations of the Existing Guarantor pursuant to a FM contractor direct agreement dated 13 February 2019 between the FM Contractor, Project Co, the Existing Guarantor, Equans Holding UK Limited (formerly Engie Services Holding UK Limited) and U.S. Bank Trustees Limited, as amended, supplemented, novated, varied and replaced from time to time (the "**FM Contractor Lender Direct Agreement**"), be novated to the Company and that certain amendments are made to the FM Contractor Lender Direct Agreement in order to reflect the entry into the Guarantee.

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

Equans will remain liable to perform all on-going obligations under the FM Agreement. A greater level of guarantor is expected in terms of company stature and credibility. Reports commissioned by Project Co that demonstrate this have been shared with the Council.

The Council has also reviewed reports on Company Watch for both the Company and the Existing Guarantor and whilst the Existing Guarantor scores slightly better the scores for the Company are still similar and more than acceptable with it getting the lowest possible risk rating.

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

The monthly Unitary Charge payments will remain the same adjusted on 1<sup>st</sup> April each year in line with RPIx. As a consequence, there will be no additional financial implications for the Council.

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

Legal documentation will be in a form reviewed and agreed by solicitors in Legal and Procurement Services.

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

None

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

If the Council did not give consent it could face legal action for not acting reasonably when an suitable guarantor has been proposed

#### **9. CONSULTATIONS**

As this relates to facilities management, the Strategic Director, Growth & Development has been consulted.

#### **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:

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<b>CONTACT OFFICER:</b>	<b>Heather Bailey/Christopher Bradley</b>
<b>DATE:</b>	1 <sup>st</sup> December 2023
<b>BACKGROUND DOCUMENTS:</b>	Authority consent letters