

Public Document Pack

Executive Member Decisions

Friday, 1st March, 2024
10.00 am

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Date Published: 1 March 2024
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Public Health and Wellbeing
LEAD OFFICERS:	Director of Public Health and Wellbeing
DATE:	27 th February 2024

PORTFOLIO/S AFFECTED:	Public Health and Wellbeing
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WARD/S AFFECTED:	All
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SUBJECT: Local Improvement Services (LIS) agreements

1. EXECUTIVE SUMMARY

Local Improvement Services (LIS) have been delivered via GPs and Pharmacies in Blackburn with Darwen since 2013. In 2021 the Council submitted a contract waiver to continue the delivery of these services and the following paper details how we propose to renew those arrangements moving forward.

Blackburn with Darwen will use Direct Award Process B to procure delivery of these services over the next 3 to 5 years, and will comply with the transparency and record keeping requirements as set out in the new Health Care Services (Provider Selection Regime) Regulations 2023 (PSR) and in the accompanying statutory guidance.

LIS agreements in the Blackburn with Darwen area cover the following delivery of public health interventions:

- The delivery of the Stop Smoking Service and Nicotine Replacement Therapy (NRT) Dispensing Service;
- The provision of an Emergency Hormonal Contraception (EHC) service involving the supply of Levonorgestrel where appropriate
- The provision of a service for Intrauterine Contraceptive Device (IUCD)
- The provision of the service for the Long Acting Reversible Contraception (LARC)

2. RECOMMENDATIONS

That the Executive Member agrees to:

- The re-procurement of Local Improvement Services via the Direct Award process B route under the new Provider Selection Regime (PSR) Regulations 2023.

3.BACKGROUND

The Local Improvement Services (LIS) were initially commissioned as Locally Enhanced Services (LES) in 2013 following the Public Health function's move to the local authority. The LES and subsequent LIS have operated in the same way across other areas nationally since 2013 and the model of delivery through GPs and Pharmacies is fundamentally the same and has not changed.

In order to ensure equity is maintained and consistency in practice is kept in line with other local authorities nationally, the continuation of the current model under the LIS is essential. The potential option of putting these services out to procurement could potentially provide risk to providing an equitable and open service to the residents of Blackburn with Darwen. This may be due to the primary care providers not submitting successful tenders due to capacity challenges and business development capacity to interact with the local authority procurement systems. The risk of a challenge to direct award is very low or unlikely as these services can only be delivered by specialist professionals within a GP and pharmacy setting.

The LIS services will be offered via all GP practices and pharmacy settings in the Blackburn with Darwen area who can comply with the service specifications for the relevant services.

Providers (GPs & Pharmacies) who are able to deliver Local Improvement Services (LIS) will be reviewed, monitored and the overall accessible providers will be updated on an ongoing basis by the Public Health commissioners along with the Contracts team of Blackburn with Darwen Borough Council. Providers (GPs and pharmacies) have the opportunity to enter the 'provider list' to provide LIS throughout the contract term.

Therefore the Provider Selection Regime (PSR) Direct award option B is proposed.

4.KEY ISSUES & RISKS

Timescales of current provision are on an annual basis. The PSR process and route as an option would also allow continuity of service offer from the 1st April 2024.

The risk of a challenge to direct award is considered to be very low or unlikely as these services can only be delivered by specialist professionals within a GP and pharmacy setting.

5. POLICY IMPLICATIONS

Local authorities have a duty to take necessary steps to reduce inequalities and improve the health of their local populations. To ensure we reach the priority populations within Blackburn with Darwen and deliver effective community services we have taken into account the following strategies and key documents:

- Health and Wellbeing Strategy 2023-28
- Joint Strategic Needs Assessment.
- Council Corporate Plan 2023-27.
- Early Help Strategy.
- Health Equity Audit findings
- Core 20 Plus 5 Priorities [NHS England » Core20PLUS5 \(adults\) – an approach to reducing healthcare inequalities](#)
- Recommendations from the Healthwatch Blackburn with Darwen Smoking Cessation Report 2023
- Priorities of the Tobacco Free Lancashire & South Cumbria Strategy
- Priorities of the Blackburn with Darwen Sexual Health Strategy

- NHS Long Term Plan - Treating Tobacco Dependency Programme [NHS England » Guide for NHS trust tobacco dependence teams and NHS trust pharmacy teams](#)

6. FINANCIAL IMPLICATIONS

The estimated value for the Local Improvement Services (LIS) in 2023/24 is £284,400 analysed as follows:

Nicotine Replacement Therapy - £118,000
Stop Smoking Service - £41,400
Emergency Hormonal Contraception - £55,000
Intrauterine Contraceptive Device - £35,000
Contraception - £35,000

The LIS service is fully funded from the annual Public Health grant allocations. There are no additional financial implications for the Council as a result of the proposals contained in this report. The value of the contract varies based on activity delivered on a tariff- based payment method, however, the activity levels are expected to remain within the grant funded budgets detailed above. The contract is being offered on a 3 year +1+1 option starting from 1st April 2024 until March 2027 with potential to extend to March 2029 as detailed in the template attached in the background paper section.

7. LEGAL IMPLICATIONS

PSR will require us to publish the template attached and service specifications on the CHEST system for procurement in order to comply with the new regulations.

Relevant grant conditions (spending, reporting, financial management) must be complied with as set out in Public Health Ring-fenced grant determination 2024 to 2025: No 31/7057 (see circular linked in section 8 below) or there is a risk of reduction of grant and/or clawback.

8. RESOURCE IMPLICATIONS

There are no changes to the existing arrangements and resource capacity needed.

The funding for the Local Improvement Services (LIS) are from the Public Health grant allocation to local authorities - [Public health ring-fenced grant financial year 2024 to 2025: local authority circular - GOV.UK \(www.gov.uk\)](#).

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


No consultations are required for the Direct award B Provider Selection Regime (PSR) 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 and published if applicable.

VERSION:	1
CONTACT OFFICER:	Lee Girvan/Hira Miah
DATE:	6/2/2024
BACKGROUND PAPER:	Provider Selection Regime (PSR) template for direct award  LIS_PSR_Direct Award B Process_v3_3

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Finance and Governance
LEAD OFFICERS:	Strategic Director of Finance and Resources
DATE:	28 February 2024

PORTFOLIO/S AFFECTED:	Departments
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WARD/S AFFECTED:	(All Wards);
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SUBJECT: Introduction of a Second Homes Premium
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1. EXECUTIVE SUMMARY

The Government through the Levelling Up and Regeneration Act 2023 announced the introduction of a new discretionary power to enable Councils to implement a Council Tax premium of 100% on second homes. Adopting this policy would therefore increase the bill from the current rate of a 100% to 200%.

The Government's review of the circumstances where a second homes discount would not apply has unfortunately not been finalised. As a consequence, it is not possible to accurately highlight the number of properties that would be liable or exempt from the premium. All circumstances initially outlined by the Government as being potentially exempt are included in the report.

This report proposes and recommends that the change in policy is agreed, with the next 12 months used to consider the potential impact on individuals, the housing supply and the financial yield.

2. RECOMMENDATIONS

That the Executive Member:

Approves the introduction of the Second Homes Premium in the 2025 / 2026 financial year and uses the next 12 months to review the Governments exception categories and finalise the total additional income that would be generated by the change.

3. BACKGROUND

The Levelling Up and Regeneration Act 2023 recognises the impact that high levels of second home ownership can have in some areas. Whilst the areas impacted most greatly by second homes tends to be holiday and city destinations, Blackburn with Darwen does still have 226 properties designated as such at the writing of this report.

Due to the Council's full use of the discretionary premium charge for long term empty properties, it has become evident that some Council Tax payers have chosen to avoid the charge by placing furniture in an empty property. This then cancels the long-term empty premium as the property is then classed as a second home which currently has a 100% charge.

When adopting a second homes policy Councils must ensure that the decision has been made at least one year before the beginning of a financial year to which it relates. Therefore, should the Council agree to approve the new premium, it will come into effect from April 2025.

The main driver for the introduction of a second home premium is that it will encourage owners to bring the property back into use or at least accelerate the process to do so to avoid the additional cost. The secondary reason is also the increased Council Tax that would be generated by this policy change.

4. KEY ISSUES & RISKS

4.1 Number of Second Homes in the borough

At the writing of this report there are 226 properties currently registered as being unoccupied and furnished and therefore classed as second homes. The breakdown by council tax band is shown below:

Band	A	B	C	D	E	F	G	H
Number of 2nd Homes	126	32	29	15	12	6	5	1

Applying a premium of 100% to all of the above properties would generate an additional £387,988.89 in Council Tax raised. NB, this is extremely unlikely to be the amount raised after the exception reasons have been applied. In addition, some accounts will remain unpaid.

4.2 Rationale for the policy

With the ongoing shortage of housing across the borough it is important that the availability of housing is maximised. As such, the primary driver for the introduction of the second home premium is to continue the Council policy that seeks to ensure that property owners are incentivised to return properties to occupation as soon as possible. In addition, it does also close an existing loop hole that allows owners to avoid long term empty property premiums by furnishing a property.

4.3 Potential Exemptions to the premium

Following the Levelling Up and Regeneration Act 2023 the Government has consulted on a number of scenarios that could potentially be exempt from the imposition of a second home premium. Although the consultation exercise was undertaken in July 2023, no results or guidance has yet been issued by the Government. The scenarios outlined are detailed below.

Properties left empty by a deceased person

If a property has been unoccupied since the passing of the previous owner and is substantially furnished, it could become liable for the Council Tax second homes premium immediately after the Class F exemption period has ended. In these instances the government has stated that it does not consider it appropriate that such properties should become subject to the premium.

The Government suggests that if the property is then put on the market for sale or let, the owner of the property would be able to apply for a 'sales or let' exception. This would provide the owner an additional 6 months exemption period.

Properties marketed for sale or let

The government also wishes to ensure that owners of second homes should be able to benefit from an exception to the second homes premium where the property is being actively marketed for sale or rent.

In order to qualify for an exception to the premium, the owner would be expected to demonstrate they are actively marketing the property for sale or let at a reasonable price on the open market (i.e., an

offer to purchase at that price would be accepted by the owner or an offer to pay rent at that level would be accepted). Some examples of evidence to support the exception could include:

- evidence that the property is being actively marketed by an agent
- evidence that the property is being actively marketed by a sale or letting website
- evidence that the property has recently been sold subject to contract or rented out subject to tenancy agreement but is still vacant because the sale or rental agreement is taking time to complete because it is part of a chain.

Job related dwelling

Where a property is occupied and currently receives a job-related discount, the government proposes that such dwellings should also be an exception to the second homes premium. The exception will not apply to cases where someone chooses to have an additional property to be closer to work while having a family home elsewhere or where an individual is posted to a new location but maintain their previous address.

To ensure that the Council's policy does adhere to any future Government instruction on exceptions, it is suggested that all exceptions listed above are adopted.

5. POLICY IMPLICATIONS

The provision for Local Authorities in the Levelling Up and Regeneration Act 2023 allows the discretion to implement a second home premium.

6. FINANCIAL IMPLICATIONS

Whilst additional Council Tax income will be generated by this change, the full financial implications will only become known once all exceptions to the policy have been identified. A final assessment will be made prior to the 2025/26 budget preparations.

7. LEGAL IMPLICATIONS

The Levelling Up and Regeneration Act 2023 ("[the Act](#)") provides the legislative basis for the introduction of the second home premium.

[The Act also requires that the Council makes this determination, it must publish a notice of the determination in at least one newspaper circulating in the area and that the notice must be published before the end of the period of 21 days starting on the date of the determination.](#)

8. RESOURCE IMPLICATIONS

None. Any additional work required from the policy above will be undertaken by 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

None.

11. STATEMENT OF COMPLIANCE

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

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Andy Ormerod
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DATE:	5 th February 2024
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BACKGROUND PAPER:	
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Agenda Item 3

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Public Health, Prevention & Wellbeing
LEAD OFFICERS:	Strategic Director of Environment & Operations
DATE:	28 February 2024

PORTFOLIO/S AFFECTED: Public Health and Wellbeing

WARD/S AFFECTED: (All Wards);

SUBJECT: Installation of a Changing Places Toilet Facility at Witton Country Park adjacent to Witton Park Arena

1. EXECUTIVE SUMMARY

In September 2022, the Council submitted an expression of interest to receive funding for Changing Places toilet facilities as part of the Round 2 funding.

We have successfully secured up to £75,000 towards the installation of a Changing Places Modular Facility at Witton Country Park as part of this funding scheme.

The proposal is to install a modular build Changing Places toilet facility adjacent to Witton Park Arena and close to the entrance at Witton Park.

We have completed a procurement process and the highest scoring bidder, Danfo (UK) Limited has submitted a quote to complete this project for £71,229 which is within the available funding which has been secured to complete the project.

2. RECOMMENDATIONS

That the Executive Member:

- Approves the installation of a Changing Places Toilet facility at Witton Country Park.
- Delegates authority to the Strategic Director of Environment and Operations to procure the works from Danfo (UK) Limited who were the highest scoring bidder in the recent procurement process.

3. BACKGROUND

Changing Places toilets are large accessible toilets for severely disabled people. They are now legally required in all new public buildings in England with a capacity for 350 or more people. Shopping centres, supermarkets, sports and arts venues will be required to include at least one Changing Place toilet facility.

Over a quarter of a million people in the UK need changing places toilets to enable them to get out and about and enjoy the day-to-day activities which many of us take for granted. To use a toilet in

safety and comfort, severely disabled people need to be able to access a Changing Places toilet, which has more space and the right equipment including a height adjustable changing bench, a peninsular toilet and a ceiling hoist.

Currently there is only one Changing Places Toilet in the borough, which is situated in Blackburn Market, so we are currently under-provided for with regards to fully accessible toilet facilities for people with severe disabilities.

The Government has made a £30 million Changing Places fund available to install more facilities in existing public venues. Local authorities are invited to submit bids on behalf of their Boroughs.

In Round 1, funding of £62,000 was secured and is funding the installation of a Changing Places Toilet Facility by Blackburn Cathedral.

In Round 2, the Council successfully secured up to £75,000 towards the installation of a Changing Places Modular Facility at Witton Park as part of this funding scheme. Further funding was secured for Blackburn Rovers to install a Changing Places Toilet facility at Ewood Park.

The Council has completed a procurement process, and the highest scoring bidder (Danfo) has submitted a quote to complete this project for £71,229 which is affordable within the funding secured to complete the full project.

Once these changing places toilets have been developed and completed, there will be four changing places toilet facilities in the Borough to support people with severe disabilities.

4. KEY ISSUES & RISKS

Witton Country Park is the busiest park within the borough as it is visited by residents from across Blackburn and Darwen and surrounding areas. Siting a changing places toilet within the park will enable people with severe disabilities to use the country park in the knowledge that they have access to a fully accessible toilet facility.

There is a risk of vandalism or misuse of the facility, however the changing places toilet facility will be supervised by staff working at Witton Park Arena and the facility will be locked overnight by the team at Witton Park Arena when locking up the Arena.

5. POLICY IMPLICATIONS

The installation of a changing places toilet facility in Witton Country Park aligns with the Council's Corporate Plan and one of our core missions to build happier, healthier safer communities. The changing place toilet facility will enable people with severe disabilities to use Witton Country Park in the knowledge that fully accessible toilet facilities are available for them to use.

6. FINANCIAL IMPLICATIONS

Initial maintenance will be covered by a warranty, however, thereafter there will be ongoing maintenance costs which will be funded from the existing Witton Park Arena budget.

7. LEGAL IMPLICATIONS

Procurement is in accordance with Contract Procurement Procedure Rules. The contract will be in a form approved by legal officers in the contracts and procurement team.

8. RESOURCE IMPLICATIONS

None – the changing places toilet facility will be managed by the team at Witton Park.

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**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 and published if applicable.

VERSION:	1
CONTACT OFFICER:	Joanne Byrne/Martin Eden
DATE:	02 February 2024
BACKGROUND PAPER:	