

EXECUTIVE BOARD

Thursday, 12th March, 2020

PRESENT

COUNCILLOR:

Councillor Maureen Bateson MBE
Councillor Mustafa Desai
Councillor Mohammed Khan OBE
Councillor Quesir Mahmood
Councillor Vicky Ellen McGurk
Councillor Phil Riley
Councillor Jim Smith

PORTFOLIO:

Children, Young People and Education
Adult Services and Prevention
Leader of the Council
Digital and Customer Services
Finance and Governance
Growth and Prosperity
Environmental Services

EXECUTIVE MEMBER:

Councillor John Slater

NON-PORTFOLIO:

Leader of the Conservative Group

ALL IN ATTENDANCE:

Zara Hayat
Khalid Omar
Muhammad Bapu

Youth MP
Deputy Youth MP
Deputy Youth MP

	Item	Action
1	<u>Welcome and Apologies</u> The Leader of the Council, Councillor Mohammed Khan, welcomed all to the meeting. Apologies had been received from Councillor Damian Talbot. The Leader referred to the current situation relating to Covid-19 and outlined the steps the Council had taken to date to deal with the ongoing serious situation.	
2	<u>Minutes of the Previous Meeting</u> The Minutes of the Meeting held on 13 th February 2020 were agreed as a correct record.	Agreed
3	<u>Declarations of Interest</u> There were no Declarations of Interest submitted.	
4	<u>Equality Implications</u> 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.	Confirmed
5	<u>Public Forum</u> No questions had been received from members of the public.	
6	<u>Questions by Non-Executive Members</u> No questions had been received from Non-Executive Members.	

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7	<p><u>Youth MPs Update</u></p> <p>The Youth MPs updated the Executive Board on recent activities and events they had attended and on the progress of their key themes. Councillor Maureen Bateson outlined the ways the Youth MPs could assist and get involved, including fundraising for Kaleidoscope and a visit to Appletrees, which had recently been rated as 'Beyond Outstanding' following a recent inspection.</p>	Noted
8.1	<p><u>Establishment of a Joint Health and Overview Scrutiny Committee</u></p> <p>The Executive Board were informed of the requirement to establish a Joint Health Overview and Scrutiny Committee of the upper tier local authorities; Blackburn with Darwen Borough Council, Lancashire County Council, Cumbria County Council and Blackpool Borough Council as required under the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) to consider and respond to consultations relating to "substantial reconfiguration" proposals for health services affecting more than one of the local authority areas.</p> <p>The Draft terms of reference for the proposed Joint Health Scrutiny Committee had been drawn up for consideration and were attached at appendix 1. These were being presented to each of the constituent bodies who would make up the Joint Committee.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <ol style="list-style-type: none"> 1. Notes the report and the requirement to appoint a mandatory joint committee for responding to consultations relating to "substantial reconfiguration" proposals for health services affecting more than one local authority area. 2. Recommends to Council to: <ol style="list-style-type: none"> i) agree to the establishment of the joint committee and nominate [3] members of the Council to it, as referred to in the report; ii) not to delegate to the joint committee and retain the power to allow the Council to make its own referrals to the Secretary of State, and request that the Terms of Reference be amended accordingly. 	<p>Noted</p> <p>Approved</p>
8.2	<p><u>Update on RIPA Activity, Procedural Guide and Desktop RIPA Inspection</u></p>	

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	<p>Members received an update report on, RIPA activity/applications RIPA training delivered to officers, the outcome of a recent desktop inspection undertaken by the Investigatory Powers Commissioner's Office ['IPCO'] and current plans to amend / update the RIPA procedural guide</p> <p>Since the last full RIPA inspection, the Council had continued to regularly, review and monitor any RIPA related activity undertaken by the authority. This included training and review of the Procedural Guide for updates as required.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <p>Note that:</p> <p>2.1 There have been no RIPA applications since the last full inspection in June 2016.</p> <p>2.2 The training delivered to officers as detailed in the body of this report.</p> <p>2.3 The outcome of the IPCO desktop inspection.</p> <p>Approve that:</p> <p>2.4 That the actions required from the observations within the inspection outcome letter should be implemented.</p> <p>2.5 That when completed, the draft updated RIPA Procedural Guide should be reported to the Policy and Corporate Resources Overview and Scrutiny Committee for comments prior to Executive Board approval.</p>	<p>Noted</p> <p>Approved</p>
<p>8.3</p>	<p><u>LTP 3 2020/21 Detailed Programme</u></p> <p>To seek the Executive Board's approval for the detailed Local Transport Plan 3 (LTP3) programme for financial year 2020/21. The LTP 3 Strategy covering the period 2011 – 2021 was originally approved by the Council Forum on 28th April 2011.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <ol style="list-style-type: none"> 1) Approves the Local Transport Plan 3 detailed programme for 2020/21; 2) Delegates authority to the Director of Growth and Development, in consultation with the Executive Member for 	<p>Approved</p> <p>Approved</p>

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	Growth and Development, to amend, seek and accept tenders subject to adequate budget provision.	
8.4	<p><u>Fishmoor Drive Land Disposal</u></p> <p>A report was submitted, advising that the Fishmoor Drive area was part of the South East Blackburn Housing Zone (designation granted by Homes England) and was seen as an important growth area that could yield a large number of new homes to meet the Council's needs and aspiration.</p> <p>During 2018 the Council granted an exclusivity period to Together Housing and their joint venture partner Countryside Homes (the JV) to develop proposals for building new homes of mixed tenure and type on four housing sites in the Fishmoor Drive area.</p> <p>The JV had now provided scheme proposals for three of the sites in the area, presented a land offer for the two Council owned sites and prepared a programme of development subject to approvals from the respective boards.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <p>2.1 Notes the development proposals prepared by the Together Housing Association and Countryside Properties Joint Venture (JV)</p> <p>2.2 Notes the financial offer outlined in the Part 2 report for the two Council owned sites at Fishmoor Drive and Roman Road</p> <p>2.3 Grants approval to appoint Together Housing and Countryside Homes as preferred developer to initiate the planning and subsequent development programme</p> <p>2.4 Authorise 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 Director of Growth and Development and Growth Programme Director in consultation with the Executive Members for Resources and Finance and Governance, Growth and Development to approve the final heads of terms.</p> <p>2.6 Authorises the Director of HR, Legal and Governance to complete the necessary legal formalities.</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p>Noted</p> <p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
8.5	<p><u>Treasury Management Strategy</u></p> <p>The Executive Board received a report which advised that the Council was required to approve a Treasury Management Strategy before the start of each financial year. It must also set Treasury</p>	

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	<p>and Prudential Indicators and a policy for determining a “prudent” level of Minimum Revenue Provision for repayment of debt, which is consistent with the Council’s Medium Term Financial Strategy (MTFS).</p> <p>RESOLVED –</p> <p>It is recommended that the Executive Board:</p> <p>2.1 Approves the proposed Treasury Management Strategy for 2020/21, detailed in Appendix 1, including the proposed Treasury Management Indicators.</p>	<p>Approved</p>
<p>9.1</p>	<p><u>Sale of Minority Shareholding in BSF Project Companies</u></p> <p>As part of the Building Schools for the Future Programme (“BSF”) the Council became a minority shareholder in two project companies. The Council has received an offer from the majority shareholder, Amber Infrastructure, to purchase the Council shares.</p> <p>As part of the BSF Programme, three new schools were procured through two PFI (Private Finance Initiative) Contracts. The schools were delivered in two phases and both achieved Financial Close in 2010: Phase 1 – Pleckgate High School. Phase 2 - Witton Park High School and Blackburn Central High School with Crosshill.</p> <p>On the 21st September 2009, Balfour Beatty Education was appointed as the Council’s selected partner to form the Blackburn with Darwen and Bolton Local Education Partnership to deliver the BSF investment programme across the Borough.</p> <p>On the 12th July 2016 the Local Education Partnership (LEP) formally notified the Council of Balfour Beatty’s Investment’s decision to sell its shares in the PFI Project Companies and the LEP; the shareholding was then subsequently sold to Amber Fund Management.</p> <p>Amber Infrastructure had now made an offer to buy both Council’s shares in the two PFI Project Companies.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <ol style="list-style-type: none"> 1. Notes the consequences of selling the shares outlined in this report; 2. Approves the sale of the shares to Amber Infrastructure. 	<p>Noted</p> <p>Approved</p>
<p>9.2</p>	<p><u>Disposal of Council land at Lomond Gardens, Blackburn, Site Appropriation and Disposal of Open Space</u></p> <p>Members were advised of the outcome of the Informal tender for</p>	

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	<p>the Council owned land at Lomond Gardens, Blackburn and approval was requested to dispose of the site for housing development to the recommended preferred bidder.</p> <p>The appropriation was for the purpose of enabling the construction of up to 35 new family homes. The land at Lomond Gardens was previously used as an all-weather pitch for St Bede's RC High school.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <p>2.1 Approves the appointment of Bidder A as preferred bidder.</p> <p>2.2 Approves the appointment of Bidder B as reserve bidder.</p> <p>2.3 Grants permission for Council officers to negotiate Heads of Terms to finalise the terms of the disposal.</p> <p>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.</p> <p>2.5 Authorises the Director of HR, Legal and Governance to complete the necessary legal formalities.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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</p>	<p></p> <p></p> <p></p> <p>Approved</p>

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	<p>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.</p> <p>2.11 Authorise the Director of Growth and Development for the consideration of any objections to both the appropriation proposal and 'open space' disposal.</p> <p>2.12 If the appropriation is approved, authorise the negotiation and payment of any compensation claims potentially emerging from the appropriation.</p>	<p>Approved</p> <p>Approved</p>
<p>9.3</p>	<p><u>Education Capital Growth Scheme</u></p> <p>The Council was seeking to expand the provision of early years and primary school places to meet demographic pressures and to accommodate anticipated pupil growth and demand from the development of new homes.</p> <p>New housing was primarily concentrated into 4 key growth zones with sites now delivering housing and more programmed to commence over the coming years. The anticipated housing yield for each of the areas was as below.</p> <ul style="list-style-type: none"> o North Blackburn –900 new homes o West Blackburn –2400 new hones o Darwen East –1000 new homes o South East Blackburn –1200 new homes <p>As part of the Local Plan, the Council was required to consider the impact of housing growth on the demand for school places, and where required the Council was expected to create new school places to meet this demand. For education, Section 106 contributions could be requested from developers to support with providing new school places where they are needed as a result of new development.</p> <p>The report detailed the proposed increased number of school places and proposed locations, as outlined in the recommendations below.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <p>Approves:</p> <ol style="list-style-type: none"> 1. An increase in the pupil capacity at Lammack Community Primary School from 490 to 630 to meet the anticipated demand in pupil growth from the planned housing developments in North Blackburn. 2. An increase in the primary school pupil capacity in Darwen in principle to meet the anticipated demand in pupil growth from 	<p>Approved</p> <p>Approved</p>

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	<p>the planned housing developments in Darwen, subject to final sign off of the s106 funding agreements and the outcome of ongoing consultations with diocesan bodies and relevant schools to confirm the most appropriate school site.</p> <p>3. The proposal to co-locate Longshaw Nursery School with Longshaw Infant School, increasing the numbers of children that the nursery can accommodate to meet the anticipated demand in pupil growth from the planned housing developments in Blackburn South, with the final funding package to be confirmed as referenced in the report.</p>	Approved
	AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING	
11.1	<p><u>Fishmoor Drive Land Disposal</u></p> <p>Further to the report submitted at Agenda Item 8.4, an additional report was submitted containing commercially sensitive information.</p> <p>RESOLVED – That the Executive Board:</p> <p>2.1 Notes the development proposals prepared by the Together Housing Association and Countryside Properties Joint Venture (JV)</p> <p>2.2 Notes the financial offer outlined in the Part 2 report for the two Council owned sites at Fishmoor Drive and Roman Road</p> <p>2.3 Grants approval to appoint Together Housing and Countryside Homes as preferred developer to initiate the planning and subsequent development programme</p> <p>2.4 Authorise 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 Director of Growth and Development and Growth Programme Director in consultation with the Executive Members for Resources and Finance and Governance, Growth and Development to approve the final heads of terms.</p> <p>2.6 Authorises the Director of HR, Legal and Governance to complete the necessary legal formalities.</p>	<p>Noted</p> <p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
11.2	<p><u>Disposal of Council land at Lomond Gardens, Blackburn, Site Appropriation and Disposal of Open Space</u></p> <p>Further to the report submitted at Agenda Item 9.2, an additional report was submitted containing commercially sensitive</p>	

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	<p>information.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <p>2.1 Approves the appointment of Bidder A as preferred bidder.</p> <p>2.4 Approves the appointment of Bidder B as reserve bidder.</p> <p>2.5 Grants permission for Council officers to negotiate Heads of Terms to finalise the terms of the disposal.</p> <p>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.</p> <p>2.5 Authorises the Director of HR, Legal and Governance to complete the necessary legal formalities.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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</p> <p>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.</p> <p>2.11 Authorise the Director of Growth and Development for the consideration of any objections to both the appropriation proposal</p>	<p></p> <p></p> <p>Approved</p>

	Item	Action
	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.	Approved
11.3	<p><u>LTP 3 2020/21 Detailed Programme</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>1). Approves the Local Transport Plan 3 detailed programme for 2020/21;</p> <p>2). Delegates authority to the Director of Growth and Development, in consultation with the Executive Member for Growth and Development, to amend, seek and accept tenders subject to adequate budget provision.</p>	<p style="text-align: center;">Approved</p> <p style="text-align: center;">Approved</p>
11.4	<p><u>Sale of Minority Shareholding in BSF Project Companies</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> <p>1. Notes the consequences of selling the shares outlined in this report;</p> <p>2. Approves the sale of the shares to Amber Infrastructure.</p> <p style="text-align: center;">Signed at a meeting of the Board on Thursday, 9 April 2020</p> <p style="text-align: center;">(being the ensuing meeting on the Board)</p> <p style="text-align: center;">Chair of the meeting at which the Minutes were confirmed</p>	<p style="text-align: center;">Noted</p> <p style="text-align: center;">Approved</p>

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