

# EXECUTIVE BOARD

## Thursday 9<sup>th</sup> June 2022

### PRESENT

#### **COUNCILLOR:**

Councillor Phil Riley  
Councillor Julie Gunn  
Councillor Vicky McGurk  
Councillor Quesir Mahmood  
Councillor Mahfooz Hussain  
Councillor Jim Smith  
Councillor Mustafa Desai

#### **PORTFOLIO:**

Leader of the Council  
Children, Young People and Education  
Finance and Governance  
Growth and Development  
Digital and Customer Services  
Environment and Operations  
Adults, Social Care and Health

#### **EXECUTIVE MEMBER**

Councillor John Slater

#### **NON PORTFOLIO**

Leader of the Conservative Group

#### **ALL IN ATTENDANCE:**

Muhammed Bapu

Youth MP

	<b>Item</b>	<b>Action</b>
<b>1</b>	<b><u>Welcome and Apologies</u></b>  The Leader of the Council, Councillor Phil Riley, welcomed all to the meeting. Apologies were received from Councillor Damian Talbot and Hasti Jahanghiri and Isabelle Crawford, Deputy Youth MPs.	
<b>2</b>	<b><u>Minutes of the Previous Meeting</u></b>  The Minutes of the Meeting held on 14 <sup>th</sup> April 2022 were agreed as a correct record.	<b>Agreed</b>
<b>3</b>	<b><u>Declarations of Interest</u></b>  Councillor Jim Smith declared an interest in Agenda Item 8.6, Blackburn with Darwen Enhanced Bus Partnership (employed by Transdev).	
<b>4</b>	<b><u>Equality Implications</u></b>  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.	<b>Confirmed</b>
<b>5</b>	<b><u>Public Forum</u></b>  In accordance with Part 4 of the Executive Board Procedure Rules for questions/statements by members of the public, the following questions/statements have been received, details of which are set out below:-	

	Item	Action						
	<table border="1"> <thead> <tr> <th>Name of Person asking Question</th> <th>Subject Area</th> <th>Response By</th> </tr> </thead> <tbody> <tr> <td>Chris Walton</td> <td>Former V10 Polymers site</td> <td>Councillor Phil Riley, Leader of the Council</td> </tr> </tbody> </table> <p>Councillor Riley gave a detailed response to the question, outlining the background to the issues, engagement with the Environment Agency and the landowner, and advising that the Council would continue to press the land owner, the Environment Agency and Government to find a long term solution to the site, so that it could be developed to provide much needed new housing in the area.</p> <p>In response to a supplementary question from Mr Walton on fly tipping issues in the area, Councillors Riley and Smith gave an undertaking that the rubbish would be cleared within a week along Paterson Street and adjoining Streets and Councillor Smith made reference to a camera to monitor the area.</p>	Name of Person asking Question	Subject Area	Response By	Chris Walton	Former V10 Polymers site	Councillor Phil Riley, Leader of the Council	
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Chris Walton	Former V10 Polymers site	Councillor Phil Riley, Leader of the Council						
6	<p><b><u>Questions by Non-Executive Members</u></b></p> <p>No questions had been submitted by Non-Executive Members.</p>							
7	<p><b><u>Youth MPs Update</u></b></p> <p>The Youth MP, Muhammad Bapu, verbally reported on recent events and activities including :</p> <ul style="list-style-type: none"> <li>• Attendance at Mayor-making and Civic Sunday</li> <li>• The recent Strategic Youth Alliance Meeting</li> <li>• BwD Food Alliance Meeting</li> <li>• Child Poverty Strategic Group Meeting</li> <li>• Attendance at the PEOPLE Overview and Scrutiny Meeting earlier in the week.</li> </ul> <p>Councillor Julie Gunn thanked Muhammed for the update and advised that she would looked at improved engagement with other groups involved in the Strategic Youth Alliance.</p>	<b>Noted</b>						
8.1	<p><b><u>Executive Member Reports.</u></b></p> <p><b><u>Report on the progress against the Corporate Plan 2021/22 for the six months to year end (Oct 2021 to March 2022)</u></b></p> <p>Members received a report which provided the Executive Board with the opportunity to review progress against the Council's</p>							

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	<p>strategic priorities documented within the Corporate Plan (2019-23) and to provide assurance that appropriate actions are being taken to address key areas of concern.</p> <p>The 70 measures within the Corporate Plan were linked to the Council’s priority objectives and information for the period was as follows:</p> <ul style="list-style-type: none"> <li>• 9% (6 actual) had been forecast as “red” where performance was, or was likely to be off track</li> <li>• 26% (18 actual) had been forecast “amber” where delivery was on track and currently being managed</li> <li>• 54% (38 actual) had been forecast “green” or on track</li> <li>• 11% (8 actual) of the measures data and or a RAG rating was currently unavailable.</li> </ul> <p><b>RESOLVED -</b></p> <p>That the Executive Board:</p> <ol style="list-style-type: none"> <li>1. Note the overall performance against the delivery of the Council’s strategic objectives as illustrated in Appendix One Performance</li> <li>2. Note the remedial action to improve delivery against the 2019-2023 Corporate priorities which are giving cause for concern, as outlined in Appendix Two Exception Reports</li> </ol>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p><b>Noted</b></p> <p><b>Noted</b></p>
<p><b>8.2</b></p>	<p><b><u>Council Response to Covid-19 Pandemic 2021/22</u></b></p> <p>Members received a report providing an overview of the Council’s response to the Covid-19 pandemic over the last 12 months. A similar report was presented to Annual Council in May 2021 to highlight the responses and achievements from the first 12 months of the pandemic.</p> <p>The report provided an overview of the key activity that had taken place across the organisation and with support from businesses, VCFS partners and communities in the Covid-19 response. A full pandemic report was planned for later in the year to identify response highlights whilst also allowing identification of lessons learnt and to support future planning.</p> <p>Members referred to the excellent work by Council staff in responding to the Pandemic and passed their thanks.</p> <p><b>RESOLVED –</b></p> <p>It is recommended that:</p> <ol style="list-style-type: none"> <li>a) Executive Board note the contents of this report.</li> <li>b) Note that a full pandemic report will be presented to full council by the end of this calendar year.</li> </ol>	<p></p> <p><b>Noted</b></p> <p><b>Noted</b></p>

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8.3	<p><b><u>School Holiday Pattern 2023/24</u></b></p> <p>A report was submitted which advised that the Local Authority (LA) was required to set the school holiday pattern for its Community and Controlled schools. The dates were agreed 12 months in advance of schools beginning the new academic year. In March the dates were circulated for consultation with primary and secondary schools. In addition the dates were sent to Teacher and Green book Union representatives for their observations and comments.</p> <p>Once agreed by the LA and published, the holiday pattern was binding on all community and voluntary controlled schools in Blackburn with Darwen. Voluntary Aided and Foundation governing boards were requested to give consideration to the advice from the LA when determining their school calendars.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board agrees the school term and holiday pattern for Community and Controlled schools for 2023/2024 (as set out in Appendix One Draft School term and Holiday Pattern 2023/2024).</p>	Approved
8.4	<p><b><u>Update on Children’s Services ILACS Inspection</u></b></p> <p>The Executive Board received a report which provided an update following the Ofsted ‘Inspection of Local Authority Children’s Services’ (ILACS) across the three week period 24 January 2022 and 4 February 2022. The report set out progress since the Inspection on the key areas and sought approval for financial and governance arrangements to monitor the effectiveness of improvement activity.</p> <p>In April 2022 the Executive Board was informed of the findings and recommendations of the ILACS inspection and of the plan to establish a multi-agency partnership ‘Achieving Excellence Board’ to monitor improvements and build on existing strengths.</p> <p>The Board met on 26<sup>th</sup> April 2022 for the inaugural meeting, and agreed a terms of reference with a focus on ensuring that the lived experiences of children and young people and the feedback from the workforce was captured and influenced the work of the Board. The action plan would be phased to focus on the three main areas; multi-agency strategy discussions; data and assurance, and services and support for care leavers up to the age of 25.</p> <p>In June the key theme would be Support for Care Leavers; the August focus was Quality Assurance and the theme for October was progress on the effectiveness of multi-agency strategy discussions.</p>	

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	<p><b>RESOLVED -</b></p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> <li>- Delegates the scrutiny of the delivery of the Post ILACS Inspection Action Plan to the Achieving Excellence Board</li> <li>- Gives approval to a supplementary revenue estimate of £906,000 to fund the delivery of the Action Plan (Appendix) in 2022/23 to be funded from contingent sums earmarked for Social Care (and acknowledge that, subject to review as part of the Council's normal budgetary procedures, the estimated full year cost of the Action Plan (estimated to be £923k) will form part of the Council's Budget from 2023/24)</li> <li>- Notes that subject to the refinement of the Action Plan, any further financial implications arising from the delivery of the Action Plan will be considered in line with the Council's Financial Procedure Rules.</li> </ul>	<p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Noted</b></p>
<p><b>8.5</b></p>	<p><b><u>Land at Clarendon Road East, Blackburn</u></b></p> <p>Members received a report which advised that the Council had identified a site located between Clarendon Road East to the north and Laburnum Road to the south as suitable for the provision of new family homes. This site was identified as the 'Clarendon Road East site' and a full options appraisal and land title assessment identified part of the site as being in unknown ownership (unregistered land). Council officers had undertaken a number of enquiries to identify any likely owner but no further information as to the ownership has been ascertained.</p> <p>Consequently the Council was now seeking approval to acquire the land by compulsory purchase action under s226 of the Town and Country Planning Act 1990 of the abandoned land parcel at Clarendon Road East (Appendix 1), as part of the Council's priority 2 objective – namely improving housing quality and building more houses to provide much needed family housing in the Borough.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board upon being satisfied that:</p> <ol style="list-style-type: none"> <li>a) It would contribute to the economic, social and environmental well-being of the borough;</li> <li>b) There is a compelling case in the public interest as the interference with Human Rights involved is proportionate in the interests of land assembly for housing development;</li> <li>c) Sufficient funds exist for carrying the resolution into effect;</li> </ol>	

	Item	Action
	d) No impediments exist to the implementation of the scheme to assemble the land for housing development (subject to the making of the order) and there is a reasonable prospect of its implementation, should the order be made;	
	e) The whole of the legal estates to the affected land could not be acquired by agreement.	
	2.1 Authorise the Growth Programme Director, in conjunction with the Deputy Director, Legal & Governance (Monitoring Officer) to prepare and make a Compulsory Purchase Order (CPO) under section 226 of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981, for the purpose of land assembly to carry out housing development on the land.	Approved
	2.2 Authorise the Growth Programme Director to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the CPO prior to its confirmation.	Approved
	2.3 Authorise the Deputy Director, Legal & Governance (Monitoring Officer) (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the CPO if he is satisfied that it is appropriate to do so.	Approved
	2.4 Authorise the Growth Programme Director to approve agreements with any identified landowner setting out the terms of withdrawal of objections to the Order (including the power to defer implementation post confirmation). In consultation with the Deputy Director, Legal & Governance (Monitoring Officer) to make deletions from and/or minor amendments and modifications to the proposed Order and Order plans.	Approved
8.6	<p><b><u>Blackburn with Darwen Enhanced Bus Partnership</u></b></p> <p>A report was submitted, advising that the Government published 'Bus Back Better', a National Bus Strategy (NBS) which set out a bold ambition for what they want to achieve for public transport.</p> <p>Two requirements of the strategy were for the Council and its operators to enter into a statutory 'Enhanced Partnership' or Franchising Agreement to continue to receive funding; and deliver the improvements included within the published Bus Service Improvement Plan (BSIP). The appropriate arrangement for Blackburn with Darwen Borough Council was to enter into an 'Enhanced Partnership', and therefore the Council submitted an expression of interest to do so to the Department for Transport (DfT), and the the Executive Board had subsequently approved the intention to enter into an Enhanced Partnership.</p> <p>The Council's Bus Service Improvement Plan was approved by Executive Member for Growth and Regeneration on 22<sup>nd</sup> October 2021 and was published on our website. In April 2022, DfT confirmed that the Council had been successful in its BSIP bid and</p>	

	Item	Action
	<p>allocated £3.8M (£1.2M revenue to support services and £2.6M for infrastructure improvements to prioritise buses) over 3 years.</p> <p>In March 2022 DfT recommended that Transport Authorities publish a 'draft' EP which the Council had done and to publish the decision once BSIP funding was announced. It was intended that that the EP Plan and Scheme was published and entered into from 1<sup>st</sup> June 2022.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> <li>(i) Approve the Council's intention to enter into an 'Enhanced Partnership' working in collaboration with all the Borough's bus operators, in accordance with s138G Transport Act 2000 without modifications. The Local Transport Authority having complied with s138F regarding preparation, notice and consultation.</li> <li>(ii) That the Enhanced Partnership Plan and Scheme will be responsible for directing available funding from central government and elsewhere to deliver improvements to bus services and infrastructure in Blackburn with Darwen to help achieve our ambition, objectives and targets in our Bus Service Improvement Plan.</li> <li>(iii) That mechanisms by which the plan and scheme can be modified, following any constructive comments, will be managed by through the Enhanced Partnership governance structure and Blackburn with Darwen procedures.</li> </ul>	<p></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>
8.7	<p><b><u>Business Rates Vovid-19 Additional Relief Fund (CARF) Policy</u></b></p> <p>The Executive Board received a report which advised that he budget in October 2021 announced a new Covid 19 Additional Relief Fund (CARF) of £1.5 billion. The fund was intended to be available to support businesses adversely affected by the pandemic that are ineligible for the existing support linked to Business Rates, i.e., Small Business Rates Relief, Expand Retail Discount and Nursery Discount.</p> <p>On 15<sup>th</sup> December 2021 the Government issued guidance to local authorities detailing how the scheme should operate and how much each authority has been allocated. Blackburn with Darwen BC's allocation totals £3,678,533.</p> <p>The relief was launched in February and potentially eligible businesses were contacted and invited to apply online. Due to the low number of applications, an amendment to the policy was now proposed.</p>	

	Item	Action
	<p>The amended relief policy was attached as Appendix A.</p> <p>The initial approach of inviting businesses to apply only produced low numbers of applications. To ensure the full funding allocation was dispersed to businesses, it was now proposed that the Business Rates team review the details of all potentially eligible businesses and make a direct award to accounts. The amount of relief would be the percentage relief that can be awarded for the 2021/22 liability.</p> <p>It was proposed that an initial award totalling 90% of the fund was awarded to eligible businesses. The remaining 10% could be held back to ensure unidentified businesses and variations in rateable value were accommodated. Any remaining monies left in the fund would be allocated across all eligible businesses later in the year as the fund was brought to an end.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> <li>▪ approves the amended COVID 19 Additional Relief Fund (CARF) policy for 2021/22;</li> </ul>	<b>Approved</b>
<b>8.8</b>	<p><b><u>Development of the General Fund Revenue Budget 2023/24</u></b></p> <p>A report was submitted which provided the Executive Board with an update on the Council’s Medium Term Financial Plan (MTFP) 2023/26 as a start of the process for developing the Council’s Budget for 2023/24.</p> <p><b>RESOLVED -</b></p> <p>It is recommended that Executive Board:-</p> <ul style="list-style-type: none"> <li>a) agree to write to the Department for Levelling Up, Housing and Communities (DLUHC) seeking an increase in the Council’s funding settlement for 2022/23 to reflect the significant increase in inflation;</li> <li>b) note the key risks to the delivery of the budget in 2022/23 and that these will be subject to consideration as part of the regular Budget Monitoring reports submitted to the Executive Board;</li> <li>c) note the uncertainty with the funding outlook for the Council, not least the limited progress on Local Government Finance reforms and the possibility that these may not take place before the next General Election in 2024;</li> <li>d) note the update to the Medium Term Financial Plan for 2023/26 as shown at <b>Appendix A</b> and that a further update will be provided in October 2022;</li> </ul>	<p><b>Approved</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p>

	Item	Action
	e) note the scenario analysis shown at <b>Appendix C and D</b> which models 'worst'/'best' case scenarios around the baseline MTFP as part of the assessment of potential risks facing the Council;	<b>Noted</b>
	a) note the potentially significant financial impact of the review of the pay structure (should it be considered necessary), the financial impact of the Social Care reforms and Academisation of Schools and that an update on these matters be provided in future reports on the MTFP;	<b>Noted</b>
	b) in accordance with the Council's Budget and Policy Framework Procedure Rules, request that Portfolio Holders develop draft proposals to meet the funding gap set out in the report for the period to 2025/26 and that any such proposals are considered by the Executive Board in due course; and	<b>Approved</b>
	c) note the timetable set out in the report for the development Council's Budget for 2023/24.	<b>Approved</b>
<b>9.1</b>	<p><b><u>Dedicated Schools Grant – High Needs Block Budget Allocations 2022/23</u></b></p> <p>Executive Board approval was sought to the allocation of the High Needs Block funding provision paid to the Council as part of the Dedicated Schools Grant for 2022/23, as set out in Appendix B, which had been considered by the Schools Forum at its meeting in February 2022.</p> <p><b>RESOLVED –</b></p> <p>It is recommended that Executive Board:-</p> <p>a) note the Council's High Needs Block funding for 2022/23 as shown at <b>Appendix A</b>;</p> <p>b) endorse the budget allocations for the High Needs Block as set out at <b>Appendix B</b>.</p> <p>Signed at a meeting of the Board</p> <p>on 14<sup>th</sup> July 2022</p> <p>(being the ensuing meeting on the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p>	