

EXECUTIVE BOARD

Thursday 8th December 2022

PRESENT

COUNCILLOR:

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

PORTFOLIO:

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

EXECUTIVE MEMBER

Councillor John Slater

NON PORTFOLIO

Leader of the Conservative Group

ALSO IN ATTENDANCE:

Muhammed Bapu

Youth MP

| | Item | Action |
|---|--|------------------|
| 1 | <p><u>Welcome and Apologies</u></p> <p>The Leader of the Council, Councillor Phil Riley, welcomed all to the meeting. Apologies were received from Kasim Shah the Deputy Youth MP.</p> | |
| 2 | <p><u>Minutes of the Previous Meeting</u></p> <p>The Minutes of the Meeting held on 10th November 2022 were agreed as a correct record.</p> | Agreed |
| 3 | <p><u>Declarations of Interest</u></p> <p>Councillor John Slater declared an interest in Agenda Item 8.1 (Teachers Pay Policy) – Deputy Chair of Lower Darwen Primary School as it fell within the LEA, and also Chair of Pay Review body for the School.</p> | |
| 4 | <p><u>Equality Implications</u></p> <p>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.</p> | Confirmed |
| 5 | <p><u>Public Forum</u></p> <p>In accordance with Part 3 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:-</p> | |

| | Item | Action | | | | | | |
|---|--|---|---------------------|---------------------------------------|------------------------|--|---|--|
| | <table border="1"> <thead> <tr> <th><u>Name of Person asking the Question</u></th> <th><u>Subject Area</u></th> <th><u>Response by</u></th> </tr> </thead> <tbody> <tr> <td>Sean O'Neill</td> <td>Refuse Collection</td> <td>Councillor Jim Smith, Environment and Operations</td> </tr> </tbody> </table> <p>As Mr O'Neill was not in attendance, it was agreed that a written response would be sent to him.</p> | <u>Name of Person asking the Question</u> | <u>Subject Area</u> | <u>Response by</u> | Sean O'Neill | Refuse Collection | Councillor Jim Smith, Environment and Operations | |
| <u>Name of Person asking the Question</u> | <u>Subject Area</u> | <u>Response by</u> | | | | | | |
| Sean O'Neill | Refuse Collection | Councillor Jim Smith, Environment and Operations | | | | | | |
| 6 | <p><u>Questions by Non-Executive Members</u></p> <p>In accordance with Part 4 of the Executive Board Procedure Rules for questions/statements by Non-Executive Members, the following questions/statements had been received, details of which are set out below:-</p> <table border="1"> <thead> <tr> <th>Name of Non-Executive Member asking the Question</th> <th>Subject Area</th> <th>Executive Member and Portfolio</th> </tr> </thead> <tbody> <tr> <td>Councillor Neil Slater</td> <td>Holden Fold Development and effect on infrastructure</td> <td>Councillor Qesir Mahmood, Growth & Development</td> </tr> </tbody> </table> <p>Councillor Mahmood responded to the question and supplementary question, advising that at present there was capacity within Darwen primary schools, although a future need for additional places may be necessary, with a need for secondary school places in the short term. A potential S106 contribution of £1m had also been identified. The Council continued to work with the NHS and other health partners on the needs of residents. Transport enhancements via the Holden Fold proposals would enhance road improvements already delivered.</p> | Name of Non-Executive Member asking the Question | Subject Area | Executive Member and Portfolio | Councillor Neil Slater | Holden Fold Development and effect on infrastructure | Councillor Qesir Mahmood, Growth & Development | |
| Name of Non-Executive Member asking the Question | Subject Area | Executive Member and Portfolio | | | | | | |
| Councillor Neil Slater | Holden Fold Development and effect on infrastructure | Councillor Qesir Mahmood, Growth & Development | | | | | | |
| 7 | <p><u>Youth MPs Update</u></p> <p>The Youth MP verbally reported on recent events and activities including :</p> <ul style="list-style-type: none"> • Attendance at the Remembrance event in Blackburn. • Discussions with fellow Youth MPs in Burnley and Pendle to collaborate on a joint campaign around the transport of | Noted | | | | | | |

| | Item | Action |
|-----|---|--------|
| 8.1 | <p>students, also conversations had begun with the colleagues in Oldham and Stockport to advise on what solutions could be explored in Greater Manchester and to form a joint campaign on encouraging private sector service providers to consult with Youth MPs.</p> <ul style="list-style-type: none"> • Attendance at the monthly Youthforia event. • Progress of the Young Inspectors programme. • The recent Takeover Challenge event, and Muhammed delivered a presentation on the event, which focussed on Child Food Poverty, and three related key topics, Mental Health, Food Poverty and Resilience. Collaboration and work would continue on progressing some of the key actions. <p>Members discussed the presentation and update and commended the ongoing work of the Youth Forum.</p> <p><u>Leader's Update</u></p> <p>Councillor Phil Riley verbally reported that the Council had been successful in a bid for funding from the Shared Prosperity Fund to the tune of £7m over the next 3 years. News was awaited in relation to Levelling Up funding. The latest Darwen Town Deal Meeting had been held earlier in the day, and progress would be seen soon in the town centre.</p> <p><u>Teachers Pay Policy</u></p> <p>The Executive Board was provided with a report that advised that the School Teacher's Pay and Conditions Document 2022 ("the STPCD") has been issued, and therefore Blackburn with Darwen Borough Council's Teachers' Pay Policy has been updated as required to implement the new STPCD. This policy (attached at Appendix 1) also included the two other appendices attached to the paper (Appendix 2 was Payscale for 2022-23 and Appendix 3 was the Process Flowchart).</p> <p>An amendment to holiday allowances needed to be made due to the Queen's Funeral on 19th September 2022 and the King's Coronation in May 2023.</p> <p>RESOLVED -</p> <p>That the Executive Board note the contents of the Teacher's Pay Policy for 2022-23</p> | Noted |

| | Item | Action |
|-----|--|-------------------------------------|
| | | Noted |
| 8.2 | <p><u>Fostering Report Quarter 1&2</u></p> <p>A report was submitted which provided information on the management and performance of the Local Authority's fostering service and was revised on a quarterly basis. The report, alongside Appendix 1, provided analysis of the period 1st April to 30th September 2022 and reflected upon data and service development over the period and recommendations for the next six monthly period.</p> <p>RESOLVED –</p> <p>That the Executive Board notes the Fostering six monthly report for Quarters 1 and 2 alongside Appendix 1 which provides a service progress overview and summary of service development recommendations.</p> <p><u>Public Health, Prevention & Wellbeing</u></p> <p>Councillor Damian Talbot verbally updated the meeting on the Council's approach and support in relation the current Strep outbreak.</p> | Noted |
| 8.3 | <p><u>Trauma Informed Systems Resilience Framework</u></p> <p>Members received a report which advised that the Trauma Informed Systems Resilience Framework supported Blackburn with Darwen's collaborative commitment to recognising and addressing the prevalence of trauma across the Borough. The Framework provided a clear vision for growth and development as well as a formalised governance structure across the directorate with the inclusion of partners across the voluntary, community, prevention, education and health care sectors. This 'top down-bottom up' approach was intended to strengthen the collective response to existing trauma and to mitigate the risks of emerging trauma using a trauma-informed approach within a systems-resilient framework.</p> <p>It was intended that the framework would steer the discussions and decision making as the Council worked towards becoming a trauma-informed Borough.</p> <p>RESOLVED- That the Executive Board:</p> <p>That Executive Board:</p> <ul style="list-style-type: none"> • Recognises the impact and prevalence of trauma across the borough in relation to inequalities and to support the journey towards becoming a Trauma Informed Borough. • Commits to the guiding principles laid out via the Trauma Informed Systems Resilience Framework including a | Noted Approved |

| | Item | Action |
|-------------------|--|---|
| | <p>commitment to auditing services and training and supporting the workforce.</p> <ul style="list-style-type: none"> • Acknowledges the need to work collaboratively as part of a whole-system response to trauma and to embed Trauma Informed Practice into policy development and service design across the directorate including commissioned services and providers. • Supports the proposed governance structure and the 'Managed Network' model for driving the work forwards. • Approves the Trauma Informed Systems Resilience Framework. | <p>Noted</p> <p>Approved</p> <p>Approved</p> |
| <p>8.4</p> | <p><u>Asylum Funding</u></p> <p>The Executive Board received a report advising that Blackburn with Darwen had been a supporter of Asylum seekers for many years. The asylum seekers currently supported primarily came through Asylum Accommodation and Support Contracts (AASC), previously known as 'Compass'. This was now a contract operated by the Home Office through SERCO. SERCO at the instruction of the government were procuring more properties in every area of the UK to include Blackburn with Darwen. The indicative number of concurrent placements in Blackburn with Darwen would rise from just over 350 to approximately 750.</p> <p>Up until 2022, no financial assistance was available, but this had now changed and a retrospective payment of £93,250 had been issued alongside a one off payment of £3500 per additional bed space secured by SERCO, who had already secured an additional 50 bed spaces, with a further payment of £175,000 received in November. Further allocations as additional properties were secured throughout the year were expected.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> • Notes the funding being made available to Blackburn with Darwen • Approves expenditure against this budget in discharging the requirements of the grant conditions. • Delegate authority to the Strategic Director for Adult & Health in consultation with the Executive Member to make representations to the Home Office with regards the level of funding and sustainability of funding in comparison to other similar asylum schemes. | <p>Noted</p> <p>Approved</p> <p>Approved</p> |

| | Item | Action |
|-----|---|--|
| 8.5 | <p><u>Additional Funding for Rough Sleepers</u></p> <p>Members received a report advising that the Government published on the 3rd September 2022 their new ‘Cross-Government Strategy to End Rough Sleeping’. Alongside a range of government measures, it recognised that Local Authorities play a vital role in delivering the services that both prevent individuals sleeping rough and support off the streets those that do.</p> <p>To complement the strategy the government announced details of successful bidders for local authorities applying for grants under two schemes: The Rough Sleeping Initiative (RSI) and Rough Sleeper Accommodation Programme (RSAP).</p> <p>The Council had been successful with both applications, and had been awarded £802,400 under the RSI scheme and £881,770 under the RSAP scheme which ran to March 2025, and March 2024 respectively.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> • Notes the funding being made available to Blackburn with Darwen • Gives approval to supplementary revenues estimates for both the Rough Sleeping Initiative and the Rough Sleeper Accommodation Programme as set out in the financial implications over the next 3 years • Gives approval to a supplementary capital estimate of £408,000 to be added to the Council’s Capital Programme in 2022/23; • Approves expenditure against this budget in discharging the requirements of the grant conditions. | <p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> |
| 8.6 | <p><u>Digital Strategy Update Report</u></p> <p>Members received an update, which reminded Members that In April 2021 the Council’s Executive Board approved an updated BwD Digital Strategy 2021-2024, which outlined a number of initiatives across 4 work streams;</p> <ul style="list-style-type: none"> • Digital First for our Services • Enable Transformation for our Staff • Data Driven Organisation • Secure and Resilient Technology | |

| | Item | Action |
|-------------------|--|--|
| | <p>Blackburn with Darwen had invested in the people, skills and infrastructure to provide 21st century public services, which had enabled the Council and its services to work in new ways. As the Council embarked on its latest vision for digital and technology it was doing so with strong foundations, albeit after a prolonged crisis with the Covid-19 pandemic in which the pace of technological change rapidly increased.</p> <p>Much progress had been made in the first year of delivering the new strategy and the strategy remains dynamic to the changing requirements and priorities of the Council, and the report gave information on progress of the 4 work streams.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> • Notes the activity to date • Supports the continuation of delivery of the digital strategy. | <p>Noted Approved</p> |
| <p>8.7</p> | <p><u>Disposal of Land at Holden Fold for residential development</u></p> <p>Members received a report that outlined the outcome of the informal tender exercise for land at Holden Fold, Darwen, and the report sought approval to dispose of the Council's land, which formed part of the site, and outlined the process for the appropriation of the land and disposal of the 'open space'.</p> <p>Councillor John Slater requested that the Minutes reflect that he was against the recommendations in the report.</p> <p>RESOLVED –</p> <p>That the Executive Board:</p> <p>1.1 Approves the sale of the Council owned land to Vistry Partnerships for the agreed purchase price and part deferred payment profile.</p> <p>1.2 Notes Lea Hough & Co and P Wilson & Co, representing the five private landowners, are in agreement to appoint Vistry Partnerships, as preferred bidder.</p> <p>1.3 Notes the land conveyancing process will be coordinated by an external solicitor acting on behalf of all the landowners, including the Council.</p> <p>1.4 Authorises the Deputy Director of Legal and Governance to complete the necessary legal formalities in the disposal process of the Council owned land.</p> <p>1.5 Authorises the Growth Programme Director to finalise and complete the terms of the disposal, including the appointment of</p> | <p>Approved</p> <p>Noted</p> <p>Noted</p> <p>Approved</p> <p>Approved</p> |

| | Item | Action |
|--|---|------------------------|
| | <p>an external conveyancing solicitor.</p> | |
| | <p>1.6 Authorise the Strategic Director of Growth & Development to appropriate the school land and playing fields at Holden Fold shown edged red on the attached plan, Annex B, from the Resources and Growth & Development portfolios for education to the Growth & Development department for planning purposes pursuant to section 122 Local Government Act 1972.</p> | <p>Approved</p> |
| | <p>1.7 Notes the former Darwen Moorland playing fields have not been in use since September 2012 and the Deputy Director of Legal and Governance has confirmed the disposal process is in compliance of the School Standards and Framework Act 1998.</p> | <p>Noted</p> |
| | <p>1.8 Notes the land is generally open space in character then such appropriation must also comply with section 122(2A) of the Local Government Act 1972, and hence authorise the Deputy Director of Legal and Governance to advertise the proposal to appropriate accordingly.</p> | <p>Noted</p> |
| | <p>1.9 Authorise the Deputy Director of 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>Approved</p> |
| | <p>1.10 Notes that in authorising the commencement of the appropriation process of the Holden Fold 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>Noted</p> |
| | <p>1.11 Delegates authority to the Strategic Director of Growth & Development in consultation with the Executive Member for Growth & Development to consider any objections to either the appropriation proposal and/or 'open space' disposal and, if no objections are received then for the appropriation or 'open space' disposal to be deemed approved.</p> | <p>Approved</p> |
| | <p>1.12 Notes the Council's powers under section 203 – 206 of the Housing and Planning Act 2016 to override any third party rights and easements on the land once planning permission for the planning purpose has been obtained. Where necessary to enable the planning purpose to be achieved, authorise the Strategic Director of Growth & Development to override any said third party rights or easements.</p> | <p>Noted</p> |
| | <p>1.13 If the appropriation for planning purposes is approved and any third party rights and easements have been overridden, authorise the Strategic Director of Growth & Development for the negotiation and payment of any compensation claims arising from overridden easements/other rights, under section 204 of the Housing and Planning Act 2016.</p> | <p>Approved</p> |
| | <p>1.14 Authorises the Growth Programme Director to finalise the terms of any settlement payment with Homes England which will be conditional on the Council receiving the payment for the land</p> | <p>Approved</p> |

| | Item | Action |
|-----|---|--|
| | and will be deducted from the capital receipt. | |
| 8.8 | <p><u>Lancashire Pension Fund – Triennial Valuation Results</u></p> <p>A report was submitted providing the Executive Board with details of the outcome of the triennial valuation of the Lancashire Pension Fund and its implications for Blackburn with Darwen Borough Council.</p> <p>RESOLVED -</p> <p>It is recommended that the Executive Board:-</p> <p>a) note the outcome of triennial review of the Lancashire Pension Fund and the implications for Blackburn with Darwen Council; and</p> <p>b) endorse the decision not to pre-pay the Council's employer contributions for the next 3 years given the estimated net cost of doing so.</p> | <p>Noted</p> <p>Approved</p> |
| 9.1 | <p><u>Replacement of Children's Play Area – Witton Park</u></p> <p>The Executive Board received a report which advised that the Wits play area opened in 2010 and for the past twelve years it had provided opportunities for children 2-13 years of age to have fun, play independently and safely in a stimulating, exciting and attractive play area.</p> <p>The existing play equipment had deteriorated to a point where some sections of the play area had to be removed for safety reasons. The whole play area would have to be closed within the next twelve months for safety reasons.</p> <p>It was important to provide families and children with the space and opportunity to play in a sociable way. It could provide a range of learning experiences for adults, children and young people alike.</p> <p>The Council was due to receive £350,000 s106 funding as a contribution towards Green Infrastructure / Public Open Space and associated community facilities within the West Blackburn area from the redevelopment of a site at Brokenstone Road for up to 450 residential units, and Witton Country Park was located in the West Blackburn area, therefore the £350,000 s106 funding could be invested in new play facilities at Witton Country Park to replace</p> | |

| | Item | Action |
|--|--|--|
| | <p data-bbox="336 136 491 170">'The Wits'.</p> <p data-bbox="336 212 1289 539">Tendering for the redevelopment of play spaces was a lengthy process and whilst there were a small number of frameworks available for the procurement of approved contractors, this still required a tendering process to be followed for each site. Therefore, to help reduce the timeframe for the redevelopment of sites, but remain within the procurement requirements of the Council, it was proposed to seek a contractor to undertake all play area redevelopment work up to 31 March 2025. This would be part of the contract let for redevelopment of 'The Wits'.</p> <p data-bbox="336 577 1214 792">Councillor John Slater indicated that he felt the use of s106 monies for replacing equipment was against the Council's Constitution and should not be allowed, and requested confirmation of this from the legal representative Asad Laher, Monitoring Officer advised that this was not the case, and Cllr Slater requested confirmation in an e-mail.</p> <p data-bbox="336 831 1281 976">Councillor Jim Smith advised that such a use of s106 funding had previously occurred, and advised that he would forward a related e-mail to Cllr Slater from Martin Kelly, Strategic Director, Growth & Development.</p> <p data-bbox="336 1014 1246 1126">Councillor Slater advised that he would write to the Secretary of State on this matter and asked that the minutes reflect his opposition to the recommendations in the report.</p> <p data-bbox="336 1200 536 1234">RESOLVED -</p> <p data-bbox="336 1272 708 1305">That the Executive Board:</p> <ul data-bbox="384 1384 1286 2154" style="list-style-type: none"> <li data-bbox="384 1384 1286 1599">• Approves the investment of £350,000 s106 funding for Green Infrastructure / Public Open Space detailed in the Planning permission 10/18/1116, Brokenstone Road site, to be invested in a new adventure play area for children aged 8-13 years along with a smaller play area for younger children at Witton Country Park. <li data-bbox="384 1644 1286 1823">• Approves the addition of this scheme to the Council's capital programme and the establishment of a capital budget of £350,000 in the financial year 2021/22 to fund the removal of the existing play equipment and the supply and installation of new play equipment at Witton Country Park. <li data-bbox="384 1906 1286 2154">• Gives approval to the Strategic Director of Environment and Operations, in consultation with the Executive Member for Public Health, Prevention and Wellbeing and the Executive Member for Environment and Operations to award the contract to build the new play area at Witton Country Park following a tendering process, alongside a contract for the redevelopment of any play spaces that have or may have | <p data-bbox="1337 1384 1490 1417">Approved</p> <p data-bbox="1337 1644 1490 1677">Approved</p> <p data-bbox="1337 1901 1490 1935">Approved</p> |

| | Item | Action |
|------|--|------------------------|
| 11.1 | <p>funding identified by 31 March 2025.</p> <p>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING.</p> <p><u>Disposal of land at Holden Fold for residential development</u></p> <p>Further to the report submitted at Agenda Item 8.7, additional information was submitted for consideration by the Executive Board which was considered commercially sensitive and therefore exempt from publication. The resolutions at 8.7 were unchanged.</p> <p>Councillor John Slater voted against the recommendations in the report.</p> <p>RESOLVED – The Executive Board:</p> <p>Signed at a meeting of the Board on 12th January 2023</p> <p>(being the ensuing meeting on the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p> | <p>Approved</p> |