

# EXECUTIVE BOARD

5<sup>th</sup> July 2018

## PRESENT

### **COUNCILLOR:**

Mohammed Khan  
Brian Taylor  
Maureen Bateson  
Damian Talbot  
Shaukat Hussain  
Andy Kay  
Phil Riley  
Jim Smith

### **PORTFOLIO:**

Leader  
Health and Adult Social Care  
Children, Young People & Education  
Leisure & Culture  
Neighbourhood & Prevention Services  
Resources  
Regeneration  
Environment

### **EXECUTIVE MEMBER**

John Slater

### **NON-PORTFOLIO**

Leader of the Conservative Group

	<b>Item</b>	<b>Action</b>
1	<b><u>Welcome &amp; Apologies</u></b>  The Leader of the Council, Councillor Mohammed Khan, welcomed all present to the meeting. Apologies were received from the Youth MP and Deputy Youth MPs.	<b>Noted</b>
2	<b><u>Minutes of the Meeting held on 14<sup>th</sup> June 2018</u></b>  The minutes of the meeting of the Executive Board held on 14 <sup>th</sup> June 2018 were agreed as a correct record.	<b>Approved</b>
3	<b><u>Declarations of Interest</u></b>  There were no Declarations of Interest submitted.	
4	<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>
5	<b><u>Public Forum</u></b>  No questions were received from members of the public.	
6	<b><u>Questions by Non-Executive Members</u></b>  No questions were received from Non-Executive Members.	
7	<b><u>Youth MPs Update</u></b>	

	<b>Item</b>	<b>Action</b>
	Apologies had been received from the Youth MP and Deputy Youth MPs. A full update would be provided to the next meeting.	<b>Noted</b>
<b>8.1</b>	<p><b><u>Leader's Update</u></b></p> <p>The Leader verbally reported as follows:</p> <ul style="list-style-type: none"> <li>• The Council had recently been named as 'Council of the Year' by the Municipal Journal and the Leader thanked all the staff, Members, volunteers and partners who had helped towards this. The Leader was disappointed in the coverage by the Lancashire Telegraph, and indicated that such positive news for the Town should be on the front page.</li> <li>• Lancashire Fire and Rescue Service – thanks were passed for the recent efforts to put out the fires on Winter Hill and dealing with the associated difficulties in the area.</li> </ul>	<b>Noted</b>
<b>8.2</b>	<p><b><u>Children, Young People and Education Update</u></b></p> <p>The Executive Member, Councillor Maureen Bateson verbally reported as follows:</p> <ul style="list-style-type: none"> <li>• As Members were aware, Linda Clegg, Director of Children's Services, would shortly be leaving the Council, and thanks were passed to Linda and her team for the excellent work undertaken during her time at the Council.</li> <li>• There was a new statutory duty to give continuing advice and support to Care Leavers up to 25 years of age for which there was a small budget available via the Government.</li> </ul>	<b>Noted</b>
<b>8.3</b>	<p><b><u>Leisure and Culture Update</u></b></p> <p>The Executive Member verbally reported on the 10<sup>th</sup> anniversary of the 'Refresh' scheme and advised that a walk would be taking place on Sunday 8<sup>th</sup> July to Darwen Tower from Bold Venture Park.</p>	<b>Noted</b>
<b>8.7.1</b>	<p><b><u>Joint Lancashire Cycling and Walking Strategy</u></b></p> <p>Item withdrawn.</p>	
<b>8.7.2</b>	<p><b><u>Publication of the Draft Minerals and Waste Local Plan for Public Consultation</u></b></p> <p>It was reported that a review of the Joint Lancashire Minerals and Waste Core Strategy, and Site Allocation and Development Management Policies Local Plan was underway. The report presented the draft revised Joint Lancashire Minerals and Waste Local Plan, including the main changes it contained and the proposed process for carrying out the statutory public consultation it must undergo before public examination and adoption. It also presented a timetable for the review process.</p> <p>The Minerals and Waste planning policy work was led by officers at Lancashire County Council, with Blackburn with Darwen and Blackpool Councils contributing 10% each towards the resourcing</p>	

	Item	Action
	<p>budget. Any decisions to adopt policy must be taken by all three minerals planning authorities (i.e. Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council).</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board agrees to:</p> <ol style="list-style-type: none"> <li>1. Publish the draft revised Joint Lancashire Minerals and Waste Local Plan (Appendix 'A' of the report submitted refers) for consultation purposes during the summer;</li> <li>2. Adopt the revised Joint Lancashire Minerals and Waste Local Plan Local Development Scheme 2014-20 (Appendix 'B' of the report submitted refers), which sets out the timetable for plan production; and</li> <li>3. Note the outcomes of the scoping consultation, and the proposed changes to the Local Plan review, set out in the Scoping Consultation Outcomes Report (Appendix 'C' of the report submitted refers).</li> </ol>	<p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Noted</b></p>
<p><b>8.8.1</b></p>	<p><b><u>Closure of Council Charities</u></b></p> <p>As previously reported to the Executive Board, the Council was the corporate trustee of five inactive charities/trusts that were no longer managed or meeting the purpose they were initially set up to achieve. Over the years these charities have gradually become redundant resulting in funds sitting in the charities accounts, unspent for numerous years and accruing interest. For most of the charities, the purpose for which they were set up has become obsolete, thus restricting the spending of monies and being inactive from lack of trustee management to conduct business. Three of these charities were registered with the Charities Commission whereby annual accounts are required to be submitted yearly, requiring resources from the Council.</p> <p>Collectively, there were sums of approximately £81,851 held in the accounts. Given the lack of activity it was now considered appropriate for the Council to utilise dormant funds for good causes in the Borough and to close the accounts.</p> <p>The report dealt with three charities: Henrietta Kenyon Bequest, Harriet Holt Trust and Common Good Trust. These three charities have funds of £46,116 held in the accounts.</p> <p>The remaining Charities i.e. Garstang Lecture Fund and Poors Land would be the subject of a report to the Executive Board in August 2018.</p> <p><b>RESOLVED -</b></p> <p>That the Executive Board:</p>	

	<b>Item</b>	<b>Action</b>
	a) note the background and options available to the Council relating to the dormant charities;	<b>Noted</b>
	b) authorises the change of 'purpose' of each charity as identified in this report; and where the current purpose is sufficient, authorise the transfer of funds and close the account.	<b>Approved</b>
	c) In relation to a charity registered with the Charities Commission; to inform the Charities Commission of the change of purpose. (Henrietta Kenyon Bequest & Common Good Trust)	<b>Approved</b>
	d) enter into discussion/consultation with other charities that may be eligible to receive funds, with the new purpose in mind;	<b>Approved</b>
	e) approve the transfer of funds to other charities identified as having the same aims and purpose by the Director of Finance and Customer Services in consultation with the Executive Member for Resources; and	<b>Approved</b>
	f) subject to a-e above close the financial accounts.	<b>Approved</b>
<b>9.1</b>	<p><b><u>Blackburn Cinema, Undercroft Car Park &amp; Jubilee Square Development Scheme</u></b></p> <p>A Report was submitted which detailed the Council's final proposals for a new development in Blackburn town centre comprising a cinema, two leisure units and undercroft car park together with a new public square to be called 'Jubilee Square'. The new development would fill a much needed gap in the town centre leisure offer and would help to stimulate the evening economy and complement the Council's existing Northgate and Blakey Moor investment programmes.</p> <p>The Council had signed an agreement with Reel Cinemas for a 20 year lease of the completed development which would see Reel operate the new cinema and leisure units. The scheme would complement the recent investment in the Lemon Tree bar (former Jubilee public house), adjacent to the site on Blakey Moor Terrace, which was acquired and refurbished in 2017.</p> <p>Public consultation on the details of the new development was undertaken during the planning application process with full planning approval received in March 2018. As noted in the Cinema Exec Board Report of April 2017, the report set out the final business case proposals for the Council to proceed with the construction phase of the development.</p> <p>The Council had now received tenders from contractors for the construction of the development and had reviewed the tenders and completed the final business case assessment which demonstrated that the development was viable and would generate a positive return for the Council as a property investment in addition to generating business rates and economic benefits for the town centre.</p>	

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	<p>It was anticipated construction works would commence on site in October 2018 following site set up with the works completed on the cinema and Undercroft car park by December 2019. Construction of final phase to complete Jubilee Square would be undertaken over the summer of 2019 following consultation with Blackburn College.</p> <p>Following completion Reel Cinema would then fit out the new cinema with a planned opening date set for Easter 2020.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> <li>a) Notes the development scheme received planning approval in March 2018 with scheme details and drawings contained within planning application reference 10/18/0077;</li> <li>b) Notes the independent assessments provided on the legal arrangements and financial viability of the proposed development scheme;</li> <li>c) Notes the existing capital programme allocation of £6.5 million to cover the cinema scheme;</li> <li>d) Notes the existing LTP programme allocation of £0.75 million to cover the public realm, terracing and external works scheme;</li> <li>e) Approves a capital programme allocation of £2.75 million to cover the Undercroft car park and infrastructure;</li> <li>f) Approves the selection of Bidder A as Preferred Contractor for phase 1 of the construction works;</li> <li>g) Approves Officers to proceed with the appointment of a consultancy team to administer the construction contract and supervise the phase 1 works on site;</li> <li>h) Delegates authority to the Deputy Chief Executive in consultation with the Executive Members for Resources and Regeneration to agree the terms for the appointment of the consultancy team and agree the final terms of the construction contract with Bidder A for phase 1 of the works;</li> <li>i) Delegates authority to the Deputy Chief Executive in consultation with the Executive Members for Resources and Regeneration to agree the terms for the appointment of the consultancy team and agree the final terms of the construction contract for phase 2 of the works;</li> <li>j) Notes the proposed development will be complete by November 2019 and handed over to Reel Cinema who will complete the fit-out ready for public opening over the Easter holidays 2020.</li> </ul>	<p></p> <p></p> <p></p> <p></p> <p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Noted</b></p>

	Item	Action
9.2	<p><b><u>Investment Opportunity, Land at Milking Lane, Lower Darwen</u></b></p> <p>It was reported that the Milking Lane site in Lower Darwen had attracted negative publicity over the years with a long and chequered site history of stalled development activity and more recently incidents of anti-social behaviour, vandalism and trespass as reported by local residents, businesses and Ward Councillors.</p> <p>The report recommended investment by the Council as a minority shareholder in a new Special Purpose Vehicle (SPV) along with a local developer as majority shareholder who had now secured exclusivity of the site from the administrators. The Developer was local and a well-regarded development company and a partner on the Council's Growth Framework.</p> <p>The site was ideally located and would provide much needed employment land for new businesses for local expansion and inward investment in the Borough. The minority investment by the Council would help ensure the site was developed and that development was accelerated to generate a positive return for the Council and directly support growth in jobs and housing.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> <li>i. Notes the Lower Darwen site has attracted negative publicity over the years with several stalled developments and more recently incidents of anti-social behaviour and vandalism;</li> <li>ii. Approves the Council to invest in the Special Purpose Vehicle (SPV) as a minority shareholder with a local developer as majority shareholder for the purposes of acquiring the site, preparing the site for development and disposing of land parcels to 3<sup>rd</sup> parties for development;</li> <li>iii. Notes the proposed development will contain a mix of employment and residential end uses;</li> <li>iv. Approves a capital allocation to invest in the SPV for a 25% investment in the SPV which will be in accordance with Council's accounting framework; and</li> <li>v. Delegates authority to the Deputy Chief Executive in consultation with the Executive Member for Resources to agree final terms for the Shareholders Agreement (SHA) and SPV legal, financial and ongoing management arrangements.</li> </ul>	<p><b>Noted</b></p> <p><b>Approved</b></p> <p><b>Noted</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>
9.3	<b><u>Corporate Revenue Budget Monitoring Report Quarter 4</u></b>	<b>9.3</b>

	Item	Action
	<p>Members received a report detailing the overall revenue position of the Council for the year ended 31<sup>st</sup> March 2018, highlighting key issues. The report also determined the year end position with regard to portfolio under/overspends and the impact on earmarked and unallocated reserves.</p> <p><b>RESOLVED -</b></p> <p>The Executive Board is asked to approve:</p> <ul style="list-style-type: none"> <li>• the portfolio budget adjustments outlined in Appendix 1.</li> <li>• carry forward of the specific amounts shown in Appendix 1 from 2017/18 to 2018/19.</li> <li>• the earmarked reserves position shown in Appendix 2; and</li> <li>• the variations to revenue expenditure, as listed in Section 6, thereby giving rise to a revised balance of £6.055 million on the unallocated General Fund revenue reserve at 31<sup>st</sup> March 2018.</li> </ul>	<p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>
<p><b>9.4</b></p>	<p><b><u>Corporate Capital Budget Monitoring Report Quarter 4</u></b></p> <p>A report was submitted on the overall financial position of the Council in respect of the Capital Programme as at 31<sup>st</sup> March 2018, highlighting major issues and explaining variations at the year end with regard to portfolio under/overspends and slippage since the last report to the Executive Board in February 2018.</p> <p>The Council's Capital investment for 2017/18 across the portfolios has decreased from the projection of £22.512 million, reported and approved by Executive Board on 8<sup>th</sup> February 2018, to an actual outturn spend of £18.656 million. The net variation (excluding earmarked schemes) of £3.856 million (detailed at Appendix 2 of the report submitted), reflected requested variations to the programme of £330,000 and transfers from the 17/18 programme into future years of £4.186 million.</p> <p>Capital receipts to the value of £0.75 million were received in 2017/18 and were used to support the Minimum Revenue Provision. This compared with the estimate reported to the February Executive Board of £674,000.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <ol style="list-style-type: none"> <li>a) Notes the final capital outturn for 2017/18 as per Appendix 1, together with the variations in Appendix 2; and</li> <li>b) Agrees that the slippage of £4.186 million in the 2017/18 capital programme across all the portfolios, along with the net £12,000 in respect of Earmarked Schemes, can be</li> </ol>	<p><b>Noted</b></p> <p><b>Approved</b></p>

	Item	Action
	<p>carried forward into 2018/19, and that the 2017/18 capital programme is amended accordingly.</p> <p><b>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND THE PUBLIC WERE EXCLUDED FROM THE MEETING</b></p>	
11.1	<p><b><u>Blackburn Cinema, Undercroft Car Park &amp; Jubilee Square Development programme</u></b></p> <p>Further to the report submitted at Agenda Item 9.1, an additional report was submitted containing commercially sensitive information.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> <li>a) Notes the development scheme received planning approval in March 2018 with scheme details and drawings contained within planning application reference 10/18/0077;</li> <li>b) Notes the independent assessments provided on the legal arrangements and financial viability of the proposed development scheme;</li> <li>c) Notes the existing capital programme allocation of £6.5 million to cover the cinema scheme;</li> <li>d) Notes the existing LTP programme allocation of £0.75 million to cover the public realm, terracing and external works scheme;</li> <li>e) Approves a capital programme allocation of £2.75 million to cover the Undercroft car park and infrastructure;</li> <li>f) Approves the selection of Bidder A as Preferred Contractor for phase 1 of the construction works;</li> <li>g) Approves Officers to proceed with the appointment of a consultancy team to administer the construction contract and supervise the phase 1 works on site;</li> <li>h) Delegates authority to the Deputy Chief Executive in consultation with the Executive Members for Resources and Regeneration to agree the terms for the appointment of the consultancy team and agree the final terms of the construction contract with Bidder A for phase 1 of the works;</li> <li>i) Delegates authority to the Deputy Chief Executive in consultation with the Executive Members for Resources and</li> </ul>	<p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>



	Item	Action
	<p>Regeneration to agree the terms for the appointment of the consultancy team and agree the final terms of the construction contract for phase 2 of the works; and</p> <p>j) Notes the proposed development will be complete by November 2019 and handed over to Reel Cinema who will complete the fit-out ready for public opening over the Easter holidays 2020.</p>	<p><b>Noted</b></p>
<p><b>11.2</b></p>	<p><b><u>Investment Opportunity, Land at Milking Lane, Lower Darwen</u></b></p> <p>Further to the report submitted at Agenda Item 9.2, an additional report was submitted containing commercially sensitive information.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <p>i. Notes the Lower Darwen site has attracted negative publicity over the years with several stalled developments and more recently incidents of anti-social behaviour and vandalism;</p> <p>ii. Approves the Council to invest in the Special Purpose Vehicle (SPV) as a minority shareholder with a local developer as majority shareholder for the purposes of acquiring the site, preparing the site for development and disposing of land parcels to 3<sup>rd</sup> parties for development;</p> <p>iii. Notes the proposed development will contain a mix of employment and residential end uses;</p> <p>iv. Approves a capital allocation to invest in the SPV for a 25% investment in the SPV which will be in accordance with Council’s accounting framework; and</p> <p>v. Delegates authority to the Deputy Chief Executive in consultation with the Executive Member for Resources to agree final terms for the Shareholders Agreement (SHA) and SPV legal, financial and ongoing management arrangements.</p> <p>Signed at a meeting of the Board</p> <p>on the day of</p> <p>(being the ensuing meeting of the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p>	<p><b>Noted</b></p> <p><b>Approved</b></p> <p><b>Noted</b></p> <p><b>Approved</b></p> <p><b>Approved</b></p>