

# EXECUTIVE BOARD

## Thursday 7<sup>th</sup> September 2023

### PRESENT

#### **COUNCILLOR:**

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

#### **PORTFOLIO:**

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

#### **EXECUTIVE MEMBER**

Councillor John Slater

#### **NON PORTFOLIO**

Leader of the Conservative Group

	Item	Action						
1	<p><b><u>Welcome and Apologies</u></b></p> <p>The Leader of the Council, Councillor Phil Riley, welcomed all to the meeting. Apologies were received from the Youth Forum representatives.</p>							
2	<p><b><u>Minutes of the Previous Meeting</u></b></p> <p>The Minutes of the Meeting held on 10<sup>th</sup> August 2023 were agreed as a correct record.</p>	<b>Agreed</b>						
3	<p><b><u>Declarations of Interest</u></b></p> <p>No Declarations of Interest were received.</p>							
4	<p><b><u>Equality Implications</u></b></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>	<b>Confirmed</b>						
5	<p><b><u>Public Forum</u></b></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> <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 33%;"><u>Name of Person asking the Question</u></th> <th style="width: 33%;"><u>Subject Area</u></th> <th style="width: 33%;"><u>Response by</u></th> </tr> </thead> <tbody> <tr> <td>Sabir Esa</td> <td>Council approach to student absenteeism.</td> <td>Councillor Julie Gunn, Children, Education &amp; Young</td> </tr> </tbody> </table>	<u>Name of Person asking the Question</u>	<u>Subject Area</u>	<u>Response by</u>	Sabir Esa	Council approach to student absenteeism.	Councillor Julie Gunn, Children, Education & Young	
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Item		Action
	People	
	As Mr Esa was not in attendance, it was agreed that a written response would be sent to him.	
6	<b><u>Questions by Non-Executive Members</u></b>	
	No questions had been received from Non-Executive Members.	
7	<b><u>Youth MPs Update</u></b>	
	There was no update as the Youth Forum representatives had submitted their apologies.	<b>Noted</b>
8.1	<b><u>Government Reforms to Adult Social Care</u></b>	
	The Executive Board was provided with a report that provided an update on the key changes in respect of Government reforms to Adult Social Care. A previous report to the Executive Board in August 2022 detailed the key changes in respect of Social Care Reforms after publication of the Governments Building Back Better Plan and White Paper for reforming the delivery of Adult Social Care ('People at the Heart of Care').	
	Government had now paused until 2025, a number of aspects of the Social Care reforms and a number of changes to the Statutory Framework for Adult Social Care had been introduced. The key changes were highlighted in the briefing paper, relating to:	
	<ul style="list-style-type: none"> <li>• Care Sector Market Management, Sustainability and Workforce</li> <li>• Regulation of Local Authorities by the Care Quality Commission (CQC)</li> <li>• The introduction of new performance measures by Local Authorities by the Office for Local Government (Oflog)</li> <li>• Changes to the Statutory Reporting Framework for Adults – Client Level Data and Adults Social Care Outcomes Framework.</li> </ul>	
	<b>RESOLVED –</b>	
	That the Executive Board:	
	<ul style="list-style-type: none"> <li>• Note the update provided in relation to the Government Reforms to Adult Social Care and in particular: <ul style="list-style-type: none"> <li>a) Care Sector Market Management, Sustainability and Workforce</li> <li>b) Regulation of Local Authorities by the Care Quality Commission (CQC)</li> <li>c) The introduction of new performance measures by</li> </ul> </li> </ul>	<b>Noted</b>

	<b>Item</b>	<b>Action</b>
	<p>Local Authorities by the Office for Local Government (Oflog)</p> <p>d) Changes to the Statutory Reporting Framework for Adults – Client Level Data and Adults Social Care Outcomes Framework</p>	
<b>8.2</b>	<p><b><u>Fostering Quarter 4 22-23 report</u></b></p> <p>Members received a report which provided information on the management and performance of the Local Authority’s fostering service which was revised on a quarterly basis. The report, alongside Appendix 1, provided analysis of the period 1<sup>st</sup> January 2023 until the 31<sup>st</sup> of March 2023 and reflected upon data and service development over this period and recommendations for the next three monthly period.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board notes the Fostering three monthly report for Quarter 4, alongside Appendix 1 which provides a service progress overview and summary of service development recommendations.</p>	<b>Noted</b>
<b>8.3</b>	<p><b><u>Fostering Quarter 1 23-24 report</u></b></p> <p>Members received a report which provided information on the management and performance of the Local Authority’s fostering service which was revised on a quarterly basis. The report, alongside Appendix 1, provided analysis of the period 1<sup>st</sup> April 2023 until the 30<sup>th</sup> June 2023 and reflected upon data and service development over this period and recommendations for the next three monthly period.</p> <p><b>RESOLVED-</b></p> <p>That the Executive Board notes the Fostering three monthly report for Quarter 1, alongside Appendix 1 which provides a service progress overview and summary of service development recommendations.</p>	<b>Noted</b>
<b>8.4</b>	<p><b><u>Children’s Services Improvement Journey</u></b></p> <p>Members were reminded that a previous report to Executive Board in June 2022 updated Members on the outcomes of the Inspection of Local Authority Children’s Services (ILACS) conducted by HM Ofsted Inspectorate. The report included the action plan which had been developed in response to Ofsted’s findings and recommendations.</p> <p>The report submitted provided an update on progress over the last 12 months, including the recent Joint Targeted Area Inspection</p>	

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	<p>(JTAI) of the statutory partners – the Council’s Children’s Services, NHS Lancashire and South Cumbria ICB and Lancashire Constabulary – on the identification of need and risk in Blackburn with Darwen.</p> <p>Since the report to Executive Board in June 2022, there have been significant changes in senior leadership within the Children’s Services and Education directorate which were outlined in the report.</p> <p>The report highlighted the improvements made over the last nine months and also gave details of the Joint Targeted Area Inspection Outcome, following an inspection in May 2023, which had identified a number of strengths and improvement areas, many of which had been identified within existing plans and actions were being delivered.</p> <p><b>RESOLVED –</b></p> <p>That Executive Board:</p> <ol style="list-style-type: none"> <li>1. Notes the progress and improvements made over the last 12 months</li> <li>2. Notes the findings of the Joint Targeted Area Inspection (JTAI) of the statutory safeguarding partners in Blackburn with Darwen.</li> </ol> <p><b><u>Environment &amp; Operations</u></b></p> <p>Councillor Jim Smith verbally reported that he would be reporting at the next Council Forum meeting on the fire at Pleasington Crematorium.</p>	
8.5	<p><b><u>Longer-term position and future use of Daisyfield Pools</u></b></p> <p>Ahead of consideration and discussion of the report, Councillor Phil Riley indicated that although members of the public had not submitted any questions according to the required timescales, he noted the number of people attending and also that Shelley Whitehead had indicated that she would like to read out a statement.</p> <p>Shelley Whitehead read out a detailed statement, outlining the impact on Half Fish and the pool’s users following the closure of the pools on 19<sup>th</sup> August. Ms Whitehead outlined background information, advising that she had signed a licence, and had never refused to sign a lease, and the difficulties that occurred in terms of not being able to access funding due to the lack of a signed lease.</p> <p>Ms Whitehead outlined the vital community role of the pools, the improvements carried out, her opinion that the figures quoted in the report were vastly inflated, a potential bid to the Sport England Swimming Pool Support Fund, and her view that Blackburn needed a second swimming pool. Additionally, Ms Whitehead</p>	<p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p>

	Item	Action
	<p>gave examples of Council support for other CIC's, the impact on staff, the many awards received, and the will to keep the pools open, working in partnership with the Council.</p> <p>In response, the Executive Member, Damian Talbot outlined the background to the pools being run by Half Fish, following budget cuts, and highlighted recent challenges such as the pandemic, recovery, and then the energy crisis, the potential costs to fix an ageing building, and his view that there was general acceptance that the decision taken to close the pools on 19<sup>th</sup> August was correct, on the grounds of public safety.</p> <p>Councillor Talbot indicated that he had different information from officers on the licence/lease situation, and gave further details of the safety concerns, whilst also noting that swimming provision was below the recommended threshold, but that the Council did not have a statutory duty to provide a pool. Cllr Talbot also stated that he was confident that the Borough's schools would be able to access swimming lessons, and indicated that future funding was never guaranteed following the asset transfer, and that the external funding quoted was more related to energy efficiency.</p> <p>Members then considered and debated the report submitted, which set out the background to the closure of the Pool on health and safety grounds relating to positive legionella readings in multiple areas of the building on two occasions following independent water sample analysis. Health and safety concerns had also been raised about the deteriorating condition of the building and the operation of the pool plant. These issues and concerns were raised with the operator and the risks to public safety were clearly highlighted.</p> <p>As the issues identified could not be remedied immediately, a decision under Officer Delegated Powers was taken and published on 18<sup>th</sup> August to close Daisyfield Pools with effect from 19<sup>th</sup> August 2023 on grounds of health and safety to protect public health, pending full consideration and decision at this meeting.</p> <p>The report indicated that the investment required for the repairs to the pool plant and building, as identified by the condition survey report, was entirely separate and not linked to the operational and management issues, which prompted the decision on 18 August 2023 to close Daisyfield Pools.</p> <p><b>RESOLVED–</b></p> <p>That the Executive Board:</p> <p>Endorse the Officer Decision of 18 August 2023 to immediately close Daisyfield Swimming Pool, and approve the continuation of the closure based on serious health &amp; safety failures pending the</p>	<p><b>Approved</b></p>

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	outcome of the consultation referred to in the report.	
	Note the conditions survey for Daisyfield Pools which highlights that the building is in a poor state of repair and condition with numerous substantial defects and is at the end of its effective lifecycle and requires significant investment estimated to be in excess of £3.135M plus VAT for the required repairs and maintenance.	<b>Noted</b>
	Agrees to terminate the existing arrangement with Half Fish HQ in relation to its occupation and operation at Daisyfield Swimming Pools, and delegate authority to the Deputy Director – Legal & Governance to serve any required notices.	<b>Approved</b>
	Agrees for a consultation to be undertaken in relation to the future use of the building and the impact on current users of the facility, and reporting the outcome for consideration at a subsequent meeting of the Executive Board.	<b>Approved</b>
<b>8.6</b>	<p><b><u>Local Development Scheme</u></b></p> <p>The Executive Board was advised that the Council was required to publish, and keep up to date, a Local Development Scheme (LDS) for the Borough. The LDS was a project plan setting out the Council's intentions with regards to preparing its new Local Plan (2021-2037) and relevant supporting documents. The primary purpose of the LDS was to set out an expected timetable for any public consultations, alongside adoption dates, of the Local Plan and its supporting documents. This helped to give certainty to all stakeholders who are involved or impacted by the Local Plan, including the public, landowners and developers.</p> <p>The updated LDS (provided as Appendix A) identified the documents that were expected to be brought forward over the next 2 year period. SPD's were Supplementary Planning Documents which built upon and provided more detailed advice or guidance on particular policies within the Local Plan.</p> <p>Councillor John Slater voted against the recommendations in the report.</p> <p><b>RESOLVED –</b></p> <p>That the Executive Board:</p> <p>Approve the updated Local Development Scheme (LDS), provided as Appendix A, to confirm the broad programme of work for the next two year period;</p> <p>Approve the commencement of procurement for the North East Blackburn Strategic Housing Site Masterplan and prepare a new</p>	
		<b>Approved</b>
		<b>Approved</b>

	<b>Item</b>	<b>Action</b>
	<p>collaboration agreement with landowners; and</p> <p>Note that further details will be provided to a future Executive Board meeting seeking approval of the agreed collaboration arrangements together with the funding and appointment of a masterplanner following a competitive tender exercise.</p>	<b>Noted</b>
<b>8.7</b>	<p><b><u>Corporate Revenue Budget Monitoring Report</u></b></p> <p>Members received a report providing an update on the Council's Revenue Budget for 2023/24 on the basis of a budget monitoring exercise undertaken at the end of June 2023 (Quarter 1).</p> <p><b>RESOLVED -</b></p> <p>It is recommended that Executive Board:-</p> <p>a) give approval to the Portfolio Cash Limit Adjustments as outlined in Appendix 1;</p> <p>b) note the General Fund Budget Summary position as at 30<sup>th</sup> 2023;</p> <p>c) note the current forecast overspend of £1.748m at the end of Quarter 1 and request Portfolio Holders to review their budgets for the remainder of 2023/24 with a view to identifying potential mitigating actions.</p> <p>d) note the Earmarked Reserves and General Fund Balance position as at 30<sup>th</sup> June 2023.</p>	<p style="text-align: center;"><b>Approved</b></p> <p style="text-align: center;"><b>Noted</b></p> <p style="text-align: center;"><b>Noted</b></p> <p style="text-align: center;"><b>Noted</b></p>
<b>8.8</b>	<p><b><u>Corporate Capital Budget Monitoring Report</u></b></p> <p>Members received a report on the overall financial position of the Council in respect of the capital programme as at 30<sup>th</sup> June 2023, highlighting key issues and explaining variations in the first 3 months of the year.</p> <p><b>RESOLVED –</b></p> <p>The Executive Board is asked;</p> <ul style="list-style-type: none"> <li>• to approve the revised capital programme as per Appendix 1,</li> <li>• to approve the variations to the programme shown in Appendix 2.</li> </ul>	<p style="text-align: center;"><b>Approved</b></p> <p style="text-align: center;"><b>Approved</b></p>

	<b>Item</b>	<b>Action</b>
	<p>Signed at a meeting of the Board</p> <p>on 12<sup>th</sup> October 2023</p> <p>(being the ensuing meeting of the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed.</p>	