

EXECUTIVE BOARD

Thursday 7th December 2023

PRESENT

COUNCILLOR:

Councillor Phil Riley
Councillor Julie Gunn
Councillor Mahfooz Hussain
Councillor Damian Talbot
Councillor Quesir Mahmood
Councillor Jackie Floyd
Councillor Jim Smith

PORTFOLIO:

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

EXECUTIVE MEMBER

Councillor John Slater

NON PORTFOLIO

Leader of the Conservative Group

YOUTH FORUM

REPRESENTATIVES:

Mo Kharbari
Faisal Ahmed

	Item	Action
1	<u>Welcome and Apologies</u> The Leader of the Council, Councillor Phil Riley, welcomed all to the meeting. Apologies were received from Councillor Vicky McGurk.	
2	<u>Minutes of the Previous Meeting</u> The Minutes of the Meeting held on 9 th November 2023 were agreed as a correct record.	Agreed
3	<u>Declarations of Interest</u> No Declarations of Interest were received.	
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 from members of the public had been received.	
6	<u>Questions by Non-Executive Members</u> No questions from Non-Executive Members had been received.	

	Item	Action
7	<p><u>Youth MPs Update</u></p> <p>The Youth Forum representatives verbally reported on recent events and activities including :</p> <ul style="list-style-type: none"> • A residential trip to London, where Youth Forum reps visited the House of Commons and debated 5 topics, with top vote going to ‘Finance and Funding’ and Youth MPs across the country would be focussing on this topic going forwards. The trip also included a visit to the Supreme Court. • Discussions with Cllr Damian Talbot and Martin Eden on the potential reduction in pricing for student memberships to access BwD Leisure Centre, • Participation in consultation on the draft Mental Wellbeing, Mental Health, Self-Harm and Suicide Prevention Strategy. • The latest Youthforia meeting. <p>Councillors praised the work and involvement reported.</p>	Noted
	<p><u>Leader’s Update</u></p> <p>Councillor Phil Riley verbally updated the Executive Board on the latest position relating to Devolution in Lancashire, with consultation continuing until the end of January and he encouraged people to respond to the consultation.</p>	Noted
	<p><u>Children, Young People & Education</u></p> <p>Councillor Julie Gunn verbally reported on a visit by Professor Bola Owolabi, Director of Health Inequalities, NHS England on 23rd November, who visited Family Hubs and gave very good feedback, and they were also impressed with the excellent take-up of targeted vaccinations, with 40.1% of primary age children having been administered the flu vaccine, and also with twice a day teeth brushing of children in nurseries.</p>	Noted
8.1	<p><u>Quarter 2 Fostering Report</u></p> <p>A report was submitted providing information on the management and performance of the Local Authority’s fostering service which is revised on a quarterly basis. This report, alongside Appendix 1, provided analysis of the period 1st July 2023 until the 30th September 2023 and reflected upon data and service development over this period and recommendations for the next three monthly period.</p> <p>RESOLVED – That the Executive Board notes the Fostering three monthly report for Quarter 2, alongside Appendix 1 which provides a service progress overview and summary of service</p>	Noted

	Item	Action
	development recommendations.	
8.2	<p><u>Early Years and Childcare Sufficiency Assessment</u></p> <p>Members received a report which advised the Council's Executive Board of the outcomes of the Childcare Sufficiency Assessment 2023 in respect of the Local Authority's statutory duty under the Childcare Acts 2006 and 2016. A Childcare Sufficiency Assessment was a detailed investigation and measurement of the nature and extent of the need for, and supply of, childcare within each local area.</p> <p>At the point of undertaking the assessment the Government's plans for Expanded Early Years Entitlements and the Pathfinder for Wraparound Childcare had not been announced. Officers were currently working to understand the impact of the new entitlements for families and providers (including schools) in respect of supply and demand.</p> <p>The report highlighted data and information in terms of Supply, Demand, Free Funded Early Education, Quality Places and Childcare Costs.</p> <p>RESOLVED –</p> <p>That the Executive Board notes the content of the Childcare Sufficiency Assessment 2023.</p>	Noted
8.3	<p><u>NHS Health Checks Tender 2024-2027 Award</u></p> <p>A report was submitted which advised that the NHS Health Check (NHSHC) programme was one of the prescribed mandated public health services that the Council was responsible for commissioning. Since 2016 this service had been delivered by GP practices as part of the Blackburn with Darwen Clinical Commissioning Group's Quality Contract. Since the transition of the Clinical Commissioning Group into the Lancashire and South Cumbria Integrated Care Board (LSCICB) on 1st July 2022, the service had continued to be delivered by GP Practices supported by the local GP Federation also known as Local Primary Care by waiver in order to ensure uninterrupted delivery of the NHSHC programme.</p> <p>In June 2023, it was agreed by the Executive Board to carry out an open tender process with a view to awarding a new contract for the delivery of the NHSHC Programme from 1st April 2024, until at least April 2027.</p> <p>Following a robust open tender process, approval was now being sought to award the contract for the NHSHC Programme from 1st April 2024.</p>	

	Item	Action
	<p>RESOLVED-</p> <p>That the Executive Board approves the award of the contract for the NHS Health Check Programme for a three year period with the option to extend for a further two years to commence from the 1st April 2024.</p>	<p>Approved</p>
<p>8.4</p>	<p><u>IPC Collaborative Agreement</u></p> <p>Members were advised that the Council had held a service level agreement with Lancashire County Council's (LCC) Infection Control Prevention (IPC) Service since 2016 to deliver a shared IPC service across Lancashire and Blackburn with Darwen. It was agreed in 2016, that the Council would enter into a collaborative agreement with LCC, as the IPC service model developed by LCC had two key advantages of size, which could not be achieved cost-effectively on the Blackburn with Darwen footprint alone: 1) resilience and 2) appropriate mix of skills between strategic and operational functions.</p> <p>It was proposed that this arrangement continued for a further two years with the possibility of extending it for a further 1 + 1 years.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> • Notes the contents of this report; • Agrees for the Council to negotiate and enter into a collaborative agreement with Lancashire County Council to provide a shared, clinically-led Infection Prevention and Control service, for a term of 2 years, with the option to extend for a further 1 + 1 years; • Delegates the signing of the collaborative agreement to the Director of Public Health in consultation with the Deputy Director, Legal and Governance. 	<p>Noted Approved</p> <p>Approved</p>
<p>8.5</p>	<p><u>Refurbishment of football pitches and ancillary facilities at Green Lane, Blackburn</u></p> <p>A report was submitted, which advised that Mill Hill Juniors Football Club in partnership with Blackburn with Darwen Borough Council had submitted a grant application to the Football Foundation to refurbish the grassed football pitches and ancillary facilities at Green Lane, Blackburn. The project would improve the drainage of the pitches and the purchase of grass pitch maintenance machinery along with fencing and containers for storage. As part of the project, an existing defunct changing room building currently used as a maintenance store would also be refurbished to provide a building with a kitchen/servers, office space and toilets.</p>	

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8.6	<p>Mill Hill Juniors FC had a 25 year lease on the green lane football pitches with 20 years left to run and Blackburn with Darwen Borough Council owned the freehold of the site and would procure the works.</p> <p>The grass pitches at the Green Lane site served numerous teams within the Club but they suffered from acute drainage problems. Extensive maintenance and drainage work was required to the grass pitches, the pitch maintenance machinery and the storage were all needed if the Club was to continue developing the number of junior players and provide a pathway to adult football. Upgrading the grass pitches at Green Lane would help consolidate the number of football teams and allow for steady sustainable growth of an additional team each year over the next five years.</p> <p>The Football Foundation had approved a capital grant offer of £249,121 which represented 78.4% of a total project cost of £317,900. The funding gap between the grant and the total project costs would be paid for using funds provided by Mill Hill Juniors Football Club.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> Note the award of the Football Foundation capital grant offer of £249,121, towards the refurbishment of the grassed football pitches and ancillary facilities at Green Lane Blackburn. Note that the total cost of the project is £317,900 and that the gap in funding between the capital grant and the total project cost will be met by funds provided by Mill Hill Juniors Football Club. Agree that the Council will act as Accountable Body for the funding as set out in the report. Give delegated authority to the Deputy Director, Legal and Governance to prepare and enter into an agreement with Mill Hill Juniors FC to ensure compliance with the relevant conditions of the grant that apply to the operation of the pitches and facilities. Delegate authority to the Strategic Director of Environment and Operations in consultation with the Executive Member for Public Health, Prevention and Wellbeing to procure the works necessary to refurbish the grassed football pitches and ancillary facilities at Green Lane, Blackburn. <p><u>Disposal of Land at Mellor Brook</u></p> <p>A report was submitted outlining the outcome of the informal</p>	<p></p> <p></p> <p></p> <p></p> <p>Noted</p> <p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>

	Item	Action
	<p>tender exercise for the sale of Council owned land at Branch Road and Myerscough Smithy Road, Mellor Brook as illustrated on the plan attached at Appendix 1.</p> <p>The land was located in the district of South Ribble Borough Council ('South Ribble'), and owned by Blackburn with Darwen Borough Council and had been previously let under an agricultural lease. The Mellor Brook site is of 5.62 Ha (13.89 Acres) and is allocated for "Village Development" in the South Ribble Local Plan.</p> <p>The Council submitted a pre-planning application to South Ribble as part of the feasibility process and received positive feedback on the Council's development plans. An Informal tender exercise was undertaken over the summer of 2023 with fourteen 14 bids received from developers interested in purchasing the site.</p> <p>Three bidders were invited to submit final bids for the Mellor Brook site and these had now been assessed with a Preferred Bidder identified for the site.</p> <p>The report also outlined the process for the appropriation of the land from the Finance and Governance and Growth & Development portfolios for planning purposes.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <p>1.1. Approves the appointment of Prospect Homes as Preferred Bidder for the Mellor Brook site;</p> <p>1.2. Approves the appointment of Bidder 2 and Bidder 3 as Reserve Bidders for the Mellor Brook site;</p> <p>1.3. Authorises the Growth Programme Director to finalise and complete the terms of the disposal, including the appointment of the Reserve Bidder should the Preferred Bidder withdraw from the process or is unable to finalise terms with 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. Authorise the Strategic Director of Growth & Development to appropriate the land at Mellor Brook shown edged red on the attached plan, Appendix 1 from the Finance and Governance and Growth & Development portfolios for planning purposes pursuant to section 122 Local Government Act 1972;</p> <p>1.6. Notes the land is currently used for agricultural purposes and not used as open space. As such there is no need to advertise disposal of open space;</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Noted</p>

	Item	Action
	1.7. Notes that in authorising the commencement of the appropriation process of the Mellor Brook site, the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 as set out in this report;	Noted
	1.8. Delegates authority to the Strategic Director of Growth & Development in consultation with the Executive Member for Growth & Development to consider any objections to the appropriation proposal and, if no objections are received then for the appropriation to be deemed approved;	Approved
	1.9. 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; and	Noted
	1.10 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.	Approved
8.7	<p><u>Local Cycling and Walking Infrastructure Plan</u></p> <p>Approval of the Blackburn with Darwen Local Cycling and Walking Infrastructure Plan (LCWIP) Prioritisation report was requested, which provided the long-term strategic approach to identifying walking, cycling and wheeling infrastructure improvements in the Borough.</p> <p>The LCWIP was presented as a collection of reports prepared in three Phases: • Phase 1 – Baseline Conditions report (published March 2022) • Phase 2 – Blackburn and Darwen network planning reports (published December 2022) • Phase 3 – Prioritisation report (October 2023, subject of this decision) The key output of Phase 3 of the LCWIP was a list of prioritised areas/routes for future infrastructure interventions, providing the focus for investment and further feasibility/design work. to expand capabilities in this area alongside the delivery of infrastructure improvements. The LCWIP Phase 3 Prioritisation report was provided as a Background Paper to the report.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <p>(i) Approves adoption of the LCWIP (Phase 3 report) as the strategic framework for developing future transport policy and programmes of investment around active travel infrastructure for</p>	Approved

	Item	Action
	Blackburn with Darwen;	
	(ii) Notes the outcomes for the prioritisation of the further development of active travel schemes in the Borough, as set out in the Phase 3: Prioritisation report;	Noted
	(iii) Support further investigations/feasibility and design work to be undertaken, as and when resources and budgets allow, to ensure that a pipeline of schemes is developed to a stage ready for any funding applications that may arise;	Approved
	and (iv) Delegate authority to the Strategic Director of Growth and Development, following consultation with the Executive Member for Growth and Development, to submit any future active travel funding applications for developments in line with the LCWIP.	Approved
8.8	<u>South East Blackburn LUF Scheme</u>	
	Members were requested to grant approval for the drawdown of capital funding and approvals required to undertake various activities to support the pre-construction stage of the Blackburn Growth Axis Transport Package (South East) ('Project'). The report also provided an update of the work completed to date since the publication of the previous Executive Board report in May 2023.	
	Councillor John Slater voted against the recommendations in the report.	
	RESOLVED -	
	That the Executive Board:-	
	1. Notes the award of £20m Levelling-Up Funding ('LUF') to deliver the Blackburn Growth Axis Transport Package (South East) and the £10.5m upfront payment to date by Department for Levelling-Up, Housing and Communities;	Noted
	2. Notes the progress of the two projects, listed below, comprising the Blackburn Growth Axis Transport Package (South East) LUF scheme:- <ul style="list-style-type: none"> • Project 1 – South East Blackburn Active Travel (Walking and Cycling) Network • Project 2 – M65 Junction 5 Improvement Scheme; 	Noted
	3. Notes the appointment of Ramboll engineering consultants by Balfour Beatty following a competitive tendering exercise to support Project 2;	Noted
	4. Approves the appointment of WSP to provide Technical Advisory Support in administering the contract with Balfour Beatty, provide general technical assurance support and assistance in validating technical proposals for future adoption by the Council as Local Highway Authority;	Approved

	Item	Action
	<p>5. Approves a capital budget of £0.75m for Project 1 and £3.25m for Project 2 to cover all pre-construction activities including fees, surveys, site investigations, approvals, service diversions, third party payments and other enabling costs necessary during the pre-construction stage. Note £500k of capital funding is already profiled in the 2023/24 capital programme and therefore an additional £3.5m is now required to cover the pre-construction stage during with £0.7m of this additional funding required in year;</p>	Approved
	<p>6. Authorises the Growth Programme Director in liaison with the Deputy Director of Legal and Governance to finalise any contract terms of the consultant and contractor appointments for Projects 1 and 2 accordingly;</p>	Approved
	<p>7. Authorises the Growth Programme Director to issue contract instructions on behalf of the Council in administering the NEC Professional Services Contracts for Project 2 - M65 J5 Highway Improvement Scheme;</p>	Approved
	<p>8. Authorises the Growth Programme Director in liaison with the Deputy Director of Legal and Governance to finalise the terms of acquisition for any third party land required to deliver the scheme;</p>	Approved
	<p>9. Authorises the Deputy Director of Legal and Governance in liaison with the Growth Programme Director to finalise the terms of the agreement with National Highways for approval to work on their motorway network; and</p>	Approved
	<p>10. Notes further report will be prepared for approval during 2024 to progress schemes to construction once final designs, approvals and construction costs have been finalised.</p>	Noted
<p>8.9</p>	<p><u>New Building Control Regime</u></p> <p>Members were advised that the Building Safety Act (BSA) 2022 came into force in April 2023, and impacted Local Authorities in three main ways: in the delivery of Council-led development projects; the provision of Building Control services applicable to all construction projects requiring Building Regulation approval; and through the Council's relationship with the new Building Safety Regulator (BSR). The new BSR came under the umbrella of the existing Health and Safety Executive.</p> <p>The BSA amended the Building Act 1984 to create powers to prescribe requirements on those who procure, design, plan, manage and undertake building work, also known as duty-holders; and introduces new enforcement powers for building control authorities.</p>	

	Item	Action
	<p>RESOLVED –</p> <p>That the Executive Board:</p> <p>Notes the impacts of the Building Safety Act and associated regulations on Blackburn with Darwen Borough Council.</p>	Noted
8.10	<p><u>Infrastructure Funding Statement</u></p> <p>The Infrastructure Funding Statement (IFS) was produced annually and provided a summary of financial contributions the Council had secured within the year (1st April – 31st March) via Section 106 agreements from new developments for off-site infrastructure works and affordable housing, in addition to highway works completed as part of new developments through Section 278 agreements. It also identified the projects that had been delivered as a result of the contributions across the Borough. The report presented the 2022-23 IFS.</p> <p>Councillor John Slater voted against the recommendations in the report.</p> <p>RESOLVED - That the Executive Board:</p> <ul style="list-style-type: none"> • Approves the publication of the Infrastructure Funding Statement (IFS) for the 2022/23 monitoring period. 	Approved
8.11	<p><u>Contract Award for the Revenues and Benefits System</u></p> <p>Approval from the Executive Board was sought for the Council to enter into a contract for the provision of a cloud hosted Revenues and Benefits IT system.</p> <p>Prior to the end of the partnership agreement with Capita in 2016, the Council tendered the move to, and the hosting of the Revenues and Benefit IT system in a cloud based solution. This contract was awarded to Northgate Public Services UK Ltd (which renamed itself to NEC Software Solutions UK Ltd) for a 5 year period with the option to extend for a further 2 year period. The current contract was coming to an end on the 26th June 2024 and over the last few months the department had been looking at the options available for re-procurement, and the report submitted reported on this process and the recommendations arising.</p> <p>The basis for the recommendations in the report was the assessment that it was not in the interest of the Council to go to tender for this service for the following reasons:</p> <ul style="list-style-type: none"> • The cost of changing the IT system would outweigh any benefits achieved; • The internal time and cost to change is significant, and; • The current service suitably met needs, and the operational risk would need further evaluation. 	

	Item	Action
	<p>RESOLVED –</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> • Approves the award of the contract for a Revenues and Benefits IT system for a five year period to NEC Software Solutions UK Ltd. 	<p>Approved</p>
<p>9.1</p>	<p><u>Youth Investment Fund</u></p> <p>The Executive Board were asked to note the Council’s successful application to the Youth Investment Fund (YIF); in which the Council had been awarded £4,583,074 in grant funding to support renovations and remodelling of two existing young people assets, specifically Darwen Youth Centre and Audley and Queen’s Park Children Centre. The report also sets out key next steps.</p> <p>In total Blackburn with Darwen had secured £8.3m of Round 2 Youth Investment Fund investment, which represented the largest allocation of funding received by any place in Round 2.</p> <p>RESOLVED -</p> <p>That the Executive Board:</p> <ul style="list-style-type: none"> • Note the Council’s success in competitively securing YIF funding support for Darwen Youth Centre and Audley and Queen’s Park Children Centre, with the Council acting as the accountable body for this grant funding; • Agree a supplementary capital estimate of £4.583m for the delivery of the projects outlined in the report (funded wholly from the grant provided by the YIF); • Delegate approval to the Strategic Director of Growth and Development to allocate spend of up to 15% of the grant award on costs associated to feasibility and design of the YIF funded projects; and • Delegate responsibility to the Strategic Director for Growth and Development, in consultation with the Executive Member for Growth and Development, to appoint a contractor (subject to a formal procurement process) to support construction programme, as set out in this report. 	<p>Noted</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
<p>9.2</p>	<p><u>Business Rates & Sundry Debt Write Offs</u></p> <p>This report details the debts that have proved irrecoverable, and, as such, in line with the Financial Procedures Rules were presented to the Executive Board for consideration for write off.</p> <p>RESOLVED –</p>	

	Item	Action
	<p>That the Executive Board:</p> <p>Approves the write off of:</p> <ol style="list-style-type: none"> 1. £214,532.48 in respect of Business Rates 2. £71,197.99 in respect of Sundry Debts <p>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING.</p>	Approved
11.1	<p><u>Disposal of Land at Mellor Brook</u></p> <p>Further to the report submitted at Agenda Item 8.6 additional information was submitted for consideration by the Executive Board which was considered commercially sensitive and therefore exempt from publication. The resolutions at 8.6 were unchanged.</p>	Approved
11.2	<p><u>South East Blackburn LUF Scheme</u></p> <p>Further to the report submitted at Agenda Item 8.8 additional information was submitted for consideration by the Executive Board which was considered commercially sensitive and therefore exempt from publication. The resolutions at 8.8 were unchanged.</p> <p>Councillor John Slater voted against the recommendations in the report.</p>	Approved
11.3	<p><u>Business Rates and Sundry Debt Write Offs</u></p> <p>Further to the report submitted at Agenda Item 9.2 additional information was submitted for consideration by the Executive Board which was considered commercially sensitive and therefore exempt from publication. The resolutions at 9.2 were unchanged.</p> <p>Councillor John Slater requested an analysis of one of the debts referred to in the report.</p> <p style="text-align: center;">Signed at a meeting of the Board</p> <p style="text-align: center;">on 11th January 2024</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>	Approved