

**EXECUTIVE
11 MARCH 2014
5.00 - 6.00 PM**



Present:

Councillors Ward (Vice-Chairman, in the Chair), Dr Barnard (Item 9), Birch, Mrs Hayes, McCracken and Turrell

Apologies for absence were received from:

Councillors Bettison and Brunel-Walker

75. Minutes

RESOLVED that the minutes of the meeting of the Executive on 11 February 2014 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

76. Declarations of Interest

There were no declarations of interest.

77. Executive Decisions

The Executive considered the reports submitted on the items listed below and the decisions taken are recorded in the decision sheets attached to these minutes and summarised below:

Item 9: Bracknell Forest Strategy for 'Narrowing the Gap' - Guidance on the use of the Pupil Premium

RESOLVED that the strategy for 'Narrowing the Gap' (Annex B) to the report be agreed..

Item 5: Executive response to the Health Overview & Scrutiny Panel Working Group report on 'Francis'

RESOLVED that

- 1 The following recommendation of the Working Group on "Applying the Lessons of The Francis Report to Health Overview and Scrutiny" be accepted.
- 2 The Executive Member for Adult Services, Health and Housing should carry out a stock take of all the Council's external positions on NHS bodies, and works with Members to ensure that all suitable opportunities are taken up.
- 3 The recommendations set out in the report for other organisations and the way the Panel works within available resources be supported.

Item 6: Residents Parking Scheme

RESOLVED that

- 1 The information contained within the report, including the results of the public consultation undertaken in July 2013 be noted. (see Appendices A & B).
- 2 The associated Residents' Parking Scheme rules, permit eligibility criteria and charges which would be subject to an initial 2 year trial (see Table 1 & Appendix C) be approved.
- 3 The necessary advertisement of Traffic Regulation Orders associated with the proposed Residents' Parking Scheme, the results of which to be considered and determined by the Executive Member for Planning Transport (see Appendix D) be noted.

Item 7: Fixed Civil Penalties for Overpayment of Benefit

RESOLVED that a scheme be introduced from the 1st April 2014 to impose a fixed civil penalty of £50 for overpayment of Housing Benefit that exceeds £250 due to the claimant negligently not informing the Council of a change of circumstance or failing to inform the Council without any reasonable excuse be agreed.

Item 8: Highway Maintenance Works Programme 2014-15

RESOLVED that the budget for 2014-15 be targeted at the indicative Highway Maintenance Works Programme as set out in Annex 1 to the report.

Item 10: Learning Disabilities Commissioning Strategy 2014-2019

RESOLVED that the Joint Commissioning Strategy for People with Learning Disabilities 2014 -2019 be approved.

Item 11: Corporate Asset Management Plan

RESOLVED that the Asset Management Plan 2014-2015 at Annex A be approved and its recommendations endorsed.

Item 12: Service Plans 2014/15

RESOLVED that the proposed Key Actions to be contained in the Service Plans 2014-2015, as set out in Appendix A be agreed.

Item 13: Corporate Performance Overview Review

RESOLVED that the performance of the Council over the period from October to December 2013, highlighted in the Overview Report in Annex A be noted.

Item 14: Public Realm Contract Awards

RESOLVED that

- 1 Tenderer 3, as detailed in the confidential annexe, be awarded the contract in respect of Highways Maintenance and Works (Lot 1), with effect from 1st October 2014.

- 2 Tenderer 5, as detailed in the confidential annexe, be awarded the contract in respect of Street Cleansing (Lot 2), with effect from 1st October 2014.
- 3 Landscape Services, currently an internally provided service, be contracted to an external contractor, and that Tenderer 5, as detailed in the confidential annexe, be awarded the contract for these services - Grounds Maintenance (Lot 3), with effect from 1st October 2014.

78. **Exclusion of Public and Press**

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, members of the public and press be excluded from the meeting for the consideration of item 16 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person (including the authority).

Item 16: Facilities Management Category Strategy

RESOLVED that the Facilities Management Category Strategy be approved.

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Agenda Item

Bracknell Forest Council Record of Decision

Work Programme Reference	I045550
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1. **TITLE:** Bracknell Forest Strategy for 'Narrowing the Gap' - Guidance on the use of the Pupil Premium

2. **SERVICE AREA:** Children, Young People and Learning

3. **PURPOSE OF DECISION**

To agree the Bracknell Forest Strategy for Narrowing the Gap in performance between children and young people eligible for the Pupil Premium and their peers.

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the strategy for 'Narrowing the Gap' (Annex B) to the report be agreed..

7. **REASON FOR DECISION**

The Strategy includes actions for the LA and guidance to schools on reducing the gap in performance between those students eligible for the Pupil Premium and those that are not. The Pupil Premium is an additional amount given to schools to support the learning needs of each pupil eligible for a free school meal or who is a looked after child (LAC), an adopted child or a child with guardians. There is also a Service Premium for children who come from a service family. Secondary schools also receive funding for summer schools and Year 7 catch up classes.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None. If the LA does not continue to monitor the performance of students eligible for the Pupil Premium in relation to their peers and encourage schools to target these young people for support and intervention through the appropriate deployment of the Pupil Premium funding it is likely that the gap in performance will remain unacceptably high. The Local Authority would also be failing in its duty to promote good educational outcomes for all children and young people.

9. **PRINCIPAL GROUPS CONSULTED:** Headteachers

10. **DOCUMENT CONSIDERED:** Report of the Director of Children, Young People & Learning.

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I044885
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1. **TITLE:** Executive response to the Health Overview & Scrutiny Panel Working Group report on 'Francis'

2. **SERVICE AREA:** Adult Social Care, Health & Housing

3. **PURPOSE OF DECISION**

To enable the Executive to respond to the recommendations and proposals in the Health Overview & Scrutiny Panel report on scrutiny following the Francis review into the failings at Mid Staffs Hospital.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the following recommendation of the Working Group on "Applying the Lessons of The Francis Report to Health Overview and Scrutiny" be accepted.

2 That the Executive Member for Adult Services, Health and Housing should carry out a stock take of all the Council's external positions on NHS bodies, and works with Members to ensure that all suitable opportunities are taken up.

3 That the recommendations set out in the report for other organisations and the way the Panel works within available resources be supported.

7. **REASON FOR DECISION**

The Overview and Scrutiny Working Group has spent considerable time on the review and the Executive recognises the change being proposed in respect of the way Panel members undertake their role in this complex area.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not applicable.

9. **PRINCIPAL GROUPS CONSULTED:** N/A

10. **DOCUMENT CONSIDERED:** Report of the Director of Adult Social Care, Health & Housing

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I045257
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1. **TITLE:** Residents Parking Scheme
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

To consider the results from the informal public consultation exercise undertaken in July 2013: and seek approval to a further formal public consultation exercise on the details of a proposed Residents' Parking Scheme in streets surrounding Bracknell town centre.

4. **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive

6. **DECISION:**

1. That the information contained within the report, including the results of the public consultation undertaken in July 2013 be noted. (see Appendices A & B).
2. That the associated Residents' Parking Scheme rules, permit eligibility criteria and charges which would be subject to an initial 2 year trial (see Table 1 & Appendix C) be approved.
3. That the necessary advertisement of Traffic Regulation Orders associated with the proposed Residents' Parking Scheme, the results of which to be considered and determined by the Executive Member for Planning Transport (see Appendix D) be noted.

7. **REASON FOR DECISION**

As the town centre expands through regeneration, the day-to-day needs of residents will become a high priority. The Council must plan for the changes that come with a regenerated town centre, and this includes making sure residents living close to the town centre are protected from increased parking pressures.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not to progress with a formal public consultation at this time. However, given the timescales associated town centre regeneration, a later decision to progress with a scheme could result in a delay in responding to residents needs.

9. **PRINCIPAL GROUPS CONSULTED:** Members of the public
10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I044398
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1. **TITLE:** Fixed Civil Penalties for Overpayment of Benefit

2. **SERVICE AREA:** Adult Social Care, Health & Housing

3. **PURPOSE OF DECISION**

Implementation of the Council policy for making a Civil Penalty where an overpayment of benefit has occurred where a customer has failed to inform the Council of a change in their circumstances without good reason.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That a scheme be introduced from the 1st April 2014 to impose a fixed civil penalty of £50 for overpayment of Housing Benefit that exceeds £250 due to the claimant negligently not informing the Council of a change of circumstance or failing to inform the Council without any reasonable excuse be agreed.

7. **REASON FOR DECISION**

Executive agreed that consultation should take place on the introduction of a Fixed Civil Penalty Scheme where an overpayment of benefit has arisen due to a customer failing to inform the Council of a change in circumstance without good cause or through negligence. This supports the Council's Medium Term Objective to: Provide value for money and to work with our communities and partners to be efficient, open, transparent and easy to access and to deliver value for money.

The Council has been given the ability to levy a fixed penalty of £50 if failure to notify a change of circumstance leads to an overpayment of benefit due to the introduction of the Social Security Penalty Regulations 2012. Similar penalties will be part of the Universal Credit regime when it is introduced.

The Council is redesigning the Benefit and Housing Service and the new service aims to maximise household income and independence. Overpayments of benefit should be avoided and designed against in the new service offer. The fixed penalty fine will be available for the Council to apply if there is clear evidence that the claimant has negligently failed to tell the Council or has no reasonable excuse for not telling the Council where a change of circumstance has led to an overpayment of benefit.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The Council could decide not to implement the fixed penalty proposals. Given that customers will be confronted with the fixed penalties when they move to Universal Credit there is a risk that they will not be prepared and will incur penalties thus impacting on their income.

The Department of Works & Pensions (DWP) recommends that the fixed penalty could be applied for overpayments of £65. In Bracknell Forest this could often be less than one week Housing Benefit payment and therefore it is suggested the level of overpayment is set at £250.

9. **PRINCIPAL GROUPS CONSULTED:** Residents of the borough
10. **DOCUMENT CONSIDERED:** Report of the Director of Adult Social Care, Health & Housing
11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I046134
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1. **TITLE:** Highway Maintenance Works Programme 2014-15

2. **SERVICE AREA:** Environment, Culture & Communities

3. **PURPOSE OF DECISION**

Following the approval of the Council's budget for 2014/15, to approve the list of schemes to which the available highway maintenance works budget will be applied during the year.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the budget for 2014-15 be targeted at the indicative Highway Maintenance Works Programme as set out in Annex 1 to the report.

7. **REASON FOR DECISION**

To meet the Council's Local Transport Targets and improve the condition of the highway network in pursuance of the Council's Medium Term Objectives.

8. **ALTERNATIVE OPTIONS CONSIDERED**

No alternative options are appropriate. The proposals seek to effect works according to priority needs based on an assessment of condition that also reflects general safety. The need to have a large range of schemes is essential in order to minimise delay and maximise operational efficiencies. The Annex is updated annually.

9. **PRINCIPAL GROUPS CONSULTED:** All Members of the Council.

10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I041920
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1. **TITLE:** Learning Disabilities Commissioning Strategy 2014-2019

2. **SERVICE AREA:** Adult Social Care, Health & Housing

3. **PURPOSE OF DECISION**

To agree the Learning Disabilities Strategy for 2014-2019. This is a joint commissioning strategy between Bracknell Forest Council and Bracknell and Ascot Clinical Commissioning Group. It identifies objectives for service development for the next five years. A 12 week consultation is held prior to the development of the strategy to help inform the priorities within the strategy.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the Joint Commissioning Strategy for People with Learning Disabilities 2014 -2019 be approved.

7. **REASON FOR DECISION**

To ensure that the strategic direction for supporting people with learning disabilities and their families continues to reflect:-

- the needs and wishes of the people concerned
- national strategic direction
- recognised best practice.

The development of this strategy has been led and supported by Bracknell Learning Disability Partnership Board ensuring all stakeholders including people with learning disabilities and their carers have been involved to find out what has been going well and what needs to be developed. The 'team' approach enabled as many people as possible to be involved and give their views.

8. **ALTERNATIVE OPTIONS CONSIDERED**

To continue with the strategic direction identified in the original commissioning strategy. However, this would risk not taking account of people's current needs and aspirations or follow recent government legislation and best practice.

9. **PRINCIPAL GROUPS CONSULTED:** People with Learning Disabilities
Carers
People working in Health and Social Care
Voluntary sector colleagues
Members of Bracknell and Ascot CCG
Other individuals with an interest Learning Disabilities support

10. **DOCUMENT CONSIDERED:** Report of the Director of Adult Social Care, Health & Housing

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I038307
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1. **TITLE:** Corporate Asset Management Plan

2. **SERVICE AREA:** Corporate Services

3. **PURPOSE OF DECISION**

The Executive to agree the Council's Corporate Asset Management Plan.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the Asset Management Plan 2014-2015 at Annex A be approved and its recommendations endorsed.

7. **REASON FOR DECISION**

To ensure the Executive are aware of the revisions and updating to the Council's to Asset Management Framework and the recommendations for the future operation of Asset Management within the Council.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None.

9. **PRINCIPAL GROUPS CONSULTED:** Corporate Asset Management Group

10. **DOCUMENT CONSIDERED:** Report of the Director of Corporate Services

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I045219
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1. **TITLE:** Service Plans 2014/15
2. **SERVICE AREA:** Chief Executive's Office
3. **PURPOSE OF DECISION**

To agree the Key Actions contained in the Service Plans 2014/15.

4. **IS KEY DECISION** No
5. **DECISION MADE BY:** Executive
6. **DECISION:**

That the proposed Key Actions to be contained in the Service Plans 2014-2015, as set out in Appendix A be agreed.

7. **REASON FOR DECISION**

The Council's Medium Term Objectives and Key Actions are reviewed each year to ensure they reflect any changes in circumstances affecting the borough's residents and businesses.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None.

9. **PRINCIPAL GROUPS CONSULTED:** N/A
10. **DOCUMENT CONSIDERED:** Report of the Assistant Chief Executive
11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I041184
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1. **TITLE:** Corporate Performance Overview Review

2. **SERVICE AREA:** Chief Executive's Office

3. **PURPOSE OF DECISION**

To inform the Executive of the Council's performance over the third quarter of 2013/14.

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the performance of the Council over the period from October to December 2013, highlighted in the Overview Report in Annex A be noted.

7. **REASON FOR DECISION**

To brief the Executive on the Council's performance, highlighting key areas, so that appropriate action can be taken if needed.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None applicable.

9. **PRINCIPAL GROUPS CONSULTED:** None.

10. **DOCUMENT CONSIDERED:** Report of the Assistant Chief Executive

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I044842
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1. **TITLE:** Public Realm Contract Awards
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

To award contracts for highways maintenance and works, street cleansing and grounds maintenance. Grounds maintenance may remain as an internal service based on previously reported criteria.

4. **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive

6. **DECISION:**

- 1 That Tenderer 3, as detailed in the confidential annexe, be awarded the contract in respect of Highways Maintenance and Works (Lot 1), with effect from 1st October 2014.
- 2 That Tenderer 5, as detailed in the confidential annexe, be awarded the contract in respect of Street Cleansing (Lot 2), with effect from 1st October 2014.
- 3 That Landscape Services, currently an internally provided service, be contracted to an external contractor, and that Tenderer 5, as detailed in the confidential annexe, be awarded the contract for these services - Grounds Maintenance (Lot 3), with effect from 1st October 2014.

7. **REASON FOR DECISION**

The recommendations are based on a detailed evaluation of all bids by an experienced senior management team from Environment, Culture and Communities Department, with significant support from Corporate Service's Procurement team.

The assessment process followed the structure identified within the procurement plan which was previously agreed by the Executive. As such there was a 60% weighting towards cost and 40% towards quality for Lots 1 and 2. Tenderers had to detail how they would provide elements of the service matched with relevant evidence and also provided detailed method statements. Consequently, the recommendations for Lots 1 and 2 provided the best combination of quality and cost from all tenders submitted.

With the prior approval of the Executive, the internal grounds maintenance service was benchmarked against external tenders. Only external tenders meeting pre-defined quality and cost thresholds, which reflect the internal service, were to be considered further. Tenderer 5 met the quality and cost thresholds set for them and provided the best combination of quality and cost from all tenders submitted.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Given the extensive work carried out in agreeing the structure of the contracts which was established by the Executive when agreeing the procurement plan in January last year, there are no practical options other than to award Lots 1 and 2 to the recommended contractors given that they best met the criteria established as part of the procurement plan and offer the best value for money overall.

The Executive could decide to abandon the procurement for Landscape Services on the basis that the existing in-house service is well regarded, offers adequate value for money, has a proven record of success and any externalisation brings with it some additional risks. However, these factors were known prior to the procurement being commenced and the Transformation Board concluded that it would follow good practice if Grounds Maintenance was market tested. The assessment process also set a very high quality threshold which was explored in detail with potential contractors by officers and there is no reason to suspect that a high quality of service will not be delivered in the future. Risk was also accounted for by setting a minimum annual financial saving of £50,000 per annum if the quality threshold was met. Consequently, given the level of savings that will be possible by appointing an external contractor and the confidence that a quality of service will continue to be provided, there are no obvious barriers to awarding the contract for Grounds Maintenance to Tenderer 5.

9. **PRINCIPAL GROUPS CONSULTED:** None
10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities
11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I043472
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1. **TITLE:** Facilities Management Category Strategy

2. **SERVICE AREA:** Corporate Services

3. **PURPOSE OF DECISION**

To consider outcomes and recommendations of the corporate review of property maintenance and facilities management.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the Facilities Management Category Strategy be approved.

7. **REASON FOR DECISION**

The reasons are set out in the exempt report.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The alternative options are set out in the exempt report.

9. **PRINCIPAL GROUPS CONSULTED:**

10. **DOCUMENT CONSIDERED:** Report of the Director of Corporate Services

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
11 March 2014	19 March 2014

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