



AGENDA

For the Council meeting to be held on
Wednesday 27 November 2013.

Timothy Wheadon, Chief Executive

NOTICE OF MEETING

Council

Wednesday 27 November 2013, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Council

Councillor Mrs Angell (Mayor), Councillor Kendall (Deputy Mayor),
Councillors Allen, Angell, Baily, Mrs Barnard, Dr Barnard, Bettison, Birch, Mrs Birch, Blatchford,
Brossard, Ms Brown, Brunel-Walker, Davison, Dudley, Finch, Finnie, Gbadebo, Mrs Hamilton,
Harrison, Mrs Hayes, Ms Hayes, Heydon, Kensall, Leake, McCracken, Mrs McCracken,
McLean, Ms Miller, Mrs Pile, Porter, Sargeant, Mrs Temperton, Thompson, Turrell, Virgo, Wade,
Ward, Ms Wilson and Worrall



TIMOTHY WHEADON
Chief Executive

EMERGENCY EVACUATION INSTRUCTIONS

- 5 If you hear the alarm, leave the building immediately.
- 6 Follow the green signs.
- 7 Use the stairs not the lifts.
- 8 Do not re-enter the building until told to do so.

If you require further information, please contact: Priya Patel
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Published: 19 November 2013



Council
Wednesday 27 November 2013, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

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The meeting will be opened with prayers by the Mayor's Chaplain

1. **Apologies for Absence**

2. **Declarations of Interest**

Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

3. **Minutes of Previous Meetings**

To approve as a correct record the minutes of the two meetings of the Council held on 18 September 2013.

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4. **Mayor's Announcements**

5. **Executive Report**

To receive the Leader's report on the work of the Executive since the Council meeting held on 17 July 2013.

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Council is asked to resolve recommendations in respect of:

- **2013/15 Capital Programme – Impact of the Department of Education's Funding Announcement**
- **Youth Justice Strategic Plan 2013-16**
- **Phase 2 Parks and Open Spaces Quality Improvements (Bracknell Town Council)**
- **Phase 2 Parks and Open Spaces Quality Improvements (Binfield Parish Council)**

6. **Revised Proportionality Calculations and Committee Membership**

To consider the position regarding the overall allocation of seats on committees following the formation of a third political group on the Council and to approve changes to committee and external body membership following the death of Councillor Mrs Ballin and the

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appointment of Councillor Turrell to the Executive.

7. **Review of the Planning Protocol for Members**

To approve a revised Planning Protocol for Members.

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8. **Protocol for Recording, Audio/Visual Recording and Use of Social Media at Council and Committee Meetings**

To approve the Governance and Audit Committee's recommendation to adopt a Protocol to regulate filming and recording of public meetings by members of the public.

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9. **Calendar of Meetings 2014/15**

To approve the proposed Schedule of Meetings 2014/15.

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10. **Questions Submitted Under Council Procedure Rule 10**

By Councillor Mrs Temperton to Councillor Brunel-Walker, Executive Member for Economic Development and Regeneration

When the phoenix of Bracknell Town Centre starts to rise from the ashes, many site workers, hopefully local workers, will need somewhere to park. If a parking permit scheme is introduced, this will ensure such parking is away from residential areas. Charles Square car park is seriously underused at the moment.

Will the Council consider providing free parking or a voucher scheme to the New Centre site workers to encourage them to make use of the Charles Square Car Park?

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**EXTRAORDINARY MEETING OF COUNCIL
18 SEPTEMBER 2013
7.00 - 7.45 PM**

Present:

The Mayor (Councillor Mrs Jan Angell), Councillors Kendall (Deputy Mayor), Allen, Angell, Baily, Mrs Barnard, Dr Barnard, Bettison, Birch, Mrs Birch, Blatchford, Brossard, Ms Brown, Brunel-Walker, Davison, Dudley, Finch, Finnie, Gbadebo, Mrs Hamilton, Mrs Hayes, Ms Hayes, Heydon, Kensall, Leake, McCracken, Mrs McCracken, McLean, Mrs Pile, Porter, Sargeant, Mrs Temperton, Virgo, Ward and Ms Wilson

Apologies for absence were received from:

Councillors Mrs Ballin, Harrison, Ms Miller, Thompson, Turrell, Wade and Worrall

21. Declarations of Interest

There were no declarations of interest.

22. Honorary Freedom of the Borough Award

The Mayor advised the Council that this extraordinary meeting had been convened under the provisions of the Local Government Act 1972 to consider a motion conferring the Freedom of the Borough of Bracknell Forest on John Nike OBE DL. She then called upon the Leader of the Council, Councillor Bettison, to move the motion.

Councillor Bettison reminded members that the Freedom of the Borough was the highest honour the Council could bestow and was reserved for those who had rendered eminent service to the Borough. Only three individuals and one organisation have been awarded Freedom of the Borough of Bracknell Forest.

Councillor Bettison advised the Council that John Nike OBE DL had moved to Bracknell Forest in 1964, always had at least two jobs and set up his first company in 1967. He was best known for the public-facing businesses e.g. the Olympic sized ice skating rink, Ski and Snowboard Centre and Coppid Beech Hotel. The Leader added that John Nike OBE DL always looked for ways to benefit the community with activities such as opening the ice rink on Christmas morning for free; the after school club the 'Playing for Success Scheme' and subsidised skating and ice show tickets for disadvantaged children and young people. In 2002, John Nike OBE DL was recognised in the 2002 New Year Honours List with the award of the Order of the British Empire for services to business and the community in Bracknell. He was commissioned as a Deputy Lieutenant of the Royal County of Berkshire in 2005. The Leader considered John Nike OBE DL a champion of the borough and asked for the list of his accolades to be appended to the minutes. John Nike OBE DL had forged strong links with the Borough and had become a major employer and benefactor to Bracknell Forest especially in the realms of education, sports and leisure and for this reason Councillor Bettison considered it an honour to move the motion that he be conferred with the title of Honorary Freeman of the Borough. This was seconded by Councillor Leake.

A number of Councillors spoke in support of the motion and concurred with the recognition of all that John Nike OBE DL had contributed to make the borough a special place.

On being put to the vote all Members unanimously voted in favour of the motion. It was therefore

RESOLVED that by virtue of the provisions of Section 249(5) of the Local Government Act 1972, John Nike OBE DL be admitted an Honorary Freeman of the Borough of Bracknell Forest in recognition of his eminent service to the Borough.

John Nike OBE DL then took the Freeman's oath. Whereupon, the Mayor formally declared that John Nike OBE DL had been duly appointed as an Honorary Freeman of the Borough.

John Nike OBE DL then made an address thanking members of the Council for the honour bestowed upon him.

MAYOR

COUNCIL
18 SEPTEMBER 2013
8.00 - 9.10 PM



Present:

The Mayor (Councillor Mrs Jan Angell), Councillors Kendall (Deputy Mayor), Allen, Angell, Baily, Mrs Barnard, Dr Barnard, Bettison, Birch, Mrs Birch, Blatchford, Brossard, Ms Brown, Brunel-Walker, Davison, Dudley, Finch, Finnie, Gbadebo, Mrs Hamilton, Mrs Hayes, Heydon, Kensall, McCracken, Mrs McCracken, McLean, Mrs Pile, Porter, Sargeant, Mrs Temperton, Virgo, Ward, Ms Wilson and Worrall

Apologies for absence were received from:

Councillors Mrs Ballin, Harrison, Ms Hayes, Leake, Ms Miller, Thompson, Turrell and Wade

23. Minutes of Previous Meeting

Subject to the amendment of minute 11 to read "Clement Heights, extra care sheltered housing in the borough" it was

RESOLVED that the minutes of the Council meeting held on 17 July 2013 be approved and signed by the Mayor as a correct record.

24. Declarations of Interest

There were no declarations of interest.

25. Mayor's Announcements

Executive Member for Environment

Councillor Mrs Hayes reminded Councillors that there would be a Recycling Roadshow at Bracknell Leisure Centre on the morning of Saturday 28 September 2013 for small electrical appliances. The Roadshow would move to the car park of Sandhurst Town Council in the afternoon. She asked Councillors to support the initiative.

Councillor Mrs Hayes was pleased to announce that Bracknell had been awarded Gold in the Britain in Bloom competition. She thanked the Landscape Service Manager and his team, Bracknell Town Council, Bracknell Forest Homes and Bracknell Residents for working together to achieve this success.

Executive Member for Culture, Corporate Services and Public Protection

Councillor McCracken informed members that the RSPCA have an award scheme known as Community Animal Welfare Footprints which covers four areas of service provided by the public sector that had some impact on animal welfare. Each Footprint had three levels - bronze, silver and gold - which carried progressively more demanding criteria. Councillor McCracken was pleased to congratulate the

Environment, Culture and Communities department for their achievement of two Gold awards in the categories Contingency Planning and Stray Dogs.

Councillor McCracken announced that the date for the 30th Bracknell Half Marathon had been confirmed for Sunday 27 April 2014 and entries would open in early November.

Executive Member for Economic Redevelopment

Councillor Brunel-Walker encouraged the members present to watch the progress of the demolition of the town centre via the regeneration web cams positioned on Easthampstead House and Ocean House.

Councillor Brunel-Walker informed the meeting that he had attended a Citizenship Ceremony that afternoon and his friend had taken the oath and was very proud to become a British Citizen.

Executive Member for Children and Young People

Councillor Dr Barnard gave details of the academic results across the borough's schools which had performed above expectations. He highlighted the results at Easthampstead Park Community School which had risen from 43% of pupils achieving 5 GCSE results to 57%. He thanked Liz Cook and her team for their hard work and Councillors Ward and Kendall for their contribution to improving results in the borough. He added that Edgbarrow School's results, at 88%, marked them out as one of the best schools in the country. He thanked all the schools and their staff for their commitment and hard work.

Annual Civic Service

The Mayor reminded members present that the Annual Civic Service was being held at the Parish Church of St Michael & St Mary Magdalene, Easthampstead on Sunday 22 September 2013 at 3pm.

Mayor's Charity Events

The Mayor announced that she was hosting a Casino night at The Grange Hotel in aid of her charity Thames Hospice Care. All were welcome to attend on 19 October 2013 and tickets were available from Customer Services at £12 each.

26. **Presentation from Chief Constable, Thames Valley Police**

The Chief Constable, Sara Thornton, gave a presentation on significant policing issues across the Borough and Police and Crime Commissioner, Anthony Stansfeld also attended to answer Members' questions.

The Chief Constable emphasised the following points:

- The HMIC review had highlighted the forces protection of front line policing numbers
- Thames Valley Police had recorded a 21% reduction in recorded crime from 2010/11 to 2012/13 which was the second highest in the country
- It was noted that detection rates for violence against the person with injury were below target but this was a reflection of increased reporting
- The overall visible presence had increased to 2,419 officers and the priority was to increase Special Constabulary officers

- Specialist investigations had taken place to disrupt organised crime groups and this was connected to a changed focus on rural crime
- Councillors were encouraged to sign up to Thames Valley Alert which was one of any methods being used to improve communications and build trust and confidence
- Methods to tackle bureaucracy included piloting tough books to take electronic statements and 300 new body worn video cameras for frontline staff
- It was explained that previously only firearms officers had been trained to use tasers but numbers were increasing as it had been proven to be a significant deterrent. Tasers had only been fired in 6.5% of incidents where its use had been authorised
- Thames Valley Police were working with the College of Policing to develop the professional skills of all staff
- It was noted that there had been a 15% government funding cut but this equated to 20% in real terms over the period 2010/11 to 2014/15

The Chief Constable and the Police and Crime Commissioner then responded to questions from the Council.

In response to a question from Councillor McCracken regarding their experience of Freedom of Information requests and their approach the Police and Crime Commissioner stated that he had received 40 requests to date and the Chief Constable concurred that the number of queries were increasing. In 2005 Thames Valley Police had received 500 queries but they were expecting to receive 1,000 by the end of the year. Like Bracknell Forest Council the police force had been working to publicise as much information on the internet as possible and had a new member of staff working to increase the information which would hopefully decrease the number of requests.

Councillor McCracken asked that given the probability of a reduction in overall funding from Central Government was it their intention to seek to raise the deficit via the precept. In response the Police and Crime Commissioner stated that he understood a referendum would cost Thames Valley £2million and it was intended for any increases to be kept below 2.5% which would equate to the price of a pint of beer.

The Police and Crime Commissioner recently raised the issue of Multi Agency Safeguarding Hubs (MASH) at the Police and Crime Panel and the difficulties peculiar and specific to Berkshire. Councillor McCracken asked him to explain his thinking on the matter and the Police and Crime Commissioner replied that for other areas such as Oxford and Buckinghamshire it was easier to put in place and discussions had started with the relevant Leaders. With Berkshire having six unitary authorities it was significantly harder to implement as it would mean substantial changes to ways of working. Once a model was in place elsewhere it would be possible to look at how it would impact social services and children's services.

Councillor McCracken asked that how the first year of Police Commissioning had been for both the Chief Constable and the Police and Crime Commissioner. The Police and Crime Commissioner replied that it had been a good, albeit rough year, but he had been delighted by the performance of Thames Valley Police, the HMIC report and receiving no qualifications in the audit report. He felt that the service was coping well with cuts and performing well. The Chief Constable responded that there were less meeting and less bureaucracy with the new structure which led to a speed and decisiveness around decision making. She added that there as clarity of objectives and prioritisation.

As Chairman of the Royal Berkshire Fire and Rescue Authority, Councillor Dudley had received reports of serious traffic incidents caused by red-light violations and had been advised that there appeared to be a lack of commitment from Thames Valley Police to resolve this and he queried if they had any problems with enforcement. The Police and Crime Commissioner said this was a priority for the police and they would look into his concerns. The Chief Constable replied that they did not have a problem with enforcement and she would look into any particular location but that their traffic activities had a history of reducing injury numbers in the area.

In response to a question from Councillor Virgo about the Police and Crime Commissioner's opinion on proposed drunk tanks to tackle drunk and disorderly behaviour he replied that he supported it absolutely. He added that this behaviour was costly and time-consuming and a financial charge would assist covering the expense. In addition the use of body worn video cameras was increasing conviction rates for such incidents as it provided irrefutable evidence.

In response to a question from Councillor Birch about how Thames Valley Police would maintain prevention activities especially for drug and alcohol intervention and domestic violence prevention the Police and Crime Commissioner confirmed that this was something they were committed to despite budget cuts. It was noted that success would lead to increased reporting.

Whilst Councillor Brunel-Walker was pleased to see visible policing was still a priority they had lost their Neighbourhood Police Officer in Crown Wood and the Neighbourhood Action Group had folded. He added that there was a spike in activities such as theft of cars and theft from cars and wondered what could be done locally. In response the Chief Constable replied that the Neighbourhood Policing team had not been cut but it took time to replace officers. 'Have Your Say' meetings were being held and she encouraged the use of Neighbourhood Watch to reduce crime. Local Police Area Commander, David Gilbert added that the Neighbourhood Policing team had two vacancies and they were working to recruit the right people. Councillor Dudley added he was disappointed this had taken over eighteen months.

Councillor Miss Wilson asked their opinion on resources being spent investigating historical rape cases and whilst the Police and Crime Commissioner agreed with her sentiment the Chief Constable was clear that achieving a sense of justice for victims was key. Such high profile activity increased public confidence in reporting crimes and they had already seen an increase. Work was ongoing to raise awareness of the impact of activities such as 'sexting', understanding consent, an exploitation play 'Chelsea's Choice' was shown to young people and they were working in partnership with the Local Safeguarding Children's Board to explain to young people which activities were causing offense.

In response to Councillor Brossard's question about the high number of drivers not wearing a seat belt and using mobile phone whilst driving the Chief Constable concurred that as this was a cause of fatal accident this was a priority for the force and targeted operations were being carried out in the Thames Valley area.

The Mayor thanked the Chief Constable for her presentation and to both the Chief Constable and the Police and Crime Commissioner for answering Members' questions.

27. Food Law Enforcement Plan

The Council considered the report to ratify the draft Food Law Enforcement Plan for 2013-2014. The Plan addressed local delivery of enforcement and advice within the areas food hygiene, food standards and animal foodstuff.

The Director of Environment, Culture and Communities committed to providing Councillor Mrs Temperton a written response to her query about when Residential Care Homes would be retested for food hygiene.

On the proposition of Councillor McCracken, Executive Member for Culture, Corporate Services and Public Protection seconded by Councillor Angell it was

RESOLVED that the Food Law Enforcement Plan for 2013-2014 be ratified and the supporting information be noted.

28. External body representation and Leader's Delegations

The Council considered the report seeking nominations for two representatives to serve on an external organisation, South Hill Park Trust Ltd. The report advised Members of the actions the Leader has taken since those reported to the last Council meeting.

On the proposition of Councillor Bettison, Leader of the Council seconded by Councillor Birch it was

RESOLVED that

- i) Councillors Kendall and Mrs McCracken be appointed to the Board of South Hill Park Trust Ltd for a second four year term of office ending November 2017; and
- ii) the Leader's actions, as set out in paragraph 6 of the agenda report, be noted.

29. Question Submitted Under Council Procedure Rule 10

Councillor Mrs Temperton to Councillor Ward, Executive Member for Transformation and Finance the following published question:

Following the Chancellor's spending statement in June in which he reduced support to local Government again, it is clear that almost £7m will need to be cut from next year's budget in Bracknell Forest. The Quarterly Service Reports, ending June 2013, indicate that the usual in-year savings/underspends have not manifest themselves yet this year.

Does the Council expect to be able set a balanced budget in 2014/15 without an increase in the Council Tax next year?

In response Councillor Ward stated yes, the Council expected to be able set a balanced budget in 2014/15 and yes, the Council expected to do this without an increase in the Council Tax next year.

Councillor Mrs Temperton asked for reassurance that the more vulnerable residents would not face the brunt of the budget cuts required to achieve this. In response to the supplementary question Councillor Ward replied that it was the Council's policy to protect the most vulnerable and this was considered as Councillors went through budget lines. He hoped that most Councillors would be involved in this process. He stated that he also hoped to be able to continue the Members' Initiative Fund which

allocated £10K per Councillor which could be spent individually or pooled. This year's project had worked better than before due to the flexibility of using revenue rather than capital funding. He added that there would not be any revenue budget available to allocate to a second year and, if continued, the fund would be created from the Council's balances. He concluded that this was what the Council hoped to be able to do.

MAYOR

ACCOLADES AND ACHIEVEMENTS FOR JOHN NIKE OBE DL

- 1984**
- A three figure donation was made to Bracknell District Council towards the renewal of the cinder athletic track surface to an “all weather” track
 - The athletic track was named ‘John Nike Athletics Stadium’
 - Elected President of the Bracknell Athletic Club
- 1987–1989** Governor of Easthampstead Park School
- 1987-2013** In excess of 80,000 ice skating vouchers given to charitable causes.
- 1990–1995** Governor of Bracknell & Wokingham FE College
- 1993–1994** The Thames Valley Tigers Basketball Team became Budweiser National League Champions. The Team’s Roll of Honour contains many other achievements.
- 1994** Recognised as a founder member of the Berkshire Community Trust
- 1995**
- Awarded a Certificate of Nomination as a European Entrepreneur and Member of Europe’s 500 Dynamic Entrepreneurial Companies
 - Recipient of a Certificate of Nomination as a European Dynamic Entrepreneur and included in the 1997 Europe’s 500 Honorary Listing
 - Competed the London Marathon for a charity supporting people with Alzheimer’s
- 1996**
- Winner of the Basketball Fellowship Award through John Nike Leisuresport Limited for an outstanding contribution to the development of basketball
 - Recipient of two awards from Price Waterhouse, for UK 48th place in 1996, Independent 100 listing of the UK’s best performing privately owned companies, and UK 9th place in the 1996 Independent Top 50 Middle Market Performers, second in the Region.
 - The Bracknell Bees Ice Hockey Team was a founder member of the Ice Hockey Super League and in the 1999-2000 season became the Sekonda Ice Hockey Super League Champions receiving the top accolade. The Sekonda Ice Hockey Super League was the nation’s top sporting ice hockey league.
- 1997**
- Recipient of an Award from Price Waterhouse for UK 49th place in 1997 Independent Top 50 Middle Market Performers

- Recipient of a plaque from the Mayor of the Bracknell Forest Borough Council in recognition of his outstanding contribution to Sport and Leisure throughout the Borough of Bracknell Forest.
 - Competed the London Marathon for the Crossroads charity
 - Competed the Bracknell Half Marathon
- 1998** Recipient of a Certificate of Nomination as a European Dynamic Entrepreneur - included in the 1998 Europe's 500 Honorary Listing
- 1999** Placed equal 731st in the Sunday Times Rich List of Britain's Richest 1000
- 2000**
- Placed equal 848th in the Sunday Times Rich List of Britain's Richest 1000
 - A Nike Land Securities project was accepted as an eligible project for the Keep Britain Tidy Millennium Marque challenge where they became a recipient of the Keep Britain Tidy Award for reclamation of the Amen Corner old brickworks site and instituting the redevelopment of the land that now houses HP, Dell, John Nike Leisuresport (housing the Bracknell Ice Rink and Ski/Snowboarding Slope), Coppid Beech Hotel, Phoenix Business Park etc.
 - Competed the London Marathon for the National Society for the Prevention of Cruelty to Children (NSPCC)
- 2001** Elected as an Honorary Member of the Bracknell Rotary Club
- 2002**
- Elected as an Honorary Member of the Wokingham Lions Club
 - Competed the London Marathon for the British Red Cross
- 2003** Elected as an Honorary Member of the Easthampstead Rotary Club
- 2004** Elected Vice President of the British Red Cross, Reading Branch, Thames Valley Area
- 2005**
- Commissioned as a Deputy Lieutenant of the Royal County of Berkshire
 - Competed the London Marathon for the British Red Cross
- 2007** Made a Joint Patron of the Life Education Centre Thames Valley
- 2008**
- Recipient of the presentation of plaque from Prince Philip in recognition of the support given to the Berkshire Community Foundation since 1994

- Accepted an invitation from the Council of Reading University to become a member of the University Court
- 2010**
- Elected Patron of the British Red Cross, Reading Branch Thames Valley Area in 2010
 - Sponsored and presented the new Civic regalia to the Mayor of Bracknell Forest Borough Council
 - Recognised by the British Red Cross through the naming of the Berkshire HQ as John Nike House and made a Patron of the Berkshire Branch, Thames Valley.

John Nike OBE DL has also been

- Vice Patron of the Almshouses Association.
- President of the Bracknell Athletic Club, Bracknell Cricket Club, Bracknell Ice Skating Club, Bracknell Drama Club.
- President of the Bracknell Ice Hockey Club, Thames Valley Tigers' Basketball Club.
- Recognised in 96th place as one of the UK's Top 100 Entrepreneurs.

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TO: COUNCIL
27 NOVEMBER 2013

EXECUTIVE REPORT TO COUNCIL The Leader

1 PURPOSE OF REPORT

- 1.1 To present a summary of the decisions made by the Executive since the last meeting of the Council, summarised by reference to the relevant portfolio within which they fall.
- 1.2 Since the Council meeting on 17 July 2013, the Executive has met twice, on 15 October 2013 and 12 November 2013 and this report covers decisions taken at those meetings.
- 1.3 Updated Forward Plans are published every Friday and are available for public inspection at Easthampstead House in the usual way and online at www.bracknell-forest.gov.uk. Full details on the decisions taken by individual portfolio holders can also be accessed online through the Council's website.

2 RECOMMENDATIONS

- 2.1 **The recommendations at paragraphs 3.1.5, 4.1.6, 5.2.5 and 5.3.4 of the report are recommended to Council by the Executive.**

3 SUPPORTING INFORMATION

Transformation and Finance

3.1 2013/15 Capital Programme - Impact of DfE Funding Announcement

- 3.1.1 The Executive has agreed the basis on which Department for Education (DfE) Targeted Basic Need (TBN) Grant of £7.867m will be used to create additional school places at Winkfield St Marys, Owlsmoor, Garth Hill and potentially a new Special Educational Needs Facility at Eastern Road.
- 3.1.2 The DfE had previously allocated £5.874m of Basic Need grant to Bracknell Forest across the two financial years 2013/15, which was less than half of the level allocated in previous years. This will be used to create the additional school places required to meet the Council's statutory duty in accordance with the Capacity Strategy approved in October 2012, subject to Council approval.
- 3.1.3 Although the Basic Need grant was less than half of what had been received in previous years, the DfE also provided an opportunity to bid for additional grant funding under their TBN programme. Only schools with 'good' or 'outstanding' Ofsted inspection results were eligible for this grant, however, reflecting the Government's wish to shift to a building process that favours the expansion of good and outstanding schools. As a result of the bids submitted, the Council has been awarded a further £7.867m of TBN funding, subject to a number of conditions which the Executive is content to accept. This success constitutes a significant investment into the school estate, and the Executive is recommending that the education capital programme be re-aligned to match the total available funding.

3.1.4 The Executive also discussed how best to effect the temporary expansion of Garth Hill College and has delegated authority to the Chief Officer: Property in consultation with the Executive Member for Finance and Transformation to negotiate a viable solution.

3.1.5 Accordingly, the Executive is recommending to Council:

1 That the Basic Need grant be allocated as follows:

Project	2013/14 £000	2014/15 £000	Total £000
Cranbourne Classrooms	0	141	141
Harmans Water Surge Classroom	25	0	25
The Pines Expansion	650	650	1,300
Garth Hill Expansion	834	834	1,668
Owlsmoor Expansion	1,158	1,053	2,211
Amen Corner Primary School	25	25	50
North Warfield West Primary School	25	25	50
North Warfield East Primary School	25	25	50
TRL Primary School	25	25	50
Blue Mountain Learning Village	170	159	329
Total:	2,937	2,937	5,874

2 That the Targeted Basic Need grant be allocated as follows:

Project	2013/14 £000	2014/15 £000	Total £000
Winkfield St Marys Surge Classroom	114	200	314
SEN Facility Eastern Road	495	1,309	1,804
Owlsmoor Expansion	285	653	938
Garth Hill Expansion	1,283	3,528	4,811
Total:	2,177	5,690	7,867

3 That a supplementary capital estimate be included in the 2013/14 capital programme in order to facilitate the temporary expansion of Garth Hill College.

The associated report is attached.

3.2 Commitment Budget Report 2014/15 - 2016/17

- 3.2.1 The Executive has approved the Commitment Budget for 2014/15 to 2016/17 and the proposed budget process for 2014/15. This brings together the Council's existing expenditure plans and its approval marks the first formal stage in the planning of the revenue budget for 2014/15.
- 3.2.2 The Commitment Budget is based on the 2013/14 budget adjusted to exclude the effects of drawing from balances and takes approved existing commitments including the full-year effect of pressures and economies into account. Over the next three financial years, planned expenditure stands at £83.951million, £84.143million and £84.890million respectively.
- 3.2.3 Significant changes to the commitment budget previously submitted to the Executive in February 2013 include:
- The removal of one off items included in the 2013/14 budget such as, the revenue contribution to the works at Time Square (-£1.100m); the Members' Initiative Fund (-£0.420m) and investment in dementia and long term conditions (-£0.183m).
 - The revenue impact of the 2013/14 capital programme including, IT maintenance and support costs (+£0.071m) and the minimum revenue provision (+£0.262m), representing the annual amount of the capital investment repaid from revenue.
 - The increase in the employer's contribution to the pension fund arising from the inclusion of non contractual overtime and additional hours for part time staff within pensionable pay (+£0.180m).
- 3.2.5 The Provisional Local Government Finance Settlement for 2014/15 is not expected until at least December 2013. However the Local Government Finance Settlement for 2013/14 covered two years. Along with the announcements in the Spending Round in June, and subsequent consultation papers issued during the summer, it is likely that further reductions of £0.380million will be required.
- 3.2.6 Calculations indicate that, without taking service pressures or developments into account, by 2016/17 the Council will face an underlying funding gap of approximately £14.8million. However taking service pressures into account this could be as high as £19.3million. This figure is approximately 21% of the budget requirement in 2016/17.
- 3.2.7 Work in the coming months will focus on the challenges created by the likely initial funding gap in 2014/15. Although the Council has a track record of delivering efficiency savings and reducing back office costs to protect front line services, it is becoming increasingly difficult to achieve similar savings year on year. Consideration will need to be given to a range of alternative ways of bridging the expected funding gap during the coming months.

3.3 Bulk Print Strategy

- 3.3.1 The Executive has agreed to enter into a shared service with Wokingham Borough Council for bulk printing from 1st January 2014. As a result, this Council's existing Print Room will close. It has, however, decided to retain a Graphics Design capability in-house.
- 3.3.2 The Print Room has been subject to a number of reviews over the past seven years. The latest has seen the unit achieve its income target for the first time since 2004/05 despite the volume of print declining by 32% over the past four years. However, the

reduction in staff from 3.0 fte to 1.5 fte had created resilience issues with some days or half-days when the in-house service had had to close due to leave or sickness. This had not been a satisfactory situation for services with printing to be done, in some cases to meet statutory deadlines. In addition, the existing equipment was reaching the point where replacement would be necessary.

- 3.3,3 The Executive accepted that the lack of resilience and level of investment which would be required to create a sustainable in-house unit, could not be justified given the alternative options available. In contrast to the investment required to maintain an in-house service, the shared service will be cost neutral even allowing for operational costs and a contribution to this Council's overheads. It will also significantly improve the resilience of both operational staff and management. In addition, the shared service will ensure a degree of continuity and understanding of this Council's requirements through the retention of existing staff, whose expertise and knowledge is highly valued.

Children, Young People and Learning

4.1 Youth Justice Plan 2013 - 2016

- 4.1.1 The Executive is commending the Youth Offending Services' Youth Justice Strategic Plan 2013-16 (Annex A) to Council for approval before its submission to the England and Wales Youth Justice Board for detailed validation and approval.
- 4.1.2 The Plan contains information on resourcing and value for money, structure and governance, performance, partnership arrangements, risks to future delivery and a local delivery action plan. It also outlines five priorities; preventing youth crime, reducing reoffending, keeping the number of children and young people in custody to a minimum, safeguarding young people from harm and managing risk of harm.
- 4.1.3 The three main national indicators of performance are the levels of reoffending, first time entrants to the Youth Justice System and custodial sentencing. Performance in all three national indicator areas in Bracknell Forest exceeded national and local targets and was better than the national average.
- 4.1.4 The plan has been widely consulted on and has received the full support of the Youth Offending Service Performance Management Group, Community Safety Partnership, Department of Children, Young People and Learning and the Corporate Management Team.
- 4.1.5 The three year plan will be refreshed annually to reflect any changes which could impact on the priorities and the Youth offending Service's ability to deliver the range of services designed to reduce youth offending within Bracknell Forest.
- 4.1.6 Accordingly, the Executive has RECOMMENDED that the Youth Justice Strategic Plan 2013-16 (Annex A) be approved for submission to the England and Wales Youth Justice Board. The associated report and annex are attached.**

4.2 Local Safeguarding Children Board (LSCB) Annual Report

- 4.2.1 The Executive has noted the learning and recommendations contained within the Local Safeguarding Children Board (LSCB) Annual Report. The report looks at the effectiveness of safeguarding and child protection practice in Bracknell Forest for 2012/13 and includes details of achievements and challenges, as well as an assessment of policies, procedures and performance management information.
- 4.2.2 The areas of main activity to note in the last year included:

- the undertaking of the safeguarding self-assessment within Bracknell Forest demonstrating a strong commitment to safeguarding across all Council departments,
- an in-depth case review of a small number of children that had not met the criteria for a Serious Case Review but where the LSCB believed further analysis would help inform future practice,
- the success of the 2013 LSCB Conference on the theme of Safeguarding Vulnerable Children which was attended by 250 members.

In addition, the LSCB is actively working with local and national partners to tackle the challenges identified in the report including substance and alcohol misuse, neglect, domestic violence, child sexual exploitation, and early help.

4.3 Annual Review of the Children and Young People's Plan 2012/13

- 4.3.1 The Executive has noted the progress and achievements from April 2012 to March 2013 outlined in the Children and Young People's Plan (2011-14).
- 4.3.2 The Plan was initially developed by the Children and Young People's Partnership and published in 2011. The priorities within the plan consist of four Outcome Priorities and six Underpinning Priorities which are reviewed annually to ensure that the priorities are being met, and new actions identified to ensure continued progress and development.
- 4.3.3 The current review showed that there has been very good progress made across all of the priorities. Strong partnership working, joint planning and a focus on keeping children and young people at the heart of the work have been evident throughout the review. However it was recognised that more could be done to further improve outcomes for children, young people and families and areas for further action in the coming year have been identified.

4.4 Children, Young People & Learning Overview and Scrutiny Panel Report: School Governance

- 4.4.1 The Executive has fully endorsed the recommendations that arose from a report by a Working Group of the Children, Young People and Learning Overview and Scrutiny Panel which reviewed issues in the delivery of effective school governance.
- 4.4.2 The Executive has thanked colleagues in the Working Group for their report and time spent considering the issues regarding school governance. The recommendations from the report will enable improvement, and help strengthen school governance in the borough.

4.5 Child Poverty Strategy - Review and Next Steps

- 4.5.1 The Executive has noted the progress made in achieving the key priorities of the Child Poverty Strategy which underpins the Children and Young People's Plan. The Executive has also noted the next steps to progress further key areas of work in support of the Child Poverty Strategy and the approach to maximise income opportunities.
- 4.5.2 The Child Poverty Strategy was one of a number of strategies developed in 2011 to support the delivery of the priorities in the Children and Young People's Plan. The strategy is being delivered by a range of partners supporting the objectives. Partnership working will continue to be important in the future to ensure the best use of resources and to support families in need in the most effective and efficient way.

- 4.5.3 As the economic climate continues to have an impact on families, it is important that the priorities and actions moving forward focus on the right areas of need and action. Wider focus groups are to be developed to target current issues such as welfare changes and some existing groups will be involved in shaping future actions. New initiatives will be developed to support and work with children, young people and families who are affected by poverty, including the Family Focus Initiative (nationally known as Troubled Families), making use of the Pupil Premium for disadvantaged pupils and funding for disadvantaged two-year olds. Changes in the Housing and Benefits services to maximise customer income and independence will enable families to take advantage of the opportunities presented by economic development in the borough and to maximise income opportunities for families.

Culture, Corporate Service and Public Protection

5.1 Customer Contact Strategy and Channel Strategy Progress Report

- 5.1.1 The Executive has noted the progress made on the Customer Contact Strategy and has endorsed the Phase Two Action Plan, including the replacement of the Customer Relationship Management (CRM) system. The Action Plan also includes measures to improve the customer experience whilst reducing costs. The Executive has endorsed the acceleration of channel shift by adopting a 'digital by design' approach to redesign services. This is a simple on-line process enabling customers to self-serve, which could then also be used by the Customer Services team if customers contact the Council by telephone or in person.

- 5.1.2 Overall, progress to date has been very positive with a number of actions completed. Some significant achievements include:

- The successful redevelopment of the website which has received a four star SOCITM rating and been rated in the top 20 of council websites in the country with 46% of local people using the site.
- The launch of a mobile version of the website and all on-line forms being made 'mobile-friendly' so that they work with all devices.
- A digital inclusion project has been established to work with partners to develop a range of activities for customers who do not access the internet or lack the confidence to do so.
- Social media pilots have been run successfully during 2012 and routine use of social media has now been adopted by a number of services.

5.2 Phase 2 Parks and Open Spaces Quality Improvements (Bracknell Town Council)

- 5.2.1 As a result of consultation on the Parks & Open Spaces Strategy (2012), Mill Park and Calfridus Way Recreation Grounds were identified to receive funding to support quality improvements. The funding was to be provided by financial contributions from developers which have been secured under Section 106 of the Town and County Planning Act 1990.
- 5.2.2 A range of improvements at Mill Park, led by Bracknell Town Council, are underway and include a new outdoor play area with equipment suitable for children and young people, adult outdoor gym equipment and improving the Mill Pond pavilion building. At Calfridus Way Recreation Ground, the proposal is to provide a new car park for 36 additional spaces, a dropped kerb, new entrance gate and landscaping.

5.2.3 Key objectives set out in the Parks and Open Spaces Strategy (2012) were: provision, maintenance, and use and enjoyment and, in carrying out these works, the main objective would be to safeguard and raise quality standards.

5.2.5 Accordingly, the Executive has RECOMMENDED that £80,000 of s106 contributions (as summarised in Annex 1) be allocated to Bracknell Town Council as a grant to fund site works to improve recreational facilities and associated quality standards at Mill Park and Calfridus Way Recreation Grounds. The associated report and annex are attached.

5.3 Phase 2 Parks and Open spaces Quality Improvements (Binfield Parish Council)

5.3.1 Improvements at Binfield Cricket Club have also been identified as a project for allocation of Section 106 monies following consultation on the Parks & Open Spaces Strategy (2012). The funding provided to Binfield Parish Council would help to part-fund improvements at the Cricket Club.

5.3.2 Binfield Cricket Club has been established since 1865 and encourages participation in sport for all ages to increase fitness and interact socially. The Cricket Club has secured planning approval for the erection of an outbuilding for showering and changing facilities close to the existing pavilion. The main features will be changing facilities for ladies, a new disabled toilet, and improved changing facilities for male teams.

5.3.3 Further funding for the project would be matched through a combination of financial contributions from club members and grant support from organisations such as the England and Wales Cricket Board (ECB) and Sport England.

5.3.4 Accordingly, the Executive has RECOMMENDED that £45,000 of s106 contributions (as summarised in Annex 1) be allocated to Binfield Parish Council as a grant to fund site works to improve recreational facilities and associated quality standards at Binfield Cricket Club. The associated report and annex are attached.

Planning and Transport

6.1 Street Works Permit Scheme Application

6.1.1 The Executive has approved the introduction of a Street Works Permit Scheme, subject to consultation and successful application to the Department for Transport. The aim of the permit scheme is to reduce traffic congestion caused by road works across the whole of the Bracknell Forest road network and beyond. It was also agreed that the specific details of the Draft Scheme should be delegated to the Chief Officer: Planning and Transport in consultation with the Executive Member for Planning and Transport.

6.1.3 It is estimated that currently over 10,000 excavations take place annually in the Borough to enable various types of road and street works to be carried out. The excavations can cause considerable inconvenience to residents and businesses as well as causing substantial delays to traffic. The introduction of a permit scheme will enable the Council to have more control and allow for increased collaboration with utilities to dovetail their works with road works promoted by the Council.

6.2 Framework Agreement Road Based Passenger Transport

6.2.1 The Executive has approved the award of the Framework Agreement for Bus Services (Road Based Passenger Transport) to a number of operators.

- 6.2.2 The Council's Bus Strategy is currently in development and being discussed with an Overview and Scrutiny Working Group. The Strategy will define what the Council deems appropriate under the Transport Act 1985 to secure the provision of public passenger transport services. This framework agreement will provide the structure to procure routes, ensuring by the right quality test, that any route details put forward by operators fulfil the requirements defined in the Bus Strategy.

Council Strategy and Community Cohesion

7.1 Complaints Annual Report

- 7.1.1 The Executive has considered a report summarising complaints made against the Council in 2012/13, including those made to the Local Government Ombudsman (LGO), and has endorsed the approach taken by officers when dealing with and learning from complaints.

- 6.3.2 The LGO received 9 complaints about the Council in 2012/13, which is significantly lower than the 15 complaints in 2011/12 and the 20 in 2010/11. This was the lowest number of complaints received by any of Berkshire's six unitary authorities. The LGO determined that an additional remedy was required in only one of the 9 complaints that were reviewed.

- 6.3.4 The volume of complaints can be regarded as low when compared to other similar authorities, and very low in view of the huge number of customer interactions by the Council each year. The extent to which complaints are upheld was lower still. This continues the positive trend in recent years.

7.2 Corporate performance Overview Report

- 7.2.1 The Executive has received the Corporate Performance Overview Report for the first quarter of 2013/14 (April to June 2013). At the end of this quarter the Council continues to perform well. Of the 307 actions 246 were either complete or on target and data relating to the key performance indicators show that 49 (82%) were classified as being green (on target), 4 (7%) were amber, with only 7 (11%) being red.

7.3 Overview & Scrutiny Report on 'A Review of Delegated Authorities'

- 7.3.1 The Executive has determined its response to the recommendations that arose from a report by a working group of the Overview and Scrutiny Commission which reviewed the Council's delegated authority arrangements.
- 7.3.2 Since the introduction of executive arrangements under the Local Government Act 2000, the Council's delegated authority arrangements had not been reviewed and Members will be pleased to note that the review was not due to any signs that the arrangements were faulty. The Working Group concluded that the Council has sound and well understood arrangements in place for delegated authorities, achieving an appropriate balance between the Executive taking responsibility, and empowering officers to carry out their duties and deliver essential services.
- 7.3.3 The Executive thanked the Working Group and commended the thoroughness of the its review.

7.4 Peer Challenge Action Plan

- 7.4.1 During March 2013 the Council's Peer Challenge review took place, from which the LGA Peer Review Team found that Bracknell Forest Council is a good Council, and

'has much to be proud of'. However there were a number of small areas identified for improvement and seven recommendations were made by the team.

- 7.4.2 An action plan has been developed to respond to the recommendations and these have been integrated into the Council's "Good to Great" programme. This programme will be an important part of the process to enable the Council to develop new, and better, ways of doing things.
- 7.4.3 The Executive has endorsed the actions outlined in the Action Plan and has noted that staff will be offered the opportunity to volunteer to be part of a project group to take these actions forward. Each department will also develop its own action plan built from team discussions.

Environment

8.1 Utilities Category Strategy

- 8.1.2 The Executive has noted the findings of the Category Management Review of Utilities and has endorsed the Action Plan following this review.
- 8.1.2 A review was undertaken regarding the procurement of energy to determine if there could be efficiencies in the way the Council procures energy and if savings could be made. The review considered gas, electricity, oil and water costs and the Category Team considered the current procurement position and problems, issues and risks associated with this.
- 8.1.3 The review had revealed that there was limited scope to reduce expenditure through procurement; but there was potential to achieve savings by demand management. Through investment in building maintenance, introduction of energy efficient technologies and increased energy conservation, real savings could be realised.
- 8.1.3 The Action Plan sets out the steps to explore the potential opportunities identified by the review.

8.2 Appropriation of land at Quelm Park Roundabout

- 8.2.1 The Executive has agreed that the land between Quelm Park roundabout and Watersplash Lane, Warfield, should be appropriated from use from open space to use for planning purposes. This decision was taken having considered the objections received following advertisement of the proposed appropriation.
- 8.2.2 Sites in North Bracknell have been proposed for residential development as outlined in the recently adopted Site Allocation Local Plan. The appropriation of this land will allow a link road to be constructed. This is required to enable the delivery of one of the major sites.

9 Appointments and Delegations by the Leader of the Council

- 9.1 The Leader of the Council has authority to make appointments to advisory panels and sub-groups of the Executive. On 14 November 2013, the Leader established a Local Plan Member Working Group of five members. The membership of the Working Group is:

Cllrs Turrell (Chairman), Birch (Vice-Chairman), Blatchford, Dudley and Finch.
- 9.2 In addition, on 7 November 2013, the Leader delegated to the Executive decisions relating to:

Unrestricted

- The proposed appropriation of land at Quelm Park.
- The application for release of the section 52 agreement on land at Blue Mountain Golf Course.
- The decision to be taken on the future of Bracknell Market following the conclusion of the public consultation.

9.3 Arising from one of the recommendations referred to in 7.3.1 above, the Leader has also delegated responsibility:

- (a) For Bracknell Market to the Executive Member for Economic Development and Regeneration; and,
- (b) For reducing smoking to the Executive Member for Adult Services, Health & Housing.

These delegations remove anomalies which had seen these responsibilities appearing within two portfolios.

9.4 On 18 November 2013, the Leader delegated to the Executive decisions relating to areas proposed for a Neighbourhood Plan.

10 **ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

10.1 The Borough Solicitor's comments on each item referred to in the annex can be found in the reports presented to the Executive.

Borough Treasurer

10.2 The Borough Treasurer's comments on each item referred to in the annex can be found in the reports presented to the Executive.

Equalities Impact Assessment

10.3 Equalities issues, where appropriate, have been addressed in the reports to the Executive.

Strategic Risk Management Issues

10.4 Any strategic risks have been identified in the reports to the Executive.

Background Papers

Executive Agenda – 15 October 2013

Executive Agenda – 12 November 2013

Contact for further information

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TO: EXECUTIVE
DATE: 15 OCTOBER 2013

2013/15 CAPITAL PROGRAMME
IMPACT OF DfE FUNDING ANNOUNCEMENT
Director of Children, Young People & Learning

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is for the Executive to review the Council's option to create additional school places following a number of successful bids to the Department for Education for capital grants earlier this year. The grants relate to potential funding of additional school places at Winkfield St Marys, Owlsmoor, Garth Hill and a new Special Educational Needs Facility at Eastern Road, and to agree the allocation of Basic Need Capital grant to individual schemes.

2 RECOMMENDATION

- 2.1 **That the Executive accepts the allocation of the DfE Targeted Basic Need Grant up to the amounts set out in Table Two.**
- 2.2 **That the Executive recommends to Council the inclusion of the schemes set out in Tables One and Two in the Council's capital programme for 2013/14 and 2014/15, up to the amounts shown.**
- 2.3 **To enable the temporary expansion of Garth Hill College, that the Executive delegate authority to the Chief Officer: Property in consultation with Executive Member for Finance and Transformation to negotiate a viable solution supported by external advice, as set out in the attached Confidential APPENDIX A subject to satisfactory terms.**
- 2.4 **On conclusion of satisfactory terms being agreed as set out in 2.3, that the Executive recommends to Council a supplementary capital estimate for inclusion in the 2013/14 capital programme in order to facilitate the solution as set out in the attached Confidential APPENDIX A.**

3 REASONS FOR RECOMMENDATION

- 3.1 The DfE Targeted Basic Need Grant provides the Council with £7.867m of additional funding to help fulfil the statutory duty of providing sufficient school places for the growing population at the schools facing the greatest pressures.
- 3.2 Financial Regulations require Full Council approval for funding and schemes to be added to the Council's approved capital programme.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative options were considered as part of the bidding process for grant funding, however only schools with a Good or Outstanding Ofsted inspection were eligible. The schemes now proposed provide the best match between the capacity requirements of the Council and the grant conditions set by the DfE.

- 4.3 An additional 0.5FE of primary school places are required in Sandhurst and, following evaluation, Owlsmoor Primary is the only school in Sandhurst capable of supporting expansion to this number. A masterplan has been drawn up for the phased expansion of the school.

5 SUPPORTING INFORMATION

Background

- 5.1 School rolls continue to rise across the Borough and in October 2012 the Executive approved the School Capacity Strategy which set out the Council's plans to create the additional school places required in the short, medium and long term.
- 5.2 In relation to secondary places the pressure is to address the imminent shortfall of places in North Bracknell. Irrespective of the SALP implementation, the central focus of the Strategy is the creation of a new secondary school at Blue Mountain and temporary expansion of Garth Hill College in the intervening period.
- 5.3 There is sustained pressure on primary places across the Borough. Additional capacity is being created in North Bracknell by way of surge classrooms until the four proposed new schools are built. Additional capacity in South Bracknell and Crowthorne & Sandhurst is being created by expansion of existing schools.
- 5.4 With regard to SEN places, the limit on pupil numbers at Kennel Lane as part of a recent planning condition has now been reached, and the school is full to capacity. Additional SEN places are required to address this pressure, and to reduce the numbers of out of Borough placements.
- 5.5 Approval of the Education Capital Programme is being sought very late this year due to time delays caused by late notification by DfE in March 2013 of Basic Need and Capital Maintenance grants.

DfE Basic Need Grant 2013/15

- 5.6 DfE have previously allocated £5.874m of Basic Need grant to Bracknell Forest across the two financial years 2013/15, which was less than half of the level allocated in previous years. The basic need grant will be used for creating the additional school places required to meet the Council's statutory duty in accordance with the Capacity Strategy approved by the Executive in October 2012. The proposed allocation of this grant is set out on Table One below with individual project commentaries detailed from paragraph 5.12:

Table One: Basic Need Grant 2013/15

Project	2013/14 £000	2014/15 £000	Total £000
Cranbourne Classrooms	0	141	141
Harmans Water Surge Classroom	25	0	25
The Pines Expansion	650	650	1,300
Garth Hill Expansion	834	834	1,668
Owlsmoor Expansion	1,158	1,053	2,211
Amen Corner Primary School	25	25	50
North Warfield West Primary School	25	25	50
North Warfield East Primary School	25	25	50
TRL Primary School	25	25	50

Blue Mountain Learning Village	170	159	329
Total:	2,937	2,937	5,874

Successful Grant Applications

- 5.7 For 2013/14 Bracknell Forest received only £2.937m of Basic Need grant which is less than half of what we had received in previous years. DfE did however provide an opportunity to bid for additional grant funding under their Targeted Basic Need (TBN) programme. Only schools with 'good' or 'outstanding' Ofsted inspection results were eligible for this grant however, reflecting the Governments wish to shift to a building process that favours the expansion of good and outstanding schools
- 5.8 Bids were submitted for TBN grant in June 2013 for all capacity projects at eligible schools, and in August 2013 we were notified that Bracknell Forest had been awarded a further £7.867m of TBN funding for school places. This success constitutes a significant investment into the school estate, and unless the Council now wishes to turn down the Government support, the education capital programme now needs to be re-aligned to match the total available funding.

Targeted Basic Need Grant (TBN)

- 5.9 The additional TBN grant of £7.867m runs across the two financial years 2013/15. The allocation has been based on EFA contractor rates which reflect average costs of build and regional variations. It does not reflect individual scheme costs which will need to be determined through the normal procurement process. At this stage it is anticipated that sufficient funding is available for construction and fit out. The specific projects to create additional school places that have been allocated TBN grant are set out in Table Two below, with individual project commentaries detailed from paragraph 5.12:

Table Two Targeted Basic Need Grant 2013/15

Project	2013/14 £000	2014/15 £000	Total £000
Winkfield St Marys Surge Classroom	114	200	314
SEN Facility Eastern Road	495	1,309	1,804
Owlsmoor Expansion	285	653	938
Garth Hill Expansion	1,283	3,528	4,811
Total:	2,177	5,690	7,867

- 5.10 DfE have attached conditions to the TBN, most notably that:
- The projects submitted must be delivered substantially in accordance with the bids
 - In particular, the additional number of places detailed against each scheme must be delivered
 - Grant must be spent within the financial year allocated, plus 1 term. This means that all schemes must be finished by 31 August 2015
 - Grant can only be spent on eligible capital expenditure
 - Grant cannot be used to purchase land

- Unspent grant will be reclaimed
- The grant amount is provisional and has been calculated based on all schemes being new build. A funding reduction can be expected for the mostly refurbishment project for the new SEN facility at Eastern Road.
- The Section 151 Officer needs to certify an outturn statement that the grant has been spent on the intended purposes.

5.11 Bids had to be accepted by 16th August and this was provisionally done, subject to Executive approval.

Project Commentaries

- 5.12 Amen Corner Primary School: Is a 2FE school which is currently planned to open in September 2016 on a site that has been negotiated through the Council's S106 process as part of the Amen Corner South housing development. A budget for £0.050m for advance design fees has been included on Table Three below.
- 5.13 Blue Mountain Learning Village: This project is for a new secondary school, primary school and SEN facility to be provided on the same shared site as a "Learning Village". This was previously programmed to be open in 2020 but the site for the new secondary school is currently being negotiated with the housing developer to bring this forward with a view to the secondary school coming on line for September 2018. The timing of this project is critical to the provision of adequate places in the north of the Borough even with the temporary Garth expansion. As a result, a budget for £0.329m for advance design fees has been included on Table Three below.
- 5.14 Cranbourne Classrooms: The replacement of two old asbestos-roofed modular buildings housing the Nursery and Reception classes, plus construction of a new surge classroom. Planning permission for the surge is dependent on construction of offsite parking on Winkfield Parish Council land to mitigate highways, and the Parish are expected to make a decision on this matter during the 2013 Autumn term. Total project cost is £0.843m for 3 classrooms as set out on Table Three below, and includes the capital receipt from the disposal of the former schoolhouse as approved by the Executive in July 2012.
- 5.15 Temporary expansion of Garth Hill. This project is for the temporary creation of 350 additional places at Garth Hill College. This will be achieved by decanting Post 16 into a purpose built stand alone post 16 centre and converting the vacated post 16 spaces in the main building to general teaching/specialist practical.

Expansion of Garth Hill College will remove the need for bussing and will address the forecast deficit of North Bracknell Secondary school places for the next 2-3 years. Expansion by 350 places would result in the PAN at Garth Hill College temporarily rising from its current 270 to 300 and then to 330 in order to achieve this.

The programme for the proposed new Blue Mountain secondary school is currently being reviewed with the expectation to bringing this forward, and the earliest the new school could open is September 2018. The school is expected to open to 4-5FE and expand to up to 9FE over the following years to keep place with rising pupil numbers.

The total project cost to temporarily expand Garth Hill is estimated at £7.6m as set out in Table Three below, and we are currently exploring construction of the Post 16 accommodation on the existing school site.

- 5.16 Harmans Water Surge Classroom. A surge classroom to be created at Harmans Water Primary school for Year 1 to provide additional headroom for that year group. Currently the only vacant Y1 places are in Sandhurst which will involve bussing pupils from North and South Bracknell. This situation has been caused by an increase in in-year applications into that year group. Cost are currently being obtained but a budget of £0.025m has been identified as set out on Table Three below, to locate the surge in a former classroom now used as an after school club.
- 5.17 North Warfield West Primary School is a 2FE school which is currently planned to open in September 2015 on a site that has been negotiated through the Council's S106 process as part of the North Warfield housing development. A budget for £0.050m for advance design fees has been included on Table Three below.
- 5.18 North Warfield East Primary School is a 2-3FE school which is currently planned to open in September 2016 on a site that has been negotiated through the Council's S106 process as part of the North Warfield housing development. A budget for £0.050m for advance design fees has been included on Table Three below.
- 5.19 Owlsmoor Expansion. Expansion of this school by 0.5FE plus a surge classroom will bring the school fully up to 3FE in all year groups. The project as currently designed requires demolition and rebuilding of the KS1 building to create the additional car parking required to support the expansion. The total cost is estimated at £3.6m as set out on Table Three below, which is completely untenable. However, a re-design of the scheme by the Council's new capital programme partner, Atkins, will be undertaken with a view to significantly reducing the project cost. In the event that this is not possible, discussions will be needed with the planning committee to try and find an acceptable solution that is financially sustainable.
- 5.20 The Pines Expansion. The project to expand The Pines Primary from 1FE to 2FE includes decant of the Professional Centre to Bracknell OLC and refurbishment of the vacated space back into school use to create 210 additional primary places. The total cost is estimated at £1.765m as set out on Table Three below.
- 5.21 SEN Facility Eastern Road. This is the conversion of the former BROCC building into a secondary ASD SEN facility. The project includes a general refurbishment plus small extensions to the rear and first floor. Maintenance elements are included such as the roof and M&E which have been identified from the condition surveys. Total project funding is £2.037m as set out on Table Three below. Programme is estimated to be 14 months from instruction on confirmation of the final budget.
- 5.22 TRL Primary School is a 2FE school which is currently planned to open in September 2016 on a site that has been negotiated through the Council's S106 process as part of the TRL housing development in Crowthorne. A budget for £0.050m for advance design fees has been included on Table Three below.
- 5.23 Winkfield St Marys Surge Classroom: An application was made for Targeted Basic Need (TBN) funding for a surge at Winkfield in case the surge at Cranbourne might not get planning permission. Winkfield was eligible for TBN because of its Good Ofsted score. The surge at Winkfield is also subject to challenges at planning but a project will be developed as part of a masterplan for the ongoing development of the school site in order to meet increasing pupil numbers. The estimated project cost is £0.319m as set out on Table Three below.

Table Three Total Project Funding

Project	Existing Funding*	Capital Maint. Grant	Basic Need Grant**	Targeted Basic Need Grant	Capital Receipt	Total
	£000	£000	£000	£000	£000	£000
Amen Corner Primary School	0	0	50	0	0	50
Blue Mountain Learning Village	0	0	329	0	0	329
Cranbourne Classrooms	46	336	141	0	320	843
Garth Hill Expansion	1,121	0	1,668	4,811	0	7,600
Harmans Water Surge Classroom	0	0	25	0	0	25
North Warfield West Primary School	0	0	50	0	0	50
North Warfield East Primary School	0	0	50	0	0	50
Owlsmoor Expansion	451	0	2,211	938	0	3,600
The Pines Expansion	465	0	1,300	0	0	1,765
SEN Facility Eastern Road	33	200	0	1,804	0	2,037
TRL Primary School	0	0	50	0	0	50
Winkfield St Marys Surge Classroom	5	0	0	314	0	319
Total:	2,121	536	5,874	7,867	320	16,718

* Source: Education Capital Programme Summary Cashflow July 2013 Rev2

** Total £5.874m of which £3.879m relates also to TBN projects

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Treasurer

- 6.1 Acceptance of the £7.867m of Targeted Basic Need grant and associated conditions provides significant funding for the Council to meet its obligations relating to providing sufficient school places. The conditions attached to grant in terms of the tight timescales to deliver the additional places and the likelihood that the amount of funding will be reduced to reflect the refurbishment content of some of the projects introduces risks and uncertainty to the overall affordability of the capital programme.

Borough Solicitor

- 6.2 No particular legal issues arise in respect of the matters raised in this report.

Chief Officer; Property

- 6.3 The temporary expansion of Garth Hill College in the interim will relieve some of the pressure regarding the negotiations and timeline for delivery of the long term solution at Blue Mountain.

Strategic Risk Management Issues

Risk	Assessment	Comments
Project Capability and Capacity Risk	LOW	The Council's new Managing Partner Atkins Ltd will be taking forward the proposed new school capacity projects.
Proposed Projects Funding Risk	MEDIUM	Grant funding has now been announced by DfE/EFA for the proposed new projects. Garth Hill College scheme costs have yet to be established and these may vary from the amount of allocated grant.
Compliance with grant conditions	MEDIUM TO HIGH	DfE has made TBN a specific grant that must be spent on specific schemes to deliver the agreed number of places by 31 August 2015. A number of external factors may impact on being able to meet the conditions.
Individual Project Risks	LOW	Each project will have its own Risk Register which will be regularly reviewed and updated by the Atkins Ltd. project manager.
Planning Risk	MEDIUM TO HIGH	Planning permission can be difficult due to the complexities of creating hundreds of new school places, with development within existing communities.
Programme Risk	MEDIUM TO HIGH	The Education Capital Programme Board oversees the implementation of the Education Capital Programme, and membership includes the Executive Member for Children, Young People & Learning and the Executive Member for Transformation and Finance. There are significant hurdles to overcome if the programme for the Blue Mountain project is to be brought forward to September 2018.
Pupil Forecast Risk	LOW-MEDIUM	The Statistical Risk is Low in the short term rising to Medium in the medium term because of the difficulties in accurately forecasting school places. The School Places Plan and Capacity Strategy are updated annually.

7 CONSULTATION

- 7.1 All of the above schools have been consulted about the proposed expansion works on their sites
- 7.2 It should be noted that the majority of projects are still subject of planning permission which itself includes statutory consultation with neighbours. The above programme may be subject to change is planning permissions are not forthcoming.

Background Papers

Confidential APPENDIX A

School Capacity Strategy

Education Estates Strategy

Contacts for further information

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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TO: EXECUTIVE
15 OCTOBER 2013

**BRACKNELL FOREST YOUTH OFFENDING SERVICE
YOUTH JUSTICE STRATEGIC PLAN 2013 - 16
Director of Children, Young People and Learning**

1 PURPOSE OF DECISION

- 1.1 This report requests the approval by the Executive of the Bracknell Forest Youth Offending Service (YOS) Youth Justice Strategic Plan 2013 -16. In accordance with statutory youth justice planning requirements the Plan will then be submitted to the England and Wales Youth Justice Board for detailed validation and approval.

2 RECOMMENDATION

- 2.1 **That the Youth Justice Strategic Plan 2013 - 16 (Annex 1) for the Bracknell Forest Youth Offending Service is recommended to Council and approved for submission to the England and Wales Youth Justice Board (YJB).**

3 REASONS FOR RECOMMENDATIONS

- 3.1 It is a constitutional requirement of the Council that they consider and approve the Youth Justice Plan for Bracknell Forest completed by the Youth Offending Service.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

The Youth Justice Strategic Plan is a statutory plan. Consultation has taken place with the YOS Performance Management Group, the Community Safety Partnership, the Management Team of the Children, Young People and Learning department and the Corporate Management Team, who fully support the plan.

Local Performance

- 5.1 The main national indicators of performance are the levels of recidivism, first time entrants to the Youth Justice System and custodial sentencing. Annex 1, the Youth Justice Strategic Plan 2013 – 16 contains details of the YOS performance in relation to the national indicators which is positive overall. The number of offences committed by children and young people in Bracknell Forest (July 2010 – June 2011 Cohort) shows a reduction from the same period in 2009 - 10. In all 3 areas, Bracknell Forest performance exceeded national and local targets and was better than the national average.
- 5.2 The YOS is scrutinised by the YOS Performance Management Group, which acts as the YOS Management Board, with regard to meeting the above national indicators

and the local targets set in the Community Safety Partnership Plan and the Children and Young People's Plan. The Head of the YOS is a member of the Children's and Young People's Partnership and is a statutory member of the Local Safeguarding Children Board.

Funding

- 5.3 The work of the Youth Offending Service is funded by a mix of contributions from the partner agencies represented on the Youth Offending Service Management Board and by grant funding from the Youth Justice Board (YJB). The actions set out in the Plan are based on the agreed level of funding from partner agencies and designated level of the grant.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are set out within the main body of the report and particularly in the introduction to the plan.

Borough Treasurer

- 6.2 The Borough Treasurer is satisfied that sufficient funds exist for the plan to be delivered in 2013-14. Sustaining the current service delivery into future years will be dependent of existing levels of resource being maintained, for which decisions have yet to be taken

Equalities Impact Assessment

- 6.3 The Plan has been reviewed in accordance with the Council's procedure for Equality Impact Assessment.

Strategic Risk Management Issues

- 6.4 All risks to future service delivery are set out in the Youth Justice Strategic Plan.

7 CONSULTATION

Principal Groups Consulted

- 7.1 All members of the YOS staff team, the YOS Performance Management Group, the Community Safety Partnership, the Management Team of the Children, Young People and Learning department and the Corporate Management Team have been consulted in the preparation of the Plan.

Method of Consultation

- 7.2 By written report to the above Board and Partnership meetings.

Representations Received

7.3 None.

Background Papers

Bracknell Forest Youth Justice Strategic Plan 2013 – 16 (Annex 1)

The Youth Justice Planning Framework

For details see the Youth Justice Website at <http://www.yjb.gov.uk/en-gb/>

Contact for further information

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Bracknell Forest Youth Offending Service

Youth Justice Strategic Plan 2013 - 2016



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Introduction

The Crime and Disorder Act 1998, requires Local Authorities to have a Youth Justice Plan which is annually updated to set out how Youth Justice Services will be delivered locally within the available resources. This Plan will cover the 3 year period from 2013 – 2016, and will be refreshed annually, reflecting any changes to the national and local Youth Justice landscape which impact on the priorities in this plan and the Youth Offending Service's ability to deliver the range of services designed to reduce youth offending within Bracknell Forest.

1. Resourcing and value for money

Financial resources

The Youth Offending Service (YOS) is funded through contributions from the statutory partner agencies in accordance with the Crime and Disorder Act 1998. These are the Local Authority, (covering Education and Social Care), the Probation Service, the National Health Service and the Police Service. The table below shows the amount of funding from each of the partner agencies for the year 2013 – 2014. These contributions are reviewed each year. In addition, the YOS receives a Youth Justice Grant from the Ministry of Justice and Department For Education which is pass ported through the Youth Justice Board and a grant from the Thames Valley Police and Crime Commissioner in respect of which there is an annual bidding process.

Youth offending service budget sources for the financial year 2013/14			
Agency	Contributions to Staffing Costs	Other Delegated Funds from Partner Agencies	Total
Police	16,000	42,976	58,976
PCC	0	23,855	23,855
Probation	11,950	0	11,950
Health	17,635	7,520	25,155
Local Authority	338,340	50,530	388,870
YJB	152,140	3,498	155,638
Total	536,065	128,379	664,444

Funding contributions from the NHS and the Probation Service have been maintained at the same level for the past 2 years. The Police contribution is made up of a lump sum, which has also been maintained at the same level, and a seconded police officer, which reduced by 0.5 FTE in 2012 and has remained at this level. The contribution from the Local Authority has been reduced by 16% from April 2013 and efficiency savings have had to be made. In respect of the Youth Justice Grant this year, the Home Office contribution is no longer included and instead this funding has been transferred to the Police and Crime Commissioner (PCC). A bid was made for funding from the PCC which was successful and is included in the table above. Therefore the total Youth Justice Grant this year, including the PCC contribution is reduced by 8.16%. During the period covered by this Youth Justice Plan, it is likely that all agencies will be looking for opportunities to make further savings due to the scale of the financial challenge ahead, and the YOS will come under increased pressure to demonstrate value for money to ensure continued financial support from partners.

Staffing Resources

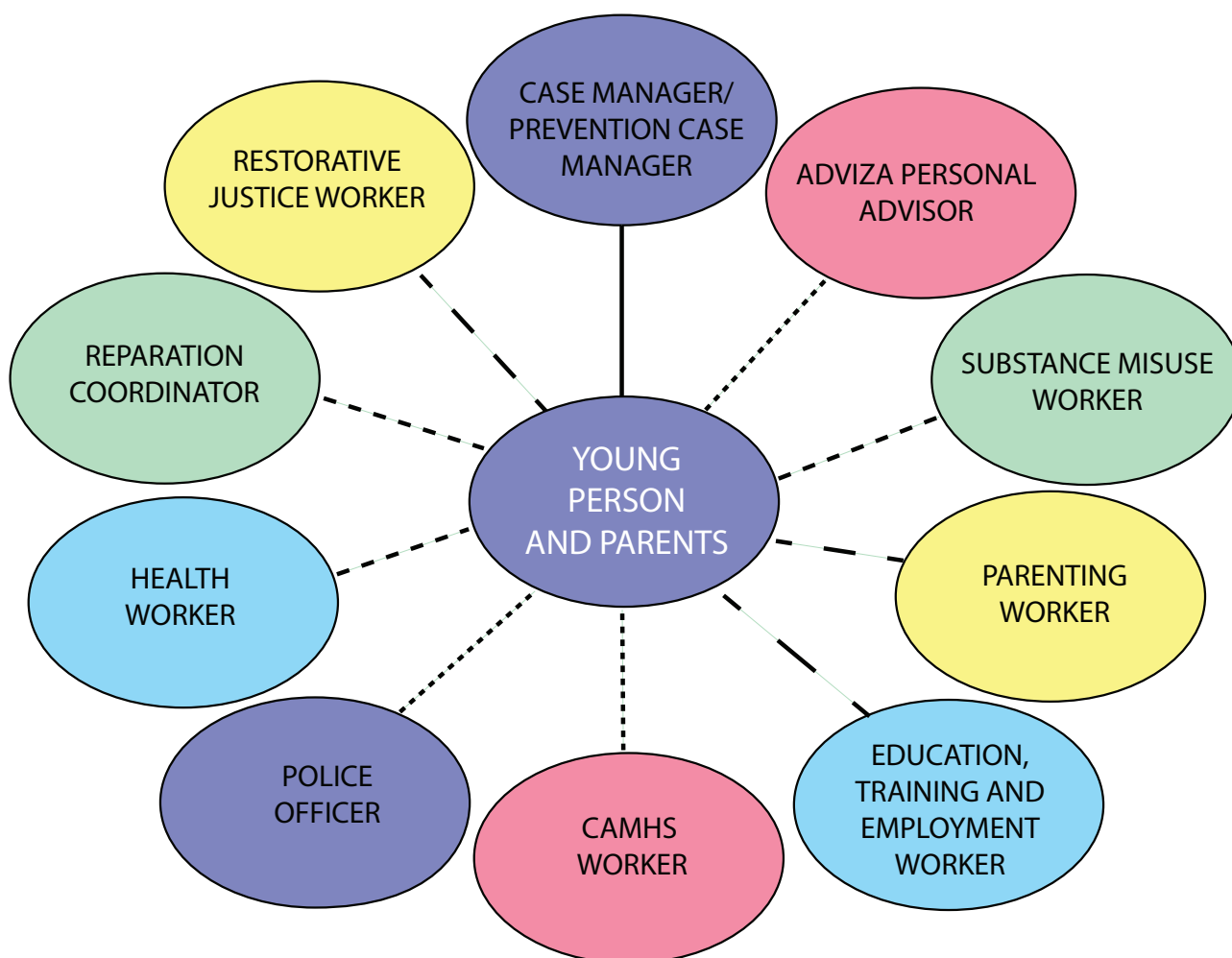
In accordance with the requirements of the Crime and Disorder Act 1998 the YOS has a full skill set within the workforce which is made up of professionals from a variety of agencies whose skills and experience complement each other. Although the role of Probation Officer is a statutory post under the Crime and Disorder Act 1998, for several years now the Probation Service have supplied funding rather than a seconded a member of staff. However the funding has remained the same for several years, and does not meet the staff salary increments which have occurred. In order to meet the requirement to have a Probation Officer within the YOS staff team, a qualified Probation Officer has been directly employed into one of the 3 Case Manager posts. Regular analysis of need and review of Service provision have underpinned staff training and development to ensure that partnership resources are used effectively. This will continue to be a priority for the next 3 years, in order to ensure that staff have a clear direction and are enabled to further develop the skills needed to respond to new Youth Justice Legislation and the changing landscape in regard to Inspection by Her Majesty's Inspectorate of Probation (HMIP) and OFSTED.

The YOS has a good range of specialist services 'in house'. Specialist services located within the YOS team include: a named accommodation officer, substance misuse worker, physical health worker, education, employment and training worker, parenting worker, restorative justice coordinator and reparation coordinator. Staff are recruited into these posts based upon their experience and expertise and their skills are developed through supervision, appraisal and training. The Bracknell Forest Drug and Alcohol Action Team (DAAT) host a young people's substance misuse worker post for Bracknell Forest, 0.5 FTE of which is commissioned by the YOS. The YOS health worker is a 0.4 FTE post seconded to YOS from the NHS. YOS have contracts in place with CAMHS for the provision of a mental health worker for 4 hours per week and with Adviza for a personal advisor, 7.5 hours per week to work directly with NEET young people who are at risk of offending and reoffending. These posts also provide a consultancy service to case workers within the YOS team.

It has been proposed that the 0.5 FTE reparation coordinator post is to be deleted from April 2014 in order to make savings from the Local Authority's financial contribution to the YOS budget. The functions of this post will still need to be provided for young offenders subject to Statutory Court Orders and will be managed by reallocation of duties within the YOS staff team.

The YOS Performance Management Board is regularly updated on the range and quality of service provision delivered to young offenders, through short presentations from specialist workers at Management Board meetings.

Staffing Structure 2013-14



Commissioning

The Bracknell Forest YOS currently has Service Level Agreements and / or Protocols in place with a range of providers of universal and specialist services, e.g. Schools, Health, Children's Social Care. In addition, because of the size of the Borough, the YOS benefits from excellent 'informal' communication arrangements with service providers, at all levels, i.e. operational and strategic. The YOS Partnership benefits from its positive relationships with all agencies in Bracknell Forest that work with children and young people, so that services for young offenders which cannot be provided from within the multi agency YOS staff team are commissioned from partner agencies.

The Children and Young People's Partnership (CYPP) has developed a Commissioning Strategy which is linked to the Early Intervention Strategy. As a member of the CYPP the YOS has been involved in the development of these Strategies, with particular links to the YOS Prevention Service which is an area of growth for the YOS. The YOS continues to be involved in the implementation of the Commissioning Strategy through its partnership working with the Children and Young People's Partnership and the Community Safety Partnership.

2. Structures and governance

The YOS sits within the Children’s Social Care branch of the Children, Young People and Learning Department of the Local Authority. The Head of the Youth Offending Service is accountable to the Director of the Department through the Chief Officer, Children’s Social Care who monitors the YOS operationally through the provision of monthly supervision.

YOS Management Board

Governance of the YOS is provided by the YOS Performance Management Board reporting into the Bracknell Forest Community Safety Partnership. The YOS Management Board meets quarterly and is made up of the members of the Community Safety Partnership who have statutory responsibility for YOS funding and other agencies e.g. Adviza which has direct links into YOS and shared priorities around reducing the numbers of young people who are not in education, employment or training (NEET). The YOS Management Board scrutinise YOS performance and develop actions for improvement where necessary. Its purpose is also to provide clarity for partners about the scope of their role in governing the YOS and to maintain a good understanding of the range and quality of youth justice services delivered in Bracknell Forest. Staffing and resource issues are regularly reviewed and the Board assists in setting the strategic direction of the YOS.

The YOS Management Board takes an active role in ensuring that young offenders and those at risk of entering the youth justice system have access to universal and specialist services within Bracknell Forest and that partner agencies recognise and maintain responsibility for contributing to the reduction of offending by children and young people.

Name	Agency representing
Claire Dorning	Head of Housing Strategy and Needs, Bracknell Forest Council
Chief Inspector Dave Gilbert	LPA Commander Thames Valley Police
Lorna Hunt	Chief Officer Children’s Social Care, Bracknell Forest Council
Pranay Chakravorti	Children’s Commissioner, National Health Service, Berkshire East
Valerie Rich	Senior Probation Officer, National Probation Service, Thames Valley
Ian Boswell (Chair)	Community Safety Manager, Bracknell Forest Council
Amanda Wilton	Head of Targeted Services, Bracknell Forest Council
Maninder Hayre	Assistant Director Delivery, Adviza

3. Performance

There are 3 Impact and Transparency National Indicators for the Youth Justice System which were introduced in April 2011 without targets.

These are:

1. Reoffending of young people in the youth justice system
2. First time entrants to the youth justice system
3. Use of custody for young people

Data for indicator 1 is taken from the Ministry of Justice Website (latest data available), and relates to the cohort of young offenders covered by the time period indicated, and their reoffending during the following 12 months. Data for indicators 2 and 3, is taken from the National Youth Justice Information System (YJMIS), hosted by the Youth Justice Board.

Indicator 1	Date	YOS Performance
Proven reoffending rate of young offenders (percentage of young people who have reoffended) *Low is good	July 2010 – June 2011 *(latest data available on Ministry of Justice website)	27.2% = 22 of 81
	July 2009 – June 2010	23.3% = 24 of 103
	July 2008 – June 2009	35.8% = 58 of 162

* Although the percentage has increased in year 3 from year 2, the actual number of re-offenders has reduced as the cohort is smaller

The rate of offending of looked after children at 31/03/12 is 6.7% ie 3 out of 45 young people aged 10 - 17 who had been looked after for 12 months+.

This is the same as at 31/03/11 but has reduced from 11.5% in 2009/10.

Indicator 2	Date	YOS Performance
Number of first time entrants to the youth justice system (per 100,000 of 10 – 17 population) * Low is good	Jan 2012 – Dec 2012	358 (42 young people)
	Jan 2011 – Dec 2011	470 (61 young people)
	Jan 2010 – Dec 2010	404 (51 young people)

Indicator 3	Date	YOS Performance
Convicted young people receiving a custodial sentence (per 1,000 of 10-17 population) *Low is good	April 2012 – March 2013	0
	April 2011 – March 2012	0.17 (2 young people)
	April 2010 – March 2011	0.08 (1 young person)

Looked After Children and offending

The rate of offending of looked after children at 31/03/12 is 6.7% ie 3 LAC offenders out of 45 young people aged 10 - 17 who had been looked after for 12 months+.

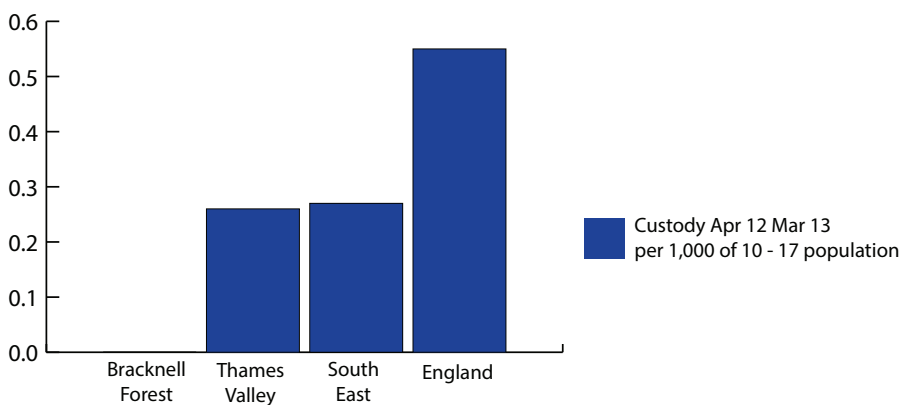
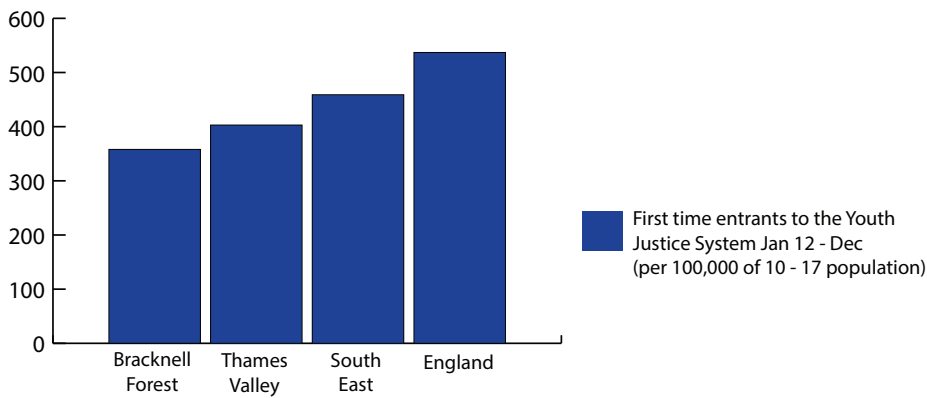
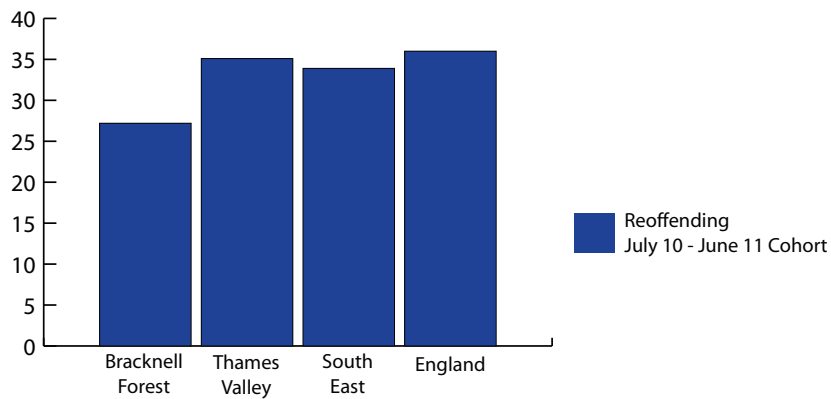
This is the same as at 31/03/11 but has reduced from 11.5% in 2009/10.

There is evidence that nationally people who have been looked after as children are over represented in the prison population. In Bracknell Forest we have had no looked after children either remanded or sentence to custody during the last two years.

Prevention and Early Intervention

In relation to Indicator 2, (table above) the YOS has been successful at achieving a significant reduction in the number of first time entrants into the Youth Justice System, and has undergone a change of structure and reorganisation of resources to focus on prevention and early intervention. Through effective partnership work, the YOS has increased the number of referrals into the YOS Prevention Service, which has provided the opportunity to work in a direct way with young people at the earliest opportunity when their anti social behaviour and/ or low level offending is indicating that there is a risk of escalation into more serious criminal activity. The YOS works directly with the 'troubled families' team and contributes to achieving their key 'payment by results' targets. YOS will continue to invest in the Prevention Service, during the 3 year period covered by this plan, with the aim of achieving positive outcomes for children and young people, whilst also avoiding the high cost of providing intensive statutory supervision of Court Orders and Custodial Sentences

The charts below show Bracknell Forest YOS performance compared with Thames Valley, South East and England for the latest period of recorded National Data. Lower figure indicates good performance.



4. Partnership arrangements

The YOS is represented at strategic level on the Bracknell Forest Partnership, and on 2 of the key strategic partnerships which report into it, i.e. the Community Safety Partnership and the Children and Young People's Partnership. The YOS contributes to a number of the working groups which have been set up to develop and deliver appropriate plans and direct services to support the priorities of the Bracknell Forest **Children and Young People's Partnership**. The YOS is represented on the following multi agency groups:

- Child and Adolescent Mental Health Services (CAMHS) Partnership
- Parenting Strategy Group
- Care Matters Steering Group
- Participation Group
- Life Chances Team
- Early Intervention Strategy Group
- Early Intervention Hub
- Family Focus Reference and Operational Group

In relation to the **Community Safety Partnership**, the YOS is represented on the following multi agency groups set up to deliver the priority areas identified in the Community Safety Partnership Plan 2011 – 14:

- Reducing Crime / Partnership Tasking
- Anti Social Behaviour Working Group
- The Drug and Alcohol Strategic Group
- Prevent Steering Group
- Channel Panel
- Domestic Abuse Executive and Forum
- Domestic Abuse Service Coordination Group

The YOS is also a statutory partner on the **Local Safeguarding Children Board** and is represented by the Head of YOS on the Executive and the Quality Standards and Case Review Group.

The Head of YOS also Chairs the Child Sexual Exploitation Strategic Group, and the YOS Operational Manager attends the Child Sexual Exploitation Operational Group.

The Head of YOS is one of 2 trainers responsible for the delivery of the National Safer Workforce training to all key personnel in agencies who recruit staff to work with children and young people.

YOS has protocols in place with Children's Social Care, to reduce the offending of Looked After Children, and a Joint Working Protocol to define roles and responsibilities in regard to the management of cases where both services are involved with the young person / family.

YOS is fully involved with local partnership work to reduce the number of young people in Bracknell Forest who are NEET (not in education, employment or training). YOS has a contract in place with Adviza to deliver targeted services to young offenders who are NEET or at risk of becoming NEET. YOS has a dedicated Education Training and Employment worker in post who sits on the Participation Group and works closely with schools to prevent young people being excluded.

Local Strategic Plans

The strategic plans which most closely relate to the strategic priorities of the YOS are the Community Safety Partnership Plan, 2011-2014, 'Creating Opportunities', Children and Young People's Strategic Plan, 2011 – 2014, the Bracknell Forest Substance Misuse Strategy 2011 – 2014 and the Bracknell Forest Early Intervention Strategy 2012 – 2014.

The Children and Young People's Plan, Creating Opportunities, clearly reflects YOS priorities of reducing the harm caused to children and young people and the community through involvement with crime and anti social behaviour. Keeping young people safe from harm, reducing youth crime and anti social behaviour and intervening early to divert young people away from entering the Youth Justice System are priorities reflected in the Children and Young People's Plan, the Community Safety Partnership Plan and the Substance Misuse Strategy. The role of the YOS partnership is to ensure that local partnerships give sufficient priority to the needs of children and young people at all stages of their involvement, (or potential for involvement) in the youth justice system.

Thames Valley Criminal Justice Board

Bracknell Forest YOS is a member of the Thames Valley Criminal Justice Board (TVCJB), along with the other eight YOS in Thames Valley. Representation on the main Board is undertaken by one of the Heads of Youth Offending Service on an annual rotation basis. There are a number of working groups set up to develop and deliver the Board's priorities. These are made up of representatives of the Criminal Justice Agencies within Thames Valley and YOS representation on these working groups is shared amongst the Thames Valley Heads of YOS. Currently the Bracknell Forest Head of YOS is a member of the Programme Delivery Group. The role of the group is to review the TVCJB's performance measures linked to the Board's priorities, identify areas of poor performance and initiate remedial action to ensure the performance targets are achieved. Membership is made up of the senior managers from all LCJB agencies that have responsibility for criminal justice performance.

5. Risks to future delivery

Local issues

The current plan for delivery of youth justice statutory services can be delivered in 2013/14 within the resources available. However, it is difficult, at this point in time to predict future delivery for the 2 remaining years covered by this Strategic Plan. The future budget position affecting the statutory partners is uncertain and further cuts are forecast. From 2014, the YOS staff compliment will reduce by 0.5 FTE and this work will have to be covered by the remaining staff team, as the functions of the post of reparation coordinator must be provided in order to maintain the credibility of the Youth Justice Service to the Courts and provide the opportunity for young offenders to make recompense to the Community for the harm caused by their offending. YOS aims to use staff resources creatively, by mixing roles and responsibilities of seconded and part time staff in order to meet the needs of the client group and Service priorities. The YOS Partnership has therefore ensured that flexibility and a range of skills are contained within the workforce.

As a result of the Legal Aid Sentencing and Punishment of Offenders Act (LASPO) which came into force in 2012/13, remand budgets previously funded from central government, have become the responsibility of Local Authorities. Some funding from the Youth Justice Board has been provided based upon the past 3 year's usage, but it remains difficult to predict future instances of Youth Detention remands. The Children Young People and Learning Department of Bracknell Forest Council have therefore taken the decision to set up a contingency fund to prepare for any overspend on the allocated grant from the Youth Justice Board /MOJ, which clearly places additional pressure on the Department's resources.

Following the appointment of the Police and Crime Commissioners (PCC) for each of the Country's police force areas, funding to YOS previously supplied by the Home Office was transferred to the PCC and the YOS had to set out a business case for the funding. This year the Bracknell Forest YOS bid was successful. From 2014 the YOS funding from the PCC will not be ring fenced and will be included in the Community Safety Fund. The Thames Valley Police Force currently provides a grant to each local authority for Youth Offending Services. Rather than making two separate grants to the local authority the Chief Constable has agreed to transfer this budget to the PCC for allocation as part of the Community Safety Fund. The YOS will therefore negotiate directly with the CSP for this funding.

National issues

The greatest risk to future delivery, post 2014, is the financial uncertainty faced within the public sector. The statutory members of the YOS partnership, including the Local Authority, are all experiencing pressures within their own agencies and this will inevitably affect the degree to which they are able to contribute financially and 'in kind' to the YOS. A new formula for the distribution of the Youth Justice Grant from the Youth Justice Board is currently under development and this may affect the amount of funding allocated via the Youth Justice Grant in future years.

6. Local Delivery Action Plan

6. Local Delivery Action Plan 2013/16

Key priorities for Year 1

Preventing
Youth Crime

Reducing
Reoffending

Keeping the number
of children and young
people in custody to a
minimum

Safeguarding young
people from harm

Managing Risk
of Harm

Priority 1: Preventing Youth Crime

Why is this a priority?

Intervening earlier to address risk factors, challenge anti-social behaviour and improve parenting prevents children, young people and their families from becoming socially excluded within their communities and therefore less likely to offend or re offend in the future

What is our aim?

To build on our success in reducing the number of First Time Entrants into the Youth Justice System

To prevent those receiving early Out of Court Disposals from progressing further into the Criminal Justice System

To increase the number of appropriate and timely referrals into the YOS Prevention Service by Police Neighbourhood Teams, the Schools Police Officer and Children's Social Care Teams

How will we measure success?

Referral rates will be monitored on a quarterly basis by the Community Safety Partnership

Data will be provided to the YOS Performance Management Board on a quarterly basis and to the Youth Justice Board via Police National Computer (PNC)

Carry out an annual evaluation of the YOS Prevention Service

What will we aim to achieve this coming year?

- Maintain a low level of first time entrants into the Youth Justice System whilst ensuring that those who do not respond to prevention programmes are escalated appropriately
- Work closely with the Family Focus project to achieve a reduction in crime and anti-social behaviour with the children and young people from families who meet the Family Focus criteria
- Implement the action plan from the Independent evaluation of the YOS Prevention Service carried out in 2013

How will we do this?

- Continue to raise awareness of the Prevention Service to the Police Neighbourhood Teams, the Schools Police Officer and Children's Social Care Teams
- Offer individual or group parenting interventions to all parents/carers whose children are referred into the YOS Prevention Service
- Regular Meetings will take place between Children's Social Care Managers and the YOS Operational Manager to discuss current cases in common and identify those at risk of offending
- Work in partnership with Thames Valley Police in relation to joint decision making for first time entrants into the Youth Justice System
- The YOS will attend the Early Intervention Hub and Family Focus operational meetings regularly to identify referrals for the YOS Prevention Service
- Monitor the outcomes of targeted youth work in schools to ensure that young people at risk of offending are appropriately referred into the YOS Prevention Service

What will we aim to achieve in the next 3 years?

Work will continue to further improve these targets in year 2 and 3. Review of this priority will take place in the 2014 refresh of this plan

Priority 2: Reducing Reoffending

Why is this a priority?

Reducing reoffending by children and young people can significantly improve their life chances. Breaking the cycle of re-offending means that our local community will be safer and there will be fewer victims of crime

Reducing reoffending in Looked After Children (LAC) is particularly important as this group of children and young people are already disadvantaged by their earlier life experiences and their offending can be the result of poor coping skills, rather than criminal intent. Nationally LAC and care leavers are over represented in the Criminal Justice System and all agencies need to work together to ensure that this over representation is not reflected locally

What is our aim?

We aim to maintain our success in reducing the level of reoffending and prevent a rise in the reoffending rate of children and young people in the Bracknell Forest Cohort

How will we measure success?

Data is provided quarterly to the YOS Performance Management Board on the reoffending rate of the 2012 local cohort of young offenders and we will re set the cohort annually during the 3 year period of this plan

What will we aim to achieve this coming year?

- Prevent those receiving early out of court disposals from reoffending and progressing through the Youth Justice System
- Maintain the low the rate of reoffending of the local cohort of young offenders and ensure that Bracknell Forest's performance compares favourably with the overall performance of the South East region
- Further reduce the low rate of re offending amongst Bracknell LAC
- Increase the use of Restorative Justice amongst partner agencies and placement providers working with LAC to enable alternatives to prosecution to be considered
- Ensure continuation of support from partner agencies following completion of Court Ordered intervention by YOS so that the risk of reoffending is reduced

How will we do this?

- We will offer voluntary intervention to young people and families when a child or young person has received an Out of Court Disposal
- Through YOS Quality Assurance processes we will ensure that intervention plans to prevent reoffending are robust, prioritised and targeted at the risk factors closely linked to the likelihood of reoffending and risk of harm to others
- Ensure that on case closure the exit strategy provides appropriate support for the child or young person and their family to prevent them re offending
- Monitor and review intervention plans for LAC who offend through the multi agency Life Chances Team
- Implement the action plan arising from the 2013 YOS audit of the joint management by YOS and Children's Social Care of Bracknell LAC who offend

What will we aim to achieve in the next 3 years?

Work will continue to further improve these targets in year 2 and 3. Review of this priority will take place in the 2014 refresh of this plan

Priority 3: Keeping the number of Children and Young People in Custody to a minimum

Why is this a priority?

We know that Custody has a detrimental impact on the lives of children and young people and their families and resettlement into the community is difficult

Reoffending statistics show that short custodial sentences that are received for persistent reoffending or non-compliance are not effective in reducing reoffending in many cases so it is a priority for YOS to encourage the Courts to use Community Sentences in place of Custody for all but the most serious cases

Legislative changes have increased the cost of remand to Youth Detention Accommodation to the Local Authority in terms of financial and staff resources

What is our aim?

Ensure that only those who commit the most serious offences or present a risk to the local community are remanded or receive a custodial sentence

Maintain the confidence of partner agencies, the Courts and the general public by providing robust interventions in the community as an alternative to Custody

Ensure that children and young people leaving custody receive effective support and supervision as they transfer from the secure estate and resettle into the community to prevent them returning to custody for failure to comply with Licence conditions

How will we measure success?

Data will be supplied to the Youth Justice Board and the YOS Performance Management Board on the numbers of young people remanded or sentenced to Custody on a quarterly basis

What will we aim to achieve this coming year?

- No children and young people sentenced or remanded to custody
- Following the disbandment of the Berkshire Intensive Supervision and Surveillance consortium, provide this Service in house as an alternative to Custody or Remand

How will we do this?

- Ensure that Pre Sentence Reports contain credible proposals for community sentences in all but the most serious cases where custody is necessary to protect the public
- Set up compliance meetings in all cases where young people are failing to comply with their Court Orders to prevent non compliance escalating into breach proceedings at Court
- Provide the Courts with robust bail supervision packages to reduce the risk of remand into Youth Detention Accommodation
- YOS Head of Service will work with the Thames Valley Criminal Justice Board to improve the process for youth cases going through the courts, in order to avoid long periods of remand
- For those young people who are in Custody, YOS will begin planning for a young persons release from Custody (remand or sentence) at the earliest opportunity
- Use Volunteer Mentors to provide additional support for young people leaving Custody

What will we aim to achieve in the next 3 years?

Work will continue to further improve these targets in year 2 and 3. Review of this priority will take place in the 2014 refresh of this plan

Priority 4: Safeguarding young people from harm

Why is this a priority?

Research suggests that children and young people who are involved in offending or at risk of offending are often victims of abuse or neglect. They may also be affected by poverty, inconsistent parenting, reduced educational opportunities and mental health problems. This group of children and young people may present as a risk to others but account should also be taken of their vulnerability. Children and young people who offend often take part in risky behaviours such as drug taking, alcohol misuse or inappropriate sexual activity. This can make them vulnerable to sexual exploitation, violence and abuse from others

What is our aim?

Our aim is to identify all children and young people working with the YOS who are vulnerable to harm from their own behaviour or that of others and take actions to reduce their vulnerability and keep them safe

How will we measure success?

Carry out a Safeguarding Audit to identify strengths and areas for improvement

Monitor referrals made to Children's Social Care, DAAT, CAMHS and the Child Sexual Exploitation Operational Group

What will we aim achieve this coming year ?

- The early identification of children and young people who are vulnerable to sexual exploitation.
- Implement joint protocols with Children's Social Care, i.e Joint Working, Preventing the Offending of Looked After Children and the Management of Children on Remand
- Use the Early Intervention Hub to 'step down' all cases that do not meet social care thresholds but are still identified as vulnerable at the point of YOS case closure
- Work with partners to raise awareness of sexual exploitation with children and young people, parents and non statutory agencies that work with vulnerable children and families

How will we do this?

- The YOS Head of Service will take the lead in relation to developing the Bracknell Forest Child Sexual Exploitation Strategy and report directly into the LSCB and the YOS Operational Manager will represent YOS at the Child Sexual Exploitation Operational Group
- YOS Case management staff will complete a risk assessment in relation to child sexual exploitation on all children and young people involved in risk taking behaviours
- All YOS staff will complete Safeguarding Training relating to Sexual Exploitation.
- YOS case management staff will complete a CAF on all children and young people who are still assessed as vulnerable at case closure and refer these case into the Early Intervention Hub
- YOS Operational Manager will meet regularly with Children's Social Care Team Managers to monitor joint working in cases where young people are known to both Services
- The YOS Social Worker will continue to be a member of the Life Chances Team

What will we aim to achieve in the next 3 years?

Work will continue to further improve these targets in year 2 and 3. Review of this priority will take place in the 2014 refresh of this plan

Priority 5: Managing Risk of Harm

Why is this a priority?

Effective Risk Management protects the public from harm and reduces the impact of offending on the local community

What is our aim?

Our aim is to robustly supervise children and young people who pose a risk of harm to others towards the successful completion of their Court Order or Individual Support Plan and achieve a reduction in the risk they pose by case closure

How will we measure success?

We will closely monitor relevant cases through the YOS Risk Focus Group and put in place actions to reduce risk of harm

Public Protection Incidents reported to the YJB

What will we aim to achieve this coming year?

- Improve the timeliness in recording responses to changes in risk levels on assessments, intervention plans and risk management plans
- Convene Risk Focus Meetings at 6 weekly intervals, chaired by the Operational Manager to facilitate defensible decision making and share accountability
- We will aim to have no Public Protection incidents meeting the criteria for reporting to the Youth Justice Board

How will we do this?

- Case management staff will prepare robust risk assessments and risk management plans in relevant cases and these will be shared with other agencies where appropriate
- Cases will be Quality Assured by Managers and discussed at 4 weekly Staff
- Supervision meetings and Risk Focus meetings
- Relevant cases will be referred to MAPPA and YOS will attend all meetings
- Intelligence will be shared with Police and at MAPPA meetings

What will we aim to achieve in the next 3 years?

Work will continue to further improve these targets in year 2 and 3. Review of this priority will take place in the 2014 refresh of this plan

TO: EXECUTIVE
15 OCTOBER 2013

**Phase 2 Parks and Open Spaces Quality Improvements; Bracknell Town Council
(Director of Environment Culture and Communities)**

1 PURPOSE OF REPORT

- 1.1 To seek approval for the allocation of funding to support quality improvements at Mill Park (Wildridings and Central) and Calfridus Way Recreation Ground (Harmans Water).
- 1.2 This will be funded using financial contributions from developers which have been secured under Section 106 of the Town and Country Planning Act 1990.
- 1.3 If approved, the S106 monies will part-fund improvements being implemented by Bracknell Town Council.

2 RECOMMENDATION

- 2.1 That the Executive recommend to Full Council that £80,000 of s106 contributions (as summarised in Annexe 1) are allocated to Bracknell Town Council as a grant to fund site works to improve recreational facilities and associated quality standards at Mill Park and Calfridus Way Recreation Grounds.**

3 REASONS FOR RECOMMENDATION

- 3.1 Provision of and access to public open space is recognised as being a key contributor to well-being and quality of life. This is central to:
- The character of the built environment
 - Social functions; especially health, recreation and play, social inclusion, and community development
 - Environmental quality
 - Economic vitality
 - Sustainability
- 3.2 The Bracknell Forest Sustainable Community Strategy 2008-2014 identifies the importance of the green landscape and accessible facilities. Preserving our green heritage is highlighted within the Community Strategy as being central to the future development of the area, as is the significance of providing a range of ways to spend leisure time. One of the key priorities is *A Desirable Place: Protecting the Environment*.
- 3.3 Priority 2 for Bracknell Forest Council is: *Protecting and enhancing our environment* and Medium Term Objective 3 is to: *Keep Bracknell Forest clean and green*. Key strategic actions are:
- *maintain our open spaces to a high standard*
 - *implement the Parks Quality Improvement Programme*
 - *increase the amount of green space that is accessible to residents*

Priority 3 is: *Promoting health and achievement* and Medium Term Objective 6 is: *Support opportunities for health and wellbeing*. A key action is:

- *support sports activities and facilities within the Borough*

3.4 Key objectives set out within the Parks and Open Spaces Strategy (2012) are:

A. Provision:

Protect and establish public open space for recreation, play, sport, health, biodiversity, heritage and climate change adaption that is appropriate to need; strategically located; and adaptable to future requirements

B. Maintenance:

Provide safe and welcoming public open space; attain and improve quality standards

C. Use and Enjoyment:

Make sure public open space supports well-being; encourages participation; and facilitates social inclusion

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To not support delivery of quality improvements. This will limit the extent of improvements feasible and so restrict quality standards and recreational use of these important public open spaces.
- 4.2 Bracknell Town Council is a key provider of outdoor recreational facilities and has prioritised these two projects. There are currently no competing schemes identified by other providers (including Bracknell Forest Council).

5 SUPPORTING INFORMATION

- 5.1 These 2 projects have been identified as a result of consultation on the Parks & Open Spaces Strategy which was approved on 25 October. The process for this included a related Decision made on 21 May 2012 by the Executive Member for Culture, Corporate Services & Public Protection to consult on the allocation of S106 developer contributions to carry out site quality improvements.
- 5.2 Mill Park and Calfridus Way Recreation Ground are the first schemes brought forward for Phase 2 of the Quality Improvements Programme. Phase 1 is currently being implemented following the Parks and Open Spaces Strategy and Greenspace Quality Improvement Executive Member Decision dated 25 October 2012 (work programme reference 1036768).
- 5.3 In carrying out these works, the key objective is to safeguard and raise quality standards. S106 funding is secured in accordance with adopted planning policy. Of particular significance is Limiting the Impact of Development Supplementary Planning Document (ref. Chapter 4 Open Space and Outdoor Recreational Facilities) and the 'Plus One' principle whereby works are prioritised towards improving quality as initially audited in 2006. Core quality criteria have recently been reviewed and are defined within the Parks & Open Spaces Strategy (2012).
- 5.4 In addition to being secured to fund quality improvements, there is a requirement that developer contributions are allocated to open spaces capable of serving the development from which the contribution was paid. This means that available

funding needs to be allocated to a site within close proximity of the contributing development. The contributions to be allocated are summarised in Annex 1; with the planned improvements being of direct benefit to residents from these developments.

Mill Park

- 5.5 Situated in the south of the parish, Mill Park provides extensive recreational opportunities including children's play areas, a skate park, fishing platforms and walks around the lake. The old boat house is now managed as a café. This site is owned by Bracknell Forest Council and is leased to Bracknell Town Council. Thames Water own the balancing pond and banks.
- 5.6 A range of improvements are underway led by Bracknell Town Council. This includes a new outdoor play area providing facilities for local people of all ages to use either socially or as part of structured training programmes. The project is being led by Bracknell Town Council (BTC), with play equipment part-funded by Aiming High for Disabled Children (Bracknell Forest Council). The scheme includes equipment specifically suitable for children and young people, up to the age of 18, with disabilities, including complex needs. The scheme is also funded by Bracknell Forest Homes (BFH) who have contributed towards adult outdoor gym equipment. The Town Council also aims to improve the Mill Pond pavilion building. Planning approval has been granted for the play equipment and building regulations approval is in place for works to the pavilion (planning approval ref 13/00132/FUL approved 26th March 2013).
- 5.7 A breakdown of funding for these improvements is shown below:-

BFC grant/S106	= £50,000
Expected BTC funding	= £60,000 (plus staff, labour etc)
Bracknell Forest Homes	= £20,000
BFC - Aiming High for	= £37,900
Disabled Children (AHDC)	

Total: £167,900

Calfridus Way

- 5.8 Calfridus Way Recreation Ground comprises grass football pitches. This site is owned by Bracknell Forest Council and leased to Bracknell Town Council. The proposal is to provide car parking for ground users. This will include a new car park on existing hardstanding to provide 36 additional spaces, including dropped kerb, new entrance gate and landscaping. Planning approval has been obtained (reference 12/00809 dated 14 February 2013).
- 5.9 The cost of this project is estimated at £30,000 which would be exclusively funded via a Bracknell Forest Council grant of £30,000.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Nothing to add.

Borough Treasurer

- 6.2 Part of the Section 106 monies previously identified as available to fund Phase 2 Parks and Open Spaces Quality Improvements. This expenditure is not included in the current years capital programme and therefore requires approval by Full Council.

Borough Planning Officer

- 6.3 Combines S106 funds from a number of contributing sites (listed in Annexe 1). These 2 partnership schemes are in line with the terms under which these S106 payments were secured by Planning to offset impacts of new development upon local open space and recreational facilities.

Equalities Impact Assessment

- 6.4 A full EIA for the Parks and Countryside service was published in 2009. This has recently been reviewed, the results of which are due to be published this year. Added to this an equalities screening for the Parks and Open Spaces Strategy was published in September 2012. Implementation of these projects will have a positive impact by making the Parks more attractive and accessible to all.

Strategic Risk Management Issues

- 6.5 There are no significant risks arising from this project. Future management and maintenance costs for both schemes will be met by Bracknell Town Council.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Parish and Town Councils, Ward Members

Method of Consultation

- 7.2 Via email correspondence, publication of information on the Bracknell Forest Council website and at the Parish Parks and Public Realm Forum.

Representations Received

- 7.3 The proposed works have been prioritised following consideration of a number of schemes proposed by Bracknell Town Council.

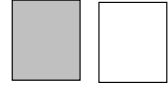
Background Papers

Parks and Countryside Strategy 2012
 Limiting the Impact of Development Supplementary Planning Document 2007
 Bracknell Forest Borough Study of open space, sports, recreational and leisure facilities (PPG17) 2006

Contact for further information

Richard Walton, Head of Parks & Countryside 01344 351226
richard.walton@bracknell-forest.gov.uk

YN CODE	PLANNING REF.	PLANNING SITE NAME	PARISH	WARD	AMOUNT AVAILABLE	AMOUNT TO BE ALLOCATED	DESCRIPTION
YN374	08/00260	Popple Trees, Glenhills etc, Crowthorne Rd	Bracknell	Wildridings and Central	£ 34,600.00	£ 27,465.00	Not to commence the Development without first paying to the Council half of the sum of THIRTY FOUR THOUSAND POUNDS (£34,000.00) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site and First Occupation shall not take place until the remainder of the sum has been paid to the Council.
YN389	08/00624	Land at Woodridge House	Bracknell	Wildridings and Central	£ 385.00	£ 385.00	Not to commence the Development without first paying to the Council the sum of Two thousand pounds (£2000.00) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
YN409	10/00033 and 08/01015	2a Woodridge close	Bracknell	Wildridings and Central	£ 6,150.00	£ 6,150.00	Not to commence the Development without first paying to the Council the sum of SIX THOUSAND POUNDS (£6,000) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of natural landscaping conservation projects) within 3 kilometres of the Site.
YN426	11/00468/FUL	Greenacres, Old Bracknell Lane West	Bracknell	Wildridings and Central	£ 2,000.00	£ 2,000.00	Not to commence the Development without first paying to the Council the sum of Two Thousand Pounds (£2,000) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
YN425	07/00035	The Hollies, Milestone, Burnside & Kirkfield Bank, London Road	Bracknell	Harmans Water	£ 47,500.00	£ 22,000.00	The sum of Fifty Three Thousand Six Hundred and Twenty Pounds (£53,620.00) towards the cost of providing or improving off site open space provision (which may include the acquisition and/or improvement of land and/or carrying out or assisting in the carrying out of nature/landscape conservation projects) and/or recreational facilities within 3km of the land
YN427	Formerly 10/00437/FUL, now: 11/00553	14 dwellings on the former Old Manor Public Car Park, The Ring	Bracknell	Wildridings and Central	£ 14,000.00	14,000	Not to commence the Development without first paying to the Council the sum of FOURTEEN THOUSAND POUNDS (£14,000) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
YN435	11/00573	Red Tile Cottage, Old Tollgate Cottage and Land rio The White Cottage, London Road, Bracknell, Berkshire	Bracknell	Harmans Water	£ 8,000.00	£ 8,000.00	Not to commence the Development without first paying to the Council the sum of Eight Thousand Pounds (£8,000.00) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
Total:					£ 112,635.00	£ 80,000.00	



Allocated to Calfridus Way scheme

Allocated to Mill Park scheme

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TO: EXECUTIVE
12 NOVEMBER 2013

**Phase 2 Parks and Open Spaces Quality Improvements; Binfield Cricket Club
(Director of Environment Culture and Communities)**

1 PURPOSE OF REPORT

- 1.1 To seek approval for the allocation of funding to support quality improvements at Binfield Cricket Club.
- 1.2 This will be funded using financial contributions from developers which have been secured under Section 106 of the Town and Country Planning Act 1990.
- 1.3 If approved, the S106 monies will be made available as a grant to Binfield Parish Council to part-fund improvements being implemented by Binfield Cricket Club.

2 RECOMMENDATION

- 2.1 **That the Executive recommend to Full Council that £45,000 of s106 contributions (as summarised in Annexe 1) are allocated to Binfield Parish Council as a grant to fund site works to improve recreational facilities and associated quality standards at Binfield Cricket Club.**
- 2.2 **Payment of this grant will be subject to sufficient match funding being secured to ensure completion of the improvements as summarised in 5.6 below.**

3 REASONS FOR RECOMMENDATION

- 3.1 Provision of and access to public open space is recognised as being a key contributor to well-being and quality of life. This is central to:
- The character of the built environment
 - Social functions; especially health, recreation and play, social inclusion, and community development
 - Environmental quality
 - Economic vitality
 - Sustainability
- 3.2 The Bracknell Forest Sustainable Community Strategy 2008-2014 identifies the importance of the green landscape and accessible facilities. Preserving our green heritage is highlighted within the Community Strategy as being central to the future development of the area, as is the significance of providing a range of ways to spend leisure time. Key priorities include *A Desirable Place: Protecting the Environment* and *Cohesive Communities: Enjoying Life*.
- 3.3 Priority 2 for Bracknell Forest Council is: *Protecting and enhancing our environment* and Medium Term Objective 3 is to: *Keep Bracknell Forest clean and green*. Key strategic actions are:
- *maintain our open spaces to a high standard*

- *implement the Parks Quality Improvement Programme*
- *increase the amount of green space that is accessible to residents*

Priority 3 is: *Promoting health and achievement* and Medium Term Objective 6 is: *Support opportunities for health and wellbeing*. A key action is:

- *support sports activities and facilities within the Borough*

3.4 Key objectives set out within the Parks and Open Spaces Strategy (2012) are:

A. Provision:

Protect and establish public open space for recreation, play, sport, health, biodiversity, heritage and climate change adaption that is appropriate to need; strategically located; and adaptable to future requirements

B. Maintenance:

Provide safe and welcoming public open space; attain and improve quality standards

C. Use and Enjoyment:

Make sure public open space supports well-being; encourages participation; and facilitates social inclusion

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 To not support delivery of quality improvements. This will limit the extent of improvements feasible and so restrict quality standards and use of this important local recreational facility.

4.2 Binfield Parish Council has identified this project as being a priority and provided funding to support initial feasibility work. There are currently no competing schemes identified by other providers (including Bracknell Forest Council).

5 SUPPORTING INFORMATION

5.1 This project has been identified following consultation on the Parks & Open Spaces Strategy which was approved on 25 October 2013. The process for this included a Decision made on 21 May 2012 by the Executive Member for Culture, Corporate Services & Public Protection to consult on the allocation of S106 developer contributions to carry out site quality improvements.

5.2 Binfield Cricket Club is the second scheme brought forward for Phase 2 of the Quality Improvements Programme. Phase 1 is currently being implemented following the Parks and Open Spaces Strategy and Greenspace Quality Improvement Executive Member Decision dated 25 October 2012 (work programme reference 1036768).

5.3 In carrying out these works, the key objective is to safeguard and raise quality standards. S106 funding is secured in accordance with adopted planning policy. Of particular significance is Limiting the Impact of Development Supplementary Planning Document (ref. Chapter 4 Open Space and Outdoor Recreational Facilities) and the 'Plus One' principle whereby works are prioritised towards improving quality as initially audited in 2006. Core quality criteria have recently been reviewed and are defined within the Parks & Open Spaces Strategy (2012).

- 5.4 In addition to being secured to fund quality improvements, there is a requirement that developer contributions are allocated to open spaces capable of serving the development from which the contribution was paid. This means that available funding needs to be allocated to a site within close proximity of the contributing development. The contributions to be allocated are summarised in Annex 1; with the planned improvements being of direct benefit to residents from these developments.

Binfield Cricket Club

- 5.5 Situated in the west of the parish (Binfield With Warfield ward), Binfield Cricket Club is a long established community based institution (since 1865) which encourages participation in sport at all ages. The cricket club is located at the FWE Goates Memorial Ground, Forest Road, Binfield, RG42 4DU. The Club provides opportunity for people to increase their fitness and interact socially.
- 5.6 The Club has four adult teams playing at weekends and one mid-week; plus junior sides from U9 to U17. The success of the colts programme is such that a number of young players regularly break through into senior cricket. There are several young girls who attend the colt sessions and the club has aspirations to extend this and field a girls/ladies side as a core part of the club.
- 5.7 The club sees both young people and female cricket as being key to future progress and success; this being a central driver to this project. Binfield Cricket Club have secured planning approval for the erection of an outbuilding comprising shower and changing facilities adjacent to the existing pavilion (planning approval ref 13/00544/FUL approved 29th August 2013). The block will be of similar design to the existing building. The main features of the new building will be changing facilities for ladies; a new disabled toilet; and improved, bigger changing facilities for male teams.
- 5.8 A breakdown of funding for these improvements is shown below:
- BFC grant / S106 £45,000 (50% of the total project cost)
 - Expected BCC funding £45,000
- Total: £90,000**
(plus in-kind / voluntary labour from club members)
- 5.9 The cost estimate for this project has been identified as part of initial feasibility work carried out by a consultant acting on behalf of the cricket club. This has included developing a project specification, obtaining planning consent and securing quotes. Binfield Cricket Club intends to obtain the match funding through a combination of financial contributions from club members and grant support from organisations such as the England and Wales Cricket Board (ECB) and Sport England.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Nothing to add to the report.

Borough Treasurer

- 6.2 The Section 106 contributions totalling £37,500 identified in this report are still available to be spent on appropriate schemes, this scheme can therefore be funded from these monies.

Borough Planning Officer

- 6.3 Combines S106 funds from 4 contributing sites (listed in Annexe 1) within 3km. of the Cricket Club and all within Binfield parish. Funding this partnership scheme is in line with the terms under which these S106 payments were secured by Planning to offset the impact of new housing development upon local outdoor recreational facilities

Equalities Impact Assessment

- 6.4 A full EIA for the Parks and Countryside service was published in 2009. This has recently been reviewed, the results of which are due to be published this year. Added to this an equalities screening for the Parks and Open Spaces Strategy was published in September 2012. Implementation of these projects will have a positive impact by making the Parks more attractive and accessible to all.

Strategic Risk Management Issues

- 6.5 No significant risks have been identified as arising from this project. Binfield Parish Council has agreed to act as the 'connect' authority with respect to any grant that may be forthcoming from BFC towards the construction of the changing block at the cricket ground. Management and maintenance will be carried by Binfield Cricket Club.

7 CONSULTATIONPrincipal Groups Consulted

- 7.1 Parish and Town Councils, Ward Members, Local Countryside Access Forum, Parish Parks and Public Realm Forum

Method of Consultation

- 7.2 The improvement project has been identified as a result of consultation on the Parks and Open Spaces Strategy. This followed on from the Executive Member decision of 21st May 2012 to consult on the allocation of S106 developer contributions to carry out site quality improvements.

Representations Received

- 7.3 Binfield Parish Council supports the project and has stated that *"the Club provides sporting opportunities for players of all ages who will benefit from the provision of improved facilities offered by this project"*

Background Papers

Parks and Countryside Strategy 2012

Limiting the Impact of Development Supplementary Planning Document 2007

Bracknell Forest Borough Study of open space, sports, recreational and leisure facilities (PPG17) 2006

Contact for further information

Richard Walton, Head of Parks & Countryside 01344 351226
richard.walton@bracknell-forest.gov.uk

ANNEXE 1

YN CODE	PLANNING REF.	PLANNING SITE NAME	PARISH	WARD	AMOUNT AVAILABLE	AMOUNT TO BE ALLOCATED	DESCRIPTION
YN360	07/01132	Garth Cottage, Forest Rd	Binfield	Binfield with Warfield	£ 4,100.00	£ 4,100.00	Not to commence the Development without first paying to the Council the sum of Four Thousand Pounds (£4,000.00) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
YN375	08/00251	Badgers Copse, Golden Orb Wood (off London Rd)	Binfield	Binfield with Warfield	£ 2,000.00	£ 2,000.00	Not to commence the Development without first paying to the Council the sum of £2,000 and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
YN395	08/00470	Land adj 8 Rosedale, Rose Hill	Binfield	Binfield with Warfield	£ 2,050.00	£ 2,050.00	Not to commence the Development without first paying to the Council the sum of £2,000 and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
YN416	10/00616	Land at Peacock Bungalow, Beehive Lane	Binfield	Binfield with Warfield	£ 59,200.00	£ 36,850.00	Not to Commence the Development without first paying to the Council the sum of FIFTY NINE THOUSAND POUNDS (£59,000) and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.
Total:					£ 67,350.00	£ 45,000.00	

**TO: COUNCIL
27 NOVEMBER 2013**

**REVISED PROPORTIONALITY CALCULATIONS AND COMMITTEE MEMBERSHIP
Director of Corporate Services – Democratic & Registration Services**

1 PURPOSE OF REPORT

- 1.1 This report sets out the position regarding the overall allocation of seats on committees following the formation of a third political group on the Council.
- 1.2 The report also seeks approval to changes to committee and external body membership following the death of Councillor Mrs Ballin and the appointment of Councillor Turrell to the Executive.

2 RECOMMENDATIONS

2.1 The Council is asked to agree:

- (i) **the establishment of ordinary committees, their size and allocation of seats to political groups, as set out in paragraph 6.1 of the report;**
- (ii) **the establishment of the Overview and Scrutiny Commission and the Standards Committee, their size and allocation of seats to political groups, agreeing a local variation to the proportionality rules, as set out in paragraphs 6.5, 6.6, 6.8 and 6.9 of the report;**
- (iii) **the changes to the membership of committees as set out in Appendix A;**
- (iv) **the changes to appointments to external organisations as set out in Appendix A**

2.2 The Council is asked to note the Leader's appointments as set out in paragraph 8 of the report.

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The Council is required to review the representation of political groups as soon as practicable after any change occurs. The Council is also required to make appointments to committees and external bodies in accordance with the wishes of the political groups.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The report reflects the Leader's recommendations for the allocation of seats on committees which comply with the political proportionality rules and the Council's previously agreed formula for the allocation of seats on overview and scrutiny. In order to maintain the status quo as closely as possible the number of seats on the Planning Committee and the Overview and Scrutiny Commission has been increased.
- 4.2 All Group Leaders were consulted on the proposals. The Minority Groups agreed between them which Group would take which seat on ordinary committees and

overview and scrutiny panels where there was only one minority seat available. The exception to this was the Environment, Culture and Communities Panel where agreement could not be reached. Therefore, as the current allocation of seats on the Panel complies with the proportionality principles set out in the report it is not proposed to recommend any changes to the allocation of seats on this Panel.

5 SUPPORTING INFORMATION

Formation of a third political group

- 5.1 The Council last reviewed its proportionality calculations and committee membership on 15 May 2013. On 25 September 2013 the Proper Officer received notice from Councillors Mrs Pile and Sargeant of the formation of the United Kingdom Independence Party (UKIP) Group.
- 5.2 Political groups, which must comprise two or more members, have an entitlement to committee seats. As a result of the formation of a third political group the political proportionality of the Council is as follows:

Group	Number of Councillors	Proportionality
Conservative Group	38	90.48%
Labour Group	2	4.76%
United Kingdom Independence Party Group (UKIP)	2	4.76%
		100%

Political balance requirements

- 5.3 The Local Government and Housing Act 1989 requires the Council to allocate seats on ordinary and overview and scrutiny committees to political groups in accordance with the size of each group on the Council as a whole, unless alternative arrangements are notified to all Members and agreed without any Councillor voting against them.
- 5.4 The Council is also required to make appointments to committees in accordance with the wishes of the political group to which each seat has been allocated. The allocation exercise for the Overview and Scrutiny Commission and the Licensing and Safety Committee has been separated from that for the other committees as these are not ordinary committees in the sense of the Local Government and Housing Act 1989 and therefore have not been aggregated together in the 'basket' of seats.
- 5.5 The Local Government and Housing Act 1989 introduced provisions in order to ensure that the political balance on committees reflects the political complexion of the Council. In order to achieve this, the Council is required to observe the following principles as far as is reasonably practicable:
- (a) that not all seats on the committee are allocated to the same political group;

- (b) that the majority of seats on each committee should be allocated to a particular political group if the number of members of the group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the total number of all seats allocated to each political group on ordinary committees should reflect the political balance of the Council; and
- (d) subject to paragraphs (a) to (c) above, that the number of seats on each committee allocated to each political group should reflect the political balance of the Council.

5.6 Principles (a), (b) and (d) apply to all appointments to the authority's own committees and sub-committees and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary' committees of the Council.

6 ALLOCATION OF SEATS ON ORDINARY COMMITTEES

6.1 The table below sets out the proposed allocation of seats and the effect of applying the political proportionality calculations for ordinary committees.

Committee	Number of seats	Conservative	Labour	UKIP
Appeals Committee	5	4	0	1
Employment Committee	9	8	1	0
Governance and Audit Committee	8	7	1	0
Governor Appointments Committee	5	4	0	1
Planning Committee	20	18	1	1
Total allocation of places	47	41	3	3
To achieve political proportionality	47	43	2	2

6.2 In order to comply with principle (a) above the Labour and UKIP Groups each have one more seat than they would be entitled to under rule (d) – rule (a) taking precedence over rule (d).

Licensing and Safety Committee

6.3 There are a further 15 seats on the Licensing and Safety Committee, which is the Council's Licensing Committee for the purposes of the Licensing Act 2003. As such it is not an ordinary committee in the sense of the Local Government and Housing Act 1989 and therefore it has not been included in the 'basket' of seats for the purposes of the overall allocation of seats on committees, but is shown separately below:

Conservative Group 13; Labour Group 1; UKIP Group 1

Overview and Scrutiny Commission

- 6.4 Although the allocation of seats to the Overview and Scrutiny Commission must be politically proportionate this is not an ordinary committee and should not be aggregated together with the seats of ordinary committees for the purposes of the allocation of seats to party groups by the Council under section 15(5)(c) of the Local Government and Housing Act 1989, i.e. principles (a), (b), and (d) apply but not (c).
- 6.5 Since May 2003 the Council has agreed to allocate seats on the Overview and Scrutiny Commission having regard to the proportion of seats held by the non-executive Members of the Council. This process has been followed in calculating seats on the Commission and Panels for the purposes of this review. Such a departure from the normal rules of proportionality is permitted by the Regulations if notice is given of the proposal in the agenda and if it is approved by the Council with no Member voting against. If any Member votes against the proposal then the normal proportionality rules would be applied.
- 6.6 It is proposed that the number of seats on the Commission is increased from 12 to 13. The proportionality calculation for the 13 seats is:

Conservative Group 11; Labour 1; UKIP 1

Sub-committees

- 6.7 Committees are also required to observe political proportionality when setting the membership of sub-committees. The current allocation of seats is set out below. In law the Overview and Scrutiny Panels are sub-committees of the Overview and Scrutiny Commission. The membership of the Commission has been increased as a result of the review therefore the Commission is under a duty to formally review the seats on its Panels, even though the outcome of the review will conclude that the Panels are already politically proportionate. A brief report will be presented to the next meeting of the Commission.

Overview & Scrutiny Panels/Sub-Committees	Number of seats	Conservative	Labour	UKIP
Adult Social Care & Housing OSP	9	8	1	0
Children, Young People & Learning OSP	9	8	1	0
Environment, Culture & Communities OSP	9	8	1	0
Health OSP	9	8	1	0
Education Employment Sub-Committee	6	5	1	0

Advisory committees and other bodies

- 6.8 The Standards Committee is an Advisory Committee of the Governance and Audit Committee and as such is required to be politically balanced. The current allocation of seats (Conservative 2; Labour 1; UKIP 0) is proportionate however the Council is asked to approve the following change which is equally proportionate:

Conservative 2; Labour 0; UKIP 1

- 6.9 The Independent Members plus the Parish Representative on the Standards Committee outnumber the councillors and deprive the majority group of a majority on the Committee. This departure from the normal rules of proportionality is permitted by the Regulations if notice is given of the proposal in the agenda and if it is approved by the Council with no Member voting against.
- 6.10 No changes are recommended to any of the Council's steering groups, advisory groups and panels.

7 MEMBERSHIP OF COMMITTEES AND OTHER BODIES

- 7.1 Appendix A sets out the committee, other body and external organisation membership changes as a result of the death of Councillor Mrs Ballin, the appointment of Councillor Turrell to the Executive and the review of seats on committees.

8 LEADER'S APPOINTMENTS

- 8.1 As a result of the changes set out in the report the Leader has taken the opportunity to review his appointments and has made the following changes:
- Councillor Chris Turrell has been appointed as the Executive Member for Planning and Transport and replaces Councillor Mrs Ballin on the following:
 - Access Advisory Panel (substitute)
 - Bracknell Town Centre Regeneration Committee
 - Environment Portfolio Review Group
 - Executive Committee: Contracts/Finance
 - Care and Community Policy Review Groups (PRGs) – the Leader has not yet appointed Members to replace Councillor Turrell on either of these Groups. Councillor Harrison is the Chair Elect of the Community PRG.
 - Member Development Charter Steering Group – the Group has been increased to 8 Members and the UKIP Group has been allocated a seat which will be taken by Councillor Mrs Pile.

9 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 9.1 Nothing to add to the report.

Borough Treasurer

- 9.2 There are no additional revenue implications arising from the above recommendations.

Equalities Impact Assessment

- 9.3 Not relevant to this report.

Strategic Risk Management Issues

9.4 Not relevant to this report.

Other Officers

9.5 Not relevant to this report.

10 CONSULTATION

Principal Groups Consulted

10.1 As set out in the report.

Method of Consultation

10.2 See above.

Representations Received

10.3 See above.

Background Papers

None

Contact for further information

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Summary of the membership changes set out in the body of the report

A Ordinary Committees

Appeals Committee	No change - membership list to be amended to reflect that Cllr Sargeant now represents the UKIP Group
Employment Committee	No change
Governance and Audit Committee	Cllr Birch to replace Cllr Mrs Ballin as a substitute
Governor Appointments Committee	No change - membership list to be amended to reflect that Cllr Sargeant now represents the UKIP Group
Planning Committee	Additional Member as UKIP is entitled to seat. UKIP vacancy – Member to be advised

B Other Committees/Bodies

Access Advisory Panel	Cllr Turrell has replaced Cllr Mrs Ballin as a substitute
Adult Social Care & Housing Panel	Conservative vacancy – Member to replace Cllr Turrell to be advised Cllr Harrison is the Chair Elect
Bracknell Town Centre Regeneration Committee	Cllr Turrell has replaced Cllr Mrs Ballin
Care Portfolio Review Group	Vacancy – Member to replace Cllr Turrell to be advised
Children, Young People & Learning Panel	No change
Community Portfolio Review Group	Vacancy – Member to replace Cllr Turrell to be advised Cllr Harrison is the Chair Elect
Education Employment Sub-Committee	No change
Electoral Review Steering Group	Cllr Turrell to replace Cllr Mrs Ballin
Environment, Culture & Communities Panel	No change
Environment Portfolio Review Group	Cllr Turrell has replaced Cllr Mrs Ballin
Executive	Cllr Turrell has replaced Cllr Mrs Ballin as the Executive Member for Planning and Transport
Executive Committee – Contracts/Finance	Cllr Turrell has replaced Cllr Mrs Ballin
Health Panel	No change
Licensing & Safety Committee	Conservative Membership reduced by one seat and UKIP entitled to a seat Cllr Kensall no longer a Member UKIP Member - Cllr Mrs Pile

Unrestricted

Member Development Charter Steering Group	Additional Member as UKIP has been allocated a seat UKIP Member – Cllr Mrs Pile
Overview & Scrutiny Commission	Conservative vacancy – Member to replace Cllr Turrell to be advised Additional Member as UKIP entitled to a seat UKIP Member – Cllr Sargeant
Standards Committee	UKIP seat to replace Labour seat Cllr Brown no longer a Member UKIP vacancy – Member to be advised

C External Organisations

Blackwater Valley Advisory Committee for Public Transport	Cllr Turrell to replace Cllr Mrs Ballin
Heathrow Airport Consultative Committee	Cllr Brunel-Walker to replace Cllr Mrs Ballin
Local Government Association (observer)	Cllr Dr Barnard to replace Cllr Mrs Ballin
Local Government Association Urban Commission	Cllr Dr Barnard to replace Cllr Mrs Ballin
South East England Councils	Cllr Bettison to replace Cllr Mrs Ballin Reserve - vacancy to replace Cllr Bettison
Thames Valley Heaths Joint Advisory Committee	Cllr Turrell to replace Cllr Mrs Ballin

	Leader's appointments
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**TO: COUNCIL
27 NOVEMBER 2013**

**REVIEW OF THE PLANNING PROTOCOL FOR MEMBERS
Director of Corporate Services – Legal**

1 PURPOSE OF REPORT

- 1.1 This report seeks the approval of the Council to a revised Planning Protocol for Members.

2 RECOMMENDATION

- 2.1 **That the draft Planning Protocol for Members shown as Annexe A to this report be adopted in substitution for the existing Protocol.**

3 REASONS FOR RECOMMENDATION

- 3.1 The existing Planning Protocol for Members is out of date. The draft Protocol reflects developments in the law and current thinking as to Members involvement in Planning matters.
- 3.2 The Leader of the Council has requested that the provisions of the current Protocol relating to party Group Whips be reviewed.
- 3.3 The draft Protocol has been approved by the Code of Conduct Working Group and was recommended for approval (with minor amendments) by the Standards Committee at its meeting on 30 October 2013.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 As set out in reports to the Code of Conduct Working Group.

5 SUPPORTING INFORMATION

- 5.1 The Council put in place a Planning Protocol for Members shortly after it became a unitary local authority in 1998. The Protocol has not been reviewed for many years and it no longer reflects either the law or current best practice. In particular it:-
- refers to provisions of the old prescribed Code of Conduct which have been replaced by a new local Code in consequence of the Localism Act 2011
 - takes a restrictive approach to Member engagement in the Pre-Application process which is significantly at variance with current government thinking which encourages Members to become engaged in the Pre-Application process
 - does not reflect the evolution both in case law and statute relating to the issues of pre-determination and use of party Group Whips.

- 5.2 The Terms of Reference of the cross party Code of Conduct Working Group were extended to include review of the Planning Protocol. The major alterations from the current Protocol proposed by the draft revised Protocol are set out below.

Member Engagement

- 5.3 As regards lobbying, the previous Protocol did not draw any distinction between constituents and others. Members of the Working Group were firmly of the view that whilst Councillors should be free to meet with constituents (including applicants) to receive their views it would not be appropriate to enter into discussions with other persons except as provided by the Pre-Application process. The Standards Committee generally endorsed that approach but agreed with an amendment to paragraph 8 of the draft Protocol proposed by the Borough Solicitor in order to make explicit that the prohibition on discussions with others does not preclude discussions with officers and other Members and to permit discussions with constituents of the ward the Member resides in (if different from the ward they represent).
- 5.4 The existing Protocol takes a restrictive view as to Member involvement in Pre-Application discussions. That is contrary to recent advice from central government, notably the National Planning Policy Framework, which promotes the view that Members can and should make a contribution in helping to shape development proposals. The draft revised Protocol seeks to achieve that aspiration but in the context of a controlled process which will achieve a proper degree of transparency. In that regard the essential elements of the revised draft Protocol are:-
- when developers contact the Council to engage in Pre-Application discussions they should be able to request that the Ward Members attend the meeting with the Planning officer.
 - the Ward Members can decide whether or not to engage in the Pre-Application process
 - the Executive Member with responsibility for Planning and the Chairman and Vice Chairman of the Planning Committee may attend the Pre-Application meetings
 - requests for Pre-Application discussions will be included on the weekly list of planning applications received sent to Members
 - all Members will have access to files on Pre-Application discussions but the confidentiality of those files must be retained.

Pre-determination

- 5.5 The law against pre-determination has evolved through case law. In essence "Pre-determination" is a rule of law that those involved in decision making should not have reached a final conclusion on which way they will vote in advance of the meeting at which the decision is to be taken. At the time the existing Protocol was put in place the courts were adopting a particularly

purist approach which resulted in a number of local authority planning decisions being quashed as a result of statements made by Councillors in advance of Committee meetings or Councillors on the Planning Committee having previously being involved in consideration of a proposed development in a different capacity (e.g. as a Member of an advisory Committee considering proposals affecting listed buildings). With the passage of time the courts have, pragmatically, recognised that the realities of life are such that it is not realistic to expect democratically elected Members to abstain from all comments on sometimes controversial development proposals until a Committee meeting. Accordingly, in recent years the case law has significantly “softened” and it is only in the most extreme of circumstances that a planning decision will be quashed through pre-determination. In addition, Section 25 of the Localism Act now provides that pre-determination should not be deemed to have occurred just because a Member has, prior to the decision being made, done anything that directly or indirectly indicated what view they would take. The draft revised Protocol reflects the more permissive state of the law.

Party Group Whips

- 5.6 Related to the evolution of case law on pre-determination, the law relating to the use of Group Whips has also developed since the Protocol was first adopted. In summary, the law now is that although Members may take into account the views of their fellow Members as expressed through the Group Whip it would be unlawful for them in reaching a decision to feel that they are obliged to follow the Group Whip instruction.
- 5.7 Council will recall that the Leader referred to the Standards Committee for its consideration the issue as to whether there had been a breach of the existing Protocol by the application of the Conservative Group Whip to approve the consultation draft of the Site Allocations Development Plan Document. On the basis that the existing Protocol is expressed to apply to all Planning decisions rather than just decisions on Planning applications, the Committee decided that there had been a technical breach of the Protocol.
- 5.8 Four main options were put to the Working Group, namely:-
- (a) retain the current blanket prohibition on applying the Group Whip to any planning decision.
 - (b) allow the Group Whip to be applied on all planning decisions.
 - (c) allow the Group Whip to be applied to planning policy decisions and to planning applications of strategic significance.
 - (d) allow the Group Whip to be applied only to planning policy decisions.

The Working Group were in favour of the option (d), an approach also endorsed by the Standards Committee.

Public Exhibitions and Presentations

- 5.9 The existing Protocol precludes Members from attending presentations by developers unless the arrangements have been approved by a Planning Officer and either a Planning Officer is present or has advised that a Planning

Officer need not be present. The Working Group were of the view that Members should be able to attend public exhibitions given by developers (without requiring approval from a Planning officer) but that attendance at private presentations would be inherently contrary to the degree of transparency appropriate in planning matters and should therefore be precluded (even in a capacity as Parish Councillor).

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 6.2 There are no financial implications directly arising.

Equalities Impact Assessment

- 6.3 Not required.

Strategic Risk Management Issues

- 6.4 Not required.

Other Officers

- 6.5 None.

7 CONSULTATION

Principal Groups Consulted

- 7.1 The Code of Conduct Working Group, Corporate Management Team and the Standards Committee.

Method of Consultation

- 7.2 Reports to meetings.

Representations Received

- 7.3 The draft revised Protocol is that approved by the Code of Conduct Working Group subject to minor amendments proposed by CMT and the Standards Committee.

Background Papers

File of Borough Solicitor.

Contact for Further Information

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Doc. Ref.

AIJ/f/reports//Council – 27 November 2013 – Planning Protocol for Members

ANNEXE A

PROTOCOL FOR MEMBERS IN DEALING WITH PLANNING MATTERS

1. INTRODUCTION

- 1.1 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that the Council should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.
- 1.2 Members role in the Planning process is to make decisions openly, impartially, with sound judgement and for justifiable planning reasons. When planning applications are reported to Committee, the report will contain an Officer recommendation as to whether planning permission should be granted or refused. Members are entitled to bring their own judgment to bear on planning applications and to make a decision contrary to Officer recommendation but it is important that such decisions are taken on sound planning grounds which will withstand scrutiny at a possible appeal (if planning permission is refused) or if the decision is referred to the Local Government Ombudsman.
- 1.3 Members should bear in mind their overriding duty is to the whole community, not just to the people in their Ward and, taking account of the need to make decisions impartially, they should not favour, or appear to favour any persons, business or locality irrespective of other considerations.

2. WHEN THE CODE APPLIES

- 2.1 This Protocol applies to all Member involvement in Planning functions (i.e. whether or not they are Members of the Planning Committee or hold any Executive responsibilities for Planning), including not only consideration and determination of applications for Planning Permission but also Planning enforcement action and the formulation and adoption of Planning policies.

3. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT: GENERAL

- 3.1 The rules set out in the Members' Code of Conduct apply equally to Planning matters as it does to other Council functions. This Protocol clarifies and supplements the Members Code of Conduct for the purposes of planning.
- 3.2 A breach of this Protocol may, in some circumstances, constitute a breach of the Members' Code of Conduct. However, in various respects, this Protocol goes beyond the requirements set out in the Code. Although, in some instances, a breach of the Protocol will not constitute a breach of the Code of Conduct the process for dealing with complaints alleging a breach of the Code of Conduct will apply also to complaints alleging a breach of this Protocol. A complaint may be made to the Council's Monitoring Officer who, in consultation with the Chairman of the Standards Committee will determine whether or not there are reasonable grounds for believing

that there has been such a breach and, if so, whether the complaint warrants investigation and reference to the Council's own Standards Committee.

4. DEVELOPMENT PROPOSALS AND MEMBERS' INTERESTS

- 4.1 If a Member has a Disclosable Pecuniary Interest or an Affected Interest, as defined by the Code of Conduct for Members, in a Planning matter, they should disclose the existence and nature of the interest in any discussions or meeting relating to the matter with officers or other Members.
- 4.2 The Council's Code of Conduct for Members provides that a Member has an Affected Interest in a matter if:-
- (a) a decision in relation to that matter might reasonably be regarded as affecting the financial position of an Affected Person to a greater extent than the majority of other residents in their Ward, or
 - (b) it is an application for a Licence, permission or consent made by an Affected Person or which (to the Member's knowledge) an Affected Person has made objections to the Council.

AND (in relation to both (a) and (b)) a member of the public who knows the relevant facts would reasonably think that the interest is so significant that it would be likely to prejudice the Member's judgement of the public interest.

The following are "Affected Persons":-

- (a) the Member
 - (b) the Member's spouse/partner
 - (c) the Member's parents and grandparents and those of the Member's spouse/partner
 - (d) the Member's children and grandchildren and those of the Member's spouse/partner
 - (e) the Member's employer, business partner or any person whom the Member has undertaken work for in the previous two years, and
 - (f) an employee of the Member
 - (g) a company in which the total nominal value of the securities held by the Member and/or the Member's spouse or partner exceeds £25,000 or more than ten per cent of the issued share capital
 - (h) a person with whom the Member has a close association
- 4.3 Development on a particular site will frequently have a financial impact upon other properties. In determining whether or not a development would have a financial impact upon a property owned by an Affected Person Members should have regard to the following factors in particular:-
- the proximity of the property of the Affected Person to the development site

- the visual impact which the development would have on or from the Affected Person's property
- whether the development would generate significant additional traffic passing or very near to the Affected Person's property

If a Member has any doubt as to whether a development would have a financial impact upon an Affected Person's property they should consult the Borough Solicitor who, jointly with the Director of Corporate Services, will make a determination.

4.4 Where a Member has a Disclosable Pecuniary Interest or an Affected Interest

4.4.1 They should not participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council

4.4.2 They should not try to represent ward views; they should get another Ward Member to do so instead.

4.4.3 They should not get involved in the processing of the Application (other than as provided for by 4.4.5 below).

4.4.4 They should not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of their position as a Councillor.

4.4.5 They should not make representations in connection with the matter except in writing to the Officer having conduct of the matter and/or to another Member appointed to the Planning Committee (or to the relevant Executive Member if the matter in issue is an Executive responsibility). All correspondence should expressly state that the Member has a Disclosable Pecuniary Interest/an Affected Interest and indicate the nature of the interest.

4.4.6 They should withdraw from a meeting of the Council, a Committee, a Sub-Committee, a Joint Committee, the Executive or an Executive Committee prior to the relevant matter being considered after first advising the Democratic Services Officer in attendance at the meeting that they are withdrawing from the meeting as they have a Disclosable Pecuniary Interest or an Affected Interest (as the case may be).

4.5 Members should not act as an Agent for anyone else in pursuing an application for planning consent, enforcement issue or other planning matter.

4.6 Members should inform the Monitoring Officer, in writing, of any application for a planning permission or consent which they intend to seek.

5. **BIAS**

5.1 Case law has established that if a Member participates in consideration of a matter in circumstances where a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias, the decision taken will be unlawful and, if challenged in the courts, will be likely to be quashed.

5.2 The Council's Code of Conduct for Members and Standing Orders require a Member to withdraw from a meeting and to refrain from involvement in decision making where the Member has a Disclosable Pecuniary Interest or an Affected Interest. However,

there may, exceptionally, be other interests which do not fall within the category of either Disclosable Pecuniary Interests or Affected Interests but which may give rise to a real possibility of bias. The test to be applied is that set out in paragraph 5.1 above. If a Member concludes that there is a real possibility of bias they should withdraw from a meeting when the matter is discussed and Members should refrain from any involvement in decision making. In case of doubt or difficulty Members should discuss the matter with the Monitoring Officer.

6. PRE-DETERMINATION

- 6.1 The law also provides that a decision will be unlawful and liable to be quashed if a Member who has pre-determined the issue makes or participates in the making of the decision. Pre-determination means approaching the matter with a closed mind. i.e. that in advance of the meeting the Member has decided which way they will vote/what decision they will make, regardless of the officer advice or what is said by other Members during debate.
- 6.2 Section 25 of the Localism Act has modified the case law on pre-determination by providing that a Member is not to be taken to have had a closed mind when making the decision **just because** they had previously done anything that directly or indirectly indicated what view they would take.
- 6.3 Section 25 does not abolish the rule against pre-determination but it does re-affirm a distinction between pre-disposition and pre-determination. A Member may arrive at a meeting pre-disposed to voting or making a decision in a particular way so long as they have not entirely closed their mind to any alternatives. Members are entitled to express to their constituents their view on a particular application in advance of the meeting so long as they do not bind themselves to vote at the meeting in a particular way.
- 6.4 The law provides that it is lawful for a Party Group Whip to be applied to a Planning matter. In reaching their view as to which way they will vote Members of the Group may have regard to the views of colleagues as expressed through the imposition of the Group Whip but should not abdicate their personal responsibility by considering that they have to blindly follow the Group Whip. The Council in the formulation of this Protocol has determined that Party Group Whips may only be applied in connection with the formulation and adoption of Planning policies, including the formulation and adoption of Development Plan Documents (Local Plans) and Supplementary Planning Documents. Accordingly, it would be a breach of this Protocol if a Group Whip were to be applied in relation to an application for planning permission or a decision on whether or not to take enforcement action.

7. DISCUSSIONS WITH CONSTITUENTS

It is important that Members should be able to receive the views of their constituents. Accordingly, Members may discuss Planning matters with any of their Ward constituents including those constituents who have made or intend to make an application for Planning Permission. For the protection of Members it would be prudent for a Member having any such discussion to make a written note of the meeting. If a Member considers that it would be appropriate to have an officer present when they meet with a constituent they should contact the Head of Development Management to agree the arrangements. If a Member is requested to meet with a constituent to discuss a Planning matter they should make clear that no third party (such as a developer who is not a constituent or a planning agent) can be present. If the constituent advises that they wish a third party to be involved the

Member should advise their constituent that they should use the Pre-Application process as set out in Section 9 below. If in the event a constituent does attend the meeting with a third party the meeting should not proceed further.

- 7.2 In any discussions with constituents (and as provided by Section 9 on Pre-Application discussions and Section 10 on Presentations) Members may indicate their view in relation to the matter but should not commit themselves to voting or determining the matter in a particular way.
- 7.3 In any discussions concerning planning applications (whether with constituents or as provided by Section 9 below) Members should be careful not to convey the impression or to represent that they are doing anything other than expressing their personal views i.e. Members should be careful to avoid giving the impression that they have authority to speak on behalf of the Council.
- 7.4 Members should inform the Monitoring Officer if they feel that they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), whether from a constituent or a third party.

8. DISCUSSIONS WITH NON-CONSTITUENTS

- 8.1 Members should not have discussions with persons (including developers and their planning agent or other representative) who are not constituents of the Ward which they represent save:-
 - (a) as provided by Section 9 below,
 - (b) with constituents of the Ward in which the Member resides,
 - (c) with other Members, or
 - (d) with officers

9. PRE-APPLICATION DISCUSSIONS

- 9.1 The National Planning Policy Framework recognises the value of and encourages Pre-Application discussions between Local Planning Authorities and developers. The NPPF notes that the more issues that can be resolved at pre-application stage, the greater the benefits, and exhorts Local Planning Authorities to encourage developers to take up any pre-application services offered. The appropriate involvement of Members in the Pre-Application process in accordance with the provisions set out below should enhance its value. As a general principle, Members should, where appropriate, seek to encourage promoters of development schemes to engage in the Pre-Application process.
- 9.2 Promoters of development schemes wishing to engage in Pre-Application discussions will be advised that:-
 - (a) if they wish to secure Member input into the Pre-Application discussions they can request that the Ward members attend a meeting with a Planning Officer present. The decision as to whether or not a Ward Member attends such a meeting rests with the Member.
 - (b) although (subject to the Environmental Information Regulations Act and any other relevant legislation) the Council will respect the confidentiality of

information which the scheme promoter makes clear is disclosed in confidence, Members will have access to Council files on Pre-Application discussions.

- 9.3 The Planning section will include new requests for Pre-Application discussions on the weekly list of Planning applications circulated to Members.
- 9.4 If a Member wishes to express their views on a matter the subject of Pre-Application discussions they may set out those views in writing sent to the relevant Planning Officer who will place a copy of the communication from the Member on the Pre-Application file. Members should be aware that such comments may in due course become publically available.
- 9.5 Members should not disclose any confidential information or documents held on Pre-Application files other than to another Member or to an officer of the Council.
- 9.6 The Executive Member with responsibility for Planning, the Chairman and Vice Chairman of the Planning Committee may attend any meeting for Pre-Application discussions.

10. PUBLIC EXHIBITIONS AND PRESENTATIONS

- 10.1 Members may attend exhibitions of development proposals arranged by developers which the general public may attend. There is no need for an officer to be present or to inform the Planning section of a proposed attendance. However, the preceding provisions of this Protocol, notably those relating to Pre-determination and Members not conveying the impression that they have any authority from the Council, apply equally to attendance at exhibitions and presentations as they do to other occasions.
- 10.2 Members should not attend exhibitions arranged by developers on an occasion when the general public are not able to attend.
- 10.3 On occasions developers may in advance of an application being considered by the Planning Committee wish to give a presentation to Members to explain their development proposals and/or to provide an opportunity for Members to raise questions in connection with the proposals. The decision on whether to agree to a request for a presentation rests with the Chief Officer: Planning and Transport following consultation with the Executive Member with responsibility for Planning and the Chairman (or in his/her absence the Vice-Chairman of the Planning Committee). Any such presentation will be open to the public and public notice of the presentation shall be given.
- 10.4 The foregoing provisions shall not preclude Members from attending a closed meeting or presentation by a developer which the Member attends in a non-Planning capacity (for example, in the Council's capacity as a landowner).

11. OFFICERS

- 11.1 Members should not put pressure on Officers to put forward a particular recommendation. (This does not prevent Members from asking questions or submitting views to the Head of Development Management or the Chief Officer: Planning & Transportation, which may be incorporated into any Committee report).
- 11.2 Members should recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of

Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, Planning Officers views and opinions will be presented on the basis of their overriding obligation of professional independence, which may, on occasion, be at odds with the views, opinions or decisions of the Committee or its Members. Members should bear in mind that in assessing planning applications and formulating their recommendations officers will, in light of the statutory obligation placed upon the Council to determine applications in accordance with the statutory Development Plan unless other material consideration indicate otherwise, have particular regard to the Council's adopted planning policies.

12. DECISION MAKING

- 12.1 Members should ensure that if they request a proposal to go before the Committee rather than be determined through Officer delegation, that their reasons are recorded and repeated in the report to the Committee.
- 12.2 All reports on Planning applications will contain an officer recommendation. Members are **not** required to consider a motion in the terms of the officer recommendation before any other motion is considered. If prior to a meeting of the Planning Committee a Member forms the view that they are likely to move a Motion contrary to the Officer's recommendation (whether for approval or refusal) they should contact the Case Officer to discuss the Application as soon as reasonably practicable to discuss their reasons for departing from the Officer recommendation. If the Member remains of the view that they wish to move a Motion contrary to the Officer recommendation, they should formulate reasons for refusal or approval (as the case may be) and ensure that a copy is circulated to all Members of the Committee when the item is considered. If a Member decides during the course of debate at the Planning Committee that they wish to move a Motion contrary to the officer recommendation they will still need to formulate reasons for the decision which should be read to the Committee. Officers may assist Members in the formulation of wording for a Motion to be put to the Planning Committee and supporting reasons but should officers do so such assistance should not be understood as constituting support for either the Motion or reasons. The Chairman of the Planning Committee may at his/her discretion request officers to appraise the Committee of their views on the Motion and supporting reasons.
- 12.3 Members should not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the Officers' introduction to the matter.
- 12.4 If a Member proposes, seconds or supports a decision contrary to Officer recommendation, or the Development Plan, they should clearly identify and understand the planning reasons leading to this conclusion or decision. Those reasons must be given prior to the vote and be recorded. Members should be aware that they may have to justify the resulting decision by giving evidence in the event of any appeal or challenge.

13. SITE VISITS

- 13.1 This section relates to site visits arranged by Officers prior to a meeting of the Planning Committee or made pursuant to a resolution of the Committee; it does not relate to visits made by individual Members (usually Ward Members) to the location of a planning application to assist him/her in formulating his/her views on an application. Individual Members making such visits should not enter on to private

land unless they are authorised to do so by the owner and should bear in mind that no discussions should be held save in accordance with the preceding provisions of this Protocol.

- 13.2 The site inspection should only be treated as an opportunity to seek information and to observe the site.
- 13.3 Through the Officers present at the site meeting, questions should be asked or clarification of matters which are relevant to the site inspection should be sought.
- 13.4 If at all possible, representations from the Applicant (or their Planning agent and/or other representative) or third parties should not be received.
- 13.5 Opinions or views to the Applicant (or their Planning agent and/or other representative) and/or Site Owner should not be expressed.

14. APPEALS

- 14.1 An applicant applying for planning permission whose application is refused by the Council has a statutory right of appeal. Rights of appeal are also afforded in respect of certain types of other refusals (e.g reserved matters consent, listed buildings consent). Such appeals may be determined by way of written representation, informal hearing or public inquiry. Once an appeal is made, the Council ceases to have jurisdiction in the matter and Members are able to make representations on the matter to the Inspector appointed to determine or hear the appeal. However, a Member with a Disclosable Pecuniary Interest or an Affected Interest in the matter should disclose that fact and the nature of the interest when making representations.
- 14.2 Although a Member when making representations in connection with an appeal may disclose to the Inspector that they are a Member of the Council care should be taken to avoid the impression that the Member is making representations on behalf of the Council or is authorised by the Council to make such representations.
- 14.3 On rare occasions, notably in some cases where Members have refused permission against Officer advice, it may be appropriate for a Member to give evidence on behalf of the Council.

**TO: COUNCIL
27 NOVEMBER 2013**

PROTOCOL FOR PHOTOGRAPHY, AUDIO/VISUAL RECORDING AND USE OF SOCIAL MEDIA AT COUNCIL AND COMMITTEE MEETINGS

Director of Corporate Services – Democratic & Registration Services

1 PURPOSE OF REPORT

- 1.1 This report asks Members to approve the Governance and Audit Committee's recommendation to adopt a Protocol to regulate filming and recording of public meetings by members of the public.

2 RECOMMENDATION

- 2.1 **That the draft Protocol appended to the report is approved for adoption.**

3 REASONS FOR RECOMMENDATION

- 3.1 There have been a number of occasions recently when officers have become aware that members of the public intend recording a Council or committee meeting. In the absence of a Protocol to set out the circumstances under which this would be permitted and the guidelines which should be followed, each instance has had to be dealt with on a case by case basis.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council could continue to operate without an agreed Protocol and deal with each instance as it arises.

5 SUPPORTING INFORMATION

Governance and Audit Committee Meeting – 30 September 2013

- 5.1 The Governance and Audit Committee considered whether to recommend the adoption of a Protocol to regulate reporting and recording of public meetings at its meeting on 30 September. The Committee considered whether a Protocol was necessary and on balance decided that it would be helpful to set out what would be acceptable behaviour and the implications if the provisions within the Protocol are ignored. The Committee asked for the Protocol to be amended to make it clear that it applies to public meetings only. Subject to that amendment the Committee recommended adoption of the Protocol to Council. The Protocol incorporating the Committee's amendment is set out in Annex A.

Background Information

- 5.2 The Committee was advised that in June 2013 the Department for Communities and Local Government (DCLG) published a guide: 'Your council's cabinet – going to its meetings, seeing how it works; a guide for local people', which refers to the public's

right to film Council meetings. The Committee was also advised that Eric Pickles, the Secretary of State for Communities and Local Government had been championing the right of individuals to do so. The DCLG guidance states that:

Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

- 5.2 Subsequent to the Governance and Audit Committee meeting Eric Pickles announced that the Local Audit and Accountability Bill, which is currently before Parliament, will enshrine in law the right of residents, bloggers and journalists to report, blog, tweet and film council meetings. The Bill has completed the Lords stages and is being considered by a Public Bills Committee.

Adoption of the Protocol

- 5.3 The Protocol adheres to the principles of openness and transparency and provides clear guidance to members of the public in order to ensure that any recording is not disruptive, distracting or inhibiting to the meeting in any way.
- 5.3 The Protocol asks those wishing to record a meeting to contact the Head of Democratic & Registration Services as early as possible before the start of the meeting so that they can be made aware of the provisions of the Protocol. Consideration was given to requiring notice of a request to record. However, given that most mobile phones allow audio recording, the taking of photographs and video recording, it is likely that someone will decide just before, or during the meeting to make a recording. Whilst it is very difficult to stop this happening, the Protocol sets out the implications for actions in breach of the Protocol, for example if someone fails to comply with the Protocol they will be refused permission to record future meetings.
- 5.4 There will be signs on meeting room doors and the Mayor/Chairman will make an announcement at the beginning of each meeting advising whether any requests to record the meeting have been received and referring people to the Protocol, copies of which will be available at each meeting.
- 5.5 The Protocol also covers social media reporting of meetings.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Nothing to add to the report.

Borough Treasurer

- 6.2 There are no financial implications arising directly from this report.

Equalities Impact Assessment

- 6.3 All members of the public are treated equally under this Protocol.

Strategic Risk Management Issues

- 6.4 The Council will be open to criticism if it does not have a policy that allows the public to record and report on open meetings.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Not applicable.

Method of Consultation

- 7.2 Not applicable.

Representations Received

- 7.3 Not applicable.

Background Papers

None

Contact for further information

Ann Moore, Democratic & Registration Services - 01344 352260
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PROTOCOL FOR PHOTOGRAPHY, AUDIO/VISUAL RECORDING AND USE OF SOCIAL MEDIA AT COUNCIL AND COMMITTEE MEETINGS

1. Introduction

- 1.1 This Protocol provides guidance to members of the public or press who wish to photograph or record proceedings at any of the Council's public meetings.
- 1.2 The Council supports the principles of openness and transparency in the way it conducts its meetings. Sound recording, photographing, filming, and use of social media at meetings which are held in public is permitted:
 - (a) subject to the provisions of this Protocol; and
 - (b) provided that the Mayor/Chairman is satisfied that it will not be disruptive or distracting to the good order and conduct of the meeting.
- 1.3 No restrictions will be placed on anyone using social media at a public meeting subject to the limitations regarding photography and audio/visual recording set out in this Protocol.
- 1.4 Meetings which take the form of hearings, such as, but not limited to, Licensing Panel or Appeals Committee meetings, may not be suitable for recording due to the nature of some of the evidence given at the hearing. It will be at the Chairman's discretion to determine whether the recording of a particular hearing will be permitted.
- 1.5 Failure to follow the provisions within this Protocol will result in the Mayor/Chairman refusing to allow the proceedings to be photographed or recorded.
- 1.6 For the purposes of this Protocol 'recording' includes sound recording, photographing, filming, and use of social media. Social media includes, but is not limited to Twitter, Facebook and blogs.

2. Before the meeting

- 2.1 Those wishing to record proceedings at a meeting are advised to contact the Head of Democratic & Registration Services as early as possible before the start of the meeting so that arrangements can be discussed and the agreement of the Mayor/Chairman can be sought.
- 2.2 The name, organisation (if applicable) and contact details of the person wishing to record proceedings are required and should be provided before the meeting if possible:

3. At the meeting

- 3.1 Notices will be displayed in the meeting room advising that proceedings may be recorded, and the Mayor/Chairman will make an announcement to this effect at the beginning of the meeting if a request has been received.

Unrestricted

- 3.2 Members of the public attending a meeting to ask a question, present a petition or make a representation will be deemed to have given consent to being photographed or recorded.
- 3.3 Members of the public seated in the public seating area who actively object, should not be photographed, filmed or recorded as long as this does not undermine the broader transparency of the meeting.
- 3.4 Photography or filming must take place from a fixed position in the meeting room approved by the Mayor/Chairman, to ensure that the view of Councillors, officers, public and press, is not obstructed.
- 3.5 The use of flash photography or additional lighting will only be permitted if agreed in advance with the Head of Democratic & Registration Services and the Mayor/Chairman.
- 3.6 Photography or audio/visual recording will be stopped if the Mayor/Chairman feels it is disrupting or inhibiting the meeting in any way or any pre-meeting agreement has been breached.
- 3.7 If someone refuses to stop recording when requested to do so the Mayor/Chairman will ask the person to leave the meeting. If the person refuses to leave, the Mayor/Chairman will adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.
- 3.8 Anyone asked to leave a meeting because they have refused to comply with the Mayor/Chairman's request to do so, will be refused permission to record future meetings.

4. After the meeting

- 4.1 Photographs and audio/visual recordings must not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show lack of respect towards those being photographed or recorded.
- 4.2 If someone fails to comply with this Protocol the Mayor/Chairman will refuse to allow this person to record any future meetings.
- 4.3 The responsibility for how any photographs or audio/visual recording is used rests with the person who made the recording and not the Council.

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**TO: COUNCIL
27 NOVEMBER 2013**

SCHEDULE OF MEETINGS 2014/15 Director of Corporate Services

1 PURPOSE OF THE REPORT

- 1.1 To seek approval to the proposed Schedule of Meetings 2014/15.

2 RECOMMENDATION

- 2.1 **That the schedule of meetings 2014/15 as set out in the annex to this report be approved.**

3 REASONS FOR THE RECOMMENDATION

- 3.1 To enable arrangements for the next municipal year's meetings to be put in place and assist members plan their diaries for the year ahead.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 An extensive consultation took place with Directors, Chief Officers and other key officers regarding the timetable to ensure as far as possible that the schedule provides for meetings when decisions are required so that all matters are dealt with on a timely basis. Adjustments could be made to the timetable but adjusting one meeting date is likely to have a impact on a number of others given the inter-relationship between meetings and the limited number of dates available throughout the year.

5 SUPPORTING INFORMATION

- 5.1 The timetable has been drawn up having regard as far as possible to the usual limitations:
- Avoiding meetings during the school holidays as far as possible.
 - Leaving a gap of at least 8 days between meetings of the Executive and Council to allow time for the Executive report (and any recommendations) to be published either with the Council agenda or the next day.
 - Scheduling the Local Joint Committee at least 15 days before each meeting of the Employment Committee.
 - Avoiding 7.30 meetings on Fridays.
 - Scheduling each committee's meetings on the same day of the week throughout the year.

- Avoiding a gap of more than 5 weeks between meetings of the Planning Committee
- 5.2 With the elections in May 2015, April will fall within the purdah period, so the majority of meetings which would normally be held in April, have been moved forward to March.
- 5.3 If the schedule is agreed, it is hoped that members will only seek to change these dates in exceptional circumstances as to do so inevitably causes problems for some people.
- 5.4 Council is accordingly invited to approve the schedule set out in the annex to this report.

Background Papers

None

Contact for further information

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SCHEDULE OF MEETINGS – 2014-15

	Day	Start Time	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2015	FEB	MAR	APR	MAY
COUNCIL	Wed	7.30	14(A)		16		17		26		21	25		29	20
Portfolio Review Groups (Closed)	-	6.30/ 8.00		2/3/ 30	1		1/2/ 29/30	27/28	24/25		5/6 19/20		9/10		
Executive Briefing (closed)	Tue	5.00	6	10	2		9	7	4	2	13		17		
EXECUTIVE	Tue	5.00	20	24	22		23	21	18	16	27	10	31		
Bracknell Town Centre Regeneration Committee	Mon	5.30	19		7		8		3		5		16		
School & Children's Centre Performance Advisory Panel	Thu	5.00		12			11			4			5		
Corporate Parenting Advisory Panel	Wed	5.00		25			24			10			25		
OVERVIEW & SCRUTINY COMMISSION	Thu	7.30	1/14(A)		10		4		20		29		19		
Adult Social Care Overview & Scrutiny Panel	Tue	7.30		17			16				20		24		
Environment, Culture and Communities Overview & Scrutiny Panel	Tue	7.30		24			23				13		17		
Children, Young People and Learning Overview & Scrutiny Panel	Wed	7.30		11			10				14		4		
Health Overview & Scrutiny Panel	Thur	7.30			3			2			15		12		
Planning Committee	Thu	7.30	29	19	17	21	18	16	13	18	22	26	26	23	28
Licensing & Safety Committee	Thu	7.30		12				9			8				
Licensing Panels	Wed	AM/PM	To be arranged on Wednesday (normally afternoons) when required.												
Employment Committee	Wed	7.30		18				8		17			18		
Education Employment Sub	Tue	5.30			15			14				3			
Local Joint Committee	Tue	4.00		3			16		25				3		
Health and Safety Panel	Wed	3.30	21						12						
Appeals Committee	Mon	9.00 am		9	14		1	6	10	8	12		23		
Governance & Audit Committee	Wed	7.30		25			24				28		25		
Education Governor Appointments Committee	Mon	6.30		16					17				2		
Standards Committee	Mon	6.00		23							19				
Health & Wellbeing Board	Thu	2.00		5			4			11			5		
Bracknell Forest Access Group	Wed	7.30			2			1				4		22	
Parish & Town Councils' Liaison Group	Wed	7.30			9			15			7		11		

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