

COUNCIL
17 SEPTEMBER 2014
7.30 - 9.35 PM



Present:

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

Apologies for absence were received from:

Councillors Bettison, Dudley, Heydon, Kensall, Mrs Pile and Ward

17. Minutes of Previous Meeting

RESOLVED that the minutes of the Council meeting held on 16 July 2014 be approved and signed by the Mayor as a correct record.

18. Declarations of Interest

Councillors Finnie, Finch, Thompson and Wade declared an interest in Agenda Item 8: (S106 Supplementary Capital Approval), as members of the Bracknell Rugby Club.

19. Mayor's Announcements

Suspension of Council Procedure Rule 11

The Mayor advised that he had agreed to add the motion tabled by Councillor Brunel-Walker to the agenda as Agenda Item 11, subject to Council agreeing to suspend Council Procedure Rule 11, motions on notice.

Upon being put to the vote it was **RESOLVED** that Council Procedure Rule 11 be suspended to allow the tabled motion 01/2014 moved by Councillor Brunel-Walker and seconded by Councillor McLean to be considered as Agenda Item 11.

Mayor's Charity Events

The Mayor announced that the following charity events would be taking place in the upcoming months in aid of the Mayor's charity:

- 17 October 2014: Table Top Sale at the Early Bird Florist in Binfield. Members were asked to give any contributions they may wish to make to either Councillor Mrs Angell or the Mayoral Support Officer.
- 6 November 2014: Cake Sale at Easthampstead House at 11am. Any contributions from Members would be welcome.
- 15 November 2014: Mayor's Charity Concert at St Michael and St Mary Magdalene Church, Easthampstead at 3pm. Pupils from local schools would be attending the concert as well as the church choir.

- 23 November 2014: Mayor's Curry Evening.

Other Mayoral Announcements

The Mayor announced that November was Pancreatic Cancer Research month and that he would be working closely with his charity during this month.

The Mayor's Just Giving Page had now been set up.

Executive Member for Corporate Services

Councillor McCracken was pleased to announce that the Bracknell Town Centre Library had been chosen as one of 200 libraries nationally to participate in the Wimpy Kid Challenge. This was quite an achievement, particularly given the difficult financial climate libraries had faced recently; he was delighted that Bracknell Library had been chosen. Bracknell Library would be giving away 53 books from the Wimpy Kid series of books as a result.

Councillor McCracken offered his congratulations to Paul James, the Cemetery and Crematorium Supervisor at Easthampstead Cemetery and Crematorium for achieving runner up employee of the year in the Good Funeral Guide.

Councillor McCracken commended officers in Environmental Health and Trading Standards who had undertaken excellent work to recover in excess of £50,000 monies being withheld illegally. There had also been successful prosecutions for fly tipping in two areas of the borough.

Councillor McCracken was pleased to congratulate the Emergency Planning Team in achieving the ROSPA Gold Award for the fifth time.

Executive Member for the Environment

Councillor Mrs Hayes reported that a number of the Council's employees would be leaving the Council to join Continental Landscape Limited. These staff had given years of excellent service and shown great commitment to the residents and business needs of the borough through inclement weather including snow and even flooding. She looked forward to continuing the excellent working relationship with these staff and their new management team. Councillor Mrs Hayes wished them well for the future.

Councillor Mrs Hayes was pleased to announce that the 26 six foot poppies that had been displayed around the borough had been hugely successful and very well received by local residents. The poppies would be put out again in November for the First World War centenary and thereafter each year in November. If those Members who had not yet purchased a poppy, would like to purchase one they should contact her or Councillor Virgo.

Councillor Mrs Hayes announced that yew trees shaped like Christmas trees were available for purchase and provided a sustainable alternative to traditional Christmas trees. Members were asked to contact Councillor Mrs Hayes if they would like a yew tree for their areas. These trees would be utilised in Martins Heron and Chavey Down.

Councillor Mrs Hayes congratulated Bracknell Town Council for winning their category in the Bracknell in Bloom awards and winning the silver gilt award.

Councillor Mrs Hayes asked all Members to note the Re3 annual environmental report.

Executive Member for Children, Young People & Learning

Councillor Dr Barnard was pleased to announce that the Lights Out event at South Hill Park on 4 August 2014 had been a huge success with 400 attendees. Banners created by local schools had been projected onto the South Hill Park building and it had been a special evening, he passed forward his thanks to all those that had been involved in organised the evening. The banners would be projected again on 11 November on the Ocean House building to mark the centenary of the First World War.

Councillor Dr Barnard was proud to announce that this year both GCSE and A level results had improved showing that local young people had once again excelled themselves. He thanked students, staff, parents and families who all played a part in supporting young people. He was pleased to announce that early years had also achieved good results this year.

20. **Presentation from 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 speak to Members about budgets and regional funding.

The Police and Crime Commissioner reported that the performance of the Thames Valley Police (TVP) over the last two years had been remarkable. Household burglary was at a 40 year low and other burglaries were at a two year low. Rural crime had dropped in Thames Valley whilst it had increased elsewhere. Technology such as Automatic Number Plate Recognition had helped police forces hugely as well as good support from local Community Safety Partnerships.

The Police and Crime Commissioner reported that the six years ahead were a concern in terms of budgets. £1m would need to be cut from the Thames Valley Police budget which would present significant challenges.

The Chief Constable then delivered her presentation to the Council and reported that the Her Majesty's Inspectorate Constabulary (HMIC) Review had made the following points about TVP:

- TVP was on track to achieve its required savings of £58.9m with a comprehensive strategy to achieve future savings, whilst continuing to fight crime and keep communities safe
- With a focus on non-pay costs, TVP had been able to achieve savings with a considerably smaller reduction in officer and staff numbers than other forces
- Thames Valley stood out as having increased the actual numbers of officers and staff in frontline roles. This was commendable and demonstrated the ambition and commitment of the force to maintain the confidence of its communities
- The force had achieved the highest reduction in crime in comparison to other forces. Crime levels were low overall and high levels of victim satisfaction have been maintained.

The Chief Constable reported that she was very proud of the strong report from HMIC.

The Chief Constable outlined the Police Delivery Plan Six Strategic Objectives for 2014/15 and provided some detail around the work taking place to support these objectives:

1. Cut crimes that were of most concern to the community
2. Increase the visible presence of the police
 - 650 Special Constables were now employed in the Thames Valley region. 126,016 hours operational policing since January 2014, 23% of this was in the Berkshire region.
 - A 12 month Street Triage in Oxfordshire had led to a 38% reduction in the number of people detained under s.136. There were plans to expand to East Berkshire. The Chief Constable stated that she would encourage colleagues from the Health & Wellbeing Board to get involved in this work and help forge strong partnerships.
3. Protect communities from the most serious harm
 - Tackling Child Sexual Exploitation: it was reported that there were currently 16 live investigations taking place in Berkshire. TVP were keen to work with health professionals and local authorities to share intelligence and work together in this area. More resources had been put into this area over the last three budget rounds and the Kingfisher Unit had been set up with Oxfordshire County Council.
 - Organised Crime Groups: 59 disruptions to these groups had been achieved in 2013/14.
4. Improve communication with the public in order to cut crime and build trust and confidence with communities
5. To tackle bureaucracy and develop the professional skills of all staff
6. To reduce costs and protect the frontline

The Chief Constable then responded to questions from the Council.

In response to a question regarding child sexual exploitation, the Chief Constable assured the Council that they would investigate all crime regardless of the ethnicity of the perpetrators. TVP had taken part in a serious case review and this had not given rise to any evidence to suggest that police officers were holding back due to the ethnicity of perpetrators.

In response to a question regarding the failure of the Police and others in South Yorkshire to listen to the young girls that were being abused there, the Chief Constable stated that raising awareness and detecting warning signs were key. A training package was being delivered to various hotels and guest houses. Missing persons training was also being delivered as it was clear that the young girls being abused in South Yorkshire were repeatedly going missing.

Work to raise awareness with young people was also being delivered this included TVP 50% funding the playing of 'Chelsea's Choice' to help raise awareness among children and parents. 'Values Against Violence' also helped give children positive messages instead of scaring them.

The area of Child Sexual Exploitation was also being given a great deal of senior officer oversight and increased resources.

In response to a question regarding British citizens going abroad and being radicalised the Chief Constable reported that it was known that 12 people had travelled to Syria from Slough. 11 of these had travelled for humanitarian purposes and one to fight. The Chief Constable reported that this created several issues that needed to be tackled. All persons travelling to these regions would be wanted by the Police on their return; sometimes persons returning posed a threat.

TVP worked closely with colleagues in London in this area. She stated that the terrorist threat posed to the UK was likely to remain as severe for some time.

In response to a question regarding the theft of bikes in the borough, the Chief Constable reported that the marking of bikes was key, as this enabled TVP to return recovered bikes to their rightful owners.

The Mayor thanked the Chief Constable and the Police and Crime Commissioner for their attendance and informative presentations.

21. **Executive Report**

The Deputy Leader of the Council, Councillor Birch, presented his report on the work of the Executive since that reported at the Council meeting on 16 July 2014. The Executive had met once on 22 July 2014.

The Deputy Leader highlighted the following matters that had been considered:

- **Adult Services, Housing & Health:**
 - Safeguarding Adults Annual Report
 - Dedicated website: www.bfsapb.org.uk was now established
 - Berkshire Care Association Conference held in November 2013
 - The Making Safeguarding Personal Project – this project ensured that the person was kept at the centre of their care and their wishes considered primarily at all times.
 - Multi-agency involvement in safeguarding including Thames Valley Police and the Clinical Commissioning Group working together closely
 - Increased prominence and awareness of safeguarding, including 32% increase in alerts
 - Local Account 2013/14 which provided a statutory overview of activity and performance. An easy read format had also been produced as well as three YouTube clips.

- **Finance & Community Cohesion**
 - Commitment budget 2015/16 – 2017/18: brings together financial impact of all current plans and created a starting point for the 2015/16 budget. The period ahead would be challenging with an underlying gap of £16.5m over three years.
 - Equality Framework for Local Government Peer Review: the review had been undertaken in April 2014. The findings of the peer review were that Bracknell Forest Council had a good understanding of its communities; was rated as achieving and in a good position to reach excellent. An action plan had been developed and submitted to the Executive.

- **Children, Young People & Learning**
 - Community Learning Development Plan 2014-17
 - Pan Berkshire Adoption Service, this involved a service that was led by the Royal Borough of Windsor and Maidenhead. It was hoped to improve the efficiency, effectiveness and responsive of the service.

- **Forward Look**
 - Residents' survey, this had included a telephone survey of 1,800 residents and the results would be available early next year.

- Child Sexual Exploitation, post Rotherham there would be close liaison between the police, health and the Council and there would be no room for complacency.
- Future GP Surgery provision, the Deputy Leader would be meeting with NHS England to discuss future provision given the growth of the population in the Borough. It was noted that whilst ultimately NHS England would decide where any new provision was located, the Council had an important role to play in ensuring that NHS England and the Health & Wellbeing Board understood where growth in the Borough was taking place and where pressures on health services were being experienced.

On the proposition of Councillor Dr Barnard, Executive Member for Children, Young People and Learning, seconded by Councillor Mrs Birch

it was **RESOLVED** that in accordance with the Executive's recommendations, the Development Plan for Community Learning for 2014-2017 be adopted.

22. **Food Law Enforcement Plan 2014-15**

The Council considered the report asking them to approve the Food Law Enforcement Plan 2014-15 in accordance with the Council's Constitution.

Councillor Mrs Temperton queried when the results would be available for the Residential Care Home which had failed its test around dietary requirements as set out on page 27. The Director of Environment, Culture & Communities agreed to provide a response for Councillor Mrs Temperton.

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

RESOLVED that the supporting information in the report be notified and that the Food Law Enforcement Plan for 2014-15 be ratified.

23. **S106: Supplementary Capital Approval**

The Council considered a report that asked them to approve the release of £47,700 of Section 106 funding as detailed in the report attached to the agenda papers for improvement works at Lily Hill Park on land leased to Bracknell Rugby Club.

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

RESOLVED that the release of £47,700 of Section 106 funding as detailed in the report for improvement works at Lily Hill Park on land leased to Bracknell Rugby Club be approved.

24. **Amendments to the Council's Constitution**

The Council considered a report that asked them to approve the amendments to the Council's Constitution as set out in the report attached to the agenda papers and recommended by the Governance and Audit Committee at their meeting on 14 July 2014.

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

RESOLVED that the amendments to the Council's Constitution set out in Section 5 of the report attached to the agenda papers, be approved.

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

Councillor Mrs Temperton asked Councillor Turrell, Executive Member for Planning and Transport the following published question:

Following my question at the April 2014 Council Meeting, the Chief Officer for Planning and Transport, sent a letter to the Jennett's Park Consortium, dated 8 May, listing four outstanding section 106 planning obligations and giving eight weeks for these to be achieved or the Borough Solicitor would be instructed to commence injunction proceedings to secure compliance. This eight week period ended in July.

After the 3 September meeting, between the Council and representatives from the Consortium, the Director of Environment, Culture and Communities concluded that none of the outstanding s106 requirements had properly been met and little or no progress had been made in achieving the promises made to local Members in early Summer.

If the triggers and deadlines included in original planning agreements will not/ can not be enforced, will they still be included in future planning agreements, such as for Binfield and Crowthorne developments?

In response Councillor Turrell stated that many of these facilities had been successfully delivered. They included the primary school, the community centre, three playgrounds, a bus service and a Country Park. However, the concern was with other facilities where the S106 terms and timeframes had not been met by the developer and where residents have had to go without certain planned facilities or amenities for what had now become considerable time.

After the 30 April 2014 Council meeting a S106 compliance letter from the Chief Officer Planning and Transport was sent to the development Project Manager. It was copied to the relevant developer interests, local Councillors, the Executive Member for Planning & Transport and to the Borough Solicitor. The letter listed four matters of particular concern, and gave an eight week deadline (to 3 July) and referred to legal remedy/actions.

A site meeting on 18 June, which Councillor Turrell attended with officers and ward councillors, gave an indication of the works still needed. On 25 June 2014, a reminder letter was sent from the Chief Officer, Planning and Transport as the 8 week (3rd July) deadline was approaching. Councillor Turrell advised that the letter confirmed that, despite an email from the Jennett's Park Project Manager dated 22 May, further confirmation of progress with S106 compliance was required and that the matter was being passed to the Director of Environment, Culture and Communities, as the Chief Officer was leaving the Council.

On 3 September the Director chaired a meeting with the Jennett's Park developers. The developers present were contrite and stated that concerns would be addressed. Since that meeting there had been some progress on and off site: Work was currently in progress on two local areas for play. All play equipment was now installed. Designs for a further two local areas of play had been agreed. Works to complete the floodlighting for the Multi-Use Games Area were nearing completion. Works had started to the cycle link to the area bounded South by Eagle Way, with Kittiwake Way to the east. In terms of shop units, conditions relating to car parking were approved in July and the consortium had stated they were nearing an agreement with a retailer

following lengthy discussions over the summer.

Councillor Turrell stated that while little formal progress has been made regarding the bus link, the consortium had appointed new consultants charged with resolving all the outstanding highway agreements including the bus gate. Officers were satisfied with the proposals and a contract was due to be let for these works. In terms of the GP's surgery, the consortium had stated they were in discussion with two potential occupiers. As there had been a few delays in receiving quotes for the remedial works on various roads, the expected completion dates had slipped and as a consequence were running approx four weeks behind.

Councillor Turrell stated that the delay in progress had been unacceptable, but it was encouraging to see more evidence of works being carried out on site.

In response to Councillor Mrs Temperton's query as to whether the Council should have used enforcement powers when it was apparent that little progress was being made in completing the community infrastructure before the agreed trigger point. Councillor Turrell advised that enforcing S106 requirements required a balanced judgement. The Council had the power to require construction to cease until the requirements were met, but such action would have consequences for the Council in terms of council tax, New Homes Bonus receipts and meeting the borough's housing supply targets. This would be particularly acute if construction ceased on a site for a protracted period. It could undermine the Council's ability to demonstrate a five year housing land supply.

Councillor Turrell advised that the role of Section 106 will change after April 2015 following the introduction of the Community Infrastructure Levy. This would generally scale down the infrastructure to be provided by S106. It was important that S106 agreements continued to include trigger points for the provision of key infrastructure items. Without this, there would be uncertainty over the Council's expectations. There would also be no possibility of taking enforcement action if the terms were not met. However, the Council had discretion as to whether or not to enforce against any breaches. It would need to continue to make balanced judgements in such cases.

In response to a supplementary question from Councillor Mrs Temperton about whether a local enforcement plan would be developed to ensure that lessons were learnt from Jennett's Park so that residents of future developments did not suffer, Councillor Turrell stated that a balanced judgement would always need to be made on a case by case basis as to whether enforcement action should be pursued.

26. **Tabled Motion - Trial of New Flight Paths**

Motion 01/2014 moved by Councillor Brunel-Walker and seconded by Councillor Mclean:

"As a Borough that encourages enterprise, Bracknell Forest Council supports the continued success of Heathrow but regrets that it was not consulted about the current trial of new flight paths over the parishes of our Borough. Local Members have received approaches from many residents and the Council is resolute in making sure their voices are heard as part of any consultation. Therefore, the Council asks Heathrow Airport and the National Air Traffic Control Service to confirm they are taking fully into account the views of our residents in this trial and will in future ensure this council is informed of all such changes to flight paths, timings etc. that have the potential to cause concern to our residents."

Councillor Brunel-Walker undertook to write to Heathrow Airport setting out the concerns of the Council and urging them to engage with local councils and residents in all future issues that affected local communities. The draft letter would be circulated to all Members as well as any response that was received from Heathrow Airport.

Upon being put to the vote the motion was **CARRIED**.

MAYOR