



# AGENDA

For the Council meeting to be held on  
Wednesday 17 September 2014.

Timothy Wheadon, Chief Executive





## NOTICE OF MEETING

### Council

**Wednesday 17 September 2014, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### To: The Council

Councillor Kendall (Mayor), Councillor Blatchford (Deputy Mayor),  
Councillors Mrs Angell, Allen, Angell, Baily, Mrs Barnard, Dr Barnard, Bettison, Birch,  
Mrs Birch, 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 Phillips, Mrs Pile, Porter, Sargeant, Mrs Temperton,  
Thompson, Turrell, Virgo, Wade, Ward, Ms Wilson and Worrall

TIMOTHY WHEADON  
Chief Executive

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- 8 Do not re-enter the building until told to do so.

If you require further information, please contact: Priya Patel  
Telephone: 01344 352233  
Email: [priya.patel@bracknell-forest.gov.uk](mailto:priya.patel@bracknell-forest.gov.uk)  
Published: 9 September 2014



**Council**  
**Wednesday 17 September 2014, 7.30 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

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**AGENDA**

Page No

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

1. **Apologies for Absence**

2. **Minutes of Previous Meeting**

To approve as a correct record the minutes of the meeting of the Council held on 16 July 2014.

1 - 6

3. **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.

4. **Mayor's Announcements**

5. **Presentation from Thames Valley Police**

Chief Constable, Sara Thornton to deliver a presentation on the work of Thames Valley Police over the last year.

6. **Executive Report**

To receive the Leader's report on the work of the Executive since the Council meeting held on 16 July 2014.

7 - 12

Council is asked to resolve a recommendation in respect of:

- **The Community Learning Development Plan 2014/15**

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

To ratify the draft Food Law Enforcement Plan for 2014-2015 in accordance with the Council's Constitution.

13 - 36

8. **S106: Supplementary Capital Approval** 37 - 40  
To approve the release of £47,700 of S106 funding as detailed in the report for improvement works at Lily Hill Park on land leased to Bracknell Rugby Club.
9. **Amendments to the Council's Constitution** 41 - 42  
To approve the amendments to the Council's Constitution as set out in the report.
10. **Questions Submitted Under Council Procedure Rule 10**
- (i) By Councillor Mrs Temperton to Councillor Turrell, Executive Member for Planning & Transport
- 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?

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**COUNCIL**  
**16 JULY 2014**  
**7.30 - 8.40 PM**



**Present:**

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

**Apologies for absence were received from:**

Councillors Mrs Barnard, Brunel-Walker, Finnie, McLean, Ms Miller and Worrall

**9. Minutes of Previous Meetings**

**RESOLVED** that the minutes of the Council meeting held on 30 April 2014 and 14 May 2014 be approved and signed by the Mayor as a correct record.

**10. Declarations of Interest**

There were no declarations of interest.

**11. Mayor's Announcements**

Presentation from the Pancreatic Cancer Research Fund (PCRF)

Mrs Maggie Blanks of the Pancreatic Cancer Research Fund gave a presentation on the work of the Mayor's charity, including a short video.

Mrs Blanks reported that pancreatic cancer had historically been a 'Cinderella' cancer, receiving little attention, funding or research. PCRF aimed to significantly change this and improve the survival rates for patients, often where prospects had historically been bleak. PCRF's objective was to raise new funds specifically and dedicated solely for pancreatic cancer research. Significant breakthroughs had already been achieved in the research work funded by PCRF and had improved the outlook for patients. The vital research work funded by PCRF was specialist and required qualified professionals to carry it out, this was an expensive undertaking. Mrs Blanks stated that she looked forward to working with the Mayor and Members in the future.

Executive Member for Corporate Services

Councillor McCracken offered his congratulations to Jonathan Dance who had been appointed to be the Bracknell Rugby Football Union Senior Vice President in the coming year.

Councillor McCracken was pleased to report that the new Library Management System had now been delivered on time and to budget. The new system would provide a user friendly catalogue as well as a new mobile app.

Councillor McCracken was also pleased to report that 61 teams had participated in the cricket recently at Wellington College; this included all of the Borough's 28 primary schools.

Councillor McCracken was pleased to announce that he had recently met with Helen Grant MP, Minister for Sport which had included a visit to the Bracknell Forest Leisure Centre and she had commented that the Leisure Centre was well run and a thriving area.

#### Executive Member for Children, Young People & Learning

Councillor Dr Barnard was pleased to announce that the 'Lest We Forget' banners that had been prepared by schools for the Bracknell Leisure Centre were currently being displayed in Princess Square. There would also be a 'Lights Out' event at South Hill Park which would include digitised images of the banners projected on the front of the building on 4 August 2014.

#### Executive Member for Transformation and Finance

Councillor Ward was pleased to announce that the Members' Initiative Fund would be increasing from £10,000 to £15,000. The Members' Initiative Fund would then be wound up on 31 March 2015 and Members were encouraged to use the funds by that date.

#### Executive Member for Adult Social Care, Health & Housing

Councillor Birch announced that Healthwatch had issued a heat wave warning between Friday 18 July 8.00am to Sunday 20 July 8.00am. This would mean that temperatures were likely to exceed 31 degrees. The advice from Public Health England was to inform all organisations locally and to be aware of the health of children and the elderly.

#### Enlarged Poppies

Councillors Virgo and Mrs Hayes were pleased to report that six foot tall, locally designed, fibre glass poppies would be installed on each gateway roundabout in the Borough in the following week to mark the centenary of the First World War. The poppies would be a mark of respect to all the service men that had fought for the Country and given their lives. The poppy was unveiled by a representative of the Royal British Legion.

#### Brakenhale Students Achieve 100% Attendance

Councillor Ms Wilson was pleased to announce that two students at Brakenhale School had achieved three and four years of 100% attendance.

## 12. **Executive Report**

The Leader of the Council, Councillor Bettison, presented his report on the work of the Executive since that reported at the Council meeting on 30 April 2014. The Executive had met twice on 20 May 2014 and 24 June 2014.



The Leader highlighted the following matters that had been considered:

- The Children and Young People's Plan 2014-17 had been agreed and set out the overall strategy and the six key evidence based priorities which were considered to be essential to ensuring improved outcomes for children, young people and families.
- The Education Transport Policy 2015/16 had been agreed and would be implemented from 1 September 2015.
- Education Capital Programme: The Pines Primary School expansion contract had been awarded to expand the school to become a two form entry school, this would include five additional classrooms.
- Community Infrastructure Levy: a revised charging schedule and a draft list of infrastructure projects had been agreed.
- The Community Safety Partnership Plan 2014-17 had now been endorsed, the Plan included key themes to reduce crime and anti-social behaviour.
- Commissioning of Sexual Health Services: Public Health would now be responsible for the commissioning of these services following the transfer of responsibilities. The existing contract with Berkshire Healthcare Trust had been extended and provided good value for money.

In terms of Council wide work, the Executive had approved a number of changes to the 2014/15 Capital programme. The Leader reported that in terms of the Revenue Expenditure Outturn 2013/14, the Council had for the 16<sup>th</sup> successive year demonstrated strong fiscal management and delivered its budget within the levels agreed in February 2013.

Councillor Mrs Temperton asked whether more investment could be made to the services that had been cut given the outturn and the level of balances. In response Councillor Ward reported that there were a number of risks associated in the upcoming years. There was a significant capital programme to be delivered, which included a secondary school and 6-7 primary schools over the next eight years. The Council would also be borrowing a substantial amount of around £3-4m. If the Council was to spend further, this could lead to cuts in future services. There were also a number of other threats to consider such as business rate income reducing.

Councillor Ms Brown asked whether consideration could be given to using some of the underspend for children's mental health. The Council had underspent over the last 16 years and she felt there was no recognition that investment in early diagnosis and prevention for children and young people with mental health issues and the work of Child & Adolescent Mental Health Service (CAMHS) could reap significant benefits and savings. In response Councillor Dr Barnard reported that the Health & Wellbeing Board was currently considering the provision of the CAMHS service and the waiting times currently experienced by children and young people. The Council was delivering above and beyond what was required and considerable investment had gone into accessing services and early diagnosis. It was clear that waiting times for tier 4 services of 10-12 weeks was unacceptable and this was undergoing a review. The Council were continuing to invest in tiers 1 and 2. It was critical to target resources to where they were needed. The Executive Member was confident that resources were in the right places and schools were fully supportive of all the work in this area.

Councillor Birch reported that the whole issue of prevention was very high on the Council's agenda. The Health & Wellbeing Board had recognised that CAMHS was in need of review and currently a complete review was being undertaken. This wasn't an easy undertaking as the service consisted of four tiers and various

commissioners. The first review had just reported its findings. The Health & Wellbeing Board would take the findings of all reviews and work with GPs and others to implement changes.

On the proposition of Councillor Ward, Executive Member for Transformation and Finance seconded by Councillor Virgo

it was **RESOLVED** that;

- i) the Treasury Management Annual Report attached as Annex A in the supplementary agenda papers be approved.
- ii) the virements over £0.100 million attached as Annex B in the supplementary agenda papers be approved.

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

it was **RESOLVED** that;

- iii) the Community Safety Plan 2014-2017 attached as Annex C in the supplementary agenda papers be adopted as part of the Council's Policy Framework

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

it was **RESOLVED** that;

- iv) the Children and Young People's Plan 2014-2017 attached as Annex D in the supplementary agenda papers be adopted as part of the Council's Policy Framework

### 13. **Membership of Committees and Sub-Committees**

The Council considered a report that sought approval to the appointment of Conservative substitute Members on both the Overview and Scrutiny Commission and the Adult Social Care and Housing Overview and Scrutiny Panel.

On the proposition of Councillor McCracken, Executive Member for Culture, Corporate Services and Public Protection seconded by Councillor Leake, Chairman of the Overview and Scrutiny Commission

it was **RESOLVED** that;

- i) Councillor Mrs Angell be appointed as a substitute to the Overview and Scrutiny Commission
- ii) Councillor Dudley be appointed as a substitute to the Adult Social Care and Housing Overview and Scrutiny Panel
- iii) Council noted that the Leader had appointed Councillor Allen to replace Councillor Mrs Phillips on the Care Portfolio Review Group.

14. **Revision of Financial Regulations and other Amendments to the Council's Constitution**

The Council considered the report seeking endorsement to recommendations made by the Governance and Audit Committee at its meeting on 1 April 2014.

On the proposition of Councillor Heydon, Chairman of the Governance and Audit Committee seconded by Councillor Allen

it was **RESOLVED** that;

- i) the revised Financial Regulations set out in Appendix 1 in the report attached to the agenda papers, be approved
- ii) the amendments to the Council's Constitution set out in section 5 of the report attached to the agenda papers be approved.

15. **Standards Committee - Annual Report**

The Council considered a report that advised on the work of the Standards Committee during the last municipal year.

The Council noted the report.

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

Councillor Mrs Temperton asked Councillor Dr Barnard, Executive Member for Children, Young People & Learning the following published question:

*A recent report by the National Institute of Adult Continuing Education (NIACE) highlighted the underachievement and affected long-term life chances of Young Carers. Their caring responsibilities often start early, as young as five or six and gradually increase as they get older. Research shows that Young Carers are more likely to miss school than their peers and on average achieve nine lower GCSE grades than their peers.*

*What are the school attendance rates for the Bracknell Forest Young Carers compared to their peers and how do their achievements at GCSE compare?*

In response Councillor Dr Barnard stated that there were currently 147 Young Carers that were registered with Kids, the Bracknell Forest voluntary agency that provided support for young carers. 135 of these Young Carers attended Bracknell Forest schools. There could also be other Young Carers who chose not to identify themselves. The coordinator for Young Carers worked closely with local schools to raise awareness and to help identify and support Young Carers.

Young Carers attending Bracknell Forest schools benefitted from a range of support and development work going on in schools. In the case of identified Young Carers with poor attendance, schools were advised to provide additional pastoral and academic support.

The work on raising standards generally, Pupil Premium funding and Closing the Gap in achievement for under performing groups of pupils would impact in the future positively on Young Carers, helping them to achieve their best in school. Post 16, any Young Carers Not in Education, Employment or Training (NEET) were identified through the highly successfully programmes which had halved NEET rates.

The Learning and Achievement Branch were further developing their data collection and analysis systems; Young Carers would be included as a vulnerable student category, enabling closer monitoring of achievement and more targeted support.

The attendance rate for Young Carers at school was lower than the attendance level for all pupils. There was no national data available to make comparisons but the NIACE report indicated that this was a national issue.

The average attendance for primary school aged Young Carers was 91.5%, compared to 94.8% for all pupils.

The average attendance for secondary school aged Young Carers was 81%, compared to 94.9% for all pupils.

The Council did not hold individual data on GCSE results for Young Carers as this was data set was not collected separately. In response to Councillor Mrs Temperton's request that the situation be monitored, Councillor Dr Barnard confirmed that this information would be collected in the future as Young Carers would now be categorised as a vulnerable group and monitored.

**MAYOR**

TO: COUNCIL  
17 SEPTEMBER 2014

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## EXECUTIVE REPORT TO COUNCIL The Leader

### 1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 16 July 2014, the Executive has met once, on 22 July 2014. This report summarises decisions taken at that meeting by reference to the relevant portfolio within which they fall.
- 1.2 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](http://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 RECOMMENDATION

- 2.1 **The recommendations at paragraph 5.5.4 of the report are recommended to Council by the Executive.**

### 3 REASONS FOR RECOMMENDATION

- 3.1 The reasons for recommendation are set out in the supporting information.

### 4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative options considered for each item referred to can be found in the reports presented to the Executive.

### 5 SUPPORTING INFORMATION

#### Adult Services, Health & Housing

#### 5.1 Safeguarding Adults Annual Report

- 5.1.1 In line with Department of Health guidance the Bracknell Forest Safeguarding Adults Partnership Board has produced an annual progress report setting out the work undertaken during the past year to safeguard vulnerable adults in Bracknell Forest. The report details the progress made towards meeting agreed targets, sets new targets for 2014-2015, evidences the engagement of a number of key partner agencies and sets out the work of the Adult Safeguarding Partnership Board as a whole in developing services and support that are both safe and meet individual outcomes.
- 5.1.2 During the period covered by the report, Adult Social Care saw a 32% increase in the number of alerts received about adult safeguarding issues. This increase is attributed to an increased awareness of safeguarding issues towards vulnerable adults amongst all partner agencies. The Board considers this increase to be a positive development because it gives agencies an opportunity to provide

information, advice and, where appropriate, enables them to provide direct support to adults at risk. The Board's work is well supported by key partner agencies and its member organisations have undertaken a range of safeguarding activity during the period covered by the report including:

- The development of a dedicated website to provide local residents and practitioners with up to date and relevant adult safeguarding information. This is the first dedicated adult safeguarding website of its kind in Berkshire and can be accessed at [www.bsapb.org.uk](http://www.bsapb.org.uk)
- The Bracknell and Ascot Clinical Commissioning Group has ensured that safeguarding is embedded across its core business. Key appointments with responsibility for safeguarding have been made
- Berkshire Care Association held a conference in November 2013 where Adult Safeguarding was a key theme
- The Council's Adult Social Care, Health and Housing Department supported 28 people through the Making Safeguarding Personal pilot project
- The work of the Domestic Abuse Service Co-ordination (DASC) service has resulted in a reduction in the number of reports of domestic abuse by those supported by the service
- Thames Valley Police has appointed a local inspector to take the lead on mental health within Bracknell Forest. This has resulted in improved identification of local residents with mental health issues and improved local joint working

The Board has also responded to a number of national developments for example the publication of the Winterbourne View Serious Case Review and the Francis Report and implemented the learning from other Serious Case Reviews.

## **5.2 Local Account for Adult Social Care 2013/14**

- 5.2.1 The Executive has approved the Adult Social Care Local Plan 2013/14. The statutory Plan sets out how the Council will support those residents using adult social care services, their families and carers. The report provides an overview of adult social care activity and performance during 2013/14, an overview of the services provided by Adult Social Care and an overview of legislative changes.
- 5.2.2 The Executive would like to commend officers for the clarity of the report and draw members' attention to the three short videos that have been produced to support the Local Plan. These videos, available online through You Tube, highlight three specific priorities for Adult Social Care in the coming year and help make the report even more accessible to our service users.

## **Transformation and Finance**

### **5.3 Commitment Budget Report 2015/16 – 2017/18**

- 5.3.1 The Executive has approved the budget setting process for the 2015/16 financial year and the Commitment Budget for the period 2015/16 to 2017/18.
- 5.3.2 The Commitment Budget brings together the Council's existing expenditure plans and represents the first formal stage in planning the Revenue Budget for 2015/16. The Commitment Budget has been developed using the 2014/15 budget adjusted to exclude the effects of drawings from balances as its base and to take into account approved existing commitments, including the full year effects of pressures and economies approved for the 2014/15 budget. Savings identified for future years within revenue proposals for 2014/15 have also been included.

- 5.3.3 Since its approval a small number of changes have been made to the Commitment Budget including: the revenue impact of ICT schemes implemented in the 2014/15 Capital Programme, the impact of the indicative Capital Programme and the cost of the increase in Employer's Pension Fund contributions.
- 5.3.4 Over the course of the three year period covered by the Commitment Budget, the Council expects to face an underlying funding gap of approximately £16.556million by 2017/18. However, this figure has been calculated before giving consideration to service pressures and developments. The three year timeframe also covers a period of significant uncertainty with a General Election in 2015 and the publication of a new Spending Review covering the years after 2016. Notwithstanding this, the two year Local Government Financial Settlement announced this year ensures that there will at least be a degree of certainty over levels of Government Funding for the first year of the Commitment Budget.
- 5.3.5 Work has already started at officer level to start planning for next year's budget and it is expected that consultation on budget proposals will take place as usual during December and January prior to a full Council decision on the proposed budget being taken in February 2015

### **Council Strategy and Community Cohesion**

#### **5.4 Equality Framework for Local Government – Peer Review Outcome**

- 5.4.1 Following a recent Peer Review, the Council has received re-accreditation under the 'achieving' level of the Equality Framework for Local Government. The Equality Framework enables the Council to demonstrate its compliance with the legal duties set out in the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and promote good relations within the community.
- 5.4.2 The Peer Review, which took place in April 2014, benchmarked the Council's performance in the following five areas:
- Knowing your communities
  - Leadership, partnership and organisational commitment
  - Community engagement and satisfaction
  - Responsive services and customer care
  - A skilled and committed workforce
- 5.4.3 The Review Team concluded that the Council had a good understanding of its communities, including the extent of inequality and disadvantage and understood how the borough's diversity had changed over recent years. Encouragingly, the review concluded that the Council was in a good position to achieve the 'Excellent' accreditation level. A number of suggestions as to how the Council might achieve this were made and these are now being used to help inform an action plan to take forward this piece of work.

### **Children, Young People and Learning**

#### **5.5 Community Learning Development Plan 2014 - 2017**

- 5.5.1 The Executive has approved the Development Plan for Community Learning and Skills 2014 – 2017, attached as Annex 1 to this report, and recommends to Council that it be adopted.
- 5.5.2 The planning, provision, management and quality assurance of Community Learning and Skills in Bracknell Forest is funded by the Skills Funding Agency under an annual contract secured by learner outcomes. The Council saw a 17% reduction in

funding for the 2014/15 academic year, receiving £417,243 and it is expected that this funding will decrease further in coming years. The Skills Funding Agency has also indicated that future funding to provide training for the unemployed is likely to move from a grant based approach to one based on reimbursement on the basis of qualifications achieved; something that will further impact on the service.

5.5.3 The Council has always taken the view that community learning should be self financing and the development plan recommends a range of measures which, if adopted, will help boost income generation and introduce more cost effective ways of working. The Plan reflects the contractual requirements placed on the council by the Skills Funding Agency as the basis for claiming funding and will last for three years in order to facilitate a longer term approach and provide the community learning service with a more strategic direction.

5.5.4 **The Executive recommends to Council that the Development Plan for Community learning for 2014-2017 be adopted.**

## **5.6 Pan Berkshire Adoption Service**

5.6.1 The Berkshire Adoption Advisory Service currently supplies Bracknell Forest with a highly rated and successful adoption service. The Executive has agreed to support the expansion of this pan Berkshire service by entering into an agreement with Wokingham Borough Council, West Berkshire Council and the Royal Borough of Windsor and Maidenhead to transfer the Council's Adoption Service into a Berkshire Shared Service that would be hosted by the Royal Borough of Windsor and Maidenhead with effect from the 1<sup>st</sup> October 2014.

5.6.2 Entering into a shared service arrangement will enable the Council to participate in an already successful Pan Berkshire arrangement run by the Berkshire Adoption Advisory Service. A move that will improve both the efficiency and effectiveness of the adoption service through the timely recruitment of adopters and the placement of children, particularly older children and those considered harder to place. The expansion of the adoption service will also help the Council implement additional requirements placed upon it by the Children and Families Act 2014 such as the introduction of a 26 week limit on court proceedings and the 'Foster to Adopt' programme.

5.6.3 To oversee the new expanded a service, it is proposed that a new Management Board, with representation from all four local authorities will be established to provide direction and to monitor the service provision. Bracknell Forest will be represented on this new Management Board by the Chief Officer: Children's Social Care. Final details of the new shared service are still being worked up and because of time constraints the Executive has agreed that authority to make the final decision over whether to enter into the shared service is to be delegated to the Director of Children, Young people and Learning in consultation with the Borough Treasurer and the Executive Member for Children, Young People and Learning.

## **6 Appointments and Delegations by the Leader of the Council**

6.1 Since the last meeting of Council, the Leader has delegated a decision to withdraw the original version of the Community Infrastructure Levy Draft Charging Schedule and submit the latest version which was approved by the Executive at its meeting on 24 June 2014 to the Director of Environment, Culture & Communities. This decision was subsequently approved as an urgent decision on 8 September 2014.



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

Borough Solicitor

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

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Background Papers

Executive Agenda – 22 July 2014

Contact for further information

Katharine Simpson, Corporate Services - 01344 352308

[katharine.simpson@bracknell-forest.gov.uk](mailto:katharine.simpson@bracknell-forest.gov.uk)

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**TO: COUNCIL**  
**17 SEPTEMBER 2014**

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**FOOD LAW ENFORCEMENT PLAN 2014 - 2015**  
**Director of Environment, Culture and Communities**

**1 PURPOSE OF REPORT**

- 1.1 To consider and ratify the draft Food Law Enforcement Plan for 2014-2015 in accordance with the Council Constitution, part 2, section 3, paragraph 3.1(a). The Plan addresses local delivery of enforcement and advice within the areas food hygiene, food standards and animal foodstuff.

**2 RECOMMENDATIONS**

- 2.1 **That the Council notes the supporting information and ratifies the Food Law Enforcement Plan for 2014-15 (Annex A).**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 It is a requirement under the Food Standards Act 1999 to ensure that national priorities and standards are delivered effectively and consistently at a local level. The proposed Work Plan for 2014-15 is included from page 17 of the Plan.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None, the production of an annual plan is a legal requirement.

**5 SUPPORTING INFORMATION**

- 5.1 This Plan incorporates the outturn for the plan approved in 2013-14 and covers the intentions for food safety enforcement for the 2014-15 year. The Plan has to be able to reflect a refocusing of priorities identified by the Food Standards Agency and includes the control of E-coli through new FSA Guidance, and other matters that have arisen from new legislation or intelligence.
- 5.2 Food law enforcement is a function of the Environmental Health and Trading Standards Sections. The Borough currently has over 1,190 food premises where it is responsible for ensuring compliance with the Food Safety Act 1990, the European Communities Act 1972 and associated Regulations. A risk rating is allocated to all food premises in accordance with Statutory Codes of Practice to ensure that all relevant premises are inspected according to risk. Doing so meets the requirement of the Food Standard Agency's 5-year inspection programme. Some of the Borough's premises are deemed sufficiently low risk and therefore are not subject to routine inspection. In such instances alternative strategies are deployed such as the provision of information and advice through the use of newsletters, mailshots and seminars. The outturn for the year 2013-14 is attached to the report as Part 2 from page 11, whilst the work programme for 2014-15 is included from page 17 of the Plan.
- 5.3 Progress against the Plan is measured internally monthly and progress reported to Members in the Performance Management Report. The Plan is also underpinned by written procedures and regular quality monitoring to ensure effective service delivery.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of the report.

### Borough Treasurer

- 6.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

### Equalities Impact Assessment

- 6.3 The Plan targets premises based on the history of risk and identified need. Where issues of equality may arise, provision is made to help as may be necessary. The activity is regulatory and the plan will be covered by the overarching document entitled Enforcement Policy 2014 and the Equalities Impact Assessment (Executive May 2012).

### Strategic Risk Management Issues

- 6.4 There are no strategic risk management issues relating to this report.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 The nature of the Plan is such that we have consultation with stakeholders after its adoption. All feedback is taken into account and helps inform the Plan's future development.

### Method of Consultation

- 7.2 The Plan will be published on the Council's website after Council approval and comments will be invited. The Plan will remain on the website so that further comments can be received and considered when drawing up the Plan for 2015/16.

### Representations Received

- 7.3 N/A.

### Background Papers

Food Law Enforcement Plan 2013-14

Framework Agreement on Local Authority Food Law Enforcement (2003 as amended)

### Contact for further information

Robert Sexton

Head of Regulatory Services, Environment & Public Protection

01344 352580

[robert.sexton@bracknell-forest.gov.uk](mailto:robert.sexton@bracknell-forest.gov.uk)



**FOOD LAW ENFORCEMENT PLAN 2014 – 2015**  
**(INCLUDING 2013 - 2014 OUTTURN)**

Regulatory Services  
Environment, Culture and Communities Department  
Bracknell Forest Council  
Time Square  
Market Street  
Bracknell  
RG12 9JD

Tel: 01344 352000

Fax: 01344 351141

Email: [environmental.health@bracknell-forest.gov.uk](mailto:environmental.health@bracknell-forest.gov.uk)

## **PART 1 – THE PLAN FOR 2014 - 2015**

### **1. Introduction**

#### **Our Vision**

The annual Food Law Enforcement Plan is designed to work within the Bracknell Forest Community Plan to help deliver the Council's priorities. The Council's vision is:

**“To make Bracknell Forest a place where all people can thrive: living, learning and working in a clean, safe and healthy environment”**

Our Food Law Enforcement Plan aims to ensure a graduated approach based on risk to public health. It reaffirms our commitment to carry out our duties in an open and fair manner that protects the public and supports business and economic development. In doing so, at its core sits five basic principles:

- Targeting – taking a risk based approach
- Proportionality – only intervening where necessary
- Accountability – able to explain and justify service levels and decisions
- Consistency – apply standards consistently to all
- Transparency – open and user-friendly

We recognise that most businesses want to comply with the law; therefore we want to support and enable businesses to meet their legal duties, providing a level playing field without unnecessary expense. However, firm action, including prosecution, will be taken where appropriate in accordance with the national Regulators Code and our Enforcement Policy.

This Food Law Enforcement Plan sets out the actions we are taking to promote food safety and food standards for the benefit of local consumers and those who produce and sell food within our Borough.

The Council is responsible for food hygiene and standards under The Food Safety Act 1990, The European Communities Act 1972 and the associated Regulations. We advise on and enforce food safety in **1190** food premises including restaurants, cafés, takeaways, public houses, shops and hotels. The Food Standards Agency (FSA) Framework Agreement shapes the work of all local authorities in relation to food safety and standards and the FSA audit local authorities on their food law enforcement activities.

Bracknell Forest Council's Food Law Enforcement Plan contains details of:

- what we plan to do this year,
- how we intend to do it, and
- the work we have completed in the previous year

Our key priorities are to:

- promote food safety
- protect consumers from unsafe food and food fraud
- work with and support local food businesses
- reduce unnecessary interactions with businesses that consistently meet requirements
- encourage awareness of healthy food choices

Whilst this plan specifically deals with the forthcoming financial year of 2014-15, it takes place within the context of the wider agenda and the longer term view. The plan directly links the food law service areas with the identified Regulatory Service Priorities<sup>1</sup>. It is reviewed annually and additionally includes details of the previous years performance; the 2013-14 outturn.

## 2. The National Context to this Plan

In addition to directly linking to other internal Bracknell Forest plans, this food law plan is influenced by the national agenda.

Specific issues that have, and will continue, to impact on the direction of our work include:

### a) Food Standards Agency Guidance

The Food Standards Agency is the central Government body responsible for overseeing our food safety and standards work. All Local Authorities must undertake their food functions mindful of the national Code of Practice, associated guidance and the Framework agreement. Together these provide extensive guidance which guides and shapes our service provision.

### c) Reducing the Burden on Business



Better Regulation Delivery Office

There is a strong drive from Central Government to reduce the burden upon business and not to undertake inspection or enforcement activities without a specific reason. As an enforcing authority we fully support this view.

The Better Regulation Delivery Office (BRDO) has developed national Priority Regulatory Outcomes<sup>2</sup>, which provide a focal point for all of our regulatory work, including food safety and food standards. This food law plan directly links the food safety and food standards service areas with these Priority Outcomes.

### d) Primary Authority Partnerships

The concept of Primary Authority was formalised under the Regulatory Enforcement and Sanctions Act 2008. Under this legally recognised scheme (overseen by the Better Regulation Delivery Office), any business operating across more than one Local Authority can form a formal partnership, effectively forming a focus for consistent advice. It is the gateway to simpler, more successful local regulation.

We offer Primary Authority partnerships to businesses wishing to take advantage of the scheme and have signed partnerships that cover food matters with Waitrose Ltd and more recently Bennelong Golf Partners Subsidiary Ltd.

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<sup>1</sup> Details of the Regulatory Service Priorities are provided on page 20

<sup>2</sup> The National BRDO Priority Regulatory Outcomes are detailed on page 21

The impact of partnerships can be huge. A Primary Authority can issue formal advice to its partner business that applies throughout England & Wales regardless of where the outlets are based, and officers must take into account any such guidance or inspection plan. Primary Authority gives business the confidence to expand and grow, knowing that any such regulatory advice they receive is binding on other local authorities.

Recent changes to the scheme has meant a significant expansion to the range of businesses that can participate in the scheme, to now include franchise operations, trade associations and other business groups. Bennelong Golf Partners Subsidiary Ltd and its associated operations fall within this new 'Co-ordinated Partnership', and so these changes have enabled this local employer to participate in the scheme.

Additional changes last year mean that inspection plans produced under the scheme have a stronger status in law and any proposed deviations must be notified to the Primary Authority. The scheme has additionally expanded to cover a greater number of subject areas, now also including Under Age Sales, gambling and sunbeds. The various steps to expand and strengthen the scheme means that our local partners are able to gain greater utility with our local expertise.

**e) E coli and emerging risks**

In 2009 Professor Hugh Pennington published his report into the results of a public enquiry into a large E coli outbreak in South Wales. In combination with previous outbreaks, this has led to a significant increase in focus on the control of this serious and potentially fatal organism. Key to its control is the implementation of strict procedures to prevent contamination of ready-to-eat foods and detailed guidance to control its spread published in 2011 and was subsequently further updated and strengthened. Focus has continued and has become a key aspect of our inspection and sampling work. Further information is available at:

<http://wales.gov.uk/ecoliinquiry/?lang=en>  
<http://www.food.gov.uk/business-industry/guidancenotes/hygguid/ecoliguide>

**f) Public Health Agenda**

The food activities we undertake contributes significantly to the Public Health agenda, as we work to prevent illness, protect consumers and promote healthier lifestyles. Further details are available at:

[http://www.local.gov.uk/web/guest/health/-/journal\\_content/56/10171/3541769/article-template](http://www.local.gov.uk/web/guest/health/-/journal_content/56/10171/3541769/article-template)  
<http://healthandcare.dh.gov.uk/vision-phe/>

**g) Food Hygiene Ratings Scheme**

Since November 2008 Bracknell Forest Council has published food hygiene ratings; previously under the Scores on the Doors scheme and now under the Food Standards Agency Food Hygiene Ratings Scheme (FHRS). The website currently displays food hygiene ratings for all but 1 Local Authority in England and the site allows customers to choose where to eat based on the hygiene ratings of premises.

This information is increasingly used by both customers and businesses when making choices on where to eat out and how they perform against competitors. The FSA is also increasingly using this data to assess the work of Food Teams and to gain a more time sensitive picture of the standards within the area. Further details are available at: <http://ratings.food.gov.uk/>



## **h) Food Fraud**

Food fraud is committed when food is deliberately placed on the market, for financial gain, with the intention of deceiving the consumer. Although there are many kinds of food fraud the two main types are:

the sale of food which is unfit and potentially harmful, such as:

- recycling of animal by-products back into the food chain
- packing and selling of beef and poultry with an unknown origin
- knowingly selling goods which are past their 'use by' date

the deliberate misdescription of food, such as:

- products substituted with a cheaper alternative, for example, corn fed chicken with coloured chicken, and Basmati rice adulterated with cheaper varieties
- making false statements about the source of ingredients, i.e. their geographic, plant or animal origin

This authority undertakes investigations regarding such matters. In recent years the prevalence of this form of crime has become more widespread particularly in the area of counterfeit and potentially unsafe alcohol. This authority continues to focus enforcement work in relation to these matters.

## **i) Animal Feeding Stuff**

The service undertakes an important role in verifying the safety of food from farm to fork. As part of this the service undertakes inspections regarding both food and feed hygiene at farm level. This year we will also be undertaking some additional Food Standards Agency funded sampling of feedstuffs.

## **3. The Local Context**

Within Bracknell Forest Council, the food safety and standards functions are located within Regulatory Services; within the Environment and Public Protection Division of Environment, Culture and Communities. The work is carried out by the Food Team, which is made up jointly of officers from the Commercial Team (Environmental Health) in relation to food hygiene and the Trading Standards Team in relation to food standards. The food hygiene aspects of this plan are managed day to day by the Commercial Team Manager (Karen O'Connor), whilst the food standards aspects by the Trading Standards Team Manager (John Nash). To maximise our resources and provide a consistent and balanced approach, both teams fall within Regulatory Services and are overseen by the Head of Regulatory Services (Rob Sexton).

Whilst much of our overall work is guided by the national context, it is refined and shaped locally as we take into account local intelligence and available information. This includes specific local knowledge of the nature and type of businesses within Bracknell Forest, and by utilising data sources such as complaints received, inspection data and the Food Hygiene Ratings Scheme scores. By utilising such local sources of information, taking into account the national context, we are able to prioritise our work to ensure best effect with the resources available to us. For example we have specifically targeted those operations with the lowest FHRS scores to provide additional voluntary advice, guidance and

education to help get to the root causes of their poor ratings. Whilst time intensive, this has yielded some significant results.

We continue to support the Catering for Health Award Scheme to encourage businesses to provide healthier alternatives. Food businesses are assessed for this award at routine inspections in partnership with the Public Health Dietician within Berkshire Healthcare Foundation NHS Trust. This ensures that the importance of healthy eating is encouraged and recognised. Details of the Award winners are published on the Council website at: <http://www.bracknell-forest.gov.uk/catering-for-health-catering-businesses.pdf>

#### 4. The Food Premises Within Bracknell Forest

Within Bracknell Forest there are currently **1190** premises that fall within the remit of the relevant food legislation. Whilst some may undertake very little actual food handling (e.g. importers, village halls, etc.), many premises such as takeaways regularly handle food. In summary, relevant food premises within Bracknell Forest fall into a number of categories:

Restaurant, café or canteen	115
Hotels and guesthouses	22
Smaller retailers (e.g. local shop)	80
Supermarkets	31
Caring premises (e.g. residential care home, child minders)	368
Other restaurants and caterers (e.g. home caterers or bakers)	198
Distributors	8
Pubs and clubs	87
Other retailers	56
Takeaways	50
Schools and other educational premises	67
Mobile food premises	48
Manufacturers and packers	7
Importers or exporters	4
Primary producers	49
Total	1190

In comparison with some other districts, Bracknell Forest has low numbers of manufacturers and primary producers, and higher proportions of catering premises. There are also limited numbers of seasonal businesses and we have a small number of premises that are directly operated by Bracknell Forest Council. In order to ensure a consistent approach we remove any potential conflict of interest by locating any Council operated food activities within completely separate divisions.

Under current national requirements most food operations need to either ‘register’ their premises, or alternatively may need ‘Approval’ if they for example manufacture meat-based foods. Whilst we do not currently have any specific premises that require ‘Approval’, we provide relevant advice to businesses on when they need to do this. Further guidance is on our website at: <http://www.bracknell-forest.gov.uk/registrationfoodbusinesses>

The visits we make to our businesses may be for a variety of reasons, including a routine inspection, complaint, request for assistance or a revisit to ensure earlier identified short-falls have been addressed. Whilst officers generally visit during office hours, this is very dependant upon the operating times of a business. Our flexible working arrangements mean that officers undertake visits both at evenings and over weekend periods in response to when businesses actually operate. We take into account the national Code of Practice and associated guidance when deciding on the types and frequency of our visits.

In addition to routine inspection visits, we also prioritise our available resources and undertake alternative enforcement activities. These apply to the lowest risk businesses and may be in the form of a self-assessment questionnaire or a visit by a less experienced officer reporting back to fully qualified officers. When such alternative methods are used, any significant problems or concerns identified will always be investigated by fully qualified officers, including a full inspection if appropriate. By taking such alternative approaches we are able to focus our resources towards those higher risk operations, maximising the impact that available officer time can make on protecting the public.

## 5. Resources

Our primary resources are our staff. There are currently 1.5 full time equivalent qualified officers within Trading Standards and 2.75 full-time equivalent officers within Environmental Health who perform food law enforcement. In total 9 officer posts are involved in issues relating to food safety enforcement as part of their day-to-day duties, consisting of:

- 2 x Team Managers (currently one post vacant)
- 1 x Senior Environmental Health Officer (currently Acting as Team Manager)
- 3 x Environmental Health Officers
- 2.5 x Trading Standards Officers
- 1 x Trading Standards Enforcement Officers

The Commercial Team officers spend 60% of their time on food hygiene related matters, although a recent officer leaving and a further post with extended leave means that some of this work is currently undertaken by contacted staff. Within the Trading Standards Team 5 officers have been allocated to undertake food standards work accounting for approximately 30% of their time. The total cost of the food service for 2014/15 is estimated to be £213,660.

In addition to the work detailed elsewhere in this Plan, officers within the Food Team represent Bracknell Forest on relevant regional bodies with the aim of sharing good practice, benchmarking and achieving value for money. For example, we are members of the Trading Standards South East Limited (TSSEL) Food Group which seeks to identify and develop good practice procedures to help enhance the quality and consistency of service provision. We are also members of the Berkshire Food Liaison group with a key function of co-ordinating the food safety enforcement function towards a consistent approach across the county. This group periodically also undertakes county wide inter-authority audits, such as a desk-top exercise undertaken in early 2014 regarding how each authority applies the E coli guidance locally. Such activities aim to both improve regulatory service provision while maximising the effective use of local authority resources.

Officers can be contacted through our Customer Service Centre on 01344 352000 which is open from **8.30am - 5.00pm Monday to Friday**. Whilst officers are based at the Time Square offices on Market Street, Bracknell, officers are not generally office based and messages may well have to be left. Alternatively they can be emailed at [regulatory.services@bracknell-forest.gov.uk](mailto:regulatory.services@bracknell-forest.gov.uk)

## 6. Departures from the Plan

Departures from the Food Law Enforcement Plan, reported through Departmental Management Team, will inevitably occur due to the reactive nature of some of the areas of work. However, departures will be kept to a minimum, capable of justification and be fully considered by the Head of Regulatory Services before varying action is taken.

Whilst generally we adhere to all national requirements, due to the large number of low risk businesses within the district (e.g. child-minders and home bakers), we no longer undertake an initial full inspection. Instead we undertake a desk-top rating based on information about the activities, as we use our resources to best effect with higher risk operations. This departure is in accordance with our Enforcement Policy and enables us to use our local intelligence to more effectively target our resources.

## 7. Customer Feedback and Quality Monitoring

Procedures are in place to scrutinise all the work that is undertaken by the Food Team. Our quality monitoring includes detailed practice notes, checks on data entry and officer consistency. We additionally invite customer feedback, and during 2012-13 no formal complaints were received regarding the food service. Moving forward into 2014-15 we have just introduced a web-based survey for all regulatory services customers, both businesses and the general public, and the results will help us to ensure we are providing the best possible service to customers within the resources available. Paper copies will be available to those unable to complete the survey online.

We monitor our performance against targets on a monthly basis, via internal Key Performance Indicators (KPIs) which include both numbers of inspections, visits, etc. Moving forward into 2014/15 we have also introduced more outcome based targets such as Food Hygiene Ratings. Quarterly we additionally report on our performance via the Departmental Quarterly Monitoring Indicators and Key Actions. As of 1 April 2014, over 80% of our relevant food businesses received an FHR score of 4 or 5.

All such monitoring and performance information is fed back into the development of future food and other service plans.

## 8. Staff Development

We aim to make full use of the skills that exist in the Food Team and to develop those skills through updates, shadowed working and internal and external training. A record of continuous development is maintained for all officers, with all food officers supported to maintain a minimum of 10 hours relevant food training per year, in accordance with the Food Standards Agencies requirements.

## 9. Our Performance Outturn for 2013-14

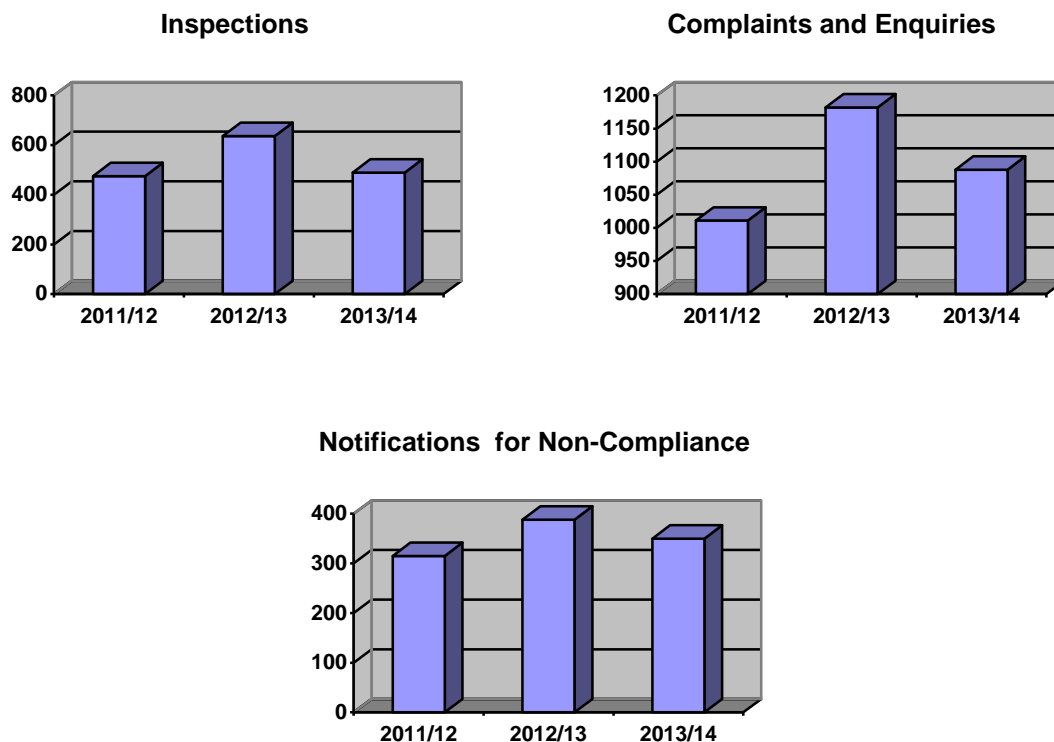
In producing our Food Law Enforcement Plan each year we reflect on the previous years activities. This process provides the opportunity to identify what went well and what went less well, and identify trends or key areas for focus moving forward. The food law enforcement activity undertaken during 2013/14 is detailed on pages 11 to 16, although in summary we:

- Inspected **489** food businesses, carried out **345** other related visits and reviewed self- assessment questionnaires returned from **234** low risk premises,
- dealt with **1088** enquiries and complaints, of which **331** related to food and **112** related to food premises,
- issued written notifications on how businesses can comply with the law to **350** businesses, of which **5** were formal Notices,
- Secured **1** voluntarily agreement to cease an operation that created an immediate risk to public health
- undertook **165** food samples,

## Unrestricted

- Provided **192** hours of support to our Primary Authority Partners in relation to food matters,
- undertook a proactive educational project to target those businesses needing to make significant improvements to food hygiene

This activity can be compared with previous years:



## 10. Our Food Law Enforcement Plan for 2014-15

Details of planned activities for 2014-15 begin on page 17. However, in summary we plan to undertake the following:

- inspecting food premises on the basis of risk
  - Inspect 376 food businesses and provide self-assessment questionnaires to 210 low-risk premises,
- targeted sampling of food to ensure that it is safe to eat. Our planned sampling activity has been identified by research and intelligence and will be used to identify areas of potential problems and higher risk, and will include:

### **Food Hygiene:**

- Wooden chopping boards
- Water from standpipes at events
- Wristbands / wrist jewellery
- Locally identified high risk premises / products

### **Food Standards:**

- Basmati rice claims
- GMO oils at catering establishments
- Allergen sampling at catering establishments
- Composition of pizza topping / kebabs

- investigating complaints and concerns over food safety, including work with other authorities within Berkshire and the South East on issues that cross local authority boundaries and affect Bracknell Forest residents.
- providing advice, information and training, including:
  - extending our Primary Authority Partnership arrangements
  - continuing to offer the Level 2 Award in Food Safety in Catering course to local businesses and residents
  - providing advice and guidance on the Safer Food Better business pack to help businesses achieve compliance with legal requirements
  - supporting Food Safety week
  - ensuring the information on our website is up to date and accurate
- recognising and rewarding high standards of food safety through Award Schemes
  - Continue to support the Food Standards Agency Food Hygiene Rating Scheme
  - Continue to promote and enhance the Catering for Health Award run in partnership with the Public Health Dietician within Berkshire Healthcare Foundation NHS Trust,
- consulting our customers and seeking feedback on the quality of our service.

## 11. Concluding Information

This plan is reviewed every year and we welcome your comments and suggestions on how it could be improved further. If you would like further information or would like to speak to an officer for advice, please contact them via any of the following options:

Regulatory Services  
Environment, Culture & Communities Department  
Bracknell Forest Borough Council  
Time Square  
Market Street  
Bracknell, RG12 1JD  
Tel: 01344 352000  
Fax: 01344 351141  
Email: [environmental.health@bracknell-forest.gov.uk](mailto:environmental.health@bracknell-forest.gov.uk)  
Or look on our website at [www.bracknell-forest.gov.uk/environment.htm](http://www.bracknell-forest.gov.uk/environment.htm)

Additionally useful information is available at the following websites:

Food Hygiene Rating Scheme (FHRS)  
<http://ratings.food.gov.uk/>

Food Standards Agency (FSA)  
<http://www.foodstandards.gov.uk/>

Safer Food, Better Business  
<http://www.food.gov.uk/foodindustry/regulation/hygleg/hyglegresources/sfbb/>

Department of Environment, Food & Rural Affairs (DEFRA)  
<http://www.defra.gov.uk/>

Foodlink  
<http://www.foodlink.org.uk/>

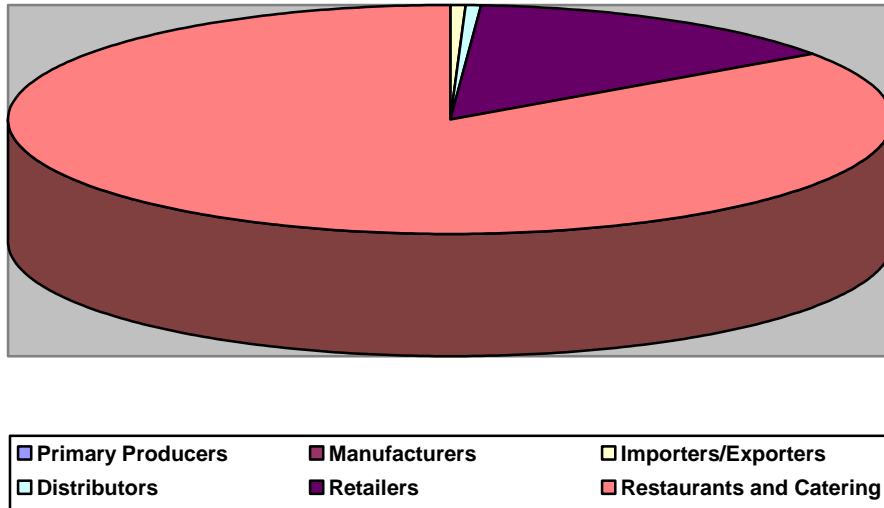
European Food Safety Authority  
<http://www.efsa.europa.eu/>

## PART 2 – Food Enforcement Plan Out-Turn 2013 – 2014

A summary of this Out-turn is provided under Section 9 above, with more detail below:

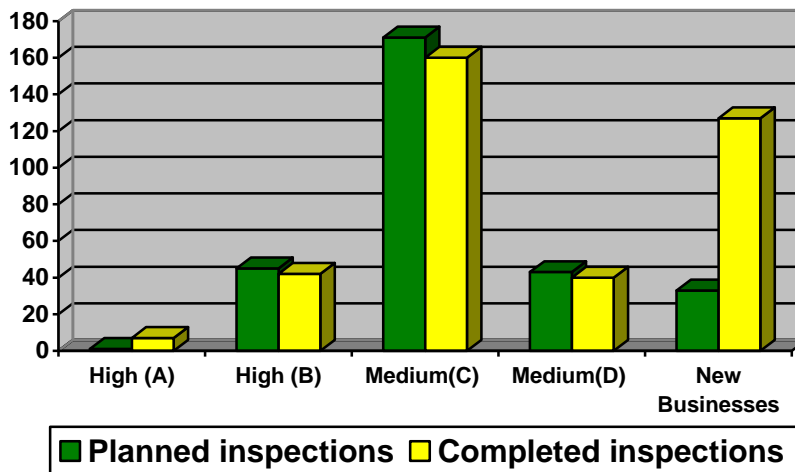
### 1. Inspections and Other Interventions

The chart shows the proportion and type of food businesses that were inspected by the Food Team during 2013/14.



All local authorities have a legal duty to inspect food businesses with a frequency based upon risk, so that our resources are directed to best effect. In 2013/14 officers completed a combined total of 798 inspections overall. The individual breakdown for Food Hygiene and Food Standards Inspections is illustrated in the sections 2 and 3 below.

### 2. Environmental Health - Food Hygiene Inspections for 2013/14



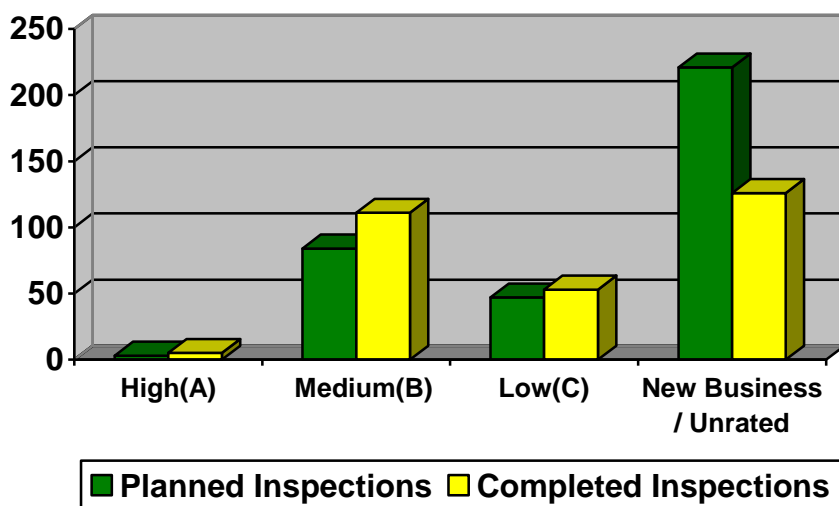
A total of **509** premises received a food hygiene inspection during 2013/14, of which **336** were full inspections and a further **173** lower risk premises were assessed via questionnaire. At the beginning of 2013/14 there was 1 premises rated as 'A'. However,

inspections of some lower rated premises revealed significant deteriorations in standards and so these were rerated an 'A' and thus inspected again within 6 months; making the total number of A rated premises inspected 7 and the 'B' rated changing from 45 due to 42 actually inspected. All high risk rated premises (A or B) due an inspection had those inspections completed. Whilst there were marginal shortfalls in the numbers of category 'C' and 'D' inspections (3 for each), in total 57 premises ceased trading, whilst 127 new premises received an inspection.

In addition, **320** reactive visits were undertaken during 2013/14 in response to enquires or complaints. These comprised of:

- **124** advisory visits
- **71** revisits to follow up on issues of non-compliance
- **41** visits in response to specific complaints received
- **6** visits following requests to rescore a businesses Food Hygiene Ratings
- **44** sampling visits
- The remaining **34** visits were made up of visits to assess businesses for the Catering for Health award (**4**) and visits where the business was identified as closed or not trading (**30**).

### 3. Trading Standards - Food Standards Inspections for 2013/14



High, medium and low risk premises are defined as those visited at least once every 12, 24 and 60 months respectively. There were fewer new / unrated premises to undertake inspections than initially expected.

### 4. Sampling

We routinely sample food produced and offered for sale in the Borough to check quality and safety. In 2013/14 we sent **165** samples for analysis, of which 70 were found to be unsatisfactory, and which resulted in follow-up action. The significant proportion of unsatisfactory results was due to many of the samples taken being swabs of food contact surfaces and dish cloths, rather than food itself. It is well established that such 'environmental' sampling frequently yields poor results, and so was of real benefit to help businesses better understand the impact their cleaning and cloth usage can have. The remaining results were satisfactory.



Last year our surveys looked at a range of issues including:

### **Sampling 2013/14 for Food Hygiene**

- Cleaning clothes from low FHRs rated businesses
- Soft cheese and cooked meats from residential care homes
- Pre-packed sandwiches from retail establishments
- Reactive sampling of identified specific risk products and premises

### **Summary of Findings**

A total of 52 separate non-disposable cleaning cloths were tested for common bacterial indicators of poor hygiene. These were taken from those businesses identified as having the lowest FHRs levels and participating in the 'Poor Performers' project. A total of 46 cloths didn't meet acceptable levels, and detailed advice and guidance was provided on the reasons for the levels found. Participation in the project included a commitment not to take formal action, and so no formal action was taken.

Residential Care Homes were sampled for foods that present a higher risk of Listeria, including both soft cheese and cooked meat items. All samples were within acceptable levels for Listeria, although one sample had unsatisfactory levels of other bacteria (Enterobacteriaceae).

A total of 10 ready to eat pre-packed sandwiches were tested as part of a national survey. Whilst no sandwiches were found to contain unacceptable levels of bacteria, 4 were borderline; all originating from the same manufacturer based in London. Both the manufacturer and relevant Local Authority were advised of the results found.

All businesses involved were advised of their results, and appropriate steps were taken to provide, support and guidance to make the necessary improvements to prevent a reoccurrence of the failures found.

### **Sampling 2013/14 for Food Standards**

- Burgers at catering premises
- Imported foods
  - Halloween sweets and containers
  - Novelty chocolate
- Corn fed chicken
- Food supplements sold at gyms, etc.
- Nutrition in Residential Care Homes

### **Summary of Findings**

With the food standards sampling the majority of the unsatisfactory samples related to inadequate or incorrect labelling. The imported food survey revealed a high number of non compliant products; these were broadly of two main types incorrect labelling or products failing to comply with legal compositional standards (11 of the 20 samples were non compliant).

The various surveys on meat products revealed few issues with one chicken being misdescribed (not being corn fed). The burger audit has resulted in two products being further analysed in relation to their meat content.

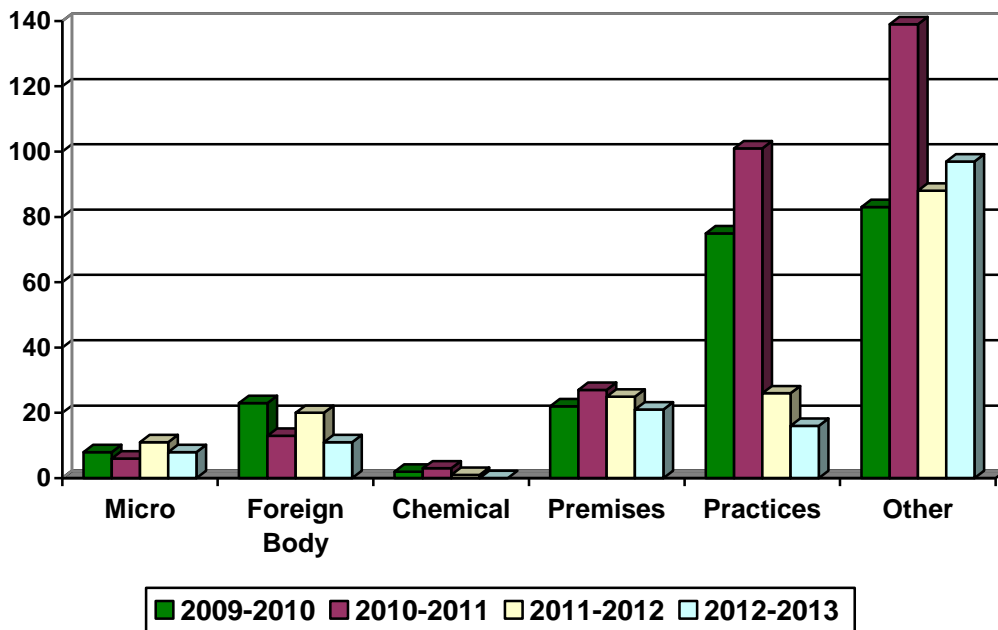
One sample of vodka was found to have been substituted for a cheaper brand.

The results for the care home revisit survey have not yet been received.

## 5. Enquiries and Complaint Investigations

In addition to receiving enquiries from both businesses and those considering setting up a food business, we also continue to receive consumer complaints about dirty food premises, poor food hygiene practices and contaminated food products. In 2013/14 we handled 643 enquiries and dealt with 123 such complaints. We investigate all such complaints and provide advice or take enforcement action as appropriate.

The table below shows the number of complaints in these categories dealt with by the Food Team in 2013/14. The overall level of complaints remaining stable, although there were some variations by complaint type.



We also received and dealt with 102 food complaints concerning matters such as labelling, composition and out of date food.

## 6. Bracknell Forest Borough Council Primary Authority Work

We continue to devote resources to working with Bracknell-based food businesses, dealing with 64 referrals from around the country involving local businesses and handling 51 formal requests for advice on food matters.

## **7. Food Safety Incidents**

Food Alerts, such as warnings for removal of particular products from sale or use, are issued by the FSA. The Food Team respond to the Alerts taking whatever action is needed. In 2013/14 we received 318 Alerts, 31 of which were for 'action' the remainder for 'information'. Alerts that we responded to included: food from unapproved establishments, traceability of beef, salmonella outbreaks in peanut products.

## **8. Food Poisoning; Infectious Disease Notifications**

An important part of our work is the investigation of infectious diseases, including food poisoning, to locate potential sources and prevent the spread of infection. In 2013/14 we dealt with 194 notifications of infectious diseases. The gastrointestinal infection *Campylobacter* accounted for over 80% of the notifications, *Salmonella* for just under 7% and *E coli* for approximately 4%.

## **9. Training and Information**

Education and information are an important part of our enforcement activity. We have assisted and supported local businesses through the provision of the Level 2 Award in Food Safety in Catering training for food handlers. We provided 2 courses in 2013/14. Our pass rate was once again a rate of 100%.

In addition we have continued to utilise a system developed by the Food Standards Agency called 'Safer Food Better Business' (SFBB) to help small food business operators draw up food safety management systems specific to their own food activities. In 2012/13 we continued to offer advice to businesses at every relevant inspection and we additionally received 12 specific enquiries for assistance.

## **10. Food Hygiene Rating Scheme and Catering for Health**

During 2013/14 we continued to work in partnership with both the Food Standards Agency and the Public Health Dietician within Berkshire Healthcare Foundation NHS Trust in supporting the FHRS and additionally awarding Catering for Health Awards. The award recognises catering businesses that provide a variety of healthy eating options for their customers. A total of 21 food businesses within Bracknell Forest Borough currently hold this award, and this information is publicised on our website.

The Food Hygiene Ratings were additionally utilised as the basis for the very successful 'Poor Performing Premises' project in which 21 of the lowest rated premises were targeted for a voluntary coaching project in which purely educational and coaching styles of interactions were undertaken on a voluntary basis. Officers undertook several free sessions in which those areas of higher risk were targeted in a practical way. Feedback has been extremely positive and whilst resource intensive, subsequent full inspections revealed significant increases in ratings. With all premises showing an increase in ratings, two premises showed their ratings changed from 1 to 5 reflecting significant improvements.

## **11. Enforcement Action**

We have adopted a broad and comprehensive set of measures to protect consumers and promote food safety, and actively work with local business to achieve a balanced approach.

Any enforcement action taken by the Food Team is graduated, proportionate and in accordance with the Council's Enforcement Policy. A full copy of the policy can be found on our website: <http://www.bracknell-forest.gov.uk/enforcement-policy.pdf>.

In 2013/14 the Food Team issued 345 written notifications of non-compliance with legal requirements. 5 Formal Improvement Notices were served and 1 premise ceased a high risk activity by voluntary agreement due to an imminent risk to public health; all in line with our staged enforcement approach outline in the Enforcement Policy.

The enforcement action taken in relation to food safety and standards for recent years is shown below:

<b>ENFORCEMENT ACTION</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
Informal improvement notices	347	369	270	315	375	392
Formal notices	10	34	14	16	11	5
Prosecutions	2	0	0	1	0	0
Immediate Prohibition Notices	0	0	0	0	0	0
Voluntary Closure	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>
Simple Cautions	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>
<b>TOTAL</b>	<b>362</b>	<b>405</b>	<b>284</b>	<b>334</b>	<b>389</b>	<b>398</b>

## 12. Staff Development

A record of continuous development is maintained for all Officers. The following courses were attended during 2013/14:

- Food Information for Consumers
- Food Allergens
- Legionella Control in Cooling Towers
- Investigative Interviewing
- Public Health Law (Infection Control)
- Infection Control at Open Farms
- Food Standards Update
- Food Labelling

Division: Environment and Public Protection  
 Section: Regulatory Services  
 Team: Food Law Enforcement

National BRDO Priority	Council Priority	MTO	Reg Services Priority	Service Priority	Service Action	Outcome Measure	Priority
<b>Protecting Consumers, Supporting Business</b>							
				<b>Food Safety</b>			
5	5	9	2	To maintain and deliver a comprehensive Food Law Enforcement Plan.	To adopt an annual Food Law Enforcement Plan, ensuring programmed interventions are risk based.	Adoption of plan by Lead Councillor.	High
1	5	9	4	Develop an integrated approach with TS, Licensing and EP to maximise resources and reduce burden on compliant businesses.	Where practicable, ensure programmed interventions are integrated and local intelligence is utilised across Teams.	Low risk interventions facilitated by alternative Teams.	Low
1	5	8, 9	1	Ensure consistency in the delivery of local regulation, mindful of the economic climate.	Liaise with primary authorities and existing home and lead authorities to ensure that inspection and enforcement action reflects the advice given. Respond to requests for advice and assistance from all Primary and Home Authority Partners and other Local Authorities in order to promote consistency in actions between Authorities, reducing the regulatory burden on businesses.	Liaise with any relevant Primary Authority or Home Authority where formal action is considered.  Respond to 100% requests from our Primary Authority partners within 5 working days	Med  Med

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National BRDO Priority	Council Priority	MTO	Reg Services Priority	Service Priority	Service Action	Outcome Measure	Priority	
33	5	4	6,9	2	To seek to ensure all local food businesses are operating as safely as practicable and are seeking to comply with all relevant legislation.	Undertake a risk-based and targeted food safety programme relevant to local food outlets and mindful of FSA requirements. Note: FSA requirements are 100% of all risk categories, and 100% inspection of all new operations within 28 days. Note: to include duty of care inspections – waste enforcement.	Programmed interventions: 100% high risk - A and B rated 75% medium risk – C and D rated 50% low risk – E rated. 100% first inspection where risk category likely to be A to D. Alternative interventions where risk likely to be E. 100% revisits where required by FSA or where initial visit confirms notable risk to public health.	High High Med High  Low  High
	5	4	8	2	Investigation of food premises and food-related complaints and requests for service.	Respond and investigate in accordance with agreed Corporate timescales and national guidance.	100% requests responded to within 5 working days.	High
	5	4	8	2	Investigation of alleged food poisoning including those not relating to food premises.	Respond and investigate in accordance with agreed Corporate timescales and national guidance.	100% requests responded to within 5 working days.	High
	5	4	8	2	To respond to all categories of food hazard warnings in accordance with statutory requirements linking responses between EH and TS.	Respond in accordance with agreed response times and act in accordance with national guidance.	100% requests responded to within 5 working days.	High
	1	5	9	1	Sustain the economic prosperity of the borough.	Ensure fair trading in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance and consumer protection.	Programme of surveys developed and delivered	Med
	1	4	9	1	Ensure database is kept up to date and maintained.	Ensure identified changes to operations are reflected in database, and known empty commercial premises monitored.	100% amendments updated. To introduce survey programme for known empty units.	Low Low

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National BRDO Priority	Council Priority	MTO	Reg Services Priority	Service Priority	Service Action	Outcome Measure	Priority
<b>Project Working – Focussing Resources</b>							
5	4	6 &8	2	Implement a food and water sampling programme which is in accordance with national and local requirements and priorities.	Participate in BFBC programme of sampling from local food outlets, based on identified national priorities and local intelligence.	Undertake 80 samples for microbiological quality and 60 samples for food standards	Med
33 <sup>5</sup>	3	6	2	Provide additional support and advice to those businesses with the lowest Food Hygiene Ratings in order to provide an alternative educational programme to assist in making improvements	Undertake a programme of targeting premises with FHRS scores of 0, 1 or 2 in order to raise standards with non-enforcement activities; the 'Poor Performers' project	FHRS scores raised from pre-intervention levels	Med
4	3	6	5	In partnership with the Public Health Dietician within Berkshire Healthcare Foundation NHS Trust, promote and encourage caterers to provide healthy menu choices through the promotion and participation in the Catering for Health award scheme.	To continue to encourage new premises to gain the Catering for Health Award in order to offer a range of choice to customers. Review existing premises that have the award during appropriate visits to businesses and seek to increase holders – targeting residential care homes and nurseries.	Increase numbers of award holders and those applying for the award.	Low
4	4	7	4	Develop a review program to establish any local Campylobacter patterns that may indicate priority areas for reducing food poisoning; Campylobacter being the highest source of food poisoning	Review Campylobacter cases in order to establish any variations in age or likely source profile from national or regional levels	Review 100% of Campylobacter cases to establish any local variations in age or likely source from national levels.	Low
1	4 6	7 11	6	Develop the use of knowledge, intelligence and operational support and partnerships to improve planning and delivery of services.	To support and participate in the working of regional groups (Berks Food Group and TSSE region of 19 local authorities)	To deliver value for money by working together.	Med

Division: Environment and Public Protection  
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National BRDO Priority	Council Priority	MTO	Reg Services Priority	Service Priority	Service Action	Outcome Measure	Priority
<b>Performance Management</b>							
3	5	11	6	Review our plans, policies and strategies to ensure that they meet the needs and expectations of our stakeholders where possible.	Ensure current practice notes are up to date and in accordance with FSA requirements (with exceptions identified in this plan).	100% existing practice notes reviewed within revision due dates and a range of relevant practice notes for TS service developed and implemented.	Med
1	4	7	6	Develop the use of knowledge, intelligence and operational support and partnerships to improve planning and delivery of services	To maintain and encourage uptake of a level 1 National Intelligence Model compliant system to aid the identification of priority areas of work	To implement the TSSEL ibase intelligence system	Low
	6	11					
1	4	6&8	4	Continue to improve our service by managing our performance and comparing ourselves against others	Apply best practice, enabling the service to continually improve and identify areas suitable for collaborative working.	Systems in place	Med

**Regulatory Services Priorities:**

1. To protect and support residents and legitimate business through the promotion of a fair, safe, responsible and competitive trading environment.
2. To work with local business to deliver a safe and quality food chain.
3. To work with partners on improvements to the local environment which positively influence the quality of life and promote sustainability.
4. To target enforcement action against those who demonstrate a disregard for the law and the consequences of their actions.
5. To promote public health and healthy living.
6. To constantly keep under review existing working procedures to ensure improvements in service delivery, effectiveness and efficiency



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**National BDRO Priority Regulatory Outcomes:**

1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment.
2. Protect the environment for future generations including tackling the threats and impacts of climate change.
3. Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods.
4. Help people to live healthier lives by preventing ill health and harm and promoting public health.
5. Ensure a safe, healthy and sustainable food chain for the benefits of the consumer and the rural economy.

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**TO: COUNCIL**  
**17 SEPTEMBER 2014**

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**S106: SUPPLEMENTARY CAPITAL APPROVAL**  
**Director of Environment Culture and Communities**

**1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to gain Council approval to release £47,700 of s106 funding for a significant parks improvement project at Lily Hill Park on land leased to Bracknell Rugby Club. The overall cost of the project is £238,300. The Council's constitution requires full Council approval to release any s106 funds not already identified within the capital programme.

**2 RECOMMENDATION**

- 2.1 **That the Council approves the release of £47,700 of s106 funding as detailed in the report for improvement works at Lily Hill Park on land leased to Bracknell rugby Club.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Council receives s106 funding to improve parks and open spaces. As well as improving its own land and facilities it also does this in partnership with others. Bracknell Rugby Club is committing significant resources of its own to the project and has been successful in securing partnership funding. This project will significantly improve the grounds within Lily Hill Park by allowing increase usage of the pitches and improve disabled and general accessibility around the main pitch and into the clubhouse. This supports delivery of the Bracknell Forest Council Parks and Open Spaces Strategy 2012; particularly priority 8. Enhance outdoor sport and play provision (including ancillary facilities).

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council has not yet identified any alternative schemes for parks improvement for these s106 receipts but in the fullness of time these would be identified so the Council could elect not to support Bracknell Rugby Club and await options. However, this project fulfils all the Council's parks improvement criteria and is felt worthy of support.

**5 SUPPORTING INFORMATION**

- 5.1 Bracknell Rugby Club is a very successful voluntary managed club that was established in the 1950's. It operates within Lily Hill Park and has various leases for 3 pitches, clubhouse and surrounding areas which run for a further 30 years. It offers significant opportunities for participating in very varied standards of rugby amounting to 30 teams with players aged from 6 to 60 and supports both male and female teams. Of particular note perhaps are the mini and junior sections which have between 600 and 650 members.

- 5.2 The club also supports the Council's Young People in Sport initiative by providing coaches and also allowing use of their pitches for the Tag Rugby Festival. Other than the obvious business operations such as catering and maintenance, the Club is run through volunteers and has almost 2000 active members on the data base. It is therefore a thriving community club offering excellent and numerous opportunities for the broader community to play rugby or support the promotion of rugby by volunteering.
- 5.3 The Club is committed to improving its facilities in line with modern expectations and most recently completed an improvement project to the clubhouse by refurbishing its changing facilities, installing a disabled person's toilet in the bar area and improving access up to the clubhouse. This project was resourced through the club's own funds, a grant from Sport England and the Council provided s106 funding for the accessibility improvements.
- 5.4 The Club wishes to continue its facility improvements and have identified a three phase project based on priorities:
- **Phase 1** is to install an innovative vertical drainage system on pitch 3 to include localised levelling and seeding of the playing surface so that it can take more of the training and playing burden off pitch 2; to improve the quality of the floodlighting to pitch 2 and 3, and also provide new goalposts.
  - **Phase 2** involves drainage improvement works to pitch 2. In combination with the improvements to pitch 3, this should greatly increase the quality of the playing surface of pitch 2 which is currently hopelessly inadequate.
  - **Phase 3** is to improve accessibility around the main playing pitch 1 by laying a resin surface, create a fully accessible disabled persons viewing area alongside the pitch, limited low level lighting, and make improvements to the clubhouse front entrance to create a disabled persons parking area and improved wheel chair access.
- 5.5 The overall cost of the project is £238,300 and is broadly split thus:
- £140,000 for pitch improvements (phases 1 and 2)
  - £98,300 for phase 3
- 5.6 The club has been successful in gaining financial support from the RFU (£30,000) and also from Sport England (£64,000) leaving a shortfall for the entire project of £144,300. The club currently has £30,000 available for this project and has established a fundraising committee with a target to raise £40,000 and a means of raising £11,000 has already been identified. The club is therefore seeking any support the Council could offer to bridge the shortfall of £74,300
- 5.7 Within its s106 receipts, the Council has £47,700 from 2 developments within Bullbrook that could be used for the purposes of improving sport and recreation facilities at Bracknell Rugby Club. YN417 (Planning Ref. 10/00780; Land at Junction with Bay Drive London Road Bracknell Berkshire) yields £46,700, and YN412 (10/00718/FUL; 21 Farnham Close) yields £1000. The Council has not identified projects for these receipts yet and has until 2018 to spend the money. However, it is considered that the project proposed by the rugby club is a good use of these funds since not only will it improve pitches within Lily Hill Park that are greatly in need of it but these are areas also used beyond the club for general recreation by the public in

general. The project has attracted considerable direct and external funding meaning the Council's contribution is towards a very significant improvement project. While given the length of the lease the following observation is not overly important, it is worth highlighting that ultimately the pitch improvements are actually to Council property and therefore in the long term they are as much in the interest of the Council to complete as they are to the club.

- 5.8 Should the Council agree to release the s106 for the improvement of the sports grounds and facilities at Lily Hill Park, there will still be a shortfall for the entire project. The rugby club has already identified its priorities by phasing the work and have further refined phase 3 timings to indicate in what order it would undertake the work as funds became available
- 5.9 With all the funding that would be available should the Council agree its contribution, the following would be delivered:
- Phase 1 and 2 (pitch improvement works)
  - Raised viewing "platform" for disable persons main pitch (including access)
  - Resin surface along woodland side of pitch
  - Part low level lighting.
- 5.10 The club would complete the project by laying a resin surface along the remaining 2 sides of the pitch (there would be no bound surface between pitch 1 and pitch 2) and provide additional disabled parking facilities as an when funding becomes available.
- 5.11 While the Council's contribution is considerable, it represents about 20% of the full project costs and is considered to be a sound utilisation of the s106 funds received for these purposes. Council is therefore asked to approve the release of the S106 money for this project.

## **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 monies referred to in this report have been received by the Council and this scheme meets the criteria for the use of these receipts.

### Contact for further information

Vincent Paliczka, Environment, Culture and Communities - 01344 351750  
Vincent.paliczka@bracknell-forest.gov.uk

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**TO: COUNCIL  
17 SEPTEMBER 2014**

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## **AMENDMENTS TO THE COUNCIL'S CONSTITUTION (Director of Corporate Services – Legal)**

### **1. PURPOSE OF REPORT**

- 1.1 This report seeks the Council's endorsement to recommendations made by the Governance and Audit Committee at its meeting on 14 July 2014. The recommendations propose amendments to the Council's Constitution.

### **2 RECOMMENDATIONS**

- 2.1 That Council approve the amendments to the Council's Constitution set out in Section 5 below.**

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To give effect to the recommendations of the Governance and Audit Committee.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

### **5 SUPPORTING INFORMATION**

- 5.1 The Council's printing requirements are now met by a shared service arrangement which has recently been put in place between the Council and Wokingham Borough Council. Under the revised service arrangement the agenda for a Council meeting has to be finalised by 10.00am on the Monday of the week prior to the Council meeting (assuming that the meeting takes place on a Wednesday).
- 5.2 Council Procedure Rules specify in respect of Questions and Motions from Members that they must be delivered to the Chief Executive by 10.00am on the sixth working day prior to the meeting. As regards items submitted by members of the public, the Scheme of Public Participation at Meetings of the Council specifies that for inclusion an item must be received at least six **clear** working days from the date of the Council meeting (therefore at present 5.00pm on the Monday before the week of the Council meeting would suffice).
- 5.3 The Governance and Audit Committee recommends that the Council Procedure Rules and the Scheme of Public Participation at Meetings be amended to provide that items must be received by 10.00am on the day which is the seventh working day before the date of the Council meeting (i.e. normally 10.00am on the Monday before the date of the Council meeting).

**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 Assessment Issues

6.4 None.

Chief Officers

6.5 None.

**7. CONSULTATION**

Principal Groups Consulted

7.1 Governance and Audit Committee

Method of Consultation

7.2 Report to meeting of 14 July 2014.

Representations Received

7.3 As set out at paragraph 2.

Background Papers

None.

Contact for further information

Alex Jack, Borough Solicitor – (01344) 355679

[Alex.Jack@bracknell-forest.gov.uk](mailto:Alex.Jack@bracknell-forest.gov.uk)

Doc. Ref

Aj/f/reports/Council – 17 September 2014 – Amendments to the Council's Constitution