

**EXECUTIVE
22 SEPTEMBER 2015
5.00 - 5.50 PM**



Present:

Councillors Dr Barnard (Vice-Chairman, in the Chair), D Birch, Brunel-Walker (Items 6-12), Mrs Hayes MBE, Heydon, McCracken and Turrell

Apologies for absence were received from:

Councillors Bettison

8. Declarations of Interest

There were no declarations of interest.

9. Minutes

RESOLVED that the minutes of the meeting of the Executive on 21 July 2015 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

10. Executive Decisions

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

Item 5: Medium Term Financial Strategy 2016/17-2020/21

RESOLVED that

- 1 The Commitment Budget for the period 2016/17 to 2020/21, summarised in Annex A of the report be approved.
- 2 The proposed budget process and timetable for 2016/17 as set out in paragraphs 5.17 to 5.19 of the report be approved.

Item 6: Consultation Draft Parking Standards Supplementary Planning Document

RESOLVED that:

- 1 The Consultation Draft Parking Standards SPD at Appendix A and its evidence base at Appendix B be approved for public consultation;
- 2 The Executive Member for Planning and Transport be authorised to agree any minor changes to the Consultation Draft SPD and its evidence base prior to the public consultation period.

Item 7: Council Tax Penalties and Sanctions

RESOLVED that the consultation takes place on the implementation of a fixed penalty of £70 to Council tax charge payers, permitted under the provisions of the Local Government Finance Act 1992, who intentionally or knowingly fail to notify the Council of any change affecting Council Tax Liability or Local Council Tax Benefit Scheme (LCTBS) without reasonable excuse be agreed.

Item 8: Complaints Against Bracknell Forest Council in 2014/15

RESOLVED that

- 1 The approach taken to dealing with and learning from complaints to the Council be endorsed;
- 2 The Annual Review letter of the Local Government Ombudsman to the Council for 2014/15 be noted;
- 3 The information on other complaints against the Council in 2014/15 be noted;
- 4 The developments in complaints handling be noted.

Item 9: Corporate Performance Overview Report

RESOLVED that the performance of the Council over the period from April to June 2015 highlighted in the Overview Report in Annex A be noted.

Item 10: Reactive Maintenance & Repair Contract Award

RESOLVED that the Measured Term Contract for Building & Engineering Maintenance and Repairs due to commence on 1 December 2015 be awarded to Tenderer B.

11. Exclusion of Public and Press

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

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

Item 12: Request to Waive CIL Liability

RESOLVED that the Borough Treasurer be authorised to issue a CIL Demand Notice under Regulation 69 of the Community Infrastructure Levy Regulations (2010) (as amended) and to pursue payment using the powers available to the Council.

Minute Annex

Bracknell Forest Council Record of Decision

Work Programme Reference	I053524
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1. **TITLE:** Medium Term Financial Strategy 2016/17-2020/21

2. **SERVICE AREA:** Corporate Services

3. **PURPOSE OF DECISION**

To approve the Commitment Budget and budget process for 2016/17 and beyond.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the Commitment Budget for the period 2016/17 to 2020/21, summarised in Annex A of the report be approved.

2 That the proposed budget process and timetable for 2016/17 as set out in paragraphs 5.17 to 5.19 of the report be approved.

7. **REASON FOR DECISION**

The recommendations are designed to allow the Executive to develop its Medium Term Financial Strategy and to start to consider an appropriate budget strategy for 2016/17 and beyond.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Background information relating to the options considered is included in the report.

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

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

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

Date Decision Made	Final Day of Call-in Period
22 September 2015	30 September 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I054290
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1. **TITLE:** Consultation Draft Parking Standards Supplementary Planning Document

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

3. **PURPOSE OF DECISION**

To seek Executive approval to consult the public and professionals on a Draft Parking Standard Supplementary Planning Document for the Borough.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the Consultation Draft Parking Standards SPD at Appendix A and its evidence base at Appendix B be approved for public consultation;

2 That the Executive Member for Planning and Transport be authorised to agree any minor changes to the Consultation Draft SPD and its evidence base prior to the public consultation period.

7. **REASON FOR DECISION**

Evidence shows that the existing Parking Standards SPD is becoming increasingly out-of-date and does not cover certain issues such as school pick up. There is a need to review the existing SPD which was adopted 8 years ago to better reflect the current parking needs of the Borough. The Consultation Draft SPD includes a strategy for dealing with certain existing parking issues. Consultation is a statutory stage in the process of adopting a new SPD so that it becomes a material consideration in the determination of planning applications.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not reviewing the Parking Standards SPD would mean the council continuing to implement its existing Parking Standards SPD (2007). This is increasingly out-of-date and does not address parking problems associated with new development such as the low levels of use of domestic garage parking.

9. **PRINCIPAL GROUPS CONSULTED:** Public and professionals.

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

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

Date Decision Made	Final Day of Call-in Period
22 September 2015	30 September 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I054669
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1. **TITLE:** Council Tax Penalties and Sanctions
2. **SERVICE AREA:** Adult Social Care, Health & Housing
3. **PURPOSE OF DECISION**

The Executive is asked to consider the introduction of a policy to impose penalties and sanctions where customers fail to tell us of a change in their circumstances that affects their council tax liabilities without justifiable reasons.

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

6. **DECISION:**

That the consultation takes place on the implementation of a fixed penalty of £70 to Council tax charge payers, permitted under the provisions of the Local Government Finance Act 1992, who intentionally or knowingly fail to notify the Council of any change affecting Council Tax Liability or Local Council Tax Benefit Scheme (LCTBS) without reasonable excuse be agreed.

7. **REASON FOR DECISION**

The Council has powers under the Local Government Finance Act 1992 (Schedule 3) to impose civil penalties to those charge payers who wilfully neglect to inform the Council of changes which affect their Council Tax liability.

The Council aims to deliver value for money. Introduction of a penalty scheme will encourage customers to inform the Council of changes as soon as possible thus reducing collection costs.

These penalties would be applied using a consistent approach to those already in receipt of Housing Benefit where Civil Penalties are already imposed.

8. **ALTERNATIVE OPTIONS CONSIDERED**

An alternative to the proposed approach would be for the Authority to undertake a fraud investigation under Detection of Fraud and Enforcement regulations. This course of action would require investigation where it is evident that the behaviour of the charge payer warrants a criminal investigation. In order for these investigations to take place, the Council would need to employ an authorised officer or buy in a specific fraud service. The Authority still reserves the right where it is found that the evidence is strong enough for a prosecution, a fine could be imposed of 50% of the excess discount applied to the Council Tax levy, up to a value of £1000. However, the cost of this approach is likely to be in excess of the discount that has been fraudulently claimed and so the approach will not be cost effective in the majority of cases despite the deterrent effect.

In respect of Council Tax liability, in the most serious of cases only, where a person presents information that they know to be false with a view to obtaining a financial benefit to which they are not entitled, the person may be subject to prosecution under the Theft Act 1968 for obtaining a pecuniary advantage by deception.

A fraud investigation or prosecution under the Theft Act would only be used in those cases where it is established that a false statement or negligence by the charge payer justifies this approach.

9. **PRINCIPAL GROUPS CONSULTED:** Customers of Council Tax Scheme, general community and interested agencies
10. **DOCUMENT CONSIDERED:** Report of the Director of Adult Social Care, Health & Housing
11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
22 September 2015	30 September 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I053134
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1. **TITLE:** Complaints Against Bracknell Forest Council in 2014/15

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

3. **PURPOSE OF DECISION**

To brief the Executive about complaints made against the Council in 2014/15.

4 **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the approach taken to dealing with and learning from complaints to the Council be endorsed;

2 That the Annual Review letter of the Local Government Ombudsman to the Council for 2014/15 be noted;

3 That the information on other complaints against the Council in 2014/15 be noted;

4 That the developments in complaints handling be noted.

7. **REASON FOR DECISION**

This report gives the Executive information on an important aspect of the Council's services to residents, in keeping with the Council's Charter for Customers, which includes always putting the customer first, learning from feedback, and continually aiming to improve the Council's service and performance.

To support the implementation of the corporate Customer Contact Strategy, endorsed by the Council's Executive on 5 July 2011. This strategy's overarching aim is to improve the quality of customer service to residents and service users.

8. **ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options.

9. **PRINCIPAL GROUPS CONSULTED:** None

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

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

Date Decision Made	Final Day of Call-in Period
22 September 2015	30 September 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I052160
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1. **TITLE:** Corporate Performance Overview Report

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

3. **PURPOSE OF DECISION**

To inform the Executive of the Council's performance over the first quarter of 2015-16.

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the performance of the Council over the period from April to June 2015 highlighted in the Overview Report in Annex A be noted.

7. **REASON FOR DECISION**

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

8. **ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options.

9. **PRINCIPAL GROUPS CONSULTED:** Not applicable

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

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

Date Decision Made	Final Day of Call-in Period
22 September 2015	30 September 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I053727
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1. **TITLE:** Reactive Maintenance & Repair Contract Award

2. **SERVICE AREA:** Corporate Services

3. **PURPOSE OF DECISION**

To approve the contract award recommendation for the above service.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the Measured Term Contract for Building & Engineering Maintenance and Repairs due to commence on 1 December 2015 be awarded to Tenderer B.

7. **REASON FOR DECISION**

To ensure that the Council has an effective and reliable contractor in place to deal with any 'reactive' maintenance issues that may arise.

Failure to do so could result in costly implications for the Council, and could also impact on the services we are able to offer individuals within the Borough. A large number of schools have bought into the services provided by Construction and Maintenance and therefore benefit from the reactive maintenance service arising from this award. This links to Priority Four of the Council's Medium Term objectives which seeks to ensure that the people within the Borough are safe at all times.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The current operational model has been reviewed as part of the Facilities Category Strategy.

One alternative option considered was a contractor framework for reactive maintenance consisting of local small to medium sized building contractors. However it became apparent, while investigating the feasibility of the contractor framework, that the creation of such a framework (i.e. marking and ranking the suppliers fairly and transparently as the Council is obliged to do under the Public Contracts Regulations) proved to be impractical in terms of supplier management for a contract of this nature which requires a quick response, often out of hours.

As set out in the agreed Procurement Plan, it was considered prudent to procure a full reactive maintenance term contract as it ensures that the Council complies with the Public Contracts Regulations and has the necessary level of emergency cover in place. It was however considered important that the problems encountered with the current contract, (mainly associated with central office functions including failure to supply management reports and inefficient invoice processes), are addressed going forward as far as possible. The intention is to place greater emphasis on contract management and

reporting and, to ensure greater flexibility, some specialist works have been removed from the new contract and are being tendered separately. These are as follows:-

- 1) PAT testing
- 2) Fixed electrical and emergency lighting testing
- 3) Fire alarm testing

This action has the added benefit of offering opportunities to the local business community to tender for these areas each of which is likely to appeal to a different list of specialist suppliers.

The project team also evaluated the possibility of using an existing framework agreement, however no suitable framework agreements were identified.

In addition, the Council is seeking to create 'a mini' contractor framework for specific small planned works with approved contractors who generally already undertake work for the authority. This is to address the need for a more responsive, flexible and cost-effective means for dealing with day to day minor repairs and maintenance, work is in hand to establish a framework with a limited number of suppliers covering this area which will be the subject of a separate procurement exercise. This, again, will afford opportunities for local businesses whilst supporting the principles of the Facilities Category Strategy. Contracts awarded will cover both civic and schools' buildings.

9. **PRINCIPAL GROUPS CONSULTED:** Officers from the Council including Service Users, Finance, Legal and Procurement.

Interested third parties were also consulted via the questionnaire posted to the South East Business Portal.
10. **DOCUMENT CONSIDERED:** Report of the Director of Corporate Services
11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
22 September 2015	30 September 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I055652
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1. **TITLE:** Request to Waive CIL Liability
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

To consider whether or not to write off a debt relating to a Community Infrastructure Levy charge.

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

That the Borough Treasurer be authorised to issue a CIL Demand Notice under Regulation 69 of the Community Infrastructure Levy Regulations (2010) (as amended) and to pursue payment using the powers available to the Council.

7. **REASON FOR DECISION**

The reasons are set out in the exempt Executive report.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The alternative options are set out in the exempt Executive report.

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

Date Decision Made	Final Day of Call-in Period
22 September 2015	30 September 2015