

**EXECUTIVE
17 NOVEMBER 2015
5.00 - 5.50 PM**



Present:

Councillors Bettison (Chairman), Dr Barnard (Vice-Chairman), D Birch, Mrs Hayes MBE, Heydon, McCracken and Turrell

Apologies for absence were received from:

Councillor Brunel-Walker

16. Declarations of Interest

There were no declarations of interest.

17. Minutes

RESOLVED that the minutes of the meeting of the Executive on 20 October 2015 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

18. 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. Council Tax and Business Rates Recovery

RESOLVED that the Executive agree both the Council Tax Recovery Policy attached as Appendix A, and the Business Rates Recovery Policy attached as Appendix B to the Director of Corporate Services' report for immediate implementation

Item 6. Implementation of the Care Act

RESOLVED that:

- i. the responses received during the consultation period be noted.
- ii. That the Executive agree the following options for charging:
 1. That the Council continues to charge for Residential and Nursing care on the basis of the detailed regulations set out in the Charging for Residential Accommodation Guide
 2. That the Council changes its policy on the financial assessment of couples to be compliant with the Care Act, and approves the interim arrangements for people who are adversely affected by this change (see

paragraph 5.7 of the Director of Adult Social Care, Health and Housing's report).

3. That the Council charges interest on Universal Deferred Payments at the rate set by the Department of Health, currently 2.25%.
 4. That the Council charges interest on discretionary Deferred Payments at the maximum rate set by the Department of Health, currently 2.25%.
 5. That the Council charges an administration fee of £900 for setting up a Universal or discretionary Deferred Payment, and an annual fee of £300 for managing that Deferred Payment.
 6. That the Council charges a fee to self funders in community based settings of £300 for setting up care arrangements, and £200 per annum for ongoing management of the those arrangements.
- iii. That the Executive notes that there was overwhelming support for its policy of not introducing charges for Carers Services (see paragraph 7.3 of the Director of Adult Social Care, Health and Housing's report)

Item 7. School Provider Processes and Update to the Arrangements for a Sponsor for the Binfield Learning Village

RESOLVED that:

- i. The updated terms of reference and membership of the Education Review Group (Annex 1 of the Director of Children, Young People and Learning's Report) be agreed.
- ii. To agree the updated application evaluation criteria (Annex 2 of the Director of Children, Young People and Learning's Report) be agreed.

To note the updated timeline for the appointment of school providers for the new school at Binfield Learning Village (Annex 3 of the Director of Children, Young People and Learning's Report) be noted

Item 8. Appointment of a School Provider for Amen Corner North

RESOLVED that:

- i. the School Sponsor Appointment Plan for the new school to the north of Amen Corner be endorsed.
- ii. the updated timeline for the appointment of a school provider for the new school at Amen Corner North (Annex 1 of the Director of Children, Young People and Learning's report) be noted.

Item 9. Implementing a Multi Agency Safeguarding Hub (MASH) in Bracknell Forest

RESOLVED that

- i. The Executive formally endorses the proposed implementation of a MASH in Bracknell Forest
- ii. The MASH funding proposal is included in the budget plans.

Item 10. Review of Statement of Licensing Policy

RESOLVED that the Executive agrees the submission of the Statement of Licensing Policy to Council on 25 November 2015 for formal adoption with effect from 7 January 2016.

Item 11. Review of Statement of Gambling Principles

RESOLVED that the Executive agrees the submission of the Statement of Gambling Principles to Council on 25 November 2015 for formal adoption with effect from 31 January 2016.

Item 12. Examination and Test Performance in Bracknell Forest Schools: Academic Year 2014 – 2015

RESOLVED that the Executive:

- i. notes school results for the academic year 2014-15 and
- ii. endorses the priorities and direction of travel for the School Improvement Service for the academic year 2015-16. All results quoted in this report and the annex A of the Director of Children, Young People and Learning's report are provisional and are awaiting validation

19. 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 items 14 and 15 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 14. Smoking Cessation Procurement

RESOLVED that the smoking cessation service contract be awarded to Solutions4Health Ltd to begin on 1st April 2016 for a duration of 3 years in the first instance (with an option to be extended for a further two years) with a maximum contract annual value of £1.38 million (shared across five local authorities).

Item 15. Request for Sale of Property – Harmans Water

RESOLVED that the sale of 50a Ripplesmere to Dr K Rijal for the sum of £280,000 be approved.

CHAIRMAN

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I055823
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1. **TITLE:** Council Tax and Business Rates Recovery

2. **SERVICE AREA:** Corporate Services

3. **PURPOSE OF DECISION**

To seek the permission of the Executive to implement a revised debt recovery policy for both Council Tax and Business Rates.

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the Executive agree both the Council Tax Recovery Policy attached as Appendix A, and the Business Rates Recovery Policy attached as Appendix B to the Director of Corporate Services' report for immediate implementation

7. **REASON FOR DECISION**

There are a variety of debt recovery options available for both Council Tax and Business Rates and most of these options are utilised routinely by the Revenue Services Team at the present time in order to collect outstanding debts.

There are, however, harsher powers of recovery (as detailed in paragraph 5.1 of the Director of Corporate Services' report) that are not currently exercised in Bracknell Forest and it is therefore deemed that Executive approval of these methods should be obtained in order to employ these powers going forward.

8. **ALTERNATIVE OPTIONS CONSIDERED**

When debts reach a stage where one of the aforementioned harsher methods is deemed to be appropriate, it is likely that the taxpayer is an evasive and serial non-payer. It will mean that the debt is a significant size and that the debtor is unwilling to make contact or to make any reasonable payments towards their debt. When a debt reaches this point the only alternative option to consider, if a harsh recovery power is not to be used, is writing the debt off. All write offs must be authorised by the Borough Treasurer or a Group Accountant under delegated powers.

Writing off these types of debt will give serial non-payers the impression that Bracknell Forest is unable or willing to pursue them for outstanding debts and could create a culture of non-payment. The act of writing debts off would also create bad feeling and potentially generate complaints from taxpayers who do make their payments as required and feel aggrieved that those who don't pay are not sufficiently pursued

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
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I056585
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1. **TITLE:** Implementation of the Care Act
2. **SERVICE AREA:** Adult Social Care, Health & Housing
3. **PURPOSE OF DECISION**

To decide on charging options for Adult Social Care arising out of new powers and duties in the Care Act, following the recent Consultation approved by the Executive on 21st July 2015.

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

That:

- i. the responses received during the consultation period be noted.
- ii. That the Executive agree the following options for charging:
 1. That the Council continues to charge for Residential and Nursing care on the basis of the detailed regulations set out in the Charging for Residential Accommodation Guide
 2. That the Council changes its policy on the financial assessment of couples to be compliant with the Care Act, and approves the interim arrangements for people who are adversely affected by this change (see paragraph 5.7 of the Director of Adult Social Care, Health and Housing's report).
 3. That the Council charges interest on Universal Deferred Payments at the rate set by the Department of Health, currently 2.25%.
 4. That the Council charges interest on discretionary Deferred Payments at the maximum rate set by the Department of Health, currently 2.25%.
 5. That the Council charges an administration fee of £900 for setting up a Universal or discretionary Deferred Payment, and an annual fee of £300 for managing that Deferred Payment.
 6. That the Council charges a fee to self funders in community based settings of £300 for setting up care arrangements, and £200 per annum for ongoing management of the those arrangements.
- iii. That the Executive notes that there was overwhelming support for its policy of not introducing charges for Carers Services (see paragraph 7.3 of the Director of Adult Social Care, Health and Housing's report)

7. **REASON FOR DECISION**

8. **ALTERNATIVE OPTIONS CONSIDERED**

The Care Act 2014 imposes powers and duties on Local Authorities in relation to these matters from April 2015. The Executive decided to consult first before making any changes to current policies.

There is no alternative to implementing the requirements of the Care Act 2014 however there are decisions to be made regarding details of local implementation.

9. **PRINCIPAL GROUPS CONSULTED:** People in receipt of social care
Voluntary organisations
General population

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
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I056240
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1. **TITLE:** School Provider Processes and Update to the Arrangements for a Sponsor for the Binfield Learning Village

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

3. **PURPOSE OF DECISION**

To confirm the process for the appointment of school sponsors for proposed new academy schools and to note an update to the timeline in relation to the Binfield Learning Village.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That:

- i. The updated terms of reference and membership of the Education Review Group (Annex 1 of the Director of Children, Young People and Learning's Report) be agreed.
- ii. To agree the updated application evaluation criteria (Annex 2 of the Director of Children, Young People and Learning's Report) be agreed.
- iii. To note the updated timeline for the appointment of school providers for the new school at Binfield Learning Village (Annex 3 of the Director of Children, Young People and Learning's Report) be noted

7. **REASON FOR DECISION**

In June 2015, the Executive agreed arrangements to appoint a school sponsor for the Binfield Learning Village. So that the Council can be in a robust position to appoint a sponsor the timeline has been revised. Also further sub criteria have been added to the set of application evaluation criteria agreed by the Executive in June 2015 so that the Council can be assured that all areas of interest are fully covered by the criteria. The overall structure has not changed.

The Executive agreed in June 2013 the process for assessing applications for new schools in Bracknell Forest. A standing, consultative Education Review Group was established, and criteria agreed which potential providers should meet if they wish to be commissioned to run a school in the borough. These processes were intended to ensure that any providers will be equipped to deliver schools with the potential to be outstanding. The terms of reference have been sharpened in the light of Government advice and the Council's current needs.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not applicable. It is important that stakeholders are involved in the process through the

Education Review Group and the Executive is best placed to make the decision on providers to recommend to the Regional Schools Commissioner.

9. **PRINCIPAL GROUPS CONSULTED:** The Education Review Group includes local stakeholder representatives.
10. **DOCUMENT CONSIDERED:** Report of the Director of Children, Young People & Learning.
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I056969
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1. **TITLE:** Appointment of a School Provider for Amen Corner North

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

3. **PURPOSE OF DECISION**

To confirm the process and timeline for the appointment of a school sponsor for the proposed new primary school to the north of Amen Corner.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That:

- i. the School Sponsor Appointment Plan for the new school to the north of Amen Corner be endorsed.
- ii. the updated timeline for the appointment of a school provider for the new school at Amen Corner North (Annex 1 of the Director of Children, Young People and Learning's report) be noted.

7. **REASON FOR DECISION**

In order for the scheme to progress, Executive endorsement is required.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not applicable. The Executive is best placed to make the decision on providers to recommend to the Regional Schools Commissioner.

9. **PRINCIPAL GROUPS CONSULTED:** The Education Review Group includes local stakeholder representatives.

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

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

Date Decision Made	Final Day of Call-in Period
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I056174
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1. **TITLE:** Implementing a Multi Agency Safeguarding Hub (MASH) in Bracknell Forest

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

3. **PURPOSE OF DECISION**

To inform the Executive about the progress with the MASH project and to endorse the MASH implementation programme to be fully operational from May 2016.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That

- i. The Executive formally endorses the proposed implementation of a MASH in Bracknell Forest
- ii. The MASH funding proposal is included in the budget plans.

7. **REASON FOR DECISION**

The need for effective multi-agency working and information sharing in order to secure improved safeguarding outcomes is clearly stated in a number of reviews, policy documentation and statutory guidance. To achieve greater multi agency information sharing MASH have been implemented across the Country.

At the time of a national review 26 of the 37 local authorities in scope, said that they had multi-agency models in place at the time of interview (between January and April 2013). (Multi Agency Working and Information Sharing Project Final report July 2014). Since 2013 many more have been established.

According to the Office of Children's Commissioner's –Inquiry into Child Sexual Exploitation in Gangs and Groups effective multi-agency working needs to become more widespread.

The Children's Commissioner's 2013 Inquiry into Child Sexual Exploitation in Gangs and Groups found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual exploitation. The report cited MASH as an encouraging development, combining the expertise and resources of several bodies in order to identify children at risk of sexual exploitation. This co-ordination was identified as particularly important for children and young people who face several different risks. The inquiry found that: in 2013 23% of LSCBs reported having a MASH in their area. 18% had one under development

MASH are demonstrating benefits to both children and to Local Authorities. The five other Local Authorities in Berkshire are implementing MASH over the next year and Bracknell-Forest needs to be part of these arrangements ensuring that children and families in the Bracknell Forest area receive the same level of service as others in Berkshire.

8. ALTERNATIVE OPTIONS CONSIDERED

There is no workable alternative. Thames Valley Police (TVP) who currently supplies the majority of referrals to Duty and Assessment Teams across Berkshire have agreed to support MASH across the six unitary authorities. If BF continued with its present arrangements i.e. continuing with a Children's Duty and Assessment Team, TVP would not support this by providing different arrangements for one authority.

Do nothing: this is not a viable option as TVP will not now be developing a referral centre.

Do minimum: a minimal change is not viable given the premises and ICT issues, the need to recruit staff and the need to redesign the deployment of current police, as well as Bracknell Forest and partner staffing resources to achieve the necessary change.

A Co-located MASH arrangement: will deliver the full benefits of a MASH.

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

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

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

Date Decision Made	Final Day of Call-in Period
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I055760
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1. **TITLE:** Review of Statement of Licensing Policy
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

The purpose of the report is to gain Council approval for the publication of a revised Statement of Licensing Policy by 7 January 2016. If a policy is not produced, agreed and published by that date, the Council will not be able to carry out its decision making functions under the Licensing Act 2003.

The Executive is invited to endorse the Policy prior to submission to Council.

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

That the Executive agrees the submission of the Statement of Licensing Policy to Council on 25 November 2015 for formal adoption with effect from 7 January 2016.

7. **REASON FOR DECISION**

Section 5 of the Licensing Act 2003 ('the Act') requires the licensing authority to prepare and publish a SLP every five years. The SLP outlines the general approach of the licensing authority when making licensing decisions under the Act and can be reviewed and revised by the authority at any time.

8. **ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options as the revision of the SLP is a legal requirement.

9. **PRINCIPAL GROUPS CONSULTED:** An agreed list of consultees
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
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I055761
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1. **TITLE:** Review of Statement of Gambling Principles
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

The purpose of the report is to gain Council approval for the publication of a revised Statement of Gambling Policy by 30 January 2016. If a policy is not produced, agreed and published by that date, the Council will not be able to carry out its decision making functions under the Licensing Act 2003.

The Executive is invited to endorse the Policy prior to submission to Council.

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

That the Executive agrees the submission of the Statement of Gambling Principles to Council on 25 November 2015 for formal adoption with effect from 31 January 2016.

7. **REASON FOR DECISION**

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time. The present Statement was published on 31 January 2013 and therefore must undergo a review and be re-published on or before 31 January 2016

8. **ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options as the revision of the Statement is a legal requirement.

9. **PRINCIPAL GROUPS CONSULTED:** An agreed list of consultees
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
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I056903
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1. **TITLE:** Examination and Test Performance in Bracknell Forest Schools: Academic Year 2014 – 2015

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

3. **PURPOSE OF DECISION**

To inform the Executive of the work of the School Improvement Service and schools' end of year results for the academic year 2014-15

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the Executive:

- i. notes school results for the academic year 2014-15 and
- ii. endorses the priorities and direction of travel for the School Improvement Service for the academic year 2015-16. All results quoted in this report and the annex A of the Director of Children, Young People and Learning's report are provisional and are awaiting validation

7. **REASON FOR DECISION**

To ensure the Executive are briefed on the results and priorities for the academic year 2015-16.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None.

9. **PRINCIPAL GROUPS CONSULTED:** None

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

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

Date Decision Made	Final Day of Call-in Period
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I055948
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1. **TITLE:** Smoking Cessation Procurement
2. **SERVICE AREA:** Adult Social Care, Health & Housing
3. **PURPOSE OF DECISION**

To seek a decision for approval of the chosen provider after the procurement has been completed. The Smoking Cessation contract went to competitive tender in August 2015 with a 'chosen' provider to be identified by 9th October 2015.

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

6. **DECISION:**

That the smoking cessation service contract be awarded to Solutions4Health Ltd to begin on 1st April 2016 for a duration of 3 years in the first instance (with an option to be extended for a further two years) with a maximum contract annual value of £1.38 million (shared across five local authorities).

7. **REASON FOR DECISION**

Smoking is a key determinant of poor health and well-being. Smoking cessation services have been shown to be effective in helping people stop smoking.

The current contract for the delivery smoking cessation services ends on 31st March 2016.

A competitive procurement process has been conducted and the selection of Solutions4Health Ltd as the preferred provider was unanimous across the 5 participating authorities.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Discontinuation of stop smoking service commissioning. This would be likely to have a significant and adverse effect on public health outcomes.

9. **PRINCIPAL GROUPS CONSULTED:** Public and Stakeholders
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
17 November 2015	25 November 2015

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I056684
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1. **TITLE:** Request for Sale of Property – Harmans Water

2. **SERVICE AREA:** Corporate Services

3. **PURPOSE OF DECISION**

To recommend that an offer from the tenant of 51a Ripplesmere to purchase the property from the Council is considered by the Executive.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the sale of 50a Ripplesmere to Dr K Rijal for the sum of £280,000 be approved

7. **REASON FOR DECISION**

To sell the property in order to make a capital receipt to support the Council's budget plans.

This property is a single unit, it is not part of a parade and the offer is substantially above the open market value. This provides an opportunity for the Council to maximise its return at this time.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Retain the property and continue with the current tenancy arrangement.

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

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
17 November 2015	25 November 2015