



# AGENDA

For the Council meeting to be held on  
Wednesday 30 November 2016.

Timothy Wheadon, Chief Executive



## **NOTICE OF MEETING**

**Council**

**Wednesday 30 November 2016, 7.30 pm**

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

**To: The Council**

Councillor Virgo (Mayor), Councillor Mrs McKenzie-Boyle (Deputy Mayor),  
Councillors Allen, Mrs Angell, Angell, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, G Birch,  
Brossard, Brunel-Walker, Dudley, Finch, Finnie, Ms Gaw, Mrs Hamilton, Harrison,  
Mrs Hayes MBE, Ms Hayes, Heydon, Hill, Mrs Ingham, Kennedy, Leake, McCracken,  
Mrs McCracken, Mrs McKenzie, McLean, Mrs Mattick, Ms Merry, Ms Miller, Peacey, Phillips,  
Porter, Skinner, Mrs Temperton, Thompson, Tullett, Turrell, Wade and Worrall



TIMOTHY WHEADON  
Chief Executive

## **Council**

**Wednesday 30 November 2016, 7.30 pm**

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

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

## **AGENDA**

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

1. **Apologies for Absence**

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting**

To approve as a correct record the minutes of the meeting of the Council held on 14 September 2016.

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4. **Questions Submitted Under Council Procedure Rule 9**

In accordance with Council Procedure Rule 9 (Public Participation), two questions have been submitted by Mrs V Pearce resident of Lingwood, Old Bracknell on behalf of the Defend Our Community Services with regard to their concern about the library service.

The full text of the questions are set out below, to be answered by Councillor McCracken, Executive Member for Culture, Corporate Services and Public Protection:

To be asked by Mr T Pearce:

- a) *With reference to the Council Libraries Review, which refers to the possibility of some libraries being relocated into Community Hubs/Community Centres, etc., staffed by volunteers. Would the Council agree that a pile of books on a table in a multi activity space is no longer a library in the sense that we know it? We need our libraries in properly equipped and staffed buildings not as an adjunct to a multi activity space.*

To be asked by Mrs V Pearce:

- b) *With reference to the Council Library Review would the Council*

*agree that we should respect the great job our professional library staff do and appreciate that running a successful library goes far beyond stamping and handing out books. The relatively small savings accrued by cutting our excellent staff and replacing by volunteers, no matter how enthusiastic, could well prove to be a short sighted and counter productive. If more funding needs to be generated will the Council consider using some of its reserves rather than cutting the quality of our libraries, a central part of our community?*

The procedure for dealing with submissions is explained in the Council's scheme for public participation which is viewable as part of the Constitution. The overall time allowed at a meeting to deal with all submissions by the public will not normally exceed 30 minutes.

5. **Mayor's Announcements**

Including presentations from Martin Taylor from Redwood Technologies, and Rose Dalton from Relay for Life.

6. **Executive Report**

To receive the Leader's report on the work of the Executive since the Council meeting held on 14 September 2016.

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Council is asked to resolve a recommendation in respect of:

- **Regulatory Services – Joint Services Proposal as outlined in Appendix A of the Executive report (paragraph 5.3.4)**
- **The Commercial Property Investment Strategy as outlined in Appendix B of the Executive report (paragraph 5.4.3)**

7. **Governance and Audit Recommendations**

To endorse the recommendations made by the Governance and Audit Committee.

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8. **Calendar of Meetings**

To approve the proposed schedule of meetings 2017/18.

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9. **Membership of Committees and Outside Appointments**

To fill vacancies on a number of committees and note the appointments made by the Leader.

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

By Councillor Mrs Temperton to Councillor D Birch, Executive Member for Adult Services, Health and Housing

*The 2016/17 revenue budget included a saving of £1.5m from reviewing and recommissioning adult social care packages.*

*How far have these savings been achieved and what has been their impact on the clients?*



**COUNCIL**  
**14 SEPTEMBER 2016**  
**7.30 - 9.05 PM**

**Present:**

The Mayor (Councillor Tony Virgo), Councillors Mrs McKenzie-Boyle (Deputy Mayor), Allen, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, G Birch, Brossard, Dudley, Finch, Finnie, Ms Gaw, Mrs Hamilton, Harrison, Ms Hayes, Heydon, Mrs Ingham, Leake, Mrs McKenzie, Mrs Mattick, Ms Merry, Peacey, Porter, Mrs Temperton, Thompson, Tullett, Turrell, Wade and Worrall

**Apologies for absence were received from:**

Councillors Mrs Angell, Angell, Brunel-Walker, Mrs Hayes MBE, Hill, McCracken, Mrs McCracken, McLean, Ms Miller, Phillips and Skinner

**16. Minutes of Previous Meeting**

**RESOLVED** that the minutes of the Council meeting held on 13 July 2016 be approved and signed by the Mayor as a correct record.

**17. Declarations of Interest**

Councillor Tullett declared an affected interest in item 7, Efficiency Plan 2016 – 2020 by virtue of being the Council’s representative on the South Hill Park Trust and withdrew from the meeting during consideration of this item.

The Mayor, Councillor Virgo declared an affected interest in item 7, Efficiency Plan 2016 – 2020 due to his role as a Trustee on the South Hill Park Trust and withdrew from the meeting during consideration of this item.

**18. Mayor's Announcements**

Challenge Club

The Mayor welcomed Peter Wilcox from the Challenge Club which had been awarded the Queen’s Award for voluntary service this year. He explained to those present that it was a social club for adults with learning difficulties based at Priestwood Youth and Community Centre. The weekly meetings were attended by 80 people with their carers and there was either a disco or a live band. He explained that the club was run by volunteers and it was important to keep the costs low which meant an entrance fee of only £1.50. He recognised that there were multiple social benefits to the club’s members.

Jeallott’s Hill Community Project

The Mayor invited David Putt, Project Manager to attend the Council meeting to update them on the progress of the project since being awarded the Queen’s Voluntary Award last year. He advised the meeting that the site continued to develop with projects such as the new Green Gym which supports people with mild and

moderate mental health conditions and dementia and the new Little Muddy Boots sessions which aimed to reconnect under 5's and their parents with nature.

#### Green Deal Communities Project

The Mayor invited Hazel Hill, Sustainable Energy Officer to attend the Council meeting to celebrate the success of the project which had won the 'Regional Large Scale Project' award at the South East Energy Efficiency and Retrofit Awards. Hazel was also chosen as runner-up in the 'Energy Efficiency Champion' category.

#### Councillor Mrs Temperton

Councillor Mrs Temperton encouraged her colleagues to participate in a scheme to collect food for the children in the Sangatte refugee camp in France.

#### Charity Meal

The Mayor had circulated flyers to all attendees to promote his charity Burns Night meal which would be taking place on 10 February 2017 at Stirrups Country House Hotel in aid of his nominated charity St. Sebastian's Trust.

### **19. Presentation by Thames Valley Police**

The Chief Constable, Francis Habgood, gave a presentation on significant policing issues across the borough and Police and Crime Commissioner, Anthony Stansfeld also attended to speak to Members about the PCC challenges for 2016-17 and beyond.

The Police and Crime Commissioner reported that there had nationally been a 25% turnout at the May elections. He stated that the £85 million funding cut was challenging to deal with and that there were opportunities to work with the local fire authorities.

The Chief Constable reiterated the force's commitment was to working together to make the community safer and he recognised the significant role that neighbourhood policing had in building a more resilient community. The Chief Constable explained that the force was working on enabling residents to contact the police and an app would be launched in 2017. He advised the meeting that though there had been small increases in crime levels for violence against another person these were not as significant as those nationally and burglary dwelling crime continued to be low.

The Chief Constable reported that the LPA merger had been successful and that operation Loquacious had resulted in 26 warrants. He was pleased to report that Bracknell Forest's example of Partnership Problem Solving was used as an example of best practice for information sharing and shared intervention work. The Chief Constable advised the meeting that the mental health triage support practices that had been successful elsewhere were now introduced in Bracknell.

Superintendent Rob France, Local Policing Area commander and Chief Inspector David Gilbert, Deputy Local Policing Area commander also attended the meeting to respond to Councillor's questions.

In response to a question regarding the harassment of young children the Local Policing Area commander stated that officers were working with schools to highlight the risks to individuals and noted that unfortunately the age group they needed to engage with was getting younger.

In response to a question regarding the merger of the command structure and lessons learnt the Chief Constable stated that there should be no recognisable change for the public especially as neighbourhood policing had not changed. They had entered into the merger by learning from other experience. He considered that they had been very fortunate to have two officers involved who understood the areas and knew the staff which led to a very positive process.

In response to a question about speeding and unsociable driving in the area the Local Policing Area commander agreed that this had been identified as a significant local problem. He advised that they were investing resources to tackle this and were at the start of an operation in the borough to identify and deter the culprits.

In response to a question about how the progress of the mental health triage would be reported the Local Policing Area commander advised that the data collected would be shared with the Community Safety Partnership and the Health and Wellbeing Board.

In response to a question about whether more police activity could be reported through social media the Local Policing Area commander encouraged Councillors to push out key messages through channels available to them and acknowledged that there was always more that could be done. He noted that social media was not everyone's preferred method of communication.

In response to a question about the local ability to respond to cyber crime the Chief Constable reiterated that cyber crime was wide-ranging from harassment through social media through to large organisations being hacked. He advised that Neighbourhood police officers were being trained to gather evidence from the internet. The Police and Crime Commissioner added that the scale of the problem required a national crime unit to respond to this costly crime.

In response to a question about incidences of hate crime since Brexit the Local Policing Area commander reported that cases within the Thames Valley had been low with three hate crimes reported in Bracknell Forest in the two weeks after the vote.

In response to a question about the force's response to terrorist incidences in France the Chief Constable reassured the meeting that with every shocking event an assessment was undertaken to understand what this could mean for the local area. Preventative work was ongoing and nationally planned attacks had been disrupted. The Police and Crime Commissioner added that neighbourhood policing work assisted in reporting local issues.

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

## 20. **Executive Report**

The Leader of the Council, Councillor Bettison OBE, presented his report on the work of the Executive since that reported at the Council meeting on 13 July 2016. The Executive had met once on 18 July 2016.

The Leader highlighted the following matters that had been considered:

- The Medium Term Financial Strategy had been agreed. Although this was not set in stone it was reflected in Efficiency Plan. The Executive recommended the four year settlement with Government. It was anticipated that the Revenue Support Grant would reduce from £11.3m to £1.7m but that it was likely to be worse without the agreement.
- The Transformation programme was well underway to deliver Efficiency Plan and close the £23.5m budget gap.
- Revenue & Capital Outturn 2015/16 was agreed and virements and Treasury Management Report were recommended to Council. It was noted that it was the 18<sup>th</sup> consecutive year within budget.
- A public consultation on future public access at Edgbarrow & Sandhurst Sports Centres had been agreed. There would be school access only until 5:30pm during term time but there were two management options for other access either
  - Leisure Services could deliver services with higher charges or
  - schools could manage community access with no 'pay as you go'.
- The RE3 Waste Strategy was endorsed with the key aim to increase recycling to meet 50% target.
- The contract for the enabling works and main works contracts for Binfield Learning Village were agreed. A supplementary capital approval of £3.3m was recommended for inflation from 2014 prices. The contractor was on site and the school would be opening in September 2018.
- The Youth Offending Service Inspection recognised the quality of work within the team to be excellent. Councillor Bettison asked that the team be thanked on behalf of the Council for their hard work.
- Changes to commissioning and delivery of drug & alcohol services were agreed. This would move to commissioned service from direct delivery which would be a 15% efficiency savings of £92k.
- Since October 2015 it had been a local government responsibility to deliver Health Visiting. A 15 month contract had been awarded to coincide with end of the Public Health grant ring fence.
- A new framework agreement had been approved for Supported Bus Passenger Transport which provided a structure to procure individual contracts.
- The Council had agreed to be part of the voluntary dispersal scheme of unaccompanied asylum seeking children and were able to highlight the lack of local infrastructure and concern about potential extra costs. Provisionally two unaccompanied Asylum Seeking Children would be supported by Bracknell Forest by the end of September to allow time to identify support infrastructure but this would be reviewed in October in light of other Councils' support for scheme.

The agenda report contained recommendations that the Council was asked to resolve.

On the proposition of Councillor Heydon, Executive Member for Finance and Transformation, seconded by Councillor Allen it was



**RESOLVED** that

- i) the Government's offer of a four year settlement be accepted
- ii) the virements over £100k (Annexe E of Appendix A of the agenda report) be approved
- iii) the Treasury Management Annual Report 2015/16 (Annexe B of Appendix A of the agenda report) be approved
- iv) supplementary capital funding of £3.3m be approved in relation to the delivery of the Binfield Learning Village (Appendix B of the agenda report).

**DEPUTY MAYOR, COUNCILLOR MRS McKENZIE-BOYLE, IN THE CHAIR**

**21. Efficiency Plan 2016 - 2020**

Having declared an interest being a members of the South Hill Park Board of Trustees, Councillors Tullett and Virgo withdrew from the meeting during consideration of this item.

The Council considered the Borough Treasurer's report on the proposed Efficiency Plan 2016 – 2020 which had been prepared in order to accept the Government's offer of a four year funding settlement.

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

**RESOLVED** that the Efficiency Plan at Annex A of the agenda report be agreed.

**MAYOR, COUNCILLOR VIRGO, IN THE CHAIR**

**22. Food Law Enforcement Plan 2016-17**

The Council considered the report asking them to approve the Food Law Enforcement Plan 2016-17 in accordance with the Food Standards Agency framework agreement. The plan addresses all matters relating to food hygiene, food standards and the sale of animal foodstuff.

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

**RESOLVED** that

- i) the supporting information in relation to the Food Law Enforcement Plan be noted; and
- ii) the Food Law Enforcement Plan for 2016-2017 (at Annex A of the agenda report) be ratified.

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

Councillor Mrs Temperton asked Councillor D Birch, Executive Member for Adult Services, Health and Housing the following published question:

*The Glaucoma clinic has recently been moved from the Urgent Care Centre back to King Edward V11 Hospital, Windsor. The Bracknell location of this clinic was greatly*

*valued by our residents, as patients cannot drive when attending these appointments, even for a regular check-up, as drops are applied to dilate the pupils.*

*What influence does the Council have on the services provided at the Urgent Care Centre, Bracknell?*

In response Councillor Birch stated that the Council does not have any influence on the services provided because it is not responsible for the day to day delivery. He added that the service had been moved temporarily due to the reduction of hours of a consultant. Although he had been advised that it would be delivered again at the Urgent Care Centre he had not been given a date but he had impressed upon the Clinical Commissioning Group that the service should be reinstated as soon as possible.

In response to Councillor Mrs Temperton's supplementary question on the role of the Health and Wellbeing Board and whether locally provided services would be safeguarded he stated that he was looking forward to a more assertive Health and Wellbeing Board which would be able to ensure that its partners communicated even temporary service changes. He explained that the Health and Wellbeing Board was a partnership between a number of organisations but the responsibility for commissioning remained with each partner.

**MAYOR**

To: COUNCIL  
30 NOVEMBER 2016

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## EXECUTIVE REPORT TO COUNCIL The Leader

### 1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 14 September 2016, the Executive has met twice on 27 September 2016 and 15 November 2016. This report summarises decisions taken at those meetings 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 Council is asked to consider the recommendations set out at paragraphs 5.3.4 and 5.4.3.

### 3 REASONS FOR RECOMMENDATIONS

- 3.1 The reasons for recommendations are set out in the supporting information and in the reports considered by the Executive.

### 4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative options are discussed in the relevant individual reports considered by the Executive

### 5 SUPPORTING INFORMATION

#### Council Strategy & Community Cohesion

#### 5.1 Council Plan Overview Report

- 5.1.1 The Executive received the Chief Executive's latest Council Plan Overview Report covering the first quarter of 2016/17 (April–June 2016). At the end of the quarter, 148 actions (90.3%) were on target to complete within the timescales set; 6 actions (3.6%) had been completed, 9 actions (5.5%) were at risk of falling behind schedule and 1 action (0.6%) had fallen behind schedule.
- 5.1.2 Progress against key performance indicators across the Council was also very positive, with 33 (89.2%) green – i.e. on, above or within 5% of target; 1 (2.7%) was amber – i.e. between 5% and 10% of target; and 3 (8.1%) were red – i.e. more than 10% from target.

## **5.2 Complaints Against Bracknell Forest Council in 2015-16**

- 5.2.1 The Executive has considered the annual report on complaints made against the Council in 2015/16 noting the Annual Review letter from the Local Government Ombudsman (LGO) and information on other complaints against the Council. Arising from the report, it has endorsed the approach taken to dealing with and learning from complaints and noted developments in complaint handling.
- 5.2.2 26 complaints against the Council were received by the Local Government Ombudsman in 2015/16, compared to 18 in 2014/15 and an average of 19 over the previous three years 2010-13. Whilst the number of complaints for 2015/16 was higher than in recent years, it still remained lower than any of the other Berkshire authorities and around half the national average for all councils. Two complaints were upheld on the basis of very minor errors, the details of which were reported to the Executive on 15 December 2015 and 14 June 2016.
- 5.2.3 The Ombudsman has reported that in 2015-16 they upheld 51% of all complaints nationally where they carried out a detailed investigation. The corresponding figure for Bracknell Forest was much lower at 33%.
- 5.2.4 As reported to the Executive at its meeting on 22 September 2015, there was a significant change in the way the LGO arrived at its decisions on complaints from 1 April 2014. The consequence of the changes is that all councils can expect to receive more LGO decisions that complaints have been upheld, and that there has been maladministration, even on very minor issues. Officers have continued to challenge what they regard to be incorrect assessments on significant cases.

## **Transformation and Finance**

### **5.3 Regulatory Services – Joint Services Proposal**

- 5.3.1 The Executive endorsed proposals to create a joint service for Regulatory Services with West Berkshire and Wokingham Councils. The shared service would be known as the Public Protection Partnership and would be governed by a Joint Committee which would include two elected Members from each local authority. The Joint Committee would be responsible for determining policy, strategy and to oversee the performance monitoring and management of the new Public Protection Partnership.
- 5.3.2 Regulatory services within Bracknell Forest comprised of environmental health, trading standards and licensing. The proposed shared service would enable further efficiencies to be realised whilst still ensuring that mandatory duties were undertaken on behalf of the Council.
- 5.3.3 As a small unit, the local regulatory services team could no longer continue to offer any significant level of savings whilst still fulfilling the mandatory functions of the Council. A joint service would provide the most sustainable option relative to the Council's financial and legal obligations.
- 5.3.4 **As far as the following are Council functions, Council is asked to agree:**
- (i) **to authorise the arrangements set out in the report (attached as Appendix A) including the creation of a Joint Committee for the strategic policy and oversight of the delivery of public protection services with Wokingham**

**Borough Council and West Berkshire Council through the Public Protection Partnership (PPP) with effect from 9 January 2017,**

- (ii) that the Monitoring Officer, in consultation with the Borough Treasurer and Director of Environment, Culture & Communities, be authorised to finalise the terms of the PPP as set out in the draft Inter Authority Agreement between the three Councils (Appendix A: note: this document has been updated since being submitted to the Executive) and to make any necessary drafting or other amendments to the terms of the draft Agreement which are necessary to reach final agreement but do not materially affect the intent and substance of the Agreement,**
- (iii) to authorise the Joint Committee to determine policy, strategy and oversee the performance monitoring and management of the new PPP and have the powers set out in the terms of reference contained in Schedule 1 of the draft Inter Authority Agreement,**
- (iv) that the Council's representatives on the Joint Committee will be the Executive Member for Culture, Corporate Services and Public Protection and the Chairman of the Licensing and Safety Committee with any Member of the Executive being able to act as a substitute,**
- (v) that all existing service specific specialist equipment and the associated ongoing liability be transferred to West Berkshire from the 13 January 2017,**
- (vi) that any associated existing contracts with the Council are transferred to West Berkshire to administer on this Council's behalf until such time as they can be renegotiated,**
- (vii) that, as a consequence of this proposal, the disabled facilities grants, Home Improvement Loans, home energy functions and all associated staff and budgets be transferred to the ASCHH Department, as soon as it is practical to do so.**

#### **5.4 Commercial Property Investment Strategy**

- 5.4.1 The Executive considered the adoption and implementation of a Commercial Property Investment Strategy [CPIS] which would support the Council's financial planning and Medium Term Financial Strategy.
- 5.4.2 The Council requires a clear strategy with precisely defined objectives, parameters, aspirations and processes if it is to increase its investment in commercial properties. Funding in excess of the current approved budget is required to deliver the strategy, if it is to produce the surplus revenue identified in the medium term financial plan for 2017 and beyond. The current delegations to officers do not extend to the acquisition levels that are envisaged by the CPIS. When negotiating for investments, a rapid approval process is a key consideration to vendors. The current Council processes do not facilitate this expediency. The detailed strategy and associated governance procedures are set out in the confidential Annex B to this report.

#### **5.4.3 The Executive therefore recommends to Council that:**

- (i) the Commercial Property Investment Strategy as set out in Appendix B be adopted and implemented.**
- (ii) a supplementary capital approval of £20m in 2016/17 to support commercial property purchases to effect the policy be approved.**
- (iii) further investment in commercial property be included in the draft capital programme for 2017/18 and 2018/19 (£20m in each year).**
- (iv) the Constitution be amended to give effect to the revised Terms of Reference of the Executive Committee as set out in Appendix B to include authorisation of Property Investment expenditure.**

The Executive agreed to revise the Terms of Reference of the Executive Committee as set out in Appendix B.

### **Children, Young People & Learning**

#### **5.5 Edgbarrow School Priority Schools Building Programme**

- 5.5.1 The Executive approved that the Education Funding Agency's (EFA) Priority Schools Building Programme project at Edgbarrow School be locally delivered by the Council.
- 5.5.2 In May 2014 the EFA announced the second phase of its Priority Schools Building Programme – PSBP2. This is a new capital grant funding stream worth £2bn nationally, and will be a five year programme operating between 2016 and 2021. The focus is on undertaking major rebuilding and refurbishment projects in schools and sixth form colleges in the very worst condition. The eligibility criterion for this grant was schools with the highest condition need, and is distinct from the normal Basic Needs Grant which is allocated to local authorities to fund shortages in school places.
- 5.5.3 In July 2014 expressions of interest were submitted for the five Bracknell Forest schools which most closely matched the eligibility criteria, and in January 2015 EFA announced that two of our bids, for Brakenhale and Edgbarrow had been successful. EFA will implement the Brakenhale project with no further involvement of the Council following the school moving to academy status in April 2016.
- 5.5.4 The future expansion of Edgbarrow school forms part of the School Capacity Strategy previously approved by the Executive in December 2014, and a feasibility study has been drawn up to demonstrate how this can be achieved. Local delivery of PSBP2 will enable the Council to control the overall design process across the site to ensure that there will be sufficient space on the school site to accommodate the expansion works. By co-ordinating the design of PSBP2 and the expansion, including the possibility of conjoined multi-storey buildings, financial savings to the Council will be realised.

#### **5.6 Local Safeguarding Children Board (LSCB) Annual Report**

- 5.6.1 The Executive received the annual report of the LSCB for the period April 2015 to March 2016 and noted the key messages and recommendations made. The report set out the work included within the recently published Safeguarding Plan 2016-2019

which built on the previous Business Plan that shaped the work of the LSCB during the period covered by this report.

- 5.6.2 The report indicated the strength of partnership working across the borough, driving a number of initiatives, including increasing strategic links between local strategic partnerships and continuing to promote regional collaboration and national links.
- 5.6.3 The annual report also made particular reference to the learning and associated progress that had been made locally, reflecting a stronger culture of constructive challenge and a commitment to ongoing improvement; evidenced by the completion of a number of actions within the LSCB Challenge log.
- 5.6.4 Within the key messages, it is noted that there has been an 'enormous amount of good work being undertaken across Bracknell Forest'. However, in acknowledging the need to not be complacent, the following strategic priorities were identified to support core service delivery during a period of financial uncertainty:-
  - a) Increase the effectiveness of the Safeguarding Journey for Children and Young People.
  - b) Ensure the effectiveness of the arrangements to reduce the impact of violence on children and young people.
  - c) Ensure the effectiveness of the arrangements to provide Early Help provision.
  - d) Strengthen arrangements in place to safeguard missing children and those at risk of Child Sexual Exploitation.
  - e) Ensure the effectiveness of the steps partners must take to counter hate crime and extremism.

## **Adult Social Care, Health & Housing**

### **5.7 Bracknell Forest Safeguarding Adults Partnership Annual Report**

- 5.7.1 The Executive noted the work of the Bracknell Forest Safeguarding Adults Partnership Board during 2015-2016. The annual report highlighted the achievements against development plans and challenges identified during 2015/16 along with the developing work for 2016/17 and beyond. During 2015/16 the Board implemented all actions to address the areas for development identified in their peer review.
- 5.7.2 The aims and objectives of the Board's 2016-2019 strategic plan are contained within the report as well as the planned developments by partner agencies for the coming 12 months. In line with the requirements set out in the Care Act the Board will continually develop its strategic objectives and consult/ take into account feedback from the public during the year.
- 5.7.3 Ensuring there is a local Safeguarding Adults Partnership Board and that the Board is effective is a statutory duty for the Council; as such it is important that the Executive are sighted on the work of the Board.

### **5.8 Housing Strategy**

- 5.8.1 The Executive agreed that the draft Housing Strategy provide the basis of consultation to develop the Housing Strategy Statement.

5.8.2 The Council's previous Housing Strategy statement ran from 2009 to 2014. There had been significant legislation recently such as the Housing and Planning Act which will have a major impact on the development of the next Housing Strategy. The report proposed the following main points as the basis of Council intervention in the housing market:-

- Visioning for Bracknell Forest 2036 by supporting the communities of Bracknell Forest to think through where their children and their grandchildren and parents will live.
- Taking the debate about future economic growth, health and social care, and housing affordability to the community to inform about options and requirements to secure and or keep a home in Bracknell Forest.
- Undertaking a review of the Council assets or development vehicles, land and property and the scope for prudential borrowing to promote residential and mixed use development.
- Exploring the scope for enlarging the role of Downshire Homes to widen the Council's direct involvement in the local housing market.
- Formulating a Bracknell Social Housing Community Charter which establishes a long term strategic relationship and commitment to the maintenance of a sustainable stock of affordable homes for rent and the stewardship of social investment schemes to support sustainable tenancies.
- Mobilising registered providers to promote and sustain a programme of support for self build housing and to sponsor custom build, co-housing, cooperative and mutual home ownership initiatives targeted on private and social housing tenants and emerging households in the local community.
- Providing a National Landlord Association (NLA) led review which aims to provide assurance and stability to both landlords and tenants in the PRS marketplace, extending rental periods and landlords' indemnification and facilitating discharge of duty into the private rented sector.
- Engaging with Pension Funds and Insurance Companies proposing investing in private rented portfolios and off site construction to offer opportunities for large scale demonstration projects to establish Bracknell as a beacon authority in hosting and promoting this approach.
- Undertaking with service providers, an impact assessment of the welfare benefits, workplace pension and living wage reforms on the ongoing availability, viability and cost of current and future local domiciliary care services.
- Establishing a Bracknell Forest Extra Care and Retirement Village Developers Forum.

## **5.9 Housing Allocation Policy**

5.9.1 The Executive considered and approved some significant amendments to the Housing Allocation Policy as follows:-

- *To change the residency requirement before customers can join the housing register from one year to four years from 1 November 2016.*  
This will improve the prospects of those households who remain on the register to be housed more quickly and work towards alleviating some of the lengthy waiting times that some households are currently experiencing. The change would, however, lead to a number of applications being removed from the housing register based on a 1 November 2016 implementation date as follows:



Bedroom size required	Priority band B	Priority band C	Priority band D	Total
1 bed	1	30	53	84
2 bed	7	33	12	52
3 bed	13	20	0	33
4 bed plus	13	6	0	19
Total	34	89	65	188

- To allow those customers who have lived in the Borough for three years at the time of implementation to remain on the register.*

There are 30 households who have lived in the Borough for three years. It would be inequitable and also not a good use of Council resources to remove these households and then reinstate them a year later to start all over again. The Executive therefore decided to allow these households to remain on the register despite not having a four year residency. It was noted that this presented the risk that these households may be offered a property before they reach the four year residency but that realistically this would only probably be the case for applications in Band B.
- To make offers of suitable private rented sector property to homeless households so as to discharge its homeless duty.*

To date the Council had made such offers and if applicants had refused, the duty had not been discharged and further offers had been made. The Executive noted that if a policy was introduced to make an offer of private rented property as a discharge of homeless duty and the offer was refused the Council would only in future provide advice and assistance to homeless customers so that they can find a new home themselves.
- That families whose children are taken into care by Bracknell Forest Council can remain on the housing register upon advice of the Chief Officer: Children's Social Care so that their housing prospects are maintained if the children are returned to them.*

Situations had arisen where children, who had been taken into care, were ready to be returned to their parents but because housing was not suitable, the return had not taken place or had been delayed. This was not in the interest of the child, family or Council's interests and this would now be remedied.
- To agree a maximum of three lettings a year are made to households under the right to move proposals.*

In 2015, the Government introduced statutory guidance on the Right to Move. This requires local authorities to support customers who need to move into an area for employment purposes so that they are not disadvantaged by residency requirements. This applies to customers who are already tenants of affordable housing outside the Borough and they would need to demonstrate paid employment in Bracknell Forest and that the inability to move due to residency requirements or any other means of moving would

cause hardship. Government guidance suggests that 1% of annual lettings should be made available for such applications each year so that could amount to three lettings to such applicants each year.

## **6. Changes to Local Council Tax Reduction Scheme**

- 6.1.1 The Executive agreed a new Local Council Tax Reduction Scheme for working age households which provided a discount on a household's Council Tax based on household income, rather than an assessment of needs. In addition, the Executive agreed that a consultation programme to inform the implementation of the new model in 2017/18.
- 6.1.2 The Council's Annual Plan 2015-2019 has set the aim, "In targeting our services, we will prioritise people and areas with the greatest need, early help and prevention so struggling or vulnerable people can maximise their opportunities to become independent". The proposed new Local Council Tax Discount Scheme targets financial support to those who most need it whilst encouraging and rewarding employment and households increasing their earnings as well as simplifying administration.

## **Culture, Corporate Services & Public Protection**

### **6.2 Garth Hill (Sandy Lane) Land Disposal Options**

- 6.2.1 The Executive agreed to instruct the Chief Officer; Property to proceed with the disposal route recommended in the exempt Executive report at paragraph 5.6.1, Option 1.

### **6.3 South Hill Park Trust: Governance**

- 6.3.1 To encourage and strengthen the independence of the South Hill Park Trust (SHPT) as a provider of the Council's arts strategy. The Executive agreed that the Council should no longer have any nomination rights to the Board of the SHPT. However, entirely at the discretion of South Hill Park Trust (SHPT), the Council would be prepared to nominate a non-voting observer to attend Board meetings to ensure the continuation of full and transparent dialogue between both organisations.
- 6.3.2 It is vital that the Trust has the exact range of skills and experiences it needs on its Board and Council nominations cannot guarantee this. The recommendations are intended to better allow SHPT to appoint Directors with the right mix of skills, knowledge and abilities to ensure the most effective governance, and to remove any possibility that anyone may perceive a conflict of interest between an elected member's responsibilities as a Director of the Trust and their role as a Member of this Council.

### **6.4 Community Access at Edgbarrow and Sandhurst Sports Centres**

- 6.4.1 The Executive gave approval for the community access to the leisure facilities at Edgbarrow and Sandhurst sports centres to be managed directly by the schools from 1 April 2017.

- 6.4.2 Increasing pressure on school places has meant that community access to the sport facilities at Edgbarrow School and Sandhurst School has gradually deteriorated over the years resulting in there now being no community access to the school's leisure facilities prior to 5.30pm during term time since September 2016.
- 6.4.3 With increasing financial pressures on the Council, it was clear that a comprehensive review of the management arrangements for these leisure facilities was required. Consequently the community access arrangements to both schools were reviewed and two options for future community access were identified. Option one was to maintain the status quo and for the Council's Leisure section to continue to manage community access but at a significantly increased cost to users; option two was for responsibility to pass entirely to each school and for them to block book the use of leisure facilities directly to any hirers. Public consultation regarding these options ran from 1 August to 30 September 2016.
- 6.4.4 Whilst there was significant support for existing community access to maintain the status quo there were a reasonable number of respondents who indicated that they could have their leisure needs met elsewhere, if necessary. In addition, the majority of respondents to the consultation indicated that they would not be willing to pay a significantly (40% increase) increased price for use of the leisure facilities; however this would be necessary in order to maintain the status quo.
- 6.4.5 Both schools had indicated a willingness to manage their own sites independently of the Council. Taking all of these factors into account, the Executive agreed that as of 31 March 2017, each school be given the independence to manage their own leisure facilities and that the Leisure Section no longer manage community access at either school site. This would allow the schools concerned to independently manage their own facilities, to accommodate the needs of the school and pupils as well as allow the Council to relinquish its financial obligations.

## **Planning & Transport**

### **6.5 Residents' Parking Scheme – Two Year Trial Consultation Response**

- 6.5.1 The Executive at its meeting on 12 April 2016 agreed that the existing householders living within the relevant areas surrounding the town centre be consulted on the future of the residents parking trial, based on a recharge scheme.
- 6.5.2 This consultation had now been undertaken and all residents living within the Resident Parking Scheme had been invited to give their views on the key elements of the scheme. The feedback has been used to inform the future of the overall scheme on an area by area basis, the objective being to find the most suitable scheme that protects residents from the parking pressures associated with the regenerated town centre having due regard to the feedback from residents and the need to avoid unacceptable pressure on council budgets.
- 6.5.3 Throughout the consultation, the Council has been clear that the scheme has to be self funding. From the feedback it has become clear that a significant number of residents do not wish to pay for the scheme. Unless the scheme is to be totally abandoned, therefore, a compromise was necessary to allow a slightly modified scheme to continue. If the scheme was to be abandoned the risk of a significant percentage of the 3,000 new workers in the new town centre using the local estate roads for parking was considered high.

- 6.5.4 The trial scheme was designed to be as simple and economical as was possible. It avoids the need for official marked parking bays, only requiring that vehicles display a permit in the streets affected as signed. Vehicles parking in a road where the scheme operates are required to display a permit in their windscreen during the hours of operation. Failure to comply risks a Penalty Charge Notice. A number of exemptions were included to apply to postal deliveries, public services and for general loading/unloading of goods or passengers etc. It was not proposed to change any of the current rules of the scheme based on the learning and results of consultation.
- 6.5.6 Based on consultation responses and the Council's budget pressures, the Executive agreed to reduce the residents parking scheme but to maintain the current rules of the scheme without alteration in the areas that remain within the scheme.

## **6.6 Design Supplementary Planning Document**

- 6.6.1 The Executive noted the draft Supplementary Planning Document (SPD) on planning design issues and agreed that a six week public consultation begin in autumn 2016.
- 6.6.2 The Council has reviewed its current design guidance and considers that a Design SPD would assist with the implementation of current planning policies and provide prospective applicants with a clearer idea of the Council's expectations for the design of development schemes. A public consultation that accords with the Council's Statement of Community Involvement (SCI) will be required as part of this process.
- 6.6.3 The Design SPD provides design principles and best practice to guide the design quality of development proposals. It builds on the design guidance set out within the National Planning Policy Framework (NPPF) and the Council's own policies as set out in the Core Strategy Development Plan Document 2007; the saved policies of the Bracknell Forest Borough Local Plan 2002 and the current Streetscene SPD and Character Area Assessment.

## **Environment**

### **6.7 Minerals and Waste Local Development Scheme**

- 6.7.1 The Executive approved a revised Local Development Scheme (LDS) for a Joint Minerals and Waste Local Plan (JMWP). The Council is required to maintain an up to date LDS on its website. This gives residents, landowners, commercial operators and potential investors a clear indication that the Council remains committed to having an effective planning policy framework in place. Existing policies in the Replacement Minerals Local Plan for Berkshire and the Waste Local Plan for Berkshire pre-date current planning legislation, policy and guidance and therefore need to be reviewed in the light of these in order to provide a robust planning policy framework.
- 6.7.2 Hampshire Services (professional services provided by Hampshire County Council (HCC)) have been commissioned to prepare the JMWP and the contract is currently being finalised. In the meantime, staff at HCC have compiled a project plan for the preparation of the JMWP bearing in mind the need to set realistic timescales based on local circumstances (including available resources and the democratic processes required at various stages of plan preparation for each of the four authorities involved). Since the revised timetable is different to that in the 2015 LDS, it is

necessary to supersede that element of the 2015 LDS that deals with the 'Joint Waste and Minerals Local Plan'.

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

### Borough Solicitor

- 7.1 The Borough Solicitor's comments have been addressed in the reports to the Executive.

### Borough Treasurer

- 7.2 The Borough Treasurer's comments have been addressed in the reports 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 – 27 September 2016 and 15 November 2016.

### Contact for further information

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**TO: EXECUTIVE  
27 SEPTEMBER 2016**

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**REGULATORY SERVICES – JOINT SERVICES PROPOSAL  
Director of Environment, Culture & Communities**

**1 PURPOSE OF REPORT**

- 1.1 Regulatory Services within Bracknell Forest Council comprises of environmental health, trading standards and licensing. The services were combined to form one business unit several years ago in order to drive out efficiencies and to help reduce the inspection burden on businesses.
- 1.2 This report proposes the creation of a combined unit with West Berkshire and Wokingham Councils proposed to be known as the Public Protection Partnership (PPP). The proposals will enable further efficiencies to be realised whilst still ensuring the mandatory duties are undertaken on behalf of the Council.

**2 RECOMMENDATIONS**

**2.1 In so far as the following are Executive functions that the Executive agrees:**

- (i) to authorise the arrangements set out in this report including the creation of a Joint Committee for the strategic policy and oversight of the delivery of public protection services with Wokingham Borough Council and West Berkshire Council through the Public Protection Partnership (PPP) with effect from 13 January 2017,**
- (ii) that the Monitoring Officer, in consultation with the Borough Treasurer and Director of Environment, Culture & Communities, be authorised to finalise the terms of the PPP as set out in the draft Inter Authority Agreement between the three Councils (Annex 1) and to make any necessary drafting or other amendments to the terms of the draft Agreement which are necessary to reach final agreement but do not materially affect the intent and substance of the Agreement,**
- (iii) to authorise the Joint Committee to determine policy, strategy and oversee the performance monitoring and management of the new PPP and have the powers set out in the terms of reference contained in Schedule 1 of the draft Inter Authority Agreement,**
- (iv) that the Council's representatives on the Joint Committee will be the Executive Member for Culture, Corporate Services and Public Protection and the Chairman of the Licensing and Safety Committee with any Member of the Executive being able to act as a substitute,**
- (v) that all existing service specific specialist equipment and the associated ongoing liability be transferred to West Berkshire from the 13 January 2017,**

- (vi) that any associated existing contracts with the Council are transferred to West Berkshire to administer on this Council's behalf until such time as they can be renegotiated,
- (vii) that, as a consequence of this proposal, the disabled facilities grants, Home Improvement Loans, home energy functions and all associated staff and budgets be transferred to the ASCHH Department, as soon as it is practical to do so.

2.2 In so far as any of the foregoing provisions also relate to the exercise of non Executive functions, to recommend to Council to authorise the same.

2.3 That the Executive notes that as a consequence of this proposal the disabled facilities grants, Home Improvement Loans, home energy functions and all associated staff and budgets be transferred to the ASCHH Department, as soon as it is practical to do so.

### **3 REASONS FOR RECOMMENDATIONS**

3.1 As a small unit, the regulatory services team can no longer continue to offer any significant level of savings whilst still fulfilling the mandatory functions of the Council. A merger with others provides the most sustainable option relative to the Council's fiscal and legal obligations. Furthermore, the proposal provides the best job opportunity for those in the relevant professions which are increasingly challenging to recruit to.

### **4 ALTERNATIVE OPTIONS CONSIDERED**

4.1 Whilst outsourcing to a private company is an option taken by some councils, the proposed approach builds on the learning from the re3 officer/Member joint management structure in respect of governance. It also takes into account the experience coming out of West Berkshire and Wokingham in respect of their current delivery models for their shared trading standards and their shared environmental health functions. The proposal for a combined single service involves joining these service areas into one large unit with the licensing function. It is believed that the joining of these three service areas in this way provides the greatest opportunity to drive out further efficiencies, maintain service standards and further reduce costs. The model proposed allows for further expansion, income generation and should it ever be considered a better option, outsourcing to the benefit of the partner organisations.

### **5 SUPPORTING INFORMATION**

5.1 Wokingham and West Berkshire's shared environmental health and trading standards functions currently operate as two separate units. As such they have already delivered significant savings for those authorities primarily through reducing management overheads, merging of systems and procurement savings. Over the same period of time BFC has, through a different approach, also been able to significantly reduce costs and introduce efficiencies. The proposal seeks to take the learning from all three councils and combine it into one service department.

5.2 There are several drivers for seeking change within all three councils, not least the need to contribute to the savings targets. A merger enables the realisation of significant savings whilst also providing greater opportunity for job enrichment and advancement. The proposals would result in one large team of about 100 staff.



Bigger teams working across a wider area provide a greater range of professional challenge as well as scope for operational and management efficiencies. The alternative is limited to ongoing small cuts year on year potentially making the service unviable and filling vacant posts almost impossible without the payment of significant premiums.

- 5.3 The proposals enable overall savings of 15%, circa £151k in salaries plus savings in supplies and services with a client budget of £35k remaining. These savings arise from reductions in staffing and operational budgets. Any loss of income can be offset by the associated cost reductions. The cost of the staff being transferred is circa £1,035k and along with its associated transferred budget of £987k reflects the need to realise a managed vacancy factor. If the decision were not to enter into this agreement, it is believed that the service could only offer a saving of circa £61k in staffing costs accepting the same reduction to direct service provision as would be the case with this proposal (refer to para 5.15). It is important to recognise that the service is already bottom quartile relative to the level of resources committed hence why the scope for any more savings within the existing arrangements is considered to be limited without serious risk of compromise to the mandatory obligations that would otherwise arise. Details of the current and proposed structures are set out in Annex 4 and the savings mentioned above in Annex 5.

#### **Other associated opportunities**

- 5.4 In the year 2016/17 the total service as currently structured attracted £696k in support costs. There are no set savings targets set as part of this review against these costs. This is because other than HR the existing support arrangements will continue largely unchanged on commencement of the new service. Staff will still be in BFC offices, supported by BFC ICT and customer services for example. However, the proposal does enable negotiations as regards to how the new service may assume certain additional responsibilities thereby giving rise to mutually beneficial opportunities. For example BFC might in time wish to realise office space, or perhaps have the new service take on its own legal work. This will be a matter for negotiation later. The service does not have to have an operational base within Time Square. If the Council was minded to reshape its arrangements in respect of its customer interface, for example with timed appointments, web links and back office support moved off site, then further opportunities might arise.
- 5.5 There are some service areas that are not considered suitable for the merger. Having reviewed the options, and regardless of the proposal for a merger, the conclusion formed is that there is no service or customer benefit including the Disabled Facility Grant (DFG) service in these arrangements. Some minor changes to current practice will enable efficiencies to be realised whilst also improving the level of service. Accordingly, it is proposed that this service area be transferred to the ASCHH Department. For much the same reasons it is also proposed that the home improvement loans and the home energy functions also be transferred to this department. The enforcement of housing standards would remain a regulatory service function undertaken by the new service. The effect of this is that 4 posts and their associated budgets, would be transferred out of the ECC department (Annex 3, table B).
- 5.6 The way that we provide for pest control is also different to that offered in Wokingham and West Berks. There is no legal obligation to provide a pest service and it is proposed that the current post be deleted from the existing establishment. This is an area of service reduction that would have been proposed next year regardless of the

decision in respect of the new service. A small operational budget will however need to be retained at least for the first year to aid any transitional and unforeseen needs.

- 5.7 The service also has a number of small contracts for example in relation to stray dogs and air quality monitoring. These would be transferred as part of the arrangements and in time they would be renegotiated by the new organisation to establish common arrangements to cover all three councils.

### **Governance arrangements**

- 5.8 The proposed Governance arrangements are illustrated in the Joint Service Delivery Plan (The Plan) Annex 2. These are very similar to those of the re3 partnership that this and Wokingham already have experience of at both senior officer and Member levels. As can be seen from that detail the proposal is for the new service to be given the strategic direction and be held to account through joint management arrangements led by a formal joint member led Executive Board. This is essentially a statutory Joint Committee and will comprise of two members from each council. Legislation requires one of the nominees to be an Executive Member. For BFC it is suggested that this would be The Executive Member for Culture, Corporate Services and Public Protection and the Chairman of the Licensing and Safety Committee.
- 5.9 The Joint Executive Board would not assume any responsibility that already falls to the Licencing and Safety Committee. Each council would retain its own licensing functions, associated legal processes and appeal panels.
- 5.10 The Board would be supported by the Joint (Officer) Management Group. This Group would, again be similar to those set up as part of re3 and would comprise of nominated senior (client) officers from each of the three councils. It would also include the heads of the new combined service. The Group will be responsible for driving core business and ensuring the respective needs of the three councils are properly considered at an operational level. Overall daily management will be a function of the operational management team lead by the host authority. The Group would manage the overall operational needs and ensure progress against targets are reported to the Joint Executive Board through a number of pre determined key performance indicators.
- 5.11 In order to drive out efficiencies one of the early tasks would be to try to develop common policies and practices. When it comes to licensing for example the Executive Board would be responsible for ensuring that the necessary resources are available to do this. Each licensing Authority would then be asked to adopt them. When it comes to other plans and strategies e.g. the mandatory Food Safety Plan the Executive Board would be expected to seek comment from each of the Councils before approving them. The need is to ensure an effective interface between the organisations at all times. The Board would have the authority and responsibility to manage risk and deliver the required service levels within the approved budget.

### **Staff implications**

- 5.12 All three councils are looking to be able to realise savings through the merger. Within BFC it will require the loss of 4 posts and 3 current post holders through redundancy as identified in Annex 3. Some savings can also arise from giving up some vacant posts where we have been able to realign work over past months as we prepare for a potential merger. Some posts have also been covered by agency and overtime in order to give maximum flexibility to the new service and reduce the need for

redundancies. Annex 3 (table C) details the current staff and posts that would be TUPE'd to West Berkshire.

- 5.13 West Berkshire would under the proposals become the employing and administrative authority. They are the current employer for the Wokingham and West Berks joint services arrangements and there is no merit in changing this arrangement. To get the efficiencies needed there can only be one central body with such responsibilities. West Berkshire has the necessary experience and is willing to take the lead and the associated risks. A draft Inter Authority agreement is attached as Annex 1. This sets out the respective rights and responsibilities of each party under the proposed arrangement
- 5.14 The nature of a proposal like this inevitably gives rise to concerns within the current workforce. For some months now all potentially affected staff have been aware of the option being considered and kept apprised of the relevant detail. More recently they have been given more detailed information as to the proposals and the implications. The Trade Union has also been apprised of the proposals. Over the months any concerns raised have been discussed and where possible addressed. Most staff recognise that the prospect of there being such a proposal has been around for some years. Within regulatory services the proposed model is becoming more common across the country. The main concern that has been raised to date has been in relation to the prospect of there being continued employment, followed perhaps by 'who will be my manager?' In respect of the former whilst there will be some job losses these are envisaged to be by agreement. As for the 'who will be in what position' type of question this will not be known until an equitable matching process has been completed under the TUPE rules.

### **Service Impact**

- 5.15 Taking 15% out of the budget cannot be done without there being some service reduction. The proposed arrangements will achieve the most significant level of saving by a reduction in management costs and service efficiencies from day one. However, there will be some other operational changes relative to what and how we currently deliver services. Perhaps the most significant direct change will be that in common with the other two authorities we will no longer offer a pest control service. The reduction in service resources requires an acceptance that we can no longer deal with matters in the same way that we used to. The work that will be carried out will be based upon risk and impact. Going forward the new service will use the National Intelligence Model to set priorities and will respond immediately only to those matters which are considered to be of high risk or impact. In addition, the licensing officers will no longer be providing the link between the Police and landowners when it comes to travellers. That function would be taken up by the Community Safety Team who is best placed to build on their links with crime and disorder and close working with Thames Valley Police.
- 5.16 Until such time as maybe otherwise agreed the client function of the new arrangement would remain with the Chief Officer: Environment and Public Protection. It is important to note that unlike most other contractual arrangements there is no client team associated with this function and it is possible that in future years the senior officer representing the Council's interests at the Board would have no relevant professional experience. A small client budget of circa £35k will be retained to aid transition. The need to keep that budget would be reviewed in the next budget round.

- 5.17 One of the major service benefits to all councils is that the arrangements improve the overall resilience. With a team of circa 100 staff there is more scope for developing professional expertise in specialist areas thereby reducing the need for consultants for example. Additionally a larger business is better able to accommodate staff turnover, sickness and the seasonal pressures due to leave.

#### **Opportunities for the future**

- 5.18 The new service would be able to seek new sources of income. It will also be expected to deliver service economies and cashable savings over the term. The proposals provide a mechanism for equitable profit sharing or reallocation of any future savings based on the original cost basis. The Executive Board would be responsible for setting targets and monitoring performance.

#### **Contract term and time table**

- 5.19 The timetable for any change is tight and the proposal is to enter into an agreement commencing 13 January 2017. The initial agreement is for a ten year term. The agreement includes for break clauses and extensions.

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

#### Borough Solicitor

- 6.1 The report proposes the setting up of a shared Berkshire Public Protection Service (BPPS) between three Local Authorities including Bracknell Forest Council (BFC). The service is intended to cover Trading Standards, Environmental Health and some Licensing functions. Licensing functions which fall under the Licencing Act 2003 and the Gambling Act 2005 cannot in law be delegated and will therefore remain exercisable by the BFC Licencing Committee.

The proposed shared service model is based on a Statutory Joint Committee (referred to in the report as a Joint Executive Board) which will have powers delegated to it by each of the participating authorities to take decisions on behalf of all of them. As a Joint Committee is not a legal entity separate from its constituent authorities, it cannot enter into contracts, own land or employ staff in its own right. There is therefore a need for one of the Authorities (in this instance, West Berkshire Council) to take a lead authority role to undertake these activities on behalf of the other authorities. An inter Authority Agreement will be entered into prior to the shared service becoming operational setting out the contractual obligations of the three parties under the arrangement. Affected staff will be transferred to West Berkshire Council and placed at the disposal of all three participating Authorities pursuant to S113 of the Local Government Act 1972.

Where, as in this case, the Joint Committee is intended to carry out a combination of Executive and Non-Executive functions the decision to set up the Joint Committee must be taken by Council, but both Council and the Executive must agree the arrangements and each must separately resolve to delegate their particular functions to the Joint Committee. A separate report for approval will therefore need to be presented before a future Council meeting delegating those functions.

#### Borough Treasurer

- 6.2 The financial implications are contained within the body of the report (paragraph 5.3). The need to transfer the staffing costs less the budgeted vacancy factor was

discussed with West Berkshire and the figures reflect this accordingly. The ongoing annual savings of £151k will be achieved from 2017-18, with a part year effect to be realised in the current financial year.

There will be severance costs due to the 3 proposed redundancies, the costs of which will need to be met from the structural changes reserve.

#### Chief Officer: Customer Services

- 6.3 The issue of customer access to the service has been considered throughout the research and planning stage, and there are no concerns about how this will be managed through the new arrangement. Work to develop enhanced online service provision and self-service has been deferred, pending any changes to working processes or procedures. This work will be re-established, once the decision about the future shape of the service has been made.

#### Chief Officer: Information Services

- 6.4 It is anticipated that staff transferring will continue to use Bracknell Forest equipment in the short to medium term. It will continue to be supported by the ICT Helpdesk. This is the model currently being operated by Wokingham and West Berkshire. At this stage they will also continue to use the local software system, IDox. Again this the current model used in the other partner authorities. In the longer term the goal is to have a single shared instance of the business support software and the ICT delivery and support model will need to be addressed by all the partner authorities at that time.

#### Chief Officer: Housing

- 6.5 The proposals to locate the Home Improvement Agency and Disabled Facility Grants, and flexible Home loans with the Adult Social Care Health and Housing Department is a logical proposal both strategically and operationally. Disabled facility grants are now funded from the Better care fund. Meeting the needs of disabled people and families in terms of housing can be met from either adaptations or provision of suitable alternative accommodation whichever is the best course of action and most economic. Thus there is service synergy in locating the services within the Welfare and Housing Service.

#### Human Resources

- 6.6 All staff involved in the proposed changes have been consulted and the Trade Unions have also been appraised. Where possible due account has been given to any concerns made and officers with such concerns have had one to one discussions with those leading the process. Once all councils have determined their intentions should there be an agreement to go forward then a series of meetings will be arranged starting in early October with a meeting of all staff from across the three councils where all will be given the detail about how the proposed new structure, business planning and operational management arrangements that have to be in place by January 2017. Those individuals in posts which are proposed to be removed from the Establishment list will be put at risk and the appropriate processes followed according to the Organisational Change Protocols. ECC HR will work closely with the West Berkshire HR team to ensure effective communication and consultation is provided and that TUPE regulations are followed, for those being transferred across to West Berkshire.

Equalities Impact Assessment

- 6.7 Access arrangements to services are not going to change as a result of these proposals should they be agreed.

Strategic Risk Management Issues

- 6.8 The proposal seeks to ensure continued delivery of mandatory services within a reduced budget.

**7 CONSULTATION**

Principal Groups Consulted

- 7.1 All staff involved in the potential TUPE transfer and all service areas providing support to the existing function. The Union were invited and attended the formal briefing prior to this report being produced on the 9 August.

Method of Consultation

- 7.2 Emails and meetings

Representations Received

- 7.3 Comments made during the consultation have helped inform the proposals for the new service. Any further comments received will be reported verbally

Background Papers

Joint Services Delivery Plan  
Draft Legal Agreement

Contacts for further information

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**COUNCIL**  
**30 November 2016**

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**RECOMMENDATIONS OF THE GOVERNANCE AND AUDIT COMMITTEE**  
**Director of Corporate Services – Legal**

**1 PURPOSE OF REPORT**

This report seeks Council endorsement to the recommendations made to Council by the Governance and Audit Committee at its meeting on 21 September 2016

**2 RECOMMENDATIONS**

- 2.1 That Council adopt the changes to (1) Delegations of Chief Officer: Planning, Transport and Countryside and (2) The Protocol for Members in Dealing with Planning Matters set out in the **Appendix A** to this report.
- 2.2 Agree to the dissolution of the Standards Committee and to the adoption of revised terms of reference of the Governance & Audit Committee to include consideration of Standards issues as set out in **Appendix B**
- 2.3 Approve the procedure for dealing with Councillor Code of Conduct complaints as set out in **Appendix C**
- 2.4 Approve the procedure for dealing with dispensation requests by Councillors who would otherwise be prevented from participating at meetings of the Council, Executive or Committee due to the existence of an Affected or Disclosable Pecuniary Interest as set out in **Appendix D**
- 2.5 Delegate to the Borough Solicitor the authority to make appropriate amendments to the constitution so as to give effect to its decisions in respect of (a), (b) and(c) above
- 2.6 Appoint David St John to fill the Independent Member vacancy on the Governance & Audit Committee arising from the resignation of the previous incumbent

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To give effect to the recommendations of the Governance and Audit Committee.
- 3.2 With regard to recommendations 2.2-2.5 it should be noted that a Standards Framework Working Group was set up in May 2016 chaired by Councillor Iain McCracken with the following Terms of Reference:

*“To review the effectiveness of the Standards Framework for Councillors currently operating in Bracknell Forest Council, having regard to:*

- Local and national experience*
- The role and desirability of a Standards Committee*

- *The effectiveness of available sanctions*
- *The Councillor Code of Conduct”*

3.3 The Working Group met on three occasions between May and July 2016. It considered a report from the Borough Solicitor setting out proposals for changes to the Standards Framework which were agreed subject to a number of amendments at its final meeting on 6 July 2016

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

4.1 None

#### **5 SUPPORTING INFORMATION**

##### Chief Officer Delegations /Planning protocol for Members (Appendix A Governance and Audit)

5.1 The proposed changes recommended by the Overview and Scrutiny Panel and endorsed by Executive, seek to ensure that the planning committee determine applications which have a higher level of public interest; this will ensure the effective use of the committee’s time. The other changes seek to ensure that the planning committee determines applications which are made by officers and councillors who are involved in the planning process at Bracknell Forest. This will ensure that such applications are considered in public with an appropriate level of public scrutiny.

##### Dissolution of Standards Committee (Appendix B Governance and Audit)

5.2 It is proposed that Standards Hearings are conducted before a Panel of Governance and Audit Members (Code of Conduct Panel) including a non voting Independent Member with the Independent Person also being available to further advise the Panel. This is as an alternative to the current procedure which involves an initial “determination” by the Standards Committee which is then recommended for approval by the Governance and Audit Committee. Whilst the current arrangements have the distinct advantage of enabling independent representation in the decision making process, it is arguably unwieldy in requiring two separate meetings of Members in situations where disputes often require timely disposal.

There is no statutory requirement for the Council to retain a Standards Committee. A consequence of adopting a procedure which culminates in a hearing outside the ambit of the Standards Committee is to throw into doubt the continuing viability of that Committee particularly when having regard to the paucity of business in recent years which has resulted in most scheduled meetings being cancelled. In 2015/16 the committee was only convened on a single occasion to consider the Annual Standards Report and a subsequently rescinded report recommending changes to the Standards Framework. This report therefore recommends the dissolution of the Standards Committee and the transference of its functions to the Governance and Audit Committee.



Procedure for dealing with Code of Conduct complaints

- 5.3 Local Authorities are required to have in place arrangements for investigating and making decisions on allegations into Code of Conduct breaches. The current Bracknell Forest Council arrangements simply set out the following steps;
- Monitoring Officer receives complaint and consults with Independent Chairman of Standards Committee before deciding whether to investigate, resolve informally or take no action
  - If referred for investigation the Monitoring Officer will seek the views of the Independent Person (“IP”)
  - Where the investigation finds breach of the Code the Monitoring Officer may (following consultation with the IP) seek to resolve the matter to the satisfaction of the complainant or where not appropriate, submit the complaint and investigation report for a full hearing before the Standards Committee
  - The Standards Committee reach a view on whether there has been a breach of the Code and if so what sanctions to impose
  - Available sanctions include censure, recommending removal from committees, Executive, Portfolio responsibilities or outside appointments, withdrawal of facilities and exclusion from Council premises

The recommendations in Appendix C of this report have regard to the following matters not captured in the existing provisions above

- |   |
|---|
| <ul style="list-style-type: none"><li>– Timescales within which early stages of the complaint will be dealt with</li><li>– Requirements for complaints to be in prescribed format</li><li>– Criteria for responding to complainant requests for confidentiality</li><li>– Examples of where no action should be taken in response to complaint</li><li>– Summary of investigation process</li><li>– An alternative hearing forum for determination of complaints which have been investigated and evidence of failure to comply with Code of Conduct is identified</li><li>– Update in available range of sanctions to reflect Council’s advice</li></ul> |
|---|

- 5.4 The current legislation does not provide an express statutory basis for imposing sanctions on Members and in the absence of a national framework as existed previously it is unclear as to what sanctions can be available to local authorities where there have been breaches of their codes.
- 5.5 The sanctions currently available under current Bracknell Forest Council arrangements include censure, recommending removal from committees, Executive, Portfolio responsibilities or outside appointments, withdrawal of facilities and exclusion from Council premises. In the absence of statutory authority to issue stronger sanctions authorities must place greater reliance on a strong ethical culture, trial by media and Group discipline.
- 5.6 In this respect the arrangements proposed in Appendix C of this report for the investigation of complaints, whilst recognising the limitations on the scope of

permissible sanctions, nonetheless anticipate a level of interaction between those arrangements and Party Group discipline exercised by Party whips in order that where the Group concludes that the Standards process has not permitted a sufficiently robust outcome, it retains the power to take appropriate action pursuant to its own constitutional arrangements.

5.4

Procedure for dealing with dispensations

5.5 Prior to the coming into force of the relevant provisions of the Localism Act 2011, dispensations could only be granted by the Standards Committee. The Act extended this power to the Council, a Committee, Sub Committee or an Officer.

The Act also broadened the basis upon which dispensations could be granted to incorporate the following scenarios;

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business*
- ii. without the dispensation the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote relating to the business*
- iii. in relation to an Executive function, without the dispensation each member of the Executive would be prohibited from participating in the particular business*
- iv. granting the dispensation is in the interests of persons living in the authority's area*
- v. it is otherwise appropriate to grant a dispensation*

5.6 On 25 April 2012 the Council agreed that dispensations in respect of scenarios (i) to (iii) may be granted by the Monitoring Officer in consultation with the Chairman of the Standards Committee but that decisions relating to (iv) and (v) due to their subjective nature, should be reserved to the Governance and Audit Committee. It was however considered by the Standards Committee at its meeting in February 2016 that due to the tight timeframes involved between a Councillor becoming aware of an Interest and the meeting at which the interest would otherwise need to be declared, determination by a Governance and Audit Committee would be impracticable. It is therefore proposed that such determinations are made by the Monitoring Officer in consultation with the Chair or Vice Chair of the Governance and Audit Committee

Appendix D of this report sets out a procedure for the granting of dispensations for inclusion within the Councillor Code of Conduct to reflect the above.

Governance and Audit Committee-Independent Member

5.7 The Independent Member of the Standards Committee resigned in September and it is recommended that David St.John is appointed in his place.

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

Borough Solicitor

6.1 The Borough Solicitor is the author of this report.

Borough Treasurer

6.2 There are no financial implications directly arising.

Equalities Impact Assessment

6.3 Not required.

Strategic Risk Management Issues

6.4 Not relevant.

Other Officers

6.5 None.

**7 CONSULTATION**

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 Not Applicable.

Representations Received

7.3 Not Applicable.

Background Papers

None.

Contact for Further Information

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APPENDIX A – Governance and Audit

1. **Delegations to officers: Chief Officer: Planning , Transport and Countryside**

**Amendments**

i. **Paragraph J.2.b**

*Applications (including applications to vary planning obligations or for a building to be listed but not including applications for Certificate of Lawful Use) attracting valid planning objections before a delegated decision is made, where valid planning objections arise from more than ~~three~~ five households and/or organisations, may only be allowed by the Chief Officer: Planning ~~and~~ Transport and Countryside if he considers it appropriate to do so following reference to the Chairman of the Planning Committee and Ward Councillors. This exception does not apply to determination of Prior Approvals under paragraph A4 of Part 1 Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.*

**Source**

<p>The Panel recommends that to minimise the number of minor and non-controversial Planning Applications referred to the Planning Committee, there should be an increase in the threshold for the numbers of objections resulting in referral to the Planning Committee, from ‘more than 3’ to ‘more than 5’, and the criteria for referral could usefully distinguish between major and minor developments. The current trigger point of three can be met very easily, and setting the bar higher should result in only those applications attracting substantial opposition (i.e. beyond the immediate neighbours of the applicant) being put before the PC.</p>	<p><b>Amend Constitution Chief Executive and Directors – general powers Section J2b,</b></p>	
<p>The Panel also recommends that any objections that do not refer to any Planning issues should be excluded from the calculation of the number of objections (though the existence of all objections should be recognised in the Case officer’s report).</p>	<p><b>Amend Director’s delegation, to refer to valid planning reasons (as referred to in Chief Executive and Directors – general powers Section J2b)</b></p>	

ii. **Additional paragraph J.2.0**

*Determination of whether an application under 2 (a) or (b) above from a member of Council staff whose role involves working directly with the Planning division should be referred to the Planning Committee. (Refer to Protocol for Members dealing with Planning matters for consideration of Applications from any Council Chief Officer)*

**Source**

(see below)

**2. Protocol for Members dealing with Planning Matters**

Add additional paragraph between existing paragraphs 4.1 and 4.2 as follows;

All planning applications submitted by a Councillor (or their partner/spouse or close family member) shall be determined by the Planning Committee.

All planning applications submitted by a Council Chief Officer and above (or their partner/spouse or close family member) shall be determined by the Planning Committee.

**Source**

<b>Recommendation of O&amp;S Panel</b>	<b>Action agreed by Executive</b>
In the interests of high standards of governance, we recommend that the Council should explicitly require Committee approval for planning applications by any Borough Councillor, perhaps by amending the Planning Protocol.	<b>Directors Delegations to be amended</b>

Unrestricted

<p>The Chief Officer: Planning and Transport's delegated authority requires that any planning applications from members of staff in that division, also any staff involved in the decision making process, shall be determined by the Planning Committee (PC). To achieve and maintain high standards of governance, the Panel recommends that the Council should require Committee approval for planning applications by any Council employee.</p>	<p>Delegation to be amended to include all Chief Officers, Directors and the Chief Executive, and that the Chief Officer : Planning Transport and Countryside uses his discretion to bring applications to the planning committee where the applicant is a member of staff whose role involves working directly with the planning division -<b>Directors Delegations and Planning Protocol to be amended</b></p>
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**APPENDIX B – Governance and Audit**

**Governance & Audit Committee – Revised Terms of Reference**

**Amended Part 2/Section 4 paragraph 2.6 as follows**

2.6 Standards ~~Committee~~ Framework

1. To advise the Council on promoting and maintaining high standards of conduct by the Members and co-opted Members of the Council
2. To convene Panels to be known as Code of Conduct Panels to consider allegations of misconduct against Members (and Co-opted Members) of the Council, ~~meaning a breach of~~ pursuant to the Council's Code of Conduct or of any code or protocol adopted by the Council, and to impose appropriate sanctions in the case of a breach being found ~~and advise the Governance and Audit Committee as to whether any such allegation should be upheld and if so what the sanction should be.~~ *Each Panel to comprise three councillors drawn from the Governance & Audit Committee based on their availability, and one nonvoting co-opted member who is not a Borough councillor*
3. (a) To assist Members and co-opted Members of the Council to observe the Codes of Conduct  
(b) the adoption and revision of its Codes of Conduct  
(c) the adoption of appropriate protocols governing the ethical standards of the Members and Officers of the Council
4. To monitor the operation of the Council's Codes of Conduct
5. To advise, train or arrange to train Members and co-opted Members of the Council on matters relating to their Codes of Conduct

[Part 1/Section 6 of the Constitution setting out composition, roles and functions of the Standards Committee to be deleted in its entirety]

## APPENDIX C – Governance and Audit

### **BRACKNELL FOREST BOROUGH COUNCIL** **RECOMMENDED ARRANGEMENTS FOR DEALING WITH COUNCILLOR CODE** **OF CONDUCT COMPLAINTS**

#### **1. Context**

- 1.1 These 'Arrangements' set out how a complaint may be made that an elected or co-opted member of this Council has failed to comply with the Council's Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with that Code of Conduct.
- 1.2 Under sections 28(6) and (7) of the Localism Act 2011, the Council must have in place 'arrangements' under which allegations that a member or co-opted Member of the Council, or of a committee or sub-committee of the Council, has failed to comply with its Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member against whom an allegation as been made.

#### **2. The Code of Conduct**

- 2.1 The Council has adopted a Code of Conduct for Members, which is available for inspection on its web site

#### **3. Making a complaint**

- 3.1 Complaints alleging that a member has breached the Code of Conduct must be in writing stating the paragraph of the Code that it is alleged the member has not complied with and explaining the circumstances of the non-compliance. The complainant must complete the Council's complaint form which is available on the Council's web site at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)
- 3.2 Where a complaint is received orally or by email the complainant will be advised to complete the complaint form. If necessary, assistance will be provided or arrangements made to enable the complainant to complete the complaint form.
- 3.3 The complainant must provide us with their name and a contact address or email address, so that we can acknowledge receipt of the complaint and keep them informed of its progress. If they wish to keep their name and address confidential, they must indicate this in the space provided on the complaint form, in which case we will not disclose it to the member against whom the complaint has been made without their prior consent. However there may be exceptions, such as those outlined in paragraph 3.7 below. A request from a complainant for confidentiality should be supported by reasons. The Council may investigate complaints received anonymously or where the complainant



cannot otherwise be identified, where there is a clear public interest in doing so.

- 3.4 The Democratic Services Team will log the complaint and write to the complainant **within five working days** acknowledging receipt of the complaint.
- 3.5 Officers in the Democratic Services Team will check a complaint. If a complaint specifies that it relates to a failure to comply with the Code of Conduct by a member, or it appears that it might relate to a member and a failure to comply with the Code of Conduct, then it will be passed to the Council's Monitoring Officer for further action **within two working days** of its acknowledgement, together with any relevant correspondence with the complainant.
- 3.6 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of member misconduct. The Deputy Monitoring Officer may take the role of the Monitoring Officer if the Monitoring Officer is unable to act.
- 3.7 The Monitoring Officer will normally disclose to the subject member, and where applicable, the Party whip, the details of the complaint, except where such disclosure would be against the public interest or would prejudice any future investigation, or where the complainant has requested confidentiality. If any one of these exceptions applies the Monitoring Officer may only notify the Member of the fact that an allegation has been made and the reasons why details cannot be disclosed. A complainant who has requested confidentiality will be informed if the Monitoring Officer considers that it is necessary to divulge their details to the member so that an investigation can be progressed.

#### **4. Will the complaint be investigated?**

- 4.1 The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take one of three decisions:
  - i. Take no action
  - ii. Seek to resolve the complaint informally
  - iii. Refer the Complaint for investigation

This decision will normally be taken **within 14 days** of receipt of the complaint. The Monitoring Officer will inform the complainant, the Member, and where applicable, the Party whip, of his decision and the reasons for that decision.

- 4.2 It is likely that no action will be taken where;
  - there is no prima facie evidence that the Code has been breached;
  - taking into account the nature of the allegation, using public funds to examine the matter further would be disproportionate;
  - the complaint appears to be vexatious, politically motivated, tit-for-tat or made by a persistent complainant;

- the conduct complained about has already been the subject of investigation or enquiry by another public body;
  - the same, or substantially the same issue (arising from the same act or omission) has been the subject of a previous Code of Conduct allegation, and there is nothing further to be gained;
  - there is not enough information to take the matter further;
  - the complaint was made anonymously;
  - the complainant has requested that their identity as complainant be withheld from the member, and the matter cannot reasonably be taken further in these circumstances;
  - the member has already apologised for the action that was the subject of the complaint, and that is sufficient to dispose of the complaint;
  - the complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual member(s).
  - the complaint relates to conduct in a Members private life and not in their official capacity.
- 4.3 Where the Monitoring Officer requires additional information in order to come to a decision they may seek such information from the complainant, and may request information from the member against whom the complaint is directed.
- 4.4 As indicated in paragraph 4.1 above, in appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Before seeking such a resolution the Monitoring Officer shall have regard to previous infringements of the Code of Conduct by the Member and may in those circumstances refer the matter to the Code of Conduct Panel for the imposition of an appropriate sanction.
- 4.5 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the police and other regulatory agencies.
- 5. How is the investigation conducted?**
- 5.1 If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another Council or an external investigator. The Monitoring Officer will write to the relevant parties and, where applicable, the Party whip:
- a) informing them that the matter has been referred for investigation;
  - b) if appropriate, advising them who is to be responsible for conducting the investigation;
  - c) advising them how the investigation will be carried out and within what timescale; and
  - d) giving any Member who is the subject of the investigation the opportunity to comment on the complaint made.
- 5.2 The Investigating Officer will decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so that the complainant can explain their understanding of events and suggest what

documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

- 5.3 The Investigating Officer will normally write to the member against whom the complaint has been made and provide them with a copy of the complaint, and ask the member to provide their explanation of events, and to identify what documents the Investigating Officer needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep the identity of the complainant confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete personal details from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.
- 5.4 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the member concerned, to give them both an opportunity to identify any matter in that draft report with which they disagree or which they consider requires more consideration.
- 5.5 Having received and taken account of any comments which may be made on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

**6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

- 6.1 The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant, the member concerned, and where applicable, the Party whip notifying them that he/she is satisfied that no further action is required, and give both parties a copy of the Investigating Officer's final report. The findings will be reported to the Council for information, without question or debate, unless the member asks that they be not reported. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

**7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

- 7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before a Code of Conduct Panel or, after consulting the Independent Person, seek a resolution.

**Resolution**

- 7.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the complainant and seek to agree what is considered to be a fair resolution which also helps to ensure higher standards of conduct in the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Governance and Audit Committee for information, but will take no further action. However, if

the Monitoring Officer concludes that a resolution cannot be reached at this stage he will refer the matter for a Code of Conduct Panel hearing.

### **Hearing**

- 7.3 If the Monitoring Officer considers that resolution is not appropriate, or the complainant is not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to a Code of Conduct Panel which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

#### **1. What is the Code of Conduct Panel?**

- 8.1 The Code of Conduct Panel will comprise four members of the Governance and Audit Committee one of whom will be an Independent Member. (Substitution provisions relating to G&A Committee will apply)
- 8.2 The Independent Person will be present at any hearing to advise the Panel
- 8.3 The Monitoring Officer will conduct a 'pre-hearing process', requiring the member to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Code of Conduct Panel may issue directions as to the manner in which the hearing will be conducted.
- 8.4 A member who is the subject of a hearing may be represented by Counsel, by a Solicitor or, with the consent of the Code of Conduct Panel, by any other representative.
- 8.5 If a member who is the subject of a report to the Code of Conduct Panel fails to attend a hearing of which that member has been given notice, the Code of Conduct Panel may:
- (a) unless it is satisfied that there is sufficient reason for such failure, consider the allegation and make a determination in the absence of that member; or
  - (b) adjourn the hearing to another date.
- 8.6 The Panel may not proceed in the absence of the Independent Member without the prior consent of the Governance & Audit Committee Chairman and the Monitoring Officer

#### **9. What action can the Code of Conduct Panel take where a member has failed to comply with the Code of Conduct**

- 9.1 The sanctions which may be imposed upon a Councillor found to be in breach of the Code are;

- The Panel recommending that the Council issue a formal Censure towards the Councillor/Co-opted member eg through a Motion at a Council meeting
- The Panel publishing its decision by issuing a press release
- The Panel reporting findings to Council for inclusion on Council agenda
- The Panel recommending to the Councillor's group leader (or in the case of "ungrouped" members, recommend to Council or to Committees) that he/she be removed from any or all committees or sub-committees
- The Panel recommending to the Leader of the Council that the Councillor be removed from the Executive, or removed from particular portfolio responsibilities
- The Panel recommending that the Councillor be removed from any or all outside appointments to which he/she has been appointed or nominated by the Leader of the Council
- The Panel Instructing the Monitoring Officer to arrange appropriate training
- The Panel requiring the Councillor/Co-opted Member to issue a written apology to the complainant in an open letter
- The Panel referring the matter to the party whip in order that the Political group may consider what action to take under its own procedures

9.2 The Code of Conduct Panel has no power to suspend or disqualify the member or to withdraw the member's allowance.

## **10. What happens at the end of the hearing?**

10.1 At the end of the hearing, the Chair will state the decision of the Code of Conduct Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Code of Conduct Panel resolves to take.

10.2 As soon as reasonably practicable thereafter, the Monitoring Officer will prepare a formal decision notice, in consultation with the Chair of the Code of Conduct Panel, and send a copy to the complainant, the member, and where applicable, the Party whip. The Monitoring Officer will make that decision notice available for public inspection and report the decision to the next convenient meeting of the Governance and Audit Committee.

**11. Withdrawal of complaint**

11.1 The complainant can request, but there is no right, to withdraw a complaint and it is for the Monitoring Officer in any particular case to consider and decide whether or not to agree to a withdrawal. When making a decision the Monitoring Officer will give due consideration to such matters as:

- a) Whether there are identifiable underlying reasons for the withdrawal request;
- b) Whether the public interest in taking action on a complaint outweighs the reasons behind the complainant's withdrawal request; and
- c) Whether the complaint can be adequately investigated without the complainant's participation.

11.2 The Party whip will, where applicable, be notified by the Monitoring Officer prior to a decision being taken to agree to a withdrawal of the complaint.

**12. Revision of these arrangements**

12.1 The Council may by resolution agree to amend these arrangements, and the Chair of the Code of Conduct Panel may depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

**13. Appeals**

13.1 There is no right of appeal for the complainant or for the member against a decision of the Monitoring Officer or the Code of Conduct Panel.

13.2 If either party feels that the Council has failed to deal with the complaint properly, they may make a complaint to the Local Government Ombudsman

## **Code of Conduct Panel Hearing Procedure**

### **1. Pre Hearing Procedure**

- 1.1 In order to allow the hearing to proceed fairly and efficiently, the Monitoring Officer may in appropriate cases use a pre -hearing procedure to:
- (a) Identify which facts in the investigation report are agreed and which are in dispute;
  - (b) Determine whether any fresh evidence not mentioned in the investigation report may be put before the hearing;
  - (c) Determine whether documentary evidence which a party wishes to put before the hearing is admissible;
  - (d) Establish whether the parties intend to attend; whether the parties intend to be represented in accordance with paragraph 2 and, if so, by whom; and the number and identity of witnesses to be called;
  - (e) Determine whether the whole or any part of the hearing should be held in private;
  - (f) Determine whether the whole or any part of the investigation report or other relevant documents should be withheld from the public.
- 1.2 The Monitoring Officer will notify the parties of the date, time and place for the hearing.

### **2. Rules of procedure**

- 2.1 The Code of Conduct Panel consists of the Members of the Governance and Audit Committee.
- 2.2 The quorum for a meeting of the Hearing Panel is three voting members
- 2.3 The Independent Person's views must be sought and taken into consideration before the Code of Conduct Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Panel in private) but in the event that this is not possible, may instead submit their views on the complaint to the Panel in writing.
- 2.4 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Code of Conduct Panel. The hearing will be held in public no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from meetings

of the Code of Conduct Panel where it is likely that confidential or exempt information will be disclosed.

- 2.5 All matters/issues before the Code of Conduct Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.
- 2.7 Where the Subject Member fails to attend the Panel and where the Panel is not satisfied with their explanation for their absence from the hearing, it may in the first instance, have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination or, if satisfied with the Subject Member's reasons for not attending the hearing, adjourn the hearing to another date. The Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously.

### **3. Right to be accompanied by a representative**

The Subject Member may choose to be accompanied and/or represented at the Code of Conduct Panel by a fellow councillor, friend or colleague.

### **4. The conduct of the hearing**

- 4.1 Subject to paragraph 4.2 below, the order of business will be as follows:
- (a) elect a Chairman;
  - (b) apologies for absence;
  - (c) declarations of interests;
  - (d) in the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the hearing
  - (e) introduction by the Chairman, of members of the Panel, the Independent Person, Monitoring Officer, Investigating Officer, legal advisor, complainant and the Subject Member and their presentative;
  - (f) to receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;
  - (g) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.
- 4.2 The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.
- 4.3 The Code of Conduct Panel may adjourn the hearing at any time.
- 4.4 Presentation of the complaint
- (a) The Monitoring Officer, legal advisor or chairman may each make an introductory statement outlining the nature of the complaint and the purpose of the hearing, and the procedure to be followed.



- (b) The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted;
- (c) The Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer;
- (d) The Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

4.5 Presentation of the Subject Member's case

- (a) The Subject Member or their representative presents their case and calls their witnesses;
- (b) The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member;
- (c) The Panel may question the Subject Member and any witnesses called by the Subject Member.

4.6 Summing up

- (a) The Investigating Officer sums up the complaint;
- (b) The Subject Member or their representative sums up their case.

4.7 Views/Submissions of the Independent Person

The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Panel, there has been a breach of the Code of Conduct.

4.8 Deliberations of the Code of Conduct Panel

**Deliberation in private**

- (a) The Code of Conduct Panel will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
- (b) The Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and from whom.

4.9 **Announcing decision on facts found**

- (a) The Code of Conduct Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct

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- (b) Where the Panel finds that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person, the Subject Member and the Monitoring Officer to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.
- (c) When deciding whether to apply one or more sanctions, the Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:

- What was the Subject Member's intention and did they know that they were failing to follow the Council's Code of Conduct?
- Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
- What was the result/impact of failing to follow the Council's Code of Conduct?
- How serious was the incident?
- Does the Subject Member accept that they were at fault?
- Did the Subject Member apologise to the relevant persons?
- Has the Subject Member previously been reprimanded or warned for similar misconduct?
- Has the Subject Member previously breached of the Council's Code of Conduct?
- Is there likely to be a repetition of the incident?

- (d) Having heard the representations of the Independent Person, the Subject Member and the Monitoring Officer on the application of sanctions, the Panel will adjourn and deliberate in private.

### 4.10 Formal Announcement of Decision

- (a) Where the complaint has a number of aspects, the Code of Conduct Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.
- (b) The Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.
- (c) Having taken into account the representations of the Independent Person, the Subject Member and the Monitoring Officer's on the

## Unrestricted

application of sanctions, the Panel will reconvene the hearing in public and the Chairman will announce:

- the Panel's decision as to whether or not the Subject Member has failed to comply with the Code of Conduct, and the principal reasons for the decision;
- the sanctions (if any) to be applied;
- the recommendations (if any) to be made to the Council or Monitoring Officer;
- that there is no right of appeal against the Panel's decision and/or recommendations.

### 5. Range of possible sanctions

- The range of possible sanctions are as follows;

- |  |
|--|
| <ul style="list-style-type: none"><li>• The Panel recommending that the Council issue a formal Censure towards the Councillor/Co-opted member eg through a Motion at a Council meeting</li><li>• The Panel publishing its decision by issuing a press release</li><li>• The Panel reporting findings to Council for inclusion on Council agenda</li><li>• The Panel recommending to the Councillor's group leader (or in the case of "ungrouped" members, recommend to Council or to Committees) that he/she be removed from any or all committees or sub-committees</li><li>• The Panel recommending to the Leader of the Council that the Councillor be removed from the Executive, or removed from particular portfolio responsibilities</li><li>• The Panel recommending that the Councillor be removed from any or all outside appointments to which he/she has been appointed or nominated by the Leader of the Council</li><li>• The Panel Instructing the Monitoring Officer to arrange appropriate training</li><li>• The Panel requiring the Councillor/Co-opted Member to issue a written apology to the complainant in an open letter</li><li>• The Panel referring the matter to the party whip in order that the Political group may consider what action to take under its own procedures</li></ul> |
|--|

- The Code of Conduct Panel has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.
- The Panel may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

**APPENDIX D – Governance and Audit**

**Procedure for the Granting of Dispensations**

**1 Introduction**

1.1 This guide explains:-

- (a) The purpose and effect of dispensations
- (b) The procedure for requesting dispensations
- (c) The criteria which are applied in determining dispensation requests the terms of dispensations.

**2 Purpose and effect of dispensations**

2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited under the Code of Conduct or by law. (ie where they have a Disclosable Pecuniary Interest or Affected Interest). If Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

**3 Process for making requests**

3.1 Any Councillor who wishes to apply for a dispensation must fully complete the attached form and submit it to the Monitoring Officer at least 3 working days before the meeting for which the dispensation is required. Applications may be accepted within a shorter period in exceptional circumstances.

3.2 In order to avoid delay Councillors must ensure that they give full details of the grounds for their request and submit it to the Monitoring Officer as soon as they become aware that a dispensation is necessary.

3.3 A request for dispensation must be made on an individual basis. Group applications are not permitted.

**4 Consideration by the Monitoring Officer in consultation with the Chair of the Governance & Audit Committee**

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- 4.1 The Monitoring Officer will consider requests for a dispensation having regard to the criteria set out in paragraph 5.
- 4.2 The Monitoring Officer, after consultation with the Chairman, or in their absence the Vice Chairman of the Committee, may grant a dispensation if they consider that either;
- (a) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (i.e. the meeting would be inquorate);
  - (b) Without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote and;
  - (c) Without the dispensation each member of the Council's Executive would be prohibited from participating in any particular business to be transacted by the Council's Executive.
  - (d) Granting a dispensation is in the interests of persons living in the Authority's area; or
  - (e) It is otherwise appropriate to grant a dispensation.
- 4.3 The terms of any dispensation shall be in accordance with paragraph 6.
- 4.4 The Monitoring Officer will notify the Councillor of their decision and reasons in writing at the earliest opportunity.

## **5 Criteria for determination of requests**

- 5.1 In reaching a decision on a request for a dispensation the Monitoring Officer will take into account:
- (a) The nature of the Councillor's Disclosable Pecuniary interest or Affected Interest

## Unrestricted

- (b) The need to maintain public confidence in the conduct of the Council's business
- (c) The possible outcome of the proposed vote
- (d) The need for efficient and effective conduct of the Council's business
- (e) Any other relevant circumstances.

### **6 Terms of dispensations**

#### 6.1 Dispensations may be granted:

- (a) For one meeting; or
- (b) For a period not exceeding 4 years.

#### 6.2 Dispensations may allow the Councillor:

- (a) To participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- (b) To participate in any vote, or further vote, taken on the matter at the meeting(s).

### **7 Disclosure of decision**

#### 7.1 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

## BRACKNELL FOREST COUNCIL

### Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying "Procedure for Granting Dispensations"

If you need any help completing this form please contact the Monitoring Officer.

Your name	
Decision-making body in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda Item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes/No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes/No

Unrestricted



**TO: COUNCIL  
30 NOVEMBER 2016**

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## **SCHEDULE OF MEETINGS 2017/18 Director of Corporate Services**

### **1 PURPOSE OF THE REPORT**

- 1.1 To seek approval to the proposed Schedule of Meetings 2017/8.

### **2 RECOMMENDATION**

- 2.1 **That the schedule of meetings 2017/18 as set out in the annex to this report be approved.**

### **3 REASONS FOR THE RECOMMENDATION**

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

### **4 ALTERNATIVE OPTIONS CONSIDERED**

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

### **5 SUPPORTING INFORMATION**

- 5.1 The timetable has been drawn up having regard to the usual limitations:
- Avoiding meetings during the school holidays as far as possible.
  - Leaving a gap of at least 8 days between meetings of the Executive and Council to allow time for the Executive report (and any recommendations) to be published either with the Council agenda or the next day.
  - Avoiding 7.30 meetings on Fridays.
  - Scheduling each committee's meetings on the same day of the week throughout the year.
  - Avoiding a gap of more than 5 weeks between meetings of the Planning Committee.

- 5.2 If the schedule is agreed, it is hoped that members will only seek to change these dates in exceptional circumstances as to do so inevitably causes problems for some people. With a significant number of twin-hatted members, concerns have been expressed about clashes with parish and town council meetings. By setting the dates for this Council's meetings now, the parish and town councils have the opportunity to plan around our meetings. It is therefore all the more important to avoid in-year changes unless absolutely necessary so that potential clashes can be avoided.
- 5.3 Council is accordingly invited to approve the schedule set out in the annex to this report.

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

### Borough Solicitor

- 6.1 Not sought.

### Borough Treasurer

- 6.2 Not sought.

### Equalities Impact Assessment

- 6.3 Not applicable.

### Strategic Risk Management Issues

- 6.4 Not applicable.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 Corporate Management Team (CMT).

### Method of Consultation

- 7.2 A report on the proposed schedule was presented to CMT.

### Representations Received

- 7.3 CMT has endorsed the schedule of meetings as submitted.

### Background Papers

None

### Contact for further information

Derek Morgan, Corporate Services: 01344 352044

[derek.morgan@bracknell-forest.gov.uk](mailto:derek.morgan@bracknell-forest.gov.uk)

### SCHEDULE OF MEETINGS – 2017-18

	Day	Start Time	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2018	FEB	MAR	APR	MAY
COUNCIL	Wed	7.30	24(A)		12		13		29		17	28		25	23A)
Portfolio Review Groups (Closed)	-	6.30/8.00	15/16	26/27			4/5 25/26	30/31	27/28		2/3 22/23	19/20	19/20	16/17	21/22
Executive Briefing (closed)	Tue	5.00	23		4		12	3	7	5	9/30	27	27	24	29
EXECUTIVE	Tue	5.00	9	6	18		26	17	21	19	23	13	13	10	8
Bracknell Town Centre Regeneration Committee	Mon	5.30	8		3		11			11			12		
School & Children's Centre Performance Advisory Panel	Thu	5.00		15			7		30				15		
Corporate Parenting Advisory Panel	Wed	5.00		21			20			6			7		
OVERVIEW & SCRUTINY COMMISSION	Thu	7.30	11/24(A)		6		21		16		25		29		10/23(A)
Adult Social Care & Housing Overview & Scrutiny Panel	Tue	7.30		13			12				16		27		
Environment, Culture and Communities Overview & Scrutiny Panel	Tue	7.30			11		19				9		6		
Children, Young People and Learning Overview & Scrutiny Panel	Wed	7.30		7			27				10			18	
Health Overview & Scrutiny Panel	Thur	7.30		29				5			11			26	
Planning Committee	Thu	7.30	18/24(A)	22	20	17	14	12	9	14	18	22	22	19	17/23(A)
Licensing & Safety Committee	Thu	7.30	24(A)	8				19			4				23(A)
Licensing Panels	Wed	AM/PM													
Employment Committee	Wed	7.30	24(A)		5			4		13		14			23(A)
Education Employment Sub	Tue	5.30		27				10				6			
Local Joint Committee	Tue	4.00			5			4		13		14			
Health & Safety Panel	Wed	3.30													
Appeals Committee	Mon	9.00 am	24(A)	5	10		4	2	6	4	8		19		23(A)
Governance & Audit Committee	Wed	7.30	24(A)	28	26		20				31		28		23(A)
Education Governor Nominations Committee	Mon	6.30		12				9				26			
Standards Committee	Mon	6.00	24(A)	19							15				23(A)
Health & Wellbeing Board	Thu	2.00	24(A)	15			14			7			1		23(A)
Bracknell Forest Access Group	Wed	7.30		14				11				21			
Parish & Town Councils' Liaison Group	Wed	7.30			19					20		7			

<b>Executive (Tuesdays 5pm)</b>	<b>Finance Portfolio Review Group (Mondays)</b>	<b>Environment Portfolio Review Group (Mondays)</b>	<b>Community Portfolio Review Group (Tuesdays)</b>	<b>Care Portfolio Review Group (Tuesdays)</b>	<b>Executive Briefing (Tuesdays)</b>
9 May 2017	24 April 2017 (8)	24 April 2017 (6.30)	18 April 2017 (8)	18 April,2017 (6.30)	25 April 2017
13 June 2017	15 May 2017 (6.30)	15 May 2017 (8)	16 May 2017 (6.30)	16 May 2017 (8)	30 May 2017
18 July 2017	26 June 2017 (8)	26 June 2017 (6.30)	27 June 2017 (8)	27 June 2017 (6.30)	4 July 2017
26 September 2017	4 September 2017 (6.30)	4 September 2017 (8)	5 September 2017 (6.30)	5 September 2017 (8)	12 September 2017
17 October 2017	25 September 2017 (8)	25 September 2017 (6.30)	26 September 2017 (8)	26 September (6.30)	3 October 2017
21 November 2017	30 October 2017 (6.30)	30 October 2017 (8)	31 October 2017 (6.30)	31 October (8)	7 November 2017
19 December 2017	27 November 2017 (8)	27 November 2017 (6.30)	28 November 2017 (8)	28 November 2017 (6.30)	5 December 2017
23 January 2018	2 January 2018 (6.30)	2 January 2018 (8)	3 January 2018 (6.30)	3 January 2018 (8)	9 January 2018
13 February 2018	22 January 2018 (8)	22 January 2018 (6.30)	23 January 2018 (8)	23 January 2018 (6.30)	30 January 2018
13 March 2018	19 February 2018 (6.30)	19 February 2018 (8)	20 February 2018 (6.30)	20 February 2018 (8)	27 February 2018
10 April 2018	19 March 2018 (8)	19 March 2018 (6.30)	20 March 2018 (8)	20 March 2018 (6.30)	27 March 2018
8 May 2018	16 April 2018 (6.30)	16 April 2018 (8)	17 April 2018 (6.30)	17 April 2018 (8)	24 April 2018
12 June 2018	21 May 2018 (8)	21 May 2018 (6.30)	22 May 2018 (8)	22 May 2018 (6.30)	29 May 2018

To: **COUNCIL**  
**30 NOVEMBER 2016**

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**MEMBERSHIP OF COMMITTEES AND EXTERNAL BODY REPRESENTATION**  
**Director of Corporate Services – Democratic and Registration Services**

**1 PURPOSE OF REPORT**

- 1.1 This report seeks the Council's approval to the appointment of Members to fill vacancies on committees and an external organisation following the resignation of Philip King OBE and pre-existing vacancies.

**2 RECOMMENDATIONS**

- 2.1 **That the appointments to the Committees, as set out in paragraphs 5.2 and 5.3, are agreed in accordance with the wishes of the political group;**
- 2.2 **That David St. John Jones be appointed as the Independent Member on Governance and Audit Committee; and**
- 2.3 **That the Leader's actions are noted as set out in paragraphs 5.5 through 5.8.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To agree Committee appointments and external representation.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

**5 SUPPORTING INFORMATION**

**Committee Appointments**

- 5.1 Philip King OBE resigned from Bracknell Forest Council on 9 September 2016 and the resulting by-election in the Central Sandhurst Ward did not alter the political balance of the Council with the Conservative group remaining the only political group on the Council.
- 5.2 Council is now asked to appoint to the membership vacancy on the Governance & Audit Committee.
- 5.3 Council is now asked to appoint to the substitute member vacancies on the following committees:
- Overview and Scrutiny Commission
  - Appeals Committee
  - Edgbarrow & Sandhurst Sports Centre Management Committee
  - Electoral Review Steering Group

### **Governance and Audit Committee**

- 5.4 David St. John Jones has been nominated by the Governance and Audit Committee to become the Independent Member on the Committee following the resignation of the previous representative Gordon Anderson. Council is now asked to confirm his appointment.

### **Leader's appointments**

- 5.5 The Leader's appointments to the Finance Portfolio Review Group and the substitute for Bracknell Forest Access Group will be tabled at the meeting.
- 5.6 Council is also requested to note the Leader's appointment to a working group established by the Berkshire Records Office to review storage and accommodation which will be tabled at the meeting. A Member from each of the Berkshire unitary authorities has been invited to attend. The County Archivist, is the working group's lead officer.
- 5.7 Council is also requested to note that the Leader's appointments to the Joint Member Board to initially provide advice and direction on the development of the Joint Minerals and Waste Plan. The Plan is being developed on behalf of four authorities: Bracknell Forest Council, Hampshire County Council, Reading Borough Council, Royal Borough of Windsor and Maidenhead and Wokingham Borough Council. The Leader has appointed Councillors Mrs Hayes MBE and Turrell to the Joint Member Board which will also provide strategic direction and promote the Joint Minerals and Waste Plan.
- 5.8 Council is also requested to note that the Leader has established a Member Working Group to work with officers on the democratic/civic accommodation project and to act as the Member Reference Group. The Leader has appointed Councillors Allen, Leake, McCracken (Chairman), Mrs McCracken, Mrs McKenzie-Boyle, Mrs Temperton and Turrell to form the Working Group.

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

### Borough Solicitor

- 6.1 Nothing to add to the report.

### Borough Treasurer

- 6.2 Any costs associated with these appointments will be met from within the Council's existing budget.

### Equalities Impact Assessment

- 6.3 Not relevant to this report.

### Strategic Risk Management Issues

- 6.4 Not relevant to this report.

## **7 CONSULTATION**

### Principal Groups Consulted

7.1 Conservative Group.

### Method of Consultation

7.2 Email correspondence.

### Representations Received

7.3 Not applicable.

### Background Papers

None

### Contact for further information

Ann Moore, Corporate Services - 01344 352260

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