



AGENDA

For the Extraordinary Council meeting to be held on Wednesday 18 May 2016.

Timothy Wheadon, Chief Executive



NOTICE OF MEETING

Extraordinary Council

Wednesday 18 May 2016, 6.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Council

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

TIMOTHY WHEADON
Chief Executive

EMERGENCY EVACUATION INSTRUCTIONS

- 5 If you hear the alarm, leave the building immediately.
- 6 Follow the green signs.
- 7 Use the stairs not the lifts.
- 8 Do not re-enter the building until told to do so.

If you require further information, please contact: Kirsty Hunt
Telephone: 01344 353108
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Published: 10 May 2016



Council
Wednesday 18 May 2016, 6.30 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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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. **Establishment of an Appointment Committee**

To establish an Appointment Committee to recruit to the post of Director of Children, Young People and Learning.

5 - 8

4. **Award of supplementary capital approval for the enhancement of Coral Reef**

To agree a supplementary capital approval in order for the Coral Reef enhancement project to proceed.

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**TO: EXTRAORDINARY COUNCIL
18 MAY 2016**

ESTABLISHMENT OF AN APPOINTMENT COMMITTEE (Chief Executive)

1 PURPOSE OF DECISION

- 1.1 The Director of Children, Young People and Learning has indicated that she intends to retire in the late summer or early autumn of 2016. The Chief Executive and Executive Members have carefully considered the implications of this and whether there is an opportunity to reduce the number of Directors. For the reasons set out in this report, however, they have concluded that the Council does need to appoint a replacement Director. This report therefore seeks to facilitate progress by establishing an Appointment Committee to recruit a new Director of Children, Young People and Learning.

2 RECOMMENDATIONS

The Council is asked to agree:

- 2.1 **That a Committee of the Council of five members (4:1), including at least one Member of the Executive (plus up to two substitute members per group) be appointed, with the following terms of reference:**

“To interview and appoint on behalf of the Council to the post of Director of Children, Young People and Learning”.

- 2.2 **That the nominated Members are to be confirmed.**
- 2.3 **That the substitute Members are to be confirmed.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the appointment process is, in accordance with the Council's Constitution in as timely manner as possible, whilst recognising the current ambiguity in national policy regarding the role of local authorities in education.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative options considered for the post are detailed below, but any recruitment exercise requires the establishment of an appointment committee.

5 SUPPORTING INFORMATION

Options considered for the recruitment

- 5.1 Following the resignation of the Director, Children, Young People and Learning, a close examination of the need for the post was carried out by the Chief Executive

with Executive Members during April. The Director post is responsible for the whole range of functions related to Children, Young People and Learning and for providing strategic leadership to these services. Areas covered include education, schools, special needs, youth service, early years and children's social care. The Director role also has a statutory function: the Children Act 2004 requires every upper tier local authority to appoint a Director of Children's Services, to discharge the education and children's social services functions of the local authority. The specific functions for which the statutory Director must be responsible are set out in the Children Act although, of course, these functions could be merged with other responsibilities.

- 5.2 The timing of the vacancy does present some challenges in that the education service is going through a period of major change at present and, in two to three years time the focus of and need for the post may be quite different. Until 6 May, Members will be aware of the Government's intention to force all schools to become academies by 2022, with the possibility of Multi-Academy Trusts being established in areas to ensure that schools have appropriate support services, including improvement and curriculum advice also emerging. At the same time as this, the Government is undertaking six consultations on radical changes to the funding of schools. The impact of these 'fair funding' consultations would be to reduce funding to the Council for school support by around £1.5M. This will fundamentally alter the way in which support services are delivered. Meanwhile, the Council is delivering a major capital expansion programme to provide school places for all local children, including the first new secondary school the Council has ever provided in Binfield. Members will, of course, also be aware that Children's Social care is due a major Ofsted inspection imminently. The Department clearly needs leadership as it prepares for and then is subject to this inspection, the outcome of which will have a significant impact on the reputation of the Council and its attractiveness as a children's social care employer.
- 5.3 Against this background, on 6 May, the Secretary of State for Education announced that the Government no longer intends to force good or outstanding schools to become academies. Similarly small primary schools will not be forced to change status. Given that the majority of schools in Bracknell Forest are good or outstanding, this reversal of policy does potentially create some confusion. It is likely that further Government statements will be necessary to provide clarity over the coming weeks on the role that local authorities will play. However, the simple fact is that the status quo is no longer a viable solution. The 'fair funding' reductions in itself will drive the academisation process, at least at secondary levels and primary schools will need to source support collectively either through some form of Multi-Academy Trust or by clustering. A further possibility might be to develop a school support and improvement partnership with another local authority whichever model is chosen by schools, however, they will need support and leadership in developing a coherent response that protects the long term interests of young people in the Borough.
- 5.4 In the face of these inevitable changes facing the education service it is essential that the Council retains the capacity to deliver an orderly and coherent transformation of schools and school support services. At the same time, the extent of the changes point to a need to retain flexibility in the longer term. This would suggest some form of temporary arrangement. In the light of this, detailed market research has been done with leading recruitment consultants who all advise very clearly that the Council is unlikely to be successful in trying to recruit to a two year fixed term contract. That would mean any short term appointment would be a traditional 'interim' arrangement at a likely cost in excess of £250,000pa, which is clearly not viable in the current financial climate.

- 5.5 Options to merge the people facing Directorates or to restructure the Council in some other way is a longer term possibility, particularly if and when the Council no longer has responsibility for schools. However, given the scale of immediate school related challenges and the uncertainty about future direction, this is a decision for the longer term as we would simply remove the capacity to address the immediate issues. The evidence of smaller authorities who have followed this approach supports this view, as most who have adopted that model have struggled to maintain performance levels across all 'people' services. Joint services with neighbouring Boroughs are another possibility and one of the options we need to explore. However, at this stage it is not likely that other authorities have the capacity or strength to take over the leadership of local education services and to give the local Bracknell Forest issues the attention required over the next two years of transformation. In the longer term though, some form of merger may be attractive.
- 5.6 In light of these issues and despite the recent changes in national 'policy', the most viable option is to advertise for a permanent replacement for the Director of Children, Young People and Learning to ensure that effective leadership is maintained and to further adapt the structure when the nationally driven education changes have fully played out. Therefore, it is recommended that the Council establishes an Appointment Committee.

Appointment Committee

- 5.7 The Council's Officer Employment Procedure Rules, which form Part 4, Section 12 of the Constitution, deal with the arrangements for the appointment of officers at director and chief officer level. Those rules dictate that if it is proposed that an appointment to a post at this level is not made exclusively from within the Council's existing staff, it must be advertised externally. This is the case with the Director of Children, Young People and Learning if a permanent appointment is decided upon.
- 5.8 The Officer Employment Procedure Rules require that where a committee is to be established for the purposes of making an appointment it should include at least one Member of the Executive. Whilst it is a matter for the political groups to make their own nominations, in this instance it would be appropriate for the Executive Member responsible for Children, Young People and Learning to serve on the Committee. It is also suggested that the Chairman of the Employment Committee be included.
- 5.9 In accordance with standard practice for a Chief Officer post, if the permanent route is selected, the Committee will be responsible for approving the shortlist of candidates prepared by officers and or recruitment consultants, for interviewing those candidates and for making the final appointment. It is suggested that the Committee should comprise five Members and in order to reflect the political balance on the Council, four of these Members would be from the Conservative Group, with the remaining Member the Labour Councillor. Accordingly, nominations have been sought from the Leader and will be announced at the Council meeting.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Treasurer

- 6.1 There are no financial implications arising from the establishment of the Appointment Committee.

Borough Solicitor

- 6.2 The Appointment Committee process accords with the Council's constitution particularly section 12 part 4 and S151 Local Government Act 1972.

Equalities Impact Assessment

- 6.3 The recruitment process will be conducted in accordance with the Council's employment policies.

Strategic Risk Management

- 6.4 Not to recruit to the post would expose the Council to risk as the functions identified in paragraph 5.1 could not be carried out effectively.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Group Leaders regarding composition of the Committee.

Method of Consultation

- 7.2 Discussion and email.

Representations Received

- 7.3 Not applicable

Background Papers

None

Contact for further information

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**TO: EXTRAORDINARY COUNCIL
18 MAY 2016**

**AWARD OF SUPPLEMENTARY CAPITAL APPROVAL
FOR THE ENHANCEMENT OF CORAL REEF
Director of Environment, Culture & Communities**

1 PURPOSE OF REPORT

- 1.1 To agree a supplementary capital approval in order for the Coral Reef enhancement project to proceed.

2 RECOMMENDATION

- 2.1 **That Council agree a supplementary capital approval of £1,636,000 is made to allow the Coral Reef roof replacement and enhancement project to proceed.**

3 REASONS FOR RECOMMENDATION

- 3.1 To enable the enhancement of the Coral Reef facility in line with 'People live active and healthy lifestyles' strategic theme in the Council Plan.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 In agreeing to make this recommendation to Council, the Executive also considered a range of options including roof replacement only, full or part demolition and long term deferral of demolition. All had significant costs attached with them but with none of the benefits for the community provided by the proposed project. The confidential report considered by the Executive containing the various options reviewed is included as a confidential Annex to this report. The current proposal of enhancement is considered the most appropriate course of action and in the best interests of the Council and community.

5 SUPPORTING INFORMATION

- 5.1 Coral Reef Waterworld is an iconic leisure pool/flume complex located to the south of Bracknell town at the junction of the A322 and Nine Mile Ride. The facility was opened in October 1989 and has evolved to become a major landmark for the borough and undoubtedly helped put Bracknell Forest Borough and Bracknell Forest Council "on the map". Since opening it has served an estimated 10 million customers and has taken income of about £50m. It is therefore a very big and popular leisure attraction for local people and day tourists.
- 5.2 The current facility consist of a main leisure pool, a flume complex comprising 3 flumes, sauna suite including unique steam room, changing accommodation, external pool area (Lazy River) and catering provision. Outside there is a large car park with c. 220 spaces. The wet side capacity is 600. During many weekends and day time periods in the school holidays the facility operates to capacity typically with long queues.

Unrestricted

- 5.3 This enhancement project has its roots in the significant roof repairs that were required to be undertaken in 2012/13. The detailed inspection as part of those repairs also uncovered deterioration in the wood laminates and subsequent analysis highlighted that the costs of repair to the complex roof structure was in excess of a replacement roof. Critically the Council's structural engineering consultants advised that "do nothing" was not an option if the facility was to remain open to the public in the long term. After much analysis and consideration of a range of options, Members felt that merely providing a replacement roof was an inappropriate way forward for a prestigious facility and asked that an enhancement project be developed for consideration.
- 5.4 Consequently, the enhancement project consists of:
- i. New roof over main pool hall and repair of ancillary roofs
 - ii. Five new flumes within a new flume tower
 - iii. Major refurbishment of changing facilities; toilets; reception area; café; reception area (but no construction works), Sauna World and Lazy River
 - iv. Planned preventative maintenance of key plant and equipment
- 5.5 At its meeting on 10th May, the Executive assessed the tenders submitted by potential contractors for the project and awarded, subject to Council approval of the supplementary capital approval, contracts relating to the overall construction project and the aquatics package which had been previously awarded to Van Egdom BV (but with a commitment only for design elements up to this point).
- 5.6 When the Council initially agreed a capital approval of £11,230,000 in January 2014 it recognised that an inflationary uplift would be required once the tenders were received and detailed construction time tables understood. This is the established process of how projects of this size, complexity and length are managed and is the purpose of this report to Council.
- 5.7 With regard to the Coral Reef project this uplift, together with other associated project costs amounts to £1,636,000. This level of capital provision includes a 10% contingency and will ensure that all of the Council's requirements as detailed in 5.4 above will be met.
- 5.8 Should Council agree to the supplementary capital approval, there will be a 10 day "stand still" period which is required under European law and the contract will be signed on 1st June. If the project proceeds, Coral Reef would be scheduled to re-open in early August 2017 but discussions are ongoing with the preferred supplier to determine what steps might be taken to improve upon this.
- 5.9 The complexity and uniqueness of this project combined with a period of significant pressure on demand for the construction industry means that delays have been incurred in the tender process for this project. However, this additional time has allowed the Council to select strong partners to work with in order to enhance a first class facility that will be unique in the South East. The enhanced Coral Reef will draw in local residents and people from much further afield as well as being a flagship for the Borough.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 No significant legal issues arise from the matters discussed in this report. The procurement has been carried out in accordance with the Public Contracts Regulations and the Council's Contract Standing Orders.

Borough Treasurer

- 6.2 The Executive considered all relevant financial matters as part of its deliberations on 10th May and these are included in the confidential annex attached to this report.

Equalities Impact Assessment

- 6.3 Completed and submitted with the previous Executive paper

7. STRATEGIC RISK MANAGEMENT ISSUES

- 7.1 If the Council were not to proceed with the Coral Reef enhancement project there would be significant consequential revenue implications and a risk of reputational damage.

8 CONSULTATION

Principal Groups Consulted

- 8.1 Coral Reef Member Advisory Steering Group

Method of Consultation

- 8.2 Regular meetings held of the Coral Reef Member Advisory Steering Group

Background Papers

Executive paper 10th May 2016

Executive paper 16th December 2014

Contact for further information

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
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