



AGENDA

For the Council meeting to be held on
Wednesday 12 July 2017.

Timothy Wheadon, Chief Executive



NOTICE OF MEETING

Council

Wednesday 12 July 2017, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Council

Councillor Mrs McKenzie-Boyle (Mayor), Councillor Finch (Deputy Mayor),
Councillors Allen, Mrs Angell, Angell, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, G Birch,
Brossard, Brunel-Walker, Dudley, Finnie, Ms Gaw, Mrs Hamilton, Harrison, Mrs Hayes MBE,
Ms Hayes, Heydon, Dr 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, Virgo, Wade and Worrall

TIMOTHY WHEADON
Chief Executive

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Published: 4 July 2017



Council
Wednesday 12 July 2017, 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

Page No

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

1. **Apologies for Absence**

2. **Minutes of Previous Meeting**

To approve as a correct record the minutes of the meeting of the Council held on 26 April 2017 and 24 May 2017.

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3. **Declarations of Interest**

Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary 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 Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an affected Interest in a matter must disclose the interest to the meeting and must not participate in discussion of the matter or vote on the matter unless granted a dispensation by the Monitoring officer or by the Governance and Audit Committee. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

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

In accordance with Council Procedure Rule 9 (Public Participation), one question has been submitted by Mr R Francis resident of Woodridge Close, Wildridings and Central ward with regard to transparent decision making.

The full text of the question is set out below, to be answered by Councillor Bettison OBE, Leader of the Council:

How many pages of reports delivered to the council have been restricted since the election of the current council in May 2015? What proportion of all such reports does this figure constitute? Does the council endorse the importance of an open, active and accountable democracy?

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**

6. **Executive Report**

To receive the Leader's report on the work of the Executive since the Council meeting held on 26 April 2017. 39 - 52

The Council is asked to resolve a recommendation in respect of:

- **the release of £20m capital funding in 2017/18 from the indicative 2018/19 Capital Programme in order to accelerate delivery of the Council's agreed Commercial Property Investment Strategy**

7. **Bracknell Forest Homes Proposed Merger**

To seek Council's agreement to amend the Bracknell Forest Homes transfer agreement terms and rules to enable the merger of Bracknell Forest Homes with Housing Solutions Ltd. 53 - 80

8. **Local Government Ombudsman Finding - Monitoring Officer Report**

To appraise the Council of a finding of maladministration with no injustice by the Local Government Ombudsman against Bracknell Forest Council in response to a complaint. 81 - 94

9. **Establishment of Committees and associated issues**

To consider the revised position regarding the appointment of Members to serve on committees and external bodies since Annual Council on 24 May 2017. 95 - 96

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

By Councillor Mrs Temperton to Councillor Bettison OBE, Leader of the Council

The Queen's speech did not include a commitment to reintroduce the 2017 Local Government Finance Bill that would have allowed local government in England to keep the £26 billion in business rates raised locally each year. It had been hoped that this money would have enabled local government, that is best placed to respond to local needs, to pay for valuable services. Councils are facing an overall funding gap of £5.8 billion by 2020 , Bracknell Forest being part of this.

Is the Leader confident that from this new government's obvious willingness to release more money, the many promised consultations will lead to increased funding for local government so that they can get on with the job they do best?



COUNCIL
26 APRIL 2017
7.30 - 9.04 PM

Present:

Councillors Virgo (Mayor), Mrs McKenzie-Boyle (Deputy Mayor), 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, Ms Merry, Ms Miller, Peacey, Phillips, Porter, Skinner, Mrs Temperton, Tullett, Turrell and Worrall

Apologies for absence were received from:

Councillors Mrs Mattick, Thompson and Wade

48. Minutes of Previous Meeting

RESOLVED that the minutes of the Council meeting held on 1 March 2017 be approved and signed by the Mayor as a correct record.

49. Declarations of Interest

There were no declarations of interest.

50. Mayor's Announcements

Honda

The Mayor welcomed Ian Howells, Senior Vice President Honda Motor Europe to speak about Honda's decision to move its Headquarters to Bracknell and the anticipated impact of Brexit. Patrick Keating, European Government Affairs manager and Dev Mistry, Internal Communications Executive also attended the meeting.

Ian Howells advised the meeting that Bracknell was the European HQ for Cars, Motorcycle, Power Products and Finance. The Headquarters site had 440 associates with 30% from Europe. He profiled Honda's sales in Europe across cars, motorcycles and power equipment. He explained the spread of its operations across Europe including manufacture and transport of parts to the Swindon factory.

By 2030 Honda anticipated that two-thirds of Honda sales will be low or zero emission vehicles. As a Japanese company, Honda had global operations and interests. By increasing exports to non-EU destinations, such as the US, they hoped to mitigate some of the impacts of Brexit. Honda was working to develop the pool of UK talent and had increased the number of apprentices by 100% over the last year. He explained that Honda benefited from the simplicity of complying with a single regulatory and approvals regime across Europe, for the manufacture and sale of cars, as well as motorcycles and power products. He explained the impact of modifying specifications to meet different requirements. He emphasised that Honda was a pragmatic company who would make Brexit work.

In response to Members' queries, Ian Howells made the following points:

- Honda were keen to see the new Town Centre include infrastructure such as recharging points in car parks to encourage the use of alternative fuel cars
- As a Japanese company in relation to haulage they had some preexisting Japanese contracts but also used local companies and UK ports
- Most of the research and design work was undertaken in Japan
- The environment around the Cane Road was attractive to Honda's associates which helped with staff retention as it was easy to access and was close to the town centre

The Mayor thanked them for attending and providing an insight into their business.

50 years service

The Mayor welcomed Bert Appleford to the meeting to celebrate his fifty years working for the authority. The Members present at the meeting joined him in congratulating the Fleet Supervisor on his loyalty and long service.

Celebration of Life

The Mayor reflected that the Celebration of Life service, which had been held in memory of John Nike OBE on 22 April 2017 at St. John's Church, was a fitting way to remember such a significant figure in the community. Nearly £600 was raised during the returning collection which would be shared between Berkshire Community Foundation and Sebastian's Action Trust.

Charity Gala Dinner

The Mayor thanked everyone who had supported his James Bond themed Gala Dinner on 22 April 2017 at the Coppid Beech Hotel. The Mayor was pleased to have showcased the talents of two students from Garth Hill College at the event. The event had been a fund raising opportunity for Sebastian's Action Trust and he announced that Tony Pidgley CBE Chairman of Berkeley Homes had donated £10,000 to Sebastian's Action Trust as well as agreeing to match any funds raised on the night.

Work of Sebastian Action Trust

The Mayor reflected that it was a sad reminder of the work of his chosen charity that he had attended a tree planting ceremony at Fox Hill Primary School in memory of a previous pupil, Holly Oxenham.

Unfortunately he advised the meeting of the sad death of Lily Wells who was one of the first beneficiaries to come to Sebastian Action Trust's The Bluebells on its opening in July 2011. The Mayor asked Members present to show their generosity and make a donation to her family.

St. George's Day Celebrations

The Mayor shared an image of the Leader, himself and the Deputy Mayor celebrating St. George's Day by flying the flag above Easthampstead House.

Mayoral Business Breakfast

The Mayor announced that his next event would be a Mayor's breakfast for the arts which will be held at South Hill Park on 19 May 2017. The event would be an opportunity for local businesses to have the full experience of what South Hill Park can offer.

Executive Member for Culture, Corporate Services and Public Protection

Councillor McCracken was delighted to report that the Council had once again succeeded to be the Work-based Champions in the Get Berkshire Active campaign.

Executive Member for Children, Young People and Learning

Councillor Dr Barnard was proud to announce that at the Pride of Bracknell Awards, held on 21 April 2017, the Bracknell Forest Foster Carers had been identified as 'Team of the Year'. There were many outstanding achievements recognised during the celebration but he was pleased that the hard work of the team to provide vital support to young people was celebrated.

51. **Petition Submitted Under Council Procedure Rule 9**

In accordance with Council Procedure Rule 9 (Public Participation), a petition was submitted by Mr S Chubb resident of Fielden Place, Bullbrook on behalf of residents of Zone D with regard to their concern about the Residents' parking permit charges:

*Parking permit charges to be implemented on 1st April 2017 deemed **unfair** to residents. **Penalising residents** living in Deepfield Road, Fielden Place, Smith Square, Forest Green and North Green – Bracknell, Berkshire RG12.
We, the undersigned, are concerned citizens who urge Bracknell Forest Council to act now to **abolish all parking charges** planned for the above roads. To increase the Residents Permit Parking Only restrictions on these roads and parking bays to be increased to 24 hours a day seven days a week.*

The Mayor invited Mr J Cochrane to present the petition and to make his submission to the meeting.

Councillor Turrell formally received the petition and in so doing stated that the Council would consider the points raised relating to the Residents Parking Scheme, that parking was an emotive subject and that the Council would respond to issues raised in due course.

The Mayor thanked Mr Chubb and Mr and Mrs Cochrane for attending the meeting.

52. **Executive Report**

The Leader of the Council, Councillor Bettison, presented his report on the work of the Executive since that reported at the Council meeting on 1 March 2017. The Executive had met twice on 14 March 2017 and 11 April 2017.

The Leader highlighted the following matters that had been considered:

- Customer Contact Strategy had been agreed with a strong focus on delivering digitally and common approach to contact with quick access to specialists when needed

- Council Support Services implementation plan had been agreed and the new model was based upon strategic and support hubs with departmental business partners which should deliver around £800,000 in initial savings
- Time Square refurbishment procurement plan had been agreed with consolidation of the sites expected mid 2018
- Library IT Procurement plan had been agreed which underpinned the transformation project to enable increased opening and self-service
- ICT & Digital Strategy 2017 – 2020 was agreed which set out strategic direction and would be a key enabler of transformation of the organisation:
 - greater emphasis on digital technology for customers and internal support
 - more flexible working
 - more productive office systems
 - appropriate security
- Successful outcome of an innovation bid led by Hertfordshire County Council focussing on new ways of supporting vulnerable families in partnership with Bracknell Forest, Luton, Peterborough and West Berkshire. Bracknell Forest would receive £1.9m over 2 years to develop the Family Safeguarding Model with a key focus on keeping people out of care.
- Review of 2015/16 examination & test performance in schools. Outcomes were generally in line or above national averages but gap for disadvantaged pupils was a concern. The school improvement team had been restructured to enhance focus on ensuring that schools are assisted with their improvement journeys.
- Design Supplementary Planning Document had been adopted which set out design principles for future development.
- The integrated Transport & Highway maintenance capital programmes had been agreed which included £2.9m of funding secured from Local Growth Fund.
- Emergency Planning proposals for pan-Berkshire (except Reading) service had been agreed and would be hosted by West Berkshire.
- Equality Scheme 2017-2020 had been agreed.
- The Executive noted the Local Government Ombudsman complaint report and agreed that no further action was required.

In response to a query about when the library volunteer recruitment would start Councillor McCracken advised that a co-ordinator had been recently been appointed and Councillor Mrs Birch added that information was on the Council's website for volunteers to contact the team and advise them of their skills.

53. **Review of Constitution**

The Council considered the report recommending changes to the Council's constitution.

On the proposition of Councillor Allen, Chairman of Governance and Audit Committee, seconded by Councillor Leake, it was

RESOLVED that:

- i) the changes to the Delegations of Chief Officer: Property as set out in Appendices A and B to the agenda report be adopted;
- ii) the changes to the Protocol for Members in Dealing with Planning Matters set out in the Appendix C to agenda report be adopted; and

- iii) that authority be delegated to the Borough Solicitor to make minor consequential changes to the Constitution from time to time to reflect legislative amendments, minor alterations in post titles and such amendments as may be required to clarify the meaning and/or effect of constitutional provisions. Such authority to be exercised following consultation with, and prior approval of, the Chair of Governance & Audit Committee in each instance.

54. Establishment of an Appointment Committee - Chief Officer: ICT

The Council considered a report regarding the establishment of an Appointment Committee to appoint to the position of Chief Officer: ICT.

On the proposition of Councillor McLean, Chairman of Employment Committee and seconded by Councillor Leake it was:

RESOLVED that:

- i) a Committee of the Council of five members (4:1), including at least one Member of the Executive (plus up to three 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 Chief Officer: ICT."
- ii) Councillors D Birch, Leake, McCracken, McLean and Mrs Temperton be confirmed as the nominated members
- iii) Councillors Angell, Heydon and Virgo be confirmed as the substitute members.

55. Establishment of an Appointment Committee - Head of Overview and Scrutiny

The Council considered a report regarding the establishment of an Appointment Committee to appoint to the position of Head of Overview and Scrutiny.

On the proposition of Councillor Leake, Chairman of Overview and Scrutiny Commission and seconded by Councillor Angell it was:

RESOLVED that:

- i) a Committee of the Council of five members (4:1), including at least one Member of the Executive (plus up to three 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 Head of Overview and Scrutiny."
- ii) Councillors Ms Gaw, Leake, McCracken, McLean and Mrs Temperton be confirmed as the nominated members.
- iii) Councillors Angell, Mrs Birch and Virgo be confirmed as the substitute members.

56. Annual Report of Overview and Scrutiny

The Council considered the Annual Report of Overview and Scrutiny which informed Members of progress made in respect of the operation and development of Overview and Scrutiny in Bracknell Forest during 2016/17 and outlined proposed future activities.

Councillor Leake thanked the members of the Overview and Scrutiny Commission as well as the Panels for the work they have done. He highlighted in particular their contributions to the work of the Gateway Reviews and the core groups supporting the transformation programme. He referred to the tribute in his forward to Mr R Beaumont who had now left the Council and added that the support and contributions he had made to the Overview and Scrutiny process had been outstanding.

On the proposition of Councillor Leake, Chairman of Overview and Scrutiny Commission, seconded by Councillor Angell, it was

RESOLVED that:

- i) the 2016/17 Annual Report of the Overview and Scrutiny Commission be adopted; and
- ii) the commitment, role and value of the Overview and Scrutiny function be acknowledged and that non-executive Members continue to be supported in their role.

57. Member Development Annual Report

The Council considered the Member Development Annual Report which appraised all Members of the Member Development activities and their outcomes during 2016-17 and sought approval of the updated Member Development Strategy 2016-2020.

On the proposition of Councillor Allen, Chairman of the Member Development Charter Steering Group, seconded by Councillor McCracken, it was

RESOLVED that:

- i) the updated Member Development Strategy 2016 – 2020 be approved; and
- ii) the Member Development Annual Report 2016 - 17 be noted.

58. Champions' Annual Report

The Council considered the Annual Report which appraised Members of the work undertaken by the Council's four Champions during the year 2016-17. The report informed Members of activities and their outcomes.

Councillor Harrison was pleased to report that the new ticket office was open and thanked members of Bracknell Forest Council who had co-ordinated with Network Rail on the improvements such as the extended platform. He reported that the Government had awarded the next franchise to First MTR South Western Trains Limited which was a joint venture between First Group and Japanese company MTR. He understood that they would be introducing new delay repay compensation which meant that when delays of more than 15 minutes occur then automatic refunds would be given for smart card season tickets and advance purchased tickets bought in advance through their digital channels.

In response to question about reducing travel times to London Councillor Harrison advised that the new franchise promised to reduce the travel time from Reading to Waterloo by ten minutes but acknowledged that he believed improvements from Bracknell Station would require infrastructure improvement and Government investments.

In response to a query regarding the lift and bridge Councillor Harrison confirmed that the refurbishment facilities were open.

Councillor Finnie reiterated from his report that without volunteers then the country would fall apart and requested that Councillors advise him of any issues in their area.

On the proposition of Councillor Finnie, Voluntary Sector Champion seconded by Councillor Harrison it was

RESOLVED that the Champions' Annual Report 2016/17 be noted.

59. Annual Standards Report

The Council considered the Annual Report which advised Members of the activity within its Standards framework during the 12 months to 31 March 2017.

On the proposition of Councillor Finnie seconded by Councillor Allen it was

RESOLVED that the Standards output in 2016/17 as set out in the report be noted.

60. Local Government Ombudsman Finding

The Council considered the Monitoring Officer's report which appraised the Council of a finding of maladministration with no injustice by the Local Government Ombudsman in response to a parking complaint.

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

RESOLVED that:

- i) the Ombudsman's report findings be noted;
- ii) no further action be taken in relation to the matter;
- iii) it be noted that a copy of the report had been circulated to all members of the Council; and
- iv) the draft report of the Council (at restricted Appendix B of the agenda report) be approved, to comply with requirements of Section 5 of the Local Government and Housing Act 1989.

61. Questions Submitted Under Council Procedure Rule 10

Councillor Mrs Temperton asked the following published question to Councillor Turrell, Executive Member for Planning and Transport:

Does the Council support the expansion of Heathrow airport and what is its response to the current consultation on the third runway?

In response Councillor Turrell thanked Mrs Temperton for the topical question and stated that the Council's first responsibility was to represent all residents and that the Council would prepare a response to the consultation on the draft national policy statement. He stated that the announcement of a general election meant that some business was being delayed and it was not currently clear if the current deadline of 25 May 2017 would be altered. The Council was seeking clarification on this and a number of other issues before responding such as service access, infrastructure, noise from aircraft, employment strategy, housing health, school needs and dealing with waste. The Council would contribute to all stages of the consultation.

In response to a supplementary question on how other Councillors could get involved in the response and whether there would ever be a debate on the topic Councillor Turrell acknowledged that there was more than one view on this issue within the Council due to more than just geography. He agreed that this would need to be discussed in appropriate areas of the Council and noted there would be other opportunities to make a submission as the proposal is developed.

CHAIRMAN

**ANNUAL COUNCIL
24 MAY 2017
7.30 - 8.45 PM**



Present:

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

Apologies for absence were received from:

Councillors G Birch, Finnie, Ms Hayes and Thompson

MAYOR, COUNCILLOR VIRGO, IN THE CHAIR

The Mayor's Chaplain, Father Cole, opened the proceedings with a prayer and lead the meeting in observing a minute's silence in respect for those affected by the recent terrorist attack in Manchester.

The Mayor presented a cheque for £28,723.98 to Jane Gates OBE, Chief Executive of Sebastian's Action Trust his nominated charity for the year. Jane Gates updated the meeting on the progress her organisation had made in securing new premises in Crowthorne and announced that they hoped to open the facility in December following the building's renovation. Councillor Brossard presented her with a framed photograph from the Gala charity dinner.

1. Declarations of Interest

There were no declarations of interest.

2. Election of the Mayor of the Borough of Bracknell Forest for the 2017/18 Municipal Year

It was proposed by Councillor Bettison, and seconded by Councillor Birch, that Councillor Mrs McKenzie-Boyle be elected Mayor of the Borough of Bracknell Forest for the Municipal Year 2017 – 2018.

There being no further nominations it was

RESOLVED that Councillor Mrs McKenzie-Boyle be elected Mayor of the Borough of Bracknell Forest for the 2017 - 2018 Municipal Year.

Councillor Mrs McKenzie-Boyle was then invested with the Mayoral Chain of Office and then made and signed the Declaration of Acceptance of Office of Mayor and thanked Members of the Council for her election.

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

In her acceptance speech Councillor Mrs McKenzie-Boyle thanked colleagues for supporting her appointment and the immediate past Mayor Councillor Virgo for allowing her to support engagements both as Deputy Mayor and accompanying him as his consort. She announced that her husband Bruce McKenzie-Boyle would be her consort for the year and they were looking forward to representing and serving the Borough of Bracknell Forest.

Father Cole came forward and prayed for their success in the forthcoming Mayoral year.

3. **Vote of Thanks to the Retiring Mayor**

Councillor Bettison delivered a vote of thanks to the retiring Mayor, Tony Virgo.

4. **Response by the Immediate Past Mayor**

The retiring Mayor, Councillor Virgo, in his response reflected that it had been an amazing voyage through the borough during which he had met extraordinary people and had the opportunity to learn about the services provided within the borough. He recognised the hard work of all the people he had met. In particular he highlighted that promoting democracy within schools and attending citizenship ceremonies had been inspiring to meet talented young pupils and people from around the world. He was proud to have organised the first Mayor's Breakfast which aimed to bring together local businesses with the community and was pleased that the new Mayor was continuing with the concept. He noted that during his year the borough had suffered the loss of Freeman of the Borough, John Nike OBE DL, who had been such a significant figure within the community. Amongst the engagements he highlighted the special Citizenship Ceremony to mark the Queen's 90th birthday as well as the ground breaking event at Binfield Learning Village.

Councillor Virgo presented Sally Cathcart-Cunnison, Mayoral Support Officer and Kirsty Hunt, Principal Democratic Services Officer (Governance) with gifts to thank them for their support during his mayoral year. He thanked his Chaplain, Father Cole, for this support and guidance throughout the year.

He wished the new Mayor luck in her forthcoming year and thanked her for her support as both Deputy Mayor and friend.

Councillor Virgo was presented with the badge of Immediate Past Mayor by the Chief Executive.

5. **Appointment of the Deputy Mayor of the Borough of Bracknell Forest for the 2017/18 Municipal Year**

It was proposed by the Mayor and seconded by Councillor Bettison that Councillor Finch be appointed Deputy Mayor of the Borough of Bracknell Forest for the Municipal Year 2017 – 2018.

There being no further nominations, it was

RESOLVED that Councillor Finch be appointed Deputy Mayor of the Borough of Bracknell Forest for the Municipal Year 2017 - 2018.

Councillor Finch was invested with the Deputy Mayoral Chain of Office and then made and signed the Declaration of Acceptance of Office of Deputy Mayor.

The Deputy Mayor announced that his wife, Mrs Finch, would be his Consort for his term of office. The Deputy Mayor thanked the Council for his appointment and said he was looking forward to supporting the Mayor to represent the Council across the borough.

ADJOURNMENT

The Council meeting was adjourned for 10 minutes to allow for photographs to be taken.

6. Mayor's Announcements

Executive Member for Corporate Service, Culture and Public Protection

Councillor McCracken was proud to announce that the Neighbourhood Policing team in Bracknell had received the High Sherriff's Award on their model for implementing the new policing model. Members present joined him in congratulating the team.

He added that Local Area Commander for Wokingham and Bracknell, Rob France, would be leaving on 19 June 2017 and would be succeeded by Acting Superintendent Sean Virtue.

Executive Member for Children, Young People and Learning

Councillor Dr Barnard reflected on the recent Bride of Bracknell Awards and in particular noted the recognition received in two categories. The School of the Year award looked for schools that have performed exceptionally well in providing an effective and engaging learning environment for their children. The winner was St Michaels CofE School in Sandhurst with Meadow Vale Primary School identified as the runner-up. The Teacher of the Year category recognised those teachers who had made the classroom an engaging environment and inspiring for children. Claire Mockridge from Uplands Primary School won this category with Liz Combes from Ranelagh noted as the runner-up. The meeting joined him in congratulating all those recognised.

Councillor Dr Barnard reported on recent success at the Mock Trial competition which gave young people a chance to learn more about the legal process as well as developing their critical thinking, acting skills and confidence. Year 8 and 9 students from Ranelagh had succeeded in March to progress to the regional final. This had been held in May and although they had not been successful he added that the students had delivered a credible performance.

Councillor Dr Barnard asked the Members present to join him in asking Nikki Edwards, Director Children, Young People and Learning to thank both staff and partners involved in the Ofsted inspection.

Councillor Dr Barnard advised the meeting that he had visited two schools since the attack in Manchester and their pupils were talking about the events with a resilience and determination and defiance not to have their lives affected which made him proud of the borough's students.

Mayor's Nominated Charity

The Mayor announced that her nominated charity for 2017 - 2018 was the Fire Fighters Charity and shared a short video to explain her choice.

Councillor Dudley, Chairman of the Royal Berkshire Fire Authority explained that the scope of works that the Royal Berkshire Fire and Rescue Service (RBFRS) covered extended beyond fighting fires. He explained that Bracknell Fire Station was a key location which was continually staffed and covered by a fire appliance at all times. He recognised that the charity was important for looking after the people that look after the residents of Bracknell Forest.

Sarah Cuthbert, Watch Manager and charity coordinator, explained the impact that the charity could have to support officers with physical and emotional support. She described the potential impact of working within a traumatic environment and was pleased to announce that a new mental health support role based from Bracknell Fire Station had been approved. This new role would support RBFRS' commitment to the wider health, safety and wellbeing agenda. She also promoted the Mayor's charity sky dive which would be taking place on Sunday 22 April 2018.

The Mayor added that the new Bracknell Town Mayor, Councillor Harrison had already agreed to take part in the Skydive and she was keen to sign up other volunteers for this event.

Mayor's Civic Service

The Mayor announced that her Annual Civic Service was being held on Sunday 9 July at Wellington College and formal invitations would be circulated shortly.

7. Appointments by the Leader of the Council

Members of the Executive

The Leader of the Council announced that he had appointed the following Members to the Executive for the 2017/2018 Municipal Year:

Councillor Dr Barnard	Executive Member for Children, Young People and Learning (Vice Chairman of the Executive)
Councillor Bettison	Executive Member for Council Strategy and Community Cohesion (Leader of the Council and Chairman of the Executive)
Councillor Birch	Executive Member for Adult Services, Health and Housing (Deputy Leader of the Council)
Councillor Brunel-Walker	Executive Member for Economic Development and Regeneration
Councillor Mrs Hayes	Executive Member for the Environment
Councillor Heydon	Executive Member for Transformation and Finance
Councillor McCracken	Executive Member for Culture, Corporate Services and Public Protection
Councillor Turrell	Executive Member for Planning and Transport

Delegation of Executive Functions

The Leader of the Council announced that the responsibility for the discharge of

Executive functions was as set out in Part 2, Section 5 of the Council's Constitution. Each portfolio had been amended to include the following responsibility to cover organisations the Executive Members were invited to attend as a result of their role:

“To represent the Council on, and to liaise with, external organisations delivering services directly impacting on or related to the portfolio for which the Executive Member is responsible”

Appointments to Executive Committees, Sub Groups and Advisory Panels

The Leader of the Council announced that he had made appointments to Committees of the Executive and its Advisory Panels (Annex A to these minutes).

Appointment of Members to External Organisations

The Leader of the Council announced that he had made appointments to external organisations, whose functions solely related to the Executive (Annex B to these minutes).

8. **Establishment of Committees and Associated Matters**

The Council considered the report to establish Committees and their membership, agree appointments to External Organisations and the appointment of Council Champions. It was noted that there was a typo at paragraph 6.7 which should read 12 and not 13 seats for the Conservative Group.

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

RESOLVED that:

- i) ordinary committees are established and their size and allocation of seats agreed as a local variation to the proportionality rules, as set out in paragraph 6 of the report;
- ii) the Education Governor Nominations Committee is dissolved with effect from May 2017;
- iii) the nomination of potential governors was delegated to the Director of Children, Young People & Learning in consultation with the Executive Member for Children, Young People & Learning and relevant local members, plus former members of the Education Governor Nominations Committee;
- iv) the Constitution be updated as per appendix A of the agenda report to reflect recommendations 2.2 and 2.3;
- v) the Licensing and Safety Committee and the Overview and Scrutiny Commission are established, their size and allocation of seats are agreed as a local variation to the proportionality rules, as set out in paragraph 6 of the agenda report;
- vi) the membership of each committee is agreed, in accordance with Members' wishes;
- vii) appointments to external organisations are agreed; and
- viii) the appointment of Council Champions, in accordance with Part 1 Section 7 of the Constitution are agreed.

Annex A and B

MAYOR

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Membership of the Executive, Overview & Scrutiny, Regulatory Committees and Other Committees 2017/18

Mayor: Councillor Mrs McKenzie-Boyle

Deputy Mayor: Councillor Finch

Leader of the Council: Councillor Bettison OBE

Deputy Leader of the Council: Councillor D Birch

Key: Committee appointed by	
	Council / relevant Committee
	the Leader
	O&S Commission

Executive Members

Councillor Dr Barnard	Executive Member for Children, Young People and Learning (Vice-Chairman of the Executive)
Councillor Bettison OBE	Executive Member for Council Strategy and Community Cohesion (Leader of the Council and Chairman Elect of the Executive)
Councillor D Birch	Executive Member for Adult Services, Health and Housing (Deputy Leader of the Council)
Councillor Brunel-Walker	Executive Member for Economic Development and Regeneration
Councillor Mrs Hayes MBE	Executive Member for the Environment
Councillor Heydon	Executive Member for Transformation and Finance
Councillor McCracken	Executive Member for Culture, Corporate Services and Public Protection
Councillor Turrell	Executive Member for Planning and Transport

Council Champions

Business Champion	Councillor Wade
Commuters' Champion	Councillor Harrison
Older People's Champion	Councillor Thompson
Voluntary Sector Champion	Councillor Finnie
Champion	Vacancy

Overview and Scrutiny

<p>Overview & Scrutiny Commission (13 Councillors)</p> <p>Conservative (12) Allen Angell (Vice-Chairman Elect) Mrs Angell Mrs Birch Brossard Finnie Harrison Leake (Chairman Elect) Mrs McCracken Phillips Porter Tullett</p> <p>Labour (1) Mrs Temperton</p> <p>Substitute Members Conservative (5) Dudley Mrs Mattick Peacey Thompson Worrall</p> <p>Church Representatives (2) Vacancy (voting) Vacancy (voting)</p> <p>Parent Governor Representatives (2) Ms L Wellsted (voting) Vacancy (voting)</p>	<p>Adult Social Care & Housing Overview & Scrutiny Panel (9 Councillors)</p> <p>Conservative (8) Allen (Vice-Chairman Elect) Mrs Angell Finch Finnie Harrison (Chairman Elect) Mrs McKenzie Ms Merry Peacey</p> <p>Labour (1) Mrs Temperton</p> <p>Substitute Members Conservative (5) Brossard Ms Hayes Kennedy Mrs Mattick Thompson</p>
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**Children, Young People & Learning Overview & Scrutiny Panel
(9 Councillors)**

Conservative (8)

Mrs Birch (Chairman Elect)
Brossard (Vice-Chairman Elect)
Ms Gaw
Mrs Hamilton
Ms Hayes
Mrs McCracken
Skinner
Virgo

Labour (1)

Mrs Temperton

Substitute Members

Conservative (5)

Allen
Mrs Ingham
Ms Merry
Peacey
Porter

Church Representatives (2)

Vacancy (voting)
Vacancy (voting)

Parent Governor Representative (2)

Ms L Wellsted (voting)
Vacancy (voting)

Teacher Representative (1)

Miss V Richardson (non-voting)

Social Care Representatives (1)

Miss C Barrett (non voting)

**Environment, Culture & Communities Overview & Scrutiny Panel
(9 Councillors)**

Conservative (9)

Angell (Chairman Elect)
Mrs Angell
Brossard
Finnie
Mrs Ingham
Mrs Mattick
Mrs Mckenzie
Mrs Mckenzie-Boyle
Porter (Vice-Chairman Elect)

Substitute Members

Conservative (5)

Dudley
Kennedy
Leake
Ms Miller
Virgo

**Health Overview & Scrutiny Panel
(9 Councillors)**

Conservative (8)

G Birch
Finnie
Dr Hill
Mrs Mattick
Mrs McCracken
Thompson
Tullett (Vice Chairman Elect)
Virgo

Labour (1)

Mrs Temperton

Substitute Members

Conservative (5)

Allen
Mrs Angell
Brossard
Harrison
Peacey

**Co-opted Representative
(1)**

Dr Norman (non voting)

Local Healthwatch Bracknell Forest Observer (1)

Mark Sanders (non voting)

Regulatory Committees

<p>Appeals Committee (5 Councillors)</p> <p>Conservative (5) Brossard Finnie (Chairman Elect) Ms Gaw Thompson (Vice-Chairman Elect) Wade</p> <p>Substitute Members Conservative (5) Dr Barnard Dr Hill Leake Peacey Tullett</p>	<p>Code of Conduct Panel – Sub Committee of Governance & Audit Committee (3 Councillors)</p> <p>Any three councillors drawn from the membership of the Governance & Audit Committee based on availability, plus one co-opted independent member or parish/town council representative drawn from a pool based on availability.</p> <p>Independent Co-opted Members (for complaints concerning Borough councillors) David St John Jones in his capacity as the independent Co-opted Member of Governance & Audit Committee, Heather Quillish Khan Juna</p> <p>Parish/Town Council Representatives (for complaints concerning Parish / Town Councillors) Cllr Diana Henfrey – Bracknell Town Council Cllr Bob Shurville – Winkfield Parish Council</p> <p>Independent Persons Dr Louis Lee Mr Elwyn Hopkin (reserve)</p>				
<p>Education Employment Sub Committee of Employment Committee (6 Councillors)</p> <p>Conservative (6) Allen (Chairman Elect) Mrs Angell (Vice-Chairman Elect) Mrs Birch Leake Virgo Worrall</p> <p>Non-voting Members of the Teachers Associations: David Allais (UNISON) Graham Jackson (NASUWT) Tom Wheaton (NUT) Asia Allison (GMB)</p> <p>Substitute Members Conservative (5) Angell Brossard Dudley Mrs Hamilton Virgo</p>	<p>Employment Committee (9 Councillors)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Conservative (8)</td> <td style="width: 40%;">Labour (1)</td> </tr> <tr> <td>Allen (Vice-Chairman Elect) Angell Mrs Birch Heydon (non-voting) Leake Mclean (Chairman Elect) Ms Miller Virgo Worrall</td> <td>Mrs Temperton</td> </tr> </table> <p>Substitute Members Conservative (5) Brossard Dudley Mrs Hamilton Dr Hill Peacey</p>	Conservative (8)	Labour (1)	Allen (Vice-Chairman Elect) Angell Mrs Birch Heydon (non-voting) Leake Mclean (Chairman Elect) Ms Miller Virgo Worrall	Mrs Temperton
Conservative (8)	Labour (1)				
Allen (Vice-Chairman Elect) Angell Mrs Birch Heydon (non-voting) Leake Mclean (Chairman Elect) Ms Miller Virgo Worrall	Mrs Temperton				

<p>Governance & Audit Committee (8 Councillors)</p> <p>Conservative (7) Allen (Chairman Elect) Heydon Leake McLean Ms Miller Thompson (Vice-Chairman Elect) Worrall</p> <p>Labour (1) Mrs Temperton</p> <hr/> <p>Substitute Members</p> <p>Conservative (5) Mrs Hayes MBE Dr Hill McCracken Mrs McKenzie-Boyle Peacey</p> <p>Independent Member Mr D St. John Jones</p>	<p>Licensing and Safety Committee (15 Councillors)</p> <p>Conservative (15) Allen (Chairman Elect) Mrs Angell Dr Barnard G Birch Brossard Brunel-Walker Finch Finnie Ms Gaw Leake Mrs McKenzie Ms Miller Porter Thompson (Vice-Chairman Elect) Tullett</p>
<p>Licensing Panel – Sub Committee of Licensing and Safety Committee (3 Councillors)</p> <p>Any three councillors drawn, as required, from the Membership of the Licensing and Safety Committee.</p> <p>Chairs of Panels: Any Councillor who has completed Chairman Elect training drawn, as required, from the Membership of the Licensing and Safety Committee.</p>	<p>Personnel Appeals Panel – Sub Committee of Employment Committee (4 Councillors)</p> <p>Any four of the Employment Committee who are available on the day.</p>

**Planning Committee
(19 Councillors)**

Conservative (19)

Angell

Mrs Angell

Brossard (Vice-Chairman Elect)

D Birch

Dudley (Chairman Elect)

Finnie

Mrs Hayes MBE

Heydon

Dr Hill

Mrs Ingham

Leake

Mrs Mattick

Mrs McKenzie

Mrs McKenzie-Boyle

Phillips

Skinner

Thompson

Worrall

Other Committees

<p>Bracknell Forest Access Group (4 Councillors)</p> <p>Conservative (4) Mrs Angell Brossard Finnie (Vice-Chairman Elect) Thompson (Chairman Elect)</p> <p>Substitute Members (5) Harrison Mrs Ingham Leake Peacey Tullett</p>	<p>Bracknell Town Centre Regeneration Committee (5 Executive Members)</p> <p>Dr Barnard Bettison OBE Brunel-Walker McCracken Turrell</p> <p>Co-optee (Non voting) Mrs Temperton</p> <p>Substitute Members Any member of the Executive who, in the absence of an appointed Member, is nominated by that Member to serve on the Panel.</p>				
<p>Code of Conduct Working Group (5 Councillors)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Conservative (4) Allen Angell D Birch McCracken (Chairman Elect elect) Thompson David St. John Jones, Independent member on Governance & Audit Committee</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Labour (1) Mrs Temperton</p> </td> </tr> </table>	<p>Conservative (4) Allen Angell D Birch McCracken (Chairman Elect elect) Thompson David St. John Jones, Independent member on Governance & Audit Committee</p>	<p>Labour (1) Mrs Temperton</p>	<p>Corporate Parenting Advisory Panel (6 Councillors)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Conservative (5) Mrs Birch Ms Hayes Mrs Ingham (Vice-Chairman Elect) Mrs McCracken (Chairman Elect) Peacey</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Labour (1) Mrs Temperton</p> </td> </tr> </table> <p>Substitute Members Conservative (5) Brossard Dudley Finch Leake Ms Gaw</p> <p>Co-Optees Doug Jennings – Bracknell Forest Foster Carers Association Vacancy</p>	<p>Conservative (5) Mrs Birch Ms Hayes Mrs Ingham (Vice-Chairman Elect) Mrs McCracken (Chairman Elect) Peacey</p>	<p>Labour (1) Mrs Temperton</p>
<p>Conservative (4) Allen Angell D Birch McCracken (Chairman Elect elect) Thompson David St. John Jones, Independent member on Governance & Audit Committee</p>	<p>Labour (1) Mrs Temperton</p>				
<p>Conservative (5) Mrs Birch Ms Hayes Mrs Ingham (Vice-Chairman Elect) Mrs McCracken (Chairman Elect) Peacey</p>	<p>Labour (1) Mrs Temperton</p>				
<p>Democratic / Civic Accommodation Working Group (7 Councillors)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Conservative (6) Allen Leake McCracken (Chairman Elect) Mrs McKenzie-Boyle Mrs McCracken Turrell</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Labour (1) Mrs Temperton</p> </td> </tr> </table>	<p>Conservative (6) Allen Leake McCracken (Chairman Elect) Mrs McKenzie-Boyle Mrs McCracken Turrell</p>	<p>Labour (1) Mrs Temperton</p>			
<p>Conservative (6) Allen Leake McCracken (Chairman Elect) Mrs McKenzie-Boyle Mrs McCracken Turrell</p>	<p>Labour (1) Mrs Temperton</p>				

<p>Education Review Group (3 Councillors)</p> <p>Conservative (2) Executive Member for Children, Young People and Learning Children, Young People and Learning Overview and Scrutiny Panel Chairman Elect</p> <p>Labour (1) Mrs Temperton</p> <p>Headteacher Representative Ms T Donkin (Holly Spring Junior School)</p> <p>Bracknell Forest Council Director of Children, Young People & Learning or their representative School improvement</p> <p>Chair of Governors Representative Ms J Edwards (Sandhurst School) Ms J Sumner (Winkfield St Mary's CE Primary School)</p> <p>Independent Chair Mr P Roffe</p> <p>Parent Governor Representative Mr D Mustoe</p>	
<p>Electoral Review Steering Group (4 Councillors)</p> <p>Conservative (3) D Birch Leake Turrell</p> <p>Labour (1) Mrs Temperton</p> <p>Substitute Members Conservative (5) Allen Brossard McLean Ms Merry Thompson</p>	<p>Executive Committee: Commercial Property (4 Executive Members)</p> <p>Councillors Bettison OBE D Birch Brunel Walker Heydon</p> <p>Substitute Members Any Member of the Executive who, in the absence of an appointed Member, is nominated by that Member to serve on the Committee.</p>
<p>Health and Wellbeing Board (2 Councillors)</p> <p>Conservative (2) Executive Member for Adult Services, Health & Housing Executive Member for Children & Young People</p> <p>Berkshire Care Association Fidelma Tinneney</p> <p>Bracknell & Ascot Clinical Commissioning Group Dr William Tong Vacancy</p> <p>Berkshire Healthcare NHS Foundation Trust Alix Gild</p> <p>Bracknell Forest Council Chairman of Local Safeguarding Children's Board Chairman of Joint Safeguarding Adult Partnership Board Chief Executive, Bracknell Forest Council Director of Adult Social Care, Health & Housing Director of Children, Young People & Learning Strategic Director of Public Health</p> <p>Bracknell Forest Homes Linda Wells</p> <p>Frimley Health NHS Foundation Trust Jane Hogg</p> <p>Involve Philip Cook</p> <p>South Central Sub Region NHS Rachel Pearce</p> <p>Local Healthwatch Mark Sanders</p> <p>NHS England South Central Region Hilary Turner</p>	

<p>Local Countryside Access Forum (2 Councillors)</p> <p>Brossard Finch</p>	<p>Local Joint Committee Consultative Committee of Employment Committee (4 Councillors)</p> <p>Conservative (4) Allen Angell Leake (Chairman Elect) Worrall</p> <p>Staff side representatives David Allais (Unison) Lorna Cameron (Unison) Nikki Dancey (GMB)</p> <p>Substitute Members Conservative (2) McLean Ms Miller</p>
<p>Local Plan Working Group (7 Councillors)</p> <p>Angell D Birch (Vice-Chairman Elect) Brossard Dudley Finnie Mrs Hayes MBE Peacey Thompson Turrell (Chairman Elect)</p>	<p>Member Development Charter Steering Group (8 Councillors meeting with appropriate Officers)</p> <p>Conservative (8) Allen (Chairman Elect) McCracken Mrs McCracken Mrs McKenzie McLean Ms Merry Thompson Wade (Vice-Chairman Elect)</p> <p>Substitute Members Conservatives (3) Angell D Birch Virgo</p>
<p>Parish & Town Council Liaison Group (3 Councillors)</p> <p>Conservative (3) Dudley (Vice-Chairman Elect) Finnie McCracken (Chairman Elect)</p> <p>Two representatives from each of the following: Binfield Parish Council Bracknell Town Council Crowthorne Parish Council Sandhurst Town Council Warfield Parish Council Winkfield Parish Council</p>	<p>School Improvement Advisory Board (6 Councillors including only one Executive Member)</p> <p>Conservative (6) Allen Dr Barnard (Chairman Elect) Ms Gaw Leake Mrs McCracken Ms Merry</p> <p>Mrs Birch (Observer)</p> <p>Substitute Members Conservative (5) Brossard Mrs Ingham Peacey Vacancy Vacancy</p>

**Secure Accommodation Review Panel
(Executive Member)**

Executive Member for Children, Young People and Learning, a suitably qualified Social Services officer and an independent person, appointed by the Director of Children, Young People and Learning.

**Standing Advisory Council on Religious Education
(5 Councillors)**

Conservative (5)

Dr Barnard
Ms Gaw
Mrs Hayes MBE
Leake
Mrs Mattick

Portfolio Review Groups

<p>Care Portfolio Review Group</p> <p>Allen Dr Barnard D Birch Mrs Birch (Chairman Elect) Brossard (Vice-Chairman Elect) Finch Kennedy Mrs Mattick Mrs McCracken Peacey Thompson Tullett</p>	<p>Community Portfolio Review Group</p> <p>Allen (Vice-Chairman Elect) D Birch Brossard Finnie Harrison (Chairman Elect) Mrs Hayes MBE Ms Ingham Leake McCracken Mrs McKenzie Mrs McKenzie-Boyle Tullett</p>
<p>Environment Portfolio Review Group</p> <p>Angell (Chairman Elect) Mrs Angell Bettison OBE Brossard Brunel-Walker Dudley Finnie Dr Hill Kennedy Leake Porter (Vice-Chairman Elect) Turrell Virgo Wade</p>	<p>Finance Portfolio Review Group</p> <p>Allen Angell Bettison OBE D Birch Brossard Heydon Leake McCracken Peacey Phillips Porter Thompson Wade Tullett (Vice-Chairman Elect)</p>

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External Organisations 2017/18

Key: Appointed by	
	Council
	the Leader

	BODY	REPRESENTATION REQUIREMENTS	COUNCILLOR
1	Age Concern Bracknell	1 Trustee	Thompson
2	Age UK Berkshire	1 Representative	Thompson
3	Berkshire Association of Clubs for Young People	1 Representative	Ms Hayes
4	Berkshire Community Foundation	1 Representative	Ms Merry
5	Berkshire Healthcare NHS Foundation Trust	1 Representative	Mrs Mattick (Term of office ends May 2018)
6	Berkshire Joint Adoption Panel	1 Member	Dr Barnard
7	Berkshire Leaders Group	Leader of the Council	Bettison OBE
8	Berkshire Local Transport Board	Executive Member for Economic Development and Regeneration Commuters' Champion as named substitute	Brunel-Walker Harrison
9	Berkshire Maestros (formerly Berkshire Young Musicians' Trust)	1 Trustee	Dr Barnard
10	Berkshire Pension Fund Advisory Panel	1 Member	Worrall
11	Berkshire Strategic Transport Members' Forum	Executive Member for Economic Development and Regeneration Commuters' Champion as named substitute	Brunel-Walker Harrison
12	Binfield Badger Group - Management Committee	1 Representative	To be advised
13	Birch Hill Community Association	1 Representative	Mrs Birch

	BODY	REPRESENTATION REQUIREMENTS	COUNCILLOR
14	Blackwater Valley Advisory Committee for Public Transport	1 Representative	Turrell
15	Bracknell & District Citizens Advice Bureau	1 Representative	Peacey
16	Bracknell & District Victim Support Scheme	1 Representative	McCracken
17	Bracknell & Wokingham College Corporation	1 Representative	Ms Miller (Term of office ends May 2020)
18	Bracknell Forest Fostering Panel	1 Member	Dr Barnard
19	Bracknell Forest Homes Board	1 Representative	To be advised
20	Bracknell Forest Homes – General Meetings	1 Representative (either an officer or a Member)	D Birch
21	Bracknell Shopmobility	2 Representatives	Mrs Angell Mrs Mattick
22	Bracknell Voluntary Car Service	1 Representative	Leake
23	Bullbrook Community Association	1 Representative	Angell
24	Children and Young People's Partnership Board	Executive Member for Children, Young People & Learning	Dr Barnard
25	Children's Centre Transitional Advisory Board	2 Representatives	Brossard Mrs Temperton
26	Civilian Military Partnership Known as Armed Forces Community Covenant Champion	1 Representative* * Currently acting as Chairman	Bettison OBE
27	Climate Berkshire	Executive Member for the Environment	Mrs Hayes MBE
28	Community Safety Partnership	Executive Member for Culture, Corporate Services and Public Protection 2 Representative	McCracken Mrs Temperton Tullett
29	Community Safety Partnership Executive	Executive Member for Culture, Corporate Services and Public Protection	McCracken
30	Crown Wood Community Association	1 Representative	Dudley

BODY	REPRESENTATION REQUIREMENTS	COUNCILLOR
31	Downshire Homes Board Ltd	Executive Member for Adult Social Care, Health & Housing D Birch Executive Member for Transformation & Finance Heydon
32	Easthampstead & Wildridings Community Association	1 Representative Heydon
33	Economic and Skills Development Partnership	Executive Member for Economic Development and Regeneration Brunel-Walker Business Champion Wade
34	Farley Wood Community Association	1 Representative Harrison
35	Federation of Burial Cremation Authorities	1 Representative McCracken
36	Forest Park Community Association	1 Representative Ms Hayes
37	Frimley Health NHS Foundation Trust Council of Governors	1 Governor Peacey
38	Great Hollands Community Association	1 Representative Dr Hill
39	Hanworth Community Association	1 Representative Mrs Ingham
40	Heathrow Airport Consultative Committee	1 Representative Turrell 1 Deputy Brunel-Walker
41	Heathrow Community Noise Forum	1 Representative Turrell 1 Community Representative Geoff Paxton
42	Heritage Champion	1 Member Mrs Hayes MBE
43	Homestart – Bracknell Forest	1 Representative Mrs McCracken
44	Improvement and Efficiency South East (iESE)	1 Director Bettison OBE 1 Member Heydon
45	Involve Board	1 Representative D Birch
46	Jennett's Park Community Association	1 Representative Dr Hill

	BODY	REPRESENTATION REQUIREMENTS	COUNCILLOR
47	Joint Minerals & Waste Plan Board (Bracknell Forest, Hampshire, Reading, RBWM and Wokingham)	2 Members	Mrs Hayes MBE Turrell
48	Joint Waste Disposal Board (Bracknell Forest, Wokingham and Reading)	2 Members	Mrs Hayes MBE McCracken
49	Keep Mobile Country Tours Ltd	1 Trustee	Dr Barnard
50	Local Government Association	Leader of the Council Executive Member for Transformation and Finance 1 Observer	Bettison OBE Heydon Dr Barnard
51	Local Government Information Unit Management Committee	1 Representative 1 Reserve	Peacey Leake
52	Martins Heron and the Warren Community Association	1 Representative	Turrell
53	North Ascot Community Association	1 Representative	Mrs Hayes MBE
54	Owlsmoor Community Centre	1 Representative	Worrall
55	Parents and Children Together	1 Representative	Mrs Ingham
56	PATROL (Parking And Traffic Regulations Outside London) Adjudication Joint Committee	1 Representative 1 Reserve	Turrell Brossard
57	Police and Crime Panel	1 Representative	McCracken
58	Priestwood Community Association	1 Representative	Finch
59	Public Protection Partnership Joint Committee (Bracknell Forest, Wokingham and West Berkshire)	Executive Member for Culture, Corporate Services and Public Protection Chairman of Licensing & Safety Committee Substitute	McCracken Allen Any Member of the Executive
60	Relate	1 Representative	Leake

	BODY	REPRESENTATION REQUIREMENTS	COUNCILLOR
61	Royal Berkshire Fire Authority	3 Members <i>(Appointments to the Fire Authority are subject to section 15 of the Local Government & Housing Act 1989 [political balance])</i>	Dudley McCracken Mrs McKenzie-Boyle <i>(Term of Office expires May 2019)</i>
62	Sandhurst Day Centre Association	1 Representative	Mrs McKenzie
63	South East England Councils	1 Representative 1 Reserve	Bettison OBE Turrell
64	South East Reserve Forces' and Cadets' Association	1 Representative	Ms Merry
65	South East Strategic Leaders	Leader of the Council	Bettison OBE
66	South Hill Park Management Committee	2 Representatives	McCracken Turrell
67	Standing Conference for Archives Including Berkshire Record Office Capital Working Group	1 Representative	To be advised
68	Thames Basin Heaths Joint Strategic Partnership Board	1 Representative from each of the 13 Local Authorities which deal with nature conservation issues around the Thames Basin Heaths	Turrell
69	Thames Valley Berkshire City Deal Joint Committee	Executive Member for Economic Development and Regeneration 1 Substitute	Brunel-Walker Heydon
70	Thames Valley Berkshire Local Enterprise Partnership	Executive Member for Economic Development and Regeneration	Brunel-Walker
71	The Parks Community Association	1 Representative	Ms Merry

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TO: COUNCIL
12 JULY 2017

EXECUTIVE REPORT TO COUNCIL
The Leader

1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 26 April 2017, the Executive has met three times on 9 May 2017, 6 June 2017 and on 12 July 2017 (special meeting). 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. 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 paragraph 5.2.1.**

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

Transformation and Finance

5.1 Citizen and Customer Contact Transformation Programme

- 5.1.1 The Executive endorsed the "Plan" Phase of the Citizen and Customer Contact Transformation Programme agreed by Members following the "Analyse" Phase gateway review. The principal aim of the programme is to achieve a substantial reduction in the cost of service provision by:

- i) maximising the efficiency and integration of all access channels
- ii) moving to digital channels where possible
- iii) identifying those in greatest need, to target with joined-up services
- iv) identifying and promoting opportunities for citizen self-reliance
- v) identifying the most cost-effective models of delivery

- 5.1.2 The Citizen and Customer Contact Review is also a key enabling programme that will facilitate digitalisation of services, better management of customer demand and more effective coordination of services, all of which will result in cost reductions.

Delivery of the new customer experience blueprint will require investment in key enabling technologies and projects. An outline business case will be developed for each investment required, showing the cost of implementation and the potential savings that would result from its wider roll-out.

5.2 Commercial Property Investment Strategy Update

5.2.1 The Executive recommends to Council the release of £20m capital funding in 2017/18 from the indicative 2018/19 Capital Programme in order to accelerate delivery of the Council's agreed Commercial Property Investment Strategy.

- 5.2.2 As part of the medium term financial strategy (articulated in the Efficiency Plan approved by Council last Autumn) £20m has been earmarked in the capital programme in each of the three years 2016/17 to 2018/19 for investment in commercial properties. The aim of this is to secure on-going additional income of £3m by 2019/20. A formal Commercial Property Investment Strategy (CPIS) was considered by the Executive and adopted by Council in November 2016.

- 5.2.3 The Council acquired its first new commercial property in February 2017. Extremely tight deadlines were set by the vendor for exchange and completion, which the Council was able to achieve. This has helped establish a market perception that Bracknell Forest Council is good to do business with. Over a dozen other properties have since been considered carefully. Bids have been made for five of these and two have been accepted, with detailed due diligence currently being undertaken on the second before contracts are exchanged.

- 5.2.4 It is clear that a key factor in submitting successful bids is an ability to act quickly both in bidding and subsequently in completing and exchanging. The regular meetings of the Executive Committee: Commercial Property and the agreed delegations to the Chief Executive and Borough Treasurer provide a governance framework that facilitates this.

- 5.2.5 Experience to date has also demonstrated that there is a significant level of market activity at the current time. While an overall sum of £60m has been earmarked, £20m of this currently does not become available until April 2018. In order to enable the CPIS to be pursued as soon as practicable, without compromising on the robust assessment approach that has been taken to date, it is recommended that Council brings forward the £20m earmarked for the CPIS in 2018/19 into the current year. If this is agreed, it would accelerate delivery of part of the Council's Efficiency Plan; take some of the pressure off other services to achieve savings in 2018/19.

Council Strategy and Community Cohesion

5.3 Residents' Survey 2017 Results

- 5.3.1 In 2011 the Executive agreed that the Council would conduct a regular residents' survey to ensure that residents' views continued to shape the Council's strategy and that the Council remains informed of residents' perceptions of its services. The aim of the Residents' Survey is to gather the views of a representative number of Bracknell Forest residents on a variety of issues relating to the Council as well as attitudes towards Bracknell Forest as a place to live and work.

5.3.2 The findings of the Residents' Survey 2017 continue to confirm that residents generally view Bracknell Forest as a good place to live. The results provide a robust and representative sample and findings that can be generalised to the borough as a whole. The headline messages to be taken from the survey are:

- **Residents continue to feel that Bracknell Forest is a good place.** The majority of respondents (90%) continue to be satisfied with their local area as a place to live, with access to green space and the countryside once again being cited as a key part of the appeal of Bracknell Forest.
- **Respondents continued to agree that there was strong community cohesion** in their local area, with an exceptionally high, 96%, agreeing that people from different backgrounds get on well together.
- **The majority of respondents continue to express satisfaction with Bracknell Forest Council and consider it provides value for money.** 68% of respondents were at least fairly satisfied with the way that Bracknell Forest Council runs things. 62% agreed that the Council provides value for money.
- **The services provided or supported by Bracknell Forest Council generate high levels of satisfaction overall, although there is the potential for improvement in some areas.** The most frequently used services are also those that report the highest levels of satisfaction. Parks, open spaces, the countryside, waste & recycling services, leisure, sports & arts facilities, libraries and schools all have high levels of satisfaction amongst those who use them; however, planning, local bus services, and in particular road maintenance were all areas that reported some dissatisfaction.
- **The majority of residents continue to feel they are at least fairly well informed about Council services.** There is a preference for email communication for around a third of residents and this is currently being pursued by the Council through the Citizen and Customer Contact Transformation Programme.
- Despite satisfaction with the local area remaining high, **many still feel that they are unable to influence decisions.** Three fifths of respondents felt that they could not influence decisions.

5.3.3 The results of the survey will inform service planning and delivery of the transformation programme.

Adult Services, Health & Housing

5.4 Provision of Community Based Intermediate Care Service

5.4.1 The Executive approved a model for future commissioning of Intermediate Care. This is currently provided via a combination of bed based care at the Bridgewell Centre and community based care provided in people's homes.

5.4.2 The new model involves decommissioning the Bridgewell Centre and developing a community based Intermediate Care service, providing care and rehabilitation for

individuals in their own homes where possible and keeping them out of hospital by using Intermediate Care teams. This care could be consultant or nurse led, with Integrated Care teams providing both medical and social care support. People ready to be discharged from hospital would be triaged for early supported discharge into a range of different levels of support, ranging from:

- High support (provided by Community Hospital beds);
- Medium support (provided through a small block contract with private sector/nursing homes) with Community Rehabilitation teams in-reaching to provide intensive rehabilitation services;
- Medium/low levels of support – provided at home through Community Rehabilitation teams; augmented by existing services such as the Rapid Assessment Community Clinic, Community Nursing and 24/7 support as required;
- Long term support – provided through the Reablement (Adult Social Care), Falls Service and Long Term Residential care; Integrated Care Teams, Community Nursing and Voluntary Sector.

5.4.3 The decommissioning of a bed based intermediate care service from the Bridgewell Centre presents opportunities for future use of this site including the possibility of procuring a care provider to run a dual registered Elderly Mentally Impaired (EMI) residential and nursing care home for a period of time, pending the redevelopment of the former Heathlands site. Separate plans are in progress for seeking a potential provider of the service from Bridgewell, subject to being able to undertake works at Bridgewell to make it fit for purpose for the interim before Heathlands is open at an affordable price.

5.5 Development of The Lodge – Learning Disability Accommodation

5.5.1 The Executive gave approval for The Lodge, Stoney Road, to be developed to provide bespoke new build accommodation for a minimum of 10 residents with a learning disability. It was agreed that offers from registered social landlords be sought to undertake the development and provide nominations agreement.

5.5.2 The Council owns The Lodge which is currently used to house homeless households. Potential redevelopment of the site has been soft market tested with a number of Registered Providers. The responses suggest that a grant of about £500,000 would be required to support the development and this could be taken from the Disabled Facilities Grant (community capacity grant) in 2017/18 (or in 2018/19 if required to fund the build cost). Registered Providers will be asked to consider an offer for the land and/or what subsidy would be required e.g. subsidised land value or payment of grant.

5.5.3 Having purpose-built accommodation located in Bracknell Forest would be convenient for family and friends to visit and allow the LD Team to monitor the effectiveness of care and support being provided. Based on current plans, there could be annual revenue savings of around £150,000 p.a.

5.6 Community Based Support Service Tender

- 5.6.1 The Executive approved an award of contract for the Community Based Support Service. The Council currently procures traditional domiciliary care services, based on time and task, through an approved list of 18 providers on a spot purchase basis.
- 5.6.2 The Council is now moving to a new model, where support at home and in the community is delivered with greater focus on an individual's outcomes, with a significant emphasis on regaining, preserving or achieving an optimal level of independence and promoting community access and integration with health services.
- 5.6.3 The Council will be contracting with five providers under a framework agreement. The model requires providers to partner with the voluntary and community sector to nurture an asset based approach to delivering services. The providers will utilise assistive technology and work with the voluntary sector to look for alternative solutions to paid support, which will be reflected in their care planning.
- 5.6.4 The gain share model will incentivise providers to work in an outcomes focused way in order to achieve a reduction in the individual's requirement for paid support. Where a reduction is achieved any savings made on the Individual's personal budget for the year will be split between the council and the provider 50/50. The Individual's personal budget will then be decreased to the lower amount for the following year.

5.7 Commissioning of Public Health Nursing Services from 2018

- 5.7.1 The Executive approved the commissioning of a 0-19 Public Health Nursing Service, incorporating Health Visiting and School Nursing on the basis of a two year contract with provision for three separate one-year extensions from 1 April 2018.
- 5.7.2 Health Visiting services support the health of young children (0-5) and their parents. On starting school, the health needs of children and young people (ages 5 to 19) are supported by the School Nursing service. Both services are currently provided by Berkshire Healthcare Foundation Trust.
- 5.7.3 The previous Health Visiting contract ended in December 2016. A new contract was awarded for 15 months from January 2017 which brings the service commissioning cycle in line with that of School Nursing. Both contracts will now end in March 2018. Procurement of the replacement is now well underway.

5.8 Motor Neurone Disease Charter

- 5.8.1 The Executive endorsed the Council adopting the Motor Neurone Disease Charter (MND). The charter helps local authorities and communities better understand the needs of people with MND.
- 5.8.2 There are five points to the charter:
- The right to an early diagnosis and information;
 - The right to access quality care and treatments;
 - The right to be treated as individuals and with dignity and respect;
 - The right to maximise their quality of life;

and

- Carers of people with MND have the right to be valued, respected, listened to and well-supported.

5.9 Accommodation for Young Single Homeless People

- 5.9.1 The Executive agreed to award a contract for housing related support for young, single, homeless people. The new contract will generate an annual saving of £70,000 compared to the current budget.
- 5.9.2 Part of the accommodation provided for young single homeless people will be in Holly House which contains 35 self contained units. Holly House is a Council owned building let on a long lease to a registered provider. The building is in need of repairs to heating, windows and roof and the current condition has made them very difficult to heat. The Council has provided some revenue subsidy to tenants to offset high heating costs during the winter months.

Holly House does, however, occupy a wider site owned by the Council which includes a shop and car park. Development of the individual building is limited due to the lease on the shop which has 15 years to run. Consequently, it is sensible to limit investment in Holly House to provide a 15 year life for the building so that a decision on a wider development opportunity can be considered when leases are up for renewal.

Culture, Corporate Services and Public Protection

5.10 Community Safety Partnership Plan 2017-2019

- 5.10.1 The Executive endorsed the priorities identified within the Community Safety Partnership Plan 2017-2019.
- 5.10.2 In order to identify the priorities within the 2017 Strategic Assessment, all crime, victim, offender and Anti Social Behaviour data available to the Community Safety Partnership (CSP) was collected and grouped together according to type. An online survey was also used to consult on perception and fear of crime. A total of 113 survey responses were received and most people felt that Bracknell Forest is a safe place to live or work and fear of crime remains low.
- 5.10.3 The 2017 Strategic Assessment has identified the following priorities to inform the 2017-19 CSP Plan;
- Protection of Vulnerable People (Domestic Abuse, Child Sexual Exploitation and Anti Social Behaviour);
 - Violence and Serious Organised Crime (Violence Against the Person and Modern Slavery);
 - Reduce Reoffending (Substance Misuse, Repeat Domestic Abuse Victimisation and Acquisitive Crime);
 - Prevention and Early Intervention (Youth Crime Prevention, Anti Social Behaviour and Preventing Violent Extremism).
 - Bracknell Town Centre.

Also aligned with the priorities in the Police and Crime Commissioner's Police and Crime Plan 2017-2021.

5.11 Coral Reef Pre-opening Report

- 5.11.1 The Executive noted the current progress of this project and agreed pricing for the opening of Coral Reef in September 2017. The Executive also noted the detailed capital position outlined in the exempt part of the report.
- 5.11.2 Entrance prices for the re-furbished Coral Reef were originally assessed in 2014 to reflect the greatly enhanced facility and the need to recover the significant investment the Council has made. Given the time lapse between the initial planning phase and pool opening, officers have reviewed current charges for other leisure activities that potential customers may choose to use instead of Coral Reef and have recommended a pricing structure that offers value for money and a strong competitive offer in the leisure market.

Planning and Transport

5.12 Joint Central and Eastern Berkshire Minerals and Waste Local Plan – Issues and Options Consultation

- 5.12.1 The Executive approved the Issues and Options for the Central and Eastern Joint Minerals and Waste Plan for public consultation.
- 5.12.2 The unitary authorities in Berkshire have responsibility to plan for the future production of minerals and for the management of waste disposal within the Berkshire area. Minerals and Waste is a strategic issue which is better planned for on a larger geography than an individual unitary authority. As such Bracknell Forest, Reading, the Royal Borough of Windsor & Maidenhead and Wokingham Councils are pursuing a Joint Minerals and Waste Local Plan. Slough Borough Council does not wish to take part in the joint arrangement, but will have a watching brief. West Berkshire Council is currently preparing a Minerals and Waste Local Plan for the area of its district.
- 5.12.3 The plan will cover the area of the four Council's and will guide minerals and waste decision-making up to 2036. The four authorities are working in collaboration with the Hampshire Services of Hampshire County Council (HCC) to produce the plan with the costs of the work being shared equally between the four authorities. HCC is the Minerals and Waste Authority for Hampshire and has a dedicated in-house team of specialist planners. The team have a track record of successful completion and adoption of minerals and waste local plans on behalf of groups of authorities in Hampshire. They have the capacity to undertake this work in accordance with an agreed programme. The programme accords with the programme for the preparation of the plan set out in this council's Local Development Scheme agreed by the Executive on the 15 November 2017.

5.13 Suitable Alternative Natural Greenspaces (SANG) – Capacity Allocation

- 5.13.1 The Executive have agreed not to provide capacity in its Strategic Suitable Alternative Natural Greenspaces (SANGs) for large Prior Approval schemes or other unplanned large applications located beyond the defined settlements in Binfield,

Bracknell, Warfield and Winkfield because they undermine the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy.

- 5.13.2 The Thames Basin Heaths, which cover parts of Surrey, Hampshire and Berkshire, comprise a rare example of lowland heathland. It is home to three important bird species, (the Dartford Warbler, the Nightjar and the Woodlark) and protected by international law (the EU Birds Directive and the EU Habitats Directive), national legislation (the Conservation of Species and Habitats Regulations 2010 (as amended)) and by planning policy as a 'Special Protection Area' (SPA). The heaths, and the birds that nest and breed there, are easily disturbed by people and their pets.
- 5.13.3 The Council must ascertain that any development in the Borough would not harm the integrity of the SPA either by itself or in combination with all other applications in the other 11 local authorities affected by the SPA. An Appropriate Assessment is undertaken on all relevant planning applications which involves:
- Predicting the likely effects of the development;
 - Assessing whether these are likely to have an adverse effect on the integrity of the SPA; and
 - Proposing avoidance and mitigation measures.
- 5.13.4 To mitigate the impact of development the Council has produced the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPASPD) (2012) which sets out a two-pronged strategy:
- Providing suitable Alternative Natural Greenspaces (SANGs) with new or upgraded existing open space to divert recreation activity away from the designated SPA;
 - Strategic Access Management and Monitoring (SAMM) whereby financial contributions are paid by developers to Natural England which are spent on matters such as wardening and habitat works at the SPA.
- 5.13.5 The Council also facilitates some residential development by providing access to its own SANGs. Individual SANGs have catchment areas so a development needs to be within a specific distance of the SANG in order to use it for mitigation. However, SANG capacity is finite and is particularly under pressure in the north of the Borough where there tends to be a higher level of residential development.
- 5.13.6 In order to allocate land for residential development and bring forward development in a planned way, the Council through the local plan process is required to demonstrate that sufficient SANG capacity is available to be able to mitigate the impacts of proposed residential development. The Council is currently working hard to ensure that sufficient SANG is available in the right place to support its future Comprehensive Local Plan proposals. Any erosion of Council SANGs capacity by it being allocated to unplanned development will put the implementation of the Site Allocations Local Plan and the Comprehensive Local Plan which underpins our long term strategy for developing and protecting the Borough.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

- 6.2 The Borough Treasurer's comments have been addressed in the reports to the Executive.

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Background Papers

Executive Agenda – 9 May 2017 and 6 June 2017

Appendix A: Commercial Property Investment Strategy report

Contact for further information

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TO: Executive
9 May 2017

COMMERCIAL PROPERTY INVESTMENT STRATEGY - UPDATE
Chief Executive

1 PURPOSE OF REPORT

- 1.1 To update the Executive on progress made to date in implementing the Commercial Property Investment Strategy (CPIS) and market intelligence gained through this. As a consequence of this, to request that the final tranche of funding earmarked in 2018/19 to deliver the strategy is brought forward into the current financial year.

2 RECOMMENDATIONS

- 2.1 **That the Executive recommend to Council the release of £20m capital funding in 2017/18 from the indicative 2018/19 Capital Programme in order to accelerate delivery of the Council's agreed Commercial Property Investment Strategy.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 To facilitate implementation of the Commercial Property Investment Strategy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Executive could determine to leave the phasing of funding to support the CPIS as originally approved, which is not recommended for the reasons set out in the report.

5 SUPPORTING INFORMATION

- 5.1 As part of the medium term financial strategy (articulated in the Efficiency Plan approved by Council last Autumn) sums of £20m have been earmarked in the capital programme in each of the three years 2016/17 to 2018/19 for investment in commercial properties. The aim of this is to secure on-going additional income of £3m by 2019/20. A formal Commercial Property Investment Strategy (CPIS) was subsequently considered by the Executive and adopted by Council in November 2016.
- 5.2 The first meeting of the Executive Committee: Commercial Property was held in December which considered and approved an "assessment matrix" that would ensure all proposals were fully assessed against the CPIS before any bids were made. In addition, external advisors are engaged before any purchase is made, to ensure that the condition of the property is professionally evaluated and that the tenancy is strong. This approach is fundamental to understanding and minimising the Council's risk exposure.
- 5.3 The Executive Committee has since met each month, immediately following Executive meetings, to consider any potentially suitable properties which the

Council may wish to purchase and review progress on previously discussed opportunities.

- 5.4 The Council acquired its first new commercial property in February 2017. Extremely tight deadlines were set by the vendor for exchange and completion, which the Council was able to achieve. This has helped create a market perception that Bracknell Forest Council is good to do business with.
- 5.5 Over a dozen other properties have been considered. Bids have been made for several of these and one has been accepted, with detailed due diligence currently being undertaken before contracts are exchanged.
- 5.6 It is clear from the Council's experience in the market to date that a key factor in submitting successful bids is an ability to act quickly both in bidding and subsequently in completing and exchanging. The creation and regular meetings of the Executive Committee: Commercial Property and the agreed delegations to the Chief Executive and Borough Treasurer provide a governance framework that facilitates this.
- 5.7 Experience to date has also demonstrated that there is a significant level of market activity at the current time. Consequently, the only constraint the Council is likely to face in implementing the CPIS is the level of funding that has been formally approved. While an overall sum of £60m has been earmarked, £20m of this currently does not become available until April 2018.
- 5.8 Therefore, in order to enable the CPIS to be pursued as soon as practicable, without compromising on the robust assessment approach that has been taken to date, it is recommended that Council is requested at the earliest opportunity to bring forward the £20m earmarked for the CPIS in 2018/19 into the current year. If this is agreed, it would accelerate delivery of part of the Council's Efficiency Plan, take some of the pressure off other services to achieve savings in 2018/19 and create some additional one-off resources.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 There are no specific legal implications arising from the recommendation in this report.

Borough Treasurer

- 6.2 The Commercial Property Investment Strategy is a key element in the Council's Transformation Programme and is intended to realise net additional income of £3m over the current and subsequent two financial years, based on investments totalling £20m per year.

Equalities Impact Assessment

- 6.3 There will be no impact on specific groups arising from this report.

Strategic Risk Management Issues

- 6.4 Commercial investment, by its nature, cannot be risk free. The proposed approach is intended to strike a balance between minimising the Council's risk exposure while

allowing it to generate significant additional income to help bridge the Council's budget gap of £25m over the next three years to 2019/20.

Other Officers

6.5 None.

7 CONSULTATION

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 Not applicable

Representations Received

7.3 None

Background Papers

None

Contacts for further information

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TO: **COUNCIL**
12 JULY 2017

BRACKNELL FOREST HOMES PROPOSED MERGER
Director of Adult Social Care, Health and Housing

1 PURPOSE OF REPORT

- 1.1 To seek Council's agreement to amend the Bracknell Forest homes transfer agreement terms and rules to enable the merger of Bracknell Forest Homes with Housing Solutions Ltd.

2 EXECUTIVE SUMMARY

- 2.1. Bracknell Forest Homes is currently consulting all stakeholders on a proposed merger with Housing solutions (the large scale voluntary transfer registered provider of affordable housing in Maidenhead). For the merger to be able to proceed Bracknell Forest Council would have to agree to change three aspects of the transfer agreement and Bracknell Forest Homes rules that the Council entered into with Bracknell Forest Homes in 2008. These are to remove the community gateway provisions in the rules, to change the promise that shareholding in Bracknell Forest Homes is open to all residents and to amend the board membership policy. If the Council is minded to agree these changes a representative will be required to attend a special general meeting of Bracknell Forest Homes in August.

3 RECOMMENDATIONS

- 3.1 **That the requirement that shareholding should be open to residents of Bracknell Forest Homes properties be removed from the rules of the new amalgamated organisation;**
- 3.2 **That board membership rules for the new organisation allow Bracknell Forest Council to nominate a board member to be selected in line with the new organisation's selection policy; and**
- 3.3 **The community gateway provisions be removed from the rules of the new organisation.**

4 REASONS FOR RECOMMENDATIONS

- 4.1 Bracknell Forest Homes (BFH) is proposing a merger with Housing solutions (HS). The merger is being sought so as to
- provide greater balance sheet strength
 - improve borrowing capacity
 - generate efficiency savings
 - provide greater resilience to further government policy changes and/or external economic factors
 - maximise strategic influence
 - be more competitive

- enhance investment in new affordable homes.

4.2 For the merger to proceed there is a requirement for the Council to agree three changes to the rules of Bracknell Forest Homes as well as the transfer agreement. All other aspects of the transfer agreement will remain and will transfer to the new entity.

5 ALTERNATIVE OPTIONS CONSIDERED

5.1 There are no alternative options.

6 SUPPORTING INFORMATION

6.1 Members will be aware the Council transferred its housing stock to Bracknell Forest Homes (BFH) in 2008. The basis of the transfer was a transfer agreement setting out responsibilities of the Council and BFH. As BFH is pursuing a merger with HS there is a need for the Council to agree to some changes in the agreement if the merger is to proceed.

6.2 Since the transfer to BFH in 2008 the stock owned by the company has increased by 15% such that it now owns 6020 properties including 135 shared ownership leases and 1075 leaseholders. Customer satisfaction stands at 90%. HS received the housing stock in Maidenhead from the Royal Borough of Windsor and Maidenhead in 1995 and has grown by 35% since that date now owning 4,250 properties including 310 shared ownership leases, 750 bedspaces in care homes and managing/maintain 1500 properties for others. Customer satisfaction for HS services runs at 85%.

6.3 There are important synergies between the organisations that make a merger viable. They have shared visions, complimentary geography, commitment to partnership working with their host local authorities, good customer services and are of broadly equivalent size so that the new RSL would result from a merger of equals.

6.4 BFH believe that a merger of the two organisations would bring; greater balance sheet strength, improved borrowing capacity, enable efficiency savings to be generated, provide greater resilience to further government policy changes and/or external economic factors, maximise strategic influence, be more competitive and enhance investment in new affordable homes.

6.5 The merger is also being pursued now as both organisations believe it will enable them to better respond to the Government agenda on accelerating housing delivery as well as welfare reform.

6.6 BFH have stated that the merger will not directly impact on customers. Tenancy agreements and leases will be unaffected, rents will be unaffected as regulated by Government policy, service charges will remain unaffected. Offices will be maintained in both Bracknell and Maidenhead, with the main operational depot in Bracknell and the head office in Maidenhead. It is intended that the new organisation will have a new name and logo.

6.7 BFH have consulted their customers on the proposals. The consultation ran from 28/4 to 14/6/2017 and all customers of both organisations were written to and social

media and consultation meetings were used as well. BFH received 330 responses of which:

- 41% were generally positive
- 43% had no view
- 16% were generally negative

- 6.8 The new merged organisation will require a new set of rules. The first aspect that requires change is the shareholding rights. BFH and housing solutions are proposing that shareholding is restricted to the board members. This represents a change from the current arrangements where BFC has a third voting rights. However, this change is likely to be directed by Government in the near future as Local Authority control and influence over LSVT housing associations is to be limited so that housing association expenditure can be removed from public sector borrowing. The proposal that shareholders will be limited to board members is a standard one in newer transfers.
- 6.9 The next proposed change is in relation to Local Authority nominees. Both BFC and RBWM will be able to nominate one board member each but selection will be based on skills and experience necessary on the board. All board members will be shareholders on a three year term with a maximum of nine years. The restriction of shareholding to board members will be different from the original rules that allowed shareholding to be open to residents and thus would require a change to the transfer agreement.
- 6.10 The original rules of BFH contained community gateway provisions so that if tenants of BFH expressed a desire to manage their own homes they could exercise that right. However, since 2008 there has been no appetite from residents to take over management of their homes and as such it is proposed that the transfer agreement is amended to remove that provision.
- 6.11 A copy of the proposed rules based on these changes are included at appendix A.
- 6.12 The proposed merger would take place by amalgamation under a statutory process. The new organisation would still be a charitable organisation registered with the Homes and communities agency. Both BFH and HS would hold special general meetings of shareholders proposing a special resolution to amalgamate and no less than 14 days later a subsequent special general meeting would be called to confirm the resolution.
- 6.13 The timescale for the proposed merger is for all consents to be in place by mid July 2017. The two Boards must then approve the business plan and business case with HS scheduled to do this on the 26 July and BFH on the 27 July. Special general meetings of BFH and HS to effect the changes are scheduled for 14 August and 30 August 2017. Subject to decisions at those meetings merger completion would take place on the 29 September 2017.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 There are no direct legal implications for Bracknell Forest Council arising from the proposals in this report

Borough Treasurer

- 7.2 There are no direct financial implications for Bracknell Forest Council arising from the proposals in this report.

Equalities Impact Assessment

- 7.3 Not applicable

Strategic Risk Management Issues

- 7.4 Not applicable

8 CONSULTATION

- 8.1 As mentioned in the body of the report consultation has taken place with all BFH customers.

Background Papers

Letters from BFH Interim Chief Executive to BFC Chief Executive including proposed rule changes

Contact for further information

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RULES of: **[HS/BFH Limited]**

*A Registered Society under the Co-operative and
Community Benefit Societies Act 2014*

Register No.

MODEL RULES 2015

National Housing Federation

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Part A Name and objects**Name**

A1 The name of the society shall be [HS/BFH] Limited (the **Association**).

Objects

A2 The Association is formed for the benefit of the community. Its charitable objects shall be to carry on for the benefit of the community:

A2.1 the business of providing and managing housing, including Social Housing, and providing assistance to help house people and associated facilities, amenities and services for poor people or for the relief of aged, disabled (whether physically or mentally) or chronically sick people;

A2.2 any other charitable object that can be carried out from time to time by a registered society registered as a provider of Social Housing with the Regulator.

Non-profit

A3 The Association shall not trade for profit and any profits shall only be applied for the purpose of furthering the Association's objects and/ or in accordance with these Rules.

A4 Nothing shall be paid or transferred by way of profit to Shareholders of the Association.

Corporate status

A5 The Association is not a subsidiary of another organisation and shall not become a subsidiary of another organisation without first amending these rules to state the name of the parent entity.

Part B Powers of Association, Board, and Shareholders**Powers**

B1 The Association shall have power to do anything that a natural or corporate person can lawfully do which is necessary or expedient to achieve its objects, except as expressly prohibited in these Rules.

B2 Without limiting its general powers under rule B1, and only so far as is necessary or expedient to achieve its objects, the Association shall have power to:

B2.1 purchase, acquire or dispose, take or grant any interest in property including any mortgage, charge, floating charge or other security whatsoever;

B2.2 construct or carry out works to buildings;

B2.3 help any charity or other body not trading for profit in relation to housing and related services;

- B2.4 subject to rules F12, F13 and F14, borrow money or issue bonds, notes loan stock or any other debt instrument or enter into any transaction having the effect of borrowing;
- B2.5 enter into and perform any Derivative Transaction on such terms as the Association thinks fit for the purpose of hedging or otherwise managing any treasury risk or other financial exposure of the Association;
- B2.6 subject to rule F15, invest the funds of the Association;
- B2.7 lend money on such terms as the Association shall think fit;
- B2.8 guarantee, enter into any contract of indemnity or suretyship in relation to, or provide security for, the borrowing or performance of the obligations of any other organisation, in each case on such terms as the Association shall think fit.
- B3 The Association shall not have power to receive money on deposit in any way which would require authorisation under the Financial Services and Markets Act 2000 or any other authority required by statute unless it has such authorisation.

Powers of the Board

- B4 The business of the Association shall be directed by the Board.
- B5 Apart from those powers which must be exercised in General Meeting:
- B5.1 by statute; or
- B5.2 under these Rules;
- all the powers of the Association may be exercised by the Board for and in the name of the Association.
- B6 The Board shall have power to delegate, in writing, subject to rules D33-D37, the exercise of any of its powers. Such delegation may include any of the powers and discretions of the Board.

Limited powers of Shareholders in General Meetings

- B7 The Association in General Meetings can only exercise the powers of the Association expressly reserved to it by these Rules or by statute.

General

- B8 The certificate of an Officer of the Association that a power has been properly exercised shall be conclusive as between the Association and any third party acting in good faith.
- B9 A person acting in good faith who does not have actual notice of these Rules or the Association's regulations shall not be concerned to see or enquire if the Board's powers are restricted by these Rules or such regulations.

Part C Shareholders and General Meetings**Obligations of Shareholders**

- C1 All Shareholders agree to be bound by the obligations on them as set out in these Rules. When acting as Shareholder they shall act, at all times in the interests of the Association and for the benefit of the community, as guardians of the objects of the Association.

Nature of shares

- C2 The Association's share capital shall be raised by the issue of shares. Each share has the nominal value of one pound which shall carry no right to interest, dividend or bonus. Shares shall be non-withdrawable and, subject to rule C27, shall be non-transferable.
- C3 When a Shareholder ceases to be a Shareholder or is expelled from the Association, his or her share shall be cancelled. The amount paid up on that share shall become the property of the Association.

Nature of Shareholders

- C4 A Shareholder of the Association is a person or body whose name and address is entered in the Register of Shareholders. Save for any person who is an employee of the Association or any other Group Member, the Board Members from time to time shall be the only Shareholders. No other person or body may be admitted as a Shareholder.
- C5 No Shareholder shall hold more than one share and each share shall carry only one vote.

Admission of Shareholders

- C6 Save for any person who is an employee of the Association or any other Group Member, Board Members shall become Shareholders on appointment as Board Members and shall pay the sum of one pound to the Association. They shall automatically cease to be Shareholders when they cease to be Board Members.

General Meetings

- C7 All General Meetings shall be convened either:
- C7.1 upon an order of the Board; or
 - C7.2 upon a written requisition signed by three Shareholders stating the business for which the meeting is to be convened; or
 - C7.3 if within twenty-eight days after delivery of a requisition to the Secretary a meeting is not convened, the Shareholders who have signed the requisition may convene a meeting.
- C8 A General Meeting shall not transact any business that is not set out in the notice convening the meeting.

Calling a General Meeting

- C9 Subject to rule C11, all General Meetings shall be convened by at least fourteen Clear Days' written notice posted or delivered by hand or sent by Electronic Communication to every Shareholder at the address or Electronic Communication address given in the Register of Shareholders. The notice shall state the time, date and place of the meeting, and the business for which it is convened.
- C10 Any accidental failure to get any notice to any Shareholder shall not invalidate the proceedings at that General Meeting. A notice or communication delivered by hand or sent by post to a Shareholder at their address or Electronic Communication address shown in the Register of Shareholders shall be deemed to have arrived as specified in rule G14.13.
- C11 Seventy-five per cent of Shareholders may agree, by consenting in writing or by confirming through Electronic Communication, to a General Meeting being held with less notice than required by rule C9.

Proceedings at General Meetings

- C12 Before any General Meeting can start its business there must be a quorum present. A quorum is three Shareholders. As part of the quorum at least two Shareholders must be present in person.
- C13 A meeting held as a result of a Shareholder requisition will be dissolved if too few Shareholders are present half an hour after the meeting is scheduled to begin.
- C14 All other General Meetings with too few Shareholders will be adjourned to the same day, at the same time and at the registered office in the following week. If less than the number of Shareholders set out in rule C12 are present within half an hour of the time the adjourned meeting is scheduled to have started, those Shareholders present shall carry out the business of the meeting.
- C15 The Chair of any General Meeting can:
- C15.1 take the business of the meeting in any order that the Chair may decide; and
 - C15.2 adjourn the meeting if the majority of the Shareholders present in person or by proxy agree. An adjourned meeting can only deal with matters adjourned from the original meeting. An adjourned meeting is a continuation of the original meeting. The date of all resolutions passed is the date they were passed (as opposed to the date of the original meeting). There is no need to give notice of an adjournment or to give notice of the business to be transacted.
- C16 At all General Meetings of the Association the Chair of the Board shall preside. If there is no such Chair or if the Chair is not present or is unwilling or unable to act, the vice Chair (if any) shall chair the meeting, failing which the Shareholders present shall elect a Shareholder to chair the meeting. The person elected shall be a Board Member if one is present and willing to act.

Proxies

C17 Any Shareholder entitled to attend and vote at a General Meeting may appoint another person, whether or not a Shareholder, as their proxy to attend and vote on their behalf. A proxy can be appointed by delivering a written appointment, which may be by way of Electronic Communication, to the registered office, or such other place as may be selected by the Board and stated in the meeting notice, at least 48 hours before the date of the meeting at which the proxy is authorised to vote. It must be signed or confirmed by Electronic Communication and sent by the Shareholder or a duly authorised attorney. Any proxy form delivered late shall be invalid. Any question as to the validity of a proxy shall be determined by the chair of the meeting whose decision shall be final.

Voting

C18 Subject to the provisions of these Rules or of any statute, a resolution put to the vote at a General Meeting shall, except where a ballot is demanded or directed, be decided upon a show of hands.

C19 On a show of hands every Shareholder present in person and on a ballot every Shareholder present in person or by proxy shall have one vote. In the case of an equality of votes the chair of the meeting shall have a second or casting vote.

C20 Unless a ballot is demanded (either before or immediately after the vote), a declaration by the chair of the meeting that a resolution on a show of hands has been carried or lost, unanimously or by a particular majority, is conclusive. An entry made to that effect in the book containing the minutes of the proceedings of the Association shall be conclusive evidence of that fact.

C21 Any question as to the acceptability of any vote whether tendered personally or by proxy, shall be determined by the chair of the meeting, whose decision shall be final.

C22 A ballot on a resolution may be demanded by any three Shareholders at a meeting (in person or by proxy) or directed by the chair of the meeting (and such demand or direction may be withdrawn). A ballot may be demanded or directed after a vote on the show of hands, and in that case the resolution shall be decided by the ballot.

C23 A ballot shall be taken at such time and in such manner as the chair of the meeting shall direct. The result of such a ballot shall be deemed to be the resolution of the Association in General Meeting.

C24 Subject to the Act a resolution in writing signed or confirmed by letter or by Electronic Communication by or on behalf of the requisite majority of the Shareholders, for the time being, entitled to vote on the relevant resolution shall be as valid and effective as a resolution passed at a properly called and constituted meeting of Shareholders provided that a copy of the proposed resolution has been delivered in accordance with these Rules to all Shareholders and the requisite majority of Shareholders referred to in rule C25 has delivered their agreement in accordance with these Rules. Such resolution when signed or approved may comprise more than one document in the same form, each signed or approved, by one or more Shareholders.

C25 For the purposes of rule C24 the requisite majorities are:

- in the case of an ordinary resolution, a simple majority of Shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted General Meeting;

- in the case of a resolution requiring a two-thirds majority of Shareholders, at least two-thirds of the Shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted General Meeting; or
- in the case of a resolution requiring a three-quarters majority of Shareholders, at least three-quarters of the Shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted General Meeting.

Representatives and nominees

C26 Under the provisions of these Rules (including rules A3, A4, C2 and C4) no Shareholder is entitled to property of the Association in that capacity, and in the event of the death a person shall cease to be a Shareholder, their share shall be cancelled and the amount paid up on that share shall become the property of the Association. The following make provisions for representatives and nominees taking into account the provisions of these Rules:

C26.1 The Act provides that a Shareholder may nominate a person or persons to whom property in the Association at the time of his/ her death shall be transferred. As any such share will have been cancelled, no person so nominated under the Act shall be entitled to any property of that Shareholder on their death.

C26.2 No property shall be capable of transfer to any personal representative of a deceased Shareholder.

C27 Upon a claim being made by a trustee in bankruptcy of a bankrupt Shareholder to the share held by that Shareholder, the Association shall transfer such share to which the trustee in bankruptcy is entitled and as the trustee in bankruptcy may direct them.

Part D The Board

Functions

D1 The Association shall have a Board who shall direct the affairs of the Association in accordance with its objects and these Rules and ensure that its functions are properly performed. These functions will be agreed by the Board and set out separately in a code of governance or otherwise in writing.

Composition of the Board

D2 The Board shall consist of between five and twelve Board Members (including co-optees) as may be determined by the Board.

D3 Except for co-optees and employees only Shareholders can be Board Members.

D4 No more than two Board Members may be Resident Board Members who meet the selection criteria set by the board under rule D12.

D5 The chief executive, appointed in accordance with rule E6, shall be a Board Member.

D6 The Board shall make available the obligations (including the expected standards of conduct) of every Board Member (including co-optees) to the Board and to the

- Association. The Board shall review and may amend the obligations of Board Members from time to time.
- D7 Any Board Member or co-optee who has not signed a statement confirming that they will meet their obligations (including the expected standards of conduct) to the Board of the Association without good cause within one month of election or appointment to the Board or, if later, within one month of adoption of these Rules, shall immediately cease to be a Board Member or co-optee unless the Board resolves to disapply this rule in respect of any Board Member or co-optee.
- D8 The Board may appoint co-optees to serve on the Board on such terms as the Board resolves and may remove such co-optees. Not more than five co-optees can be appointed to the Board or to any committee at any one time. A co-optee may act in all respects as a Board Member, but they cannot take part in the deliberations nor vote on the election of Officers nor any matter directly affecting Shareholders.
- D9 For the purposes of these Rules and of the Act, a co-optee is not included in the expression "Board Member" or "Member of the Board". For the purposes of the Housing and Regeneration Act 2008, Board Members and co-optees are officers.
- D10 No one can become or remain a Board Member, a committee member or co-optee at any time if:
- D10.1 they are disqualified from acting as a director of a company, as a Board Member of another registered society or as a charity trustee for any reason; or
 - D10.2 they have been convicted of an indictable offence which is not, or cannot be, spent; or
 - D10.3 a composition is made with that person's creditors generally in satisfaction of that person's debts; or
 - D10.4 they are not a Shareholder (unless they are a co-optee or employee of the Association or any other Group Member); or
 - D10.5 they have absented themselves from three consecutive meetings of the Board or committee (as the case may be) in one rolling twelve-month period without special leave of absence from the Board; or
 - D10.6 a registered medical practitioner who is treating that person gives a written opinion to the Association stating that that person has become physically or mentally incapable of acting as a Board Member, co-optee or committee member and may remain so for more than three months; or
 - D10.7 they are a Resident and in the opinion of the Board are in material or serious breach of their tenancy agreement or lease or are subject to a possession order or are in breach of a suspended possession order, or are subject to any of the following types of court order: anti-social behaviour order, anti-social behaviour injunction, demoted tenancy, or closure order; or
 - D10.8 they are a Resident and the Association has obtained an order of a competent court or tribunal against them for recovery of monies due from them to the Association provided that if the order is suspended or is an order for payment in instalments they shall only cease to be a Board Member, co-optee or committee member upon failing to meet the terms of the order; or
 - D10.9 they are an employee and their contract of employment is terminated; or

D10.10 they are specifically elected or appointed as a Resident Board Member and cease to be a Resident;

and any Board Member, co-optee or committee member who at any time ceases to qualify under this rule shall immediately cease to be a Board Member, co-optee or committee member (as appropriate).

D11 A Board Member may be removed from the Board by a resolution passed by two-thirds of the Board Members, excluding the Board Member subject of the proposed removal and excluding co-optees and employees, provided the following conditions are satisfied:

- at least fourteen days' notice of the proposed resolution has been given to all Board Members; and
- the notice sets out in writing the reasons for the removal; and
- the Board is satisfied that the reasons justify the removal.

Terms of office and nomination or appointment to the Board

D12 Board Members will be nominated and appointed in accordance with open and transparent selection criteria and appointment procedures set out in any board membership policies adopted by the Board from time to time. These may provide for prospective candidates to be approved by the Board before they are eligible to be nominated or appointed as Board Members.

D13 The Board, in accordance with the appointment procedures set under rule D12, shall endeavour to ensure that the Board possesses the quality, skills, competencies and experience which the Board has from time to time determined that it requires.

D14 The Royal Borough of Windsor and Maidenhead and Bracknell Forest Council shall each have the right to nominate an individual to be a Board Member. Any such nominee must go through the approval process and meet the criteria set for Board Member appointment pursuant to rules D12 and D13. If any nominee is not successful, the authority that made the nomination may make further nominations until one of its nominees has been successfully appointed. The Royal Borough of Windsor and Maidenhead or Bracknell Forest Council may withdraw their respective nominee at any time and may make further nominations to replace any person withdrawn.

D15 Save for a person who is an employee of the Association or another Group Member, Board Members will be appointed for a fixed term of three years save where the Board sets a shorter term prior to the appointment. Board Members shall cease to be Board Members at the end of the fixed term but may, subject to rule D16 and D17, be reappointed.

D16 Any retiring Board Member having completed nine or more years' continuous service on the board shall not be eligible for reappointment, save where the Board agree that circumstances exist where it would be in the best interest of the Association for a Board Member to serve for a longer period. Such a Board Member shall only be eligible for reappointment for a further two one year periods. Any such retiring Board Member may be reappointed after a period of at least three years out of office.

D17 Any retiring Board Member having completed nine or more years' continuous service on the Board (or nine years' continuous service plus any extended period agreed by the Board under rule D16) shall not be eligible for reappointment.

D18 In relation to persons who are Board Members on the date of registration of these rules with the Registrar, time for the purpose of rule D15 shall start to run from the

date on which they were last elected or appointed to the board of a Predecessor Organisation and time for the purpose of rule D16 shall start to run from the date on which they were first elected or appointed to the board of a Predecessor Organisation.

Quorum for the Board

D19

D19.1 Subject to the provisions of rule D19.2 three Board Members shall form a quorum. The Board may determine a higher number or impose additional requirements.

D19.2 The Board will not be quorate unless Board Members who are employees of the Association are in a minority.

D19.3 If the number and make up of Board Members falls below the number and make up necessary for a quorum, the remaining Board Members may continue to act as the Board for a maximum period of six months and the provisions of rule D19.2 shall be suspended for that time. At the end of that time the only power that the Board may exercise shall be to bring the number and make up of Board Members up to that required by these Rules.

Board Members' interests

D20

No Board Member, co-optee or member of a committee shall have any financial interest in any contract or other transaction with the Association or with any other Group Member, or be granted a benefit by the Association, unless such interest or benefit:

D20.1 is expressly permitted by these Rules; or

D20.2 would not be in breach of, and would not be inconsistent with, any guidance, standard or code published by the Regulator, section 122 of the Housing and Regeneration Act 2008 or any code of conduct and/or governance adopted by the Board.

D21

Any Board Member, co-optee or member of a committee, having an interest in any arrangement between the Association and someone else shall disclose their interest before the matter is discussed by the Board or any committee. Such disclosure must comply with any code of conduct and/or governance adopted by the Board from time to time. Unless it is expressly permitted by these Rules they shall not remain present (unless requested to do so by the Board or committee) and they shall not have any vote on the matter in question.

D22

Subject to rule D23, if a question arises at a meeting of Board Members or of a committee of the Board as to the right of a Board Member, co optee or member of a committee to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the Chair or chair of the committee in the case of a member of a committee, whose ruling in relation to any Board Member, co optee or member of a committee (other than the Chair or chair of the committee) is to be final and conclusive.

D23

If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the Chair or chair of the committee, the question is to be

- decided by a decision of the Board Members or members of that committee at that meeting, for which purpose the Chair or chair of the committee is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.
- D24 Any decision of the Board or of a committee shall not be invalid because of the subsequent discovery of an interest which should have been declared.
- D25 Every Board Member, co-optee and member of a committee shall ensure that the Secretary at all times has a list of:
- D25.1 all other bodies in which they have an interest as:
- a director or Officer; or
 - a member of a firm; or
 - an official or elected member of any statutory body; or
 - the owner or controller of more than two per cent of a company the shares in which are publicly quoted or more than ten per cent of any other company;
- D25.2 any property owned or managed by the Association which they occupy; or
- D25.3 any other significant or material interest.
- D26 If requested by a majority of the Board Members or members of a committee (as appropriate) at a meeting convened specially for the purpose, a Board Member, co-optee or member of a committee failing to disclose an interest as required by these Rules shall vacate their office either permanently or for a period of time as the Board directs.
- D27 Notwithstanding rule D20, the Association may:
- D27.1 pay properly authorised expenses to Board Members, co-optees and members of committees when actually incurred on the Association's business;
- D27.2 pay insurance premiums in respect of insurance taken out to insure Officers and employees;
- D27.3 pay reasonable and proper remuneration, fees, allowances or recompense for loss of earnings to Board Members, co-optees and members of committees following appropriate independent advice; and
- D27.4 subject to compliance with Section 122 of the Housing and Regeneration Act 2008, and subject to compliance with any code of conduct and/or governance adopted by the Board from time to time grant reasonable and proper benefits to Board Members, co-optees and members of committees;
- D27.5 grant benefits to Board Members, co-optees or members of committees who are beneficiaries which are granted on the same terms and in accordance with the same criteria as they would be granted to any other beneficiary of the Association.
- D28 A Board Member, co-optee or member of a committee shall not have an interest for the purpose of rules D20 to D25 as a Board Member, director or Officer of any other Group Member.

- D29 Board Members, co-optees or members of committees who are Residents shall be deemed not to have an interest for the purpose of rules D20 to D25 in any decision affecting all or a substantial group of Residents.

Meetings of the Board

- D30 The Board shall meet at least three times every calendar year. At least seven days' written notice (delivered by hand, sent by post or Electronic Communication) of the date and place of every Board meeting shall be given by the Secretary to all Board Members and co-optees. The Board may meet on shorter notice where not less than seventy-five per cent of the Board Members so agree.
- D31 Meetings of the Board may be called by the Secretary, or by the Chair, or by two Board Members who give written notice to the Secretary specifying the business to be carried out. The Secretary shall send a written notice to all Board Members and co-optees to the Board as soon as possible after receipt of such a request. Pursuant to the request, the Secretary shall call a meeting on at least seven days' notice but not more than fourteen days' notice to discuss the specified business. If the Secretary fails to call such a meeting then the Chair or two Board Members, whichever is the case, shall call such a meeting.
- D32 Meetings of the Board or a committee can take place in any manner and through any medium which permits those attending to hear and comment on the proceedings. Any person who attends in this manner will be deemed to be present at the meeting whether or not all are assembled in one place

Management and delegation

- D33 The Board may delegate any powers under written terms of reference to its committees or to Officers or employees. Those powers shall be exercised in accordance with any written instructions given by the Board.
- D34 The Board may reserve to itself certain significant matters that cannot be delegated to committees or employees.
- D35 The Membership of any committee shall be determined by the Board. Every committee shall include one Board Member or co-optee to the Board. The Board will appoint the chair of any committee and shall specify the quorum.
- D36 All acts and proceedings of any committee shall be reported to the Board.
- D37 No committee can incur expenditure on behalf of the Association unless at least one Board Member or co-optee of the Board on the committee has voted in favour of the resolution and the Board has previously approved a budget for the relevant expenditure.

Miscellaneous provisions

- D38 All decisions taken at a Board or any committee meeting in good faith shall be valid even if it is discovered subsequently that there was a defect in the calling of the meeting, or the appointment of the members at a meeting.
- D39 A resolution sent to all Board Members or all members of a committee and signed, or confirmed by Electronic Communication by three-quarters of the Board Members

or three-quarters of the members of a committee shall be as valid and effective as if it had been passed at a properly called and constituted meeting of the Board or committee and may consist of documents in the same form and signed or confirmed by Electronic Communication by one or more persons.

- D40 Notice may be given to Board Members or members of a committee by hand, post or Electronic Communication at the last address for such communication given to the Secretary. The accidental failure to give notice to a Board Member or member of a committee or the failure of the Board Member or committee member to receive such notice shall not invalidate the proceedings of the Board.

Part E Chair, vice chair, chief executive, Secretary and other Officers

The Chair

- E1 The Association shall have a Chair, who shall chair Board meetings, and shall be elected by the Board on such terms as the Board determines. The Association may also have a vice Chair who, in the Chair's absence, shall act as the Chair and have the Chair's powers and duties and who shall be elected by the Board. The arrangements for election and removal of any vice Chair shall be determined by the Board.
- E2 The first item of business for any Board meeting when there is no Chair (or vice Chair) or the Chair (or vice Chair) is not present shall be to elect a Chair for the purpose of the meeting. The Chair shall at all times be a Shareholder and a Board Member and cannot be an employee.
- E3 In a case of an equality of votes, the Chair shall have a second vote.
- E4 The Chair of the Association may be removed at a Board meeting called for that purpose provided the resolution is passed by at least two-thirds of the Board Members present and voting at the meeting.

The Chair's responsibilities

- E5 The Chair's responsibilities will be set out in a written document and agreed by the Board.

The chief executive

- E6 The Association may have a chief executive appointed by the Board. The chief executive shall be appointed with a written and signed contract of employment, which shall include a clear statement of the duties of the chief executive.

The Secretary

- E7 The Association shall have a Secretary who shall be appointed by the Board and who may be an employee. The Board may also appoint a deputy Secretary (who may also be an employee) to act as Secretary in the Secretary's absence. The Secretary's duties will be clearly set out in writing and agreed by the Board.

Other Officers

- E8 The Board may designate as Officers such other executives, internal auditor and staff of the Association on such terms (including pay) as it from time to time decides.

Miscellaneous

- E9 Every Officer or employee shall be indemnified by the Association for any amount reasonably incurred in the discharge of their duty.
- E10 Except for the consequences of their own dishonesty or negligence no Officer or employee shall be liable for any losses suffered by the Association or any Group Member.

Part F Financial control and audit**Auditor**

- F1 The Association, if required by law to do so, shall appoint an auditor to act in each financial year. They must be qualified as provided by Section 91 of the Act.
- F2 The following cannot act as auditor:
- F2.1 an Officer or employee of the Association;
 - F2.2 a person employed by or employer of, or the partner of, an Officer or employee of the Association.
- F3 The Association's auditor may be appointed by the Board or by a resolution of Shareholders.
- F4 Where an auditor is appointed to audit the accounts for the preceding year, they shall be re-appointed to audit the current year's as well unless:
- F4.1 a General Meeting has appointed someone else to act or has resolved that the auditor cannot act; or
 - F4.2 the auditor does not want to act and has told the Association so in writing; or
 - F4.3 the person is not qualified or falls within rule F2 (above); or
 - F4.4 the auditor has become incapable of acting; or
 - F4.5 notice to appoint another auditor has been given.
- F5
- F5.1 No less than twenty-eight days' notice shall be given for a resolution to appoint another person as auditor, or to forbid a retiring auditor being re-appointed;
 - F5.2 the Association shall send a copy of the resolution to the retiring auditor and also give notice to Shareholders at the same time and in the same manner, if possible;
 - F5.3 if not, the Association shall give notice by advertising in a local newspaper at least 14 days before the proposed meeting. The retiring auditor can make

representations to the Association which must be notified to Shareholders under Section 95 of the Act.

Auditor's duties

- F6 The findings of the auditor shall be reported to the Association, in accordance with Section 87 of the Act.
- F7 The Board shall produce the revenue account and balance sheet audited by the auditor, if required, and the auditor's report, if required, for circulation to Shareholders. The Board shall also produce its report on the affairs of the Association which shall be signed by the person chairing the meeting which adopts the report.

Accounting requirements

- F8 The end of the accounting year must be a date allowed by the Registrar.
- F9 The Association shall keep proper books of account detailing its transactions, its assets and its liabilities, in accordance with Sections 75 and 76 of the Act.
- F10 The Association shall establish and maintain satisfactory systems of control of its books of account, its cash and all its receipts and payments.

Annual returns and balance sheets

- F11 Every year, within the time period specified by legislation, the Secretary shall send the Association's annual return to the Registrar. The return shall be prepared in accordance with the period specified in the Act, or such other date allowed by the Registrar and shall be lodged within the period required by law. The annual return shall be accompanied by the auditor's report, if required, for the period of the return and the accounts and balance sheets to which it refers.

Borrowing

- F12 The total borrowings of the Association at any time shall not exceed £750 million (seven hundred and fifty million) pounds sterling or such a larger sum as the Association determines from time to time in General Meeting. For the purpose of this rule F12, at any relevant time, any amount of the Association's borrowings in any currency other than pounds sterling (as may be permitted or not prohibited by the Regulator from time to time) shall be converted to sterling using the exchange rate or rates applicable under the related Derivative Transaction or transactions by which the Association has hedged its exposure to currency exchange rate movements in relation to the principal amount of such borrowings, or in the absence of such a rate or rates (in whole or in part) using the official spot exchange rate or rates recognised by the Bank of England for the conversion of that currency or currency unit into sterling at or about 11:00 on the relevant day.
- F13 The rate of interest payable at the time terms of borrowing are agreed on any money borrowed shall not exceed the rate of interest which, in the opinion of the Board, is reasonable having regard to the terms of the loan. The Board may delegate the

determination of the said interest rate within specified limits to an Officer, Board Member or member of a committee.

F14

F14.1 In respect of any proposed borrowing, for the purposes of rule F12 and in relation to the amount remaining un discharged of any deferred interest or index-linked monies or amounts on any deep discounted security previously borrowed by the Association, the amount of such pre-existing borrowing shall be deemed to be the amount required to repay such pre-existing borrowing in full if such pre-existing borrowing became repayable in full at the time of the proposed borrowing; and

F14.2 for the purposes of rule F13 in respect of any proposed borrowing intended to be on deferred interest or index-linked terms or on any deep discounted security the amount of borrowing shall be deemed to be the proceeds of such proposed borrowing receivable by the Association at the time of the proposed borrowing; and

F14.3 no person dealing in good faith with the Association shall be concerned to know whether rule F12, F13 or this rule F14 have been complied with.

Investment

F15 The funds of or monies borrowed by the Association may be invested by the Board in such manner as it determines.

Part G Miscellaneous and statutory**Registered office and name**

G1 The Association's registered office is: Crown House, 1 Crown Square, Waldeck Reform Road, Maidenhead, Berkshire, SL6 8BY

G2 The Association's registered name must:

G2.1 be placed prominently outside every office or place of business; and

G2.2 be engraved on its seal; and

G2.3 be stated on its business letters, notices, advertisements, official publications, cheques, invoices, website and any other formal corporate communication whether electronic or otherwise.

Disputes

G3 Any dispute on a matter covered by these Rules shall be referred by either party to a suitably qualified independent mediator for settlement. The mediator shall be appointed by agreement between the parties or, in default of agreement, by the Centre for Effective Dispute Resolution whether the disagreement be as to the qualifications, the identity of the mediator or otherwise. The mediation will be conducted in accordance with the requirements of the mediator. Both parties will be obliged to comply and co-operate with this procedure at each stage and to share equally the costs of appointment of the relevant mediator as referred to above. Costs thereafter will be borne as the mediator will determine. Where the dispute is

not resolved by mediation, any claim shall be dealt with in the county court which shall have sole jurisdiction over any dispute arising under the Rules.

Minutes, seal, registers and books

- G4 The Secretary shall keep the seal. It shall not be used except under the Board's authority. It must be affixed by one Board Member signing and the Secretary countersigning or in such other way as the Board resolves. The Board may in the alternative authorise the execution of deeds in any other way permitted by law.
- G5 The Association must keep at its registered office:
- G5.1 the Register of Shareholders showing:
- the names and addresses of all the Shareholders; and
 - a statement of all the shares held by each Shareholder and the amount paid for them; and
 - a statement of other property in the Association held by the Shareholder; and
 - the date that each Shareholder was entered in the register of Shareholder;
- G5.2 a duplicate Register of Shareholders showing the names and addresses of Shareholders and the date they became Shareholder;
- G5.3 a register of the names and addresses of the Officers, their offices and the dates on which they assumed those offices as well as a duplicate;
- G5.4 a register of holders of any loan;
- G5.5 a register of mortgages and charges on land; and
- G5.6 a copy of the Rules of the Association.
- G6 The Association must display a copy of its latest balance sheet and auditor's report (if one is required by law) at its registered office.
- G7 The Association shall give to all Shareholders on request copies of its last annual return with the auditor's report (if one is required by law) on the accounts contained in the return, free of charge.
- G8 The Secretary shall give a copy of these Rules to any person on demand who pays such reasonable sum as permitted by law.

Statutory applications to the Registrar

- G9 Ten Shareholders can apply to the Registrar to appoint an accountant to inspect the books of the Association, provided all ten have been Shareholders of the Association for a twelve-month period immediately before their application.
- G10 The Shareholders may apply to the Registrar in order to get the affairs of the Association inspected or to call a special General Meeting. One hundred Shareholders, or one-tenth of the Shareholders, whichever is the lesser, must make the application.

Amendment of Rules

G11

- G11.1 The Rules of the Association may be rescinded or amended but not so as to stop the Association being a charity, and not without the prior consent of the Regulator where such consent is required under the Housing and Regeneration Act 2008.
- G11.2 The Rules may only be amended by a resolution put before the Shareholders by the Board.
- G11.3 Rules A2; A3; A4; B1; B2; B3; C2; D20; G11 and G13 can only be amended or rescinded by way of a written resolution or by three-fourths of the votes cast at a General Meeting. Any other rule can be rescinded or amended by two-thirds of the votes cast at a General Meeting or by way of a written resolution.
- G11.4 Amended Rules shall be registered with the Registrar as soon as possible after the amendment has been made. An amended rule is not valid until it is registered.
- G11.5 A copy of the amended Rules shall be sent to the Regulator as soon as possible after registration by the Registrar.

Dissolution

G12

The Association may be dissolved by a three-fourths majority of Shareholders who sign an instrument of dissolution in the prescribed format or by winding-up under the Act.

G13

- G13.1 Any property that remains, after the Association is wound-up or dissolved and all debts and liabilities dealt with, the Shareholders may resolve to give or transfer to another charitable body with objects similar to that of the Association.
- G13.2 If no such institution exists, the property shall be transferred or given to the Housing Associations Charitable Trust.
- G13.3 If the Association is registered as a provider of Social Housing with the Regulator any transfer or gift must be in compliance with the Housing and Regeneration Act 2008 or any other relevant legal and Regulatory provisions which exist from time to time.

Interpretation of terms

G14

In these Rules, including this rule, unless the subject matter or context is inconsistent:

- G14.1 words importing the singular or plural shall include the plural and singular respectively;
- G14.2 words importing gender shall include the male and female genders;

- G14.3 **Amendment of Rules** shall include the making of a new rule and the rescission of a rule, and "amended" in relation to Rules shall be construed accordingly;
- G14.4 the **Act** shall mean the Co-operative and Community Benefit Societies Act 2014;
- G14.5 the **Association** shall mean the Association of which these are the registered Rules;
- G14.6 **Board** shall mean the Board appointed in accordance with Part D and **Board Member** or shall mean a member of the Board for the time being but shall not include a person co-opted to the Board under rule D8;
- G14.7 **Chair** shall mean the person appointed as Chair in accordance with rule E1 and where applicable shall include the vice Chair;
- G14.8 **Clear Days**, in respect of notice for a meeting, shall mean a period calculated excluding both the day on which any notice or communication is deemed to be received under these rules and the date of the meeting;
- G14.9 **Derivative Transaction** means any transaction which is a forward, swap, future, option or other derivative on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, economic indices or measures of economic risk or value, or other benchmarks against which payments or deliveries are to be made, or any combination of these transactions;
- G14.10 **Electronic Communication** shall have the meaning set out in section 148 of the Act;
- G14.11 **General Meeting** shall mean a General Meeting of the Association's Shareholders called and held in accordance with rules C7-27;
- G14.12 **Group Member** means the Association, each subsidiary of the Association, any body corporate of which the Association is a subsidiary and any subsidiary of such body corporate and for this purpose "subsidiary" has the meaning within the Act and/or the Housing and Regeneration Act 2008 and/or the Companies Act 2006;
- G14.13 **notice** shall be deemed to have been received by a person:
- (1) if posted by first class post at least two business days (meaning Monday to Friday but excluding bank holidays) after being posted;
 - (2) if sent by Electronic Communication one hour after transmission provided that no transmission notification of non-delivery or error has been received by the person transmitting the communication and the transmission is to the Electronic Communication address or number last notified by that person to the Secretary;
 - (3) if delivered by hand, on delivery to the person's address last notified by that person to the Secretary;
- G14.14 **Officer** shall include the Chair and Secretary of the Association and any Board Member for the time being and such other persons as the Board may appoint under rule E8;

- G14.15 **Predecessor Organisation** shall mean either of Housing Solutions Limited, a registered society (registered number 27876R) or Bracknell Forest Homes Limited, a registered society (registered number 30230R);
- G14.16 **Property** shall include all real and personal estate (including loan stock certificates, books and papers);
- G14.17 **Register of Shareholders** means the register kept in accordance with rule G5.1;
- G14.18 **Registrar** means the Financial Conduct Authority or any statutory successor to or any assignee of any or all of its relevant functions from time to time;
- G14.19 **Regulator** means the Homes and Communities Agency acting through its Regulation Committee established pursuant to the Housing and Regeneration Act 2008 or any future body or authority (including any statutory successor) carrying on similar regulatory or supervisory functions;
- G14.20 **Resident** means a person who alone or jointly with others holds a tenancy, lease or licence to occupy the Association's premises or the premises of any other Group Member for residential use;
- G14.21 **Resident Board Member** means a Board Member who is a Resident;
- G14.22 **Secretary** means the Officer appointed by the Board to be the Secretary of the Association or other person authorised by the Board to act as the Secretary's deputy;
- G14.23 **Shareholders** shall mean one of the persons referred to in rule C4 and means member as defined by the Act;
- G14.24 **Social Housing** means low cost rental accommodation and low cost home ownership accommodation as defined in sections 68 to 77 of the Housing and Regeneration Act 2008;
- G14.25 **Special Resolution** means a resolution at a General Meeting passed by a two-thirds majority of all Shareholders who vote in person or by proxy;
- G14.26 **these Rules** shall mean the registered rules of the Association for the time being;
- G14.27 references to any provision in any Act shall include reference to such provision as from time to time amended, varied, replaced, extended or re-enacted and to any orders or regulations made under such provision.

CO-OPERATIVE AND COMMUNITY BENEFIT SOCIETIES ACT 2014

Acknowledgement of Registration of Society

Register No.....R

..... Limited

is this day registered under the Co-operative and Community Benefit Societies Act 2014.

Dated (Seal of Central Office)

Copy kept Registrar

1 Shareholder

2 Shareholder

3 Shareholder

..... Secretary

**TO: COUNCIL
12 JULY 2017**

**COMPLAINT AGAINST COUNCIL – OMBUDSMAN DECISION
Monitoring Officer**

1 PURPOSE OF REPORT

- 1.1 This report is to appraise the Council of a finding of maladministration with no injustice by the Local Government Ombudsman (“the Ombudsman”) against Bracknell Forest Council in response to a complaint that it gave the complainant “Mr Y” wrong planning advice that led to him starting building work on his new family home before he had planning permission and a self build exemption from the Community Infrastructure Levy (“CIL”)

2 RECOMMENDATION

That the Council;

- 2.1 **Notes the Ombudsman’s report findings (Appendix A)**
- 2.2 **Agrees that no further action needs to be taken in relation to the matter set out in this report**
- 2.3 **Notes that a copy of this report has been circulated to all members of the Council**
- 2.2 **Approves the draft report of the Council attached hereto as (Appendix B) to comply with the requirements of the Local Government and Housing Act 1989**

3. REASONS FOR RECOMMENDATIONS

- 3.1 To comply with the provisions of the Local Government and Housing Act 1989

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 In view of the fact that the Ombudsman has categorised the complaint as “Upheld: maladministration with no injustice”, the statutory process for reporting the decision must be followed.

5 SUPPORTING INFORMATION

The Statutory Framework

- 5.1 The Ombudsman Service was established by the Local Government Act 1974. Any person who feels aggrieved in the delivery of a local authority service which is not covered by other statutory complaint processes may complain to the Ombudsman. The Ombudsman will almost invariably expect the complainant to exhaust the Council’s own complaints process before considering the complaint. If the Ombudsman does decide to investigate a complaint he/she will determine whether,

in their opinion, the local authority has been guilty of “maladministration” and if so whether the complainant has sustained “injustice” in consequence.

- 5.2 Section 5 of the Local Government and Housing Act 1989 imposes a duty upon the Monitoring Officer to prepare a report to the Council if at any time it appears to him/her that there has been maladministration in the exercise of its functions. The duty does not arise unless the Ombudsman has conducted an investigation. The report is required to be copied to each Member of the Council.
- 5.3 As soon as practicable after the Council has considered the Monitoring Officer’s report it must prepare a report which specifies:-
- (a) What action (if any) the Council has taken in response to the Monitoring Officer’s report,
 - (b) What action (if any) the Council proposes to take in response to the report, and
 - (c) The reasons for taking the action or for taking no action.

6. **Background**

- 6.1 The Ombudsman’s report is self explanatory, but in summary the complainant (“Mr Y”) complained to the Council that Council officers were negligent in giving him wrong Planning advice leading to the imposition of a CIL liability of over £80000. The Council contended that Mr Y built his new home before receiving planning permission and that he was liable to pay CIL in accordance with legal requirements.

The Decision

- 6.2 The Ombudsman has in relation to the main thrust of the complaint accepted the Council’s position and found its actions proportionate and reasonable and concluded that *“it was not the Council’s responsibility to consider and advise on the detailed application of the CIL rules to the application. I do not find the Council at fault because Officer T’s email did not tell Mr Y the self build exemption needed to be in place before he started work. Indeed, the expectation is that people secure planning permission before starting development.”*
- 6.3 Notwithstanding the broad endorsement of the Council’s actions the Ombudsman has made a finding of maladministration (no injustice) as a consequence of a letter received by Mr Y during an early stage in the process which had indicated that the CIL liability would be calculated by the increase in floor area between the demolished and replacement houses when in fact the floor area of the demolished property could not, in law, be used to offset the final CIL liability. The Ombudsman accepted however that *“this did not affect Mr Y’s position as the old property was already demolished and the construction of the replacement well advanced”*
- 6.4 Given the ombudsman’s endorsement of the Council’s actions throughout the management of this case it is disappointing that once again it has seen fit to make an adverse finding based on advice provided by an officer at an early stage of the process which it accepts had no bearing on the Council’s final decision on the existence and amount of CIL liability.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

7.1 The Borough Solicitor is the author of this report.

Borough Treasurer

7.2 There are no financial implications directly arising from this report.

Equalities Impact Assessment

7.3 Not required.

Strategic Risk Management Issues

7.4 None.

8 CONSULTATION

Principal Groups Consulted

8.1 Chief Executive and Borough Treasurer

Method of Consultation

8.2 Not applicable.

Representations Received

8.3 Not applicable.

Background Papers:

Appendix A - LGO final report dated 30 November 2016

Appendix B- Draft report for Council approval pursuant to S5 Local Government & Housing Act 1989

Contact for further information

Sanjay Prashar, Borough Solicitor, 01344 355679
Sanjay.Prashar@bracknell-forest.gov.uk

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Complaint reference:
16 000 430

Complaint against:
Bracknell Forest Council

The Ombudsman's final decision

Summary: The Council gave Mr X incorrect information about the community infrastructure levy. But, this error did not cause the injustice claimed by Mr X of having to pay a levy of over £90,000.

The complaint

1. Mr X says the Council was negligent, giving him wrong planning advice that led to him starting building work on his new family home before he had planning permission and a 'self build' exemption from the community infrastructure levy (CIL). Later the Council told Mr X he was liable to pay CIL, of different amounts. And, after granting planning permission, the Council demanded Mr X pay CIL of about £90,000. Mr X says he had to sell his new home to pay the CIL. Mr X also says the stress and pressure of what happened ruined his and his young family's life and had a dramatic negative impact on their health.

What I have investigated

2. I have investigated that part of Mr X's complaint about the Council's planning advice. But, in doing so, I have not considered Mr X's allegations of negligence. My reasons for not investigating negligence are set out at paragraphs 52 and 53 of this statement.

The Ombudsman's role and powers

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
4. The law says the Ombudsman cannot normally investigate a complaint when someone can take the matter to court. However, she may decide to investigate if she considers it would be unreasonable to expect the person to go to court. (*Local Government Act 1974, section 26(6)(c)*)
5. The Ombudsman cannot investigate a complaint if someone has appealed to a government minister. The Planning Inspectorate (PINs) act for a government minister in deciding appeals about council planning decisions. (*Local Government Act 1974, section 26(6)(b)*)

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6. If the Ombudsman is satisfied with a council's actions or proposed actions, she can complete her investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i)*)

How I considered this complaint

7. I have:
- considered Mr X's written complaint and supporting papers;
 - talked to Mr X about the complaint;
 - asked for and considered information from the Council about the complaint;
 - shared the Council's information with Mr X; and
 - shared a draft of this statement with Mr X and the Council and considered their responses.

What I found

What should happen

8. Most development needs planning permission from the local planning authority (LPA). Developers may ask the LPA for 'pre application advice' about development proposals before making a planning application. Pre application advice does not bind the LPA. So, an LPA may refuse planning permission for development it has viewed favourably at the pre application stage.
9. On receiving a planning application, the LPA must check it is complete. If not, it will ask the developer to provide the missing information. Once the LPA has a complete application it usually has eight weeks to decide whether to grant or refuse planning permission for the proposed development. The LPA can ask the developer for more time to decide the application. But, after eight weeks, the developer can appeal to PINs (see paragraph 5) against a deemed refusal of planning permission by the LPA.
10. A senior officer decides most planning applications acting for the LPA. But, councillors on the LPA's planning committee decide some applications. And, most LPA's have procedures allowing councillors to 'call in' an application for decision by the planning committee.
11. If development takes place without the necessary planning permission, there will be a breach of planning control. The LPA must investigate properly reported breaches but it does not have to take enforcement action. And, an LPA can invite the developer to make a retrospective (late) planning application for the unauthorised development. Inviting a late application does not necessarily mean the development will receive planning permission.
12. LPAs may introduce CIL in their area. A CIL is a financial charge on development. LPA's use CIL money for public works to support local development, for example, green spaces and transport services. Legal rules reduce or remove the need to pay CIL for some development. For example, people that build (or extend) their own homes and then live in them for three years do not need to pay CIL.
13. However, self builders must follow legal rules to secure a CIL exemption. So, before a self builder starts work on their home/extension, s/he must send the LPA the relevant completed CIL forms. These forms include Form 7: Self Build Exemption Claim Form Part 1 ('Form 7: part 1'). The LPA must also give the self

builder written notice of its decision on the claim before work starts. If work starts before an exemption claim is made and decided, CIL becomes payable in full.

14. The legal rules also say CIL becomes payable in full if the self builder does not:
- give the LPA advance notice of the start date for the works ('the Commencement Notice'); and
 - (within six months of completing the self build) give the LPA a Form 7: part 2.

There are legal appeal rights against LPA CIL decisions but, self builders must both make their appeal and receive the appeal decision before starting work. If work starts, the appeal will lapse.

15. The Government's Planning Practice Guidance (PPG), which is available on the internet, gives details about CIL. The national Planning Portal website holds planning application forms and relevant CIL forms, with guidance notes for their completion. The PPG, and the Portal guidance notes, both say claims for, and decisions on, CIL exemptions must take place before development starts. And, Form 7: part 1 starts:

"An exemption for a self build home must be granted prior to the commencement of the development AND a Commencement (of development) Notice must be received by the [LPA] prior to the date of commencement of the development. The applicant will otherwise be liable for the full levy charge."

In completing Form 7: part 1, the applicant must 'declare' that s/he understands:

"That [their] claim for self build exemption will lapse where development commences prior to the [LPA] informing me of its decision."

16. The Council's website currently includes information about its CIL and gives links to the PPG and Portal for CIL information, guidance and forms.

What happened

17. Mr X buys a property in need of renovation on a large plot of land ('the Site'). Mr X takes pre application planning advice from the Council, as LPA, about developing the Site. The Council, apologising for its delay (about six weeks), gives Mr X pre application advice.

18. Mr X applies for planning permission to build a house on the Site. The Council refuses Mr X's application. This surprises Mr X and he appeals to PINs. Meanwhile, Mr X and his young family are living in a caravan on the Site and want to be in a permanent home before the next school year.

19. The Council introduces CIL for development in its area. Mr X decides he cannot wait for a PINs appeal decision, and applies to the Council for planning permission to extend the existing property. A council officer ('Officer T') emails Mr X saying his application is not complete. Officer T's email also asks Mr X to complete a CIL form saying:

"Your application is exempt from paying the CIL fee, however you must fill out the form accordingly to prove this."

20. Meanwhile, refurbishment work starts on the existing property. Testing reveals structural problems with the property; part of which collapses. Mr X withdraws his extension application and applies for planning permission to build a replacement house ('the Application'). Mr X says he is no longer employing his own

-
- professional advisers and is relying on the Council's planning officers to give him accurate guidance.
21. Mr X starts work on the replacement house, which work includes demolishing the existing property. The Council says its planning enforcement officer tells Mr X:
"any and all work undertaken to date, and any works from this point forward, continued without planning permission, have been and will be undertaken at your own risk and expense."
 22. Mr X emails Officer T saying he has forgotten to send a CIL form with the Application and asking if he is liable for CIL on the new house, which is a self build. Officer T replies saying Mr X must fill out a CIL exemption form, which 'must be sent to the Council before it decides the Application.' Officer T's email includes a web link to the PPG guidance on CIL self build exemptions.
 23. The Council does not receive any CIL forms from Mr X but registers the Application, triggering the eight weeks for a decision. As the old property is now demolished, the Application is 'part retrospective'. A planning case officer ('Officer P') assesses the Application. Officer P visits the Site and finds external walls for the new house are in place.
 24. Shortly before the eight weeks expires, Mr X emails Officer P asking about CIL as, after reading the guidance, he is not clear how it applies to his new house. Officer P emails Mr X saying CIL is payable on the new house because work has started on the Site ('Email One'). And, Email One says the Council will calculate Mr X's CIL on the increase in floor area between the demolished and replacement houses. Email One includes the web link to the PPG on CIL and self builds.
 25. The Council misses the eight week target for deciding the Application. Councillors 'call in' the Application for decision by the Council's planning committee. About 12 weeks after accepting the Application as complete, the Council's planning committee vote to grant planning permission for Mr X's new house. About 10 days later, Mr X asks Officer P when he will receive the planning permission. Officer P emails Mr X saying the Council has discovered it must calculate CIL when granting planning permission ('Email Two'). So, the Council calculates Mr X's CIL on the floor area of the new house, with no reduction for the floor area of the demolished property.
 26. The Council issues planning permission for the Application and gives Mr X information about the CIL he must pay (over £80,000). The Council tells Mr X it can add charges to the CIL because it has not received any CIL forms from him. The Council gives Mr X information about appeal rights and web links for CIL information.
 27. Mr X challenges the Council's notice and, referring to events since he bought the Site, says he should not have to pay CIL. The Council's Executive Committee of councillors consider Mr X's case. Councillors decide to send Mr X a CIL demand. The Council sends Mr X a CIL demand, adding a £2,500 charge. The demand refers to Mr X's appeal rights, and gives a web link for appeal information.
 28. In the months that follow, Mr X tries to appeal the demand notice (see paragraph 14) and complains to the Council. Mr X also offers to pay £15,000 to resolve the CIL dispute. The Council take independent legal advice and confirm Mr X must pay the CIL demand. The Council also offers to place a charge on Mr X's new home so he does not have to pay CIL until he wants to move.
 29. Mr X sells the Site and pays CIL, plus charges, of over £90,000.

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30. In summary, Mr X's position and case is:
- Council officers repeatedly assured and advised him during telephone calls and in emails that CIL was not payable;
 - it was reasonable to expect the Council's information would be correct but it was not;
 - Council officers were fully aware of his situation but were unprofessional, negligent, and misleading and tried to ruin him financially with a £90,000 CIL demand;
 - it is obvious he would not have started or continued to build the new house if he had known he would face an unplanned bill of £90,000;
 - the part collapse of the existing property was beyond his control and, as it was unsafe, he had to rebuild;
 - it is unfair, unjust and contrary to CIL aims to demand payment for his new house when it simply replaced an existing family home; and
 - without the Council's delays and 'unfathomable' planning decisions, he would have received planning permission for a new house before it introduced CIL.
31. In summary, the Council's position and case is:
- planning law can be complex but "the basic principle that permission precedes work is not";
 - Mr X built his new home before receiving planning permission and the legal rules mean he must therefore pay CIL;
 - it acted reasonably in taking independent legal advice and had no discretion to waive the CIL;
 - in 'recognition of the stress and difficulty of paying an unexpected bill', it offered to defer payment of CIL by placing a charge on the new house; and
 - it accepts Email One gave wrong information about calculating Mr X's CIL but, this did not affect Mr X's position as the old property was already demolished and construction of the replacement well advanced.

Is there fault causing injustice

Early events

32. I recognise Mr X and his family wanted to move into their new home before the start of the school year. Mr X says without the Council's early delay and unreasonable decisions, planning permission for that new home would have been granted before it introduced CIL.
33. The Council did miss its time target for responding to Mr X's 'pre application' planning enquiries: and it apologised to Mr X for doing so. Mr X says the delay was six weeks. So, without this delay, all following events might have taken place six weeks sooner than they did.
34. Having received pre application advice, Mr X applied for planning permission for a new house; which the Council refused. Mr X appealed the Council's decision so I cannot investigate how the Council handled that application (see paragraph 5). (But, I see no evidence of delay by the Council in dealing with that application.)
35. Mr X then applied for planning permission to extend the existing house but withdrew that application, within eight weeks, following its partial collapse.

Between making and withdrawing the extension application, the Council introduced CIL and asked Mr X to provide CIL forms. And, CIL was in place when Mr X made the Application.

36. I have carefully considered the date: Mr X made the Application; the Council accepted the Application as complete; and eight weeks after the Council accepted the Application. If the Council had met its pre application time target, Mr X might have made the Application before it introduced CIL. And yet, the Council's eight weeks to decide the Application would still have fallen after its CIL date. On balance, I therefore find CIL would have applied to the Application even if the Council had not delayed its pre application advice.

The Application - submission

37. I recognise Mr X was in a difficult position. The next school year was approaching and his family were living in a caravan near an unsafe building.
38. I also accept Mr X understood that, as a self build, his family's new home would be free from CIL. Indeed, the law provides a self build CIL exemption. However, to secure that exemption, self builders must comply with the relevant legal rules. And, that meant Mr X needed to complete, and send the Council, CIL forms; and not start work before he had planning permission and a decision on his CIL exemption claim. This did not happen: Mr X did not complete any CIL forms and his new house was substantially complete when the Council granted planning permission on the Application. So, Mr X was liable to pay CIL on the new house.
39. The question for me is whether, and to what extent, Council fault is the cause of the financial predicament faced by Mr X on receiving planning permission.
40. Council officers should give people accurate information and it was reasonable for Mr X to expect this from the Council's planning officers. And yet, council officers do not act as professional advisers to individuals and they are not agents for planning applicants. Rather, their role is to assess and decide planning applications and, where CIL applies, calculate charges on granting permission.
41. Here, I have no reason to doubt that Mr X had many telephone conversations with Council planning officers about the Application. But, I have no recordings of these calls. I am therefore unlikely to be able to reach an objective and evidenced based view about what each person said during those calls. However, I do have copies of written correspondence between Mr X and the Council, which include comments about building materials and landscaping for the Site. I also have Officer T and Officer P's emails about CIL. I have given most weight to the written correspondence.
42. A few days after Mr X made the Application, Officer T emailed Mr X saying he needed to complete and return forms to get a CIL exemption. Officer T's email told Mr X where he could find information about CIL. Officer T's actions here are proportionate and reasonable. It was not the Council's responsibility to consider and advise on the detailed application of CIL rules to the Application. And, on balance, I do not find the Council at fault because Officer T's email did not tell Mr X the self build exemption needed to be in place before he started work. Indeed, the expectation is that people secure planning permission before starting development.
43. Similarly, soon after making the Application, the Council's planning enforcement officer took suitable and reasonable action in telling Mr X that working without planning permission was at his own risk and cost. The enforcement officer did not

fall below acceptable administrative standards because he did not identify and comment on specific risks and costs.

44. As the Council has said, planning law can be complex. And yet, Form 7: part 1 clearly and succinctly sets out the need to secure a self build exemption before starting work, otherwise the applicant is liable for CIL. The Council had properly signposted Mr X to what he needed to do and where he could access information about CIL and self build exemptions. It was for Mr X to read the guidance and complete the necessary forms, which would have drawn his attention to the consequences of starting work before the Council made its decisions. It was not the Council's fault that Mr X did not complete any CIL forms before it granted planning permission for the Application.
45. On balance, I do not find the Council fell below acceptable administrative standards in dealing with Mr X at the time of the Application. There is no fault here.

The Application – Officer P's emails about CIL liability

46. It was about two months after receiving Officer T's emails that Mr X asked Officer P about CIL. Officer P's Email One says Mr X is liable to pay CIL having started work on Site. This is correct.

However, demolition of the old house took place before the Council accepted the Application as complete. So, throughout the 14 weeks it took the Council to decide the Application, it could not take account of its floor area in calculating CIL. The Council therefore accepts the information it gave Mr X in Email One about calculating CIL was wrong.

47. Using this, wrong, basis for calculating CIL, Mr X estimated his CIL bill would be about £40,000. Mr X continued working on the new house. Five weeks later, Mr X receives Officer P's Email Two and then his planning permission and a formal CIL notice for over £80,000. I recognise the seriousness and distress this caused Mr X and his family. Indeed, the family felt they could not make the house their family home and sold it, paying the CIL demand (plus charges). And yet, Mr X had always faced a CIL bill of this size because he did not claim, and secure, a self build exemption before starting work on the Site.
48. However, Mr X says he would have cut his losses if he knew his CIL would be over £80,000. So, what is likely to have happened if Email One had given Mr X the correct information about calculating CIL? Mr X then owned land that included a part built house that did not have planning permission. And, the Council's CIL would apply to planning applications to develop the Site. Any potential buyer of the Site would take account of those circumstances, which would probably affect the price. When Mr X did sell the Site, it had a completed house with planning permission, and CIL was payable. Overall and on balance, I do not find the error in Email One, which remained uncorrected for five weeks, is likely to have substantively affected Mr X's position.

Summary

49. I recognise the serious distress experienced by Mr X and his family. As a self builder looking to replace an existing house, Mr X could have claimed a CIL exemption. The Council acted properly and correctly in telling Mr X he needed to complete and return CIL forms; signposting him to CIL information; and advising that building without planning permission was at his own risk and cost. It was for Mr X to complete and return those forms, using the accompanying guidance

notes. The Council's role was to assess the Application and decide whether to grant or refuse planning permission.

50. Unfortunately, Mr X did not complete the relevant CIL forms, which clearly set out the consequences of starting work without securing a self build CIL exemption. I find demolishing the old house and building its replacement before receiving planning permission and without following CIL procedures led to Mr X's substantial CIL bill. Overall and on balance, I do not find the error in the Council's Email One is the cause of Mr X's claimed injustice.

Final decision

51. I completed my investigation finding the Council gave incorrect advice about how it would calculate CIL on the Application but this was not the substantive cause of the injustice Mr X claims.

Parts of the complaint that I did not investigate

52. Mr X says the Council has been negligent in giving him advice about CIL. Allegations of negligence are legal matters for the courts to decide. If Mr X wishes to pursue a claim of negligence against the Council, he could start legal action.
53. Mr X says the existence of the CIL demand and his dispute with the Council about its payment seriously affected the value of the new house. In paying the CIL and selling the house at a reduced value, Mr X says he has suffered considerable financial loss. On balance, I therefore consider it reasonable for Mr X to take legal action if he wishes to claim those financial losses arise because of the Council's negligence (see paragraph 4). I have not therefore investigated Mr X's complaint about negligence.

Investigator's decision on behalf of the Ombudsman

**REPORT OF BRACKNELL FOREST COUNCIL
CONCERNING A FINDING OF MALADMINISTRATION BY THE LOCAL GOVERNMENT
OMBUDSMAN**

1. This report is made pursuant to Section 5 of the Local Government and Housing Act 1989 and relates to a finding of maladministration with no injustice contained in an Ombudsman decision concerning the Council's dealings with a private developer in relation to the imposition of a Community Infrastructure Levy.

2. The Ombudsman's decision and the report of the Monitoring Officer were considered at a meeting of the Council on 12 July 2017. We determined that no further action needs to be taken in relation to the matter set out in this report

3. Our reason for making the determination set out in paragraph 2 above is that the steps already taken by officers constitute an appropriate and proportionate response to the Ombudsman's findings

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TO: **COUNCIL**
12 JULY 2017

ESTABLISHMENT OF COMMITTEES AND ASSOCIATED MATTERS
Director of Corporate Services – Democratic and Registration Services

1 PURPOSE OF REPORT

- 1.1 This report sets out the revised position regarding the appointment of Members to serve on committees and other bodies since Annual Council on 24 May 2017.

2 RECOMMENDATIONS

- 2.1 **That the substitute vacancy be filled on the Education Employment Sub Committee in accordance with Members' wishes;**
- 2.2 **That Councillor Virgo be appointed as the Council's representative on the Berkshire Record Office Capital Working Group and the Standing Conference for Archives; and**
- 2.3 **That Councillor G Birch be appointed as the Council's representative on the Binfield Badger Group Management Committee.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 To finalise committee and external body appointments.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

Education Employment Sub Committee

- 5.1 At the Annual Council meeting on 24 May 2017 the Council agreed the composition and membership of its committees but a Conservative substitute vacancy has since been identified on the Education Employment Sub Committee. Council is now asked to fill this vacancy in accordance with the wishes of the Conservative Group.

Berkshire Record Office Capital Working Group and the Standing Conference for Archives

- 5.2 The Council had previously appointed two representatives to the Berkshire Record Office Capital Working Group and the Standing Conference for Archives but has been advised by the County Archivist that this nomination should not be split. Councillor Virgo has been nominated by the Conservative Group to be the representative for 2017-2018.

Binfield Badger Group Management Committee

- 5.3 The Binfield Badger Group Management Committee have advised the Council that they require representatives for one year term only with no repeat terms of office. Councillor G Birch has been nominated by the Conservative Group to be the representative for 2017-2018.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Nothing to add to the report.

Borough Treasurer

- 6.2 There are no additional revenue implications arising from the above recommendations.

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 Discussion

Representations Received

- 8.3 Outcome of discussions reflected in this report.

Background Papers

None

Contact for further information

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