

To: COUNCIL
30 NOVEMBER 2016

EXECUTIVE REPORT TO COUNCIL The Leader

1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 14 September 2016, the Executive has met twice on 27 September 2016 and 15 November 2016. This report summarises decisions taken at those meetings by reference to the relevant portfolio within which they fall.
- 1.2 Updated Forward Plans are published every Friday and are available for public inspection at Easthampstead House in the usual way and online at www.bracknell-forest.gov.uk. Full details on the decisions taken by individual portfolio holders can also be accessed online through the Council's website.

2 RECOMMENDATION

- 2.1 Council is asked to consider the recommendations set out at paragraphs 5.3.4 and 5.4.3.

3 REASONS FOR RECOMMENDATIONS

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

4 ALTERNATIVE OPTIONS CONSIDERED

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

5 SUPPORTING INFORMATION

Council Strategy & Community Cohesion

5.1 Council Plan Overview Report

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

5.2 Complaints Against Bracknell Forest Council in 2015-16

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

Transformation and Finance

5.3 Regulatory Services – Joint Services Proposal

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

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

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

5.4 Commercial Property Investment Strategy

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

5.4.3 The Executive therefore recommends to Council that:

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

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

Children, Young People & Learning

5.5 Edgbarrow School Priority Schools Building Programme

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

5.6 Local Safeguarding Children Board (LSCB) Annual Report

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

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

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

Adult Social Care, Health & Housing

5.7 Bracknell Forest Safeguarding Adults Partnership Annual Report

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

5.8 Housing Strategy

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

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

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

5.9 Housing Allocation Policy

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

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

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

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

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

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

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

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

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

6. Changes to Local Council Tax Reduction Scheme

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

Culture, Corporate Services & Public Protection

6.2 Garth Hill (Sandy Lane) Land Disposal Options

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

6.3 South Hill Park Trust: Governance

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

6.4 Community Access at Edgbarrow and Sandhurst Sports Centres

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

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

Planning & Transport

6.5 Residents' Parking Scheme – Two Year Trial Consultation Response

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

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

6.6 Design Supplementary Planning Document

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

Environment

6.7 Minerals and Waste Local Development Scheme

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

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

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Background Papers

Executive Agenda – 27 September 2016 and 15 November 2016.

Contact for further information

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