

**EXECUTIVE
18 NOVEMBER 2014
5.00 - 6.25 PM**



Present:

Councillors Bettison (Chairman), Ward (Vice-Chairman), Dr Barnard, Birch, Brunel-Walker, Mrs Hayes, McCracken and Turrell

19. Minutes

RESOLVED that the minutes of the meeting of the Executive on 23 September 2014 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

20. Declarations of Interest

Councillor Mrs Hayes declared a personal interest in respect of Item 7 as she was a member of the South Hill Park Trust Board.

Councillor Ward declared a personal interest in respect of Item 7 as he was a member of the Haversham Trust.

Councillor McCracken declared a personal interest in respect of Item 7 as his wife was a member of the South Hill Park Trust Board.

21. Executive Decisions

The Executive considered the reports submitted on the items listed below and the decisions taken are recorded in the decision sheets attached to these minutes and summarised below:

Item 5. School Places Plan 2014-2019

RESOLVED that the School Places Plan 2014 – 2019 which forecasts a further 4,090 pupils will be seeking a school place by 2019, a 25% increase be noted.

Item 6. Child Sexual Exploitation

RESOLVED that:

- i. The content of the Director of Children, Young People and Learning's report and its associated appendices be noted and the work that is being undertaken jointly by agencies within Bracknell Forest to address the issue of Child Sexual Exploitation (CSE) be endorsed
- ii. The circulation of guidance to Elected Members so that they can be vigilant about possible CSE in their Wards and are aware of how to report any suspicions or concerns be endorsed

Item 7. Response to Overview and Scrutiny Report on 'A Review of Cultural Services'

Councillor Mrs Hayes declared a personal interest as she was a member of the South Hill Park Trust Board.

Councillor Ward declared a personal interest as he was a member of the Haversham Trust.

Councillor McCracken declared a personal interest as his wife was a member of the South Hill Park Trust Board.

RESOLVED that:

- i. the working group be commended for the review it conducted and the helpful report it produced
- ii. the proposed response to the working group report as set out in section 5 of the Director of Environment, Culture and Communities' report be endorsed

Item 8. Charging for Adult Social Care Services

The Executive considered a revised report that had been issued following publication of new Government guidance in relation to the Care Act.

RESOLVED that, on the basis of the Final Guidance on the introduction of Phase 1 of the Care Act stating that consultation on charging arrangements is not necessary if Local Authorities are not intending to change their approach to charging, no consultation on charging arrangements be undertaken at this time.

Item 9. Waste Regulations 2011 (Amended 2012)

RESOLVED that the Executive review the assessment as set out in Annex 1 of the Director of Environment, Culture and Communities' report and conclude that "the current arrangements for the collection of kerbside recyclables satisfy the requirements applicable to the continued collection of co-mingled materials".

22. Exclusion of Public and Press

RESOLVED that pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 11 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

Item 11. Joint Waste Disposal Contract

RESOLVED that, subject to the other two re3 authorities (Reading Borough Council and Wokingham Borough Council) agreeing to follow a similar course of action, suitable provision be made in future budgets to cover potential costs arising from the joint action being taken in respect of the Waste PFI contract.

CHAIRMAN

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I049955
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1. **TITLE:** School Places Plan 2014-2019
2. **SERVICE AREA:** Children, Young People and Learning
3. **PURPOSE OF DECISION**

To approve the annual update of the School Places Plan which describes latest pupil data, forecasts of pupil numbers for the next five years and a commentary on the need to add school capacity.

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

That the School Places Plan 2014 – 2019 which forecasts a further 4,090 pupils will be seeking a school place by 2019, a 25% increase be noted.

7. **REASON FOR DECISION**

The provision of school places remains an essential part of the Council's organisation and planning process and enables the Council to meet its statutory duties in relation to school places. A school place continues to be available for every child in the Borough who wants one.

On the last occasion that Department for Education grants for targeted basic needs were allocated, the Council's 2012-based forecasts were successful in securing £7.8M of grant through the bidding process to build additional places in the future.

The Council forecasts on a 'worst case' basis, bringing schemes forward for implementation when short term forecasts demonstrate the need.

8. **ALTERNATIVE OPTIONS CONSIDERED**

It is business critical to undertake pupil forecasting to ensure the Council meets its statutory obligation of sufficiency of school places. The plan provides a mechanism to communicate these forecasts.

9. **PRINCIPAL GROUPS CONSULTED:** Professional partners
10. **DOCUMENT CONSIDERED:** Report of the Director of Children, Young People & Learning.
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
18 November 2014	25 November 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	1049791
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1. **TITLE:** Child Sexual Exploitation
2. **SERVICE AREA:** Children, Young People and Learning
3. **PURPOSE OF DECISION**

That the Executive notes the content of the attached report and appendices and endorses the work that is being undertaken jointly by agencies within Bracknell Forest to address the issue of Child Sexual Exploitation (CSE).

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

That:

- i. The content of the Director of Children, Young People and Learning's report and its associated appendices be noted and the work that is being undertaken jointly by agencies within Bracknell Forest to address the issue of Child Sexual Exploitation (CSE) be endorsed
- ii. The circulation of guidance to Elected Members so that they can be vigilant about possible CSE in their Wards and are aware of how to report any suspicions or concerns be endorsed

7. **REASON FOR DECISION**

Due to the high profile of this issue nationally, the Executive needs to be fully informed and supportive of the work being undertaken locally.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None

9. **PRINCIPAL GROUPS CONSULTED:** Children, Young People and Learning
Departmental Management Team
10. **DOCUMENT CONSIDERED:** Report of the Director of Children, Young People & Learning.
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
18 November 2014	25 November 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I050050
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1. **TITLE:** Response to Overview and Scrutiny Report on 'A Review of Cultural Services'

2. **SERVICE AREA:** Environment, Culture & Communities

3. **PURPOSE OF DECISION**

To determine the Executive's response to the recommendations in the report by a working group of the Environment, Culture and Communities Overview and Scrutiny Panel entitled 'A Review of Cultural Services'.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That:

- i. the working group be commended for the review it conducted and the helpful report it produced
- ii. the proposed response to the working group report as set out in section 5 of the Director of Environment, Culture and Communities' report be endorsed

7. **REASON FOR DECISION**

As set out in the supporting information of the Director of Environment, Culture and Communities' report.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None at this time.

9. **PRINCIPAL GROUPS CONSULTED:** Representatives of the voluntary and charitable sector.

10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities

11. **DECLARED CONFLICTS OF INTEREST:** Councillor Mrs Hayes declared a personal interest as she was a member of the South Hill Park Trust Board.

Councillor Ward declared a personal interest as he was a member of the Haversham Trust.

Councillor McCracken declared a personal interest as his wife was a member of the South Hill Park Trust Board

Date Decision Made	Final Day of Call-in Period
18 November 2014	25 November 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I049732
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1. **TITLE:** Charging for Adult Social Care Services
2. **SERVICE AREA:** Adult Social Care, Health & Housing
3. **PURPOSE OF DECISION**

To inform the Executive of changes to regulations on charging for Adult Social Care services introduced by the Care Act, and seek agreement on consulting on options arising from those changes.

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

That, on the basis of the Final Guidance on the introduction of Phase 1 of the Care Act stating that consultation on charging arrangements is not necessary if Local Authorities are not intending to change their approach to charging, no consultation on charging arrangements be undertaken at this time.

7. **REASON FOR DECISION**

The initial paper to the Executive recommended consulting on the approach to charging for Adult Social Care. This was due to the Care Act changing the current regime for charging for Care Home fees from mandatory to discretionary and legal advice that this meant that to continue charging care home fees it would be necessary to consult.

As a result, this Council responded to the Government's own consultation on the Care Act stating that it would be helpful if the final guidance stated that it was not necessary to consult simply on the basis that the mandatory scheme was now discretionary, but as a contingency prepared for a consultation exercise.

Subsequent to the submission of the initial paper to the Executive, the Final Guidance has been released. It contains a section on transition arrangements, stating the following:

Local authorities should consider the need to consult with their local population, but should not be expected to consult formally if their approach to charging has not changed as a result of the Act.

The Care Act is being implemented in two phases, with Funding Reform being Phase 2. Although draft guidance on Funding Reform has not yet been issued, it is likely that it will lead to changes in the duties and powers of local authorities in respect of charging. It is therefore likely that there will be policy questions on charging that it would be desirable to consult on, once the detail of Funding Reform becomes clearer. This implies that it is probable that the Council will wish to consult on charging arrangements again next year.

The Care Act – Phases 1 and 2 – will bring significant positive changes to social care for

people in Bracknell Forest. These improvements are complex, and will require a communications campaign, both nationally and locally. It is preferable that any consultation exercise on charging comes after a communications campaign on the benefits that the Care Act brings for people in Bracknell Forest.

The original proposal entailed the Council engaging QA research to undertake aspects of the consultation on its behalf, at a cost of £3,500. The revised proposal would therefore save this cost.

8. ALTERNATIVE OPTIONS CONSIDERED

The Council could choose to consult on its charging policy for Residential and Nursing care, as recommended in the original paper before the Department of Health issued its Final Guidance.

9. **PRINCIPAL GROUPS CONSULTED:** People in receipt of Adult Social Care, and their carers

10. **DOCUMENT CONSIDERED:** Report of the Director of Adult Social Care, Health & Housing

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

Date Decision Made	Final Day of Call-in Period
18 November 2014	25 November 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I050127
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1. **TITLE:** Waste Regulations 2011 (Amended 2012)
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

The Council is required to review its waste collection arrangements to ensure they are appropriate to the promotion of high quality recycling. This report presents the findings of a review that has been undertaken in accordance with the regulations and guidance.

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

That the Executive review the assessment as set out in Annex 1 of the Director of Environment, Culture and Communities' report and conclude that "the current arrangements for the collection of kerbside recyclables satisfy the requirements applicable to the continued collection of co-mingled materials".

7. **REASON FOR DECISION**

The recommendation follows a comprehensive assessment of the existing arrangements using the suggested 'Route Map' (extract in Annex 1 of the Director of Environment, Culture and Communities'), produced specifically to enable the proper assessment of existing practice.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None. The review is part of a legal requirement. The evidence supports the conclusions.

9. **PRINCIPAL GROUPS CONSULTED:** Officers and interested parties
10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
18 November 2014	25 November 2014

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I050128
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1. **TITLE:** Joint Waste Disposal Contract
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

To gain agreement to make fiscal provision for legal fees in partnership with the other re3 authorities in order to defend a court challenge to the terms of the PFI Waste Disposal Contract.

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

That, subject to the other two re3 authorities (Reading Borough Council and Wokingham Borough Council) agreeing to follow a similar course of action, suitable provision be made in future budgets to cover potential costs arising from the joint action being taken in respect of the Waste PFI contract.

7. **REASON FOR DECISION**

The Council is in a position along with the other re3 authorities whereby it has little option but to defend the action being taken. The issue is around the calculation of what is termed 'excess profit' and the decision of recent adjudications confirms that the Council's interpretation is right.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None – the Council is one of three councils caught up in this legal challenge. We could not withdraw from the action unless the other two partners agreed to do likewise. The decision of the Joint Waste Board on 18 September 2014 supports the continued defence of the claim.

9. **PRINCIPAL GROUPS CONSULTED:** Not applicable
10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities
11. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
18 November 2014	25 November 2014