

**TO: COUNCIL
21 JANUARY 2015**

**EXECUTIVE REPORT TO COUNCIL
The Leader**

1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 26 November 2014, the Executive has met twice, on 19 November 2014 and 16 December 2014. 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 RECOMMENDATIONS

- 2.1 **Council is asked to consider the recommendations set out at paragraphs 5.11.5, 5.12.4, 5.15.4 and 5.15.5.**

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

Adult Services, Health & Housing

5.1 Charging Options Arising from the Care Act

- 5.1.1 The introduction of the Care Act will result in the charging regime for care home fees changing from being mandatory to discretionary. Legal advice confirmed that, should an authority continue charging care home fees then it would be necessary to consult the public. A consultation exercise was consequently planned accordingly.

- 5.1.2 The Department of Health subsequently issued guidance on the introduction of Phase 1 of the Care Act. This included a section on transition arrangements which stated that:

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

Implementation of the Care Act is taking place in two phases with funding reform taking place as part of Phase 2. Whilst draft guidance on Funding Reform has not yet been issued, it is likely that it will lead to changes in the duties and powers of local authorities in respect of charging and that policy questions on charging will arise that the Council might want to consult on.

- 5.1.2 Pending the national implementation of funding reform, the Council has no plans to change its approach to charging for care home fees. The Executive has therefore agreed that it would be more sensible to consult when there are issues to be discussed and that no consultation in relation to the Council's approach to charging arrangements needs to take place at this time.

5.2 Executive Response to the Adult Social Care and Housing Overview and Scrutiny Panel Working Group on the Review of the Council's Role in Regulated Adult Social Care Services.

- 5.2.1 The Executive has agreed its response to the recommendations made by an Overview and Scrutiny Working Group which reviewed the Council's role in regulated Adult Social Care Services.

- 5.2.2 The Executive would like to thank the Working Group for its thorough consideration of a particularly complex area involving a range of agencies. Due to the multi-agency nature of the service, the Council does not have the power to implement two of the recommendations. However, all other recommendations that relate to the Council were agreed.

5.3 Joint Commissioning Strategy for Intermediate Care

- 5.3.1 The Executive has approved the overall approach to intermediate care set out within the Joint Commissioning Strategy for the service and agreed that final approval of the Strategy should be delegated to the Better Care Fund Programme Board.

- 5.3.2 Building on the successful approach utilised currently, the new Joint Strategy for Intermediate Care covering the period 2015-2018 sets out a strategic direction for those requiring intermediate care and their carers. It identifies priorities for developing intermediate care further over the coming years to ensure that it reflects the needs of those using the service, most recent guidance and legislation as well as recognised best practice.

- 5.3.3 Intermediate Care has been identified as a project for the Better Care Fund which combines existing NHS and local authority funding to ensure that health, care and support services work together to help people stay healthy and independent for longer. Consequently, it has been agreed that final approval of the Strategy is to be delegated to the Better Care Fund Programme Board.

5.4 Sexual Health Tender

- 5.4.1 When local authorities assumed responsibility for Public Health in April 2013, the six Berkshire authorities entered into a Joint Agreement to enable the common management of shared contracts which covered several authorities whilst maintaining a degree of local autonomy and control. As the host authority for the Shared Public Health Team in Berkshire, Bracknell Forest assumed responsibility for the management of this function.

- 5.4.2 The Executive has approved the letting of a new contract for the delivery of sexual health services across Reading, West Berkshire and Wokingham. There were no financial or service implications for Bracknell Forest associated with this particular

contract. The contract was let following a procurement process that had been run in accordance with Bracknell Forest Council procedures and standing orders.

Children, Young People and Learning, Schools Capacity & Funding Strategy

5.5 School Places Plan 2014-2019

- 5.5.1 The Council has a statutory obligation to provide sufficient school places for children and young people in the Borough. To facilitate this, it produces an annual School Places Plan which provides a forecast of school intake for the coming years, total numbers on roll and an overview of the impact that these will have on the Borough.
- 5.5.2 The School Places Plan is compiled using a large amount of data including an annual review of future housing plans, both inside and outside the Borough, numbers on roll and demographic data. The forecasts produced as a result of this work are highly robust. Last year's forecasts for the 2014/15 academic year were within 1% of the actual numbers on roll.
- 5.5.3 Over the past 10 years over 5,000 additional places have been created in Bracknell Forest schools and the forecasts predict that pupil numbers will continue to grow. It is predicted that by 2019 that the number of primary school aged pupils in the Borough will increase by 23% from 9,460 pupils to 11,669 and the number of secondary school students is predicted to rise by 29% from 6,576 students to 8,458 students in 2019.

5.6 School Capacity Strategy and Funding Strategy

- 5.6.1 Having endorsed the latest School Places Plan covering the period 2014-2019, the Executive has also received and endorsed a report containing a confidential Annex outlining the Borough's School Capacity and the associated Schools Funding Strategies. The Capacity Strategy sets out medium and long term plans for school expansion across the Borough in a planned and coherent way taking into account a number of factors including: the size of the site available, affordability, Local Schools for Local People, the need for denominational school places and cost. The associated School Funding Strategy sets out the ways in which the necessary expansions will be achieved.

5.7 Child Sexual Exploitation

- 5.7.1 Although Bracknell Forest has historically experienced extremely low levels of child sexual exploitation, the Council and its partners take their responsibilities in this area very seriously. We have been pro-actively working together for many years to tackle any isolated problem that might arrive in the Borough; ensuring that the Borough's children and young people are protected and kept safe. There is no complacency however, and in light of recent horrendous cases in other areas, the Executive has acted to ensure the local arrangements are appropriate.
- 5.7.2 There are two key partnership groups operating across the Borough to tackle Child Sexual Exploitation (CSE). The Local Safeguarding Children Board CSE Strategic Sub-group has developed the CSE Strategy and provides co-ordination and oversight of the multi-agency activity in this area with the overall aim of reducing the risks to children and young people vulnerable to sexual exploitation. In addition, the CSE Operational Group is a multi-agency group which shares information and works to identify and map young people who are at risk of exploitation ensuring that action plans are put in place to support these young people and reduce the risk of harm that they experience. Responsibility for reviewing reports and recommendations arising

from significant national cases and exploring how these might be taken forward in Bracknell Forest sits with the Strategic Sub-group.

- 5.7.3 The work of both groups is well supported by partner agencies across the Borough and during 2014 a significant amount of work was undertaken to review the current arrangements and to develop systems and services that will drive the CSE agenda forward whilst maintaining a focus on prevention, identification, support and prosecution. The Executive is fully supportive of this work and urges all Members to familiarise themselves with the subject and the ways in which any concerns or suspicions can be reported, so that any concern can be followed up by the appropriate authorities.

5.8 2014 School Exam Results

- 5.8.1 The Executive has noted the level of educational attainment across the Borough over the last year.

- 5.8.2 The results of the Early Years Foundation Stage assessments found good levels of attainment at age 5 with 65% of children achieving the benchmark of 'a good level of development'. Screening for phonic knowledge at the end of Year 1 (at age 6) showed a significant improvement on last year's results with 75% attaining the required level (compared to 69% the previous year). At Key Stage 1, whilst teacher assessment results for reading, writing and mathematics at the expected Level 2 show improvements in mathematics, there were falls recorded in reading and writing levels and Pupil Premium funded pupils achieved less well than the national average. Key Stage 2 results showed an improvement on the previous year with higher results in reading, writing and grammar and punctuation and spelling. Key Stage 2 maths results were similar to those obtained the previous year.

- 5.8.3 GCSE results for the Borough's schools show that the proportion of young people obtaining 5 or more GCSE grades A*-C including English and Maths was 56.2%, just below the national average of 56.3%. The proportion of young people achieving Grades A*-C in at least 5 GCSE in any subject was 68% (compared to the 66% achieved nationally). Post-16 the number of students taking A-level exams continued to rise and the A* to E pass rate remained high with 98% of entries resulting in a pass.

- 5.8.4 There is no complacency about the need to continue to improve standards in the Borough's schools to maintain the ambition for all Bracknell Forest schools to be good schools. Given the local catchment areas, we are right to aspire to more. To help achieve this, a number of changes have been made to the school improvement service including:

- Increasing the level of challenge given to schools by the School Advisors
- Targeted support on English, maths and special educational need to assist the implementation of recent reforms
- Targeted support to develop Pupil Premium strategy and practice
- Strengthening governance, particularly targeting the development of Governing Bodies and their contribution to improvements in schools graded as 'Requires Improvement'
- Strategic use of existing head teachers to provide school to school support

By implementing these changes and developing other targeted interventions the Council will be able to provide all of the Borough's schools with the appropriate support and guidance enabling them to raise standards and maintain improvements across all key stages.

Culture, Corporate Services and Public Protection

5.9 Response to the Overview and Scrutiny report on 'A Review of Cultural Services'

- 5.9.1 The Executive would like to thank Overview and Scrutiny Members for their recent review of the Borough's cultural services offer and for the recommendations that it has made for the future development of the offer.
- 5.9.2 The Executive has agreed to implement the majority of the recommendations made by the Working Group although it was felt that a small number, such as establishing a heritage museum, were not practicable to implement at the current time.

5.10 Corporate Performance Overview Report

- 5.10.1 The Executive has received an update on the performance of the Council during the second quarter 2014/15 financial year (July to September 2014).
- 5.10.2 Overall, good progress was made over the quarter with 15 of the 262 service plan actions complete and another 229 actions on target. Work has yet to start on 17 actions and one is no longer applicable. Of the Council's 75 key performance indicators, 45 are on target, 3 are within 5-10% of target and only 7 are more than 10% off their targets.

5.11 Coral Reef Enhancement Programme

- 5.11.1 Coral Reef has been an iconic feature of Bracknell Forest's leisure provision for 25 years. However, significant investment is now required to ensure that it continues to play a part in the Borough's leisure provision for the next 25 years. The Executive is therefore seeking Council's approval to include an additional £11.23M in the capital programme over the next three years along with £0.593M of revenue to enable Coral Reef to be completely refurbished and significantly upgraded. The detailed report considered by the Executive which contains exempt information is included as a confidential Annex A to this report.
- 5.11.2 Whilst Coral Reef is still an attractive leisure facility its offer is not dissimilar to when it first opened in 1989. In particular, the distinctive pool hall roof structures are nearing the end of their practical lifespan. Rather than continue with a regular, costly and potentially disruptive maintenance programme the Executive have decided it would be preferable to replace the roof completely. Closure of the facility for a significant length of time to replace the roof would also give the Council an opportunity to transform the leisure offer, making Coral Reef an attraction that will continue to draw visitors from both inside and outside the Borough in the years to come.
- 5.11.3 If approved by Council, the additional capital funding would be used to refurbish the facility completely and cover the cost of:
- A new roof over the main pool hall
 - Two new flumes
 - Refurbishment of the three existing flumes
 - The building of a new modern accessible flume tower
 - Repair of ancillary roofs
 - Major refurbishment of changing facilities, toilets, café and reception area
 - Development of an outside relaxation area for the Lazy River feature
 - Upgrading Sauna World

The proposed transformation inevitably requires Coral Reef to be closed for a significant period of time and this will result in a number of unavoidable revenue

costs being incurred including utilities payments, business rates, insurance, one off re-start-up costs and management overheads as well as staff costs, which would normally be met by income from attendances. The additional revenue funding would be used to cover these.

5.11.4 Closure of Coral Reef will have implications for staff and a detailed Human Resources Management Plan has been prepared to manage all aspects of this part of the transformation.

RECOMMENDATIONS

5.11.5 Council is asked that, subject to the outcome of budget consultation:

- i. Capital provision of £11.23M be made to undertake the Coral Reef enhancement works as summarised in paragraph 6.14 of the Director of Environment, Culture and Communities' report**
- ii. Revenue provision of £593,000 relating to the project be made as detailed in paragraph 6.16 of the Director of Environment, Culture and Communities' report**
- iii. The detailed Human Resources Strategy described in paragraph 6.18 of the Director of Environment, Culture and Communities' report be endorsed**
- iv. The outline programme as detailed in paragraph 6.19 of the Director of Environment, Culture and Communities' report be noted**

Economic Development and Regeneration

5.12 Bracknell Town Centre Supplementary Capital Expenditure

5.12.1 Excellent progress continues to be made behind the scenes towards the regeneration of Bracknell town centre, to the extent that the development agreement with Bracknell Regeneration Partnership is moving towards becoming unconditional in the near future. Once this has happened, the Council will need to undertake its own planned investment in the wider infrastructure to facilitate and link in with the Town Centre redevelopment.

5.12.2 The Executive considered a confidential report outlining how the Council's capital work will be funded and how it will be covered in the Development Agreement with the BRP. The full report is included in confidential Annex B to this report. The outcome was that Executive agreed to recommend to Council that it includes £12.4M in the capital programme over the period 2015/15 – 2016/17 to cover the provision of a replacement park to compensate for losing open space in Charles Square; infrastructure works to roads including Millennium Way and the Met Office, 3M and Station roundabouts; provision of automated traffic, car parking and public information systems; public open space improvements. The opportunity is also being taken for the Council to purchase the bus station, giving it a major strategic site in the southern gateway to the town.

5.12.3 The works are the Council's responsibility as part of its infrastructure and public realm duties and functions and will have a much wider impact than the new development itself and will benefit the whole Borough. The expenditure and phasing of the work is being co-ordinated with the much larger work that BRP are planning to carry out to minimise the inevitable disruption over the next two years as the work takes place.

RECOMMENDATION

5.12.4 That approval be given for additional capital expenditure of £12.4M plus stamp duty of up to £0.6M to support the regeneration of Bracknell town centre.

Environment

5.13 Waste Regulations 2011 (Amended 2012)

- 5.13.1 As a Waste Collection and Disposal Authority, the Council take appropriate measures to promote high quality recycling, setting up separate collections of waste where “technically, environmentally and economically practicable and appropriate”. The Council is also required to review its practices and satisfy itself that they comply with the law.
- 5.13.2 At a national level there is an expectation that paper, glass, metals and plastics would normally be collected separately. However, it has also been acknowledged that where co-mingled collections of waste are sent to a Material Recycling Facility (MRF) for sorting before processing, then co-mingled collections are acceptable, providing the quality of the sorted waste meets an approved standard.
- 5.13.3 The RE3 MRF at Smallmead and the quality of its output is not expected to be formally audited until the middle of 2015. However, officers have reviewed the collection and processing arrangements for the waste collected from both the kerbside blue bins and the waste taken directly to local recycling sites and the Household Waste Recycling Centres at Longshot Lane and Smallmead and it is believed that the Smallmead MRF will meet the required standards. Consequently the Executive is satisfied that the Authority does meet its obligations and that the Borough’s waste collection arrangements are appropriate. This situation will obviously be kept under review as new guidance is developed by the Government.

5.14 Joint Waste Disposal Contract

- 5.14.1 The Council, in partnership with Wokingham and Reading Borough Councils, has entered into a 25 year PFI contract with the contractor FCC Environment to deal with disposal of the waste generated in the three local authority areas. During 2014 both parties entered into a non-binding adjudication process in an effort to resolve a dispute that has arisen with the calculation of the Excess Profit element of the contract. Two adjudication hearings were held during 2014 and the outcomes of both were positive for the local authorities, with the Adjudicator ruling in their favour on all six of the issues being contested.
- 5.14.2 The Contractor has subsequently commenced legal proceedings through the Commercial Court to challenge the adjudicators’ decisions. Legal advisors for the three Councils have advised defending the court action. The final costs of defending the challenge in the Commercial Court will be dependent on a number of factors and is not without risks. However, if the Courts rule in favour of the three Councils, they would be able to seek the recovery of costs. Consequently, the Executive has agreed that, subject to Wokingham and Reading Borough Councils agreeing a similar course of action, provision will be made in future budgets to cover the potential costs arising from defending the action in the Commercial Court.

Finance and Transformation

5.15 Revenue Budget 2015/16 and Capital Programme 2015/16-2017/18

- 5.15.1 The Executive has approved for consultation the Council's draft Revenue Budget for next year and Capital Programme for 2015/16 to 2017/18.
- 5.15.2 The draft revenue budget proposals for next year show an expenditure of £90.779M before inflation. The proposals include the Treasury Management Strategy for the year. Inevitably, as the national downward pressure on public spending is continued, savings are included in the draft proposals. The Executive has been careful to ensure, however, that these are largely focussed on efficiencies and changes that will not significantly impact on front line services.
- 5.15.3 The 2015/16 Capital Programme includes a number of significant capital projects including Bracknell town centre regeneration enabling works, the Binfield Learning Village at Blue Mountain and the transformation programme at Coral Reef. In addition it includes a number of programmes and schemes that are a high priority including: replacement of the Children's Social Care ICT system, the creation of 5 new surge classrooms at primary schools across the Borough, maintenance of car parks, site refurbishment and equipment replacement at various leisure sites, improvements at the Cemetery and Crematorium and the provision of funding to support low cost home ownership. In line with the Council's Financial Regulations, the Executive is also seeking Council's approval to make virements totalling £0.33M to the 2014/15 Children, Young People and Learning Programme in order to meet the demands of the School Places Plan.

RECOMMENDATIONS

- 5.15.4 That Council approve the virements over £0.100M relating to the 2014/15 budget, as detailed in Annexes F and G of the Borough Treasurer's report which are appended to this report as Annex C.**
- 5.15.5 That Council approve virements totalling £0.33M to the 2014/15 Children, Young People and Learning Programme as set in Annex I of the Borough Treasurer's Capital report appended to this report as Annex D in order to meet the demands of the School Places Plan.**

5.16 Annual Audit Letter

- 5.16.1 Council's external auditors, Ernst and Young, have issued an unqualified opinion on the Council's financial statements in their Annual Audit Letter. The Annual Audit Letter also gives an unqualified conclusion to the Council's arrangements for securing value for money and generally presents a very positive view of the Council's financial management. Two minor issues in relation to financial resilience and the Better Care Fund and these will be managed through the Council's service and financial planning processes.

6 Appointments and Delegations by the Leader of the Council

- 6.1 The Leader has authorised the delegation of no decisions to other officers since the last report to Council in November 2014.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 The Borough Solicitor's comments on each item referred to can be found in the reports presented to the Executive.

Borough Treasurer

- 7.2 The Borough Treasurer's comments on each item referred to can be found in the reports presented to the Executive.

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Background Papers

Executive Agenda – 19 November 2014

Executive Agenda - 16 December 2014

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