

**EXECUTIVE
8 MARCH 2016
5.00 - 5.15 PM**



Present:

Councillors Bettison (Chairman), Dr Barnard (Vice-Chairman), D Birch, Mrs Hayes MBE, Heydon, McCracken and Turrell

Chairman

At the commencement of the meeting, Councillor Barnard, the Vice-Chairman, took the Chair as Councillor Bettison had been delayed.

33. Declarations of Interest

There were no declarations of interest.

34. Minutes

RESOLVED that the minutes of the meeting of the Executive on 23 February 2016 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

Executive Decisions and Decision Records

The Executive considered the following items. The decisions are recorded in the decision sheets attached to these minutes and summarised below:

35. Adoption of Parking Standards Supplementary Planning Document

RESOLVED that:

- 1 The Parking Standards Supplementary Planning Document (Appendix A of the Director of Environment, Culture & Communities' report) be adopted as a material consideration in the determination of all planning applications validated from the date of its adoption;
- 2 The revocation of the Bracknell Forest Parking Standards Supplementary Planning Document 2007 be approved in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012, pertaining to the Planning and Compulsory Planning Act 2004 above for all planning applications validated from the date of the adoption of the Parking Standards Supplementary Planning Document referred to in 1 above;
- 3 The use of the Bracknell Forest Parking Standards Supplementary Planning Document 2007 as a material consideration in the determination of all planning applications validated prior to the Adoption of the Parking Standards Supplementary Planning Document referred to in 1 above until 01 July 2016;

- 4 The publication of the Consultation Statement (Appendix B of the Director of Environment, Culture & Communities' report) be approved; and,
- 5 The Executive Member for Planning and Transport be authorised to agree any minor changes to the Supplementary Planning Document and Consultation Statement prior to adoption.

Councillor Bettison in the Chair

36. **Advocacy Strategy**

RESOLVED that the Advocacy Joint Commissioning Strategy for 2016-2021 be approved.

37. **Council Tax Penalties**

RESOLVED that the Council Tax Penalties Policy be implemented with effect from 1 April 2016.

38. **Highway Maintenance Works Programme 2016-17**

RESOLVED that the budget for 2016-17 be targeted at the indicative Highway Maintenance Works Programme as set out in Annex 1 of the Director of Environment, Culture & Communities' report.

CHAIRMAN

Minute Annex

Bracknell Forest Council Record of Decision

Work Programme Reference	I058692
---------------------------------	----------------

1. **TITLE:** Adoption of Parking Standards Supplementary Planning Document

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

3. **PURPOSE OF DECISION**

To adopt the Parking Standards Supplementary Planning Document to use as guidance in determining relevant planning applications

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 The Parking Standards Supplementary Planning Document (Appendix A of the Director of Environment, Culture & Communities' report) be adopted as a material consideration in the determination of all planning applications validated from the date of its adoption;

2 The revocation of the Bracknell Forest Parking Standards Supplementary Planning Document 2007 be approved in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012, pertaining to the Planning and Compulsory Planning Act 2004 above for all planning applications validated from the date of the adoption of the Parking Standards Supplementary Planning Document referred to in 1 above;

3 The use of the Bracknell Forest Parking Standards Supplementary Planning Document 2007 as a material consideration in the determination of all planning applications validated prior to the Adoption of the Parking Standards Supplementary Planning Document referred to in 1 above until 01 July 2016;

4 The publication of the Consultation Statement (Appendix B of the Director of Environment, Culture & Communities' report) be approved; and,

5 The Executive Member for Planning and Transport be authorised to agree any minor changes to the Supplementary Planning Document and Consultation Statement prior to adoption.

7. **REASON FOR DECISION**

Evidence shows that the existing Parking Standards SPD (2007) is becoming increasingly out-of-date and does not cover certain current issues such as school drop-off and pick-up. The proposed new SPD updates the existing version which was adopted more than 8 years ago to better reflect the current parking needs of the Borough. The new Parking Standards SPD is consistent with national policy, local evidence and has been the subject of public consultation. Adopting the new SPD to supersede the existing 2007 SPD will ensure that it becomes a material consideration in the determination of planning applications. However it

is necessary that existing planning applications validated prior to the new SPD which have been negotiated using the existing 2007 SPD are still determined on this basis.

8. ALTERNATIVE OPTIONS CONSIDERED

Not adopting the Parking Standards SPD would mean the Council continuing to implement its existing Parking Standards SPD (2007). This is increasingly out-of-date and does not address parking problems associated with new development such as the low level of use of domestic garages for parking.

9. PRINCIPAL GROUPS CONSULTED: Public and professionals

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
8 March 2016	15 March 2016

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I057462
---------------------------------	----------------

1. **TITLE:** Advocacy Strategy
2. **SERVICE AREA:** Adult Social Care, Health & Housing
3. **PURPOSE OF DECISION**

As the current Advocacy Strategy comes to an end in 2015, the strategy has been refreshed and is being submitted to the Executive for approval. In addition to the period of the existing strategy ending, local authorities now have additional duties to provide access to independent advocacy under the Care Act 2014 and therefore the new strategy has been refreshed to take account of these changes.

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

That the Advocacy Joint Commissioning Strategy for 2016-2021 be approved.

7. **REASON FOR DECISION**

The previous strategy for advocacy in Bracknell Forest covered the years 2012-2015 and therefore the strategic approach to commissioning advocacy services in Bracknell Forest is due for review and refresh. There have been significant legislative changes since the last strategy was developed that directly impact the commissioning and provision of advocacy services and the strategic approach needs to be updated to reflect this.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None.

9. **PRINCIPAL GROUPS CONSULTED:** People who have used local advocacy services;
People who may have need to use advocacy in future (e.g. people with care and support needs, or unpaid 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
8 March 2016	15 March 2016

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I059275
---------------------------------	----------------

1. **TITLE:** Council Tax Penalties
2. **SERVICE AREA:** Corporate Services
3. **PURPOSE OF DECISION**

To seek approval from the Executive to implement the Council Tax Penalties Policy.

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

6. **DECISION:**

That the Council Tax Penalties Policy be implemented with effect from 1 April 2016.

7. **REASON FOR DECISION**

The Council has powers under the Local Government Finance Act 1992 (Schedule 3) to impose civil penalties to those charge payers who wilfully neglect to inform the Council of changes to their circumstances that affect their Council Tax liability.

The Council has a duty to ensure that the correct Council Tax charge is being applied to all of its domestic properties and introduction of a penalty policy will help to educate customers on the importance of advising of relevant changes and also encourage them to do this in a timely manner.

The penalties will be applied using a consistent, joined-up approach and are intended to be imposed where a reasonable excuse has not been provided to the Council.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The first alternative option would be to continue operating without a penalties policy and have no possibility of penalising taxpayers without undertaking a labour-intensive fraud investigation or court prosecution.

Where fraud is suspected and believed to warrant a criminal investigation, a local authority could undertake a fraud investigation under the Detection of Fraud and Enforcement Regulations. In order for such investigations to take place the Council would need to employ an authorised officer or buy in the services of a professional fraud investigation body. Where evidence is strong enough for a prosecution, the Council could impose a penalty of 50% of the excess Council Tax discount, up to a value of £1000. However, the cost of taking this approach is likely to amount to more than the amount of discount that has been falsely claimed.

In respect of Council Tax liability, in the most serious cases only, where a person presents information that they know to be false with a view to obtaining a financial benefit to which they are not entitled, the person may be subject to prosecution under The Theft Act 1968 for

obtaining a pecuniary advantage by deception. This approach would also be resource intensive and costly to the authority to carry out.

- 9. **PRINCIPAL GROUPS CONSULTED:** Residents of Bracknell Forest
- 10. **DOCUMENT CONSIDERED:** Report of the Director of Corporate Services
- 11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
8 March 2016	15 March 2016

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I058705
---------------------------------	----------------

1. **TITLE:** Highway Maintenance Works Programme 2016-17

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

3. **PURPOSE OF DECISION**

The Council as part of its overall budget allocation makes provision for highway maintenance schemes. The funding is then targeted according to highway condition. In order to ensure most effective use of resource and the early booking of the plant and equipment, approval is sought annually to approve the targeting of funding to a those roads identified on a rolling list as being in greatest need

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the budget for 2016-17 be targeted at the indicative Highway Maintenance Works Programme as set out in Annex 1 of the Director of Environment, Culture & Communities' report.

7. **REASON FOR DECISION**

As part of the revenue budget proposals, the Council has consulted on a reduction in the revenue spend for highway maintenance and is currently consulting on further economies to the highway maintenance budget. The allocation of the Council's capital programme must also be considered in this context too. The proposals therefore identify the priority work across the network to maintain the highway in as good a condition as resources allow.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The proposals seek to effect works according to priority needs based on an assessment of condition that also reflects general safety. The need to have a large range of schemes is essential in order to minimise delay and maximise operational efficiencies. The list is updated annually. Given the current financial position the Council faces and the reducing spend on highway maintenance, it would not be appropriate to allocate resources to anything other than that identified through a methodical and objective needs assessment.

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
8 March 2016	15 March 2016