

To: **COUNCIL**
27 APRIL 2016

EXECUTIVE REPORT TO COUNCIL
The Leader

1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 24 February 2016, the Executive has met twice on 8 March and 12 April 2016. This report summarises decisions taken at these 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 recommendation set out at paragraph 5.3.7.**

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 Advocacy Joint Commissioning Strategy 2016-2021

- 5.1.1 The Executive has approved the Advocacy Joint Commissioning Strategy for 2016-2021. The Strategy takes account of significant legislative changes since the last strategy was developed in 2012 that directly impact the commissioning and provision of advocacy services.
- 5.1.2 The Care Act 2014 introduced a broader advocacy duty, under which councils must provide access to independent advocacy for people with care and support needs, and unpaid carers with support needs, who have substantial difficulty engaging with care and support processes. Additionally, the Health and Social Care Act 2012 transferred commissioning responsibility for Independent Mental Health Advocacy and NHS Complaints Advocacy from the NHS to local councils with social services

responsibilities. As a result, the council is now responsible for commissioning four types of statutory advocacy:

- Independent Advocacy under the Care Act
- Independent Mental Capacity Advocacy
- NHS Complaints Advocacy
- Independent Mental Health Advocacy

5.1.3 In order to understand how advocacy services can best be provided locally, the following has been taken into account when developing this strategy and defining the priorities within it:

- Relevant legislation, national guidance and research
- An analysis of the needs of the local population and how these may change in future
- The views and experiences of local people
- The current provision of advocacy services

5.1.4 The priorities identified from the research and analysis in the strategy are based around the four domains of the 2015-16 Adult Social Care Outcomes Framework. These priorities are that:

- People have as much choice and control as they want over their support
- People understand what advocacy is and how it can help
- People can access the most appropriate type of advocacy when they need it
- People are supported by high quality services
- Advocacy contributes to keeping people safe from harm

Culture, Corporate Services & Public Protection

5.2 Council Tax Penalties

5.2.1 The Executive has agreed to implement the Council Tax Penalties Policy, on which it has been consulting, with effect from 1 April 2016. The majority of responses to the consultation were generally in favour of the imposition of penalties where there was no reasonable excuse provided by the taxpayer for non-disclosure.

5.2.2 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. It also has a duty to ensure that the correct Council Tax charge is being applied to all of its domestic properties. The 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, approach where a reasonable excuse has not been provided to the Council.

5.2.3 The most common occurrences where penalties are expected to be applied are as follows:

- Failure to notify the council that any discount (e.g. Single Person Discount) should no longer apply.
- Failure to notify that a property exemption should no longer apply
- Failure to notify of a change to the liable party
- A false application for Local Council Tax Reduction Scheme (LCTRS)

- Failure to notify of a change to the household or any other changes that affect their LCTRS entitlement.

5.2.4 The penalty will be applied where the taxpayer is unable to provide a reasonable explanation for the delay in providing or complete failure to provide the relevant information. The penalty is currently fixed at £70 and will be added directly to the taxpayers' Council Tax account and recovered alongside their usual Council Tax charge. Where a penalty has already been applied and further requests for the same information are made, additional penalties of up to £280 may be imposed. Taxpayers may appeal to the Valuation Tribunal for England within 2 months if they are aggrieved by the imposition of a penalty and are unsatisfied with the Council's internal review that will take place should a taxpayer disagree with the decision.

5.3 Community Safety Partnership Plan 2016-17

5.3.1 The Executive considered the 2016 refresh of the priorities and targets which are contained within Community Safety Partnership Plan (CSPP) 2014-17 and has recommended it to Council for formal endorsement.

5.3.2 The Crime & Disorder Act 1998 places a duty on Community Safety Partnerships (CSP) to produce an annual strategic assessment and a three-year partnership plan to reduce crime, disorder and substance misuse.

5.3.3 The Bracknell Forest CSP has a strong track record of partnership working which has contributed to the continued reduction in crime figures. Successful reductions (from 1st April 2015 up to 31st December 2015 compared to the same period the previous year) included the following:

- 0.9% reduction in Overall Crime
- 25.4% reduction in Burglary Dwelling
- 38.6% reduction in Burglary Non Dwelling
- 11.3% reduction in Theft of Vehicle
- 17.1% reduction in Bicycle Theft

5.3.4 The CSP has agreed two overarching themes for its coming work:

- Crime
- Anti-social Behaviour (ASB)

5.3.5 The priorities that sit beneath them are set out in the CSP Plan following the outcomes and recommendations of the 2015 Strategic Assessment. Three criteria were used to identify strategic priorities: the paired comparison method of priority, current trends and projections as well as police priorities (as identified by partner and community consultation). Despite only scoring in one of these categories, largely because of the major reductions in recent years, the partnership recognises the impact that Burglary Dwelling has and it will remain a strategic priority. It has also been decided to include Burglary Non- Dwelling as a priority given that it was significant in the paired comparison and is highlighted in the police's priorities. This replaces the acquisitive crime category of Shoplifting, which has not been identified as a priority in the 2015 Strategic Assessment. Youth Crime Prevention and Drug Offences will continue to be a priority as trafficking of drugs and observation or suspicion of drug dealing emerged as priorities from the scanning exercise. Internet-related crime and abuse, child sexual exploitation and preventing violent extremism did not feature in the Strategic Assessment scanning exercise. However the

Partnership recognises the significant impact these issues have on vulnerable people and therefore has recommended a priority of Protection of Vulnerable People. Much of this work will involve awareness-raising, early intervention and prevention. As such the targets for this priority are largely based around the initiatives that will be delivered throughout the year in a variety of settings rather than traditional outcomes.

- 5.3.6 At the end of January 2016 crime levels were at their lowest in over 20 years. It was also notable that the reduction in all crime of 9% follows 5 years of consecutive crime reduction: 9% in 2014/15, 5% in 2013/14, 10.8% in 2012/13, 17% in 2011/12 and 10% in 2010/11.
- 5.3.7 The Executive recommends that Council endorse the 2016 refresh of the priorities and targets contained within Community Safety Partnership Plan (CSPP) 2014-17.

Environment

5.4 Highway Maintenance Works Programme 2016-17

- 5.4.1 The Executive has approved the list of schemes in the Highway Maintenance Works Programme to which the budget for 2016-17 will be targeted. In order to ensure most effective use of resource, funding is targeted at those roads identified on a rolling list as being in greatest need.
- 5.4.2 The 2016/17 budget includes £1.560m for the non-routine highway maintenance schemes. This is the level of funding provided via the Department for Transport's (DfT) Highway Maintenance Capital Funding which is a reduction on last year. From 2016/17 onwards the DfT will award councils' further funding based on their 'efficiency' assessments. Councils will be graded in three bands following completion of a self-assessment questionnaire and those in the higher bands will receive, on a sliding scale, up to 100% of the available additional funding. In Bracknell Forest's case the maximum expected under this process is £94,000 in the financial year 2016/17. There is an additional £228,000 from the Council's own capital programme by way of capitalised revenue for road maintenance and street lighting.
- 5.4.3 The level of maintenance demand far exceeds available budgets. At this stage, the costings have to be considered 'indicative'. The list is therefore no more than a statement of intention subject to the funds. Ward Members are advised of the planned works in their ward and the overall progress against budget is reported via the QSR.

Planning & Transport

5.5 Adoption of the Parking Standards Supplementary Planning Document.

- 5.5.1 The Executive has adopted the Parking Standards Supplementary Planning Document (SPD) as a material consideration in the determination of all planning applications validated from 1 July 2016 and the consequent revocation of the 2007 standards. The Executive has also approved the publication of the Consultation Statement and authorised the Executive Member for Planning and Transport to agree any minor changes to the Supplementary Planning Document and Consultation Statement prior to adoption.
- 5.5.2 The existing Parking Standards SPD 2007 had become out-of-date and in need of a review. It did not cover a number of current issues such as school drop-off and pick-up. The new SPD better reflects the current parking needs of the Borough and is

consistent with national policy. Adopting the new SPD will ensure that it becomes a material consideration in the determination of planning applications. However, planning applications validated prior to the new SPD's adoption which have been negotiated using the existing 2007 SPD will still be determined on that basis.

5.5.3 The standards have been developed with regard to national planning policy, existing local planning policies and the Local Transport Plan. In addition, local census data has been used along with residents' surveys and the results of the consultation exercise on the draft SPD.

5.5.4 The review has led to a number of changes including the need for larger garages, adapting parking for electric vehicle charging and ensuring that applications for school accommodation are accompanied by robust evidence to justify how many drop-off and pick-up spaces are provided. In addition, the need for adequate parking to allow businesses to grow and thrive has been recognised.

5.6 Residents Parking Scheme – Two Year Trial Update

5.6.1 The Executive has agreed to consult the existing householders living in the relevant areas surrounding Bracknell town centre regarding the extension of charging for parking permits following completion of the trial residents' parking scheme.

5.6.2 When complete, the regenerated town centre should create an additional 2,800 jobs and attract 8 million shoppers each year. This brings with it a potential pressure locally from workers and would be shoppers who may look to park in the streets so as to avoid car parking charges. The trial was introduced in response to this longer term threat but also possible parking pressures by the developer's workforce themselves during the construction period. To date this threat has been mitigated in the short term through an agreement for developers to use Charles Square Car Park.

5.6.3 At its inception the scheme had four principle objectives:

- To protect residents from increased parking pressures
- To be simple for residents to use
- To be cost effective to operate
- To be enforceable by parking attendants

When introducing the scheme in 2014, the Council was clear that it would fund the pilot whilst it established the cost of running the scheme but that it would need to cover its costs through charging if the scheme proved to be successful and residents wished to extend it.

5.6.4 The proactive residents' parking trial had now successfully run for just over a year, which recently included the first permit renewal period. During the first year of the trial, budget monitoring has enabled the officers to better understand the costs associated with its running. There is currently a shortfall in funding of approximately £90,000 per year. To continue to operate a subsidised scheme is not sustainable in the current economic climate. The fee proposals therefore seek to close that gap over the coming year and provide the basis of a sustainable residents' parking scheme.

5.7 Bringing the Binfield Neighbourhood Plan into Legal Force

- 5.7.1 The Executive has approved the “making” of the Binfield Neighbourhood Plan to form part of the statutory Bracknell Forest Development Plan and publication of the statement which will bring the Plan into legal force.
- 5.7.2 The Council has a statutory duty to make a Neighbourhood Development Plan and bring it into legal force if more than half of those voting have voted in favour of making the Plan at a referendum. Binfield Parish Council designated Binfield Parish as a Neighbourhood Area for the purposes of Neighbourhood Planning on 11 February 2014 and submitted its Neighbourhood Plan and supporting documentation to the Council on 16 September 2015. Following a period of public consultation between 12 October 2015 and 23 November 2015, an inspector undertook the independent examination of the Plan, via the Neighbourhood Planning Independent Examiner Referral Service. The Examiner issued his report on 3 December 2015 which recommended that, subject to certain modifications, the Plan should be submitted to referendum. The referendum on the making of the Plan took place on 3 March 2016. The following question was asked to those entitled to vote in the referendum: *“Do you want Bracknell Forest Council to use the Neighbourhood Plan for Binfield Parish to help it decide planning applications in the neighbourhood area?”* A total of 938 votes were cast. Of these, 770 said yes and 166 said no. 2 were rejected. The turnout was 15.51 per cent. This meant that, as required, more than half of those in the community of Binfield Parish that voted were in favour of making the Neighbourhood Plan and bringing it into legal force.
- 5.7.3 The Neighbourhood Plan will have full weight and be used, along with other adopted plans that together form the Bracknell Forest Development Plan, in the determination of planning applications relating to land in Binfield Parish. This will also alter the amount of Community Infrastructure Levy (CIL) receipts that are payable to Binfield Parish Council. The Council currently receives a neighbourhood funding element of CIL receipts of 15%; this is capped at £100 per dwelling. As a result of the Neighbourhood Plan being ‘made’ and brought into legal force, this increases to 25% of Levy receipts and is uncapped.

Children, Young People and Learning

5.8 Amen Corner North/Binfield Learning Village: Appointment of School Sponsors

- 5.8.1 The Executive has chosen the school sponsors it wishes to recommend to the Regional Schools Commissioner to run the new schools at Amen Corner North and Binfield Learning Village. An academy provider needs to be appointed for the new schools required as a result of new housing developments. There is a presumption from Government that councils will seek academy providers for new schools.
- 5.8.2 The Council has sought expressions of interest from possible providers and undertaken a robust selection process, using the agreed weighted criteria, which resulted in the recommendations. The selection process, including the views of the Evaluation Panels and Education Review Group, led to the recommendations. The Department for Education (DfE) was satisfied that the Council could recommend any of the shortlisted proposers for them to run the academies and had no comments to make on any of them.

Transformation & Finance

5.9 Home to School Transport and Occasional Transport Services

- 5.9.1 The Executive has agreed that, subject to finalisation of contract conditions, the contracts for home to school transport should be awarded to three suppliers. It also agreed that the same three contractors should be awarded the contracts for occasional transport services. These contracts will commence at the start of the new academic year, 1 September 2016 for a period of four years to 31 August 2020.
- 5.9.2 The Executive wishes to establish transport service contracts which deliver best value for money and consistent levels of quality across the Council and comply with procurement legislation. This links to the new Council Plan which is underpinned by six strategic themes including value for money. Consideration was given to undertaking a collaborative procurement with one or more of the neighbouring Berkshire authorities. However this could have led to bids from regional or national companies rather than local companies for a borough largely within this borough and could have led to more complex and less cost-effective contract management.

Council Strategy & Community Cohesion

5.10 Corporate Performance Overview Report

- 5.10.1 The Executive has received and noted the Corporate Performance Overview Report for the third quarter of the 2015/16 financial year (October to December 2015). Overall progress has been positive with 222 actions either complete or on target and 42 of the Council's 53 key performance indicators being above or within 5% of the agreed targets.

6 NOTIFICATION OF APPOINTMENTS MADE BY THE LEADER

- 6.1 On 15 March 2016 the Leader established the Standards Framework Working Group to review the effectiveness of the Council's standards framework for councillors. The Members of the Group are Cllrs McCracken (Chairman), Allen, Dale Birch, Mrs Temperton, Thompson and Mr Gordon Anderson.
- 6.2 In addition, the Leader has appointed two co-optees to the Corporate Parenting Advisory Panel. Doug Jennings will represent the Bracknell Forest Foster Carers Association and Stephanie Rae is a lay person.

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 – 8 March and 12 April 2016

Contact for further information

Priya Patel, Corporate Services - 01344 352233

Priya.patel@bracknell-forest.gov.uk