



## COUNCIL

11 SEPTEMBER 2024

### SUPPLEMENTARY PAPERS

**TO: ALL MEMBERS OF THE COUNCIL**

The following papers have been added to the agenda for the above meeting.

These were not available for publication with the rest of the agenda.

Susan Halliwell  
Chief Executive

	<b>Page No</b>
<b>7. QUESTION SUBMITTED UNDER THE PUBLIC PARTICIPATION SCHEME</b>	<b>5 - 8</b>

By resident, Chris Wright, to Councillor Temperton, The Leader and Executive Member for Council Strategy and Climate Change:

At the Joint Waste Board Re3 meeting on October 8, 2020, which is on public record and video, it was clearly discussed that the data collection for the booking system at the Longshot Lane recycling centre should be minimal, focusing primarily on postcode data to identify residents from the respective council areas. This approach was intended to balance operational needs with the privacy rights of residents. The meeting emphasized: "We will ask all people making the booking to just let us know what their postcode is... We tried to take as little data as possible from residents, but only enough to make sure that we can identify where people are from the re3 area."

However, following a complaint to the council about the collection of data, which now includes name and detailed address information, in the Stage Three complaint response dated November 13, 2023, Chief Executive Susan Halliwell defended the broader collection of personal data, including names, email addresses, and postal addresses, justifying it under legal obligations and operational efficiencies. Ms. Halliwell also stated that these data collection practices were approved by councillors at the time of the system's introduction in 2020, saying: "I

can clarify that the element of the privacy notice that you have highlighted has not changed since the system was introduced in 2020 which was approved by councillors at the time." This is false, it was not approved as referenced in the 2020 recording.

Given this context, I have several concerns related to the Nolan Principles, which underpin the ethical standards expected of public office officials:

1. Integrity: The deviation from the initially agreed minimal data collection approach without councillor approval or public consultation undermines the trust that residents place in the council's commitment to protecting their privacy.
2. Accountability: The decision to implement broader data collection practices appears to have been made without formal approval by councillors, lacking the necessary oversight and accountability.
3. Openness: The lack of transparency and public scrutiny in making such a significant change to data collection policies suggests a departure from the principle of openness.

Furthermore, Ms. Halliwell's statement that the current data collection practices were approved in 2020 seems misleading, as the meeting records indicate an emphasis on minimal data collection.

In light of these concerns, can you explain Ms. Halliwell's misleading statement and why the unelected council officials deviated from the initially agreed minimal data collection approach without councillor approval or public consultation, and what steps will the council take to redress this decision and rectify the damage to public trust caused by this misleading statement which has breached at least one of the Nolan Principles?

By resident Chris Turrell, to Councillor Gillbe, Executive Member for Planning, Transport and Countryside:

In the Local Plan adopted by Bracknell Forest Council on 19 March of this year, annual housing provision was set at 614 dwellings. This followed a full process of consultation with residents and interested parties, and scrutiny by independent examiners, in compliance with the Planning and Compulsory Purchase Act 2004. On 30 July, the Department for Housing, Communities and Local Government, announced a new proposed annual housing figure of 767 for Bracknell Forest, an increase of nearly 25 per cent. We are told this will be "mandatory". Is the Council satisfied with how this figure was calculated? Will the Executive Member be challenging it?

8. **QUESTIONS SUBMITTED UNDER COUNCIL PROCEDURE RULE 10**

9 - 14

(i) By Councillor McLean to Councillor Wright, Executive Member for Adults and Public Health:

The new Labour Government having taken the winter fuel

allowance away from many elderly residents, what steps will the Council be taking to make sure those effected are kept warm this winter?

- (ii) By Councillor Harrison to Councillor Jefferies, Executive Member for Culture, Delivery and Public Protection:

Following yet another occurrence of waste being fly-tipped in Wellers' Lane in Warfield, will the Executive Member responsible please update the Council on how many new CCTV installations to deter this crime have been made since Council last passed a resolution on fly-tipping?

- (iii) By Councillor Allen to Councillor Neil, Executive Member for Finance & Corporate Improvement:

In the 2023/2024 financial year, Bracknell Forest Council posted an overspend of £1.225M – the only overspend the Council has ever had. How much additional funding does the Council need from central government to balance our books for this year and for the following two years?

- (iv) By Councillor McLean to Councillor Temperton, Leader and Executive Member for Council Strategy and Climate Change:

We understand that a decision has been made to re-name the Executive as the Cabinet. How much will this cost our residents?

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**Meeting:** Council

**Date:** 11 September 2024

**From:** Chris Wright, resident

**To:** Councillor Temperton, The Leader and Executive Member for Council Strategy and Climate Change:

**Answered by:** Councillor Purnell, Executive Member for the Environment, Community and Housing

**Question:**

At the Joint Waste Board Re3 meeting on October 8, 2020, which is on public record and video, it was clearly discussed that the data collection for the booking system at the Longshot Lane recycling centre should be minimal, focusing primarily on postcode data to identify residents from the respective council areas. This approach was intended to balance operational needs with the privacy rights of residents. The meeting emphasized: "We will ask all people making the booking to just let us know what their postcode is... We tried to take as little data as possible from residents, but only enough to make sure that we can identify where people are from the re3 area."

However, following a complaint to the council about the collection of data, which now includes name and detailed address information, in the Stage Three complaint response dated November 13, 2023, Chief Executive Susan Halliwell defended the broader collection of personal data, including names, email addresses, and postal addresses, justifying it under legal obligations and operational efficiencies. Ms. Halliwell also stated that these data collection practices were approved by councillors at the time of the system's introduction in 2020, saying: "I can clarify that the element of the privacy notice that you have highlighted has not changed since the system was introduced in 2020 which was approved by councillors at the time." This is false, it was not approved as referenced in the 2020 recording.

Given this context, I have several concerns related to the Nolan Principles, which underpin the ethical standards expected of public office officials:

1. **Integrity:** The deviation from the initially agreed minimal data collection approach without councillor approval or public consultation undermines the trust that residents place in the council's commitment to protecting their privacy.
2. **Accountability:** The decision to implement broader data collection practices appears to have been made without formal approval by councillors, lacking the necessary oversight and accountability.
3. **Openness:** The lack of transparency and public scrutiny in making such a significant change to data collection policies suggests a departure from the principle of openness.

Furthermore, Ms. Halliwell's statement that the current data collection practices were approved in 2020 seems misleading, as the meeting records indicate an emphasis on minimal data collection.

In light of these concerns, can you explain Ms. Halliwell's misleading statement and why the unelected council officials deviated from the initially agreed minimal data collection approach without councillor approval or public consultation, and what steps will the council take to redress this decision and rectify the damage to public trust caused by this misleading statement which has breached at least one of the Nolan Principles?

**Response:**

Thank you for your question. The Council takes concerns about transparency and accountability very seriously, particularly when it comes to the management of data and adherence to principles of good governance.

The statement made by the Chief Executive was intended to clarify the Council's position on the booking system used at our recycling centres, specifically in relation to data collection practices. It is important to note that the system was introduced as a necessary response to the challenges posed by the COVID-19 pandemic. The system has since been retained due to its effectiveness in managing site access, reducing congestion, and improving the overall user experience.

Regarding the concerns raised about deviations from the initially agreed minimal data collection approach, it is essential to understand that any adjustments made to the data collection process were implemented to meet operational requirements and legal obligations. These changes were made after thorough consideration by the Council's Senior Information Risk Officer (SIRO) and Data Protection Officer (DPO). Additionally, the Council sought advice from the Information Commissioner's Office (ICO) to ensure compliance with data protection regulations. The ICO advised that, provided the Council is satisfied with its lawful basis for processing the data, the current system does not require alterations. This advice reaffirmed the Council's position that the data collected is both necessary and proportionate to the operational needs of the recycling centres and compliant with UK GDPR.

The Council remains committed to upholding the Nolan Principles, which guide public office holders in ensuring integrity, accountability, and transparency. While there was no intention to mislead the public or breach these principles, we acknowledge the importance of maintaining public trust and confidence in our processes.

We hope that by providing this context, it is clear that the actions taken were within the remit of ensuring the safe and efficient operation of our services, while also safeguarding the data of our residents in accordance with legal standards.

Thank you again for your question.

**Meeting:** Council  
**Date:** 11 September 2024  
**From:** Chris Turrell, resident  
**To:** Councillor Gillbe, Executive Member for Planning, Transport and Countryside

**Question:**

In the Local Plan adopted by Bracknell Forest Council on 19 March of this year, annual housing provision was set at 614 dwellings. This followed a full process of consultation with residents and interested parties, and scrutiny by independent examiners, in compliance with the Planning and Compulsory Purchase Act 2004. On 30 July, the Department for Housing, Communities and Local Government, announced a new proposed annual housing figure of 767 for Bracknell Forest, an increase of nearly 25 per cent. We are told this will be "mandatory". Is the Council satisfied with how this figure was calculated? Will the Executive Member be challenging it?

**Response:**

Thank you for the question, On 30th July the Government published a consultation seeking views on proposed changes to the National Planning Policy Framework (NPPF). Consultation responses are sought until 24th September 2024, after which time they will be considered before a revised version of the NPPF is published and comes into effect. One of the changes proposed is to adopt a standard method that draws upon different data sets for assessing local housing need. An associated proposal reverses a previous change to the NPPF whereby the standard method was an advisory starting point, alternative approaches being accepted in the event of exceptional circumstances being argued. This effectively makes the use of the standard method mandatory.

In a document published as part of the consultation, details of the outcome of the revised standard method are provided which would result in an annual housing need of 767 dwellings for Bracknell Forest. This figure is calculated using a baseline percentage of existing housing stock levels (0.8%) and by applying a much stronger affordability multiplier than currently. This calculation is based on data available at the time of publication, it will therefore change as more houses are delivered locally such that the housing stock increases. It will also change due to variations in affordability.

The Council has a recently adopted Local Plan. Although, a further proposal requires Local Planning Authorities to identify a supply of specific deliverable sites to provide a minimum of five years' worth of housing on an annual basis irrespective of when a local plan was adopted, this is to be calculated against the housing requirement set out in the adopted Local Plan where it is less than 5 years old. The requirement in our plan is 614 dwellings, rather than the local housing need under the revised standard method.

In direct response to the questions asked, the Council is satisfied that the figure of 767 is correctly calculated using the methodology proposed by the Government. It is noted however, that this newly identified level of housing need has no immediate implications for the Borough, as the recent adoption of the Local Plan allows continued use of the existing figure of 614 dwellings until the plan is 5 years old. I will be providing a detailed response to the Government consultation which will comment on all aspects of the proposed changes including the appropriateness of using the revised standard method for calculating housing need.

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**Meeting:** Council  
**Date:** 11 September 2024  
**From:** Councillor McLean  
**To:** Councillor Wright, Executive Member for Adults and Public Health:

**Question:**

The new Labour Government having taken the winter fuel allowance away from many elderly residents, what steps will the Council be taking to make sure those effected are kept warm this winter?

**Response:**

I thank Councillor McLean for his question.

We know the changes to the Winter Fuel Allowance, will be a worry for many in our community.

Bracknell Forest has a strong track record of working to support residents facing financial hardship and our Financial Inclusion team secured over £100,000 in additional income for residents in the last financial year. This included contacting more than 200 pension age residents, who we believed may have been eligible for Pension Credit. More than 50 of these households proceeded with an application which resulted in an award of Pension Credit, which will, in turn, mean they do qualify for the Winter Fuel Allowance in 2024.

Funded by the Household Support Fund, the team are sending information for £100 of supermarket vouchers to over 600 pension age households who receive Housing Benefit and/or Council tax support from Bracknell Forest, identified as likely to lose their Winter Fuel Allowance. 490 of the recipients, we believe would be eligible for Pension Credit, so we have highlighted this to them in their letters and will be able to support as needed.

We have also been running a pension credit take up campaign with items included in Forest Views Extra, Town and Country, and the Leaders column in the Bracknell news, as well as on our social media, in recent weeks. Flyers and posters have also been ordered, to be distributed to libraries and GP surgeries amongst others.

The announcement of Household Support Fund 6, made 2 September 2024, is very welcome and the Welfare team will now prepare plans to deliver this support, to our most vulnerable residents over the coming Winter.

**Meeting:** Council  
**Date:** 11 September 2024  
**From:** Councillor Harrison  
**To:** Councillor Jefferies, Executive Member for Culture, Delivery and Public Protection

**Question:**

Following yet another occurrence of waste being fly-tipped in Wellers' Lane in Warfield, will the Executive Member responsible please update the Council on how many new CCTV installations to deter this crime have been made since Council last passed a resolution on fly-tipping?

**Response:**

I thank Councillor Harrison for his question.

This area has seen incidences of fly-tipping for some time albeit without any pattern of behaviour. It is strongly suspected that these are repeat offenders operating at a variety of locations, one of which includes Weller's Lane. Wellers Lane is geographically challenging, and is ordinarily without any fixed CCTV, making it an attractive area for illegal fly tipping of waste. The PPP are responsible for investigating incidents of fly-tipping as set out under Section 33 of the Environmental Protection Act 1990 and the Cleaner Safer Neighbourhood Act Of 2005. In response to four reported fly tip incidents, six mobile cameras were deployed in July 2024 along the Lane at sites most likely to provide any additional evidence that would support a wider investigation.

Following this deployment, no incidents of fly tipping were reported in a four week period. However, a further fly tipping incident in August is under investigation with other evidence recovered from the waste which originates from Staines, Middlesex.

The service has also secured a new mobile CCTV unit which will be deployed in areas considered to be 'hot-spot' areas for this type of activity.

**Meeting:** Council  
**Date:** 11 September 2024  
**From:** Councillor Allen  
**To:** Councillor Neil, Executive Member for Finance & Corporate Improvement:

**Question:**

In the 2023/2024 financial year, Bracknell Forest Council posted an overspend of £1.225M – the only overspend the Council has ever had. How much additional funding does the Council need from central government to balance our books for this year and for the following two years?

**Response:**

I thank Councillor Allen for his question.

Bracknell Forest's core spending power reduced by 8% in real terms between 2010 and 2014. At the same time costs have increased each year through a combination of rising demand from a growing and ageing population and to fulfil the additional responsibilities placed on local councils by Central Government. Our position mirrors that faced by all local authorities and it is no real surprise that 7 councils have issued section 114 notices since 2020 and a further 20 councils received exceptional financial support in this year alone.

Bracknell Forest Council doesn't face a financial crisis on this scale, but it is becoming more difficult every year to balance the books. Councillor Allen is correct in stating that Bracknell Forest faced its first ever overspend in the 2023/24 financial year. This was financed by drawing from our general reserves. We did not request any extra Government funding for this. We face a similar challenge this year as we did last year. We are focused with our officer team on responding to that locally. Despite the funding crisis affecting our sector, it is not realistic to expect that the new Government will make available extra money this year to help out.

Looking to the future, we don't know what our future funding settlements will be. Our planning assumption until we have more concrete information is that we will receive a similar finance settlement in 2025/26 as we received in the current year. This increase in resources, primarily from council tax, would broadly match our expected inflationary cost increases. Any additional service pressures will need to be met by a combination of savings, use of reserves and potentially additional Government grant. This has always been the case.

Based on recent years, we can expect to face pressures, largely from rising demand for social care services, of around £5m each year. We have a statutory duty to set a balanced budget every year, regardless of what level of Government funding is available and that is what we are focusing on. In doing so, we will always look to protect services that our most vulnerable residents depend on.

The single biggest threat to our financial position at this time is the Dedicated Schools Grant deficit. We simply cannot continue to spend at the levels we are doing on SEND services. This Council agreed to join the Safety Valve programme because it secured extra Government grant to help our position. We all know that Safety Valve is a sticking plaster being used to cover up a broken system. All Education authorities are hoping that a solution to fix this permanently will be found soon.

I look forward to having further discussions and debates with fellow Councillors and local people as the actual 2025/26 budget proposals are brought forward for consideration later in the Autumn.

**Meeting:** Council  
**Date:** 11 September 2024  
**From:** Councillor McLean  
**To:** Councillor Temperton, Leader and Executive Member for Council Strategy and Climate Change:

**Question:**

We understand that a decision has been made to re-name the Executive as the Cabinet. How much will this cost our residents?

**Response:**

I'd like to thank Cllr McLean for his question.

I believe changing the name of the Executive to the Cabinet will provide clarity and consistency in our governance structure without imposing a significant financial burden.

Since none of the materials that feature the term 'Executive' are pre-printed, there won't be any need for expensive reprinting or redesigns. The primary costs will be minimal, involving officer time to update the agenda templates and a brief moment for Cabinet members to update their email signatures.

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