

**EXECUTIVE
12 DECEMBER 2023
5.30 - 6.32 PM**



Present:

Councillors Temperton (Chair), Neil (Vice-Chair), Bailey, Bidwell, Gillbe, Jefferies and Wright

Apologies for absence were received from:

Councillors Purnell

46. Declarations of Interest

There were no declarations of interest.

47. Minutes

RESOLVED that the minutes of the meeting of the Executive on 14 November 2023 together with the accompanying decision records be confirmed as a correct record.

48. Urgent Items of Business

There were no Urgent Items of Business.

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:

49. Capital Programme 2024/25

RESOLVED that the Executive:

- i. Approves, for consultation, a Council funded capital programme of £8.328m for 2024/25 as set out in paragraph 5.17 and summarised in Annex A, including the new schemes listed in Annexes B – D of the report.
- ii. Approves, for consultation, the inclusion of £4.554m of expenditure to be externally funded (including £0.380m of S106 funding) as outlined in paragraph 5.18 of the report.
- iii. Approves, for consultation, the inclusion of an additional budget of £1m for Invest-to-Save schemes.

50. Revenue Budget 2024/25

RESOLVED that the Executive:

- i. Agrees the draft budget proposals for 2024/25 as the basis for consultation with the Overview & Scrutiny Commission and other interested parties or individuals.

- ii. Agrees the Treasury Management Strategy and associated documents at Annexe E of the report and request that the Governance and Audit Committee review each of the key elements.
- iii. Agrees that the 2024/25 Schools Budget be set at the eventual level of the Dedicated School Grant income plus any accumulated DSG balances.
- iv. Authorises the Executive Member for Children, Young People and Learning to agree the allocation of the sums available for schools and Early Years funding as set out in recommendation 2.3 of the report, having regard to the decisions and recommendations of the Schools Forum and to agree detailed budgets for services centrally managed by the Council.
- v. Notes that a separate report is included on the agenda for this Executive meeting regarding the Council's participation in the Department for Education's Safety Valve programme, that is likely to significantly affect the Council's medium to long-term financial prospects and may impact on the draft budget proposals for 2024/25 included in this report.
- vi. Agrees that the Council Tax Base be set at 49,694 (Band D equivalents) for 2024/25 as outlined in Annexe H of the report.
- vii. Approves the virements relating to the 2023/24 budget as set out in Annexes F and G of the report and recommends those that are over £0.100m for approval by Council.
- viii. Approves the write-off of £54,150 for a commercial property debt that is no longer recoverable (see paragraph 12.1) of the report.

51. Making (adoption) of the Winkfield Neighbourhood Plan 2022-2037

RESOLVED that the Executive:

- i. Agrees the formal "making" (keeping in legal force) of the Winkfield Neighbourhood Development Plan to continue to form part of the statutory Bracknell Forest Development Plan pursuant to Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended); and
- ii. Agrees the form, content and publication of the Decision Statement (set out in Appendix A of the report) pursuant to Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

52. Personal Budgets Policy

RESOLVED that:

- i. The Executive Approve the revised Personal Budgets Policy including the revisions outlined in section 1.2 of the report.
- ii. The Revised Personal Budgets Policy be published and implemented December 2023.

53. Serious Violence Strategy 2024-2027

RESOLVED that:

- i. The Bracknell Forest Serious Violence Strategy 2024-2027 be endorsed.
- ii. A more detailed Action Plan be compiled which will be subject to review and approval by the Executive Director together with the portfolio holder Cllr Iskandar Jefferies.

54. **Community Support: Winter Update**

RESOLVED that:

- i. The updated financial hardship action plan is endorsed (appendix A of the report).
- ii. The COMF spending plan is agreed (appendix B of the report).

55. **Safety Valve Programme Plan**

RESOLVED that the Executive:

- i. Approves the Council's initial Safety Valve proposal detailed in confidential Annex B of the report for submission to the Department for Education by 15 December 2023.
- ii. Delegates authority to the Chief Executive, in consultation with the Leader of the Council, to amend the initial proposal if necessary in response to feedback from the Department for Education prior to a final Safety Valve proposal being presented to the Council meeting on 10 January 2024.

56. **Building Maintenance and Repairs Services Contract**

RESOLVED that the Executive approves the Strategic Procurement Plan set out in Appendix A of the report to tender the services for a single organisation to provide 24 hour Building Maintenance and Reactive Repairs Services for the Councils corporate stock and buy back schools.

57. **Neutral Agency Vendor and Specialist Recruitment Provider Procurement**

RESOLVED that the Executive approve the re-procurement of a neutral vendor contract to provide the Council with agency staff in accordance with the strategic procurement plan attached as Appendix A to the report.

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Bracknell Forest Council Record of Decision

Work Programme Reference	I115785
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1. **TITLE:** Capital Programme 2024/25

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To approve the Council's budget proposals for budget consultation.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive:

- i. Approves, for consultation, a Council funded capital programme of £8.328m for 2024/25 as set out in paragraph 5.17 and summarised in Annex A, including the new schemes listed in Annexes B – D of the report.
- ii. Approves, for consultation, the inclusion of £4.554m of expenditure to be externally funded (including £0.380m of S106 funding) as outlined in paragraph 5.18 of the report.
- iii. Approves, for consultation, the inclusion of an additional budget of £1m for Invest-to-Save schemes.

7. **REASON FOR DECISION**

The reasons for the recommendations are set out in the report.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The final budget proposals will include consideration of any alternative options highlighted during the required consultation period.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Resources

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I115464
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1. **TITLE:** Revenue Budget 2024/25

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To approve the Council's budget proposals for consultation

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive:

- i. Agrees the draft budget proposals for 2024/25 as the basis for consultation with the Overview & Scrutiny Commission and other interested parties or individuals.
- ii. Agrees the Treasury Management Strategy and associated documents at Annexe E of the report and request that the Governance and Audit Committee review each of the key elements.
- iii. Agrees that the 2024/25 Schools Budget be set at the eventual level of the Dedicated School Grant income plus any accumulated DSG balances.
- iv. Authorises the Executive Member for Children, Young People and Learning to agree the allocation of the sums available for schools and Early Years funding as set out in recommendation 2.3 of the report, having regard to the decisions and recommendations of the Schools Forum and to agree detailed budgets for services centrally managed by the Council.
- v. Notes that a separate report is included on the agenda for this Executive meeting regarding the Council's participation in the Department for Education's Safety Valve programme, that is likely to significantly affect the Council's medium to long-term financial prospects and may impact on the draft budget proposals for 2024/25 included in this report.
- vi. Agrees that the Council Tax Base be set at 49,694 (Band D equivalents) for 2024/25 as outlined in Annexe H of the report.
- vii. Approves the virements relating to the 2023/24 budget as set out in Annexes F and G of the report and recommends those that are over £0.100m for approval by Council.
- viii. Approves the write-off of £54,150 for a commercial property debt that is no longer recoverable (see paragraph 12.1) of the report.

7. **REASON FOR DECISION**

The recommendations are designed to allow the Executive to consult on its draft budget proposals for 2024/25 as required by the Local Government Act 2003.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The range of options being considered is included in the report and its Annexes.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Resources

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I117788
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1. **TITLE:** Making (adoption) of the Winkfield Neighbourhood Plan 2022-2037

2. **SERVICE AREA:** Place, Planning & Regeneration

3. **PURPOSE OF DECISION**

To agree that the Winkfield Neighbourhood Plan is 'made' if the majority of those who vote at the referendum on the Neighbourhood Plan are in favour of Bracknell Forest Council using the Neighbourhood Plan to help decide planning applications in the Winkfield neighbourhood area.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive:

- i. Agrees the formal "making" (keeping in legal force) of the Winkfield Neighbourhood Development Plan to continue to form part of the statutory Bracknell Forest Development Plan pursuant to Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended); and
- ii. Agrees the form, content and publication of the Decision Statement (set out in Appendix A of the report) pursuant to Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

7. **REASON FOR DECISION**

The Council in its capacity as the Local Planning Authority has a statutory duty, as set out in Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) ("PCPA"), to make a neighbourhood development plan if more than half of those voting at a referendum have voted in favour of making the neighbourhood development plan. This must be done within 8 weeks of the referendum (as prescribed by Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations")). Regulation 19 requires the Council to then publish a statement setting out the decision and details of where and when the decision statement may be inspected. This must be done as soon as possible after deciding to make the neighbourhood development plan.

8. **ALTERNATIVE OPTIONS CONSIDERED**

1. If the Council considers that the making of the Neighbourhood Plan would breach, or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998 (as amended)), it would not have a duty to make the Neighbourhood Plan, as set out in Section 38A(6) of the PCPA. In which case the Neighbourhood Plan would cease to form part of the Development

Plan, as set out in Section 38(3B) of the PCPA.

2. The independent Examiner who reviewed the Neighbourhood Plan considered that, subject to modifications, it met the basic conditions and statutory requirements, including the basic condition that the Neighbourhood Plan is compatible with EU obligations and Convention rights (within the meaning of the Human Rights Act 1998 (as amended)). The Council concurred with the Examiner's conclusions as set out in the published 'Post Examination Decision Statement.' Therefore, it would be in breach of the Council's statutory responsibilities in respect of Neighbourhood Planning under Section 38A(4) of the PCPA to refuse to make the Neighbourhood Plan. It would also expose the Council to legal challenge and attendant costs.
9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Place, Planning & Regeneration
10. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I117818
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1. **TITLE:** Personal Budgets Policy

2. **SERVICE AREA:** People

3. **PURPOSE OF DECISION**

The purpose of this report is to seek approval for the revised Personal Budgets Policy. Providing a Personal Budget where requested is a duty the council must meet as set out in the SEND Code of Practice 2015.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that:

- i. The Executive Approve the revised Personal Budgets Policy including the revisions outlined in section 1.2 of the report.
- ii. The Revised Personal Budgets Policy be published and implemented December 2023.

7. **REASON FOR DECISION**

1. In accordance with the SEND Code of Practice January 2015: Local authorities must provide information on Personal Budgets as part of the Local Offer. This should include a policy on Personal Budgets that sets out a description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets, how that funding will be made available, and clear and simple statements of eligibility criteria and the decision-making processes.
2. Personal Budgets are optional for the child's parent or the young person but local authorities are under a duty to prepare a budget when requested. Local authorities must provide information about organisations that may be able to provide advice and assistance to help parents and young people to make informed decisions about Personal Budgets.
3. The child's parent or the young person has a right to request a Personal Budget, when the local authority has completed an EHC needs assessment and confirmed that it will prepare an EHC Plan. They may also request a Personal Budget during a statutory review of an existing EHC Plan.
4. Personal Budgets should reflect the holistic nature of an EHC Plan and can include funding for special educational, health and social care provision. They should be designed to secure the provision and outcomes specified in the EHC Plan.

8. **ALTERNATIVE OPTIONS CONSIDERED**

As this is a legal requirement alternative options have not been considered.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: People

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I116168
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1. **TITLE:** Serious Violence Strategy 2024-2027

2. **SERVICE AREA:** People

3. **PURPOSE OF DECISION**

To endorse the Bracknell Forest Serious Violence Strategy 2024 and governance arrangements for implementation of the strategy.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that:

- i. The Bracknell Forest Serious Violence Strategy 2024-2027 be endorsed.
- ii. A more detailed Action Plan be compiled which will be subject to review and approval by the Executive Director together with the portfolio holder Cllr Iskandar Jefferies.

7. **REASON FOR DECISION**

The Police, Crime, Sentencing and Courts Act 2022 introduced a Serious Violence Duty on specified authorities within a local government area. As part of the Duty, a strategy is required to be prepared, publicised and implemented:

'In order to prepare and implement a strategy for exercising their functions to prevent and reduce serious violence in the area, the partnership must collectively develop a strategy which should outline the multi-agency response that the partnership will take to address the drivers identified in the strategic needs assessment'.

8. **ALTERNATIVE OPTIONS CONSIDERED**

No alternative options have been considered for the following reasons:

- The Duty is laid down in law
- This first Serious Violence Strategy for Bracknell Forest is a commitment to work effectively across organisational and professional boundaries to deliver a truly multi-agency approach. It is vital that relevant services work together, share information and target interventions effectively.
- Serious violence reduction and prevention is a multi-agency process which is best co-ordinated through a strategy
- Serious violence has a devastating impact on lives of victims and families, instils fear within communities and is extremely costly to society.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: People

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I116732
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1. **TITLE:** Community Support: Winter Update

2. **SERVICE AREA:** Chief Executive's Office

3. **PURPOSE OF DECISION**

To present the updated financial hardship plan, having reviewed this ahead of winter cost of living pressures and to align with emerging priorities.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that:

- i. The updated financial hardship action plan is endorsed (appendix A of the report).
- ii. The COMF spending plan is agreed (appendix B of the report).

7. **REASON FOR DECISION**

1. In 2022, the council recognised a need for a strategic, sustainable, and preventative approach to supporting residents who may be at risk of, or experiencing, financial hardship. Support throughout this period has been facilitated in large part by one off government grant funding and the development of a financial hardship action plan. Since 2022, there has been a consistent period of high inflation on items such as domestic fuel and food. This emphasises a need to review the plan content for continued relevance, particularly ensuring the priorities are appropriate for the upcoming winter period.
2. More broadly, there also continues to be a lasting impact from the pandemic on health and wellbeing for communities across the borough. Local research was conducted exploring the impact of COVID during 2023, which has supported the identification of key areas of focus. The council seeks to identify opportunities to support community development and resilience. Specific funding has been identified from the Contain Outbreak Management Fund (COMF) to support programmes that address these challenges these are set out in appendix B.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The review of community support process has considered a range of issues related to the pandemic and the cost-of-living. As part of the process of developing these recommendations, some issues were out of the scope of the action plan or grant funding conditions as this is a ring-fenced time limited grant provided by the Office of Health Improvement and Disparities OHID. Some elements of health and hardship are also outside of the influence of the council and are therefore not recommended

for inclusion in the updated hardship action plan or COMF funded activities in appendix C.

9. **DOCUMENT CONSIDERED:** Report of the Assistant Director: Chief Executive's Officer

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I117962
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1. **TITLE:** Safety Valve Programme Plan
2. **SERVICE AREA:** Chief Executive's Office
3. **PURPOSE OF DECISION**

To endorse the Council's initial Safety Valve proposal for submission to the Department for Education (DfE) and recommend submission to full Council of the final proposal, amended as necessary to reflect DfE feedback.

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

RESOLVED that the Executive:

- i. Approves the Council's initial Safety Valve proposal detailed in confidential Annex B of the report for submission to the Department for Education by 15 December 2023.
- ii. Delegates authority to the Chief Executive, in consultation with the Leader of the Council, to amend the initial proposal if necessary in response to feedback from the Department for Education prior to a final Safety Valve proposal being presented to the Council meeting on 10 January 2024.

7. **REASON FOR DECISION**

1. The Council was invited by the Department for Education (DfE) to participate in its Safety Valve Intervention Programme 2023/24 in July (the invitation letter to the Chief Executive is attached as Annex A). The Safety Valve programme aims to agree a package of reforms to local education systems for pupils with special educational needs and disabilities (SEND) through which the systems will become financially sustainable within the level of grant provided by the Department for Education, while improving the experiences of children and young people. Bracknell Forest is one of five authorities invited to participate in the programme this year, due to its large and rising deficit.
2. Participation in the programme can secure access to additional capital funding for new local provision and a material financial contribution from the DfE towards the accumulated Dedicated School Grant (DSG) deficit, should proposals for reform submitted by the Council be accepted. A significant financial commitment is also required from the Council, both to secure delivery of the proposed programme of activity and to write off the remainder of the accumulated deficit not funded by the DfE. At the time of this report's publication, discussions are continuing between Council officers and the DfE's Safety Valve team on these details, which will be distributed for Councillors' consideration in confidential Annex B in advance of the Executive's meeting.

8. ALTERNATIVE OPTIONS CONSIDERED

The Council could choose not to participate in the Safety Valve programme. This is not recommended since it would mean that responsibility for funding the DSG deficit would rest entirely with Bracknell Forest Council, with no financial contribution available from the DfE. In addition, the Council would be less likely to receive additional capital funding to support local provision, since priority is given to applications from Safety Valve authorities. While some local authorities with Education responsibilities have not yet participated in the Safety Valve programme, all will face a significant financial challenge if they are in a deficit position when the temporary override enabling deficits to be carried forward is removed, which will inevitably happen at some point. Should an authority face a situation where its total reserves are insufficient to cover the accumulated deficit at that point, the authority would be forced into declaring a section 114 notice, since it would at that point be unable to fund its known liabilities. Bracknell Forest is not currently in this position, but its rapidly rising DSG deficit that is expected to reach a minimum of £45m even with significant mitigations identified and implemented risks triggering that situation in the next few years.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: People

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I116743
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1. **TITLE:** Building Maintenance and Repairs Services Contract

2. **SERVICE AREA:** Delivery

3. **PURPOSE OF DECISION**

To seek approval of the strategic procurement plan to commence with a procurement process to commission a new contractor to undertake the building maintenance and reactive repairs contract

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive approves the Strategic Procurement Plan set out in Appendix A of the report to tender the services for a single organisation to provide 24 hour Building Maintenance and Reactive Repairs Services for the Councils corporate stock and buy back schools.

7. **REASON FOR DECISION**

1. Contract Standing Orders

The value of this agreement will exceed the relevant PCR threshold. The Contract Standing Orders explain that a contract of such value is required to go to a formal tendering process to ensure value for money and compliance with current legislation. This is to ensure a fair and non-discriminatory competitive process, and equal treatment of all potential suppliers and contractors.

2. It is a requirement of the contract standing orders that the executive approve any strategic procurement plan with a value more than £1m. This decision seeks approval for the procurement process.

8. **ALTERNATIVE OPTIONS CONSIDERED**

1. Framework options were explored however, none were a suitable match.

2. Partnerships with neighbouring authorities were considered, however, it was found that the closest authorities had different methods of operation or used DLO's (direct labour organisations) making them unsuitable. An Inter Authority Agreement would also need to be put in place which could take a year to complete.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Delivery

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I117867
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1. **TITLE:** Neutral Agency Vendor and Specialist Recruitment Provider Procurement

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To agree to the commencement of procurement of a neutral agency vendor to provide temporary workers, a special specialist provider to provide permanent recruitment and a specialist provider of both temporary and permanent social care to directly follow on from the termination of the current neutral agency vendor contract, which terminates on 31 March 2025. The new contract will be effective from 1 April 2025.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive approve the re-procurement of a neutral vendor contract to provide the Council with agency staff in accordance with the strategic procurement plan attached as Appendix A to the report.

7. **REASON FOR DECISION**

The Council spends in excess of £7M a year on agency staff, of which on-contract spend through Matrix currently accounts for between 65 and 70% of the total spend. Whilst generally successful, the contract with Matrix (and any neutral vendor) will have gaps in their ability to provide all the Council's agency worker needs due to the specialist nature of some roles.

It is recommended that procurement is split into three Lots to address the current issues with recruiting specialist social care and education roles under a neutral agency vendor arrangement. It is intended that this approach will reduce the overall costs to the council through more on-contract spending and higher levels of fulfilment thus improving compliance and governance around agency worker recruitment.

8. **ALTERNATIVE OPTIONS CONSIDERED**

1. Procure software but manage the service internally. This is a significant change, though it has been done elsewhere.
2. Collaboration with neighbouring authorities to create greater economies of scale, but this would require neighbouring authorities to be undertaking procurement at the same time as Bracknell.
3. Re-procurement of a single neutral agency vendor for all agency worker recruitment, which is our current arrangement.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Resources

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

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023