

**EXECUTIVE
16 JULY 2024
5.30 - 6.30 PM**



Present:

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

Also Present:

Councillor C Eberle

12. Declarations of Interest

Councillor Eberle, Chair of the Overview & Scrutiny Panel, declared an interest in agenda item 5 as he worked for a company that worked with Thames Water.

13. Minutes

Councillor Purnell's name was missing from the attendance on the minutes of the 18 June 2024. This would be amended to include Councillor Purnell's attendance.

RESOLVED, subject to the amendment, that the minutes of the meeting of the Executive on 18 June 2024 together with the accompanying decision records be confirmed as a correct record.

14. 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:

15. Overview & Scrutiny Thames Water Review

RESOLVED that the Executive agree the Environment and Communities Overview and Scrutiny Panel's recommendations as set out in the Panel report (attached as Annex A) and Paragraph 5.5 of the report, taking into account the comments of the Statutory Scrutiny Officer.

16. Approval to Consult on the Community Safety Plan 2024 - 2027

RESOLVED that the public consultation on the recommended strategic priorities for the Community Safety Plan 2024-27 be approved which will start on Monday 22 July for a period of 4 weeks.

17. Climate Change Strategy Annual Report

RESOLVED that the Executive agrees the report and notes the progress made by the Council in relation to its climate change strategy.

18. **Trial of Hydro treated Vegetable Oil**

RESOLVED that

- i. a trial of HVO in one waste collection vehicle for a minimum period of 12 months from September 2024 is endorsed.
- ii. the purchase of a 5,000 litre fuel tank for the HVO to be stored and dispensed from the Commercial Centre from an existing capital waste collection budget is noted.

19. **Capital Expenditure Outturn 2023/24**

RESOLVED that

- i. the outturn capital expenditure as outlined in Table 1 and detailed in Annex A is noted.
- ii. the carry forward of £47.334m from the 2023/24 capital programme to 2024/25 is approved including that the Executive **RECOMMENDS** that Council approves the specific schemes listed in paragraph 5.5.
- iii. the financing of capital expenditure as shown in Table 2 is noted.
- iv. the capital virements in para. 5.16 is approved.

20. **Revenue Expenditure Outturn 2023/24**

RESOLVED that

- i. the outturn expenditure for 2023/24, subject to audit, of £90.512m is noted, which represents an overspend of £1.225m compared with the approved budget.
- ii. the earmarked reserves as set out in Annexe C are approved.
- iii. the virements relating to the 2023/24 budget (see Annexe D) are approved

RECOMMENDED that Council note the Treasury Management performance in 2023/24 as set out in Annexe B.

21. **Bracknell Forest Council Productivity Plan**

RESOLVED that the Executive endorses the Productivity Plan for Bracknell Forest Council at Annex A and authorises the Executive Director: Resources to submit it to the Department for Housing, Local Government and Communities by 19 July.

22. **Strategic Procurement Plan SEMH Academy Trust**

RESOLVED that

- i. the Executive approves this Strategic Procurement Plan to review and

recommend an academy trust, with the Department of Education (DFE), to run the SEMH (Social Emotional Mental Health) school on the All-Saints Warfield site. The recommendation will then be considered by the Secretary of State for them to enter into a funding agreement with the recommended trust.

- ii. the Executive delegate authority to the Executive Director: People and the Executive Member for Children, Young People and Learning for the contract award decision.

23. **Neutral Agency Vendor Procurement**

RESOLVED that the procurement of a neutral agency vendor to provide the Council with agency staff is approved in accordance with the strategic procurement plan attached as Appendix A to this report.

CHAIR

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Bracknell Forest Council Record of Decision

Work Programme Reference	I119107
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1. **TITLE:** Overview & Scrutiny Thames Water Review

2. **SERVICE AREA:** Communities

3. **PURPOSE OF DECISION**

To present the Executive with the findings of the Environment and Communities Overview and Scrutiny Panel's review into Thames Water and to seek approval of the Panel's recommendations.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive agree the Environment and Communities Overview and Scrutiny Panel's recommendations as set out in the Panel report (attached as Annex A) and Paragraph 5.5 of the report, taking into account the comments of the Statutory Scrutiny Officer.

7. **REASON FOR DECISION**

1. It is the role of the SSO to advise the Council on any issues or concerns that may arise about the operation of the scrutiny function and the SSO may on occasion be required to make a determination about what the law says and how this should be applied to any particular situation. In carrying out this statutory role, there is a need to have a nuanced and meaningful understanding of the scrutiny function in order to accurately make judgments about its operation when disagreements or other issues arise.
2. The SSO is responsible for ensuring that the scrutiny function is adequately resourced and that service departments and partners are contributing sufficiently to reviews to ensure that they are effective.
3. The SSO is also responsible for providing advice to the Commission on whether the recommendations within review reports are robust, taking account of resource, legal, climate change, equalities, health and wellbeing and strategic risk implications.
4. At the Overview & Scrutiny Commission meeting on 29 February a report from the Environment and Communities O&S Panel was received which contained recommendations to the Executive. The covering report contained revised recommendations from the Executive Director: Place, taking into account legal and financial implications arising from the Panel recommendations. It was the determination of the Commission that members of the Panel meet again to review both sets of recommendations. This meeting took place on 30 April and an agreed, single set of recommendations are contained within the report attached Annex A.

5. The Overview & Scrutiny Commission has endorsed the review recommendations taking into account the review report and the views of the Statutory Scrutiny Officer.
6. The comments from the relevant officer set out in paragraph 7 of this report do not indicate any concerns with the proposed recommendations.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The Executive could decide:

- to agree the recommendations as set out in the Panel's report;
- to agree the recommendations in part;
- to ask for further work to be undertaken recognising that this would delay the Panel's next piece of work;
- to note the Panel report.

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
16 July 2024	24 July 2024

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I120728
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1. **TITLE:** Approval to Consult on the Community Safety Plan 2024 - 2027

2. **SERVICE AREA:** People

3. **PURPOSE OF DECISION**

The Community Safety Plan 2020-23 will expire on 31st March 2024 and it is a statutory requirement to compile and implement a 3-year plan for combatting crime and disorder in the area. Plans are underway for the plan development including a strategic needs assessment.

It is also a statutory requirement to obtain the views of those who live or work in the area about which crime and disorder matters to prioritise. Accordingly, this item seeks Executive permission to proceed with this consultation.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the public consultation on the recommended strategic priorities for the Community Safety Plan 2024-27 be approved which will start on Monday 22 July for a period of 4 weeks.

7. **REASON FOR DECISION**

1. Obtaining the views as set out in paragraph 1 above is a statutory requirement under the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007.
2. It is widely accepted among community safety partnerships that public consultation has significant benefits – it confirms and challenges priorities, identifies priorities in hard-to-reach groups, provides alternative voices and has the benefit of encouraging communication and co-operation between the partnership and the public.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Due to the statutory requirements as well as the benefits reflected in paragraph 3 above, no alternative options have 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
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16 July 2024

24 July 2024

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I119913
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1. **TITLE:** Climate Change Strategy Annual Report

2. **SERVICE AREA:** Communities

3. **PURPOSE OF DECISION**

Annual report on actions within Climate Change Strategy

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive agrees the report and notes the progress made by the Council in relation to its climate change strategy.

7. **REASON FOR DECISION**

The council has set the objective of achieving Net Zero by 2030, in line with its declaration of a climate and biodiversity emergency. Tracking progress of this objective was agreed as part of the council's climate change strategy. This strategy sets out that a report on progress would be presented to council annually.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None

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

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

Date Decision Made	Final Day of Call-in Period
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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I119925
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1. **TITLE:** Trial of Hydro treated Vegetable Oil

2. **SERVICE AREA:** Communities

3. **PURPOSE OF DECISION**

A trial of hydro treated vegetable oil on one waste collection truck to try and reduce emissions

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that

- i. a trial of HVO in one waste collection vehicle for a minimum period of 12 months from September 2024 is endorsed.
- ii. the purchase of a 5,000 litre fuel tank for the HVO to be stored and dispensed from the Commercial Centre from an existing capital waste collection budget is noted.

7. **REASON FOR DECISION**

HVO is a 'drop in' fuel so there are no changes required to the vehicle it is to be trialled in, the trial will allow a comparison to be made against the other vehicles on how HVO impacts on costs and emissions when compared to diesel.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Continuing to run all the vehicles on diesel.

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

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

Date Decision Made	Final Day of Call-in Period
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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I121688
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1. **TITLE:** Capital Expenditure Outturn 2023/24

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To note the outturn position for the year and approve carry forward requests.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that

- i. the outturn capital expenditure as outlined in Table 1 and detailed in Annex A is noted.
- ii. the carry forward of £47.334m from the 2023/24 capital programme to 2024/25 is approved including that the Executive **RECOMMENDS** that Council approves the specific schemes listed in paragraph 5.5.
- iii. the financing of capital expenditure as shown in Table 2 is noted.
- iv. the capital virements in para. 5.16 is approved.

7. **REASON FOR DECISION**

The reasons for the recommendations are set out in section 5 of the report.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not Applicable

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

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

Date Decision Made	Final Day of Call-in Period
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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I121689
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1. **TITLE:** Revenue Expenditure Outturn 2023/24

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To note the outturn position for the year and approve earmarked reserves.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that

- i. the outturn expenditure for 2023/24, subject to audit, of £90.512m is noted, which represents an overspend of £1.225m compared with the approved budget.
- ii. the earmarked reserves as set out in Annexe C are approved.
- iii. the virements relating to the 2023/24 budget (see Annexe D) are approved

RECOMMENDED that Council note the Treasury Management performance in 2023/24 as set out in Annexe B.

7. **REASON FOR DECISION**

The recommendations are intended to inform the Executive of financial performance against budget in the 2023/24 financial year.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The report sets out the Council's actual financial performance in 2023/24 and the consideration of options is not therefore appropriate.

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

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

Date Decision Made	Final Day of Call-in Period
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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I121104
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1. **TITLE:** Bracknell Forest Council Productivity Plan

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To approve the Council's productivity plan as required by the Minister for Local Government.

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive endorses the Productivity Plan for Bracknell Forest Council at Annex A and authorises the Executive Director: Resources to submit it to the Department for Housing, Local Government and Communities by 19 July.

7. **REASON FOR DECISION**

As part of the 2024/25 Local Government Finance Settlement the Government introduced a requirement for all local authorities to prepare and submit a Productivity Plan to the Department for Local Government, Housing and Communities by 19 July 2024. The requirements of such plans were confirmed in a letter to Chief Executives sent on 16 April 2024 by the Minister for Local Government.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The requirement to prepare and submit a Productivity Plan to the Department of Local Government Housing and Communities (DLUHC) applies to all local authorities. The alternative of not complying with the Government's requirement is not proposed.

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

10. **DECLARED CONFLICTS OF INTEREST:**

Date Decision Made	Final Day of Call-in Period
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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I121482
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1. **TITLE:** Strategic Procurement Plan SEMH Academy Trust

2. **SERVICE AREA:** People

3. **PURPOSE OF DECISION**

Report outlining the strategic procurement plan for identifying an Academy Trust provider for the new social emotional mental health (SEMH) free school.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that

- i. the Executive approves this Strategic Procurement Plan to review and recommend an academy trust, with the Department of Education (DFE), to run the SEMH (Social Emotional Mental Health) school on the All-Saints Warfield site. The recommendation will then be considered by the Secretary of State for them to enter into a funding agreement with the recommended trust.
- ii. the Executive delegate authority to the Executive Director: People and the Executive Member for Children, Young People and Learning for the contract award decision.

7. **REASON FOR DECISION**

1. Academies are state-funded schools that are independent of local authority control and receive their funding directly from the government. Schools established through the presumption process are not required to use the term 'free school' in their name: this follows practice within the DFE's free school programme.
2. It is a requirement of the contract standing orders, that the Executive approve any strategic procurement plan with a value more than £1m. The SEMH School will provide 50 places of which 41 are expected to be used by pupil's resident in BF and for which the council will be financially responsible. The cost to the council is therefore estimated at £10k for the core cost of each place commissioned, plus another circa £34k "top up" payment for each BF pupil on roll, at an estimated annual cost of £1.8m and circa £7.2m over 4 years if at full capacity. This decision seeks approval for the procurement process as the cost per student per year would be over the threshold. The contract value is based on a four-year period, but the contract period is indefinite.

8. **ALTERNATIVE OPTIONS CONSIDERED**

1. Framework agreements - We are not aware of any DfE (or other) frameworks to appoint a trust. There are likely to be a limited number of trusts who meet the

specifications and are able to bid for this tender, so using a framework agreement, (if there was one), would have less benefit.

2. The presumption process is the main route by which local authorities bring about the establishment of new schools to meet the need for additional places.
9. **DOCUMENT CONSIDERED:** Report of the Executive Director: People
10. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
16 July 2024	24 July 2024

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I121770
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1. **TITLE:** Neutral Agency Vendor Procurement

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

This has previously been agreed through Executive on 12 December 2023. This report recommends a change in the procurement method. We now propose for approval to utilise the Eastern Shires Purchasing Organisation (ESPO) framework for Managed Services for Temporary Agency Resources (MSTAR). The current contract expires on 31st March 2025 and the new contract will be effective from 1st April 2025. (A previous decision in December 2023 indicated that the intention was for Bracknell to conduct its own standalone process).

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the procurement of a neutral agency vendor to provide the Council with agency staff is approved in accordance with the strategic procurement plan attached as Appendix A to this report.

7. **REASON FOR DECISION**

The Council spends in excess of £8M a year on agency staff, of which on-contract spend through Matrix currently has averaged 67% over the last financial year. It is recommended a neutral agency vendor supplier is procured to fulfil our agency worker requirements. However, as part of the procurement process there will be explicit questions for suppliers to determine exactly how they will fulfil our social care recruitment requirements to address our level of on-contract agency spend in this area.

8. **ALTERNATIVE OPTIONS CONSIDERED**

1. Procure software but manage the service internally. This is a significant change, though it has been done elsewhere, and would require additional resource.
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. Procuring a supplier through a master vendor or hybrid model.

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

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

Date Decision Made	Final Day of Call-in Period
16 July 2024	24 July 2024