



# AGENDA

For the Council meeting to be held on  
Wednesday 30 November 2011.

Timothy Wheadon, Chief Executive



## **NOTICE OF MEETING**

### **Council**

**Wednesday 30 November 2011, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: The Council**

Councillor Turrell (Mayor), Councillor Mrs McCracken (Deputy Mayor),  
Councillors Allen, Angell, Mrs Angell, Baily, Mrs Ballin, Mrs Barnard, Dr Barnard, Bettison, Birch,  
Mrs Birch, Blatchford, Brossard, Ms Brown, Brunel-Walker, Davison, Dudley, Finch, Finnie,  
Gbadebo, Harrison, Mrs Hayes, Ms Hayes, Heydon, Kendall, Kensall, Leake, McCracken,  
McLean, Ms Miller, Mrs Pile, Porter, Sargeant, Mrs Temperton, Thompson, Virgo, Wade, Ward,  
Ms Whitbread, Ms Wilson and Worrall



TIMOTHY WHEADON  
Chief Executive

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Published: 22 November 2011



**Council**  
**Wednesday 30 November 2011, 7.30 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

**AGENDA**

Page No

1. **Apologies for Absence**

2. **Minutes of Previous Meeting**

To approve as a correct record the minutes of the meeting of the Council held on 21 September 2011.

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3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests, and the nature of that interest, in respect of any matter to be considered at this meeting.

4. **Mayor's Announcements**

5. **Presentation from Chief Constable, Thames Valley Police**

The Chief Constable, Sara Thornton, will be attending the meeting to make a presentation and answer Members' questions.

6. **Deputation Submitted Under Council Procedure Rule 9**

In accordance with Council Procedure Rule 9 (Public Participation), a statement calling for action has been submitted by Mrs C Doran resident of Dukes Ride, Crowthorne on behalf of a deputation of three local residents groups with regard to their concern about the proposed Site Allocation Development Plan Document (SADPD).

The full text of the statement is set out below:

*"The Campaign for Responsible Development, a coalition of three local residents groups, Binfield Village Protection Society, Northern Arc Action Group and the Crowthorne Village Action Group, call upon the council members not to adopt the SADPD in its current form for these reasons:-*

- *The overall number of houses is based on pre 2006 data and does not reflect the economic downturn and weakened housing market in which many buyers are unable to get mortgages.*
- *Environmental damage under the Council's 2006-2026 housing plans would be extensive and permanent – with 3000 houses being built on green land and a further 1000 on woodland, destroying an estimated 20,000 trees.*
- *Local villages would lose their traditional individual identities through the loss or erosion of green gaps separating built-up*

areas, resulting in urban sprawl.

- The high densities proposed would have a heavy negative impact on all local infrastructure, leading to gridlock during peak hour traffic, both on local roads and the surrounding arterial roads, including the A329M and A322 Bagshot Road.
- We query how the Council proposes to fund the additional infrastructure programmes proposed.
- The plans do not achieve Government aims for sustainable development which preserves open spaces of public value, minimises impact on natural resources, and minimises the need to travel.

*We ask council members not to adopt the current document but instead instruct its planning officers to reconsider all the development sites available, with the aim of minimising loss of green spaces, preserving the gaps between individual communities and, in particular, prioritising and vigorously pursuing the efficient re-use of existing long-term empty buildings, especially in and around Bracknell town centre”.*

7. **Executive Report**

To receive the Leader’s report on the work of the Executive since the Council meeting held on 21 September 2011.

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Council is asked to resolve recommendations in respect of:

- **Site Allocation Development Plan Document – Publication and Submission**
- **The Council’s Medium Term Objectives**
- **Polling District and Polling Place Review**

8. **Severance Policy Options**

To agree the future approach for the Council’s Severance Policy.

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9. **Employees Code of Conduct Amendment**

To endorse a minor amendment to the Employees Code of Conduct in respect of the disclosure of information received during the tendering process.

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10. **Amendments to the Council’s Constitution**

To approve amendments to the Council’s Constitution in order to:

27 - 34

- establish a Public Participation Scheme for Overview and Scrutiny, and
- confer on Overview and Scrutiny Panels the power to approve reports and recommendations for submission to the Executive, full Council and other organisations.

11. **Absence from Council meetings of Councillor Ms Wilson** 35 - 36  
To consider whether the Council wishes to exercise its powers under Section 85 of the Local Government Act 1972 to approve Councillor Ms Wilson's absence from meetings since 20 July 2011 as a result of her illness.
12. **Schedule of Meetings 2012-13** 37 - 40  
To seek approval to the proposed Schedule of Meetings for 2012/13.
13. **Questions Submitted Under Council Procedure Rule 10**
- (i) By Councillor Mrs Temperton to Councillor Birch, Executive Member for Adult Services, Health and Housing
- High deposits and the paucity of mortgage lending have resulted in an increase in demand for rented accommodation and a consequential rise in rentable values. Many of the lower income families have been priced out of the market. The Council has evidence that 60% of its homeless families were evicted by landlords wishing to reclaim their property.
- What plans does the Council have to address this pressing issue?
- (ii) By Councillor Ms Brown to Councillor Birch, Executive Member for Adult Services, Health and Housing
- The number of our homeless families being placed in one room bed and breakfast accommodation outside the Borough, in Slough and Farnborough, is increasing. On November 15 there were 9 such families. Besides landlord eviction the other main causes of homelessness are partner break up, parental eviction, violence and mortgage arrears. In the present economic climate, these problems are unlikely to go away.
- What will the Council do to house our homeless within the Borough?
14. **Motion Submitted Under Council Procedure Rule 11**
- Motion 04/2011 moved by Councillor Mrs Ballin and seconded by Councillor Bettison
- Bracknell Forest Council welcomes the Boundary Commission for England's initial proposals for the Bracknell and Windsor parliamentary constituencies as part of the Coalition Government's undertaking to our residents.*



**COUNCIL  
21 SEPTEMBER 2011  
7.30 - 8.35 PM**

**Present:**

The Mayor (Councillor Chris Turrell), Councillors Mrs McCracken (Deputy Mayor), Angell, Mrs Angell, Baily, Mrs Ballin, Mrs Barnard, Dr Barnard, Bettison, Birch, Blatchford, Brossard, Ms Brown, Davison, Dudley, Finch, Finnie, Gbadebo, Harrison, Mrs Hayes, Ms Hayes, Heydon, Kendall, Kensall, Leake, McCracken, McLean, Ms Miller, Mrs Pile, Porter, Sargeant, Mrs Temperton, Thompson, Virgo, Wade, Ms Whitbread and Worrall

**Apologies for absence were received from:**

Councillors Allen, Mrs Birch, Brunel-Walker, Ward and Ms Wilson

**17. Minutes of Previous Meeting**

**RESOLVED** that the minutes of the Council meeting held on 20 July 2011 be approved and signed by the Mayor as a correct record.

**18. Declarations of Interest**

There were no declarations of interest.

**19. Mayor's Announcements**

Britain in Bloom

The Mayor was pleased to announce that Bracknell Forest had achieved a gold award in the Britain in Bloom competition. The project was a partnership between Bracknell Town Council, Bracknell Regeneration Partnership and Bracknell forest Homes together with Bracknell Forest Council officers. It was noted that the scoring no longer focused upon municipal flowers but also considered how organisations work together and recycling initiatives. The Mayor thanked everyone involved in achieving this award.

Mayor's Charity 2011-12

The Mayor reminded Members that the next Charity event was being held on Monday 26 September at the Red China Restaurant in the High Street and that places were still available from the Mayor's office.

Crematorium Service

The Mayor had attended the annual multifaith service which was held at the Easthampstead Park Crematorium on Sunday 4 September for the bereaved. The Mayor thanked the officers involved in organising this important service and his Chaplain for his address.

### Heritage Weekend

The Mayor reported that he had attended Choral Evensong at St Michael & St Mary Magdalene Church on Sunday 11 September to celebrate Heritage Days in the Borough.

### Remembrance Service

The Mayor advised Members that the Royal Berkshire Fire and Rescue Service had held a Remembrance Service for two fire fighters who had died in the line of duty 35 years ago and everyone was thankful that there had been no casualties since. The event was also the 10<sup>th</sup> anniversary of the 9/11 incident in which one in ten deaths were fire fighters.

### Civic Service

The Mayor reminded Members that the Civic Service was being held on Sunday 16 October at 3pm at St. Paul's Church, Harmanswater. Invitations would be circulated shortly.

### Executive Members for Culture, Corporate Services and Public Protection

Councillor McCracken was pleased to announce that Revenue Services, the team that delivers tax, rates and cashier services had been reaccredited with ISO9001 standard.

Councillor McCracken was proud to reveal that Popes Meadow, Shepherds Meadow, Memorial Park and Lily Hill Park had all retained their green flag status. It was noted that Popes Meadow had been in receipt of the standard since the scheme was launched and that Shepherds Meadow and Memorial Park's success was in partnership with Sandhurst Town Council.

Councillor McCracken reported that Bracknell libraries had become the third in the county to offer free audio book downloads and the service had been launched by Harry Potter star Miriam Margolyes in August.

### Executive Member for Children and Young People

Councillor Dr Barnard congratulated officers involved with Larchwood respite care centre as it had been judged 'outstanding' at an unannounced inspection which was tested against the new and more stringent Ofsted framework. He was proud to report that as well as covering the statutory responsibilities the team were sensitive to the small details around the particular needs of the children staying there.

### Executive Member for Education

Councillor Kendall was pleased to announce that exam results within the borough had improved across all stages of education:

- 354 students achieved A Levels with average points of 756 which was higher than the national average of 744. This was a pass rate of 97.82% which was higher than the national average of 97.8%
- 97.8% of GCSE students achieved five A\* to G results
- Results at Foundation, Key Stage 1 and Key Stage 2 were equal to or better than the national average



Councillor Kendall advised Members of the various building projects which had taken place at schools over the summer holidays including Cranbourne; Sandy Lane and Holly Spring. Kennel Lane Special School's works had been progressed around the needs of the pupils and the challenges presented by the site and the new school at Jennets Park had been completed on time and on budget.

## 20. **Executive Report**

The Leader of the Council, Councillor Bettison, presented his report on the work of the Executive since that reported at the Council meeting on 20 July 2011. The Executive had met once on 6 September 2011.

The Leader highlighted the following matters that had been considered:

### Strategic Developments:

- Implementation of Older Persons Accommodation & Support Services Strategy which had been agreed in July 2011, principle agreements to transfer land at Garth to Bracknell Forest Homes and sale of Binfield Nursery, subject to planning permission. This item was discussed at a Call-in meeting of the Overview and Scrutiny Commission on 21 September 2011.

### Inspections:

- Adult Learning had received 'satisfactory' overall provision and an action plan had been agreed
- Unannounced Children's Social Care Contact and Referral & Assessment Team showed that there were several strengths, one area for development and overall found to have a very robust duty system and an action plan had been agreed
- Youth Offending Services had agreed an improvement plan and were shown to have better than average results in relation to Safeguarding, Risk of Harm to others and Likelihood of reoffending.

### Overview and Scrutiny

- Two recommendations had been accepted in relation to the review of Bracknell Healthspace
- 4 questions had been responded to in relation to the Review of Draft Office Accommodation Strategy
- Older Persons Accommodation & Support Services Strategy had been subject to Overview and Scrutiny call-in

### Performance

- Performance Management Framework had been reviewed with retention of key elements but with more focus upon analysis rather than activity
- Corporate Performance Overview Report demonstrated performance generally on track against key objectives
- 20 Local Government Ombudsman complaints had been received in 2010/11 with only six of those investigated
- Safeguarding Adults partnership Board Annual Report showed that sound progress had been made in 2010/11 and ten key objectives for 2011/12 were agreed

**21. Food Law Enforcement Plan**

The Council considered the report regarding ratification of the Food Law Enforcement Plan 2011-2012 in accordance with the policy framework. The Plan addresses all matters relating to food hygiene, food standards and the sale of animal foodstuff.

On the proposition of Councillor McCracken, Executive Member for Culture, Corporate Services and Public Protection, seconded by Councillor Brossard it was

**RESOLVED** that

- i) the Council noted the supporting information in relation to the Food Law Enforcement Plan and
- ii) the Food Law Enforcement Plan for 2011-2012 be ratified.

**22. Member Development Annual Report**

The Council considered the Member Development Annual Report 2010-11 which appraised all Members of the work and progress on Member Development during the year 2010-11 and so far in 2011-12. The report informed Members of activities and their outcomes and outlined proposed future activities.

Councillor McCracken, Executive Member for Culture, Corporate Services and a member of the Member Development Charter Steering Group highlighted the achievement of Charter Plus standard and that it had been accomplished with considerable contribution from the Steering Group and the Council's Members. He emphasised that this could not have been realised without the support given to Member Development by officers Ann Moore, Head of Democratic and Registration Services and Kirsty Hunt, Principal Democratic Services Officer (Governance).

Councillor Leake, Chairman of the Steering Group endorsed Councillor McCracken's words. He noted that the high level of contribution which members were able to make in both decision making and Overview and Scrutiny activities considering both decisions and future policies was, in part, due to effective member development.

On the proposition of Councillor McCracken, Executive Member for Culture, Corporate Services and Public Protection seconded by Councillor Leake it was

**RESOLVED** that

- i) the Member Development Annual Report 2010 - 11 be noted; and
- ii) the Member Development Strategy 2011 – 15 be approved.

**23. Question Submitted Under Council Procedure Rule 10**

(i) Councillor Ms Brown asked Councillor Birch, Executive Member for Adult Services, Health and Housing the following published question:

*In view of proposals for new extra care homes currently to be sited in two areas in the Borough (near Bracknell Town Centre and at the Binfield Council Nursery), can you give residents firm assurances that a mix of private and affordable extra care homes will be made available at both these sites for local residents?*

In response Councillor Birch stated that technically he was unable to give firm assurances as the decisions regarding proportions of affordable provision would be decided at the planning stage. Those decisions would be supported by the Council's strong policies on delivery of a good mix of provision. The decision that had been

made had been in principle and the proposal would be worked up for planning consideration. At that time the proposal would detail if and in what form the delivery of extra care homes would take and therefore the proportion of private and affordable units. Members would, at this stage, be given the opportunity to review what was being proposed.

24. **Motion Submitted Under Council Procedure Rule 11**

Motion 03/2011 was moved and seconded by Councillors Ms Brown and Mrs Temperton respectively as follows:

*“Given that we have a growing borough with many young families and an increasing older population, the case for a local hospital is more compelling than ever.*

*We know that when it opens, the Bracknell Healthspace will replace a number of services currently provided by Heatherwood Hospital, and this will be used to undermine the Hospital’s viability.*

*A hospital and a healthspace provide complementary functions. Reflecting the overwhelming support of the residents of the Borough of Bracknell, this Council will oppose the closure of Heatherwood Hospital.”*

The following amendment was proposed by Councillor Birch, seconded by Councillor Virgo, accepted by Councillor Ms Brown and became the substantive motion:

*“Given that we have a growing borough with many young families and an increasing older population, the case for better local health services is as compelling as ever. There is a PCT consultation into the restructuring of local health service provision, at this time, which may see the Bracknell Healthspace replace some services currently provided at Heatherwood Hospital and other locations.*

*GP Surgeries, hospitals, special units like Brant’s bridge, and the Healthspace will all provide complementary functions. To reflect the overwhelming support residents have for improved and sustainable local health services this Council will continue to work closely with our GP’s, the PCT, Heatherwood and Wexham Park NHS Foundation Trust and patient groups to get the best possible health services at Heatherwood and all health service locations locally.”*

On being put to the vote the motion was carried.

**MAYOR**

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**COUNCIL  
30 NOVEMBER 2011**

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**EXECUTIVE REPORT**

**1 INTRODUCTION**

- 1.1 Since the Executive report to the Council meeting on 21 September 2011, the Executive has met twice, on 18 October 2011 and 15 November 2011. This report covers the key decisions made at both meetings, summarised by reference to the relevant portfolio within which they fall.

**2 PLANNING, TRANSPORT AND ECONOMIC DEVELOPMENT**

**2.1 Site Allocation Development Plan Document – Publication and Submission**

- 2.1.1 Production of the Site Allocations Development Plan Document (SADPD) is an essential element in the delivery of the Council's Core Strategy Vision to 2026. It will help ensure that major developments in the Borough are properly planned, that the Council has a robust and continuous five year supply of housing land and, hence, is less vulnerable to inappropriate developments being allowed on appeal. It also means that the Council has an up to date development plan. The full document that was considered by the Executive runs to 291 pages and is available on the Council's website or from Democratic Services.
- 2.1.2 A key component of the SADPD is the identification of sites for meeting the Borough's housing needs. Work on the document has been under way for several years. The process began following the adoption of the Core Strategy with work commencing on the current document at the end of 2009. Early stages of the process comprised evidence gathering and stakeholder engagement. The evidence gathered included completion of a Strategic Housing Land Availability Assessment to which anyone could contribute suggestions. This led to the identification of a long list of available sites which were assessed for their suitability for development.
- 2.1.3 The first major consultation ran from February to April 2010. Following this there were four Design Workshops held during May 2010 which considered eight potential new development areas in more detail. Representatives from local resident associations, amenity groups, Parish/Town and Borough Councillors were invited to these workshops. In all, over 1300 respondents made representations to the consultation which were all collated and considered by the Council. These representations and further technical work were used to narrow down the list of potential sites to four preferred strategic urban extensions.
- 2.1.4 A Preferred Option document then included policies and illustrative concept plans for these proposed major urban extensions. It also identified a set of smaller sites to be allocated within and on the edge of existing urban areas and included a number of proposed policies for other land uses and policy designations. The Preferred Option Consultation ran from 8 November 2010 to 17 January 2011. Again, this was open to all and included exhibitions, online consultation, a response form, fact sheets, an advertisement in the Bracknell Standard, an article in the Winter 2010 edition of Town and County, and a schedule of Frequently Asked Questions that was also published on the consultation website. Meetings were also held with Crowthorne

Parish Council and Binfield Parish Council. The consultation was also advertised on the Council's website homepage and streamed through social networking sites.

- 2.1.5 Around 800 responses were received to the Preferred Option consultation and the 'Summary of Responses to SADPD Preferred Option Nov 2010 – Jan 2011' document set out how the Council has taken the representations into account and the changes made to the document as a result.
- 2.1.6 Development of the SADPD is inevitably contentious in some areas, particularly in those areas where additional housing is proposed. However, if the SADPD was abandoned, a new Core Strategy Review would look to a longer timeframe (i.e. 2031 as opposed to 2026) which would mean, based on the existing annual housing requirement, needing to find additional sites for at least another 2,695 homes. This is due to national policy guidance that plans should cover at least a 15 year period from the date of their adoption. As the review would take approximately 4 years to complete and adopt, the next logical plan period would be to 2031. This delay in providing an adequate supply of housing to meet our own needs increases the likelihood of inappropriate development, particularly as the Council currently lacks a five year housing supply, making it vulnerable to inappropriate housing applications on any site during the four year period. Delay in establishing the SADPD would also hinder the Council's ability to establish a Community Infrastructure Levy charging regime to secure developer funding for essential infrastructure.
- 2.1.7 The regulations specifying the process for formulation and adoption of Development Plan Documents (DPDs) require that the Council publish for consultation a draft DPD before it is submitted to the Secretary of State for independent examination. The Executive approved the following process for consultation:-
- a) Online consultation using the Objective consultation portal.
  - b) Update front page of Council's web page and Boris to include notification that the Draft Submission SADPD Consultation has commenced and provide direct link to consultation.
  - c) Town and Country Article
  - d) Press release to local newspapers at start of Draft Submission SADPD Consultation and placing of formal notice.
  - e) Explanatory leaflet to complement the Draft Submission SADPD Consultation, this will explain that the consultation is based on soundness and what this means for the way in which responses should be framed.
  - f) Question and Answer document explaining in non-technical language how the Draft Submission SADPD has been arrived at and responding to the key issues raised through the Preferred Option Consultation. (attached at Appendix V)
  - g) Half page advertisement in local newspapers at start of Draft Submission SADPD Consultation (this is not a statutory requirement but would help to raise awareness).
  - h) Email/letter to consultees/individuals on our database who responded to the Participation Document and/or the Preferred Option to inform them

that the consultation is taking place and how to access the material and respond (over 1,300 organisations and individuals are on the database).

- 2.1.8 Subject to Council's endorsement the Executive has approved the Draft Submission Site Allocations Development Plan Document along with the revised Proposals Map and supporting documents, for publication for a six week consultation to commence on 16 January 2012. Therefore the Executive has:

**RECOMMENDED to Council that:-**

- (1) **The Draft Submission SADPD, the Proposals Map changes and all supporting documents, be formally submitted to the Secretary of State for independent examination; and,**
- (2) **The process for consultation set out in paragraph 2.1.7 is approved.**

### **3 COUNCIL STRATEGY AND COMMUNITY COHESION**

#### **3.1 The Council's Medium Term Objectives**

- 3.1.1 The Council's Medium Term Objectives represent the central policy framework for the life of this Council. They underpin service planning, resource allocation, and are central to the Council's performance management arrangements. As such they guide and influence activities right down to the level of individual staff work programmes and appraisals. The priorities do not represent every aspect of the council's work but do highlight the issues on which particular importance has been placed over the life of the Council. The Executive is therefore recommending that the Council approve the priorities and medium term objectives 2011 – 2015.
- 3.1.2 Over the life of the previous Council from 2007 – 2011, 6 overarching priorities were underpinned by 13 specific medium term objectives. The Executive believe that the overall strategic direction, expressed through the 6 overarching priorities remains relevant. However, there is a need for even greater clarity and focus to ensure that the limited resources available are directed towards Members priorities. As a result the number of medium term objectives has been reduced to 11 as follows:

Priority 1 - A town centre fit for the 21<sup>st</sup> Century

1. Regenerate Bracknell Town Centre

Priority 2 - Protecting and enhancing our environment

2. Protect communities by strong planning policies
3. Keep Bracknell Forest clean and green

Priority 3 - Promoting health and achievement

4. Support our younger residents to maximise their potential
5. Work with schools and partners to educate and develop our children, young people and adults as lifelong learners
6. Support opportunities for health and well being

Priority 4 - Create a borough where people are safe and feel safe

7. Support our older and vulnerable residents
8. Work with the Police and other partners to ensure Bracknell Forest remains a safe place

Priority 5 - Sustain economic prosperity

9. Sustain the economic prosperity of the Borough
10. Encourage the provision of a range of appropriate housing

Priority 6 - Provide value for money

11. Work with our communities and partners to be efficient, open, transparent and easy to access and to deliver value for money

Each medium term objective is itself underpinned by a number of key actions, which are phrased in such a way as to make it possible for Members and residents to determine simply whether the action has been delivered or not at the end of the Council's four year term. Overall, the programme represents a challenging but achievable set of priorities for the next four years.

**3.1.3 Therefore the Executive has, RECOMMENDED that the priorities and medium term objectives set out at Appendix 3 to the associated report be approved.**

**3.2 Bracknell Forest Faith and Belief in Action 2010-11**

3.2.1 The Executive has noted the reports, Faith and Belief Communities in Action 2011 - Executive Summary, and Mapping Local Religious Minority Populations. These reports were commissioned by the Prevent Steering Group, funded by the Government's Challenge and Innovation Fund. Work was undertaken by the Institute of Community Cohesion and Experian.

3.2.2 While the mix of nationalities, ethnicities and faiths are changing the underlying picture of cohesion and integration in the Borough remains positive. Many of the factors that divide different communities and faiths in other parts of the country are not prominent in Bracknell Forest. In the main, ethnic groups are not geographically segregated in residential terms compared to other areas. However, the evidence points to the need for continued focus on integrating the Borough's new incoming migrant communities – in particular Nepalese, Eastern European and Black African population.

3.2.3 The reports make recommendations on maintaining community cohesion, engagement and preventing violent extremism. These recommendations will be considered for inclusion in the development of the Council's new equality scheme and where appropriate, in service planning by departments. However not all of the recommendations are for the Council to implement. A number relate to the voluntary sector and faith communities for consideration through the Bracknell Forest Faith and Belief Forum.

**4 CULTURE, CORPORATE SERVICES AND PUBLIC PROTECTION**

**4.1 Polling District and Polling Place Review**

4.1.1 The Executive has considered a report outlining the recommendations of the Electoral Review Steering Group and the designation of polling districts and polling places for the Borough with effect from 1 December 2011.

4.1.2 The Electoral Administration Act 2006 introduced a new duty on Councils to review their polling district and polling place arrangements every four years and this was the second full review carried out by the Council.



4.1.3 The Electoral Review Steering Group considered carefully the present arrangements for polling districts and polling places in the Borough. They paid particular attention to representations received, available alternative options and issues including: where polling places were outside the polling district, the use of schools as polling places, areas where significant development had commenced or was planned and the impact on current arrangements and facilities; along with issues brought to light following the Council's May 2011 elections.

**4.1.4 Accordingly, the Executive has RECOMMENDED to Council:**

**1 That no changes be made to the following Polling Districts and Polling Places which meet the statutory criteria and provide reasonable and accessible facilities;**

<b>BA</b>	<b>BG</b>	<b>BM</b>	<b>CN</b>	<b>SP</b>	<b>WN</b>	<b>WV</b>	<b>WZ</b>
<b>BD</b>	<b>BH</b>	<b>BN</b>	<b>CS</b>	<b>SQ</b>	<b>WP</b>	<b>WW</b>	
<b>BE</b>	<b>BJ</b>	<b>BP</b>	<b>SJ</b>	<b>WG</b>	<b>WQ</b>	<b>WX</b>	
<b>BF</b>	<b>BK</b>	<b>BW</b>	<b>SO</b>	<b>WM</b>	<b>WS</b>	<b>WY</b>	

**2 That no changes be made to polling districts BB (Binfield) and BL (Harmans Water) which also meet the statutory criteria and provide reasonable and accessible facilities, but that they be kept under review as developments progress.**

**3 That the new Jennett's Park Community Centre be designated as the Polling Place for BQ.**

**4 That no change be made to Polling District BT but that the Kerith Centre buildings be designated as the new Polling Place.**

**5 That the Polling Districts and Polling Places for the Borough of Bracknell Forest are approved as set out at Annex C to the report with effect from 1 December 2011.**

**4.2 Regulation of Investigatory Powers Act 2000**

4.2.1 The Executive has endorsed the Council's Policy on Directed Surveillance and use of Covert Human Intelligence Sources.

4.2.2 The statutory Code of Practice issued by the Home Office states that the Policy should be set once a year and ensures compliance with Regulation of Investigatory Powers Act 2000 and the Human Rights Act 2000.

4.2.3 The Council is only able to use RIPA powers for the purpose of preventing or detecting crime or preventing disorder. In fact, this Council generally only uses RIPA powers for test purchases in respect of underage sales of alcohol, cigarettes and knives.

4.2.4 An Overview and Scrutiny Working Group met on 18 October to consider the Policy. The Working Group concluded that in their view the Council has used RIPA powers correctly and on a proper basis.

**4.3 Transfer of Capital Funds from Thin Client Project to PC Refresh**

The Executive has agreed to re-direct capital budget designated for the purchase of thin client devices to a traditional desktop replacement programme.

## **5 ADULT SERVICES, HEALTH AND HOUSING**

### **5.1 Modernisation Older People's Services**

- 5.1.1 The Executive has endorsed a wide range of measures intended to improve support for older people in the Borough. These measures include consultation with people currently receiving support and with staff involved in its delivery. Importantly, although support to older people would be provided in different ways and the proposals seek more efficient and effective working within the department, support to older people would not be cut.
- 5.1.2 The consultation will include the future of 'In House' Home Support for people with long term conditions, the future of Ladybank Older Persons Home and proposals to enhance capacity in Community Response and Reablement by introducing new rosters and use of technology.
- 5.1.3 The consultation processes began on 19 October in line with Cabinet Office guidelines to allow a full 13 weeks. A clear consultation programme is planned to ensure the public and all staff are engaged in the process and that the Council's existing policies and procedures are followed. The results of the various elements of the programme would be reported for final approval to either the Executive, the Executive Member for Adult Services, Health and Housing or departmental management team accordingly.

### **5.2 Emergency Duty Service – Outcome of Service Review**

- 5.2.1 The Executive has endorsed the proposed new service model of operation for the Emergency Duty Service. This will include The Bracknell Forest Appropriate Adult Out of Hours Scheme covering the 6 Unitary Authorities of Berkshire.
- 5.2.2 Bracknell Forest hosts the Emergency Service on behalf of the other Unitary Authorities' Adults and Children's Departments. A full consultation on the new model has taken place and was supported by all six Councils. The Emergency Duty Service has been under review since last year instigated by the ever increasing demand upon the service, with an unprecedented increase of 25% of referrals in the last year, against a static staff base.
- 5.2.3 The proposed new model will provide a more efficient service and improve value for money further.

### **5.3 Blue Badge Reform**

- 5.3.1 The Government has announced a significant reform of the Blue Badge Scheme aimed at ensuring a fair allocation of badges against a backdrop of rising demand so that the scheme remains sustainable in the long term. The measures taken forward are designed to tackle fraud and misuse and to make the scheme fairer and more sustainable for those disabled people who most rely on it.
- 5.3.2 The new reforms are to be implemented from 1 January 2012 and would include extra responsibilities allocated to the Council. Local Authorities are responsible for the day-to-day administration and enforcement of the Blue Badge Scheme. They are

also now responsible for determining and implementing administrative, assessment and enforcement procedures which are in accordance with governing legislation.

- 5.3.3 The Executive has therefore endorsed changes to the Council's Blue Badge Scheme to meet the new responsibility including raising the charge of a Blue Badge in line with the Department of Transport guidance from £2.00 to £10.00.

#### **5.4 Section 75 Pooled Budget for Community Equipment Services**

- 5.4.1 The Executive has agreed to enter into a new Pooled Budget Agreement for a Community Equipment Service across Berkshire which will include both health and social care partners.
- 5.4.2 Community equipment for adults throughout Berkshire is currently commissioned through an integrated health and social care partnership agreement in line with direction contained in the Health Act 1999. The current provider is South Central Ambulance Service (SCAS), operating from a base in Theale. The contract is due to expire in March 2012.
- 5.4.3 The six Berkshire Unitary Authorities and the Berkshire NHS (PCT Cluster) propose to establish a renewed joint agreement from March 2012, for the funding of a Community Equipment Service to replace that existing one. Slough Borough Council is the lead commissioning body for Community Equipment Service.
- 5.4.4 The partners have developed a more forward-looking service specification. Alongside the traditional service delivery, the specification incorporates elements of a retail model, in which people requiring simple aids to daily living are able to meet their equipment needs in a more individual way. The new service will be available for both Children's Services and Adult Social Care to access.
- 5.4.5 The agreement is an example of integrated health and social care services that will deliver choice, consistency and operating efficiency across Berkshire. The outcomes of the service will be reported to the Bracknell Forest's Health and Well-being Board.

#### **5.5 Agency Staff Contract**

The Council has undertaken a mini competition under a recently-established national Framework Agreement managed by the Eastern Shires Purchasing Organisation (ESPO) for the appointment of agency staff. The Council's own contract would be placed under the ESPO framework for a period of 4 years. This would ensure that the Council has an effective and reliable contractor offering an efficient and reliable service to hiring managers minimising the need for intervention by Council officers, and which delivers best value for money.

### **6 FINANCE, RESOURCES AND ASSETS**

#### **6.1 Contract Award for Cleaning Services at Offices, Public Buildings & Schools**

- 6.1.1 The Executive has approved the contract for the provision of Cleaning Services due to commence on 4 January 2012.
- 6.1.2 The contract ensures that the Council has an effective and reliable contractor offering effective contract management and supervision, which minimises the need for intervention by Council officers, and delivers best value for money. The contractor

would deal with all cleaning related tasks, including the provision of all office cleaning, carpet cleaning, window cleaning and supply of consumables to all civic offices.

- 6.1.3 A large number of school sites have also bought into the contract and will therefore be in a position to benefit from the cleaning service arising from this award. This in turn links to priority two and four of the Councils Medium Term Objectives which seek to ensure that all sites remain clean, accessible and attractive.

## **6.2 Annual Audit Letter**

- 6.2.1 The Executive has noted the Audit Commission's Annual Audit Letter 2010/11. This provides an overall summary of the Audit Commission's assessment of the Council. The Annual Audit Letter was also considered by the Governance and Audit Committee on 8 November 2011.
- 6.2.2 The Audit Commission is required to provide the Council with an Annual Audit Letter. The letter summarises the findings from the 2010/11 audit, which comprises two elements; the audit of the financial statements and the District Auditor's assessment of the Council's arrangements to achieve value for money in the use of resources.
- 6.2.3 Three recommendations are set out in the report and these will be reflected in the Corporate Services Service Plan for the coming year.

## **7 EDUCATION**

### **7.1 Academies**

- 7.1.1 The Executive has re-affirmed the Council's ambition for all Bracknell Forest schools to be 'good schools'. In so doing it will support head teachers and governors to determine how to achieve the best possible outcomes for their pupils, including consideration of the potential benefits and challenges of becoming an Academy.
- 7.1.2 In light of the latest developments in the Coalition Government's programme for schools to become academies, there was a need to consider the implications and the potential impact this might have on services provided by the Council. Under the previous government it was predominantly underperforming secondary schools which became Academies. However, from 2011 the academy route has been opened to all primary, secondary and special schools. Over the past year the Department for Education (DfE) has constantly increased the scope for schools to become Academies and, with some restrictions, any school can now apply. The DfE have published extensive guidance for schools wishing to convert to an Academy and a small grant is available to assist with the process.
- 7.1.3 Despite this, the landscape around Academies continues to change and develop as further Coalition Government policy emerges. The Executive wants to be positioned so that Bracknell Forest schools who wish to do so do not miss out on any perceived potential benefits of becoming Academies. It recognises that in a small Local Authority decisions taken by one school can have implications for the rest. The intention is to maintain ongoing dialogue with schools and should there be any change in the position of schools in relation to Academy status that neither the Council nor other schools are unnecessarily disadvantaged.

## **7.2 Education Capital Programme – Award of Contract for Meadow Vale Primary School**

- 7.2.1 The Executive has approved the contract for the Phase 1 works at Meadow Vale Primary School under the Primary Capital Strategy for Change (PCSfC).
- 7.2.2 In July 2008 the Executive approved the Primary Capital Strategy for Change (PCSfC) for Bracknell Forest, which secured £8.378m of government funding through the Primary Capital Programme (PCP) grant for the first 3 years of works. Meadow Vale School was included within that programme.
- 7.2.3 The PCSfC was intended to be an ambitious programme of school transformation works over a 15 year period. However, following cancellation of further PCP grant by the Coalition Government the programme has been reviewed and scaled down to address only the essential works required to meet the Council's statutory duty to provide sufficient pupil places. The programme now includes six schools. Due to the phasing of the works, as further classes are built each year to accommodate the additional pupils as they move through the school from Reception to Year 6, it is expected to be completed by 2017.

## **8 CHILDREN AND YOUNG PEOPLE**

### **8.1 Inspection of Bracknell Forest Fostering Service**

- 8.1.1 The Executive noted the report of the Ofsted inspection of the Bracknell Forest Fostering Service and endorsed the recommendations and associated action plan. The inspection was carried out from 6 – 11 July 2011.
- 8.1.2 The inspection focused on five outcomes for children: helping children to be healthy which was judged as good, protecting children from harm or neglect and helping them stay safe which was judged as good, helping children achieve well and enjoy what they do which was judged as outstanding, helping children make a positive contribution which was judged as outstanding, and achieving economic well-being which was judged as good. The overall provision was judged to be 'Good' with some outstanding features, which is a very positive result.
- 8.1.3 The inspection confirmed that there is a strong and effective fostering service in Bracknell Forest. It is particularly pleasing to note that the Inspectors found outstanding provision in relation to helping children achieve well and enjoy what they do and also in the area of helping children make a positive contribution. Overall the inspection report positively reflects some of the quality of the work being offered to our vulnerable children.

## **9 LOOKING AHEAD**

- 9.1 The next Forward Plan will be published on 1 December 2011 and will be available for public inspection at Easthampstead House in the usual way and will also be available online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk), where you can also find full details on decisions taken by individual portfolio holders.

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TO: COUNCIL  
30 NOVEMBER 2011

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## **SEVERANCE POLICY OPTIONS (Director of Corporate Services – HR)**

### **1 PURPOSE OF REPORT**

- 1.1 To set out the reasons for and legal basis of the Council's current severance policy and to agree what approach to take in the future. In the light of the continuing need to make budget reductions, there is a need to examine the level of severance payment but also a need to ensure that future restructurings and redundancies are dealt with fairly and good employee relations maintained.

### **2 RECOMMENDATIONS**

- 2.1 **That the use of actual weekly pay levels for redundancy purposes be retained;**
- 2.2 **That the policy of paying statutory weeks only to those with immediate access to pension be retained;**
- 2.3 **That the current x 2.5 multiplier of the statutory table for those with no immediate access to pension be reduced to a multiplier of x 1.75;**
- 2.4 **That the policy of awarding added years to pensions only in exceptional circumstances be continued; and**
- 2.5 **That the new policy take effect from 1 December 2011.**

### **3 REASONS FOR THE PROPOSED CHANGE**

- 3.1 The approach to paying a multiplier of the statutory redundancy calculator has helped to maintain a positive employee relations climate in difficult times. Maintaining a difference between those with access to pension and those without means that enhancements are targeted at those who have no additional means of support from their pensions after they have lost their jobs at the Council.
- 3.2 The new recommended severance policy is the median level applied across local government and represents a balanced approach towards severance payments. 56% of authorities who took part in a recent survey of severance policies confirmed that they paid at this level.
- 3.3 As part of the general responsibility for the Council's budget, this issue was considered by both the Executive (as it needs to be in accordance with the Council's overall financial planning) and the Employment Committee (as it needs to be in accordance with the Council's overall approach to managing its workforce in a cost effective way); both are supportive of the recommendations.

## **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council could provide enhanced payments to all those eligible for redundancy, irrespective of pension access. However this would mean an increase in costs and a more generous package for those who would already have access to their pension on being declared redundant.
- 4.2 The Council could use up to a x3 multiplier but this would lead to a significant increase in redundancy costs.
- 4.3 The Council could use a x1.5 multiplier but this would provide only a very modest increase on statutory amounts and would put it below the average level for severance policies amongst all local government employers.
- 4.4 The Council could use statutory weeks only, which would make its severance payments the lowest amongst all local government employers.

## **5 SUPPORTING INFORMATION**

### **5.1 Severance policy principles.**

- 5.1.1 Since 1999, those Committees responsible for employment have kept a consistent approach to severance payments and to the principles underpinning the granting of early retirements. Severance payments are also closely linked with Pensions Regulations.
- 5.1.2 No change is suggested to the principles of early retirement already agreed by the Council, which are:
  - (i) No employee should regard early retirement for which the employer's consent is required as his or her automatic right, nor should the exercise of the employer's discretions be expected as a right. Discretions will only be exercised where there is a benefit to the organisation which adequately justifies their use.
  - (ii) Early retirement is not a substitute for proper performance management and will not be used by management to resolve competence/capability problems.
  - (iii) On occasions early retirement is a valuable management tool which enables decisions to be made to effect savings and/or improve efficiency in the organisation. It will also avoid the negative industrial relations impact of compulsory redundancies.
  - (iv) Employees will be treated in a fair and equitable manner.



- (v) Each case must be assessed individually, and the costs and benefits to the organisation clearly presented to the decision-makers as part of that case.
- (vi) Decisions on early retirement must be made with regard to the Council's overriding responsibility to act with prudence and propriety and in accordance with the age discrimination laws.

## 5.2 **Current Severance Policy**

5.2.1 In brief, the current approach to redundancy/severance payments is as follows:

- In all cases the Council uses actual weekly pay to calculate the amount due.
- The Council pays the statutory number of weeks to those who have immediate access to their pension.
- For those who do not have access to pension, an enhanced severance payment is made, as they will have no pension income or pension-related lump sum on leaving. This is x 2.5 the statutory minimum level of payment with a maximum level of 75 weeks pay.

This policy aims to give a fair but not over generous settlement to employees and has been a significant factor in the sound industrial relations context around severance over a number of years in which major Council reorganisations have been implemented. The logic of the policy was to exercise discretion in favour of those with no access to pension to ensure they received a reasonable severance package.

The full extent of the discretions available through the Discretionary Compensation Regulations (DCR) which allows councils to pay up to 104 weeks in redundancy situations, has never been used as the Council felt it was unnecessary to utilise the maximum amounts.

## 5.3 **The legal basis of the severance payments made**

5.3.1 Employers must pay, as a minimum, statutory redundancy in accordance with the Employment Rights Act 1996 (ERA). The number of weeks paid varies with age and service, but the maximum achievable amount is 30 weeks pay while the minimum is 1 weeks pay. The ERA imposes a cap on the amount of weekly pay to be used in the calculation, currently £400 p/w. However it is common for employers to waive this cap and use actual weekly pay and virtually all local authorities including this one do so; the Local Government (Discretionary Payments) Regulations 1996 explicitly give Local Government employers the power to use actual weekly pay for the calculations.

5.3.2 The Discretionary Compensation Regulations (DCR) available to local government allow payment of severance up to 104 weeks pay. There has to be an objective justification for the amount paid, and where age and service are a factor in this, the model used must be a multiple of the number of weeks in the statutory redundancy calculator, eg x2 or x3.

The pension scheme rules allow the award of added years, and the Council's policy is that up to five added years may be awarded but that this would be only in exceptional circumstances. The option is very rarely exercised.

## 5.4 **The National Picture**

- 5.4.1 The Local Government Employers organisation commissioned a survey in 2009 of the severance policies operated by employers across the UK – 118 organisations responded. The first survey related to 2009/10 and during the last year 26% of respondents have changed this policy.
- 5.4.2 The main findings of the survey were that more than 9 out of 10 respondents used actual salaries to calculate redundancy payments; that around a half of respondents awarded lump sum compensation in all redundancy cases, and that where offered, lump sum compensation was generally calculated using multipliers up to x3, but 56% of authorities used multipliers between x1.5 and x2.

## 5.5 **Options on use of discretions**

- 5.5.1 As can be seen, the Council pays neither the highest nor the lowest severance of the authorities surveyed.

Clearly there are a range of options available to the Council if it were to consider changing its approach to the payment of severance for employees:

- Pay statutory redundancy only at the capped weekly rate to all employees irrespective of pension access (ie exercise no discretions)
- Pay statutory redundancy only at actual weekly pay rate to all employees, irrespective of pension access
- Where there is no access to pension, pay a multiplier of the actual weeks' pay in statutory redundancy, either x1.5, x2, x2.5 or x3 all fall within the 104 week maximum limit; use the statutory table at actual week's pay only (ie x1) where there is access to pension.

## 6 **CONCLUSION**

- 6.1 Redundancies have become a necessary part of the management of the Council's workforce. It is important to ensure they are managed in a fair, equitable and cost effective way; the recommended changes to the current policy outlined in this report reflect that approach ie
- Maintain the use of actual weekly pay.
  - Reduce the multiplier.
  - Maintain the use of statutory pay levels for those with access to pension.
  - Award added years only in exceptional circumstances.
  - Apply the policy from 1 December 2011.

## **7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 7.1 Nothing to add to report.

### Borough Treasurer

- 7.2 The Council maintains a Structural Changes Reserve to meet the costs associated with organisational change. Severance payments and the capitalised cost of pension (for those in receipt of early payment of pension following redundancy) are usually met from the reserve. In recognition of the financial challenges that lay ahead and that further downsizing of the workforce is almost inevitable the reserve is set at a level which ensures redundancies remain affordable. Funding for this was provided from the revenue budget underspend in 2010/11.

### Equalities Impact Assessment

- 7.3 An EIA has been completed with particular regard paid to the impact of any age and length of service related issues in the light of the Council's use of the statutory linked calculators. No adverse impacts were noted.

### Strategic Risk Management Issues

- 7.4 As outlined in the report.

## **8 CONSULTATION**

### Principal Groups Consulted

- 8.1 This proposed policy change was considered by the trades unions.

### Method of Consultation

- 8.2 Local Joint Committee and Employment Committee

### Representations Received

- 8.3 The unions are not supportive of the suggested changes to the policy and would like the Council to consider other ways to make savings.

### Background Papers

Local Joint Committee agenda and minutes – 27 September 2011

Employment Committee agenda and minutes – 12 October 2011

### Contact for further information

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TO: COUNCIL  
30 NOVEMBER 2011

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## EMPLOYEES CODE OF CONDUCT AMENDMENT (Director of Corporate Services – Legal)

### 1 PURPOSE OF DECISION

- 1.1 This report seeks the endorsement of the Council to a minor amendment to the Employees Code of Conduct (“the Code”) in respect of the disclosure of information received during the tendering process.

### 2 RECOMMENDATION

- 2.1 **That the alteration to the Employees Code of Conduct proposed in Section 5 of this report be adopted.**

### 3 REASONS FOR RECOMMENDATION

- 3.1 As alluded to in Section 5 of this report, as a result of recent experience it has been demonstrated that the current drafting of the Code relating to the disclosure of confidential information during the tendering process is too narrow.

### 4 ALTERNATIVE OPTION CONSIDERED

- 4.1 None

### 5 SUPPORTING INFORMATION

- 5.1 The Code as currently drafted provides as follows:-

“Employees who are privy to confidential information on tenders, quotations or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation”.

One conceivable interpretation of that passage is that only information on the quantum of tenders, quotations or costs is confidential. In a recent case investigated by internal audit an officer working in a school disclosed the identity of one party invited to tender to another such party. Although it was found on investigation that the officer had acted in good faith, a disclosure of such information could lead to the integrity of the tendering process being undermined.

- 5.2 In light of the foregoing it is proposed that the section in the Code be replaced by the following wording:-

“Employees who are privy to confidential information concerning tenders or quotations from either internal or external contractors should not disclose that information to any other party or organisation, unless the Borough Solicitor has confirmed in writing that such disclosure is required by law. For these purposes, confidential information includes the amount of any sum comprised in a tender or quotation, the identity of those submitting tenders or quotations,

the identity of others who have been invited to tender or quote and any other information the disclosure of which could be used to undermine the integrity of the tendering or quotation process.

Information given to suppliers should be limited to that required for submitting their own tender or quotation. For the avoidance of doubt information or clarification requested by a party who has expressed an interest in or been invited to submit a tender or quotation may be provided to all persons expressing an interest or who have been so invited provided such information does not concern the content of a quotation or tender submitted by another party”.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

### Borough Treasurer

- 6.2 The Borough Treasurer supports the recommendation.

### Equalities Impact Assessment

- 6.3 Not relevant

### Strategic Risk Management Issues

- 6.4 The proposed amendment to the Code will reduce the risk of competition in the tendering process being undermined.

## **7 CONSULTATION**

### Principal Group Consulted

- 7.1 The proposed amendment to the Code was considered and (subject to any comments of the Employment Committee) endorsed by the Standards Committee at its meeting on 27 June 2011 save that some of the wording in the second paragraph (to allow disclosure of information relevant to all interested parties) has been added as a result of a suggestion made at the Local Joint Committee.

- 7.2 At its meeting on 12 October 2011 the Employment Committee considered a report on this matter and endorsed the recommendation.

### Method of Consultation

- 7.2 For employees views, the Local Joint Committee

### Representations Received

- 7.3 None received.

Background Papers

None

Contract For Further Information

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Doc Ref

AJ/f/reports/Council – 30<sup>th</sup> November 2011 – Employees Code of Conduct Amendment

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TO: COUNCIL  
30 NOVEMBER 2011

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**AMENDMENTS TO THE COUNCIL'S CONSTITUTION  
OVERVIEW AND SCRUTINY – PUBLIC PARTICIPATION SCHEME AND  
ADOPTION OF REPORTS/RECOMMENDATIONS**

(Director of Corporate Services – Legal)

**1 PURPOSE OF REPORT**

- 1.1 This report seeks the approval of Council to amendments to the Council's Constitution in order to:-
- establish a Public Participation Scheme for Overview and Scrutiny, and
  - confer on Overview and Scrutiny Panels the power to approve reports and recommendations for submission to the Executive, full Council and other organisations.

**2 RECOMMENDATIONS**

- 2.1 **That the Council's Constitution be amended to permit a scheme for Public Participation for meetings of the Overview and Scrutiny Commission and Panels and that, subject to the amendment referred to in paragraph 5.1 of this report, the draft scheme shown as Annexe A to this report be approved.**
- 2.2 **That the Council's Constitution be amended to provide that Overview and Scrutiny Panels may adopt reports and make recommendations to the Executive, Council and other organisations.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 A meeting of the Governance and Audit Committee on 29<sup>th</sup> September 2011 made recommendations to Council as set out in Section 2 above (excepting the proposed amendment referred to in paragraph 5.1).
- 3.2 The adoption of the scheme set out at Annexe A to this report would enhance public engagement in the role undertaken by the Overview and Scrutiny Commission and the Panels.
- 3.3 Affording Overview and Scrutiny Panels powers to adopt reports and to make recommendations as proposed by paragraph 2.2 above will improve the speed and efficiency of the Overview and Scrutiny process and will also relieve pressure on agendas of the Overview and Scrutiny Commission.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not to make the proposed amendments to the Council's Constitution, but declining to accept the recommendations would entail loss of the benefits for the workings of the Overview and Scrutiny Commission and the Panels as alluded to in Section 3 above.

## **5 SUPPORTING INFORMATION**

- 5.1 At its meeting on 15 September 2011 the Overview and Scrutiny Commission considered a draft scheme for public participation shown. The Commission proposed a number of amendments to the scheme which was then considered by the Governance and Audit Committee. By oversight, the proposed scheme which was submitted to the Governance and Audit Committee did not incorporate one of the amendments proposed by the Commission, namely deletion of the requirement shown in parenthesis and bold on the first page of the scheme, paragraph 3, under the heading "When is public speaking permitted", that the subject must be relevant to the agenda of the Commission or Panel. The Commission decided that such a restriction was not appropriate and that instead a matter need only fall within the remit of the Commission or Panel (as reflected in paragraph 5 of "What falls outside the scheme" on the second page). The Governance and Audit Committee recommended to Council that the draft scheme presented before it should be adopted. However, the Chairman of the Governance and Audit Committee has subsequently signified his agreement to the amendment sought by the Commission and other members of the Committee, who have been appraised of the amendment, have expressed no objection. It is therefore proposed that the wording in bold within the parenthesis be deleted. The Council's Constitution (Council Procedure Rule 9) provides for the Scheme for Public Participation at meetings of the full Council. It also permits the Licensing and Safety Committee and the Planning Committee to make arrangements for public speaking. Accordingly, in order to implement the proposed scheme for Overview and Scrutiny it will be necessary for the Constitution to be amended.
- 5.2 The existing arrangements relating to Overview and Scrutiny as set out in the Council's Constitution reserves to the Overview and Scrutiny Commission the power to "make reports and/or recommendations to Council and/or to the Executive and/or any other committee in connection with the discharge of any functions". The Commission may also on occasions make recommendations to other organisations. Detailed scrutiny of particular Council functions is carried out by Working Groups which report to Overview and Scrutiny Panels. It is proposed that the Panels should be empowered to adopt reports and to make recommendations rather than submitting them to the Commission as recommendations.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

### Borough Treasurer

- 6.2 There are no financial implications directly arising.

### Equalities Impact Assessment

- 6.3 Not relevant.

### Strategic Risk Management Issues

- 6.4 Not relevant.

## **7 CONSULTATION**

- 7.1 As alluded to in Section 3, above the Governance and Audit Committee has considered and endorsed the recommendations in this report.

### Background Papers

None.

### Contact for further information

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### Doc Ref

aj/f/reports/Council – 30<sup>th</sup> November 2011 – Amendments to the Council's Constitution

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## **OVERVIEW AND SCRUTINY PUBLIC PARTICIPATION SCHEME**

### ***Speaking at Overview and Scrutiny Meetings***

Bracknell Forest Council is committed to encouraging greater public participation in its work. This includes providing opportunities for the public to be involved and engaged with the Overview and Scrutiny (O&S) process, which is the principal means of ensuring transparent, democratic accountability for the running of the Council.

This public participation scheme allows members of the public to speak at meetings of the O&S Commission and O&S Panels, under the control of the Chairmen of the meetings. The scheme gives members of the public the opportunity to tell Councillors directly about the things that concern them. All issues raised by the public under this scheme will be given careful consideration.

The information below explains when you can speak and what will happen at the meeting.

### **When is public speaking permitted?**

Speaking is only permitted when:

1. A written notification (including by email or fax) of a request to speak at the Commission or Panel meeting is received by Democratic Services by 1200 noon at least three clear working days prior to the meeting;
2. The notification indicates the subject to be raised and the name of the person who intends to speak;
3. The subject is judged by the Council to fall within the Scheme (see below) **[and be relevant to the agenda of the Overview and Scrutiny Commission or particular Panel meeting in question]**. Subjects will be excluded only in exceptional circumstances, and the reasons for rejection will be explained.
4. The time provided for public speaking has not been over-subscribed for the meeting in question. If it has, the Chairman will decide whether to curtail or defer questions to the following meeting, or exceptionally to lengthen the time for public speaking.

### **What will happen at the Commission or Panel meeting?**

1. The speakers must attend the meeting and report to the Democratic Services officer not less than 15 minutes prior to the start of the meeting.
2. Copies of questions or statements received will be circulated to members of the O&S Commission or Panel concerned, and will be made available to members of the public who attend the meeting.
3. Once the meeting has reached the agenda item on subjects raised by the public, the Chairman will invite each registered speaker in turn to speak for 3 minutes to outline his/her views. This time limit will be strictly enforced.
4. The speaker will not be allowed to ask supplementary questions of Councillors, officers or others at the meeting.

5. The Members of the Committee may ask the speaker, through the Chairman for clarification of any points raised.
6. The Chairman may choose to ask Council officers to comment on any points raised before the Commission or Panel proceeds with its deliberations.

### **What falls outside the scheme?**

Some matters fall outside the scope of this scheme. These are:

1. Personal circumstances where it would not be appropriate for details to be aired in open session.
2. Individual complaints. The Council has a corporate complaints procedure which must be accessed instead.
3. Matters appropriate to one of the Council's regulatory or decision making bodies.
4. Other issues of any kind which have been formally published and where specific arrangements are made for the public to express their views.
5. Matters unrelated to the remit of the relevant Overview and Scrutiny Commission or Panel.
6. The Chairman may also reject a submission if it:
  - is not about a matter for which the local authority has a responsibility or which affects the Borough;
  - is defamatory, frivolous or offensive;
  - is substantially the same as a submission which has been put to and considered by a meeting of the O&S Commission or an O&S Panel in the past six months;
  - is about the subject of an appeal or review procedure that has not yet been concluded; or
  - requires the disclosure of confidential or exempt information.

### **How do I arrange to speak at the meeting?**

To speak at an Overview and Scrutiny meeting you must register with the Council's Democratic Services section by 12 noon at least three clear working days before the day of the meeting.

Speakers are registered on a "first- come" basis and the Chairman will decide on the maximum number of speakers in the light of time available (usually a maximum of 20 minutes). Consequently, it cannot be guaranteed that everyone who applies will be allowed to speak.

The register of speakers is kept by the Democratic Services section at Easthampstead House, and the names of speakers will be publicly available at the appropriate O&S meeting.

To register, you must be resident in the Borough of Bracknell Forest, or a representative of a business operating in the area of the Authority. You must contact the office at Easthampstead House, Town Square, Bracknell, or on 01344 352000 during normal office hours. You must give your name, address, daytime contact number, your agreement that your name can be published and a summary of the subject to be raised. To assist you, a form is available on our website.

The Scheme is not open to employees of the Council wishing to make representations in that capacity. Employees' rights as private citizens to use this

scheme are preserved. Only one person may speak about each submission at the meeting.

In the case of a statement on behalf of an organisation or more than one person, you must identify the organisation and others who are party to the submission.

### **What do I do at the meeting?**

If registered to speak, you must arrive at the meeting venue, which will usually be the Council Chamber at Easthampstead House, at least 15 minutes before the start of the meeting of the Commission or Panel, and report to the Democratic Services Officer who will be present. If you fail to do this, you may not be permitted to speak.

When the Commission/Panel reaches your item, and depending on the time available, the Chairman may call you to speak. You must behave appropriately for a meeting of a local authority, showing courtesy and respect for everyone else present, and not make any remarks which are insulting, offensive, defamatory or inflammatory. You should limit your speaking to three minutes, and you must cease speaking whenever instructed to do so by the Chairman.

The Chairman of the meeting may allow a discussion and questions to be raised on your statement.

The prospect of speaking at a formal meeting of the Council may be daunting for the public. All reasonable help and support will be made available to those who wish to use this scheme, including allowing you to use the PA system in the Council Chamber. The Councillors and Officers present will treat members of the public with courtesy and respect. If you have any special needs, please advise officers of this at least one working day before the meeting.

### **What happens after the meeting?**

The members of the O&S Commission or Panel concerned, or officers, may contact you afterwards to seek your further input. You will be informed of any action taken.

### **Where is the meeting?**

The Overview and Scrutiny Commission meets every two months and the O&S Panels meet every three months, usually at 7.30pm in the Council Chamber at [Easthampstead House](#).

[View information about Overview and Scrutiny at Bracknell Forest.](#)

Car parking is usually available at Easthampstead House in the evenings.

### **Further Information**

For further information, or to register for public speaking, please contact:

Customer Services  
Democratic Services

Bracknell Forest Council  
Easthampstead House  
Town Square  
Bracknell  
RG12 1AQ

Tel: 01344 352000

Email: [customer.services@bracknell-forest.gov.uk](mailto:customer.services@bracknell-forest.gov.uk)

NB: Our busy hours are between 9:30am and 11:30am.



TO: COUNCIL  
30 NOVEMBER 2011

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**ABSENCE FROM COUNCIL MEETINGS OF COUNCILLOR MS WILSON  
Director of Corporate Services – Democratic and Registration Services**

**1 PURPOSE OF REPORT**

- 1.1 The Council is asked to consider whether it wishes to exercise its powers under Section 85 of the Local Government Act 1972 to approve Councillor Ms Wilson's absence from meetings since 20 July 2011 as a result of her illness.

**2 RECOMMENDATION(S)**

- 2.1 **That the current position in respect of Councillor Ms Wilson is noted.**
- 2.2 **That the Council considers whether it wishes to exercise its powers to approve her absence from meetings since 20 July 2011, as a result of her illness, and if it does,**
- 2.3 **That, pursuant to section 85 of the Local Government Act 1972, the Council resolves to approve Councillor Ms Wilson's failure to attend Council since 20 July 2011 by reason of her illness.**

**3 REASONS FOR RECOMMENDATION(S)**

- 3.1 To ensure that the Council is aware of the current position in respect of Councillor Miss Wilson before the expiration of six months from the date of her last attendance.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 No alternative options available.

**5 SUPPORTING INFORMATION**

Background

- 5.1 Councillor Ms Wilson is currently unwell and as a result of her illness has been unable to attend meetings of the authority since attending a Council meeting on 20 July 2011.
- 5.2 Under the provisions of Section 85 of the Local Government Act 1972 the law expressly provides that a Member who fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, ceases to be a Member of the authority unless failure to attend was due to some reason approved by the authority before the expiry of that period.
- 5.3 The Council can therefore approve the reason for absence so that Councillor Ms Wilson retains her seat, but under the Act, approval must be given before the expiration of six months from the date of her last attendance. In this case, if the Council considers it appropriate to do so, approval must be given no later than

20 January 2012. As the next meeting of the Council will take place after that date, on 25 January 2012, the Council must determine the matter at this meeting.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

6.1 Nothing to add to the report.

### Borough Treasurer

6.2 There are no financial implications arising from this report.

### Equalities Impact Assessment

6.3 None required.

### Strategic Risk Management Issues

6.4 The continued absence of a Ward Councillor could adversely affect constituency representation in the ward. When considering the importance of constituency representation, the fact that Councillor Ms Wilson is a Ward Member for Binfield with Warfield, which is a three Member ward, may serve to mitigate the risk, at least in the short term.

## **7 CONSULTATION**

### Principal Groups Consulted

7.1 Not applicable.

### Method of Consultation

7.2 Not applicable.

### Representations Received

7.3 Not applicable.

### Background Papers

None

### Contact for further information

Ann Moore, Head of Democratic and Registration Services – 01344 352260  
[ann.moore@bracknell-forest.gov.uk](mailto:ann.moore@bracknell-forest.gov.uk)

### Doc Ref

G/Committee/Cttees/Docs May2010-April 2011/Council/20 November 2011

TO: COUNCIL  
30 NOVEMBER 2011

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## **SCHEDULE OF MEETINGS 2012/13 Director of Corporate Services**

### **1 PURPOSE OF REPORT**

1.1 To seek approval to the proposed Schedule of Meetings for 2012/13.

### **2 RECOMMENDATION**

2.1 **That the schedule of meetings 2012/13 set out in the annex to this report be approved.**

### **3 REASONS FOR THE RECOMMENDATION**

3.1 To enable arrangements for the next municipal year's meetings to be put in place and assist members plan their diaries for the year ahead.

### **4 ALTERNATIVE OPTIONS CONSIDERED**

4.1 An extensive consultation took place with Directors, Chief Officers and other key officers regarding the timetable to ensure as far as possible that the schedule provides for meetings when decisions are required so that all matters are dealt with on a timely basis. Adjustments could be made to the timetable but adjusting one meeting date is likely to have a impact on a number of others given the inter-relationship between meetings and the limited number of dates available throughout the year.

### **5 SUPPORTING INFORMATION**

5.1 A draft schedule of meetings for 2012/13 has been the subject of extensive consultation with directors and other key officers.

5.2 The timetable was drawn up having regard as far as possible to the usual limitations:

- Avoiding meetings during the school holidays.
- Leaving a gap of at least 8 days between meetings of the Executive and Council to allow time for the Executive report (and any recommendations) to be published either with the Council agenda or the next day.
- Scheduling the Local Joint Committee 15 days before each meeting of the Employment Committee.
- Avoiding 7.30 meetings on Mondays or Fridays.
- Scheduling each committee's meetings on the same day of the week throughout the year.

- 5.3 If the schedule is agreed, it is hoped that members will only seek to change these dates in exceptional circumstances as to do so inevitably causes problems for some people.
- 5.4 Council is accordingly invited to approve the schedule set out in the annex to this report.

Background Papers

None

Contact for further information

Derek Morgan, Corporate Services: 01344 352044  
derek.morgan@bracknell-forest.gov.uk

**SCHEDULE OF MEETINGS - 2012-2013**

	Day	Start Time	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2013	FEB	MAR	APR	MAY
<b>COUNCIL</b>	Wed	7.30	16(A)		18		19		28		23	27		24	15(A)
Executive Briefing (closed)	Tue	5.00	8/29	19		21	25	30	27	18	29	26		2	7
<b>EXECUTIVE</b>	Tue	5.00	22	12	10		4	16	13	11	8	12	12	16	21
Bracknell Town Centre Regeneration Committee	Mon	5.30	21		9		3		5		7		18		20
School Performance Advisory Panel	Thu	5.00		28			6			6			7		
Corporate Parenting Advisory Panel	Wed	5.00		27	11		26			12			27		
<b>OVERVIEW &amp; SCRUTINY COMMISSION</b>	Thu	7.30	3/16		12		13		22		31		28		2/15
Adult Social Care Overview & Scrutiny Panel	Tue	7.30			3			9			15			23	
Environment, Culture and Communities Overview & Scrutiny Panel	Tue	7.30			17			23			22			30	
Children, Young People and Learning Overview & Scrutiny Panel	Wed	7.30			4			3			16			17	
Health Overview & Scrutiny Panel	Thur	7.30		14			27				24			18	
Joint East Berkshire Health Overview & Scrutiny Cttee		7.30													
Planning & Highways Committee	Thu	7.30	24	21	19	23	20	18	15	13	17	14	21	25	23
Licensing & Safety Committee	Thu	7.30			5			11			10				1
Licensing Panels	Wed	AM/PM	To be arranged on Wednesday (normally afternoons) when required.												
Employment Committee	Wed	7.30		20				10		5			20		
Education Employment Sub	Tue	5.30			17			9				5			
Teachers' Joint Consultative	Tue	4.45			3						22				
Local Joint Committee	Tue	4.00	29				18		20				5		
Health and Safety Panel	Wed	3.30	30					31							29
Appeals Committee	Mon	8.00 am		11	16		3	8	12	10	14		25		
Governance & Audit Committee	Tue	7.30		26			25		6		29		26		
Education Governor Appointments Committee	Mon	4.00		18					19				4		
Standards Committee	Mon	6.00		25							21				
Access Advisory Panel	Wed	7.30		13			5			19			6		
Parish & Town Councils' Liaison Group	Wed	7.30			11			17			9		13		

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