

**COUNCIL
24 APRIL 2003
(7.30pm – 9.40pm)**

Present: Councillors Adams, Baily, Mrs Ballin, Beadsley, Bettison, Birch, Mrs Birch, Blatchford, Ms Brown, Browne, Edger, Fawcett, Finnie, Flood, Glasson, Grayson, Harrison, Miss Haydon, Mrs Hayes, Henfrey, Jones, Kendall, McCormack, McCracken, Mrs Mattick, Mills, North, Mrs Pile, Mrs Ryder, Sargeant, Mrs Shillcock, Simonds, Thompson, Turrell, Wade, Ward and Worrall

Apologies for absence were received from:
Councillors Barnard, Egan and Piasecki

97. **Minutes (Item 2)**

RESOLVED that, subject to a correction to Minute 92 to refer to Tuesday 22 April as the day of the Charity Golf Day and not Monday 22 April as incorrectly stated, the minutes of the meeting of the Council held on 26 March 2003 be approved as a correct record, and signed by the Mayor.

98. **Declarations of Interest (Item 3)**

Councillor Mrs Mattick declared a personal interest in agenda item 5 (i) concerning a submission from a member of the public under the scheme for public participation in respect of genetically modified crops.

99. **Mayor's Announcements (Item 4)**

1. Civic Robes

The Mayor drew attention to the Civic Robes on display at the meeting which were a gift to the people of Bracknell from the Meteorological Office and would be worn by the Mayor of Bracknell Forest on important civic occasions only as a traditional symbol of the status of the Borough. The Council indicated its appreciation of the gift.

2. Councillor Barry Egan

Having indicated her intention to refer subsequently to those Councillors who were not standing for re-election at the forthcoming Borough election, the Mayor made special mention of Councillor Barry Egan who would not be seeking re-election owing to health reasons. Reference was made to Councillor Egan's past service to the Borough which was seen as an example to all. Following initial election in 1983, Councillor Egan had first served as Deputy Mayor and then as Mayor from 1997 to 2001 and currently held office as Immediate Past Mayor. Being unable to attend the meeting, Councillor Egan had passed his Badge of Office to Councillor Finnie who returned it and accepted a Past Mayor's Badge on his behalf. The Council agreed that its regards be conveyed to Councillor Egan.

3. Royal Society for the Prevention of Accidents

The Mayor advised that the Council had been awarded a Gold Award from the Royal Society for the Prevention of Accidents which demonstrated its commitment to the health and safety of its employees. The staff of the Environment Department, particularly Frank Goodall, Andy Anderson, Louise Osborne and Phil West who undertook related duties, were congratulated on this achievement.

4. Mr Malcolm Biggs, Head of Member and Registration Services

In recognition of his impending retirement following forty-two years in local government service, which had included sixteen years at Bracknell Forest, Mr Biggs was thanked for his work and presented with a commemorative plaque of the Borough.

100. **Scheme for Public Participation (Item 5)**

Notice had been received of the following two submissions from members of the public under the scheme for public participation:-

(i) Genetically Modified (GM) Crops

In her absence, Members considered the statement submitted by Ms D Gier in respect of GM crops which was appended to the agenda in respect of this meeting. In her statement Ms Gier advised that there had been GM crop trials for the past three years and that the Government would decide later in the year whether GM crops should be grown on a commercial basis. In exercise of the powers granted under Section 2 of the Local Government Act 2000, which allowed a local authority to do anything which it considered likely to promote or improve the environmental wellbeing of its area, Ms Gier requested the Council to declare the Borough as GM free and to lobby the Government for legal protection in this regard.

Having been moved and seconded, a related Motion was then put to the Council and declared carried and it was

RESOLVED that the proposed Public Scrutiny Commission be invited to consider whether the issues raised by Ms Gier's statement on genetically modified crops would be an appropriate subject for investigation as part of the overview and scrutiny work programme for the coming year.

(ii) Asylum Seekers

The following question for the Leader of the Council had been submitted by Mr T Packham:

"Is it true that like the recently much publicised move by Swindon Borough Council with regards to assisting the Government's asylum policy by accepting 1,000 asylum seekers, that Bracknell Forest Borough Council may be told by the Government to accept asylum seekers in Bracknell as part of the Government's dispersal policy?"

Mr Packham was present at the meeting and spoke in elaboration of his question with a view to establishing whether Bracknell Forest would accept a similar number of asylum seekers as that accepted by Swindon Borough Council and the implications for local service delivery in the light of such acceptance.

In reply, the Leader of the Council confirmed that the Council had received a number of approaches from Government agencies in this regard during January 2003, including one from a National Asylum Support Service in common with all other local authorities. Although Swindon Borough Council had been able to provide the type of single person accommodation sought for asylum seekers, this type of accommodation was not available in Bracknell Forest where there was pressure on the housing register and therefore the Council had declined to accept any asylum seekers. Slough Borough Council had accepted a number of asylum seekers whilst their applications for asylum were being processed.

Mr Packham asked a supplementary question of the Leader of the Council in the following terms:

“If the Council is expected to take asylum seekers in the near future, will those on the housing waiting list be pushed down the queue?”

The Leader of the Council responded to the effect that in the foreseeable future the Council would decline requests to accept asylum seekers in order to satisfy its ambition to give preference to local residents, particularly those with higher housing need. However, it would be necessary to comply with any obligation to accept asylum seekers.

101. Executive Report (Item 6)

Since the Executive report to the previous meeting of the Council held on 26 March 2003, the Executive had met on 10 April 2003 and the Leader of the Council summarised the decisions made on that occasion.

Further to the inspection of social care services for older people in Bracknell Forest carried out in September 2002, the Social Services Inspectorate had produced a related report in January 2003. Whilst this report had been very positive in respect of many aspects of such services and commended the Council for the “real improvement” which had been achieved since the Joint Review by the Inspectorate and the Audit Commission in the summer of 2000, it had made a number of recommendations as to further required improvements. The Executive had subsequently considered and approved an Action Plan prepared by the Social Services and Housing Department in response to those recommendations as a means of maintaining and building upon the progress already made.

Under the Council’s constitutional arrangements, the Executive was required to approve those Capital Programme schemes for 2003/04 which were to be financed from the rolling programme which exceeded £100,000. As the Council had agreed the Capital Programme for 2003/04, the Executive had been invited to approve allocation to specific schemes which were detailed in Appendix 1 to the report.

The Executive had agreed that the compilation of the final tender list for the contract relating to cleaning of office and public buildings and to building construction

partnerships should be delegated to the Assistant Director of Environment – Resources in order to avoid the delays which would be incurred in the event that such compilation awaited the next meeting of the Executive.

The Executive had approved the annual departmental Service Plans which summarised performance against targets for the past year and established clear objectives and actions for the year ahead. The Select Committees had been consulted on the detailed content of the Plans, full copies of which could be obtained from the relevant Director.

A request from the Select Committee on Corporate and Resource Issues to provide scrutiny Members with an opportunity to assess and make any appropriate recommendations on the Smartcard project prior to any decision being made to proceed with or terminate the existing contract had been considered. The Executive intended that the relevant future overview and scrutiny body should decide whether to undertake the review itself or appoint a specific panel to advise the Executive Member.

This being the last meeting of the Council prior to the forthcoming Borough election, the Leader of the Council took the opportunity to provide an overview of the last three years. Key achievements had included progress with the re-development of the town centre, attainment of nationally recognised standards in education, award of Beacon Council status in relation to environmental services, securing significant improvement in the provision of social services and maintenance of the high standard of leisure services in the Borough without funding increases. Having identified and recognised the means by which these improvements had been achieved, namely, the contributions made by the administration, opposition group, officers and partners, the Leader of the Council responded to related comments and questions from Members.

102. **Review of Overview and Scrutiny Arrangements (Item 7)**

The Council considered a report in respect of the detailed review of Bracknell Forest's overview and scrutiny arrangements which had commenced in October 2002. The initial report on the outcomes of the review had been circulated to all Members in January 2003. The review report has been discussed within party groups and further work had been carried out to refine the proposals in the light of those discussions. The Constitution Review Group subsequently met with the Members of the Co-ordination Select Committee on 20 March 2003 to develop the recommendations set out in this report, which sought formal adoption of new committee structures for overview and scrutiny and consequential changes to the Council's Constitution, to be effective from the annual meeting of the Council on 21 May 2003.

A Member indicated support for the proposed new overview and scrutiny structures and welcomed the principle of allocating seats to the new overview and scrutiny bodies to reflect the proportion of non-Executive members belonging to each group on the Council and for enhancement of non-Executive member roles.

RESOLVED that

- (i) the overview and scrutiny function be overseen, from May 2003, by a Public Scrutiny Commission, with terms of reference as set out in Annexe B to the report;

- (ii) the Commission shall establish and have oversight of three service-themed overview and scrutiny panels:
 - the Environment Scrutiny Panel
 - the Social Care and Housing Scrutiny Panel
 - the Lifelong Learning Scrutiny Panel

and such other panels as the Commission shall determine, with terms of reference as set out in Annexe B to the report;
- (iii) the initial work programme for the overview and scrutiny panels be developed by a conference led by the Public Scrutiny Commission and involving the Executive and Corporate Management Team and that the work programme be kept under review by the same group at regular intervals through the year;
- (iv) a programme of on-going training be developed for Members and officers and reported to the Public Scrutiny Commission;
- (v) the revised Article 6 to the Constitution be adopted, as set out in Annexe B to the report;
- (vi) the revised Overview and Scrutiny Procedure Rules be adopted, as set out in Annexe C to the report;
- (vii) the Chairman of the Public Scrutiny Commission shall submit reports to the Council from time to time on the progress and activities of the overview and scrutiny function, including a comprehensive annual report from the Commission;
- (viii) the Constitution Review Group be requested to prepare for consideration by the Council, a revised protocol for overview and scrutiny matters, replacing the 'Select Committee Protocol' as an Annexe to the Constitution; and
- (ix) the Monitoring Officer be authorised to make other minor consequential changes to the Council's Constitution arising directly from the adoption of these arrangements for overview and scrutiny;

103. Amendments to the Council Constitution (Item 8)

The Council considered the report of the Acting Director of Corporate Services concerning proposed amendments to the Council's Constitution and noted that the Constitution Review Group had met twice in the current municipal year to review the operation of the Constitution. A number of issues had arisen since the Constitution was adopted in November 2001 and the Constitution Review Group had considered how these should be addressed. The Group's recommendations, which had been considered by the Monitoring Officer as required by Article 15 of the Constitution, were set out in Annexe A to the report. The report also put forward a small number of technical amendments to reflect the requirements of the Accounts and Audit Regulations 2003.

Having been moved and seconded, an amendment in the terms set out below to recommendation 2.1 (viii) of the report was agreed.

RESOLVED that, arising from the recommendations of the Constitution Review Group, the following amendments to the Constitution be approved:-

Article 4 – The Council Meeting

- (i) The reference to the Community Care Plan should be deleted from the list of Policy Framework documents and replaced with Health Improvement and other relevant plans and strategies.

Part 3 – Responsibility for Functions

- (ii) The Executive Appeals and Grants Panel should be replaced by an Appeals Committee appointed by the Council. Voluntary grants should be dealt with by the appropriate Executive Member.

Council Functions

- (iii) Air quality and contaminated land should be deleted from the list of executive functions and remain as a function of the Licensing and Safety Committee.
- (iv) The Community Safety Strategy should be listed as an executive function.

Powers Exercisable by Officers

- (v) Item 2 (b)(iv) of powers exercisable by officers (disposal of freehold interest in land) should be deleted, as it conflicts with Financial Regulations and the specific authorisation to the Assistant Director of Environment (Resources).
- (vi) That the authorisations to the Assistant Director of Environment (Resources) be amended as follows:

J6. Acquire freehold interest in land, subject to the acquisition having been previously agreed in principle by or on behalf of the Executive and the consideration not exceeding £500,000.

J16. Dispose of the Council's interest in surplus land not exceeding 0.2 hectares or £500,000 subject to disposal having been previously agreed in principle by or on behalf of the Council or Executive

- (vii) That the framework for onward delegation of Executive powers be amended as follows:

Disposal of Land and Buildings:

Less than 0.5 hectares or not exceeding £500,000 – Executive Committee

In excess of 0.5 hectares or above £500,000 – whole Executive

Table 1 – Chief Executive and Directors – General Powers

- (viii) The Chief Executive and Directors be authorised to respond to consultation papers published by or on behalf of the government or a government agency in consultation with Executive Members, as appropriate.
- (ix) The references to single tender action and related financial limits be amended to conform to the recently approved Contract Procedure Rules.
- (x) The Chief Executive and Directors to be authorised to release section 106 funds where included in an approved capital budget, in consultation with the appropriate Executive Member.

Part 4.3 Budget and Policy Framework Procedure Rules

- (xi) Subject to agreement by the Leader, individual Executive members be authorised to approve initial budgets/policy proposals for publication as consultation drafts.
- (xii) That Rule 3 (a) be amended to provide for the Leader to seek a short adjournment of a Council meeting to consider amending Executive proposals submitted to the Council for its approval and for Council to consider any amendments on reconvening.

Protocol for Decision Making

- (xiii) That the exception and urgency procedures be extended to non-key decisions in addition to key decisions.
- (xiv) That the requirement to consult with the Chief Executive on exception and urgency procedures in the first instance be abolished.
- (xv) That the protocol should refer to officers using “best endeavours” to include all non-key decisions in the work programme but accept that this is not always practical.
- (xvi) That Financial Regulation 31 “Rendering of Accounts and Bad Debt Write Offs” be amended as set out in Annexe B to the report.
- (xvii) That the Monitoring Officer be authorised to make any other minor amendments to the Constitution arising as a direct consequence of the above changes.

104. **A Protocol for Members in Dealing with Planning Matters (Item 9)**

A report recommending the adoption of a protocol for Members dealing with planning matters was before the Council for consideration. It was noted that the former Planning and Transportation Committee had endorsed the principle of a Code of Conduct being formulated to assist Members in the handling of planning matters. However, the formulation of such a Code had been deferred pending the introduction of the “New Ethical Framework” introduced by the Local Government Act 2000.

Although the Code of Conduct for Members provided a general framework of propriety for Members to work within, it was considered that a Protocol dealing specifically with planning issues was warranted given the complexities of the planning process.

An amendment to the Protocol was moved, seconded and agreed.

RESOLVED that, subject to the deletion of the words “with the exception of 46” from paragraph 9.1, the “Protocol for Members Dealing With Planning Matters” shown as Annexe A to the report be adopted.

105. **Questions Submitted Under Council Procedure Rule 10 (Item 10)**

Notice had been received of the following question:-

By Councillor Glasson to the Executive Member for Social and Health Care Services and Housing

Recently announced grants to Bracknell's voluntary organisations reveal that the Council proposes to give them just 46% of what they have requested for the year ahead. We are forever, and quite rightly, lauding Bracknell's many voluntary groups for the vital contribution they make to the life of our community. Does it not reveal a grotesque lack of priorities to invest 4 times as much over the past year on the "Dumb Card" than it would have cost to fully fund our voluntary groups and give them the support and encouragement they deserve?

Reply by Councillor Bettison

In the absence of the Executive Member to whom the question was directed, the Leader of the Council responded by stating that the grants issued by the Social Services and Housing Department to the voluntary sector were in the form of procurement of services provided by the voluntary sector to client groups within the Borough in accordance with specified criteria. Grant applications were invited from a wide range of voluntary organisations to facilitate selection of those who most closely met the Council's criteria for the receipt of grant aid. The Leader of the Council's response included an explanation of the benefits offered by the Council's Smartcard.

The Leader of the Council then responded to a supplementary question from Councillor Glasson seeking clarification of the original answer.

106. **Motions Submitted Under Procedure Rule 11 (Item 11)**

Motion 4/2003

Motion 4/2003 was moved by Councillor Mills and seconded by Councillor Turrell. An amendment in the terms of the resolution set out below was then moved by Councillor Mills and duly seconded. Following discussion the amendment was put to the meeting and it was

RESOLVED that

- (i) This Council calls on the Government and Ministry of Defence, as landowners of the Meteorological Office Sites, to allocate sufficient land for a future hospital, to honour the long-term promise and increasing need for a more comprehensive, modern, and localised provision of health services and leading edge health facilities in Bracknell Forest;
- (ii) In making this request, the Council is mindful of the opportunity for the Government to learn from its previous mistake in refusing to provide land, once again in its ownership, for a hospital at the Ramslade Site in Broad Lane, Harmans Water; and
- (iii) The Chief Executive is, therefore, instructed to write to the Prime Minister and the respective Secretaries of State for Defence and Health, to formally and accurately communicate to them the sincerely held views of this Council.

107. **Closing Remarks**

As this was the last meeting of the Council to be held during the current municipal year and prior to the forthcoming Borough Council elections, the Mayor expressed her gratitude to all Members who had made her role as Mayor a pleasant and enjoyable experience. Particular thanks for their dedication and service to the people of Bracknell Forest were extended to Councillors Flood, Glasson and Henfrey who would not be standing for re-election. These Councillors took the opportunity to respond to the Mayor's comments.

MAYOR