

**COUNCIL  
27 OCTOBER 2004**

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**EXECUTIVE REPORT**

**1. INTRODUCTION**

- 1.1 Since the Executive report to the Council meeting on 28 July 2004, the Executive has met twice, on 21 September and 19 October 2004.
- 1.2 This report summarises the decisions taken at those two meetings.

**2. POLICY FRAMEWORK/RECOMMENDATIONS TO COUNCIL**

**2.1 Berkshire Structure Plan 2001 – 2016 - Modifications and Adoption**

- 2.1.1 Agenda item 6(ii) details the Executive's recommendations and the background to them.

**2.2 Amendment To Bracknell Forest Employment Of Children Byelaws**

- 2.2.1 The Executive has recommended to Council that the existing byelaws relating to the Employment of Children be revised to effect compliance with a change in legislation. The Children (Protection at Work) Regulations 2000 subsequently had the effect of amending the Children and Young Persons Act 1933 by raising to 13 the minimum age at which children may be authorised by local authorities' byelaws to be employed in light agricultural or horticultural work. Currently, the Council's byelaws stipulate a minimum age of 10.
- 2.2.2 The new Act also amends Section 20 of the 1933 Act so that local authority byelaws authorising children to take part in street trading must contain provisions determining the days and hours and places at which they may do so.
- 2.2.3 The advice from the Department of Health was that as the existing byelaw does not contain provisions for "days, hours and places" it was insufficient to comply with the regulations. The Secretary of State has advised that the Council should either amend to include this, or alternatively, if such licences are not normally issued in Bracknell Forest the Council, remove the provision altogether. As no licences have been issued by the Council to children to engage in street trading activities, it is now proposed that the existing street trading provisions within the byelaws (byelaws 17-20) should be deleted.
- 2.2.4 Accordingly, the Executive has recommended that the revised Bracknell Forest Borough Council byelaws on the Employment of Children (Annex 2) be adopted.

### **3 SOCIAL & HEALTH CARE SERVICES & HOUSING**

#### **3.1 Bracknell Forest and Royal Borough of Windsor and Maidenhead Safer Communities Partnerships: Joint Review**

3.1.1 The Executive has approved a proposal for the Council to undertake an innovative partnership review of safer communities with the Royal Borough of Windsor & Maidenhead (RBWM) and Thames Forest Police. This had previously been discussed by the Public Scrutiny Commission.

3.1.2 Over recent months discussion has been ongoing between Bracknell Forest, RBWM and Thames Forest Police about the merits of undertaking a joint Best Value Review of safer communities. There is much to be gained by exploring opportunities for better cross boundary working, service efficiencies and sharing best practice, both between local authorities and with the police and other agencies.

3.1.3 The review will focus on:

- The services provided by the three principle agencies to reduce levels of crime;
- The effectiveness of Youth Offending Teams, Drug Action Teams and Safer Communities Teams;
- The PSA target areas (vehicle crime, domestic violence, anti-social behaviour and drugs treatment services);
- Prolific offenders;
- Vulnerable young people and crime;
- Fear of crime.

3.1.4 The planned timescale is for a report to be completed in June 2005.

#### **3.2 Selection Of Preferred Partner Registered Social Landlords**

3.2.1 The Executive has previously given approval to the principle and mechanism of selecting preferred partner registered social landlords (RSLs) who will work in partnership with the Council to increase the supply of affordable housing in the borough. The Executive has now approved a shortlist of 8 RSLs providing general needs accommodation and 2 specialist RSLs providing supported accommodation.

3.2.2 The selection of a smaller number of development partners will provide a more efficient and effective means of making best use of the scarce resources available to develop affordable housing in Bracknell Forest. It will improve liaison between the Council and selected associations and make the distribution of housing development sites easier.

3.2.3 An exhaustive selection process has been undertaken involving senior officers and a member of the Tenants' and Leaseholders' Panel. It is proposed that a selection of those RSLs chosen to be preferred partners will make presentations to the Panel to demonstrate they are going to offer high quality management, ongoing social and environmental sustainability and innovation in the development of affordable housing in Bracknell Forest.

## **4 ENVIRONMENT**

### **4.1 Streetcare Best Value Review – Improvement Plan**

4.1.1 The Executive has approved the Improvement Plan for Streetcare arising from the recent Best Value Review. This review has been subject to a full inspection by the Audit Commission.

4.1.2 The review has considered the current services and how these may be developed to meet the ambitions set out in the Community Plan and the Council's Medium Term Objectives.

4.1.3 The Improvement Plan will help meet the following Community Plan ambitions:

- A Town Fit for the 21st Century
- Develop Sustainable Communities
- Give Bracknell Forest a Sense of Place and Identity
- Improve Transport Systems

4.1.4 In addition, it also contributes towards the following Medium Term Objectives:

- To lead the regeneration of Bracknell to provide a Town fit for the 21<sup>st</sup> Century
- To provide a safe framework for developing the Community
- To create and maintain a quality environment
- To development and implement transport policies that improve movement and maintenance.

## **5 LEISURE SERVICES**

### **5.1 Approval For Virement Of Capital Budgets**

5.1.1 The Executive has approved a virement of £97,000 in the Leisure Capital Programme in order to fund an increase in the cost of the fitness suite extension at Bracknell Sport and Leisure Centre. The revised cost of the project will now be £487,000. The main reasons for the increase in costs are the works needed to upgrade the existing fire standards in the larger and contiguous new space, to upgrade the existing environmental conditions to compensate for the deteriorating performance of the old air conditioning, additional ground works found to be necessary after detailed investigation and the cost of keeping the centre operational during the works.

## **6 PLANNING & TRANSPORTATION**

### **6.1 Local Development Scheme**

6.1.1 The Executive has approved the Bracknell Forest Borough Local Development Scheme for submission to the Government Office for the South East following commencement of the Planning and Compulsory Purchase Act. The Scheme is a three year work programme for preparation of the documents that will form the Bracknell Forest Borough Local Development Framework. This will review and replace policies and proposals in the Bracknell Forest Borough Local Plan which

covers the period to 2006 and, with only two years to run, requires review to ensure that the Borough has an up to date development plan.

- 6.1.2 Local Plans will be replaced by Local Development Documents which together will guide development at the local level. The diagram in Annexe 1 indicates the relationship between the Local Development Framework and other policy guidance.

## **7 COUNCIL STRATEGY/CORPORATE SERVICES & RESOURCES**

### **7.1 Redesigning and Improving the Council's Web Site**

- 7.1.1 The Executive has approved the new design and format of the Council's Internet website. This work to improve the site relates both to the development of the Council's Customer Contact Strategy and the implementation of the e-Government Strategy.

- 7.1.2 The new site will be managed via a content management system (CMS) which will make the management of content on both the Council's website and intranet easier and also facilitate access to and use of both. The further development and re-launch of the web-site is a key to the delivery of the Council's e-government strategy approved by the Executive in May.

- 7.1.3 The Council's web-site has been assessed one of the top 5% of websites for transactional service delivery by SOCITM. Currently, it receives over 16,000 hits a day. By redesigning and improving the site, our aim is to put more services and do more business with local people on line, increasing the usage of the site and therefore ensuring that the site remains amongst the best in the UK. This redesigned site will help the Council achieve the aims set out in the ICT strategy to:

- Deliver excellent services to the customers in Bracknell Forest; and
- Maintain Bracknell's position as a leader in the field of e-government.

### **7.2 Corporate Performance Overview Report**

- 7.2.1 The Executive received the Chief Executive's latest Performance Overview Report detailing the performance of the Council over the first quarter (April-June) of 2004/05. The beginning of the 2004/05 financial year has seen continued good performance across all of the Council's services, with all major targets being broadly met.

- 7.2.2 At a departmental level some areas of notable performance over the last quarter include:

- Average stay in B&B accommodation has reduced. In addition, the Council has consistently maintained having no families with children and/or pregnant family members in B&B accommodation for over 6 weeks.
- Highest success rate in Berkshire for schools receiving awards under the Healthy Schools Standards
- Improvement in attendance by secondary school pupils
- % of Special Educational Needs statement prepared including exceptions continues to improve
- number of people aged 75 or over in acute hospital beds whose hospital discharge is delayed has improved
- the number of invoices paid within 30 days continues to improve – average number of days to pay invoices during the last quarter was 19.

- Payroll errors have seen a significant improvement in June to under 4%. This compounds with the average during the last months of the previous contract of 8%
- Speed of processing benefits for new claims and notifications of changes in circumstance have both seen increased performance.

7.2.3 Inevitably, in an organisation as large and diverse as the Council there are also areas of concern. Members will know from recent QORs that the organisation has been looking to improve performance for assessing planning applications and that additional resources were allocated to this in the Spring to 'unblock' problems, since then, performance for 'minor' and 'other' applications has seen an improvement (with the target for 'other' applications met during this quarter.) All actions scheduled during the first quarter from the improvement plan of the Best Value Review of Development Control were completed ahead of schedule and, in the period July-September, the Council met all three targets.

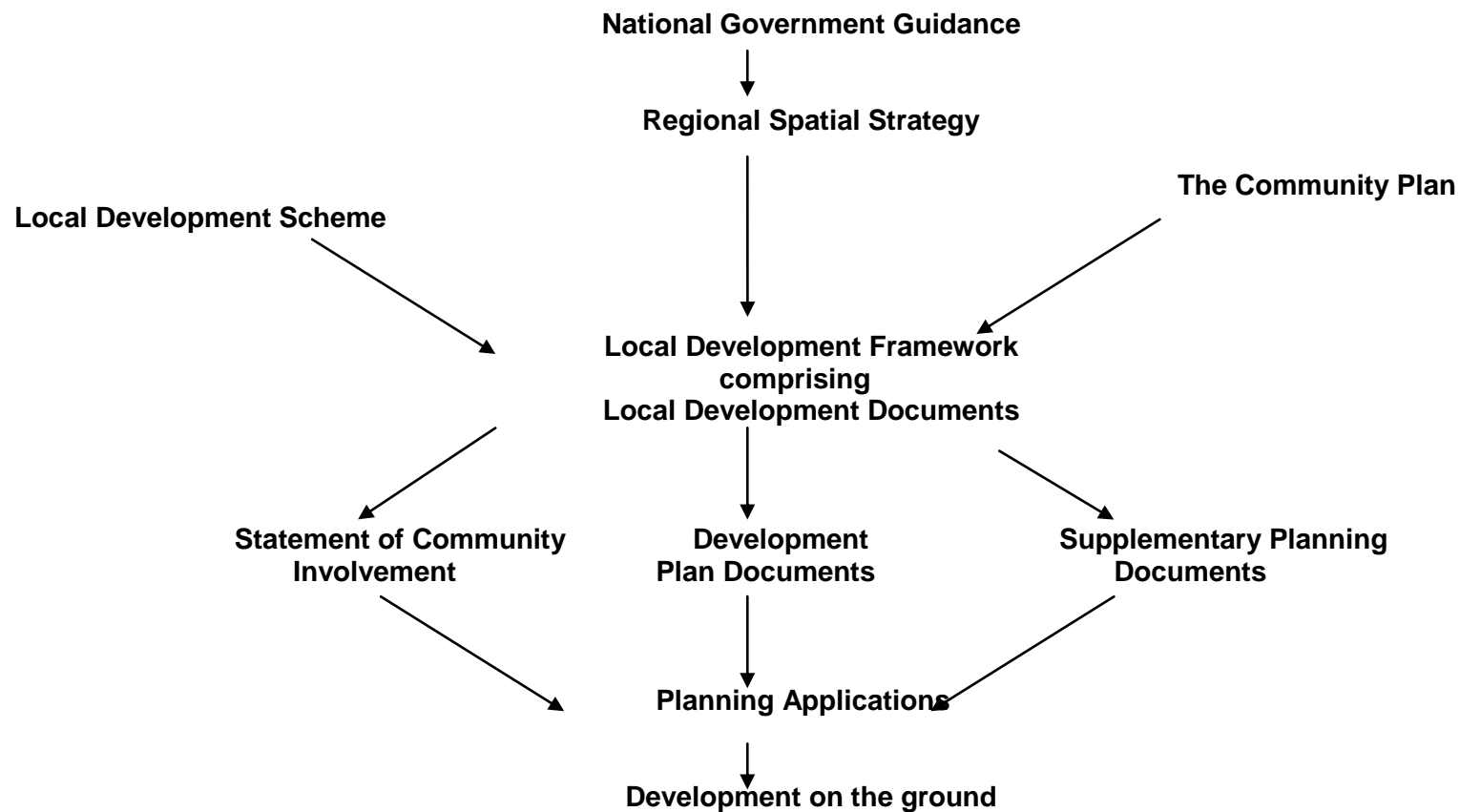
7.2.4 Action has also been taken to address the increase in the number of permanent exclusions from Bracknell Forest schools during this academic year. The Director of Education & Libraries has had a series of discussions with Members, Headteachers and chairs of school governing bodies. Plans are being made to analyse the data to inform preventative strategies. Schools are also considering proposals to achieve greater consistency in the use of sanctions.

7.2.5 Progress against the 12 LPSA stretch targets in the agreement suggests that the overall success rate could reach 75%, which is a commendable outcome.

7.2.6 Overall, the Chief Executive is satisfied that the Council continues to make sound progress towards the achievement of its objectives, believing that, although there is no room for complacency, we remain well placed to move forward and continually improve the services that we provide.

## 8. **LOOKING AHEAD**

8.1 The next Forward Plan will be published on 1 November 2004 and will be available for public inspection at Easthampstead House in the usual way and is also regularly updated 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.



**Annexe 1: Relationship between planning policy documents, the Community Plan and development on the ground**

# **EMPLOYMENT OF CHILDREN**

## **BYELAWS**

# BRACKNELL FOREST BOROUGH COUNCIL BYELAWS

## Made Coming into force.....

Bracknell Forest Borough Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1933<sup>1</sup>, hereby makes the following Byelaws:

### CITATION AND COMMENCEMENT

1. These Byelaws may be cited as the Bracknell Forest Borough Council Byelaws on the Employment of Children (2004) and shall come into force on .

### INTERPRETATION AND EXTENT

2. In these Byelaws, unless the context otherwise requires:

“the authority” means Bracknell Forest Borough Council;

“child” means a person who is not yet over compulsory school age as defined in section 8 of the Education Act 1996;

“employment” includes assistance in any trade or occupation which is carried on for profit, whether or not payment is received for that assistance;

“light work” means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed -

a) is not likely to be harmful to the safety, health or development of children; and

b) is not such as to be harmful to their attendance at school, their participation in work experience in accordance with section 560 of the Education Act 1996, or their capacity to benefit from the instruction received or, as the case may be, the experience gained.

“parent” includes any person who has for the time being parental responsibility for a child within the meaning of Section 3 of the Children Act 1989.

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<sup>1</sup> 1933 c.12



“public place” includes any public park, garden, sea beach or railway station and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“year”, except in expressions of age, means a period of twelve months beginning with 1st January.

### **PROHIBITED EMPLOYMENT**

3. No child of any age may be employed:
- (a) in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;<sup>2</sup>
  - (b) to sell or deliver alcohol, except in sealed containers;
  - (c) to deliver milk;
  - (d) to deliver fuel oils;
  - (e) in a commercial kitchen;
  - (f) to collect or sort refuse;
  - (g) in any work which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
  - (h) in employment involving harmful exposure to physical, biological or chemical agents;
  - (i) to collect money or to sell or canvass door to door;
  - (j) in work involving exposure to adult material or in situation which are for this reason otherwise unsuitable for children;

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<sup>2</sup> This does not prevent children taking part in performances under the provisions of a licence granted in accordance with the Children and Young Persons Act 1963, and the associated Regulations.

- (k) in telephone sales;
- (l) in any slaughterhouse or in that part of any butcher's shop or other premises connected with the killing of livestock, butchery or the preparation of carcasses or meat for sale;
- (m) as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices;

- (n) in the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult;
- (o) in scrap yards or car breakers.

#### **PERMITTED EMPLOYMENT OF CHILDREN AGED 14 AND OVER**

- 4. A child aged 14 or over may be employed only in light work.

#### **PERMITTED EMPLOYMENT OF CHILDREN AGED 13**

- 5. A child aged 13 may not be employed except in light work in one or more of the following specified categories:
  - (a) agricultural or horticultural work on an occasional basis by or under the direct supervision of his parent
  - (b) delivery of newspapers, journals and other printed material;
  - (c) shop work, including shelf stacking;
  - (d) hairdressing salons;
  - (e) office work;
  - (f) car washing by hand in a private residential setting;
  - (g) in a cafe or restaurant;
  - (h) in riding stables, and
  - (i) domestic work in hotels and other establishments offering accommodation.

## **EMPLOYMENT BEFORE SCHOOL**

6. Subject to the other provisions of these byelaws, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to attend school.

## **ADDITIONAL CONDITION(S)**

7. No child may be employed in any work out of doors unless wearing suitable clothes and shoes.

## **NOTIFICATION OF EMPLOYMENT AND EMPLOYMENT PERMITS**

8. Within one week of employing a child, the employer must send to the Authority written notification stating:
  - (a) his own name and address;
  - (b) the name, address, and date of birth of the child;
  - (c) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and, if different from (a) above, the place of employment;
  - (d) a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent;
  - (e) details of the school at which the child is a registered pupil, and
  - (f) a statement to the effect that an appropriate risk assessment has been carried out by the employer.
9. Where, on receipt of a notification, the local authority is satisfied that:
  - (a) the proposed employment is lawful;
  - (b) the child's health, welfare or ability to take full advantage of his education would not be jeopardised; and
  - (c) the child is fit to undertake the work for which he is to be employed,it will issue the child with an employment permit.

10. Before issuing an employment permit a local authority may require a child to have a medical examination.
11. The employment permit will state:
  - (a) the name, address and date of birth of the child;
  - (b) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and the place of employment;
12. A child may be employed only in accordance with the details shown on his employment permit.
13. A local authority may amend a child's employment permit from time to time on the application of an employer.
14. The local authority may at any time revoke a child's employment permit if it has reasonable grounds to believe:
  - (a) the child is being unlawfully employed, or
  - (b) that his health, welfare or ability to take advantage of his education are suffering or likely to suffer as a result of the employment.
15. A child must produce his employment permit for inspection when required to do so by an authorised officer of the authority or a police officer.

## **REVOCATION**

16. The Byelaws with respect to the employment of children (and street trading) made by Bracknell Forest Borough Council on the 16th day of October 1998 and confirmed by the Secretary of State on the 20th day of October 1998 are hereby revoked.

**THE COMMON SEAL of BRACKNELL** )  
**FOREST BOROUGH COUNCIL** was )  
hereunto affixed in the presence of: )

.....  
**MAYOR**

.....  
**BOROUGH SOLICITOR**

These Byelaws are hereby  
confirmed by the Secretary of State  
for Health on..... and  
shall come into operation on.....

Signed

**A Senior Civic Servant on behalf  
of the Secretary of State for Health**