

**COUNCIL
1 DECEMBER 2004**

EXECUTIVE REPORT

1 INTRODUCTION

- 1.1 Since the Executive report to the Council meeting on 27 October 2004, the Executive has met once, on 16 November 2004.
- 1.2 This report summarises the decisions taken at those two meetings.

2 POLICY FRAMEWORK/RECOMMENDATIONS TO COUNCIL

2.1 Licensing Policy - Results of Consultation

- 2.1.1 The Executive on 20 July 2004, approved the draft Licensing Policy for consultation. Following a 12 week consultation period, the Policy has been amended and reported back to the Executive on 16 November for endorsement.
- 2.1.2 Over 500 comments were received from 48 respondents. All these comments have been recorded and considered, taking into account the legislation and guidance issued by the Government together with local circumstances. The main issues raised were:
 - (a) The Royal Berkshire Fire Service raised concerns regarding the wording of some paragraphs and suggested alternatives. These were considered by officers and, where appropriate, with a few changes incorporated in the policy.
 - (b) Some trade respondents were concerned that certain statements implied a blanket approach by the Council to all premise applications. The Policy has been amended so as not to suggest a standardised approach. This recognises there may be differences within premises and stresses the importance of treating every application on its merits.
 - (c) Concern was expressed in some quarters over the extent to which the Policy may be perceived as duplicating existing legislation relating to Health and Safety, Noise, and Disability, which should not be a purpose of the policy. These concerns have been considered and where appropriate changes made.
 - (d) References to smoking, public health and personal amenity were regarded by certain respondents as outside the scope of the Policy. Requests were made for all references to these to be removed. Whilst references to public health and personal amenity have been removed, a revised statement on smoking is included in paragraph 5.9.
 - (e) Comment was made that the policy failed to adequately deal with Race/Equality Issues, for example, equality implications including the rate of approvals/refusals, enforcement, duty of licensee to promote good race relations, training for door staff to avoid cultural misunderstanding. Statements have been added to the policy to address this omission.

- (f) Concerns were expressed on the perceived requirement for all applicants to complete a risk assessment and seek advice of professional experts which was felt to be onerous and failed to recognise the individual nature of each premises. Changes were made to the policy to recognise and reflect these concerns, although all significant applications will still need to be risk assessed.
- (g) Cumulative Impact was a matter of concern for a significant number of respondents, and some wished for a numerical indication to be included within the policy. It is the view of officers that there is a wide range of factors that must be considered in making a decision on cumulative impact and that each area must be considered, with all relevant factors at that time on an individual basis. Changes were made in the policy to clarify this and are included as paragraphs 6.29 and 6.30.

2.1.3 Having noted these changes, the Executive is satisfied that the Policy (circulated with this agenda) is now appropriate for approval and has accordingly **recommended:**

- (a) **That the proposed changes to the Council's Licensing Policy that result from the consultation be approved; and,**
- (b) **That the Licensing Policy as amended be adopted.**

2.2 Easthampstead Park Conference Centre – Fire Precautions Act 1971

2.2.1 The Executive wishes to proceed with proposed building alterations at Easthampstead Park Conference Centre deemed necessary in order to satisfy recommendations made by the Royal Berkshire Fire Authority in relation to the requirements of the Fire Precautions Act 1971. This follows on from the submission of an application for fire certificates and a subsequent site visit made by The Fire Officer in May 2004.

2.2.2 The Centre currently generates an annual income of approximately £1.2million. A considerable proportion of this income comes from this type of accommodation being offered to clientele. Recent investment on refurbishment works at the site has contributed to increased income in the current financial year, it is expected that income will be £85,000 greater than the £100,000 operational surplus originally budgeted for. Accommodation is one of the areas where income has increased. If these works are not carried out, then a fire certificate would not be issued and this could mean the loss of income of between £200,000 – £250,000 per annum.

2.2.3 The building works necessary will incorporate significant improvements to the fire alarm system, emergency lighting and all fire doors/access routes, in both the main mansion house and the Whitfield building (a neighbouring accommodation annexe).

2.2.4 The Fire Officer originally set a deadline for these works to be satisfactorily completed by 1 November 2004. Having ascertained the cost of the specified works, the Fire Officer has confirmed appreciation of the circumstances and agreed to an extension of the original time limit. The revised deadline is now the 30 April 2005.

2.2.5 It is accordingly **recommended that a £100,000 supplementary capital estimate be approved for the purposes of performing works specified by the Fire Officer in order to meet the current requirements of the Fire Precautions Act 1971 at Easthampstead Park Conference Centre.**

3 BRACKNELL TOWN CENTRE

- 3.1.1 Following many months of detailed negotiations and joint work to develop an outline planning application for Bracknell Town Centre, agreement has been reached on the approach to be taken in developing the Section 106 agreement (taking care not to bind the Council in its regulatory role) and in the main elements of the separate Land and Development agreement between the Council and the Bracknell Regeneration Partnership. As a result of this, the Bracknell Town Centre Regeneration Committee agreed on 19 November to support the submission of BRP's outline planning application, which was subsequently delivered to the Council later that day.

The Committee were delighted that the many months of hard work had been translated into a potential scheme that is broadly in line with the Council's Master Plan. A public exhibition of the scheme is now open in the Town Centre and Members were invited to a pre-briefing on 26 November. The submission of the application is, of course, only one milestone, but is a potentially huge step towards the regeneration of the Town Centre.

Detailed consideration of the application by the Development Control function (which, of course, has not been involved in developing the application or the Land & Development Agreement) has begun, although it will be three/four months before the application can be considered by the Planning & Highways Committee.

4 ENVIRONMENT

4.1 Decriminalised Parking Enforcement

- 4.1.1 The Executive has approved the submission to the Secretary of State for Transport, of a draft business case for the introduction of Decriminalised Parking Enforcement (DPE) in Bracknell Forest. The decision to seek these powers, whereby the Council will be responsible for the enforcement of (almost) all yellow line parking and loading offences instead of the Police, was taken to support Local Transport Plan proposals and having regard to the emerging proposals for the redevelopment of Bracknell town centre and the consequent need to manage the centre effectively during the redevelopment and once the works are complete. At present, fines from police enforcement pass to the Treasury and not to the police authority, which is one reason why police enforcement is a low priority. Fines from local authority DPE are civil debts and are retained by the authority, so that enforcement and transport activities are supported.

- 4.1.2 Other advantages, from increased compliance with on-street restrictions and orders, include:

- Improved traffic flow
- Effective implementation of parking policies
- Fairer distribution of available parking places
- A more pleasant environment

- 4.1.3 Residents' parking is a different issue, though DPE would provide the necessary framework for the introduction of appropriate residents' parking schemes. Whilst DPE would be Borough-wide, residents' parking schemes would be targeted to deal with particular local problems.

- 4.1.4 Application has to be made to the Secretary of State for the necessary orders. The application would be for Permitted Parking Area powers and Special Parking Area

powers, allowing enforcement of contraventions in respect of permitted parking bays and limited waiting/loading areas. Special Parking Area powers will also allow conversion of non-compliance with orders covering the Council's off-street parking orders to civil debts, which will deal with current problems of prosecutions for Pay and Display, and enable the much more effective County Court action to recover excess charges in place of the current magistrates court process.

4.1.5 It is **recommended that £100,000 of Section 106 monies should be used in 2005/06 for start-up expenses.** The appraisal which has been carried out of the options suggests that the Council's preferred scheme would run at a small operating surplus in year 2.

4.1.6 The current programme for the project assumes DPE to go live in April 2006,

5.2 DEFRA Grant and Proposed Change to Domestic Waste Collection Service

5.2.1 Improvements to the domestic waste collection service have been agreed as a result of a £544,940 capital grant from DEFRA for the procurement of two green waste collection vehicles and two recycling collection vehicles and a £135,350 revenue grant to meet the costs of implementing a change in kerbside collection arrangements.

5.2.2 The government targets for recycling in Bracknell are 2003/2004, 18%, 2004/2005 (stretched LSPA), 24.8% and 2005/2006, 27%. The authority achieved 20.38% in 2003/2004 as a result of recycling initiatives, in particular the redesign of the civic amenity site to facilitate recycling of more materials and segregation of green waste for composting and the collection of plastics at the kerbside which encouraged residents to participate in the green box scheme.

5.2.3 In order to build on this performance it is necessary to consider collecting additional materials. A survey of residents indicated they would be prepared to participate in the collection of cardboard and green waste and successful trials have been taking place in parts of Sandhurst since 2003. These were extended in early 2004 to the whole of Sandhurst and more recently across the Borough to assess the take up of a green waste and cardboard collection services. The DEFRA funding will enable this to be made a permanent service from April 2005.

5.2.4 The current green waste service operates by use of special bags that can be bought at 30 pence each and it is proposed to continue on this basis, although a small number of wheeled bins are currently on trial to see if these could in the longer term be more economical.

5.3 Creating a Legal Entity to deliver Consumer Direct

5.3.1 The Government has decided to set up a national framework within which consumer advice is given, to be known as Consumer Direct. The Executive has agreed that the Council should jointly form with potentially 19 other local authorities in the South East, a Company Limited by Guarantee which would then contract with the Government to deliver the service.

5.3.2 In addition, the Head of Trading Standards and Services has been nominated as a Director of the company and the Executive Member for Public and Environmental Services and Parish Liaison has been nominated to represent the Council at Annual, Extraordinary and any other meetings of the company members.

5.3.3 Consumer Direct is to be operated through a network of 11 call centres across Great Britain, all of which will be fully operational by 2007. The initiative will be funded entirely by the DTI and operated in partnership with local authorities and their Trading Standards Services. The four main objectives are to:

- (a) Increase consumers' access to quality assured advice and information.
- (b) Aim to give people the knowledge, tools and confidence to be able to resolve matters themselves.
- (c) Improve the quality and coverage of information for Trading Standards and other stakeholders.
- (d) Act as a gateway to other complementary services where further help is required or specialist advice is needed.

5.3.4 Under this system local authority advice services would see their role change, as they would be dealing only with the more difficult, complex and demanding complaints as the new call centres are expected to resolve around 80% of consumer enquiries.

6 SOCIAL SERVICES & HOUSING

6.1.1 Members will be aware that, after the Executive had met, the Commission for Social Care Inspection (CSCI) published its 2004 star ratings for Social Services Departments. The Council received one star, compared to two in the previous year. The basis of the change in Bracknell Forest is that the Council's prospects for improvement in Adult Services have been regraded by CSCI from "promising" to "uncertain". Importantly, CSCI has not changed its rating of the way that services are being delivered or the quality of those services.

Overall, the reduction in the star rating is immensely disappointing, particularly in view of the massive efforts that staff have put into transforming Social Services within the Borough since 2001. A further disappointment stems from the fact that the CSCI judgement is at variance with all other external judgements that have been made by a wide range of organisations about the Council's prospects for improvement. Initial analysis suggests that the primary reason for the change is an apparent increase in the use of residential care places shown in the CSCI statistics. This is not borne out by local experience or by an increase in costs.

In the face of this setback, it is essential that the Council retains confidence in its approach and continues the process of modernisation that began in 2001. Meanwhile the Chief Executive and Director of Social Services & Housing, supported by the Audit Commission and other external bodies, are in discussion with CSCI with a view to reassessment of the performance data taking place early in the New Year as opposed to following the normal annual cycle before the rating can be reviewed.

7 LOOKING AHEAD

7.1 The next Forward Plan will be published on 1 December 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, where you can also find full details on decisions taken by individual portfolio holders.