

To: Council
14 July 2021

Executive Report to Council The Leader

1 Purpose of Report

- 1.1 Since the Council meeting on 28 April 2021, the Executive has met once, on the 1 June 2021. The meeting was conducted remotely and as such was acting in an advisory capacity, making recommendations to the individual executive members who are empowered to make the formal decisions. This approach was in line with the decisions taken by Council on 28 April 2021 to reduce, as far as possible the need for face-to-face meetings whilst the risk of COVID-19 infection remains a threat to the lives of members and officers.
- 1.2 Updated Forward Plans are published every Friday and can be viewed online at www.bracknell-forest.gov.uk. Full details on the decisions taken by individual portfolio holders can also be accessed online through the Council's website.

2 Recommendations to the Chief Executive from Council, meeting informally in accordance with the process agreed by Council on 28 April 2021:

- 2.1 **Council is asked to consider the recommendations set out at paragraphs 5.1.6 and 5.2.6.**

3 Reasons for Recommendation

- 3.1 The reasons for recommendations are set out in the supporting information and in the reports considered by the Executive.

4 Alternative Options Considered

- 4.1 Alternative options are discussed in the relevant individual reports considered by the Executive.

5 Supporting Information

Council Strategy & Community Cohesion

5.1 Adoption of the International Holocaust Remembrance Alliance Definition of Antisemitism

- 5.1.1 The Executive Member has agreed to recommend to Council that it should adopt the International Holocaust Remembrance Alliance (IHRA) working definition on antisemitism. The definition is:
- 5.1.2 "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

5.1.3 The IHRA definition specifies eleven 'contemporary examples of antisemitism' in public life, the media, schools, the workplace and in the religious sphere which could include but are not limited to:

- 1 Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extreme view of religion.
- 2 Making mendacious, dehumanising, demonizing or stereotypical allegations about Jews as such or the power of Jews as collective such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other social institutions.
- 3 Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- 4 Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- 5 Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- 6 Accusing Jewish citizens as being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- 7 Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of the State of Israel is a racist endeavour.
- 8 Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- 9 Using the symbols and images associated with classic anti-Semitism (e.g., claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.
- 10 Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- 11 Holding Jews collectively responsible for the actions of the state of Israel.

5.1.4 The Government adopted the definition in December 2016 and asked council leaders to adopt it in January 2017. More recently the Rt Hon Robert Jenrick MP Secretary of State for Housing, Communities and Local Government and Amanda Milling MP, Co-Chairman of the Conservative Party, have also separately written to all councils urging them to adopt the IHRA definition of antisemitism. Around 75% of local authorities in England have done so.

5.1.5 This council has not previously adopted the definition as it had an equality, diversity and cohesion strategy which stated that it was committed to eliminating discrimination, prejudice, and hatred towards all communities. However, the case for adopting the definition has continued to strengthen as nationally levels of hate crime directed towards the Jewish community have continued to increase over the past 3 years as well as there being very significant evidence of historical persecution of and

hatred towards the Jewish community internationally, most notably the WW2 holocaust.

- 5.1.6 Council is therefore invited to **RECOMMEND** that the International Holocaust Remembrance Alliance (IHRA) working definition on antisemitism be adopted.

Transformation & Finance

5.2 Time Square - Creating A New Collaboration/Community Hub Space

- 5.2.1 The Executive Member has approved the scope of the Phase 1 works for the redesign of the Time Square (council offices) to create an integrated Community/Collaboration Hub, creating a space which is shared with partners and by community groups, increasing co-location and partnership working.
- 5.2.2 The experience of staff working remotely throughout the pandemic has led to a re-appraisal of how the Council's staff work and therefore how Time Square should be configured to facilitate the new ways of working for council staff and partners, as well as opening up parts of the building for community use. Many staff will continue working remotely for a larger proportion of their time and therefore will not require traditional office facilities to the same extent as has historically been the case.
- 5.2.3 Over the course of the pandemic, it had become evident that the Council is at its most effective when working with partners, in particular across health and the voluntary sector. As such the co-location of such services is the next natural step in taking these relationships further forward. The reconfiguration of Time Square as a collaboration hub will help build on this. At the same time, the opportunity for a Community Hub space has been tested with internal stakeholders, partners and existing community groups, who have welcomed the introduction of flexible space creating more of a community focus in the town centre rather than Time Square being just a municipal office. In order to establish the Collaboration and Community space a capital allocation of £604k is being sought to undertake works to the building to create:
- a new collaboration space on the Ground floor with a Café space;
 - a new Ceremony Room (for weddings, citizenship ceremony's etc)
 - a re-imagined reception and customer meeting area;
 - a new child conferencing room on the ground floor;
 - the First floor available for partners and future rental space; and
 - a new Board Room on the Fourth floor, enabling the use of the existing board room on the ground floor for community bookings.
- 5.2.4 All spaces will be provided with new furniture suitable for collaborative working and informal meeting areas and spaces.
- 5.2.5 The first phase of the remodelling works should be completed by the end of October 2021 to enable a phased return of staff into the building between late June and then, subject to any COVID restrictions in place at that time.

5.2.6 Council is therefore invited to **RECOMMEND** that a supplementary capital approval of £604k to fund the costs for Phase 1 of the Time Square works be added to the 2021/2022 capital programme.

5.3 Redevelopment of the Council's Depot Site

5.3.1 The Executive Member has approved the strategic procurement plan for the design development and construction works to create a new depot facility for the Council at the existing Commercial Centre. The project is part of the Council's capital programme. The need for a new depot arose from the poor condition of the existing building and a wish to make more efficient use of the site.

5.3.2 The redevelopment of the Commercial Centre had been agreed as part of the strategic objectives of the council's Asset Management Strategy. This strategy set out to deliver a new depot facility on the site, while moving off site, office-based activities. The Emergency Duty Service and Forest Care are being relocated to Unit B at Waterside Park, where an emergency planning and resilience location is also being created. The new depot facility will accommodate the Council's Transport team, Unison and the council's partners, Continental Landscapes, Ringway and Suez, including their equipment, workshops and vehicles. A part of the site will become surplus to requirements and be disposed of. The income from the sale of this land will offset the cost of providing the new depot.

5.3.3 Subject to satisfactory completion of the tendering process, it is hoped to award the contract in January 2022, with work starting in April 2022 and completing in March 2023.

Culture, Delivery and Public Protection

5.4 South Hill Park Trust Limited – Pension Liabilities

5.4.1 The Executive Member has rejected a request from the South Hill Park Trust for the Council to act as guarantor for its part of the local government pension scheme. The request had been prompted by there no longer being any active members of the Trust's scheme paying into the pension fund. There are 25 former employees with accrued benefits, but with no current employees paying into it, it had become a "closed" scheme with liabilities exceeding its assets. In this situation a "cessation" payment was required to the Berkshire Pension Fund to bring these into equilibrium. The level of the cessation payment due depended on whether its ongoing fund was absorbed within that of another employer in the Berkshire Fund, or remained as a stand-alone entity that had to cover a potential worst case scenario difference between liabilities and assets until the final scheme member died. The Trust has concluded that it would be unable to secure the funding which was required if it could not secure a guarantor and would need to cease its operations under that scenario. It believed, however, that it could meet the payment over a 5-6 year period which would be required to have the scheme deemed by the Pension Fund Authority as "fully funded", subject to any future difference between liabilities and assets dealt with as part of a larger employer's fund. It had, however, acknowledged that there was a risk that its finances over the years ahead may not be able to accommodate this significant commitment.

5.4.2 The Pension Fund's Actuary had confirmed that merging the 25 former Trust employees into the overall Bracknell Forest part of the fund (assuming the Trust's pension fund was deemed to be in a "fully funded" position at the point of transfer) would be unlikely to make any material difference to the overall amount of pension

contributions the Council would need to make in future years. The Executive Director: Resources was therefore content that absorbing the Trust's pension scheme into Bracknell Forest Council's, from a fully funded position, would not represent a material financial risk. There would, however, be a risk associated in underwriting the Trust's liability to secure a fully funded position.

- 5.4.3 To avoid this risk, the Executive Member opted to reject the request as there was no legal connection between the two organisations. It was recognised that this could mean that the Trust would cease to operate, in which case the Council would then need to seek an alternative organisation to manage an Arts programme at South Hill Park or consider other uses for the facility. However, it was stressed that the building and grounds would remain in the Council's ownership and therefore be available to the community even if the Trust had to cease operations.

5.5 Support to Enable the Recovery of Leisure Activities

- 5.5.1 The Executive Member has agreed that a decision will be made on whether further financial support will be given to Everyone Active (EA) for quarter 2 of 2021/22 to allow it to continue to provide the Council's leisure facilities, once the actual usage and income figures are available at the end of the quarter. This principle for support will also be applied to the rest of the financial year. EA operate Bracknell Leisure Centre, Coral Reef and Downshire Golf Course on behalf of the Council.
- 5.5.2 The Executive had previously agreed three financial support packages for EA in April and July 2020 and March 2021. EA's income is solely dependent on customer membership fees, cash sales and ancillary sales' activities, such as catering. This income underpins a "management fee" arrangement with the Council, through which Bracknell Forest receives an annual income of £1.3m from EA. The remaining income from customers covers EA's staffing costs, premises costs and operating profit. With all three sites having re-opened, it will only become apparent at the end of the quarter to what extent the company's income has been adversely affected by the lockdown. It would not therefore be appropriate to determine whether support should be offered again until those figures are available.
- 5.5.3 The Council's income budget for the year had been £1,272,860. It had, however, waived the management fee of £334,000 for the first quarter. The Government support being provided to the end of June 2021 will provide income of £237,800 which will help mitigate this loss, but Government officials have advised that no further support will be available during the year.

Adult Services, Health & Housing

5.6 Section 106 Commuted Sum Monies for Temporary Emergency Affordable Housing (Tenterden Lodge Modular Unit)

- 5.6.1 The Executive Member has approved the spending of up to £180,000 of the secured Section 106 affordable housing commuted funds to improve the temporary emergency affordable housing provision in the Borough. The funding will allow a 1-bed wheelchair accessible single storey modular building to be placed in the rear corner of Tenterden Lodge, Wokingham Road, Bracknell, for which planning permission had been secured. It had originally been intended to utilise the Disabled Facilities Grant capital budget to fund this unit but demands on that budget are increasing and it is therefore more prudent to fund the scheme through the available Section 106 funds.

- 5.6.2 The Council has a small stock of temporary accommodation with a range of property sizes. Currently there is a lack of fully wheelchair accessible units for emergency or temporary placement of homeless households requiring wheelchair accessible provision. The provision of this unit will help to address this and will allow emergency placements both by Housing and Adult Social Care for a single person or couple needing fully accessible accommodation.
- 5.6.3 The Council has around £700,000 of affordable housing Section 106 commuted funds to allocate before Summer 2022 and is exploring other options with Registered Providers to ensure that the remaining funding is allocated.

Children, Young People & Learning

5.7 Extension of the Children’s Residential Care (CRC) Consortia Framework 2021-2024

- 5.7.1 The Executive Member has endorsed the Council’s continued membership of the of the CRC Consortia Framework for a further period of 3 years (September 2021- September 2024) and its participation in the extension process which will be led by Southampton City Council. This commitment includes an annual fee to Southampton City Council of £1,015.94 for each year of the extension, covering the procurement costs and provision for future call-offs made on the Framework by the Council which will not exceed £9,000,000 over the 3 years of the extension.
- 5.7.2 The Narey review (2016) into residential provision for children was clear in its recommendations for local authorities to come together into large consortia for the purpose of obtaining significant discounts from private and voluntary sector providers. Significant spot purchasing does not align with procurement regulations and so there is a clear need for the council to operate within requirements. Having access to the framework does provide an alternative option for some of the most complex and challenging placements. The Council is finalising a Children Looked After and Care Leavers Sufficiency Plan for 2020–2024 which will help to develop the Council’s intelligence in this area. Residential placements should be the last option and the focus is to reduce the overall number of children in such placements and make greater use of in-house carers and IFA’s and step down. As a small unitary, being part of a consortia with other local authorities, increases the Council’s influence in a highly challenging residential market. It does not prevent the Council continuing to spot purchase when necessary. The CRC Framework prices will be fixed for the 3-year extension, providing some stability in a highly expensive market where costs are increasing annually. Where appropriate, the Council will explore placements with framework providers through the recently introduced Entry to Care Panel. However, most residential placements made in the last few years have still been made through spot purchasing as it has sometimes been difficult to find local framework placements.

Planning & Transport

5.8 Crowthorne Neighbourhood Development Plan 2018-2036 - “Making” The Plan

- 5.8.1 The Executive Member has approved the formal “making” (keeping in legal force) of the Crowthorne Neighbourhood Development Plan to enable it to continue to form part of the statutory Bracknell Forest Development Plan and the form, content and publication of the related Decision Statement.

- 5.8.2 The Crowthorne Neighbourhood Development Plan came into legal force as part of the statutory Bracknell Forest Development Plan when the results of the community referendum on the Neighbourhood Plan were published, where the majority of those who voted (1,185 of the 1,401) were in favour of the Council using the Neighbourhood Plan to help decide planning applications in the Crowthorne Neighbourhood Area. As the Council is satisfied that formally 'making' the Neighbourhood Plan would not breach, or otherwise be incompatible with, any EU or human rights obligations and there has been no legal challenge related to the referendum, it is required to formally make the Neighbourhood Plan as soon as reasonably practicable after the referendum is held and, in any event, within 8 weeks of the referendum.
- 5.8.3 The Neighbourhood Plan will alter the amount of Community Infrastructure Levy (CIL) receipts that are payable to Crowthorne Parish Council. It currently receives a neighbourhood funding element of CIL receipts of 15% which is capped at £100 per dwelling. As a result of the Neighbourhood Plan being 'made', this increases to 25% of Levy receipts and is uncapped. The neighbourhood funding portion can be spent on things other than infrastructure, such as affordable housing to address the demands that development places on the area.

6 Notification of appointments made by the Leader

- 6.1 The Leader established the Bracknell Forest Lottery Working Group and confirmed the membership as Councillors Allen, Mrs Birch, Heydon and Leake.

7 Consultation and Other Considerations

Legal Advice

- 7.1 The Borough Solicitor's comments have been addressed in the reports to the Executive.

Financial Advice

- 7.2 The Director: Resources' comments have been addressed in the reports to the Executive.

Equalities Impact Assessment

- 7.3 Equalities issues, where appropriate, have been addressed in the reports to the Executive/Executive Members.

Strategic Risk Management Issues

- 7.4 Any strategic risks have been identified in the reports to the Executive/executive members.

Climate Change Implications

- 7.5 This report summarises the decisions made by executive members on advice from the Executive as a whole. As such, this report will have no direct impact on emissions of CO₂. The potential impact of each decision was summarised in the individual reports.

Background Papers

Executive Agenda – 1 June 2021

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