

To: Council  
15 September 2021

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## **Executive Report to Council The Leader**

### **1 Purpose of Report**

- 1.1 Since the Council meeting on 14 July 2021, the Executive has met twice, on the 20 July and 31 August 2021. The meetings were conducted remotely and as such were 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](http://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**

- 2.1 Council is asked to consider the recommendations set out at paragraph 5.5.5.**

### **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**

#### **Adult Services, Health & Housing**

#### **5.1 Lateral Flow Testing (LFT) Project – Extension of contract term and anticipated expenditure**

- 5.1.1 The Executive has approved spend of £1.35 million (including a contingency of 20%) for the next phase of the Lateral Flow Test project. In view of the need to avoid delay in continuing the community testing programme from 1 July 2021 until 31 March 2022, a further Contract Standing Order waiver was also approved to enable the existing provider, Solutions 4 Health, to continue delivering the testing. The Government had recently indicated that local authorities would be expected to continue providing an LFT programme until March 2022. With ongoing uncertainty about the need for the service, the current contract terms were advantageous as they allowed the Council to terminate with one week's notice and no additional financial penalties. The Council had also established strong working relationships with the

provider and therefore it would be challenging at this stage to look to appoint a different provider and sustain the same level of service delivery.

- 5.1.2 The Government has indicated that funding for this next phase will be based on a more hybrid approach that will give local authorities more freedom and autonomy to decide how best to deliver community testing, as opposed to simply being based on a price per test. It is likely that reimbursement of any costs will be provided monthly in arrears based on actual costs incurred.
- 5.1.3 The initial contract was approved as an 'urgency matter' and therefore this approach could not be used again for this contract.

## **5.2 Commissioning of Home Care Framework: Adults**

- 5.2.1 The Executive has approved the strategic procurement plan for procuring a home care service through a flexible framework to commence on 1 April 2022 for an initial 3-year term with the option to extend for an additional 3 years, or portion thereof, under the Light Touch Regime.
- 5.2.1 The Care Act 2014 placed duties on local authorities to influence the Home Care market to ensure a sustainable, diverse, efficient and effective service that delivered better, innovative and cost-effective outcomes that promote the wellbeing of people who need care and support. COVID-19 had increased demands on the service where the focus had been on home first and accelerated discharge strategies to alleviate pressures on the NHS. Analysis of the service also indicated a significant increase in demand for those suffering deficits in memory and cognition. This was supported by national trends in needs analysis and the increasing demands for dementia services. Support with memory and cognition was the most significant group after standard home care.
- 5.2.3 Analysis of alternative options had indicated that a flexible framework best met the needs of the Council. This has therefore been reflected in the procurement plan.

## **5.3 Section 75 Agreement – Arrangements for 2021/22 and onwards**

- 5.3.1 The Executive has agreed that the Executive Director: People, on behalf of the Council, should agree and enter into an interim extension to the current Section 75 agreement with added service schedule information for 1 April 2021-31 March 2022. In addition, it has agreed that a renewed Section 75 agreement to supersede the 2021/22 interim agreement should be submitted for approval in early 2022, subject to Better Care Fund guidance being published, reflecting the ambition for partnership working in future years.
- 5.3.2 A Section 75 Partnership Agreement allows both parties to continue to remain legally accountable for its statutory functions but permits one party to delegate delivery of these functions to the other on a day-to-day basis with pooling of budgets.
- 5.3.3 The existing Section 75 agreement expired on 31 March 2021. Existing and new services that are jointly commissioned and or funded through a pooled budget need to be covered through a Section 75 agreement in order to be compliant with the NHS Act 2006 and have a clear partnership working protocol between the CCG and the Council. The Better Care Fund (BCF) will likely need to be covered by a Section 75 agreement to be compliant with the national BCF conditions (guidance on which is expected shortly). National conditions for 2020/21 stated: "Plans covering all

mandatory funding contributions have been agreed by HWB areas and minimum contributions are pooled in a section 75 agreement.”

- 5.3.4 Further service schedules will be developed, and more detailed information added as part of the agreement from 2022/23 to include all jointly commissioned services/pooled budgets between the CCG and the Council. It will also include a risk sharing schedule and an updated partnership framework reflecting the latest national and local developments for health and care integration.

## **Transformation & Finance**

### **5.4 Capital Programme Outturn 2020/21**

- 5.4.1 The Executive noted that the projected capital programme outturn for 2020/21 was £26.883m, 50% of the approved budget of £53.797m. Although this was subject to change pending external audit, no significant movement was anticipated. As a result of the underspends, carry forwards totalling £25.007m had been requested. Although a significant proportion of the programme, many of the projects were either close to being completed or were contractually committed and underway.
- 5.4.2 As a result of the capital expenditure in 2020/21, the Council had an overall capital financing requirement (CFR) of £214.6m as at 31 March 2021. The Council will provide for the repayment of this through the minimum revenue provision which will be re-calculated for these out-turn figures using the policy agreed by Council and reflected in the Council's Budget. The CFR represents the underlying need to borrow to fund capital expenditure that cannot be financed from other income sources. However, the actual need to borrow at any particular time is determined by the Council's overall cashflow requirements. The actual level of borrowing at the end of March 2021 was £80m with investments of £20.3m leaving a net debt of £59.7m
- 5.4.3 Given that the level of capital expenditure incurred was less than budgeted for and income from capital receipts greatly exceeded expectations, the Council's long-term borrowings are much lower than predicted. This has contributed to an underspend in the capital financing revenue budget.

### **5.5 Revenue Expenditure Outturn 2020/21**

- 5.5.1 The Executive noted that its outturn revenue expenditure for 2020/21, subject to audit, was £87.592m, which represented an under spend of £3.615m compared with the approved budget. The Council has therefore returned £3.236m to General Reserves rather than the budgeted withdrawal of £0.379m. The General Reserves balance at 31 March 2021 was £10.327m, with only £0.001m committed to funding the 2021/22 revenue budget. The minimum prudent level recommended by the s151 Officer is £4.5m, broadly equivalent to 5% of the Council's net budget. In addition, it has approved budget carry forwards of £0.193m along with the earmarked reserves and virements relating to the 2020/21 budget. A number of other budget adjustments were made during the year to reflect transfers to or from reserves, the most significant being transfers to the Revenue Grants Unapplied Reserve (-£2.718m), Public Health Reserve (-£0.794m) and Better Care Fund Reserve (-£0.712m) and transfers from Schools Reserves (£1.186m).
- 5.5.2 The Corporate Management Team had agreed that the best way to reflect the additional COVID funding provided by the Government in the out-turn position, recognising that it was provided to support the additional spending pressures experienced by most service areas during the year, largely as a consequence of the

pandemic, would be to allocate it to mitigate against net pressures at an individual service level. This recognised the difficulty in determining whether pressures experienced in the year related solely or partly to COVID or to other factors. The consequence is that all directorates are showing no variance from budget in the out-turn position. A full analysis of the 2020/21 variances, identifying those already built into the 2021/22 base budget, one-off items and those of an ongoing nature was to be undertaken to inform the evolving 2022/23 budget proposals.

- 5.5.3 Cumulative deficits on the Schools Budget for the financial years 2020/21 to 2022/23 were now required to be charged to a new unusable reserve called the Dedicated Schools Grant Adjustment Account. As the Schools Budget was now in an overall deficit position, all earmarked reserve balances had been transferred to the new reserve with the resulting position being an overall deficit of £0.485m.
- 5.5.4 The Executive also received and noted the Council's treasury management performance during 2020/21. In accordance with the Prudential Code for Capital Finance, this was being recommended to Council.
- 5.5.5 It was therefore **RECOMMENDED** that Council note the Treasury Management performance in 202/21 as set out in Annexe B.

## **5.6 Regeneration and Redevelopment of an area of land at Coopers Hill, Bracknell**

- 5.6.1 The Executive has confirmed the appropriation of land at Coopers Hill for planning purposes in accordance with Section 122 of the Local Government Act 1972, with the result that certain property rights and interests affecting the land such as easements and restrictive covenants will be overridden pursuant to Section 203 of the Housing and Planning Act 2016 once the planning permission (21/00233/FUL) approved by the Planning Committee on 19 August 2021 is implemented. Statutory compensation may be agreed with any affected parties and therefore the Borough Solicitor was delegated powers to address all matters arising from the decision. In addition, delegated authority was granted to the Assistant Director; Property Services in consultation with the Borough Solicitor and the Executive Director: Resources to agree the settlement and documentation of any statutory claims with owners and occupiers of neighbouring properties, together with any associated fees; to document any associated agreements, deeds of release etc that may be required. The cost of the proposed settlement of compensation payments and associated matters would be met by the Bracknell Forest Cambium Partnership, pursuant to the existing development agreements.
- 5.6.2 Without the exercise of the Council's appropriation powers, parties who are affected by the diminution of their rights to light or other easements would have the ability to bring injunction proceedings to prevent or delay the development of the land.
- 5.6.3 The development proposal is for 52 units comprising of houses and low-level flats.

## **6 Consultation and Other Considerations**

### Legal Advice

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

### Financial Advice

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Climate Change Implications

- 6.5 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 CO<sub>2</sub>. The potential impact of each decision was summarised in the individual reports.

Background Papers

Executive Agenda – 20 July & 31 August 2021

Contact for further information

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