

To: **COUNCIL**
30 November 2022

EXECUTIVE REPORT TO COUNCIL
The Leader

1 PURPOSE OF REPORT

- 1.1 Since the Council agenda for the 13 July 2022 was published, the Executive has met on the 19 July 2022, 29 September 2022, 18 October 2022 and 15 November 2022. This report summarises decisions taken by reference to the relevant portfolio within which they fall.
- 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 RECOMMENDATION

- 2.1 **Council is asked to consider the recommendations set out at paragraph 5.2.3 and 5.4.2.**

3 REASONS FOR RECOMMENDATIONS

- 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

Transformation & Finance

5.1 Capital Programme Outturn 2021/22

- 5.1.1 The Executive noted that the projected capital programme outturn for 2021/22 was £27.221m, 52% of the approved budget of £52.7217m. Although this was subject to change pending external audit, no significant movement was anticipated. As a result, carry forwards totalling £21.713m had been requested to fund the completion of projects in 2022/23. Although a significant proportion of the programme, many of the projects were either close to being completed or were contractually committed and underway.
- 5.1.2 As a result of the capital expenditure in 2021/22, the Council had an overall capital financing requirement (CFR) of £213.7m as at 31 March 2022. 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 2022 was £80m with investments of £43.5m leaving a net debt of £36.5m compared with £59.8m last year.

- 5.1.3 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.

5.2 Revenue Expenditure Outturn 2021/22

- 5.2.1 The Executive noted that its outturn revenue expenditure for 2021/22, subject to audit, was £74.086m, which represented an underspend of £1.020m compared with the approved budget. This outturn maintains the Council's record of never having overspent its budget since becoming a Unitary Authority in 1998. The actual level of spending has allowed the Council to return £1.019m to General Reserves rather than the budgeted withdrawal of £0.001m. The General Reserves balance at 31 March 2022 was £11.346m. This compares to the minimum prudent level recommended by the s151 Officer of £4.5m, broadly equivalent to 5% of the Council's net budget.

- 5.2.2 The Executive also received and noted the Council's treasury management performance during 2021/22. In accordance with the Prudential Code for Capital Finance, this was being recommended to Council.

5.2.3 It was therefore RECOMMENDED that Council note the Treasury Management performance in 2021/22 as set out in Annexe B.

5.3 Revenue Budget Update

- 5.3.1 After recognising the scale of the financial pressures the Council was currently facing due to inflation and service demand, an update was provided to the Executive on the Council's financial situation in the current year and a forward look to the potential financial position in future years. A number of key pressures were highlighted and if they were not responded to quickly, could present further financial difficulties in the period ahead.

- 5.3.2 The Executive agreed the following:

- the identified best-case and worst-case scenarios for the Council's current year financial position were noted.
- drawing the full £1.5m from the earmarked reserve for Inflationary Costs to support the current year's budget was approved.
- the actions agreed by the Corporate Management Team to help contain expenditure in the current year were endorsed.
- the proposed responses were supported to immediate budget priorities set out in the report and specifically:
 - a) drawings from reserves to meet time-limited costs proposed for core foster care allowances (£0.154m in 2022/23, paragraph 5.10), social worker recruitment and retention subject to detailed review by the Employment Committee (£0.190m, paragraph 5.15) and SEND support

service staffing (£0.271m + £0.197m + £0.022m, paragraphs 5.25, 5.27 and 5.28); and

- b) inclusion in the Commitment Budget 2023/24 funding of £0.371m for core foster care allowances (paragraph 5.10), additional funding and associated savings of £0.115m and -£0.179m respectively related to the enhanced foster care approach, £0.456m for social worker recruitment and retention proposals (paragraph 5.15) and £0.052m for SEND support service staffing (paragraph 5.28).
- The Council's predicted medium-term financial prospects were noted.
 - The Executive reaffirmed their support for the 7 key principles to guide budget preparations.

5.4 Market Street Site Settled Development Plan

5.4.1 The Executive approved the adoption of the Settled Site Development Plan for Market Street proposed by the Bracknell Forest Cambium Partnership, noting that the amended proposal required further Planning consent that still had to be considered due to the proposed change in tenure and increased number of affordable homes. The Executive also approved spend of up to £0.500m to a nominated Registered Provider from the Council's s106 affordable housing commuted fund, to support the development of an additional 52 affordable rented homes, increasing the proportion of affordable homes in the Market Street development to 56%.

5.4.2 It was RECOMMENDED that Council approves an equal share of funding needed to undertake this development up to a peak requirement of £12.5m and land drawdown when conditions have been met.

5.4.3 The Initial Site Development Plan (ISDP) for Market Street set out the overall vision for the site and was agreed by full Council in March 2021. The Settled Site Development Plan sets out the progress made from ISDP stage and agrees the final build form and quantum for the development, number and nature of affordable properties and the anticipated financial returns for each partner.

5.4.4 Development of the Council's market Street site as proposed will help achieve the key objectives set by the Council for the Cambium partnership, notably promoting the on-going regeneration of Bracknell town centre to contribute to the Borough's economic development and bringing forward high-quality affordable homes.

5.5 Lease of the unit in Princess Square for the Library

5.5.1 The Executive agreed the principle of relocating the library to Princess Square LSU 4, Bracknell to create a new library and cultural facility to complement the Deck scheme and facilitate future regeneration of the current library site.

5.5.2 The Executive also agreed that the Council enters into the proposed heads of terms for a lease of this unit as set out in Appendix B of the Executive Director: Place, Planning & Regeneration's report, and delegated the completion of a lease arrangement to the Assistant Director: Property in consultation with the Executive Member for Transformation and Finance, subject to the Deck scheme being unconditionally committed to by Bracknell Regeneration Limited Partnership and that the detailed design (from RIBA stage D) for a new library and cultural facility

commence and a planning application to be funded from the Property Feasibility budget (YM378) be submitted once the heads of terms have been signed.

5.6 Depot Surplus land – Extension of Exclusivity Period

- 5.6.1 The Executive agreed that the exclusivity period relating to surplus land at the central depot site initially granted by the Executive to the Bracknell Forest Cambium Partnership on 21 September 2021 be extended by a further 12 calendar months, beginning 1 October 2022.

Adult Services, Health and Housing

5.7 Berkshire Community Equipment Service: Continued Membership of the S75 Joint Agreement.

- 5.7.1 The Berkshire Community Equipment Service (BCES) was commissioned through a S75 Joint Agreement across all Berkshire Unitary local authorities and NHS partners. The contract was due to end on the 31 March 2024, with no further extensions available.
- 5.7.2 The Executive agreed that the Council should continue its membership of the S75 Joint Agreement for a maximum period of five years. Following this period continued membership of the S75 will be reviewed and options presented to the Executive for consideration.
- 5.7.3 The joint procurement will be led by West Berkshire Council but approval would be subject to review by Bracknell Forest Council procurement and legal teams to ensure compliance with the Council's own Procurement Regulations.

5.8 National Drug Strategy

- 5.8.1 The Executive were advised of the content of the National Drug Strategy Guidance for Local Delivery Partners that had been published in June 2022 and set out the requirements in respect of delivering against the priorities in the National Drug Strategy and the requirements to establish a Combating Drugs Partnership (CDP).
- 5.8.2 The Executive agreed that the geographical footprint of the Combatting Drugs Partnership should be based on a Berkshire East Partnership due to the co-terminosity with the Integrated Care Partnership and Public Health functions and Stuart Lines should be appointed as the Senior Responsible Officer who would represent the Combatting Drugs Partnership and account for local delivery and performance to central government should be endorsed. It was also agreed that a temporary partnership post should be developed to support the establishment of the Berkshire East Combatting Drugs Partnership, including the development of the terms of reference, undertaking a needs assessment for Berkshire East and developing a strategy on how the partnership would deliver against the priorities in the national drug strategy. In addition, a Local Drug Strategy Delivery Partnership should be established to oversee the delivery of the local drug strategy and report on progress to the Berkshire East Combatting Drugs Partnership.
- 5.8.3 It was agreed that the Leader be requested to appoint the member representative to the Combatting Drugs Partnership.

5.9 Approval for Spend of S106 Commuted Sum Monies (Bay House and Barn Close)

- 5.9.1 The Executive agreed that spend of up to £500,000 to Silva Homes from the Section 106 affordable housing commuted fund be approved, to support the development of 51 additional social rented homes for households on the Council's housing register; and, that payment YN654 (TRL) of £478,511.73 and part of payment YN717 (Christine Ingram Gardens) of £50,501 be approved to fund the proposed spend.

Council Strategy & Community Cohesion

5.10 Corporate Business Change Programme

- 5.10.1 The Executive endorsed the refocussed Business Change and Transformation programme recognising that there will need to be flexibility to adjust the programme as necessary in response to changing circumstances.

- 5.10.2 There were important drivers for undertaking this review at this time for example, during the pandemic a number of projects in the corporate change programme were paused so that resource could be re-focussed on the Covid community response. And over the past year the council has been focussed on recovery from the pandemic and responding to the pressures and wider issues that it has presented.

- 5.10.3 Within the refocussed programme there will be three key themes under the overarching objective of "delivering long term sustainable services":

- Responding to any major policy and legislative changes;
- Addressing any serious service weaknesses;
- Supporting the organisation to move towards long term financial sustainability.

All projects within the programme would deliver on at least one of these themes to help deliver quality, sustainable services that achieve good outcomes for residents.

5.11 Local Government and Social Care Ombudsman Annual Review Letter

- 5.11.1 The Executive noted the Local Government and Social Care Ombudsman's annual review letter 2022.
- 5.11.2 The annual review letter from the LGSCO provides local authorities with an overview of the council's performance in complaint handling, covering the financial year April 2021 to March 2022.
- 5.11.3 In 2020/21 the LGSCO conducted detailed investigations into twelve cases, this was an increase on the previous year but was around average compared to Bracknell Forest Council's CIPFA neighbours.

5.12 Council Plan Overview Report (Final Quarter of 2021/22)

- 5.12.1 The Executive noted the performance of the council over the period from January to March 2022 highlighted in the Overview Report.

- 5.12.2 At the end of the fourth quarter, 51 actions (46%) were rated as “green” and 13 actions (12%) were “amber” and 1 action was red. 40 actions (36%) were complete.
- 5.12.3 Progress against key performance indicators across the council for each of the Council Plan’s strategic themes was positive, particularly in the face of pressures on services due to the Covid-19 pandemic. 20 (87%) were “green”, 0 were “amber” and 3 (13%) were “red”. 42 further indicators have no set target or data was currently unavailable.

5.13 Council Plan Overview Report (First Quarter of 2022/23)

- 5.13.1 The Executive noted the performance of the council over the period from April to June 2022 highlighted in the Overview Report.
- 5.13.2 At the end of the first quarter, 88 actions were rated as “green” and 19 actions were “amber”. 8 actions were complete.
- 5.13.3 Progress against key performance indicators across the council for each of the Council Plan’s strategic themes was positive. 23 were “green”, 6 were “amber” and 7 (13%) were “red”. 21 further indicators have no set target or data was currently unavailable.

Planning and Transport

5.14 Overview and Scrutiny Review of Integrated Enforcement Report

5.14.1 The Executive were presented with the findings of the Environment and Communities Overview and Scrutiny Panel’s review into enforcement services which were endorsed by the Overview & Scrutiny Commission, and agreed the Environment and Communities Overview & Scrutiny Panel’s recommendations, taking into account the comments of the Statutory Scrutiny Officer.

Environment

5.15 Greening Energy Use Reducing Energy Costs

- 5.15.1 The Executive approved the invest to save bid of £785k, to implement a number of projects as shown in Appendix A of the Executive Director: Delivery’s report, to help reduce the Council’s energy costs and assist with the Council’s carbon footprint with an aim to reach a target of carbon Net Zero by 2050. In addition, essential building repairs required to be completed prior to the energy saving works, at an approximate cost of £245k, were approved. The cost of these works will be funded from the 2022/23 capital planned maintenance budget retention monies which would normally be carried forward into the next financial year.

Children, Young People and Learning

5.16 Overview and Scrutiny Review of Special Educational Needs and Disabilities Report

5.16.1 The Executive were presented with the findings of the Education, Skills and Growth Overview and Scrutiny Panel's review into Special Educational Needs and Disabilities (SEND) which were endorsed by the Overview & Scrutiny Commission and agreed the recommendations as set out in the Panel's report taking into account the comments of the Statutory Scrutiny Officer.

5.17 Financial Hardship Action Plan and Household Support Fund (Phase 3)

5.17.1 The Executive received the proposed routes for distributing the funding from the third phase of the Household Support Fund, provided by the Department for Work and Pensions and were briefed on the council's new Financial Hardship Action Plan that sets out a strategic and sustainable approach to supporting residents experiencing hardship.

5.17.2 The Executive endorsed the financial hardship action plan (2022-2024) for operational implementation and agreed the distribution of the Household Support Fund (Phase three) through the following routes:

- Supermarket vouchers to Free School Meal pupils at Bracknell Forest schools, ages 5-16
- Offering the local foodbanks additional funding, including to provide fuel vouchers and fresh food
- Purchase supermarket vouchers to distribute to low-income households receiving income based council tax reduction or housing benefit but not the benefits, such as universal credit, which would qualify them for the £650 national cost of living payment
- Enhancing the Local Welfare Scheme provision, allowing applications from households in hardship who would not otherwise automatically qualify for support.

5.18.3 The commitments within the action plan were to be delivered over the next 18 months, however the council recognised that there was also immediate hardship facing many households in the Borough. Therefore, the additional funding provided within the Household Support Fund was welcome short term support with the funding to be distributed to as many households as possible through mechanisms available between now and March 2023.

5.19 SEND Written Statement of Action implementation update

5.19.1 The Executive noted the progress made and initial feedback from the Department for Education and NHS England relating to the first quarter of implementation and noted that in support of improvement area 4, a bid had been submitted to the Department for Education for a 2022 free special school capital fund.

5.19.2 The Written Statement of Action was accepted as fit for purpose by Ofsted in July 2022, with work on the implementation of the plan already underway and had continued at pace during the last quarter.

5.19.3 The first quarterly review meeting with the Department for Education and NHS England took place on 10 October 2022. The Department for Education would be providing written notes from the meeting, but these had yet to be received and verbal feedback during the meeting had been summarised within the report.

- 5.19.4 At the review meeting the Council's intention to submit a bid to the 2022 free special school capital fund was highlighted and advised that a successful bid would enable the Council to make significant improvements to its in Borough SEND provision, which had been highlighted by Ofsted as an area of significant weakness. Since the meeting, a bid to the 2022 free special school capital fund had been submitted, seeking funding for two special schools in the Borough.
- 5.19.5 The next review meeting with the Department for Education and NHS England was yet to be scheduled but was due to take place in January 2023 and a further update would be provided to the Executive after that review.

Culture, Delivery and Public Protection

5.20 Domestic Abuse Strategy 2022-24

5.20.1 The Executive endorsed the Bracknell Forest Domestic Abuse Strategy 2022-24.

5.20.2 Reducing Harm caused by Domestic Abuse was a priority for the Community Safety Partnership, however domestic abuse cannot be addressed fully by one single agency and the overall purpose of the strategy was to outline the wider partnership response to domestic abuse in Bracknell Forest.

5.20.3 The new strategy was built upon the former 2017-20 strategy. It had been developed alongside the Bracknell Forest Domestic Abuse Safe Accommodation Strategy 2021-24 which was published in December 2021. The strategy is supported by a work plan that would be updated quarterly and be reviewed and monitored by the Domestic Abuse Executive Group.

5.20.4 Four priorities would inform key areas of work, these are:

- Prevention and Early Intervention
- Provision of Services
- Enforcement and Management of Perpetrators
- Working in Partnership

5.21 Review of the Contaminated Land Strategies

5.21.1 The Executive approved the updated Contaminated Land Inspection Strategy.

5.21.2 The current contaminated land strategy was approved by the Council in 2012. The legislation requires periodic reviews of contaminated land in the Borough. The proposed updated document consists of minor layout changes and updates to references to the legislation where appropriate. No significant changes to the Council's overall strategy have been made.

5.21.3 Under the contaminated land regime the Council has two roles. Firstly, to undertake an assessment of its area for contaminated land through a strategic approach and, secondly, where contaminated land posing an unacceptable risk to health/environment is identified, to ensure the contamination is remediated to reduce that risk to an acceptable level.

6 NOTIFICATION OF URGENT DECISION MADE

- 6.1** On the 16 September 2022 an urgent decision was taken by the Executive Member for Transformation & Finance for novation of the works contract for the redevelopment of the Council's Depot site to Brymor Group Southern Limited. An urgent decision was required to avoid incurring additional costs due to the impact of inflation.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Executive Director: Resources

- 7.2 The Executive 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.

Strategic Risk Management Issues

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

Background Papers

Executive Agenda – 19 July 2022
29 September 2022
18 October 2022
15 November 2022

Contact for further information

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