

**EXECUTIVE
13 DECEMBER 2022
5.00 - 6.05 PM**



Present:

Councillors Bettison OBE (Chair), Dr Barnard (Vice-Chair), D Birch, Harrison, Mrs Hayes MBE, Heydon and Turrell

Present Virtually:

Councillors Brunel-Walker

61. Declarations of Interest

There were no declarations of interest.

62. Minutes

RESOLVED that the minutes of the meeting of the Executive on 15 November 2022 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

63. Urgent Items of Business

There were no urgent items of business.

Executive Decisions and Decision Records

The Executive considered the following items. The decisions are recorded in the decision sheets attached to these minutes and summarised below:

64. Adoption of the Central and Eastern Berkshire Joint Minerals and Waste Plan

RECOMMENDED: that Council:

- 1 Adopts the Central and Eastern Berkshire Joint Minerals and Waste Plan incorporating the Main Modifications recommended by the Inspector and non-material additional modifications (as set out in Appendix A of the Executive Director: Place, Planning & Regeneration's report).
- 2 Agrees to make the alterations to the Policies Map (Appendix B) that are necessary to give effect to the policies of the Central and Eastern Berkshire Joint Minerals and Waste Plan as modified.
- 3 Agrees that on adoption, the Central and Eastern Berkshire Joint Minerals and Waste Plan will become part of the development plan for the Borough and that its policies will supersede all saved policies in the Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and the Waste Local Plan for Berkshire (adopted 1998) for the purposes of decision making in Bracknell Forest.

- 4 Agrees that any other non-material additional modifications to the Central and Eastern Berkshire Joint Minerals and Waste Plan, can be agreed by the Director of Place Planning and Regeneration in consultation with the Executive Member for Planning and Transport as considered necessary ahead of publication and publicity.

65. Making (adoption) of the Warfield Neighbourhood Plan 2013-2037

RESOLVED:

- 1 The formal “making” (keeping in legal force) of the Warfield Neighbourhood Development Plan to continue to form part of the statutory Bracknell Forest Development Plan pursuant to Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) be approved; and,
- 2 The form, content and publication of the Decision Statement (set out in Appendix B of the Executive Director: Place, Planning & Regeneration’s report) pursuant to Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) be approved.

66. Capital Programme 2023/24

RESOLVED:

- 1 That a Council funded capital programme of £6.427m for 2023/24 be approved for consultation.
- 2 That the inclusion of £5.866m of expenditure to be externally funded (including £1.153m of Section 106 funding) be approved for consultation.
- 3 That the inclusion of an additional budget of £1m for Invest-to-Save schemes be approved for consultation.

67. Revenue Budget 2023/24

RESOLVED:

- 1 That the draft budget proposals for 2023/24 be approved as the basis for consultation with the Overview & Scrutiny Commission and other interested parties or individuals.
- 2 That the Treasury Management Strategy and associated documents at Annexe E of the Executive Director: Resources’ report be approved and the Governance and Audit Committee requested to review each of the key elements.
- 3 That the 2023/24 Schools Budget be set at the eventual level of the Dedicated School Grant income plus any accumulated DSG balances.
- 4 That the Leader of the Council be authorised to agree the allocation of the sums available for schools funding, having regard to the decisions and recommendations of the Schools Forum and to agree detailed budgets for services centrally managed by the Council.
- 5 That the Council Tax Base be set at 48,756 (Band D equivalents) for 2023/24 as outlined in Annexe H.

- 6 That the virements relating to the 2022/23 budget as set out in Annexes F and G be approved and recommends those that are over £0.100m for approval by Council.

68. Quarter Two Council Plan Overview Report

RESOLVED that the performance of the council over the period from July-September 2022 highlighted in the Overview Report be noted.

69. Exclusion of Public and Press

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of items 10 and 11 which involve the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

Executive Decisions containing Exempt Information

70. Procurement of Corporate and Schools Cleaning Framework Agreement 2023

RESOLVED:

- 1 That the Strategic Procurement Plan for Corporate and School's Cleaning Services, with an estimated value of up to £5.5m over five years be approved;
- 2 That authority be delegated to the Executive Director: Resources in consultation with the Executive Member for Transformation and Finance for the contract award decision.

71. Provision of Accommodation Based Housing Related Support SPP

RESOLVED:

- 1 That the Strategic Procurement Plan for the provision of Accommodation Based Housing Related Support which includes both accommodation and support be approved.
- 2 That the proposed contractual term of 7 years with a review of the provision in years 3 and 5 be approved.
- 3 That authority for the contract award decision be delegated to the Executive Director: People, in consultation with Executive Member for Adult Services, Health & Housing and Executive Member for Children, Young People & Learning, subject to successful evaluation of bids within the estimated contract price set out in the Strategic Procurement Plan.

CHAIRMAN

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Bracknell Forest Council Record of Decision

Work Programme Reference	I109993
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1. **TITLE:** Adoption of the Central and Eastern Berkshire Joint Minerals and Waste Plan
2. **SERVICE AREA:** Place, Planning & Regeneration
3. **PURPOSE OF DECISION**

To seek a recommendation from Executive to Council to:

- 1) Adopt the Central and Eastern Berkshire Joint Minerals and Waste Plan incorporating the Main Modifications recommended by the Inspector and Additional Modifications
- 2) Agree to make the alterations to the adopted Policies Map that are necessary to give effect to the policies of the adopted Central and Eastern Berkshire Joint Minerals and Waste Plan as modified.
- 3) Withdraw the saved policies in the Replacement Minerals Local Plan (adopted May 2001) and saved policies in the Waste Local Plan for Berkshire (adopted December 1998)

- 4 **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive
6. **DECISION:**

RECOMMENDED that Council:

- 1 Adopts the Central and Eastern Berkshire Joint Minerals and Waste Plan incorporating the Main Modifications recommended by the Inspector and non-material additional modifications (as set out in Appendix A of the Executive Director: Place, Planning & Regeneration's report).
- 2 Agrees to make the alterations to the Policies Map (Appendix B) that are necessary to give effect to the policies of the Central and Eastern Berkshire Joint Minerals and Waste Plan as modified.
- 3 Agrees that on adoption, the Central and Eastern Berkshire Joint Minerals and Waste Plan will become part of the development plan for the Borough and that its policies will supersede all saved policies in the Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and the Waste Local Plan for Berkshire (adopted 1998) for the purposes of decision making in Bracknell Forest.
- 4 Agrees that any other non-material additional modifications to the Central and Eastern Berkshire Joint Minerals and Waste Plan, can be agreed by the Director of Place Planning and Regeneration in consultation with the Executive Member for Planning and Transport as considered necessary ahead of publication and publicity.

7. REASON FOR DECISION

It is important that the Council has an up to date and robust planning framework to guide development which reflects current national policy and guidance. The Central and Eastern Berkshire Joint Minerals and Waste Plan helps achieve this aim.

8. ALTERNATIVE OPTIONS CONSIDERED

The Central and Eastern Berkshire Joint Minerals and Waste Plan can only be adopted with all of the Main Modifications recommended by the Inspectors. Not adopting the Central and Eastern Berkshire Joint Minerals and Waste Plan would result in a waste of resources incurred in preparing the Plan and the existing out of date saved Minerals and Waste Plan policies would remain in place. It could also provoke intervention by the Secretary of State (Section 27(5) empowers the Secretary of State to (a) approve the Plan with the Main Modifications recommended by the Inspectors, or (b) direct the Council to consider adopting the Plan by resolution of the authority) and legal challenges by site promoters.

9. DOCUMENT CONSIDERED: Report of the Executive Director: Place, Planning & Regeneration

10. DECLARED CONFLICTS OF INTEREST: None.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I110771
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1. **TITLE:** Making (adoption) of the Warfield Neighbourhood Plan 2013-2037

2. **SERVICE AREA:** Place, Planning & Regeneration

3. **PURPOSE OF DECISION**

To agree that the Warfield Neighbourhood Plan is 'made' because the majority of those who voted at the referendum on the Neighbourhood Plan were in favour of Bracknell Forest Council using the Neighbourhood Plan to help decide planning applications in the Warfield neighbourhood area.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 The formal "making" (keeping in legal force) of the Warfield Neighbourhood Development Plan to continue to form part of the statutory Bracknell Forest Development Plan pursuant to Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) be approved; and,

2 The form, content and publication of the Decision Statement (set out in Appendix B of the Executive Director: Place, Planning & Regeneration's report) pursuant to Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) be approved.

7. **REASON FOR DECISION**

The Council in its capacity as the Local Planning Authority has a statutory duty, as set out in Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) ("PCPA"), to make a neighbourhood development plan if more than half of those voting at referendum have voted in favour of making the neighbourhood development plan. This must be done as soon as reasonably practicable after the referendum is held and, in any event, within 8 weeks of the referendum (as prescribed by Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations")). Regulation 19 requires the Council to then publish a statement setting out the decision and details of where and when the decision statement may be inspected. This must be done as soon as possible after deciding to make the neighbourhood development plan.

8. **ALTERNATIVE OPTIONS CONSIDERED**

If the Council considers that the making of the Neighbourhood Plan would breach, or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998 (as amended)), it would not have a duty to make the Neighbourhood Plan, as set out in Section 38A(6) of the PCPA, in which case the Neighbourhood Plan would cease to form part of the Development Plan, as set out in Section 38(3B) of the PCPA.

The independent Examiner who reviewed the Neighbourhood Plan considered that it met the basic conditions and statutory requirements (incorporating modifications), including the basic condition that the Neighbourhood Plan is compatible with EU obligations and Convention rights (within the meaning of the Human Rights Act 1998 (as amended)). The Council concurred with the Examiner's conclusions as set out in the published 'Post Examination Decision Statement.' Therefore, it would be in breach of the Council's statutory responsibilities in respect of Neighbourhood Planning under Section 38A(4) of the PCPA to refuse to make the Neighbourhood Plan. It would also expose the Council to the risk of legal challenge and attendant costs.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Place, Planning & Regeneration
10. **DECLARED CONFLICTS OF INTEREST:** Councillor Barnard advised the Executive that he wished everyone to be aware that, although not a formal interest, he was the Chairman of Warfield Parish Council.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I108411
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1. **TITLE:** Capital Programme 2023/24

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To approve the Council's budget proposals for budget consultation.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That a Council funded capital programme of £6.427m for 2023/24 be approved for consultation.

2 That the inclusion of £5.866m of expenditure to be externally funded (including £1.153m of Section 106 funding) be approved for consultation.

3 That the inclusion of an additional budget of £1m for Invest-to-Save schemes be approved for consultation.

7. **REASON FOR DECISION**

The reasons for the recommendations are set out in the Executive Director: Resources' report.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The final budget proposals will include consideration of any alternative options highlighted during the required consultation period.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Resources

10. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022

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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I107612
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1. **TITLE:** Revenue Budget 2023/24

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To approve the Council's budget proposals for consultation

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the draft budget proposals for 2023/24 be approved as the basis for consultation with the Overview & Scrutiny Commission and other interested parties or individuals.

2 That the Treasury Management Strategy and associated documents at Annexe E of the Executive Director: Resources' report be approved and the Governance and Audit Committee requested to review each of the key elements.

3 That the 2023/24 Schools Budget be set at the eventual level of the Dedicated School Grant income plus any accumulated DSG balances.

4 That the Leader of the Council be authorised to agree the allocation of the sums available for schools funding, having regard to the decisions and recommendations of the Schools Forum and to agree detailed budgets for services centrally managed by the Council.

5 That the Council Tax Base be set at 48,756 (Band D equivalents) for 2023/24 as outlined in Annexe H.

6 That the virements relating to the 2022/23 budget as set out in Annexes F and G be approved and recommends those that are over £0.100m for approval by Council.

7. **REASON FOR DECISION**

The recommendations are designed to allow the Executive to consult on its draft budget proposals for 2023/24 as required by the Local Government Act 2003.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The range of options being considered were detailed in the report and its annexes.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Resources

10. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I108338
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1. **TITLE:** Quarter Two Council Plan Overview Report

2. **SERVICE AREA:** Chief Executive's Office

3. **PURPOSE OF DECISION**

To provide the Executive with an update on the delivery of the objectives set out in the council plan.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

That the performance of the council over the period from July-September 2022 highlighted in the Overview Report be noted.

7. **REASON FOR DECISION**

To brief the Executive on the council's performance, highlighting key areas, so that appropriate action can be taken if needed.

8. **ALTERNATIVE OPTIONS CONSIDERED**

None applicable.

9. **DOCUMENT CONSIDERED:** Report of the Chief Executive

10. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022

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Bracknell Forest Council Record of Decision

Work Programme Reference	I110477
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1. **TITLE:** Procurement of Corporate and Schools Cleaning Framework Agreement 2023

2. **SERVICE AREA:**

3. **PURPOSE OF DECISION**

To approve the Strategic Procurement Plan for the Procurement of the Corporate and Schools Cleaning Framework Agreement 2023.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the Strategic Procurement Plan for Corporate and School's Cleaning Services, with an estimated value of up to £5.5m over five years be approved;

2 That authority be delegated to the Executive Director: Resources in consultation with the Executive Member for Transformation and Finance for the contract award decision.

7. **REASON FOR DECISION**

There is an on-going requirement for a reliable cleaning contractor within the Council's premises, including corporate buildings and schools.

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not providing this service is not an option as Health & Safety standards would not be met.

Utilising existing frameworks (e.g. Crown Commercial Services) was explored as an alternative procurement approach, however this would not facilitate participation by individual schools in separate contracts.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Resources

10. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022

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**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I110145
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1. **TITLE:** Provision of Accommodation Based Housing Related Support SPP

2. **SERVICE AREA:** People

3. **PURPOSE OF DECISION**

To seek approval for the strategic procurement plan for the provision of accommodation based housing related support to begin in September 2023.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 That the Strategic Procurement Plan for the provision of Accommodation Based Housing Related Support which includes both accommodation and support be approved.

2 That the proposed contractual term of 7 years with a review of the provision in years 3 and 5 be approved.

3 That authority for the contract award decision be delegated to the Executive Director: People, in consultation with Executive Member for Adult Services, Health & Housing and Executive Member for Children, Young People & Learning, subject to successful evaluation of bids within the estimated contract price set out in the Strategic Procurement Plan.

7. **REASON FOR DECISION**

The procurement of the Accommodation Based Housing Related Support Service supports the delivery of Housing & Children's Social Care duties.

The proposed procurement, through a competitive tender process will help maximise tender opportunities that will generate value for money and a high-quality Accommodation Based Housing Related Support Service.

Bracknell Forest Council wants all children and young people in the borough to be safe, to learn, to gain confidence, be happy and be supported to reach their full potential, especially young people who are most vulnerable at risk of homelessness and for those young people leaving the care of the Authority, to enable independent living. The provision contributes to the reduction of potential harmful and/or negative behaviours, but also provides the support required to build resilience to key life transitional stages i.e., transition from young person to adult. This provision is critical for the most vulnerable of young people in support of the key objectives in the Bracknell Forest Council Plan, caring for your families and communities.

There are currently market pressures around securing placements for children aged 16 to 18. The Accommodation Based Housing Related Support Service provides a cost effective

placement option for this group of children.

To be compliant with the Public Contract Regulations 2015 and the Council's Contract Standing Orders, and for timely completion of the tender, award, and mobilisation phases in time for the contract to commence as of September 2023.

8. ALTERNATIVE OPTIONS CONSIDERED

Do nothing: The current contract and associated obligations will lapse, therefore there would be no adequate housing and support to meet housing and children's social care duties and the associated identified needs. If the current contract was to lapse, this would create a significant pressure on the Housing team to source accommodation to rehouse 80+ young people and potential delays in sourcing accommodation for additional young people requiring support, which would result in an increased risk of homelessness.

Extending: Extending the existing contract would be possible via a direct award, however the current providers have been in situ for the past 6 years and as such if no competitive procurement process is followed this could lead to a significant challenge from other providers, which in turn could cause reputational damage to the Council.

Spot purchasing without a contractual arrangement: Best Value for money is unlikely to be achieved. Spot purchasing, although applicable for the proposed contract, is significantly lower than current Framework and Spot Purchased Post 16 Semi Independent Placement costs. In addition, increasing the use of Semi-Independent providers for CLA and Care Leavers – there would be sourcing challenges around placing many CLA and Care Leavers with Semi-Independent providers. This option will put significant pressure on existing budgets, increase the number of CLA and Care Leavers in high-cost placements and significantly increase the number of young people placed in unregulated provision potentially out of borough in the short term.

9. DOCUMENT CONSIDERED: Report of the Executive Director: People

10. DECLARED CONFLICTS OF INTEREST: None.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022