

READING BOROUGH COUNCIL

POLICY COMMITTEE

31 OCTOBER 2016

AGENDA ITEM NO. 6

PUBLIC QUESTIONS

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COUNCILLOR QUESTIONS

	Questioner	Subject	Reply
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PUBLIC QUESTION NO. 1

Peter Burt to ask the Leader of the Council:

Arthur Hill Pool

At the Council meeting on 18 October when Labour councillors voted to close Arthur Hill swimming pool, the Leader of the Council told the meeting that the planned closure at the end of the December "does not mean the community cannot still formulate a plan to take over the pool".

I would like to ask the Leader of the Council for a promise that no efforts will be made to decommission Arthur Hill Pool until the outcome of the applications for listing as a building of special architectural and historical interest and as an asset of community value, and the community right to challenge application for operation of the pool have been determined.

If the pool is drained and water quality allowed to deteriorate, this may have an impact on the structural integrity and waterproofing of the pool tank, adding to the costs of keeping the pool in operation. Removal of equipment from the pool would likewise add to the difficulties in re-opening it.

Will the Leader of the Council please give an undertaking that the Council will not attempt to sabotage community efforts to run the pool by doing anything that would result in its deterioration before these three applications have been heard, and that the pool will be mothballed in its current condition until then?

A simple 'Yes' or 'No' will suffice as an answer.

REPLY by Councillor Lovelock (Leader of the Council):

Thank you Mr Burt. Mindful of its health and safety responsibilities, the Council will carefully mothball the Arthur Hill building and plant pending any future disposal. As per my statement at Council this does not preclude future community management.

Chemicals used to disinfect and treat the pool water will be removed for health and safety reasons. If people are exposed to these chemicals, there is a significant hazard to their safety.

Plant and equipment will be kept in situ, water drained very slowly from the pool to minimise risk of structural movement and everything shut down in a way to make it as easy as possible to restart the pool should this become possible.

The Council will work to keep the building safe and secure and minimise deterioration of the building and plant. However whether it is operating or mothballed we are aware that significant work is already required because of its poor condition, which is one of the main reasons for closing it at the end of December.

PUBLIC QUESTION NO. 2

Peter Burt to ask the Leader of the Council:

Equal Pay Claims

According to UNISON's general secretary Dave Prentice, Reading Borough Council has to date spent £800,000 on lawyers' fees to defend an equal pay claim brought against it by women claiming unpaid back pay owed by the Council:

<https://www.unison.org.uk/news/2016/10/reading-council-should-stop-dragging-their-heels-on-equal-pay/>

Mr Prentice says that Reading Borough Council is the only local authority in the country not to have settled an equal pay claim of this type with its employees.

As a UNISON member, I would like the Leader of the Council to please explain why the Council decided to break the law by not paying its personnel the pay they were owed; how much has been spent in lawyers' fees on the case to date; and why a Labour Council is continuing to defend this shoddy case?

REPLY by Councillor Lovelock (Leader of the Council):

The Council has historic equal pay claims which are being dealt with on a case-by-case basis and through the Employment Tribunal system. This is not unique to Reading and many local authorities have gone through this process.

The Council has expended £724,370.40 on legal advisers as at 27 September 2016.

Considerable research is required going back a number of years in terms of historic salaries, allowances, changes in individual circumstances and, in particular, the exact day-to-day duties undertaken.

There are around 180 claimants across 45 different roles. Job descriptions, and comparisons between different roles then need to be agreed by all sides via the tribunal system. As a result cases are complex and can take some time to resolve for all parties involved. Timescales are also governed by the tribunal's own timescales. The claimants are represented by two firms of solicitors Doran and Thompsons.

Progress is being made on settlement discussions. By the end of this year the Council hopes to be in a position to begin to make back payments in some individual cases. This is likely to continue through 2017.

PUBLIC QUESTION NO. 3

Roger Lightfoot to ask the Lead Councillor for Culture, Sport and Consumer Services:

Arthur Hill Pool

Now that Labour Councillors have voted to close the Arthur Hill Swimming Pool and Fitness Centre, will Reading Sport & Leisure instruct centre staff to advise any new customers applying for RSL membership at Arthur Hill that the Centre is scheduled to close in six weeks' time? Will RSL also write to existing members who joined at Arthur Hill to warn them that the Centre is scheduled to close, with an invitation to cancel their direct debit for RSL membership?

REPLY by Councillor Gittings (Lead Councillor for Culture, Sport and Consumer Services):

We are making customers aware that Arthur Hill will be closing in December and are discussing with customers the best membership packages to meet their needs across the other Reading Sport and Leisure Facilities should they be interested.

We will of course also be contacting members who have signed up at Arthur Hill to advise them of the closure of the centre and will make them aware of the options that are available.

The Council provides facilities through Reading Sport and Leisure at Meadway Sports Centre, Central Swimming Pool and Palmer Park Stadium. In addition we provide facilities at both Rivermead and Academy Sport through other providers. We will highlight options available to members based at Arthur Hill to continue to use the RSL facilities, to move to either Academy Sport or Rivermead, or to simply cancel their memberships.

PUBLIC QUESTION NO. 4

Robin Bentham to ask the Leader of the Council:

Trustees of Mapledurham Playing Fields

Could you please confirm that; since Reading Borough Council is Sole Trustee of the Mapledurham Recreation Ground Charity No. 304328, usually called Mapledurham Playing Fields, all Councillors are Trustees and remain so notwithstanding the introduction of a Sub-Committee delegated to exercise that function? Some Councillors have said that they are no longer MPF Trustees since the establishment of the Sub-Committee on 1 December 2014.

REPLY by Councillor Lovelock (Leader of the Council):

The local authority is the sole trustee. Under the provisions of Section 101(1) of the Local Government Act 1972, the local authority can arrange for the discharge of any of its functions to a committee or sub-committee, or to an officer.

The Council has delegated the function of acting as Trustee in respect of Mapledurham Playing Fields to the Policy Committee. The Committee in turn, at its meeting on 1 December 2014, delegated this function to the Heights Free School Sub-Committee.

The powers and duties of the Sub-Committee are as follows

- i) To exercise the function of the authority as Trustee of the Mapledurham Playing Fields, and to oversee and promote the objectives of the charitable trust, ie the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions;
- ii) To consider and respond, as trustee, to any proposal made by the EFA, or any other body including the authority, which might touch upon the objectives of the charitable trust in relation to this matter.

In anticipation of Mr Bentham's next question, the above functions have been delegated to the Sub-Committee to exercise on behalf of the authority. Therefore Councillors who are not on the Sub-Committee will not be called upon to make decisions on behalf of the authority as Trustee of Mapledurham Playing Fields.

PUBLIC QUESTION NO. 5

Robin Bentham to ask the Leader of the Council:

Trustees of Mapledurham Playing Fields

For clarity, could you distinguish what level of decision will still need to be brought to the Full Board of Trustees (Full Council) and what may be handled by the Sub-Committee alone?

REPLY by Councillor Lovelock (Leader of the Council):

As explained in my last answer, the function of the authority as Trustee has been delegated to the Sub-Committee. Therefore it may take all decisions required of the authority as Trustee.

This does not preclude the Sub-Committee from recommending a decision to full Council for determination, if it chooses to do so, but there is no requirement on the Sub-Committee to follow this course of action.

PUBLIC QUESTION NO. 6

Robin Bentham to ask the Leader of the Council:

Mapledurham Playing Fields

The Sub-Committee surely retains the condition stipulated by the Policy Committee on 1 December 2014:

"In order to recognise the potential implications of these different interests, and start a process to separate out the different roles to minimise the potential for conflicts of interest or challenges on the grounds of bias or predetermination, the report recommended the transfer of the function of Trustee for the Mapledurham Charitable Trust to a new Sub-Committee, composed of Councillors who did not sit on the Adult Social Care, Children's Services and Education Committee (ACE) or the Planning Applications Committee."

Why has this not been put it into effect?

REPLY by Councillor Lovelock (Leader of the Council):

This decision was put into effect when the Sub-Committee was appointed in November 2014.

The Sub-Committee, like all Council committees, is re-appointed by full Council for each Municipal Year at the Annual Council meeting, in May. In the current Municipal Year (2016-17) there are seven Councillors on the Sub-Committee, of whom five are Labour and two are Conservative. Of these, two are members of the ACE Committee, and one is a member of the Planning Applications Committee.

The report to Policy Committee on 1 December 2014 set out the conflicts of interest that arise from exercising the role of Trustee. In this regard, each Councillor on the Sub-Committee has to put the role of Trustee first. Where this generates an interest in their membership of another Committee, they will not be able to take part in the decision or vote on any matter which affects the Trust which is being considered by that Committee.

PUBLIC QUESTION NO. 7

Phil Vaughan to ask the Lead Councillor for Culture, Sport and Consumer Services:

New Swimming Pool - Palmer Park

My question relates to the quotation ascribed to Councillor Gittings in "get reading":

"In the case of Palmer Park, a six-lane community pool would be added to existing leisure facilities creating a modern new multi-sports facility for east Reading."

On what basis, of recent public consultation, does the Lead Councillor believe that this is what is wanted by the local community?

REPLY by Councillor Gittings (Lead Councillor for Culture, Sport and Consumer Services):

Many thanks for your question Mr Vaughan. The Council's plans for replacing old and outdated pools at Central and Arthur Hill with new and much better facilities are based on the conclusions of an 'Indoor Sports Facilities Needs Assessment' carried out by consultants and endorsed by Sport England. These plans also reflect the Council's desire to ensure a good geographic spread of facilities across the Borough to meet community needs. It is also worth noting that in the past there has been strong support for the provision of swimming facilities at Palmer Park and for the creation of a better multi-use sports hub at the site.

The Council's decision to close Arthur Hill pool has been reluctantly taken because of extreme financial pressure and the high cost implications of keeping it open, but in the knowledge that we have well-developed plans for replacing the pool with new facilities as set out in the report being considered at tonight's Committee.

Whilst there has been understandable concern and opposition to the closure of Arthur Hill Pool from users and the community much of this has been consternation at the gap in provision pending the delivery of the new pool at Palmer Park. None of the representations the Council has received have questioned the principle or value of providing a new pool to serve East Reading's communities into the future.

COUNCILLOR QUESTION NO. 1

Councillor Ballsdon to ask the Lead Councillor for Strategic Environment, Planning and Transport:

Section 106 Contributions

It is public record that in June and October 2015 a council employee fraudulently diverted s106 money invoiced by Reading Borough Council into his private bank account. This wasn't discovered for nearly a year, but the police and court were quick to work with officers and he was sent to prison in August having been prevented from fleeing the country.

1. To reflect the issues raised by the loss of the £42,000 total sum of money, will the Labour administration agree to move to a system such as Wokingham BC uses, where officers provide councillors with a monthly statement detailing potential, actual, spent and debtors of s106 money; and a similar statement for CIL data?
2. Will the Labour administration confirm that it will replace the missing £42,000 and spend it in accordance with the two s106 legal agreements? I ask this for two reasons: so that residents benefit without delay on the improvements, to lessen the extra pressure on the local amenities and services caused by the developments, which were agreed necessary for the planning permissions to be granted; and to prevent the developers the opportunity to demand their money back.

REPLY by Councillor Page (Lead Councillor for Strategic Environment, Planning and Transport):

I thank Councillor Ballsdon for her question. As she is aware there was a detailed report on the fraud aspects to the last meeting of the Audit and Governance Committee.

Whilst any fraud is unacceptable it is obviously of reassurance that once suspicions were raised, the Council's internal safeguards identified the fraud in a timely manner and a conviction was achieved very speedily.

With regard to Councillor Ballsdon's first question I would respond as follows:

Wokingham have committed to the development of over 10,000 dwellings in 4 Strategic Development Locations (SDL's), the infrastructure for which is being largely funded through very high charges under the Community Infrastructure Levy (CIL) and through Section 106 (S106) agreements. The SDL's are on greenfield sites and involve very large sums of money. Consequently, Wokingham Borough has a well-resourced Community Infrastructure Delivery Team to monitor and manage this process. They have also invested in bespoke software to record and manage their Section 106 operations, the transfer of records to the system, the creation of a link between their Section 106 system and their financial systems and in the construction of reports. A separate module provides reports for CIL data. With these facilities and resources available, Wokingham Borough Council is able to provide regular statements for Councillors.

However, I am not clear how such a report would be of any real assistance in detecting fraud such as that recently perpetrated.

I can confirm that that the Planning Section has recently purchased the same software module as Wokingham to monitor and manage CIL liabilities and monies, going forward. It should be possible, subject to resources, once a report is developed, for a periodic statement to be provided to Councillors on CIL monies.

Unfortunately, with regard to Section 106 monies, providing a report is currently more problematic and would involve significant time and resources. The current Section 106 monitoring system has limited reporting functions and as it does not connect directly to the Council's financial systems, it is not possible to generate such a report, without applying considerable time and resources, across different Council departments. However, as you are aware, the Council already publishes the details of how individual section 106 receipts have been used, as part of its annual end-of year financial statements, which can be found on the Council's website.

Notwithstanding this, the Council is currently assessing the usefulness and cost-effectiveness of purchasing and operating the S106 module of this new software. In particular, there would be considerable costs associated with transferring data and populating a new database. Depending on the outcome of this review, it may be possible to provide an additional report on S106 data for Councillors in the future.

With regard to Councillor Ballsdon's second question I would respond as follows:

The Council has always planned to replace the capital funding that was lost as a result of this fraud. This will ensure that residents benefit from the intended infrastructure improvements and it will prevent developers having any grounds to demand their money back. The Courts are pursuing the former council employee under the Proceeds of Crime Act and the Council is obviously hopeful that the money can be recovered.

COUNCILLOR QUESTION NO. 2

Councillor White to ask the Leader of the Council:

Refugee Children

Demonstrating local support for the Dubs scheme sends a strong message to central Government that the time to act is now - and that councils are keen to play their part.

Will the Leader of the Council sign up to Liberty's statement pressuring central Government into honouring their commitment?

Liberty's statement of Support reads:

"We welcome the Government's commitment to create a resettlement scheme to bring unaccompanied refugee children in Europe to safety in the UK. We recognise and support the vital role that local councils can and should play in caring for children seeking sanctuary.

We urge central government to provide funding to build the essential regional infrastructure necessary to secure the placement and support of children across the country and help us build them a brighter, safer future."

REPLY by Councillor Lovelock (Leader of the Council):

The Council welcomes the commitment to resettle unaccompanied refugee children in the UK as a place of safety. Here in Reading we have already supported the resettlement of three families and will be working with a further three families a year over the next four years. In addition, we have already helped nine unaccompanied young asylum seekers who have arrived in the Borough.

This is not without significant costs and so we support Liberty's request for central government to provide funding to build an essential regional infrastructure to secure the placement and support of children across the country, and particularly in the South East Region.

We are playing our part in working with the Dublin III children, those who have arrived in the UK who have family members in Reading, and a project group which includes social workers has already done some excellent work last week to make sure that a young person could join his family. Of course each case will bring different issues and it will be important to ensure that if a child or young person is being offered a home with a family member that they will be in a safe and supportive environment. We will continue to work corporately with a range of teams and other agencies playing a part in bringing families together.