

## COUNCIL MEETING MINUTES - 16 OCTOBER 2018

**Present:** Councillor D Edwards (Mayor);

Councillors David Absolom, Debs Absolom, Ayub, Ballsdon, Barnett-Ward, Brock, Davies, Eden, Emberson, Ennis, Gavin, Gittings, Grashoff, Hacker, Hopper, Hoskin, James, Jones, Kaur, Khan, Lovelock, Manghnani, Maskell, McDonald, McEwan, McGonigle, McKenna, O'Connell, Page, Pearce, Robinson, Rowland, DP Singh, R Singh, Skeats, Stevens, Terry, Vickers, Warman, White, R Williams and Woodward

**Apologies:** Councillors K Edwards, Stanford-Beale and J Williams

### 25. MAYOR'S ANNOUNCEMENTS

The Mayor paid tribute to a former Councillor, Christine Borgars, who had sadly died recently. Christine had been a member of the Council between 1993 and 2006, representing Park Ward. The Council stood in silence in her memory and as a mark of respect.

### 26. MINUTES

The Minutes of the meeting held on 26 June 2018 were confirmed as a correct record and signed by the Mayor.

### 27. QUESTIONS FROM MEMBERS OF THE PUBLIC

	Questioner	Subject	Answer
1.	Mary Neale	Local Area of Special Character	Cllr Page
2.	Tamzin Morphy	Cross Town Route Proposals	Cllr Lovelock
3.	Roger Lightfoot	Reading Sport and Leisure	Cllr Hoskin
4.	Roger Lightfoot	Reading Sport and Leisure	Cllr Hoskin
5.	Anne Green Jessel	Reading Sport and Leisure	Cllr Hoskin
6.	Peter Burt	Sports Forum	Cllr Hoskin
7.	Nicola Orr	Breastfeeding Support	Cllr Hoskin
8.	Keith Kerr	Interest Charge Payments	Cllr Brock
9.	Keith Kerr	Central Club	Cllr James

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10.	Keith Kerr	Compensation Payments and Legal Fees	Cllr Brock
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As there was insufficient time, pursuant to Standing Order 9(6), a written reply to Question 10 above would be provided in accordance with Standing Order 9(8).

(The full text of the questions and replies was made available on the Reading Borough Council website).

### 28. QUESTIONS FROM COUNCILLORS

	Questioner	Subject	Answer
1.	Cllr Rowland	East Reading Mass Rapid Transit	Cllr Page
2.	Cllr J Williams	Let's Ride Cycle Events	Cllr Page
3.	Cllr White	Housing Crisis in Reading	Cllr Ennis
4.	Cllr White	East Reading Mass Rapid Transit Funding	Cllr Page
5.	Cllr Emberson	Reducing Homelessness	Cllr Ennis
6.	Cllr McGonigle	Engine Idling	Cllr Page
7.	Cllr McGonigle	Abandoned Fridges and Freezers	Cllr James
8.	Cllr Eden	Anti Social Encampments	Cllr James
9.	Cllr Vickers	Traveller Incursions	Cllr James

As there was insufficient time, pursuant to Standing Order 10(4), a written reply to Questions 6-9 above would be provided in accordance with Standing Order 10(7).

(The full text of the questions and replies was made available on the Reading Borough Council website).

### 29. TRANSFER OF READING BOROUGH COUNCIL'S CHILDREN'S SERVICES TO BRIGHTER FUTURES FOR CHILDREN LIMITED (A WHOLLY OWNED SUBSIDIARY COMPANY OF READING BOROUGH COUNCIL)

In accordance with section 100B (4)(b) of the Local Government Act 1972, the Mayor agreed that this item of business should be considered as a matter of urgency, because at the time of the original despatch of the Council agenda on 8 October 2018 necessary work was still ongoing to finalise the report and associated papers for this meeting. The Mayor was also satisfied that the report could not be deferred to the next meeting of the Council, which was due to take place on 22 January 2019, as the decisions set out in the

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recommended action would need to be considered prior to the proposal to establish Brighter Futures For Children Limited from 1 November 2018.

Further to the Minute 59 of Policy Committee on 15 January 2018, and Minute 5 of the Adult Social Care, Children's Services and Education (ACE) Committee on 11 July 2018, the Chief Executive submitted a report setting out the decisions required by the Council to transfer the delivery of the Council's children's services to a newly established, wholly owned subsidiary Company of the Council, Brighter Futures for Children Limited ('BFfC'/the 'Company'). This followed the recommendation of the Children's Services Commissioner, to establish a 'full service' children's company, which was formally endorsed at Policy Committee on 15 January 2018. As part of this endorsement, the Committee also agreed to transfer the Council's Children's Social Care, Early Help and Education services to the Company. Therefore, this report was seeking approval to the formal transfer of the Council's children's services to the Company, which included the direct award of a services contract to BFfC for the delivery of the Council's children's services through a service delivery contract. The report also sought approval for other key documents which would underpin the relationships between the Council and BFfC, in particular the Company's Articles of Association.

The report further asked for approval to the transfer of relevant Council staff and assets to BFfC; and to amend relevant parts of the Council's Constitution and register of delegations to reflect the establishment of BFfC as an independent, wholly owned subsidiary Company of the Council. The report had attached:

- Appendix A: Memorandum of Understanding (28 March 2018)
- Appendix C: Revised Portfolios for Lead Councillors for Children and Education
- Appendix D: Revised terms of reference for the Adult Social Care, Children's Services & Education, and Policy Committees
- Appendix E: Property Matters
- Appendix F: Support Services - Service Level Agreements Summary

In addition, the draft Articles of Association; Governance Side Agreement; and Service Delivery Contract, listed as Appendix B in the report, had been provided in confidence to all Councillors because they were draft documents, which would be published once they had been finalised. At this stage, it was likely that making these documents public would disclose information relating to the financial or business affairs of the authority and the Company, which was exempt under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The following motion was moved by Councillor Terry and seconded by Councillor Pearce and CARRIED:

### Resolved -

- (1) That the Articles of Association for the Company (which include the Council's reserved matters in relation to the Company) and the Governance Side Agreement, at Appendix B (i) and (ii) which had been provided to Councillors confidentially, be noted and the Chief Executive, in consultation

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with the Leader of the Council and Lead Councillors for Education, Children and Corporate & Consumer Services, be authorised to finalise the terms of the above documents;

- (2) That the intention to directly award the Service Delivery Contract, at Appendix B (iii) which had been provided to Councillors confidentially, to BFfC for the provision of the Council's children's social care, education and early help functions set out in Section 8 of the report, in accordance with the Memorandum of Understanding between the Council and the Department for Education and in line with the agreed resolution of Policy Committee on 15 January 2018 (Minute 59 refers), be noted and the Chief Executive, in consultation with the Leader of the Council and Lead Councillors for Education, Children and Corporate & Consumer Services, be authorised to finalise the terms of the above document;
- (3) That the contracting-out of the performance and discharge of the Council's children's social care functions and the relevant education and early years functions, listed in Section 9, pursuant to the said Service Delivery Contract and in accordance with [Section 1 of the Children and Young Persons Act 2008 and the Contracting Out (Local Authority Education Functions) (England) Order 2002], be authorised and approved;
- (4) That the transfer of and/or provision via Service Level Agreements of support services by the Council to BFfC, via the Support Services Agreement in the Service Delivery Contract as set out in Section 12, be approved;
- (5) That the transfer of property (by way of lease), assets and third party contracts from the Council to BFfC be approved, as set out in Section 13 of the report, and the necessary licences, leases and contracts be entered into;
- (6) That the transfer of all relevant staff via TUPE (Transfer of Undertakings (Protection of Employment) arrangements on the Service Delivery Contract commencement date, as set out in Section 15 of the report, be approved;
- (7) That the Council's proposal for designated body status in relation to the pension arrangements of all transferred staff, as set out in Section 15 of the report, be approved;
- (8) That with regard to the Council's Constitution:
  - a) the revised portfolios for the Lead Councillors for Children, and Education, attached at Appendix C, be agreed;
  - b) the revised terms of reference for the Adult Social Care, Children's Services & Education Committee, to reflect the transfer of the direct provision of children's social care, education services and early help functions to Brighter Futures for Children, and the new role of

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oversight of the RBC clienting function of the contract with Brighter Futures for Children, attached at Appendix D, be agreed;

- c) the function of exercising the Council's sole membership/ownership of Brighter Futures for Children be added to the terms of reference of the Policy Committee;
- d) the Monitoring Officer be authorised to make any other necessary amendments to the Council's Constitution and Scheme of Officer Delegation to reflect the establishment and responsibilities of BFfC, in conjunction with the Director of Children, Education and Early Help Services, and to report these for retrospective approval to the Annual Council Meeting in May 2019;

(9) That the Chief Executive, in consultation with the Leader of the Council and Lead Councillors for Education, Children and Corporate & Consumer Services, be authorised to finalise the terms of the new arrangements with BFfC and the Department for Education prior to formal transfer of the children's services to the Company pursuant to the Service Delivery Contract; and be delegated authority to make a Council appointment to the Board of Directors of the Company;

(10) That the Head of Legal & Democratic Services be authorised to execute all legal documents that would be necessary to give effect to the above resolutions.

### **30. REVIEW OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT**

Further to Minute 3 of the Licensing Applications Committee held on 25 September 2018, the Director of Environment and Neighbourhoods submitted a report seeking approval to revisions to the Licensing Policy and the Cumulative Impact Assessment in respect of the Town Centre. The report stated that the Council, as the named Licensing Authority for Reading, was required under the provisions of the Licensing Act 2003 to review its licensing policy every five years. The current licensing policy would be in force until 22 October 2018. The report explained that the Council was also now required to publish a Cumulative Impact Assessment for any cumulative impact area in Reading. There had been a Cumulative Impact area in the town centre since 2010. The report had appended the revised Licensing policy document at Appendix RF-1 and the Cumulative Impact Assessment at Appendix RF-2.

The following motion was moved by Councillor James and seconded by Councillor Maskell and CARRIED:

#### **Resolved -**

- (1) That the revised Licensing Policy, as attached to the report at Appendix RF-1, be approved for implementation on 22 October 2018, as recommended by Licensing Applications Committee on 25 September 2018 (Minute 3 refers);

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- (2) That the Cumulative Impact Assessment in respect of the Town Centre Cumulative Impact Area, as attached to the report at Appendix RF-2, be approved for implementation on 22 October 2018, as recommended by the Licensing Applications Committee on 25 September 2018 (Minute 3 refers).

### 31. CONSTITUTIONAL CHANGES - PROCUREMENT RULES

The Director of Resources submitted a report on a review of the Council's Contract Procedure Rules (CPRs). The report set out proposed changes to the CPRs in order to update them and align them with best practice. The proposed changes were set out in Appendix A to the draft report. As the Contract Procedure Rules formed part of the Council's Constitution (within Part 4: Rules of Procedure) they were a reserved matter and these changes therefore required Council approval. The relevant sections of the Constitution would be amended and published on the Council's website.

The following motion was moved by Councillor Brock and seconded by Councillor Lovelock and CARRIED:

#### Resolved -

- (1) That the revised Contract Procedure Rules as set out at Appendix A to the report be approved;
- (2) That the Head of Procurement and Contracts be authorised to make minor revisions to the Contract Procedure Rules in consultation with the Head of Legal and Democratic Services and the Director of Resources, such revisions to be limited to reflect changes to number and/or section title cross references of other relevant parts of the Constitution if they were subsequently amended (e.g. Financial Regulations or Delegations Register), job titles, titles of guides, titles of forms and/or governance boards that may be referred to in the Rules;
- (3) That the Monitoring Officer be authorised to make any required amendment(s) to delegations needed within the Delegations Register and/or the Financial Regulations to reflect the agreed Contract Procedure Rule changes as appropriate.

### 32. STANDARDS COMMITTEE

The Monitoring Officer submitted a report on the Minutes of the meeting of the Standards Committee of 28 June 2018, which were attached at Appendix A.

The report advised that Chapter 7 of the Localism Act 2011 had ended the statutory standards regime set up by the Local Government Act 2000, and introduced in its place a duty on local authorities to promote and maintain high standards of conduct by Councillors and Co-opted Members, including adopting a local Member code of conduct. The Act also required local authorities to adopt arrangements to deal with allegations that Members had not complied with their local Code of Conduct, and allowed local

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authorities to establish a local Standards Committee, and to make Standing Orders relating to aspects of the standards process. The local Standards Committee had been first established at the Annual Council Meeting on 23 May 2012.

The following motion was moved by Councillor Brock and seconded by Councillor Gavin and CARRIED:

### Resolved -

- (1) That the Minutes of the Standards Committee held on 28 June 2018, as attached at Appendix A to the report, be received;
- (2) That, in the interests of completeness, the Monitoring Officer's delegated authority, under Section 33 of the Localism Act 2011, to grant a dispensation from the restrictions in Section 31(4) of the Act, which would allow members of the authority with a disclosable pecuniary interest to take part and vote on decisions in certain prescribed circumstances as set out in paragraph 1.3 of the report be included in the Members' Code of Conduct at paragraph 7.7.4.

### 33. SCHOOLS FUNDING

Pursuant to Notice, a motion was moved by Councillor Pearce and seconded by Councillor David Absolom and CARRIED:

### Resolved -

This Council notes that nationally:

According to the IFS:

- Funding per pupil has fallen 8% since 2010
- Sixth form funding has been cut by 25%
- Local authority support is down by 55%.
- Between 2015 and 2017 the core schools budget up to the age of 16 fell by 4%

According to the Department for Education's own figures, more than **2,000 children** in England with special educational needs and disabilities (SEND) have no education provision at all.

According to the NEU:

- 88% of schools are still facing real-terms budget cuts per pupil between 2015/16 and 2019/20.
- For the average primary school this will be a loss of £52,546 per year
- For the average secondary school this will be a loss of £178,321 per year

In Reading according to the Schools Cuts website:

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- 43 of 43 Reading schools face cuts
- Schools will have lost £4.9m between 2015-2020
- This equates to a £281 loss per pupil
- Average class sizes in Reading have increased

The School Teachers Review Body recent report into teachers' pay recommended a 3.5% pay increase for ALL teachers. This has been ignored by the Government and will further increase the recruitment and retention crisis. It will also place further pressures on Schools budgets and the Education budget as no new funding has been identified from Government.

This Council resolves to write to the education minister Damian Hinds, along with Matt Rodda, MP for Reading East and the National Education Union to ask if he will rethink the plans to further reduce spending per pupil in this Parliament.

(The meeting closed at 8.14 pm)