



Reading
Borough Council

Working better with you

Summons and Agenda 22 May 2019

**Chief Executive
Reading Borough Council
Civic Offices, Bridge Street,
Reading, RG1 2LU**



Reading
Borough Council
Working better with you

Peter Sloman
CHIEF EXECUTIVE

Civic Offices, Bridge Street,
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To: All Members of the Council - Annual Meeting

Our Ref:
Your Ref:

Direct: ☎ 0118 937 2153
e-mail:
michael.popham@reading.gov.uk

14 May 2019

Your contact is: Michael Popham, Democratic Services Manager

Dear Sir/Madam

You are hereby summoned to attend a meeting of the Reading Borough Council to be held at the **Town Hall, Reading**, on **Wednesday, 22 May 2019 at 6.30 pm**, when it is proposed to transact the business specified in the Agenda enclosed herewith.

Yours faithfully

CHIEF EXECUTIVE

A G E N D A

1. ELECTION OF MAYOR

1. The retiring Mayor will announce that the first item of business is the election of the Mayor.
2. The retiring Mayor will invite nominations. If there is more than one nomination a ballot will take place. The retiring Mayor will then announce the result.
3. The retiring Mayor will ask the newly-elected Mayor to make the statutory Declaration of Acceptance of Office. The new Mayor will then read the statutory declaration and sign it. The declaration will be witnessed by the Chief Executive.
4. The newly elected Mayor will take the chair.

2. APPOINTMENT OF DEPUTY MAYOR

5. The newly-elected Mayor will proceed with Item 2 on the Agenda and ask for nominations for Deputy Mayor and a seconder. If there is more than one nomination a ballot will take place. The newly-elected Mayor will then announce the result.
6. The newly-elected Mayor and the newly-appointed Deputy Mayor will retire to an adjoining room, where they will robe.
7. **All will STAND** while the procession leaves the Auditorium.
8. There will be an interval while the Mayoral party changes robes.

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9. The Mace Bearer will announce the return of the Mayoral party.
10. **On the return of the newly-elected Mayor, Members of the Council will STAND in their places, and WILL REMAIN STANDING until the newly-elected Mayor has received the Mace.**
11. The newly-elected Mayor will receive the Mace from the outgoing Mayor, who will repeat the customary words.
12. All will then be **SEATED**.

3. ADDRESS OF NEWLY ELECTED MAYOR

13. The newly-elected Mayor will address the Council.

4. MINUTES OF THE COUNCIL MEETING ON 26 MARCH 2019

14. The Mayor will sign the Minutes, with the agreement of the Council.

5. VOTE OF THANKS TO COUNCILLOR D EDWARDS AND MR A EDWARDS

15. The vote of thanks will be moved and seconded.

16. Councillor D Edwards and Mr A Edwards to receive past Mayors' badges, presented by the Mayor.

6. ADDRESS BY RETIRING MAYOR

17. Councillor D Edwards will address the Council.

7. REPORT ON THE RESULTS OF THE MUNICIPAL ELECTIONS HELD ON 2 MAY 2019 21 - 22

18. Monitoring Officer to report.

8. APPOINTMENT OF LEADER OF THE COUNCIL

19. A motion will be moved at the meeting.

9. REPORT ON CONSTITUTION; POWERS AND DUTIES OF THE COUNCIL AND COMMITTEES; SCHEME OF MEMBERS' ALLOWANCES; AND DELEGATIONS 23 - 82

20. Monitoring Officer to report. The Council will consider a motion, moved by the Leader of the Council.

10. APPOINTMENT OF DEPUTY LEADER & LEAD COUNCILLORS AND ALLOCATION OF PORTFOLIOS 83 - 84

21. The Council will consider a motion, moved by the Leader of the Council.

11. APPOINTMENT OF COUNCIL COMMITTEES AND OTHER BODIES

22. The Council will consider a motion, moved by the Leader of the Council.

12. APPOINTMENT OF CHAIRS/VICE CHAIRS OF COMMITTEES 85 - 86

23. The Council will consider a motion, moved by the Leader of the Council.

13. **DATES OF COUNCIL MEETINGS FOR 2019/20**

24. The Mayor will move a motion setting the dates of Council Meetings for 2019/20.

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MEETINGS OF COMMITTEES

At the conclusion of the Council Meeting, the following meetings will take place:

- (a) A meeting of the Policy Committee. The Mayor will invite the Chair of the Committee to move a motion.
- (b) A meeting of the Licensing Applications Committee. The Mayor will invite the Chair of the Committee to move a motion.
- (c) A meeting of the Strategic Environment, Planning & Transport Committee. The Mayor will invite the Chair of the Committee to move a motion.

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EVERYONE WILL STAND AS THE MAYOR LEAVES THE AUDITORIUM.

The Mayor, Deputy Mayor, Retiring Mayor and Freemen will process out, passing by the Mayor's Escort, Deputy Mayor's Escort and Retiring Mayor's Escort who will join the procession. The procession will leave by the Centre Doors. Councillors will follow the procession.

All guests will stay seated for a few minutes.

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Present: Councillor D Edwards (Mayor);

Councillors David Absolom, Debs Absolom, Ayub, Ballsdon, Barnett-Ward, Brock, Davies, Eden, K Edwards, Emberson, Ennis, Gavin, Gittings, Grashoff, Hacker, Hoskin, James, Jones, Kaur, Khan, Lovelock, Manghnani, Maskell, McEwan, McGonigle, McKenna, Page, Pearce, Robinson, Rowland, D Singh, R Singh, Skeats, Stanford-Beale, Stevens, Terry, Vickers, Warman, J Williams, R Williams and Woodward.

Apologies: Councillors McDonald, O'Connell and White.

49. MAYOR'S ANNOUNCEMENTS

(a) Christchurch Terrorist Attack

The Council condemned the extreme terrorist violence, which targeted two mosques in Christchurch, New Zealand, on 15 March 2019. Fifty people had lost their lives in the deadly terror attack and at least another fifty people had been seriously injured. The Council stood in silence to pay its respects and demonstrate solidarity with those people who had died or been affected by this horrendous act of violence.

(b) Retiring Councillors

As this was be the last meeting of the Council prior to the local elections on 2 May 2019, the Mayor thanked all those councillors who would not be standing for re-election for their service to the Council.

50. MINUTES

The Minutes of the meeting held on 26 February 2019 were confirmed as a correct record and signed by the Mayor.

51. PETITION

Sarah Watchman and Ettha Mace-Whitehouse presented a petition in the following terms:

“Save the ERAPA Play Area

In the next 12 months, the Council intends to remove the ERAPA (London Road side) play area in Palmer Park when it reaches its end of life.

This play equipment is hugely well-used and well-loved by families and children from all across East Reading. The play equipment was designed to be accessed by disabled children meaning everyone can play.

Please, Reading Council, when the equipment is no longer usable - replace it and let children continue to play ?!”

COUNCIL MEETING MINUTES - 26 MARCH 2019

RESPONSE by Councillor Hacker (Lead Councillor for Culture, Heritage and Recreation):

The play equipment that was formerly within the ERAPA site consists of a multi-unit with walkways and bridges, a wheelchair roundabout, swings and a small ballcourt. The age of the multi-unit is not known as it was not purchased or installed by the Council's Parks Team, but by staff from the former ERAPA group. Since the closure of ERAPA the equipment has been maintained by the Parks Team. As various parts become worn and fail, it is not possible to replace them, as the company that supplied the unit were based in the USA and are no longer in business. Other playground manufacturers have stated that they will not make replacement parts for another company's equipment, particularly as the unit does not conform to current European safety standards. Recently the Council's Playground Officer had to remove a faulty slide from the unit. As a consequence, the entry point to access the slide has had to be boarded up, limiting the overall play value of the unit. Other play elements are showing signs of wear. As they become unsafe to use, the Council has no option but to remove them.

The removal of the equipment at the former ERAPA site is therefore a H&S requirement.

A decision was made to invest significantly in the Palmer Park play area adjacent to Wokingham Road and the café, only 270m away from the former ERAPA site, with greater provision for children with special needs. In 2009 the play area was enlarged to allow for more free play; basket swings were dotted around the site, on grass, which is accessible by wheelchair; a large new rope swinger, on which parents can play with (and therefore hold) children with mobility problems, was installed; and trampolines were introduced, where disabled children can be bounced by an adult. Other equipment aimed at children with a range of challenges was installed. Some of the play equipment was installed in more remote locations, to accommodate the needs of children who prefer to play away from the melee of the main play area. This was intended as a significant improvement on the old ERAPA playground, which effectively segregated disabled children from other children.

Not only is a single larger play facility far more inclusive than separating out disabled play, but one larger play facility better serves community needs than two small playgrounds with less equipment and a degree of duplication of play items. The cost of maintaining separate areas is also greater. The advantage of expanding the Wokingham Road location rather than the old ERAPA is that it is overlooked, and not suffering from ASB and graffiti. This play area is very popular, drawing people from a considerable area to use it.

The same principles were pursued in investing in the day-out play location at Christchurch Meadows for families who have children with various challenges. Advice was sought from charities concerned with days out for disabled children. All new play equipment can be used by children of all abilities, so that disabled children can play with those who are able-bodied. As at Palmer Park, some equipment is designed for a parent to be able to play with children, and items of equipment are located away from the main play area to accommodate children with mental health issues.

The Council is aware that many play areas in Reading have access problems for children with mobility problems and other disabilities. This is true not only of children

COUNCIL MEETING MINUTES - 26 MARCH 2019

in wheelchairs, but of children with a range of physical and mental challenges. The Council has been seeking consciously to address this over the past two decades.

The play infrastructure is historic, and it is not possible to make overnight changes to every site to make it fully accessible to people of all abilities. The Disability Discrimination Act 1995, and subsequent amendments, explicitly recognises the investment burden involved in transforming all infrastructure, and the requirements of the Act are that all future changes need to account for the accessibility requirements of all users. All new investment made in play areas in Reading is DDA-compliant. Major advances were made in 2008-10 with the injection of government funding under the Playbuilder scheme. The Council used the resources to invest significantly in accessible play equipment and natural play facilities at various locations across the Borough.

In June 2016, local parents of disabled children were requested by the Play Team to complete questionnaires assessing six of the Council's major play areas for access issues. The results are being used to guide further investment in these sites.

In September 2017, the Council's Playground Officer met with the Access Forum specifically to discuss problems that parents are having with access, and to discuss improvements being made. This is an ongoing dialogue, with an annual report to the Forum on progress that is being made. One of the most important of these is the ongoing replacement of loose-fill safety surfacing with a rubber bonded product. This is very expensive, and one or two sites are being converted each year.

In 2018, a full review of all playgrounds was carried out, highlighting all investment needs, and in December 2018, a capital bid for £2.8million over five years was submitted to fund the current investment gap. £1.6m has been approved for 2019-22. Much of this funding is specifically intended to improve further access for all to the Council's playgrounds, a point that was emphasised in the bid. Sites earmarked for new investment in fully-inclusive play equipment over this 3-year period include Palmer Park.

The Play Review will be presented to members during 2019.

52. QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH STANDING ORDER 9

	<u>Questioner</u>	<u>Subject</u>	<u>Answer</u>
1.	Tony Warrell	Crossing Points	Cllr Page
2.	Micky Leng	Council Houses Built in Reading	Cllr Ennis
3.	Micky Leng	Council House Building	Cllr Ennis
4.	Richard Stainthorp	William Marshal	Cllr Hacker
5.	Richard Stainthorp	Adolescent Mental Health	Cllr Pearce
6.	Mark Lawrence	LGBT History Month	Cllr James
7.	Glenn Dennis	Local Government Funding	Cllr Lovelock
8.	Glenn Dennis	Public Health Funding	Cllr Hoskin
9.	Peter Burt	Reading Leisure Centres	Cllr Hoskin
10.	Peter Burt	Arthur Hill Swimming Pool	Cllr Lovelock

COUNCIL MEETING MINUTES - 26 MARCH 2019

As there was insufficient time, pursuant to Standing Order 9(6), written replies to Questions 4, 5, 8, 9 and 10 above would be provided in accordance with Standing Order 11(3).

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

53. QUESTIONS FROM COUNCILLORS IN ACCORDANCE WITH STANDING ORDER NO 10

	<u>Questioner</u>	<u>Subject</u>	<u>Answer</u>
1.	Cllr Ayub	Business Improvement District	Cllr Lovelock
2.	Cllr Debs Absolom	Register Office Services	Cllr Brock
3.	Cllr Debs Absolom	Trading Standards Team	Cllr Brock
4.	Cllr McGonigle	Glyphosate products	Cllr James
5.	Cllr Barnett-Ward	Readybike	Cllr Page
6.	Cllr Josh Williams	Cycle Lanes/Readybike Scheme	Cllr Page

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

54. COUNCILLORS' ALLOWANCES SCHEME 2019/20

The Director of Resources submitted a report recommending that the Council considered the findings of the Independent Remuneration Panel and adopted a scheme of Councillors' Allowances for the financial year 2019/20.

The report stated that the Independent Remuneration Panel met annually to consider a scheme of allowances and pensions for councillors and to make recommendations to Council. The report noted that the Panel was currently conducting a full review of Councillors' Allowances and would submit the findings from its review to a future meeting of the Council for consideration. In the meantime, the Panel recommended that the total budget for Councillors' allowances and the levels of allowances for all councillors should stay at the same level as set for 2018/19. The overall budget should therefore be £448,597 in respect of councillors' allowances; basic allowance for all councillors should remain set at £8,220 per annum; and the remainder of the budget should be split between the Leader, Deputy Leader and recipients of special responsibility allowances as set out in Section 3 of the report. The report had appended the Remuneration Panel's Interim Findings at Appendix A.

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

Resolved -

- (1) That it be noted that the Independent Remuneration Panel was currently conducting a full review of Councillors' Allowances and would submit the

COUNCIL MEETING MINUTES - 26 MARCH 2019

findings from its review to a future meeting of the Council for consideration;

- (2) That, pending the outcome of the Independent Remuneration Panel's review and its consideration by Council, the scheme for Councillors' Allowances for 2019/20 remain unchanged from that agreed for 2018/19, as set out below:

Interim Recommendations of Remuneration Panel

That the recommendations of the independent Remuneration Panel, in respect of the scheme of allowances to be paid by the authority to Councillors for the financial year 2019-2020, be accepted and approved as follows:

- (1) That, for 2019-20, the total sum for the payment of Basic and Special Responsibility Allowances to councillors remain at the same level as set for 2018-19 at £448,597;
- (2) That, within this total sum, the provision for the payment of Basic Allowance to all councillors remain at £378,125; and the Basic Allowance paid to individual councillors remain the same at £8,220 a year;
- (3) That the Special Responsibility Allowances payments remain the same, as follows:
 - (a) the amount paid to the Leader to be £7,004;
 - (b) the amount paid to the Deputy Leader to be £5,722;
 - (c) the amount paid to SRA Tier 1 to be £3,816;
 - (d) the amount paid to SRA Tier 2 to be £2,147;
 - (e) the amount paid to SRA Tier 3 to be £1,074.

No councillor shall receive more than one Special Responsibility Allowance;

- (4) That the existing categorisation of tiers should remain unchanged, as follows:
 - Tier 1 to be paid to the Lead Councillors and to the Leader of the main opposition Group (9 Councillors currently in receipt in 2018/19);
 - Tier 2 to be paid to the Chairs of Committees and the Leader of the other political groups (9 Councillors and one independent member currently in receipt in 2018/19);
 - Tier 3 to be paid to Vice-Chairs of Committees and other councillors carrying out other activities in relation to the discharge of the authority's functions as require the commitment of equivalent time and effort as for other categories of activity which would qualify for Special Responsibility Allowance under Paragraph 5(1)(i) of the Local Authorities (Members' Allowances)

COUNCIL MEETING MINUTES - 26 MARCH 2019

(England) Regulations 2003 and to the independent person appointed in accordance with Section 28 of the Localism Act 2011 to carry out the functions specified in that Act in relation to the Members' Code of Conduct and Local Standards Committee (4 Councillors and one independent person currently in receipt in 2018/19);

- (5) That the 2019-20 arrangements for the payment of Dependant Carers' Allowance be paid in line with the living wage, currently as follows:
- (a) Up to £8.75 per hour for childcare for up to 15 hours a week
 - (b) Up to £8.75 per hour towards the cost of a care attendant for an elderly or disabled relative (including a disabled child) for up to 15 hours a week

The person providing the care may not be a close relative defined as spouse, partner (opposite or same sex cohabitantes), parents, children, brothers, sisters, grandparents and grandchildren. The paid care attendant must sign a receipt to show that they have cared for the dependant during the hours claimed for;

- (6) That, subject to (8) below, the level of subsistence allowances, with the exception of overnight subsistence, remain the same as officers receive. The allowances are currently:

Subsistence	
Breakfast allowance	£8.26
Lunch allowance	£11.41
Tea allowance	£4.52
Evening meal allowance	£14.13
Overnight subsistence	£82.21 a day outside London £93.77 a day in London or at LGA Annual Conferences

- (7) That the level of travel allowances be set as the same as officers receive, as follows:
- Travel by councillor's own motor vehicle - 45 pence per mile
 - Travel by councillor's own bicycle - 37 pence per mile
 - Travel by councillor's own motorcycle - 40.9 pence per mile
 - Bus travel - cost of the ordinary fare, cheap fare or portion of any weekly ticket;
- (8) That the subsistence limits referred to in (6) above be exceeded in exceptional circumstances at the discretion of the Monitoring Officer,

COUNCIL MEETING MINUTES - 26 MARCH 2019

e.g. to enable a Councillor and an officer attending a conference to stay at the same accommodation, subject to there being sufficient budget provision;

- (9) That provision for Co-optees' Allowances are payable solely to non-councillor members of the Standards Committee attending meetings of the Committee or any Sub-Committee set up by the Committee as part of its process of assessing, investigating and hearing complaints about Councillors; the allowances to be paid at the daily rate equivalent of the Councillors' Basic Allowance; the Monitoring Officer to be authorised to settle the rate to be paid on each occasion;
- (10) That the salary sacrifice schemes available to Council staff also be made available to Councillors.

55. PAY POLICY STATEMENT 2019/20

Further to Minute 18 of the Personnel Committee held on 14 March 2019, the Director of Resources submitted a report outlining the draft pay policy statement, which was appended to the report. The report stated that Local Authorities were required under Section 38(1) of the Localism Act 2011 (the Act) to prepare a Pay Policy Statement that articulated the Council's policy towards the pay of the workforce, particularly senior staff and the lowest paid employees.

The report explained that each local authority was an individual employer in its own right and had the autonomy to make decisions on pay that were appropriate to local circumstances and which delivered value for money for local taxpayers. Section 40 of the Act required authorities, in developing their Pay Policy Statement, to have regard to any guidance that had been published by the Secretary of State. This included Communities and Local Government guidance on Openness and Accountability in Local Pay and the Code of Recommended Practice for Local Authorities on Data Transparency (as amended). The Act basically required Councils to produce a Pay Policy Statement annually that was accessible for council tax payers to be able to take an informed view of whether local decisions on all aspects of remuneration were fair.

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

Resolved:

That the Pay Policy Statement 2019/20, as appended to the report, be approved to take effect from 1 April 2019.

56. REVIEW OF POLLING PLACES 2018/19

Further to Minute 52 of Policy Committee on 26 November 2018, and in accordance with the Electoral Administration Act 2006 (the 2006 Act), which required the Council to undertake a review of its polling districts and polling places every four years to a national timetable, the Returning Officer submitted a report on the results of the consultation exercise undertaken for the 2018-19 review of polling districts and polling places in Reading, and setting out the responses received. The report also reviewed the deployment of polling stations within polling places.

COUNCIL MEETING MINUTES - 26 MARCH 2019

The report explained that the Electoral Registration and Administration Act 2013 (the 2013 Act) introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The previous review had taken place in 2014, and the results were reported to Council on 21 October 2014 (Minute 30 refers). The notice of the 2018-19 review had been published on 3 December 2018, on the Council's website, at the Civic Offices, and in the Council's libraries. The deadline for responses was 2 January 2019.

This year's review had attracted 37 responses: a significant increase from the 7 responses generated by the 2014 review. The comments were set out in the schedule at Appendix A, and included other observations on polling places received by the Electoral Services team over the past year, outside the consultation period.

The Returning Officer's written submission on the review process, which commented on the existing polling stations and any new polling stations that may be used based on proposals made in the review, was attached to the report at Appendix B. In light of the comments received, the report recommended changes to the Council's polling places and stations and cross-referenced the proposed changes to the relevant paragraph in the report.

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

Resolved -

- (1) That the results of the consultation on the 2018-19 review of polling places (Appendix A), and the Returning Officer's written submission (Appendix B), be received and noted;
- (2) That the following changes to polling places be noted: [para. 3.5]
 - (a) The change of name of the polling place for Caversham polling district 3 (MB) to The Weller Centre (from Amersham Road Community Centre);
 - (b) The relocation of the polling station for Norcot polling District 1 (E) at St George's Church, St George's Road, from the Church Hall to the church;
 - (c) The Returning Officer's intention to return the polling place for Mapledurham ward (Y) to the Mapledurham Pavilion, when this has been rebuilt and the suitability of the new building to host a polling station has been confirmed; [para. 3.6]
- (3) That, following the closure and disposal of Southcote Library at Southcote Lane, the polling place for Southcote polling district 2 (FB) be moved the Southcote Community Hub in Coronation Square; [para. 4.3.1]
- (4) That, in the case of building works at Battle Library making the building not being available for future elections, the polling place for Battle polling district 1 (A) be moved temporarily to Emmanuel Church, Oxford Road, next door; [para. 4.3.1]

COUNCIL MEETING MINUTES - 26 MARCH 2019

- (5) That with regard to Whitley ward:
- (a) The Returning Officer's intention to explore options for a new polling district and polling place in Whitley ward, to serve the new developments west of the Basingstoke Road and in Green Park, be noted; [para. 4.3.2]
 - (b) Polling districts S and SC, both of which currently poll at Whitley Park Primary School, be merged; [para. 4.4.3]
- (6) That the following changes be made to the number of polling stations at the polling places listed below: [para. 4.4.3]
- (a) Battle polling district 1 (A) - Battle Library - establish second polling station;
 - (b) Katesgrove polling district 2 (BA) - Christchurch Centre, Milman Road - reduce to 1 polling station;
 - (c) Kentwood polling district 1 (C) - St Mary Magdelene Hall - reduce to 1 polling station;
 - (d) Norcot polling district 1 (EA) - St Michael's Primary School - reduce to 1 polling station;
 - (e) Redlands polling district 2 (RA) - Redlands Primary School - reduce to 1 polling station;
- (7) That the position and responses concerning the use of Caversham Primary School as the polling place for both Caversham polling district 4 (MC) and Thames polling district 3 (WB) be noted, and in this respect: [paras. 4.5.8 and 4.5.9]
- (a) the lack to date of suitable alternative polling places in Thames ward polling district 3 (WB), and the Returning Officer's continuing efforts to find a suitable alternative locations, be noted and endorsed;
 - (b) the Returning Officer consult with Thames ward Councillors about a more comprehensive review of polling districts in the ward, with a view to bring suitable locations for polling places in other parts of the ward into play;
 - (c) The Returning Officer consult with Caversham ward Councillors about the following options:
 - Combining polling district 4 (MC) with polling district 2 (MA), with the polling place at Thameside Primary School (two polling stations);
 - Identifying a suitable alternative location in polling district 4 (MC);

COUNCIL MEETING MINUTES - 26 MARCH 2019

- Modifying the polling district boundary between Caversham polling districts MA and MC, to extend polling district 4 (MC) eastwards, to include the area north of Church Street and west of Prospect Street; and moving the polling place to Caversham Library;
- (d) Caversham Primary School to continue to be the polling place for both Caversham polling district 4 (MC) and Thames polling district 3 (WB), and host three polling stations, until suitable alternative polling places for both wards and polling districts can be identified and agreed;
- (8) That the position and responses concerning Kentwood polling district 4 (CC), in the light of the closure and imminent demolition of the Norcot Community Centre, Lyndhurst Road, be noted, and in this respect: [para. 4.5.10]
- (a) a temporary polling station be set up at the Lyndhurst Road Community Centre, operating from the Council's Emergency Planning vehicle, for the duration of the works to build a new community facility at the site;
- (b) the Returning Officer consult with Kentwood ward Councillors about a more comprehensive review of polling districts in the ward, with a view to bring polling places in other parts of the ward into play, as described in para. 4.5.10;
- (9) That the Head of Legal & Democratic Services, as Returning Officer, be authorised to implement all appropriate actions arising from the review and discussed in this report, in consultation where appropriate with affected ward Councillors.

57. PRIVATISATION OF SPECIALIST CANCER SCANNING SERVICES

Pursuant to Notice, the following motion was moved by Councillor Hoskin and seconded by Councillor David Absolom and CARRIED:

Resolved -

This Council notes:

- NHS England has announced it is privatising Positron Emission Tomography - Computed Tomography (PET-CT) cancer scanning services for the Thames Valley area which includes Reading. This will hand the contract over to InHealth, a private company and take it away from the internationally respected NHS Churchill Hospital in Oxford.
- That PET-CT scanning provides 3D scans of inside the body that are an essential specialist resource in helping doctors spot tumours, plan the best treatment and monitor whether that treatment is working.
- That specialist cancer doctors at Oxford University Hospitals NHS Trust have declared they have "concerns about the potential impact on the

COUNCIL MEETING MINUTES - 26 MARCH 2019

safety and quality of patient care at the loss of the current PET-CT service”.

- That Labour, Conservative and Liberal Democrat MPs in the Thames Valley have raised objections to this privatisation and concerns about potential impact of patient care.
- The lack of public consultation on these proposals.

This Council believes:

- That, as asserted in its carried motion of 27 March 2018 “NHS services should remain in public ownership and that elements of the system that have been privatised ought to be brought back into public ownership”.
- That privatisation of trusted and respected NHS services can potentially harm patient care and obstruct the collaborative and integrated health and care services that would best serve the people of Reading and the wider area.

This Council resolves:

- To formally object to the privatisation of the Thames Valley’s specialist PET-CT scanning services.
- That the Chief Executive writes on behalf of the Council to the Chief Executive of NHS England and the Secretary of State for Health and Social Care to call for a halt to this procurement exercise, particularly highlighting the lack of consultation with the public, councils or MPs, and the lack of a transparent assessment of the potential risks to clinical care and patient safety.
- To send a copy of this letter to councils and MPs in the Thames Valley area covered by these services and encourage them to raise any concerns they may have with NHS England.
- To explore the possibility of a joint health scrutiny of this privatisation with other concerned councils.

(The meeting closed at 8.03pm).

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READING BOROUGH COUNCIL

ANNUAL MEETING OF THE COUNCIL - AGENDA ITEM NO 7

MUNICIPAL ELECTIONS - 2 MAY 2019

REPORT BY MONITORING OFFICER

The following persons were elected as Councillors at the Municipal Elections held on 2 May 2019:

<u>WARD</u>	<u>NAME</u>
Abbey	Mohammed Ayub
Battle	Chris Maskell
Caversham	Ayo Sokale
Church	Paul Woodward
Katesgrove	Liam Challenger
Kentwood	Raj Singh
Minster	Paul Gittings
Norcot	Graeme Hoskin
Park	Josh Williams
Peppard	Clare Grashoff
Redlands	Jamie Whitham
Southcote	Jason Brock
Thames	Paul Carnell
Thames	Jeanette Skeats
Tilehurst	Ricky Duveen
Whitley	Micky Leng

All Councillors have signed the Declaration of Acceptance of Office.

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READING BOROUGH COUNCIL

REPORT BY MONITORING OFFICER

TO:	COUNCIL		
DATE:	22 MAY 2019	AGENDA ITEM:	9
TITLE:	CONSTITUTION; POWERS AND DUTIES OF THE COUNCIL AND COMMITTEES; SCHEME OF MEMBERS' ALLOWANCES; AND DELEGATIONS		
SERVICE:	LEGAL AND DEMOCRATIC SERVICES	WARDS:	BOROUGH-WIDE
AUTHOR:	CHRIS BROOKS	TEL:	72602/9372602
JOB TITLE:	HEAD OF LEGAL AND DEMOCRATIC SERVICES	E-MAIL:	<u>Chris.Brooks@reading.gov.uk</u>

1. PURPOSE AND SUMMARY OF REPORT

1.1 This report asks Council, for the Municipal Year 2019/20, to:

- (1) appoint the Committees of the Council: the allocation of seats between Groups has to be calculated in accordance with Sections 15-17 of the Local Government and Housing Act 1989 and details have been circulated to Group Leaders before the meeting;
- (2) appoint a local Standards Committee for the authority;
- (3) agree the powers and duties of committees, sub-committees, partnerships and consultative Working Parties (Appendices A, B and C), including new Committees: Investigating and Disciplinary Committee, an Appeal Committee, together with an Independent Panel; terms of reference for which will be included within Article 8: Regulatory Committees;
- (4) agree changes to the Constitution
 - Part 4 - Officer Employment Procedure Rules (Appendix D)
 - Part 5 - Planning Code of Conduct (Appendix E)
- (5) agree the general dispensation granted to all Members as set out in para. 2.17 below.
- (6) amend the Council's scheme of Councillors' Allowances, and confirm those Councillors who meet the definition of Members having significant responsibilities in relation to the discharge of the Council's functions in terms of entitlement to Special Responsibility Allowance at Tier 3 for the remainder of the financial year 2019/20, pending the results of the full review of Councillors' Allowances by the Remuneration Panel;
- (7) re-establish the Remuneration Panel for the Municipal Year 2019/20.

- 1.2 The Constitution for the authority will be amended in the light of these changes and published on the Council's website.
- 1.3 The powers and duties of the Committees and Sub-Committees are included in **Appendices A and B**. The terms of reference of Partnership and advisory and consultative bodies, and Member:Officer working groups, are included in **Appendix C**.

2. RECOMMENDED ACTION

A. Constitution

- 2.1 That the Constitution for the authority be amended to include the action set out below.

B. General Reservation of Powers to the Council

- 2.2 That the following matters be reserved to the Council, in line with Article 4 of the Constitution, and any decisions of Committees in relation to them shall be submitted to the Council as recommendations:

- (a) changing the Constitution;
- (b) approving the authority's budget, and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) Approving the authority's budget strategy, including plans or strategies for:
 - The control of borrowing and investments
 - Capital expenditure
 - Determining the authority's minimum revenue provision

and agreeing the Council's capital strategy and asset management plan;

The budget framework is as set out in Part 4 of the Constitution (subject to review);

- (d) agreeing and/or amending the terms of reference for committees appointed by the Council, deciding on their composition and making appointments to them;
- (e) making a Members' allowances scheme under Article 2.5 of the Constitution;
- (f) changing the name of the area, conferring the title of freedom or freeman of the Borough;
- (g)
 - (i) confirming the appointment of the Head of Paid Service;
 - (ii) confirming the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer;
- (h) appointing the external auditors and agreeing the arrangements for their appointment;

- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (j) requesting a change to single-member electoral areas, and passing a resolution to change the Council's scheme of elections;
- (k) reorganisation of community governance - making an order giving effect to recommendations made in a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007;
- (l) promoting and maintaining high standards of conduct by Councillors and Co-opted Members, including adopting a local Member code of conduct and establishing a local Standards Committee;
- (m) passing a resolution to make a change in governance arrangements for the authority under Section 9KC(1) of the Local Government Act 2000 as amended by Schedule 2 of the Localism Act 2011;
- (n) those functions set out in Part 3 Schedules 2 and 3 of the Council's Constitution which are shown as being for the Council to exercise, and which the Council has not delegated to a Committee or an officer;
- (o) setting the strategic vision and corporate objectives of the Council;
- (p) making referrals to the Secretary of State, the regulator or the NHS Commissioning Board arising from the exercise of the health scrutiny function of the authority, under Section 22A of the National Health Service Act 2006 (as added under Section 190(3) of the Health & Social Care Act 2012);
- (q) entering into joint arrangements with other local authorities under sections 101 and 102 of the Local Government Act 1972;
- (r) all other matters which, by law, must be reserved to Council.

C. Powers and Duties of Committees

2.3 Subject to the Schemes of Delegation to Officers,

The Committees listed in 2.4 below shall have delegated authority to exercise and perform the Powers and Duties of the Council in relation to the functions set out in Appendices A and B to this report.

D. Constitution of Committees

2.4. That for the Municipal Year 2019/20 there be constituted four standing Committees, and eight Regulatory and Other Committees, as set out below:

Standing Committees

Policy Committee

Adult Social Care, Children's Services & Education Committee

Housing, Neighbourhoods & Leisure Committee

Strategic Environment, Planning & Transport Committee

Regulatory and Other Committees

Audit and Governance Committee
Health & Wellbeing Board
Licensing Applications Committee
Personnel Committee
Planning Applications Committee

New Committees related to the Employment Procedure Rules

Investigating and Disciplinary Committee
Appeal Committee
Independent Panel

2.4.1 That with regard to the Health and Wellbeing Board, under the provision of regulations 6 and 7 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013:

- a) the duty to allocate seats to political groups under Sections 15 and 16 of the Local Government & Housing Act 1989 be disapplied;
- b) the following statutory Members, as officers, be non-voting members of the Board:
 - Director of Children, Education and Early Help Services (or representative)
 - Director of Adult Care & Health Services (or representative)
 - Director of Public Health, Berkshire (or representative)
- c) The following will be co-opted as non-voting additional members:
 - The Chief Executive of Reading Borough Council (or representative)
 - A representative from Reading Voluntary Action
 - A representative from Thames Valley Police's Reading Local Police Area

E. Codes and Protocols

2.5 That a local Standards Committee be appointed for the Municipal Year 2019/20 with unchanged terms of reference, standing orders and Rules of Procedure; that the Committee will consist of Councillors and at least one Co-opted Member; that Mrs T Barnes be re-appointed as a Co-opted Member for the 2019/20 Municipal Year; and that Mr D Comben be re-appointed as the Independent Person for 2019/20.

F. Constitution of Sub-Committees

2.6 That for the Municipal Year 2019/20 a Traffic Management Sub-Committee will be appointed by the Strategic Environment, Planning & Transport Committee; The Mapledurham Playing Fields Trustees Sub-Committee will be appointed by the Policy Committee; and the Licensing Applications Committee will establish a number of sub-committees (See Meetings of Committees, item (c) later on the agenda).

G. Establishment of Appeal, Review and Complaints Panels

- 2.7 That for the Municipal Year 2019/20, the following bodies be set up to handle appeals against decisions made by or on behalf of the authority:
- a) an Appeals Panel from which trained Councillors will be drawn to hear appeals on matters considered by the following bodies, as required by regulation:
 - Curriculum Complaints Panel
 - Removal of Early Years Providers Appeals Panel
 - b) an Education Appeals Panel to deal with schools admission and school exclusion reviews in line with the provisions of the School Standards Framework Act, 1998, to which Councillors may not be appointed.
 - c) a Social Services Complaints Review Panel to hear individual complaints which reach the third stage of the Council's Social Services Complaints process, to which Councillors may not be appointed.
 - d) a Secure Accommodation Panel.

H. Partnership Bodies

- 2.8 That, for the Municipal Year 2019/20, the Authority will continue to participate in the following joint consultative partnership bodies:
- Community Safety Partnership
 - Cultural Partnership Board
 - Community Learning & Skills Advisory Board
 - Safer Reading Neighbourhood Forum

I. Education Bodies

- 2.9 That for the Municipal Year 2019/20 the following Education bodies be set up:
- SACRE (Standing Advisory Council on Religious Education)
 - School Admission Forum

J. Safeguarding Bodies

- 2.10 That for the Municipal Year 2019/20 the following safeguarding bodies be set up:
- Adult Safeguarding Panel
 - Children's Safeguarding Panel
 - Parenting Panel

K. Advisory and Consultative Working Parties, Panels and Forums

- 2.11 That for the Municipal Year 2019/20, Councillors will be appointed to serve on the following advisory and consultative bodies, which may not meet formally, and which may operate as special interest groupings with whom partners and stakeholders may liaise and consult:

Equality Groups

- Access and Disabilities Working Group

- Alliance for Cohesion & Racial Equality
- Older People’s Working Group

Special Interest Groups

- Arts and Heritage Forum
- Cleaner Air & Safer Transport Forum (Transport Users’ Forum)
- Cycle Forum
- Town Twinning Group

L. Member:Officer Working Parties

2.12 That for the Municipal Year 2019/20 the following advisory Member:Officer consultative Working Parties be established, to report to the bodies set out below:

COUNCIL

- Civic Board

PERSONNEL COMMITTEE

- Local Joint Forum

PLANNING APPLICATIONS COMMITTEE

- Planning Management Panel

2.13 That the powers and duties of the above bodies listed in H-L above for the Municipal Year 2019/20 be as set out in Appendix C to this report.

M. The Council’s Constitution

2.14 That the following amended documents be approved for inclusion in the Council’s Constitution for 2019/20:

- Officer Employment Procedure Rules (Appendix D)
- Planning Code of Conduct (Appendix E)

N. Scheme of Members’ Allowances for the Financial Year 2019/20

2.15 That, further to Minute 54 of the meeting of Council on 26 March 2019, the following persons shall be regarded as, or equivalent to, “other Councillors carrying out other activities in relation to the discharge of the authority’s functions as require the commitment of equivalent time and effort as for other categories of activity which would qualify for Special Responsibility Allowance” at Tier 3 for the remainder of the financial year 2018/19 (and subject to no Councillor receiving more than one Special Responsibility Allowance):

- Vice-Chairs of Committees
- Independent Person appointed in accordance with Section 28 of the Localism Act 2011

2.16 That the Remuneration Panel be re-established for 2019/20 with the same terms of reference as agreed at Minute 51 of the Council meeting on 13 November 2001; that its membership be Francis Connolly, Lady Audrey Durant, Linda Fort and Mick Pollek.

O. DELEGATIONS

2.17 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 be agreed in the following circumstances:

- “(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992;
- (vii) any other business which might reasonably be regarded as affecting the financial position of the Member and/or his/her spouse or partner to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision”;

and the general dispensation apply for four years, subject to it being renewed each year at the Annual Council Meeting.

2.18 At its meeting on 8 November 2018 (Minute 7 refers), the Personnel Committee authorised the Chief Executive to implement a new senior management structure. The new structure refocused Heads of Service as Assistant Directors and created a number of new deputy and assistant director posts, whilst deleting six heads of service roles. The new structure requires that the Constitution and Delegations Register will need to be updated to reflect the new senior management structure, which includes the creation of new posts, revisions to post titles, shifts in responsibilities and consideration of specific delegations appropriate to new posts created within the structure. As a result, it is recommended that the Monitoring Officer, in consultation with the Chief Executive (and other senior managers as appropriate) be authorised to make such changes as necessary to update the Constitution and Delegations Register to reflect the changes summarised above.

2.19 Further to the Council meeting held on 16 October 2018 (Minute 29 refers), which transferred the Council's Children and Education Services to Brighter Futures for Children Limited (BFfC), it is recommended to reconfirm that the Monitoring Officer, in consultation with the Chief Executive and the Director of Children's Services be authorised to make the necessary amendments to the Council's Constitution and Scheme of Officer Delegation to reflect the establishment of and transfer of responsibilities to BFfC.

2.20 Dismissal and Disciplinary Arrangements for Relevant (Statutory) Officers - ie Head of Paid Service; Monitoring Officer and Chief Finance Officer.

That, in the case of a complaint against a relevant officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee (IDC) be delegated jointly to the Monitoring Officer and Chief Finance Officer in the case of a complaint against the Head of Paid Service, and delegated to the Head of Paid Service in the case of a complaint against the Monitoring Officer or the Chief Finance Officer.

That, in the event a decision is required as a matter of urgency on whether or not to suspend a relevant officer, the decision be delegated jointly to the Monitoring Officer and Chief Finance Officer in the case of a complaint against the Head of Paid Service, and delegated to the Head of Paid Service in the case of a complaint against the Monitoring Officer or the Chief Finance Office, subject to consultation with the Chair of the Investigation and Discipline Committee.

3. BACKGROUND PAPERS

None

TERMS OF REFERENCE OF STANDING COMMITTEES AND SUB-COMMITTEES

1. POLICY COMMITTEE

- (1) To make recommendations as appropriate on matters reserved to full Council for decision, including constitutional matters and the authority's budget and overall strategic direction;
- (2) To set the policy framework for those functions for which the Committee is responsible, and for functions which cut across more than one committee area;
- (3) To be responsible for the authority's corporate assets and resources, in particular the financial, human, land and property, and information assets and resources;
- (4) To ensure the corporate management of the Council, and the efficient and cost-effective delivery of its services to the public
- (5) To be responsible for decision-making for the following functions and services:
 - Appointments to outside bodies
 - Business and financial planning
 - Civic Buildings
 - Civic Centre
 - Town Hall
 - Bennet Road sites
 - The Avenue
 - Compulsory Purchase Orders
 - Communication
 - Council Tax, NNDR, Revenues and Benefits - assessment, entitlement, income and recovery
 - Councillor Services
 - Customer Services
 - Economic Development and Regeneration - including town centre management
 - Electoral Services
 - Emergency Planning and Business Continuity
 - Equalities
 - Finance
 - Grants to Voluntary Bodies
 - Health and Safety (internal)
 - Information and Communication Technology (ICT)
 - Land, Property and Asset Management - acquisition, utilisation, facility management and disposal
 - Legal and Democratic Services
 - Local Ombudsman Investigations
 - Markets
 - Open Services and Procurement
 - Performance Management and Service Improvement
 - Public Health
 - Registrars

- Voluntary sector - support and promotion
- (6) To act as Trustee for the Council in respect of the charities:
- Mapledurham Playing Fields
 - Albert Road Recreation Ground
 - Blagrove Recreation Ground
 - Cintra Playing Fields
 - Grove Road Allotments (Poor's Allotments)
 - King George V Gardens (Eldon Square)
 - Robert Hewitt Recreation Ground
 - Sol Joel Playing Fields
 - Victoria Recreation Ground
- (7) To promote health care, health improvement, and the reduction of health inequalities for local people
- (8) To be responsible for the following joint arrangements and partnership areas:
- Berkshire Coroner
 - Berkshire Record Office
 - Economic and Regional Development
 - Local Enterprise Partnership
 - Reading CIC UK
 - Reading and Berkshire City Deal
 - Local Strategic Partnership and Community Strategy
 - Reading Compact (Voluntary Sector)
- (9) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible, and for functions which cut across more than one committee area;
- (10) To exercise Powers for Community Call for Action Petitions, and scrutiny of other Public Service Providers, as set out in the Local Government and Public Involvement in Health Act 2007 (see also Adult, Social Care, Children's Services & Education Committee below re: Health Scrutiny functions).
- (11) To be responsible for decision-making on matters which cut across the delegation of functions to Committees;
- (12) To act as the shareholder to the Council's wholly-owned Housing Company: "Homes for Reading Limited".
- (13) To act as sole member/owner of Brighter Futures for Children and to exercise all the Council's responsibilities in relation to this function.
- (14) To act as the shareholder to the Council's wholly-owned Company, Reading Transport Limited.
- (15) To take decisions on operational matters in functions which have been delegated to another Committee but where a decision is required out of that Committee's normal cycle of meetings; or where a decision is required as a matter of urgency (as set out in para. 7.7 of the Council's Constitution).

- (16) Climate Change Strategy - To contribute to and adopt the relevant parts of the Climate Change action plan.

1.1 Personnel Committee

A separate Personnel Committee has been set up under Sections 101 and 102 of the Local Government Act 1972, to be responsible for functions exercised under Section 112 of the Local Government Act 1972 concerning the appointment and dismissal of staff, and the terms and conditions on which they hold office. See Article 8.

1.2 The Mapledurham Playing Fields Trustees Sub-Committee

- (1) That a Mapledurham Playing Fields Trustees Sub-Committee be set up under Section 101 of the Local Government Act 1972, with the following delegated powers in respect of any proposal that may be made by the Education Funding Agency (EFA) as its preferred site for The Heights free school on land owned by the Council in west Caversham:
- 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.

2. ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION

- (1) To be the authority's Education and Social Services Committee.
- (2) To be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:
- Adult Social Care
 - Support or health services to vulnerable adults provided by the local authority
 - Assessment of need, and commissioning services (including joint commissioning) for:
 - vulnerable adults
 - older people
 - People with mental health problems
 - People with learning disabilities
 - People with physical disabilities
 - Carers' support
 - Charging for social care and support services
 - Safeguarding adults
 - Children's Services
 - Adoption
 - Children's public health - health visiting and school nursing

- Corporate parenting
 - Education
 - Maintenance and development of maintained school buildings, and new school building
 - School Finance, including Dedicated Schools Grant
 - Adult education and lifelong learning - New Directions
 - Home-to-school transport
 - Health
- (3) To undertake the health scrutiny functions of the local authority under Section 244 of the National Health Services Act 2006 as amended by Sections 190 and 191 of the Health & Social Care Act 2012.
- (4) To be responsible for oversight of the RBC client function of the service delivery contract with Brighter Futures for the delivery of the Council's children's social care, early years and education services covered by the contract, and the governance of the children's company:
- Children's Services
 - Support services to children provided by the local authority
 - Fostering
 - Behavioural support
 - Child protection
 - Children missing education
 - Day nurseries and nursery education
 - Early Years services - including Children's Centres
 - Educational psychology
 - Family support services
 - Learning disabilities and mental health services for children
 - Looked-after children and care leavers
 - Play service
 - Safeguarding children
 - Special Educational Needs (SEN services)
 - Teenage pregnancy and support
 - Young carers
 - Young people not in education, employment or training (NEETs)
 - Youth offending
 - Youth services
 - Education
 - Primary and secondary education
 - Careers development - and post-16 planning
 - Commissioning education services
 - Governor support
 - School admissions and planning for places
 - School attendance
 - School improvement
 - School services - including catering
- (5) To be responsible for the following joint arrangements and partnerships in which the authority is involved:
- Academies, free schools and other educational providers
 - Children's Trust
 - Berkshire Post-16 Partnership

- (6) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
- (7) To provide a corporate framework for the scrutiny of Children's Services as set out in the Children Act 2004 and to ensure effective accountability for providing a focus on the needs of children across all services of the Council, and the integration of all public services provided to children by the Council, health and other partners.
- (8) Climate Change Strategy - To contribute to and adopt the relevant parts of the Climate Change action plan.

3. HOUSING, NEIGHBOURHOODS AND LEISURE

- (1) To be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:

Housing

- Empty Homes
- Environmental health - domiciliary
- Housing advice
- Housing and estate management
- Housing provision and allocation - directly or with Housing Associations
- Housing Revenue Account - and rents assessment, income and recovery
- Homelessness
- Licensing and regulation of private sector housing
- Private sector services, standards and improvement
- Rent Officer
- Tenant services - including Right to Buy and sale of Council dwellings

Neighbourhoods

- Environmental and public protection
- Animal health and welfare
- Cemeteries and crematorium
- Consumer Advice
- Dog warden service
- Environmental education and health promotion
- Environmental Health - commercial
- Food health and hygiene
- Health & safety at work
- Noise regulation
- Registration (births, marriages, deaths)
- Smoke-free premises and smoking cessation
- Street trading
- Trading Standards

Environmental maintenance and cleansing

- Your Reading (cleaner)

- Grounds maintenance of all Council land - including housing and parks
- Public conveniences
- Recycling and refuse collection (operational matters)
- Street sweeping and cleansing
- Woodlands

Community Safety

- Your Reading (safer)
- Anti-social behaviour and crime & disorder reduction
- Drugs and Alcohol Action Team (DAAT)
- Domestic violence and abuse
- Traveller Services
- Youth justice

Community Capacity Development

- Community development
- Community halls and facilities
- Community relations
- Social inclusion
- Thriving Neighbourhoods

Recreation

- Your Reading (greener)
- Allotments
- Common land and woodland
- Parks and children's play areas
- Promotion, events, festivals and tourism
- Sports development
- Leisure Strategy

Arts and Cultural Services, including:

- Archive and Modern Records
- Historic buildings and monuments
- Libraries
- Museum and Art Gallery
- Promotion, events, festivals and tourism
- Theatres
- Reading Cultural Strategy

- (2) To be responsible for the following joint arrangements and partnerships in which the authority is involved:
 - Thames Valley Police Authority and Police & Crime Panel
 - Berkshire Fire & Rescue
 - Community Safety Partnership and Neighbourhood Forums
- (3) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible
- (4) To undertake the crime and disorder scrutiny functions of the local authority under Section 19 of the Police & Justice Act 2006; and in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, to act as the crime and disorder committee of the Council, and to exercise the following functions:

- (i) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - (ii) to make reports or recommendations to the local authority with respect to the discharge of those functions.
 - (iii) to make reports or recommendations to a responsible authority or to a co-operating person or body on a crime and disorder matter and consider responses to its reports and recommendations within 1 month of receipt or as soon as possible thereafter;
 - (iv) to meet at least twice in each Municipal Year;
 - (v) the Crime and Disorder Committee may also require any officer of a responsible authority or of a co-operating person or body to attend to answer questions.
- (5) Climate Change Strategy - To contribute to and adopt the relevant parts of the Climate Change action plan.

3.1 Licensing Applications

A separate Licensing Applications Committee has been set up under Section 6 of the Licensing Act 2003. See Article 8.

4. STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT

- (1) To be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:

Strategic Environment matters, including:

- Agenda 21 and biodiversity
- Air quality, noise and radiation
- Contaminated land
- Flood prevention
- Recycling and waste disposal (not operational matters see HNL)
- Woodlands Plan

Planning

- Building Control
- Planning Policy
- Planning Enforcement

Highways & Transport

- Car Parking (including disabled parking)
- Cycling
- Concessionary Fares
- Disabled transport - including Readibus
- Flood prevention
- Footpaths, bridleways and public rights of way
- Hackney Carriage ranks

- Highways and bridges
 - Private street works
 - Public transport
 - Reservoirs
 - Street furniture and bus shelters
 - Street lighting, street furniture, and bus shelters
 - Taxi ranks
 - Traffic management and road safety
 - Transport planning
- (2) To be responsible for the following joint arrangements and partnerships in which the authority is involved:
- Climate Change Partnership
 - Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group
 - Berkshire Local Transport Body
 - Waste Disposal (Re3)
- (3) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible
- (4) To review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000(as amended by Schedule 2 to the Localism Act 2011)
- (5) Climate Change Strategy - To contribute to and adopt the relevant parts of the Climate Change action plan.

4.1 Planning Applications

A separate Planning Applications Committee has been set up under Sections 101 and 102 of the Local Government Act 1972, to be responsible for all functions relating to town and country planning and development control specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and other functions indicated in the table in Part 3 of the Constitution. See Article 8.

4.2 Traffic Management Sub-Committee

- (1) To act as a greater Reading consultative body to promote public transport, cycling and walking within Reading;
- (2) To consult with operators of public transport services, cyclists, pedestrians, and users of public transport in Reading, on matters affecting transportation in the Reading area;
- (3) To receive and hear petitions about, and to determine, transport and traffic management schemes which affect the public highway and may require a regulatory process for which the Council as Transport Authority for the area is responsible, in the following areas:
- Traffic and Transport Schemes such as Local Area Enhancements;
 - Road Safety Schemes;
 - Traffic Management Schemes such as signalised junctions;

- Safer Routes to School Schemes;
 - Traffic Management elements of Section 106 Agreements;
 - Traffic Regulation Orders;
 - Residents' Parking Schemes;
 - Enforcement of Traffic Regulation Orders;
 - On-street and off-street Car Parking.
- (4) To consider and make representations to Committee on transport schemes requiring changes to the public highway resulting from the development of the Reading Transport Strategy, emerging either through the Local Transport Plan process, Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group, or from area or specific consultation exercises;
- (5) To review proposals referred by the Planning Applications Committee to resolve a transport impact generated by a proposed development and, where appropriate, to make recommendations for actions affecting the public highway to be included in such development to either the Planning Applications Sub-Committee or the Committee, as appropriate;
- (6) To receive the Minutes of the Cycle Forum.
- (7) To act as the **Discretionary Highway Permits Panel**, in respect of appeals concerning discretionary parking permits, and the use of the highway under Section 115E of the Highways Act 1980. See Article 8.

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TERMS OF REFERENCE OF REGULATORY COMMITTEES AND SUB-COMMITTEES

1. LICENSING APPLICATIONS COMMITTEE

1.1 This is the Council's licensing committee under Section 6 of the Licensing Act 2003, to discharge the licensing functions in that Act.

1.2 It is also set up under Sections 101 and 102 of the Local Government Act 1972 to exercise those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of this Committee.

1.3 Under Section 6(1) of the Licensing Act 2003, the Committee must have at least 10, but no more than 15, members.

1.4 Its powers and duties are as follows:

- (1) To exercise any function of a licensing authority under the Licensing Act 2003 and any regulations or orders made under that Act.
- (2) To determine matters in relation to, and to discharge licensing responsibilities under Sections 7 - 8 of, the Licensing Act 2003 (see under Sub-Committees 1-2).
- (3) To exercise those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of this Committee, in accordance with the policies of the Council from time to time (see under Sub-Committee 3).
- (4) To determine matters in relation to the following:
 - Gambling Act 2005
 - Health Act 2006 (smoke-free premises)
- (5) To approve and monitor the policies of the Council relating to all the above licensing functions and recommend to the Council changes to those policies where the Committee considers it appropriate to do so or where it is prescribed by law as a matter reserved to full Council to determine.
- (6) To promote equal opportunities, sustainability and community safety in relation to the provision of the committee's services.
- (7) To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval which has been granted under the Marriage Act 1994.

1.5 Licensing Applications Sub-Committees 1 and 2

These Sub-Committees are set up by the Committee under Section 9 of the Licensing Act 2003. They must consist of three members of the Licensing Applications Committee.

- (1) To discharge any function under the Licensing Act 2003 and any regulations or orders made under that Act, including:
 - Application for personal licence if a relevant representation is made;
 - Any application for a personal licence or its revocation where the applicant has unspent convictions;
 - Application for premises licence/club premises certificate if a relevant representation is made;
 - Applications to vary designated premises supervisor where a Police representation is received;
 - Application for provisional statement if a relevant representation is made;
 - Application to vary premises licence/club premises certificate if a relevant representation is made;
 - Applications for transfer of premises licence where a Police representation is received;
 - Applications for Interim Authorities where a Police representation is received;
 - Any application to review premises licence/club premises certificate;
 - Determination of a Police representation to a temporary event notice;
 - Decision to object when Local Authority is a consultee and not the lead authority.
- (2) To determine an application made in respect of the Gambling Act 2005 where a relevant representation has been made and undertake a review of a licence where the licensing authority has granted an application for a review under s.199 of the Act or has given notice under s.200 of its intention to review the application.
- (3) To determine applications made in respect of the Gambling Act 2005 for club gaming permits and club machine permits, which the Head of Planning, Development and Regulatory Services was minded to refuse.

1.6 Licensing Applications Sub-Committee 3

This Sub-Committee is set up by the Committee under Section 101(1) of the Local Government Act 1972.

- (1) To be responsible for those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of the Licensing Applications Committee, in accordance with the policies of the Council from time to time, including;
 - Caravan Sites/ Mobile Homes
 - Sex Establishments and Sexual Entertainment Venues
 - Hackney Carriage Licences (including Vehicle and Drivers Licences)
 - Private Hire (including Vehicle, Drivers and Operators Licences and School Transport Drivers' Licences)
 - Scrap Metal Dealers or Motor Salvage Operator
 - Street Trading
 - Approval of recreation and refreshment facilities under Part VIIA of the Highways Act 1980
 - Safety at Sports Grounds

- Functions relating to smoke-free premises (see also Housing, Neighbourhoods and Leisure Committee)
- (2) To approve and monitor the policies of the Council relating to all the above licensing functions and recommend to the Council or Licensing Applications Committee changes to those policies where the Sub-Committee considers it appropriate to do so or where it is prescribed by law as a matter reserved to full Council to determine.
 - (3) To promote equal opportunities, sustainability and community safety in relation to the provision of the committee's services.
 - (4) To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval which has been granted under the Marriage Act 1994.

2. PLANNING APPLICATIONS COMMITTEE

2.1 This is set up under Sections 101 and 102 of the Local Government Act 1972, to be responsible for all functions relating to town and country planning and development control specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and other functions indicated in the table in Part 3 of the Constitution, including:

- development control
- advertisement control
- building control
- conservation matters
- tree preservation orders
- listed buildings
- enforcement
- removal of permitted development rights
- "hybrid" applications or notifications
- street naming
- public rights of way
- control of scaffolding and hoarding

3. AUDIT AND GOVERNANCE COMMITTEE

3.1 This is set up under Sections 101 and 102 of the Local Government Act 1972. It is the Council's audit committee as recommended by the Audit Commission and CIPFA.

Audit Activity

- (1) To approve (but not direct) Internal Audit's strategy, plan and monitor performance.
- (2) To review Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- (3) To seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

- (4) To consider reports from the Executive Director of Resources on progress with the implementation of agreed audit recommendations; and require Directors and/or Assistant Directors to attend for the consideration of specific reports.
- (5) To approve the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (6) To consider the findings of the review of effectiveness of the systems of internal audit.
- (7) To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.
- (8) To consider specific reports as agreed with the external auditor.
- (9) To comment on the scope and depth of audit work, to ensure it gives value for money and to make recommendations as appropriate.
- (10) To commission work from internal and external audit, subject to budget provision being available.
- (11) To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

Regulatory Framework

- (12) To maintain an overview of the Constitution in respect of contract procedure rules and financial regulations and to make recommendations to Council as appropriate.
- (13) To complement the work of the Standards Committee in relation to its role in promoting high ethical standards and ensuring adherence to the Code of Conduct for Members and Officers, making recommendations to and receiving recommendations from it as appropriate.
- (14) To review any issue referred to it by the Council, Chief Executive, Directors or Service Managers.
- (15) To provide an independent assurance of the adequacy of the Risk Management Strategy and the associated control environment. In particular
 - i) To receive the annual review of internal controls and be satisfied that the Annual Governance Statement properly reflects the risk environment and any actions required to improve it;
 - ii) To receive six monthly reports covering implementation of the Council's Risk Management Policy and Strategy to determine whether strategic risks are being actively managed;
 - iii) To review and revise as necessary the Risk Management Policy and Strategy on an annual basis.

- (16) To have the knowledge and skills requisite to their role with regard to risk management and to undertake awareness training in respect of Risk Management as and when specific training needs are identified.
- (17) To monitor Council policies on whistle blowing and the anti-fraud and anticorruption strategy and the Council's complaints process.
- (18) To review and agree the Authority's Annual Governance Statement.
- (19) To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- (20) To consider the Council's compliance with its own and other published standards and controls and to make recommendations as appropriate.

Accounts

- (21) To approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (22) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- (23) To review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
- (24) To monitor treasury management decisions to ensure compliance with the approved Treasury Management Strategy.

Training

- (25) To identify training opportunities for Audit and Governance Committee Members and all Members of the Council in corporate governance issues and to make recommendations as appropriate.

Governance

- (26) To review and take decisions on functions listed in Schedules 1, 2 and 3 of the Local Authorities (Functions and Responsibilities) Regulations which can be delegated by full Council to be exercised by a Committee.
- (27) To make recommendations to the Council on:
 - (i) the process for appointing the external auditors and in particular whether to opt-in to auditor appointment by the specified person; and
 - (ii) the appointment of the external auditors.

4. HEALTH AND WELLBEING BOARD

This is set up under Section 194 of the Health & Social Care Act 2012. Under Section 194(11), the Board must be treated as a committee appointed by the authority under Section 102 of the Local Government Act 1972.

- (1) To discharge the functions of the Health & Wellbeing Boards as set out in Sections 195-196 of the 2012 Act, ie:
 - Duty to encourage integrated working in health and social care under the National Health Service Act 2006
 - Power to encourage closer working in relation to wider determinants of health
 - Power to give its opinion to the authority on whether the authority is discharging its duty to have regard to the Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy for its area
 - Duty to provide an opinion - to its partner clinical commissioning groups CCGs and/or the NHS Commissioning Board - about whether the local commissioning plans have taken proper regard of the Joint Health & Wellbeing Strategy
- (2) To discharge any other health functions delegated to it by the authority.
- (3) To ensure that the authority meets its duties as a relevant authority, under Section 116 of the Local Government & Public Involvement in Health Act 2007 (“the 2007 Act”), as amended by Sections 192 and 193 of the Health & Social Care Act 2012:
 - (a) to prepare, with its partner CCGs, and publish a Joint Strategic Needs Assessment for the area, involving the local Healthwatch and local people living or working in the area;
 - (b) to prepare, with its partner CCGs, and publish a Joint Health & Wellbeing Strategy to meet the health needs of the area included in the Joint Strategic Needs assessment, relating to the exercise of public health functions by the authority, the NHS Commissioning Board or the CCGs, involving the local Healthwatch and local people living or working in the area;
 - (c) to ensure that the local authority, and its partner CCGs, have regard to these documents.
- (4) To promote health care, health improvement and the reduction of health inequalities for all local people, including children and vulnerable adults, and to exercise the following statutory duties on behalf of the authority:
 - (a) To improve the health of people in its area under Section 28 of the National Health Service Act 2006, including:
 - any public health functions of the Secretary of State which s/he requires local authorities to discharge on his/her behalf
 - dental health functions of the Council
 - the duty to co-operate with the prison service to secure and maintain the health of prisoners
 - the Council’s duties set out in Schedule 1 of the National Health Service Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services
 - arrangements for assessing the risks posed by violent and sexual offenders

- (b) To improve public health under Sections 2B and 111 of the National Health Act 2006 (as amended by Section 12 of the Health & Social Care Act 2012), including:
- (i) under Section 2B(3):
 - Providing information and advice
 - Providing services or facilities designed to promote healthy living (including helping individuals address behaviour that is detrimental to health or in any other way)
 - Providing services for the prevention, diagnosis or treatment of illness
 - Providing financial incentives to encourage individuals to adopt healthier lifestyles
 - Providing assistance (including financial) to help individuals minimise any risks to health arising from their accommodation or environment
 - Providing or participating in the provision of training for persons working or seeking to work in the field of health improvement
 - Making available the services of any person or any facilities
 - (ii) Under Section 2B(4), providing grants or loans on such terms as the local authority considers appropriate.
 - (iii) Under Section 111 and Schedule 1:
 - Dental public health (S111)
 - Medical inspection of pupils (Paras 1-7B)
 - Research for any purpose connected with the exercise of the authority's health functions (Para 13)
- (5) To discharge health and social care functions identified by the Government and/or the National Health Service for exercise by the Board, including the integration of health and social care functions within Reading;
- (6) To approve and publish a Pharmaceutical Needs Assessment for Reading
- (7) To oversee and implement the following joint arrangement and partnerships in which the authority is involved:
- Berkshire Public Health Joint Arrangement
 - Berkshire Public Health Joint Advisory Board
- (8) To make representations to the Adult Social Care, Children's Services and Education Committee as the authority's health scrutiny committee.
- (9) Climate Change Strategy - To contribute to and adopt the relevant parts of the Climate Change action plan.

Membership

The Council may co-opt additional persons or representatives to be members of the Board as it thinks appropriate, either as voting or non-voting Members, subject to the Council consulting beforehand with the Board.

The membership of the Board, under Section 194(2) of the Health & Social Care Act 2012, is as follows:

- 4 Councillors - ie the Leader of the Council, and the Lead Councillors for Health and Wellbeing, Adult Social Care and Children (the Act requires at least 1 Councillor to be on the Board)
- The Director of Adult Social Care & Health *
- The Director of Children's Services *
- Director of Public Health for the Local Authority or his/her representative *
- Two representatives from the Berkshire West Clinical Commissioning Group (CCG) (the Act requires a representative of each relevant CCG)
- A representative from the Local Healthwatch organisation

(* the Members asterisked will not have voting rights, as explained below)

Voting rights

Under the provision of Regulations 6 and 7 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013, the Council, following consultation with the shadow Health & Wellbeing Board, has decided as follows:

- To disapply the duty to allocate seats to political groups under Sections 15 and 16 of the Local Government & Housing Act 1989
- To treat the following as non-voting members of the Board:
 - The Director of Adult Social Care & Health (or his/her representative)
 - The Director of Children's Services (or his/her representative)
 - The Director of Public Health (or his/her representative)

The voting membership of the Board must be named by the body they are representing. It will therefore be as follows:

- 4 Councillors by relevant office, ie the Leader of the Council, and the Lead Councillors for Health and Wellbeing, Adult Social Care, and Children
- 1 named Local Healthwatch representative
- 2 named local CCG representatives

The bodies appointing voting Members to the Board may, in addition, appoint named substitute Members who may attend as voting Members in the place of their named Member.

Voting Members will be subject to the Council's local Member Code of Conduct, and will be required, under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to register with the Monitoring Officer, and to declare at meetings, any disclosable pecuniary interest that both they and/or their spouse/partner has in the business of the Board.

Co-opted Members

The following will be co-opted as non-voting additional members:

- The Chief Executive of Reading Borough Council (or his/her representative)
- A representative of Reading Voluntary Action
- A representative from Thames Valley Police's Reading Local Police Area

Observers

The following observers may attend and participate but not vote at Board meetings:

Chair - Local Safeguarding Adults Board
Chair - Local Safeguarding Children Board

One relevant shadow Lead Councillor for each opposition group on the Council (up to three in total).

A named representative of NHS England will join the Board to help in the preparation of the Joint Strategic Needs Assessment or Joint Health and Well-being Strategy.

5. PERSONNEL COMMITTEE

5.1 This is set up under Sections 101 and 102 of the Local Government Act 1972 to be responsible for the following functions:

- (1) Subject to Officer Employment Procedure Rules set out in the constitution:
 - a) to arrange for the appointment of the Council's Head of Paid Service, and make recommendations to Council in this respect;
 - b) to appoint Executive Directors, the Monitoring Officer, Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989;
 - c) to dismiss Executive Directors and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989;
 - d) to establish a Panel (Sub-Committee) under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer of the authority, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and which requires the Panel to include at least two independent persons appointed under section 28(7) of the Localism Act 2011;
 - e) to settle all matters relating to the above appointments or dismissals unless the decision on the matter is reserved to full Council.
- (2) To take any decisions affecting the remuneration, terms and conditions of service of the Head of Paid Service;
- (3) To undertake performance appraisals of the Head of Paid Service and Executive Directors; and to set annual targets against which performance can be measured.
- (4) To discharge the Council's functions under Section 112 of the Local Government Act 1972, including:
 - (a) determining the terms and conditions on which staff hold office;

- (b) approving matters referred to it by the Local Joint Forum; and resolving matters where it has not been possible to secure agreement at the Local Joint Forum;
- (c) advising the Council and Committees on:
 - (i) the requirements for, and the availability of, human resources necessary for the fulfilment of the Council's policies;
 - (ii) the promotion of good employee relations in the Council;
 - (iii) matters of general employment and personnel concern to the Council,
 - (iv) the promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures;
- (6) To receive from the Assistant Director of Human Resources and Organisational Development twice a year a report on all early retirements and redundancies made in the preceding six months.
- (7) To decide on claims for injury allowance made under the Local Government Superannuation (Amendment) (No. 2) Regulations 1982, where the claim and recommendation for consideration are agreed between both management and trades unions.
- (8) Where appropriate, to convene an Investigatory Committee to examine matters relating to the conduct or capability of Corporate Directors and Heads of Service.

MEETING AS AN APPEALS PANEL UNDER THE COUNCIL'S DISCIPLINARY OR GRIEVANCE PROCEDURES, in accordance with the Officer Employment Procedure Rules as set out in Part 4 of the Council's Constitution "Rules of Procedure"

- (9) To consider and determine appeals by employees concerning any matter of grievance or discipline, in respect of which employees have a right of appeal to the Panel, by virtue of any locally or nationally agreed procedure.
- (10) To consider and determine appeals by employees employed under the terms and conditions of service of the JNC for chief officers, concerning any matter of discipline or capability considered by an Investigating Committee established under the terms of Section III of the JNC conditions of service, and for which there is a right of appeal under Section III.
- (11) To consider and decide upon claims for injury allowance made under the Local Government Superannuation (Amendment) (No. 2) Regulations 1982, in cases where there is not agreement between management and trades unions.

NB - Meetings of the Panel at the appeals stage of the Council's disciplinary or Grievance Procedures are held under the Council's own agreed procedures and are not subject to the provisions of the Access to Information Act 1985.

MEETING AS AN APPOINTMENTS PANEL, in accordance with the Officer Employment Procedure Rules as set out Part 4 of the Council’s Constitution “Rules of Procedure”

- (12) Where the Council appoints a Personnel (Appointments) Committee or a Sub-Committee to carry out the function of appointing any officer to the positions referred to in paragraph 2.2 of the Officer Employment Procedure Rules, the membership of the Committee or Sub-Committee shall consist of members nominated by the Group Leaders from the political groups represented on the Personnel Committee and should include the Leader and/or at least one Lead Councillor.

5.2 Investigating and Disciplinary Committee (Relevant Officers)

To deal with disciplinary matters relating to the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services) (‘relevant officers’), including the authority:

- To implement sanctions other than dismissal of a ‘relevant officer’, including suspension;
- To make representations to the Independent Panel in the event the Committee makes a recommendation to dismiss a ‘relevant officer’.

5.3 Appeals Committee (Relevant Officers)

To hear appeals from the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services) (‘relevant officers’) in relation to disciplinary matters short of dismissal.

5.4 Independent Panel (Relevant Officers)

An Independent Panel, comprising at least two people appointed under section 28 of the Localism Act 2011, to hear from the ‘relevant officer’ and the Chair of the Investigating and Disciplinary Committee (IDC) and advise Council in the event of a recommendation from the IDC to dismiss a ‘relevant officer’ ie Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services).

(NB: confirming the dismissal of a relevant officer ie the Head of Paid Service, Chief Finance Officer and Monitoring Officer is a matter reserved to Council.)

6. STANDARDS COMMITTEE

- 6.1 This is set up under Sections 101 and 102 of the Local Government Act 1972. Its terms of reference and Standing Orders are set out in Article 9.

7. APPEALS BODIES

7.1 Appeals Panel

To provide a pool of trained Councillors to hear individual appeals and complaints, either as part of a statutory complaints process or as part of the Council's own policies and procedures in respect of the areas set out below, on the following bases:

- a) Where the meeting is part of a statutory process, the Panel will have a quasi-judicial role.
- b) Where the meeting is not part of a statutory process, the Panel will meet as a Committee of Council.
- c) the Panel will provide Councillors:
 - (i) to hear individual complaints which reach the third stage of the Council's curriculum complaints process;
 - (ii) to hear appeals against the removal of Early Years Providers from the Council's Directory of Providers.

7.2 Discretionary Highway Permits Panel

This is exercised by the Traffic Management Sub-Committee of the Strategic Environment, Planning and Transport Committee: See also Article 7.

- (1) To consider and determine appeals against decisions made by the Head of Highways & Transport to refuse discretionary parking permits, and with the right, in exceptional circumstances, to overturn decisions and grant permits
- (2) To review decisions to refuse applications for the grant of permission for use of the highway under Section 115E of the Highways Act 1980.

7.3 Secure Accommodation Panel

In accordance with the Children Act 1989, to review the position of each young person placed in secure accommodation, within 28 days of the initial placement being made, and quarterly thereafter.

7.4 Social Services Complaints Review Panel

In accordance with the National Health Service and Community Care Act 1990 and Children Act 1989, to hear individual complaints which reach the third stage of the Council's Social Services Complaints process.

Councillors may not serve on the Social Services Complaints Review Panel.

7.5 Education Appeal and Review Panels

To hear and determine:

- (1) School admission appeals

- (2) Individual reviews of decisions of the School's Governing Body to uphold the Head Teacher's decision to exclude pupils permanently from Academies, LEA maintained, voluntary-controlled, and maintained special schools.

Councillors may not serve on Education Appeal and Review Panels.

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TERMS OF REFERENCE OF CONSULTATIVE COMMITTEES AND FORUMS

1. ACCESS AND DISABILITIES WORKING GROUP

- (1) To campaign for improved access for people with disabilities and to act as a pressure group in identifying and promoting public awareness of problems of access for disabled people to public buildings, commercial premises, the highway network and public transport within the Borough;
- (2) To monitor and review the role of the Council as an employer and as a provider of services to disabled people.

2. ADULT SAFEGUARDING PANEL

To meet on an ad hoc basis to consider serious adult safeguarding case reviews or scrutinise internal/external providers where complex whole systems issues arise.

3. ALLIANCE FOR COHESION AND RACIAL EQUALITY

- (1) To comment on and input to Council policies and services, with the aim of making them meet the needs of the black and ethnic minority communities in Reading.
- (2) To monitor the implementation of policies and services.
- (3) To promote and support new thinking.
- (4) To promote understanding and harmony between different black and ethnic minority groups in Reading.
- (5) To enable the exchange of information between the Council and the black and ethnic minority community.
- (6) To promote cross-community and cultural events.

4. ARTS AND HERITAGE FORUM

- (1) To act as an advisory, consultative and co-ordinating body on behalf of the Borough Council and other organisations in the town, including voluntary groups, in relation to the arts and heritage.
- (2) To promote and develop arts, crafts and heritage in Reading, including community arts initiatives, through the involvement and cooperation of the Borough Council and local groups and organisations.

- (3) To encourage participation in arts and heritage-related activities and to promote the provision and maximum use of facilities.
- (4) To support educational opportunities in the development of arts, crafts and heritage in Reading.

5. CHILDREN'S SAFEGUARDING PANEL

To meet on an ad hoc basis to consider serious case reviews or scrutinise internal/external providers where complex whole systems issues arise.

6. CIVIC BOARD

To be the project board for the ongoing projects associated with the rationalisation of the Council's office and depot accommodation, the provision of improved office space and accommodation at Council buildings, the demolition of the former Civic Offices and the Masterplan for developing the former Civic Centre site area.

7. CLEANER AIR & SAFER TRANSPORT FORUM

The terms of reference for the Cleaner Air & Safer Transport Forum will be agreed at a future meeting of the Policy Committee.

8. COMMUNITY SAFETY PARTNERSHIP

- (1) To manage all aspects of the implementation in Reading of the Crime and Disorder Act 1998
- (2) To identify the resource demands on each partner agency
- (3) To identify the operational changes required of each partner agency
- (4) To co-ordinate Crime and Disorder input to the planning and strategy of partner agencies, and multi-bidding processes (e.g. Europe)
- (5) To manage public and inter-agency consultation about Crime and Disorder strategies and plans
- (6) To oversee the activities of the Safer Neighbourhood Forum, the Youth Justice Management Board, the Drugs and Alcohol Treatment Service and the Reading Anti-Social Behaviour Multi-Agency Panel
- (7) To monitor and manage performance and jointly-held budgets relating to the activities of the Partnership and its sub-groups

- (8) To exercise strategic oversight and scrutiny of the implementation of the Prevent duty in Reading
- (9) To act as the governing body for Reading Troubled Families Programme.

9. CULTURAL PARTNERSHIP BOARD

1. To develop, support and promote an increase in the number of people that live, work, study and play in Reading participating in Culture as targeted in the Reading Sustainable Communities Strategy and the relevant feeder strategies.
2. To encourage discussions, between interested partners at a strategic level, on issues relating to health and wellbeing, community safety, inclusion, community cohesion and economic development, and the maximisation of culture, leisure and sport participation in the support role in delivery of improved outcomes.
3. To work in partnership to increase the profile, investment and support of culture, leisure and sport in Reading.
4. To oversee the priorities, development and implementation of the Reading Cultural Strategy and the annual delivery plan for 'Culture Reading' networks, receiving reports on the progress against the annual delivery plan, and agree actions and priorities as appropriate.

10. CYCLE FORUM

To discuss progress and delivery of the Cycling Strategy in order to identify, prioritise and optimise actions to meet the objectives of the Cycling Strategy:

- To improve the cycling environment;
- To provide better facilities for cyclists;
- To influence travel behaviour; and
- To develop skills and capacity.

Such actions may be on any topic within the Cycling Strategy, including promotion, mapping, training, security, signing, route infrastructure, parking and monitoring.

11. COMMUNITY LEARNING & SKILLS ADVISORY BOARD (formerly Lifelong Learning Board)

1. Scrutiny of overall performance of the service against agreed KPIs
2. Review and approve key documents:

- Community Learning and Service Plan
 - Self-Assessment
 - Quality Improvement Plan
3. Advising the Head of New Directions on the strategic financial planning of the service, including ensuring the setting of fees and fee concessions are in accordance with SFA grant guidelines
 4. Consider Reading Community Learning Network activity
 5. Approve commissioned activity (Decision Book)
 6. Consider links and opportunities with other Council services
 7. Consider contribution to overall Council objectives
 8. Consider 'Narrowing the Gap' activity
 9. Review learner engagement, feedback and communication with stakeholders
 10. Visit classes to elicit first hand feedback

12. LOCAL JOINT FORUM

- (1) To establish and maintain regular methods of negotiation and consultation between the Council and its employees, excluding matters of individual discipline, grievance, promotion or capability.
- (2) To seek to prevent differences and resolve them should they arise, notwithstanding the fact that disputes are dealt with through the Council's Disputes Procedure.
- (3) To implement Agreements entered into by the relevant National Joint Bodies or Provincial Councils.
- (4) To refer matters to the relevant National or Provincial Council on any matter within the scope of the functions of that Council.
- (5) To consider and recommend in relation to any matters of interest, including matters referred to it by the Employers or Trade Union sides, or by the Divisional Joint Forums.
- (6) To make recommendations to the Personnel Committee, or other Committees of the Council, Directorate Joint Forums or other relevant bodies.

- (7) Where recommendations and representations are not accepted by the Personnel Committee or by other Committees of the Council the matters shall be referred back to the Local Joint Forum for further consideration. The Local Joint Forum shall then have the right to make further recommendations to the appropriate body.
- (8) To establish and maintain machinery for the promotion and encouragement of measures affecting the health, safety and welfare of the Council's employees, to receive reports and to make recommendations for appropriate action.
- (9) Any other matters of collective bargaining including staff development, equal opportunities etc.
- (10) To consider and make recommendations concerning the way services are delivered.

13. OLDER PEOPLE'S WORKING GROUP

- (1) To identify and promote awareness of the issues facing older people in the Reading borough;
- (2) To provide a channel for older people to influence the development of local services, particularly those provided or commissioned by the Council;
- (3) To improve older people's access to information about local services;
- (4) To support older people to take an active role as citizens.

14. PARENTING PANEL

1. Purpose

- To act as a focus for the Council's responsibilities as corporate parent by providing a channel of communication between looked after children and young people, council and other agency officers, carers and councillors, providing a forum for LAC policy development discussion and challenge.

2. Scope

The Corporate Parenting Panel

- Will be the champion of children looked after by them.
- Will champion the Children's Pledge in order to ensure the best life chances possible for looked after children.

- Will provide a channel of communication between children and young people who are or have been looked after, carers, officers and Councillors to discuss corporate parenting issues, as appropriate to the need to respect the privacy of looked after children.
- Will proactively engage with looked after children to gain a real understanding of the experience of being looked after as appropriate to the need to respect the privacy of looked after children; and
- Will celebrate the success of looked after children.

15. PLANNING MANAGEMENT PANEL

To preview the planning applications and other items on the Agenda for the forthcoming meeting of the Committee.

16. SACRE

- (1) To advise the Authority on such matters connected with religious worship in schools and the religious education to be given in accordance with an agreed syllabus as the Authority may refer to is or as it may see fit
- (2) In particular, to advise on methods of teaching, the choice of materials, and the provision of training for teachers
- (3) To consider, on an application made by a headteacher of any school after consultation with the governing body, whether it is appropriate for the requirement for Christian collective worship to apply in the case of the school, or in the case of any class or description of pupils at that school;

[SACRE shall arrive at its decision and communicate it to the headteacher in accordance with the provisions of Section 12 of the Education Reform Act 1988]
- (4) The representative groups on the SACRE, other than that representing the Authority, may at any time require a review of any Agreed Syllabus for the time being adopted by the Authority
- (5) To publish each year a report on its proceedings and those of its representative groups; to specify any matters on which the SACRE has given advice to the Authority and the reasons for offering the advice
- (6) To take any action assigned to it by the Authority in relation to the consideration and disposal of any complaint concerning

collective worship or religious education in compliance with Section 23 of the Education Reform Act 1988

17. SAFER READING NEIGHBOURHOOD FORUM

- (1) To reduce crime and the fear of crime in Reading by establishing and supporting geographically based Safer Neighbourhood Forums;
- (2) To develop and support geographically based Safer Neighbourhood Forums which will involve the Police, Councillors, Council Staff, residents and other agencies to develop effective local problem solving responses to identified local priorities and where appropriate those which are contained in the Community Safety Plans;
- (3) To encourage collaboration across Reading on how best to address local issues through the sharing of best practice and jointly run projects.

18. SCHOOL ADMISSION FORUM

- (1) To consider how well existing and proposed admissions arrangements serve the interests of children and parents within the area of the authority;
- (2) To promote agreement on admission issues;
- (3) To consider the comprehensiveness and accessibility of the admissions literature and information produced for parents by each admission authority within the area of the authority;
- (4) To consider the effectiveness of the authority's proposed co-ordinated admission arrangements;
- (5) To consider the means by which admission processes might be improved and how actual admissions relate to the admission numbers published;
- (6) To monitor the admission of children who arrive in the authority's area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the School Standards and Framework Act 1998 and in accordance with the School Admissions Code (Chapter 3);
- (7) To promote the arrangements for children with special educational needs, children in care and children who have been excluded from school;

- (8) To consider referring an objection to the Schools Adjudicator where either the Forum identifies policy, practice or oversubscription criteria of a school that may be unfair, unlawful or that contravene the mandatory provisions of the School Admission Code, or where their advice has been disregarded by admission authorities;
- (9) To review the comprehensiveness, effectiveness and accessibility of advice and guidance for parents by the local authority, both through the published composite prospectus and delivery of Choice Advice;
- (10) To endorse, promote and monitor local authority In-Year Fair Access Protocols for potentially vulnerable children including those previously excluded from school, children in care, children with special educational needs and/or disabilities, children who are hard to place, and those who arrive in the area outside the normal admission round;
- (11) To consider the draft local authority report to the School's Adjudicator;
- (12) To consider any other admission issues that arise;
- (13) To promulgate advice that represents the agreed views of all members of the Forum.

19. TOWN TWINNING GROUP

To provide a forum for liaison with the Reading Town Twinning Associations, for the exchange of information, to work together as joint projects, and to promote town twinning.

Officer Employment Procedure Rules

Adopted by Council, (22 May 2019)

The Officer Employment Procedure Rules incorporate prescribed Standing Orders relating to staff as required by the Local Authorities (Standing Orders) Regulations 1993, as amended by the Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014; and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. Part IV of Schedule 1 to the 2014 Regulations sets out provisions that must be incorporated into the Standing Orders of an authority operating a committee system. They have been incorporated into the Rules below, in plainer English, and are shown *in italics*:

1. Recruitment and Appointment

(a) Declarations

The Council requires any candidate for appointment as an officer to state on the application form whether they are a partner, spouse or relative of an existing Councillor or officer of the Council.

(b) Seeking Support for Appointment.

The Council advises all applicants for appointment as an officer that canvassing support from any Councillor or employee of the authority, or giving false information, or omitting to give information, will render the person liable for dismissal if appointed.

No Councillor may seek support for any person for any appointment with the Council.

2. Appointment, Dismissal and Disciplinary Action

2.1 The appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council shall be carried out by the Chief Executive as the Head of the Council's Paid Service or by an officer nominated by him/her. A record of officers nominated by the Chief Executive shall be maintained by the Head of Human Resources and Organisational Development.

2.2 Paragraph 2.1 shall not apply to the appointment or dismissal of, or disciplinary action against an officer holding a post described in Sections 2 and 9 of the Local Government & Housing Act 1989. This includes the following:-

- (a) the Head of the Authority's Paid Service (Chief Executive)

- (b) the Executive Director of Social Care and Health, Director of Children’s Services, and the Executive Director of Economic Growth and Neighbourhood Services
 - (c) the Executive Director of Resources (Chief Finance Officer)
 - (d) the Monitoring Officer (Assistant Director of Legal & Democratic Services)
 - (e) persons who, as respects all or most of their duties, report directly to or are directly accountable to the Head of the Council’s Paid Service
 - (f) persons who, as respects all or most of their duties, report directly to or are accountable to any of the posts listed above (other than staff whose duties are of a clerical or support nature)
 - (g) persons who, as respects all or most of their duties report directly or are directly accountable to the Council or a Committee or Sub-Committee of the Council
 - (h) assistants for political groups.
- 2.3 Any appointment or dismissal of an officer designated as the Head of the Council’s Paid Service, shall be approved by the full Council before any offer of appointment or notice of dismissal is given to the person concerned.
- 2.4 Any dismissal of an officer designated as the Chief Finance Officer or Monitoring Officer, shall be approved by the full Council before any notice of dismissal is given to the person concerned.
- 2.5 Where the Council appoints a Committee or a Sub-Committee to carry out the function of appointing or dismissing any officer to or from the positions referred to in paragraph 2.2 above, the Committee or Sub-Committee shall include at least one Lead Councillor.

3. Appointment of Chief Officers - Process

- 3.1 Where the Council wishes to appoint a Chief Officer as defined by statute, and wishes to seek applicants from outside existing officers of the Council, the following procedure will apply:
- (a) the appointment will be co-ordinated and made by the Personnel Committee, or by any other Committee or Sub-Committee authorised by full Council or the Personnel Committee to make the appointment;
 - (b) the post will be advertised publicly, to bring it to the attention of people who are qualified to apply for it;
 - (c) a job description and person specification will be produced, and sent to all applicants for the job, specifying:
 - (i) the duties of the post
 - (ii) the qualifications and qualities being sought by the Council
 - (d) the Personnel Committee will either:

- (a) interview all qualified applicants for the post, or
 - (b) select a short-list of qualified applicants in accordance with the Council's recruitment and selection policy and procedures.
 - (e) If no suitably qualified person applies for the post, any re-advertisement will comply with paragraph (3) above.
- 3.2 The Personnel Committee has delegated powers to appoint Executive Directors, the Monitoring Officer, the Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.
- 4. Disciplinary Proceedings against the Head of Paid Service, Monitoring Officer and Chief Finance Officer**
- 4.1 No disciplinary action as defined by Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 may be taken against the Head of the Authority's Paid Service, the Monitoring Officer or the Chief Finance Officer in cases of alleged misconduct, unless the procedure set out in Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as reflected in the model disciplinary procedure rules incorporated into the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook (updated 13 October 2016) as may be updated from time to time has been complied with.
- 4.2 Such disciplinary action means any action occasioned by alleged misconduct which, if proved, would be recorded under normal Council procedures on the officer's personal file, and includes any proposal for dismissal for reasons other than redundancy, permanent ill-health or infirmity of mind or body. It does not include failure to renew a fixed-term contract of employment unless the authority has undertaken to review such a contract.
- 4.3 The relevant officer may be suspended whilst the investigation is taking place, and if so, the suspension will be on full pay and will last for no longer than two months.
- 4.4 The Council establishes an Investigating and Disciplinary Committee (IDC) to deal with disciplinary matters relating to the 'relevant officers' and an Appeals Committee to deal with disciplinary matters short of dismissal relating to the 'relevant officers'.
- 4.5 Dismissal of the Head of the Authority's Paid Service, the Monitoring Officer or the Chief Finance Officer may only be exercised by the full Council.
- 4.6 Where the IDC has recommended dismissal of a 'relevant officer', the Council must invite any Independent Person appointed under the provisions of the Localism Act 2011 section 28(7) who has been appointed by the Council (or, where there are fewer than two such persons, such Independent

Persons as have been appointed by another authority or authorities as the Council considers appropriate), to be considered for appointment to an Independent Panel with a view to appointing at least two such persons to the Panel.

- 4.7 The Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph (ii) in accordance with the following priority order:-
- (a) An Independent Person who has been appointed by the Council and who is a local government elector within the authority's area;
 - (b) Any other Independent Person who has been appointed by the Council; and;
 - (c) An Independent Person who has been appointed by another council or councils.
- 4.8 The Council is not required to appoint more than two relevant Independent Persons but may do so.
- 4.9 The Council must appoint any Panel at least 20 working days before the meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer.
- 4.10 Before the taking of a vote at the meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer the authority must take into account in particular:
- (a) Any advice, views or recommendations of the Panel
 - (b) The conclusions of any investigation into the proposed dismissal; and
 - (c) Any representations from the relevant officer.
- 4.11 The Personnel Committee has delegated powers to dismiss Executive Directors (provided they are not a statutory officer as described in 4.1 above) and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.

5. Appeal

- 5.1 Nothing in this Standing Order shall prevent a Member from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by:
- (i) a person against any decision relating to the appointment of that person as a member of staff of the authority, or

- (ii) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

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PLANNING CODE OF CONDUCT FOR COUNCILLORS

ADOPTED BY COUNCIL, 20 OCTOBER 2015 (updated 22 May 2019)

1. Introduction

- 1.1 This guidance note is purely advisory. However, its recommendations are based upon the best practice promoted by the Local Government Association, the Planning Advisory Service and the Royal Town Planning Institute's Code of Professional Conduct. It also takes into account advice issued by the Local Government Ombudsmen and the Council's Code of Conduct for Councillors. Failure to follow the recommendations without good reason could be taken into account in investigations into possible maladministration or have implications for the standing of Councillors and professional officers.
- 1.2 This Code once adopted is intended to guide Councillors who deal with planning matters at Reading Borough Council. Though devised primarily to address the processing of planning applications, it applies equally to all planning matters including planning policy, enforcement of planning control, listed buildings, conservation areas and trees.

2. Outline of Planning

- 2.1 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of the public and the private interests of individuals and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the legal nature of development plans and decision notices.
- 2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council should make planning decisions affecting these interests openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting, with any justification, that a decision has been the subject of bias or predetermination or was otherwise not well founded.
- 2.3 Thus the successful operation of the planning system in Reading depends upon the Council always acting in a way which is clearly seen to be fair and impartial. This requires a shared understanding of the respective roles of Councillors and officers and trust between these parties. The following quotation from the Local Government Association serves to illustrate the point:-

“The role of an elected member on a planning committee involves a balance between representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals. It is this dual role which, as the Nolan Committee in its recent report acknowledges, can give rise to great tensions”.

(Source: Probity in Planning 1997)

3. The General Role and Conduct of Councillors and Officers

- 3.1 Councillors and officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers advise Councillors and the Council, and carry out the Council’s work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to officers through a formal Council decision including delegated powers. Any other system which develops is open to question. A successful relationship between Councillors and officers can only be based upon mutual trust and understanding of each other’s positions. This relationship, and the trust which underpins it, must never be abused or compromised.
- 3.2 Both Councillors and officers are guided by Codes of Conduct. The Local Code of Conduct provides general guidance and standards for Councillors. Breaches of that Code may be regarded as maladministration by the Local Government Ombudsman, and failure to declare a pecuniary interest may be a criminal offence. Officers are also bound by the Council’s Code of Conduct for Officers and those who are Chartered Town Planners are guided by the Royal Town Planning Institute’s (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. In addition to these Codes the Council’s standing orders set down rules which govern the conduct of Council business.
- 3.3 Officers must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 Act places restrictions on their outside activities, such as membership of political parties and serving on another Council. During the course of carrying out their duties, officers may be offered hospitality from people with an interest in a planning proposal. If possible, such offers should be declined politely. If receipt of hospitality is unavoidable, officers should ensure it is of the minimum level and declare its receipt as soon as possible. Officers will be guided in such matters by the Council’s Code of Conduct for Officers.
- 3.4 In respect of planning, Councillors set policies and must determine applications, enforcement issues and other planning matters within the context of those policies. When the Planning Applications Committee considers any report and recommendation within that report Councillors must:-

- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another.
- Ensure that there are clear and substantial reasons for their decisions and that those reasons are clearly stated.

3.5 The officers' function is to advise and assist Committee Members in policy matters and in their determination of planning applications, enforcement issues and any other planning related matters by:-

- Providing impartial and professional advice.
- Making sure that all the information necessary for the decision to be made is given.
- Providing a clear and accurate analysis of the issues.
- Setting planning applications, enforcement issues and other planning matters against the broader Development Plan policies and all other material considerations.
- Giving a clear recommendation.
- Carrying out the decisions of the Committee.

4. **Declaration and Registration of Interests**

4.1 The Localism Act 2011 places requirements on Councillors regarding the registration and disclosure of pecuniary (financial) interests and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the definition of such interests. The Local Code set out requirements and guidance for Councillors, respectively, on declaring pecuniary interests and non-pecuniary interests and the consequences of having such interests. These must be followed scrupulously and Councillors should review their situation regularly. When doing so it must be borne in mind that the Local Code advises that not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. The responsibility for this rests individually with each Councillor. The Commission for Local Administration in England's publication 'Guidance for Good Practice on Members' interests' also provides helpful advice.

4.2 A Register of Members' Interests is maintained by Councillor Services. Councillors who have substantial property interests or other interests which would or are likely to prevent them from voting on a regular basis, should avoid taking up a position on the Planning Applications Committee and/or avoid other Council positions where regular decisions on planning matters are required.

- 4.3 Whilst advice on what constitutes a pecuniary interest is reasonably clear, that regarding non-pecuniary interests or personal interests is less so. Advice is given in the Local Code for Councillors. It is for Councillors to interpret this using the guiding rule that one should not use one's position to further a private or personal interest, rather than the general public interest, or give grounds for such suspicion. Such non-pecuniary interests include those of a spouse or civil partner and being a member of an outside body. There is no statutory duty to register or declare such interests but Councillors are encouraged to do so.
- 4.4 Gifts and hospitality give rise to particular problems in respect of the credibility of the planning process and the acceptance of gifts or hospitality by Councillors can be a very serious criminal offence. Committee Members should have particular regard to the provisions of the Local Code of Conduct. Also, they should avoid any behaviour which might be taken as indicating that they are open to such offers.
5. **Bias and Predetermination**
- 5.1 The common law principles of bias and predetermination may apply even if no pecuniary or other interest exists. Bias is *"an attitude of mind which prevents the decision maker from making an objective determination of the issue he has to resolve."* It could include membership of a body that has lobbied for or against the issue being determined.
- 5.2 Predetermination is having a closed mind ie where a person has *"nailed their colours to the mast"* in advance of considering all material planning considerations including the debate at the Planning Applications Committee.
- 5.3 Councillors cannot take part in decisions on individual applications if they are biased or have already made up their mind. If they do the decision of the Committee is susceptible to judicial review proceedings.
- 5.4 However, where a Councillor has expressed a preliminary view (predisposition), no matter how strong that may be but s/he is willing to listen to all the considerations presented at the Committee then they are at liberty to fully participate in the decision making process.
- 5.5 Section 25 of the Localism Act 2011 makes it clear that a Councillor should not be taken to have had a closed mind just because s/he had previously done anything to indicate the view s/he might take.
- 5.6 All these matters are best judged by applying the objective by-stander test namely whether in all the relevant circumstances the reasonable onlooker would conclude that there was a real possibility, or a real danger of bias. If the answer to that question is yes the Councillor should declare and leave the room.

6. Lobbying of and by Councillors

- 6.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who are making proposals may wish to explain them to Elected Members or those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward Councillor or to a member of the relevant committee. It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Councillors themselves.
- 6.2 However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question (See Paragraph 5 on Bias and Predetermination above). When being lobbied, Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the relevant officer's report. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the Committee.
- 6.3 In reality, of course, Councillors will often form a preliminary view about an application early on in its passage through the system, whether or not they have been lobbied. Members of the Committee must accept that they will only make a final decision about how to vote on a particular application when they have heard the evidence and arguments on both sides.
- 6.4 A Committee Member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a Councillor represents either their own or constituents opposition to a planning application on planning or other relevant grounds that Member should not be constrained from speaking at the Committee meeting or voting on the application. However if the Member responds to lobbying by applicants by deciding to go public in support of a particular outcome, or by campaigning actively for it before the matter is formally considered by the Council and before all the facts and information are known, the proper course of action for such a Member would be to make an open declaration that they have already formed a judgement and in those circumstances it would be inappropriate for them to vote.

7. Political Discussions and the Party Whip

- 7.1 There are occasions when planning matters will be discussed prior to being determined at Committee by political groups and/or by the Chair and Vice Chairs of Committee either with or without officer attendance. These meetings are informal opportunities for Councillors to consider various aspects of planning matters before taking a decision at Committee. For more complex planning proposals these informal meetings may be essential to the understanding of proposals and could lead to the request for more information or consultation on a proposal.
- 7.2 Notwithstanding Paragraph 7.1 Members of the Committee cannot accept an instruction from anyone to determine an application in a particular manner, but must determine the issue on its merits. Accordingly, whilst they may accord appropriate weight to the relevant views of other Committee Members, whether expressed in the Committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state in open Committee. Therefore, it is inappropriate for any Party Group to instruct its Committee Members to vote in a particular manner on an application or to apply or threaten to apply any sanction to any Member who votes contrary to the Group's collective views.
- 7.3 Where such a "Whip" has been applied, Committee Members should declare it in exactly the same manner as they would declare any other attempt at lobbying.
- 7.4 A Councillor must not put pressure on officers for a particular recommendation.
- 7.5 Call-in procedures, whereby Councillors can require a proposal that would normally be determined under the delegated authority to be called in for determination by the planning committee, should require the reasons for call-in to be recorded in writing and to refer solely to matters of material planning concern.

8. Pre-Application and other discussions held before a decision is made.

- 8.1 Discussions between a potential applicant and officers/Members prior to the submission of an application can be of considerable benefit to both parties and is to be encouraged. However, it would be easy for such discussions to become, or be seen (especially by objectors) to become, part of a lobbying process. The Localism Act, particularly S25, has given councillors much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that councillors might have fettered their discretion, such discussions should take place within clear, published guidelines.
- 8.2 In order to avoid such problems, pre-application discussions should take place within the clear guidelines below. Although the term

'pre-application' has been used, the same considerations should apply to any discussions which take place before a decision is taken:

- Clarity at the outset that the discussions will not bind a council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
- An acknowledgement that consistent advice should be given by officers based upon the development plan and material planning considerations.
- Officers should be present with councillors in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations, which should be done by officers (keeping interested councillors up to date) to ensure that the authority's position is co-ordinated.
- Confirmation that a written note should be made of all meetings. An officer should make the arrangements for such meetings, attend and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non - confidential issues raised or advice given can still normally be placed on the file to reassure others not party to the discussion.
- A commitment that care will be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to committee could appear to be advocacy.
- The scale of proposals to which these guidelines would apply. Councillors talk regularly to constituents to gauge their views on matters of local concern. The Nolan Committee argued that keeping a register of these conversations would be impractical and unnecessary. Authorities should think about when, however, discussions should be registered and notes written.

8.3 The council has other mechanisms to involve councillors in pre-application discussions including:

- Committee information reports by officers of discussions to enable councillors to raise issues, identify items of interest and seek further information;

- Developer presentations to committees which have the advantage of transparency.
 - Ward Councillor briefing by officers on pre-application discussions.
- 8.4 Similar arrangements can also be used when the Council is looking at new policy documents and particularly when making new site allocations in emerging development plans and wish to engage with different parties, including councillors, at an early stage in the process.
- 8.5 The Statement of Community Involvement will set out the Council's approach to involving communities and other consultees in pre-application discussions. Some authorities have public planning forums to explore major pre-application proposals with the developer outlining their ideas and invited speakers to represent differing interests and consultees. As well as being transparent, these forums allow councillors and consultees to seek information and identify important issues for the proposal to address, although still bearing in mind the need to avoid pre-determination.

9. Officer Reports

- 9.1 It is particularly important to write full and consistent reports to Committee on planning applications with clear officer recommendations, not only as a matter of good practice, but because failure may constitute maladministration, and/or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duties under the Town and Country Planning Act 1990 and other town planning legislation/delegated legislation.
- Relevant points will include a clear explanation of the development plan, site or related history, and any other material considerations.
 - Reports should be accurate and cover, among other things, the substance of objections and the views of people who have been consulted.
 - Reports should have written recommendations of action; oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur.
 - Reports should include a balanced assessment of the planning issues and contain a technical appraisal which clearly justifies the recommendation.
 - If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

10. **Site Visits**

- 10.1 Where possible site visits should take place in advance of the planning application report being considered by Committee and should only be used where the expected benefit is substantial.
- 10.2 The purpose, format and conduct of site visits should be clearly established by officers. They consist simply of an inspection by a Viewing Sub-Committee, with officer assistance either in person or through a briefing note, as the most fair and equitable process between applicant and objectors. Applicants and objectors will have no right to speak but can merely observe the process and answer questions when asked. Applicants will be informed of such visits as a matter of practice.
- 10.3 A site visit may be requested by Councillors if the impact of the proposed development is difficult to visualise from the plans and any supporting material including photographs taken by officers (although, if this is the case, additional illustrative material should have been requested); or, there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing; or, the proposal is particularly contentious.

11. **The Decision Making Process**

- 11.1 In determining applications submitted pursuant to the Town and Country Planning Act 1990 and other planning or planning related legislation the Council will follow the Guidelines adopted as part of this Code. These adopted Guidelines will be subject to changes from time to time to reflect the latest government guidance and case law (Appendix A).
- 11.2 Committee Members should not take part or vote on any application or matter if they have not read the Committee report and have not been present throughout the consideration of such application or matter unless the item has been deferred from a previous meeting after being partially considered.
- 11.3 In discussing and determining a planning application, enforcement issue or other planning matter, Committee Members should confine themselves to the planning merits of the case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits. The Planning Committee's decisions should be properly minuted.
- 11.4 From time to time Members of the Planning Applications Committee will disagree with the professional advice given by the Assistant Director of Planning Transport and Regulatory Services, the Head of Planning or his representative. As indicated above planning is not an exact science and there can be genuine disagreement about the implications of a particular proposal. A legal officer will be present at Committee and will be able to

advise if the facts simply cannot support the conclusion which the Committee Members have drawn and the Committee is in danger of acting unreasonably and exposing the Council to a claim for costs.

- 11.5 Where an appeal arises against such a decision, officers will give support to the relevant Committee Members in preparing evidence for the appeal, but it will be for Members of the Planning Committee to appear at any appeal inquiry/hearing and give evidence to justify the reasons for the Committee's decision. On occasion the Assistant Director of Planning, Transport and Regulatory Services or Head of Planning may consider it appropriate to appoint external Planning Consultants to defend the decision.
- 11.6 Where Committee Members wish to add or amend conditions or reasons for refusal, the general content will be agreed at the meeting before the vote is taken and the final wording will generally be delegated to the Assistant Director of Planning Transport and Regulatory Services / Head of Planning.
- 11.7 If the officer report recommends approval of a departure from the Development Plan, the justification for this recommended departure should be included in the report.

12. **Section 106 Planning Agreements/Unilateral Undertakings**

- 12.1 When applications which propose or require planning obligations by agreement or Unilateral Undertaking are referred to the Planning Applications Committee the heads of agreement will be included in the officers' written report, and a copy of the agreement, when made, will be publicly available, provided (following the advice of a Council Solicitor) it is not considered to prejudice clearly established interests of commercial confidentiality.

13. **Development proposals submitted by Councillors and Officers, and Council development**

- 13.1 Proposals to their own authority by serving Councillors and officers can easily give rise to suspicions of impropriety. So indeed can proposals for a Council's own development. Proposals can take the form of either planning applications, development plan proposals or relate to other planning matters including enforcement.
- 13.2 It is perfectly legitimate for such planning applications and development plan proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.
 - Serving Councillors who act as agents for people pursuing a planning matter within their authority should play no part in the decision-making process for that proposal. Similarly, should they submit their own proposal to the authority they serve, they should take no part in its

processing, nor should they seek to influence the case officer's assessment or recommendation on the proposal.

- All planning matters that relate to serving Councillors should be reported to the relevant Council body as main items and not dealt with by officers under delegated powers. In addition planning matters that relate to any member of the Corporate Management Team and any person employed or engaged by the Planning and Legal Services must be dealt with in the same way and be determined by the Committee. The Committee report should make it clear that the applicant is a member or a relevant officer of the Council.
- Proposals for a Council's own development should be treated in the same way as those by private developers.

13.3 Enforcement matters relating to serving Councillors and officers will also be dealt with in the same way as any other enforcement case.

13.4 The Council's Monitoring Officer should be informed of such proposals or other planning matters relating to serving Councillors and officers.

14. **Training**

14.1 Planning regulations can sometimes be complex and it is appropriate that councillors should receive basic training on planning when first appointed to the planning applications committee or local plan steering group, and regularly thereafter. Officers will also provide guidance to individual councillors on planning related matters as necessary.

15. **Complaints and Record Keeping**

15.1 Every planning file will contain an accurate account of events throughout its life. It should be possible for someone not involved with the matter to understand what the decision was and how and why it was reached. Planning matters determined under officers' delegated powers, where there is no Committee report, will be as well documented and recorded as those taken by the Committee.

15.2 Whatever procedures a Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance note should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place. When such complaints came forward, they will be treated as any other made to the Council and considered under the Council's complaints procedures.

COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS

1. The emphasis in determining applications is upon a plan led system. Section 54A of the Town and Country Planning Act 1990 requires all planning applications to be determined by reference to the Development Plan if material to the application, and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
2. The term “*other material considerations*” has a wide connotation as expressed by the following judicial comment:-

“I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration”.
3. Material considerations include national planning guidance in the form of the NPPF, the NPPG, government Circulars, a Ministerial Statement, Non-Statutory Development Control Guidelines Inspectors Decisions and case law.
4. Examples of material considerations are:-
 - appearance and character of development;
 - traffic generation, highway safety and parking;
 - overshadowing, overlooking and loss of privacy;
 - noise, disturbance or other loss of amenities;
 - layout and density of buildings;
 - relevant planning policies.
5. Matters which are not material considerations include:-
 - boundary disputes, covenants or other property rights;
 - personal remarks (e.g. the applicant’s motives);
 - reduction in property values;
 - loss of private view over the land.
6. The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.
7. What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.

8. It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by Historic England or the Environment Agency.
9. The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
10. Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
11. It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
12. Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

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READING BOROUGH COUNCIL

COUNCIL MEETING

22 MAY 2019

AGENDA ITEM NO 10

APPOINTMENT OF DEPUTY LEADER AND LEAD COUNCILLORS AND ALLOCATION OF PORTFOLIOS

- (1) That Councillor Page be appointed the Deputy Leader of the Council for the Municipal Year 2019-20;
- (2) That for the Municipal Year 2019-20, the following Councillors be appointed as Lead Councillors for the services listed below:

Adult Social Care	Councillor Jones
Children	Councillor Terry
Corporate and Consumer Services	Councillor Emberson
Culture, Heritage & Recreation	Councillor Rowland
Education	Councillor Pearce
Health, Wellbeing & Sport	Councillor Hoskin
Housing	Councillor Ennis
Neighbourhoods & Communities	Councillor James
Strategic Environment, Planning & Transport	Councillor Page

I move this

I second this

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Councillor Brock

Councillor Page

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READING BOROUGH COUNCIL

COUNCIL MEETING

22 MAY 2019

AGENDA ITEM NO 12

APPOINTMENT OF CHAIRS/VICE-CHAIRS OF COMMITTEES

That the following be appointed Chairs and Vice-Chairs of the following Committees for the Municipal Year 2019/20:

Committee	Chair	Vice-Chair
Adult Social Care, Children's Services & Education	Councillor David Absolom	Councillor McEwan
Audit & Governance	Councillor Stevens	Councillor Davies
Health & Wellbeing Board	Councillor Hoskin	Dr A Ciecierski
Housing, Neighbourhoods & Leisure	Councillor Davies	Councillor Lovelock
Licensing Applications	Councillor Edwards	Councillor Woodward
Planning Applications	Councillor McKenna	Councillor Sokale
Personnel	Councillor Emberson	Councillor Brock
Investigating & Disciplinary Committee	Councillor Brock	Councillor Page
Appeals Committee	Councillor Lovelock	Councillor Edwards
Policy	Councillor Brock	Councillor Page
Standards	Mrs T Barnes	Councillor Edwards
Strategic Environment, Planning & Transport	Councillor Debs Absolom	Councillor Barnett-Ward

I move this

I second this

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Councillor Brock

Councillor Page

N/council/agm19/motionchairs