

**READING BOROUGH COUNCIL**

**POLICY COMMITTEE**

**10 JUNE 2019**

**PUBLIC QUESTION NO. 1**

Roger Lightfoot to ask the Leader of the Council:

**Arthur Hill Swimming Pool**

Given that utilities contractors have been seen on the site, which suggests that completion has taken place, will the Leader of the Council please provide an update on progress with the sale of the Arthur Hill swimming pool including how much money the Council has received assuming completion has taken place?

**REPLY** by Councillor Brock (Leader of the Council)

The decision to dispose of the freehold of Arthur Hill swimming pool was agreed at Policy Committee in July 2018 following a process to market the building. The report and its appendices has been the subject of an Information Commissioner's report and this matter is detailed in the response to another question.

The sale of Arthur Hill has not yet been completed. Work to progress matters at Arthur Hill pool is ongoing, including dialogue with the preferred bidder in order to ensure that the final disposal represents value for money.

The Council has been open about advertising the disposal of the building publically and has named the successful bidder. We are still in negotiations with the preferred bidder which involves commissioning due diligence work, including surveys. The outcome of these will be hugely significant for the future development potential of the site.

Once that due diligence has completed then we will need to take a decision about the future of the building.

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**PUBLIC QUESTION NO. 2**

Roger Lightfoot to ask the Lead Councillor for Health, Wellbeing and Sport:

**Sport and Leisure Contract**

Will the Lead Councillor for Health, Wellbeing, and Sport, please advise what progress has been made towards issuing the planned new Sport and Leisure outsourcing contract since the last Policy Committee meeting. On what date is the new contract intended to be awarded, and what is the target date for opening new swimming pools at Rivermead and East Reading?

**REPLY** by Councillor Hoskin (Lead Councillor for Health, Wellbeing and Sport):

Thank you for your question Mr Lightfoot.

A report to Policy Committee in November 2015 sets out the Council's intentions to contract with a partner leisure provider in order to find a cost-effective means of deliver the Council's strategic objectives for sport and physical activity and improving the health and well-being of residents.

This Council is in the process of delivering a radical enhancement of the town's leisure facilities, including the provision of a new pool at Palmer Park and a new competition standard pool to replace Central Pool.

The procurement process is complex and while I share a degree of frustration that the appointment of a new leisure partner is time-consuming we are on track to complete this process and I anticipate a report coming forward in the autumn with a formal appointment later this year and a contract start in January 2020 following a necessary mobilisation period.

The operator will then be responsible for obtaining planning permission for the new pools at Rivermead and Palmer Park prior to commencing work on site and improving and managing facilities at South Reading and Meadway. This is a significant programme of work and build timescales will become clearer as the procurement progresses to detailed and final proposals from the bidders. Once we have this clarity and appointed our preferred operator we will of course publicise the anticipated development programme.

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**PUBLIC QUESTION NO. 3**

Peter Burt to ask the Leader of the Council:

**FOI requests**

The Information Commissioner has ruled that the Council's decision to withhold details of the sale of Arthur Hill Swimming Pool in response to a request for information under the Freedom of Information Act was unlawful.

What steps will be taken to ensure that in future the Council complies with the terms of the FOI Act when handling requests for information from members of the public, and what measures will you take to ensure that the officers who unlawfully and deliberately decided to withhold information on Arthur Hill Pool do not do likewise again?

**REPLY** by Councillor Brock (Leader of the Council):

There is misrepresentation of the ICO decision note in your question. The ICO note did not say that the Council has acted illegally. It said that the Council had not demonstrated compliance with Section 43 of the Freedom of Information Act on one point. The ICO has accepted that the Council had grounds for applying Section 43, as the information sought by Mr Burt included information relating to the commercial interests of the bidders, and a causal relationship existed between the potential disclosure of this information and the prejudice that the exemption is designed to protect against.

What the ICO says the Council did not do was to show how the disclosure would prejudice the commercial interests of the bidders. We are currently working with the bidders to clarify and answer this point. In the spirit of open discourse, I'm sure you will also be interested in the detailed response I'll be providing to a later question from Councillor White on the ICO decision note, which includes setting out the chronology and facts of this matter.

Independent of this particular case, processes are always open to review and I have elsewhere made clear my commitment to an open and transparent Council, including the proactive publication of information wherever possible.

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**PUBLIC QUESTION NO. 4**

Peter Burt to ask the Leader of the Council:

**Sale of Arthur Hill Pool**

Has the Council received full payment yet for the sale of Arthur Hill Pool? If yes, please can you let me know how much was received and on what date. If no, please can you let me know on what date you expect payment to be made.

**REPLY** by Councillor Brock (Leader of the Council):

I refer you to my earlier response in relation to Mr Lightfoot's question (Public Question No. 1).

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### PUBLIC QUESTION NO. 5

Sara Davies to ask the Lead Councillor for Culture, Heritage and Recreation:

#### Play Areas

I am delighted to note that Reading Borough Council is committed to investing in play areas across Reading and that they are also committed to improving access for disabled children in those play areas <sup>(1)</sup>.

I am also delighted that Councillor Jason Brock, the new Leader of Reading Borough Council has pledged to have an "open and collaborative" relationship with people in the town over big decisions and that Councillor Brock says "gone are the days" of simply announcing policies, and says he wants input from people living in the town <sup>(2)</sup>.

I note that ERAPA in Palmer Park is the most accessible play area in the borough, especially accessible by wheel chair users, as it was designed with active consultation with disabled children. It is also one of the most integrated play areas in Reading as it is used by disabled children, disabled parents, children from Newtown, children from the Pakistani Community Centre and children from the Honeybees Nursery.

I am therefore concerned that Reading Borough Council have stated that they wish to remove part or all of ERAPA when it comes to the end of its life within the next few years with no plan to replace it.

I am however delighted that Ivydene play area, located next to Portman Road in west Reading, has been earmarked for a £100K investment <sup>(1)</sup>.

Five designs have been produced and people can vote for their preferred design at Rivermead, Wilson Primary School and online. Reading Borough Council says that the winning design for Ivydene will be announced and on display from Monday 17th June. It is anticipated that the work will start on site in September and ready for use by the half term week in October <sup>(1)</sup>.

However none of the proposed designs submitted by playground manufacturers for Ivydene play area contains equipment that is wheelchair accessible. Able bodied children will outnumber disabled children in any vote and there is no way for comments on the designs to be submitted in the consultation. The designs submitted and the consultation process are in my opinion not fulfilling the councils stated aim of improving access for disabled children in play areas <sup>(3)</sup>.

In order to ensure that the needs of disabled children are addressed better, and in line with its stated aims, will Reading Borough Council work more closely with Reading Family Forum, those interested in saving ERAPA and other groups interested in play facilities for disabled children to help design consultations,

briefs for play equipment designers and meaningfully work together on how budgets are allocated for play equipment?

(1) <http://news.reading.gov.uk/ivydene-playground-ballot/>

(2) <https://www.getreading.co.uk/news/reading-berkshire-news/new-reading-council-leader-wants-16278316>

(3) <https://consult.reading.gov.uk/dens/ivydene-play-area/>

**REPLY** by Councillor Rowland (Lead Councillor for Culture, Heritage and Recreation):

The Council has for a number of years been making their play areas more accessible to a variety of users. This has been through simple steps such as installation of better flat safety surfaces, better access paths, and painting gates contrasting colours. In addition to the support infrastructure we have been introducing equipment such as basket swings allowing mixed ages or older siblings to accompany younger less able children, ground level trampolines, accessible roundabouts and sound play. Equipment from the suppliers we use also includes features such as easy access play panels and other low level activities.

As the needs of particular minority groups may not be sufficiently represented in a voting consultation, minimum requirements for accessible play provision were identified in the specification for Ivydene. This included two items of equipment known for their accessibility. The Kompan Supernova roundabout has a sloping design for safe transfer from a wheelchair or mobility aid and also facilitates support from carers from every angle. The large group swing allows for use by children in a sat, kneeling or lying position and can also accommodate a carer next to the participant. All equipment is located on single safety surfacing pad to facilitate movement between pieces of equipment by people of all mobility abilities.

The Ivydene specification identified the provision of a playground to cater for toddlers and children up to the age of 12 years old and for all abilities. In response to this specification proposals have been received that include a ground level access "trampoline", wheelchair accessible bus, play panels, mini road layout ground surfacing as well as easy transfer equipment.

Taking on board comments about the easiest way to interpret the designs on the online consultation, the consultations for Ivydene and Coley Park were amended to provide lists of the equipment included in proposals, how accessibility has been approached by designers, and the ability to make comment.

In the past the Access Forum has provided guidance on facilities. We are very pleased that we are now able to receive well-informed advice and guidance from the Reading Family Forum and other interested groups that will help us improve the accessibility of our services. To this end on the 22nd May the Council's Playground Officer and Play Service Manager met with the Reading Family Forum as part of the first step of developing a number of schemes that are under consideration.

RBC has always strived to achieve the best consultation possible with the communities and groups that use any of the equipment that we provide. Along with the new leadership's aims, we are looking to build upon the positive consultation work that my predecessor had already undertaken. So, to answer your question: Yes. I, along with our Recreation team, are committed to looking at new and improved ways in which we consult with interested groups. This is however, an ongoing process as we explore, with the groups you mentioned, the best models and methods for effective consultation. I remain committed to engaging with the concerned groups in the most transparent way practicable going forward to ensure that you all - and anyone that uses our provisions - are at the heart of the decisions that the Council takes.

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**PUBLIC QUESTION NO. 6**

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

**RBH - environmental policy**

I have been exchanging emails with the Freedom of Information department at the Royal Berkshire Hospital, who have informed me that the hospital does not have an environmental policy. Neither does it have a sustainability management team.

I requested data on CO2 emissions and they were not able to supply any.

They sent me a link to the Annual Report and Accounts 2017 to 2018, where some data on CO2 emissions can be found. The data is not broken down by ward or department. Also, it does not include emissions due to procurement or travel, and is therefore not meaningful and cannot be compared with other establishments.

I have written or emailed three times to Claire Perry, Minister For Business, Energy And Industrial Strategy, asking why NHS trusts are not required to have an environmental policy in place, setting tough targets and with requirements to meet them.

The replies I have received from Claire Perry's team have informed me that:

"Our pathway to 2032 sees emissions from the public sector falling by around 50 per cent compared to today." Also "To meet the UK's 2050 target, emissions from the buildings and activities of the public sector will have to be near zero".

These 'visions' are neither specific nor binding, and in any case fall well short of the RBC climate emergency goal of zero carbon by 2030.

The zero carbon by 2030 goal can only be achieved in Reading if public bodies, as well as businesses, are required to come on board. I note that councillor Graham Hoskin is a governor on the board of the RBH.

What is being done currently, and what are the council's future plans, to ensuring that the RBH Foundation Trust will be carbon neutral by 2030?

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

I thank Ms Palmer for her question and also her earlier email attaching details of the response of the RBH, dated 4<sup>th</sup> April, to her Freedom of Information request.

The Royal Berkshire Hospital is indeed a very important and significant public sector organisation in Reading. Many of us owe our lives to the service provided by the dedicated RBH staff.

I am surprised that the RBH reply to your FoI failed to reference some of the achievements reported in the most recent Annual Report of the RBH Trust.

For example, the large modern combined heat and power facility generates 70% of the electricity used by the hospital and utilising the waste heat from the generation process provides heating and water to the larger buildings on the site.

The Annual report also says that 'during 2018/19 the Trust will further develop and 'hard-bake' sustainable practices into design standardisation and into the Estate Strategy.'

I think it is therefore regrettable that the RBH does not appear to have an environmental and sustainability strategy which could properly articulate, co-ordinate and strengthen much good work already underway.

The Reading Climate Change Partnership (RCCP) has recently added a health member to its board and will include a health section in the new 2020 Climate Change Strategy which will be updated following consultations over forthcoming months.

In the future, we hope that the RCCP can be strengthened and actions specific to the RBH can be incorporated into the Reading Climate Change Strategy.



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### COUNCILLOR QUESTION 1

Councillor White to ask the Leader of the Council:

#### Sale of Arthur Hill

Scrutiny is vital in local government, and an open and honest Council will work with its residents and the communities that it serves, not against them.

Will the Leader of the Council ensure that the murky details surrounding the sale of the Arthur Hill Swimming Pool are published immediately, as demanded by the Information Commissioner, and will he give a clear pledge to the people of Reading that this sort of cloak-and-dagger secrecy which has wasted so much time and left a building boarded-up and unused in Reading for three years, will not happen again while he is Leader?

REPLY by Councillor Brock (Leader of the Council):

This question relates to the decision of the Policy Committee, on 16 July 2018, to dispose of the freehold of the Arthur Hill Pool site, following a marketing exercise. In the interests of scrutiny and openness, I will take this opportunity to set out the facts leading up to the Information Commissioner's decision note of 21 May 2019, which do not support the inferences of Councillor White's question.

The decision to dispose was correctly taken by the Committee in Part II because it involved the disclosure of sensitive commercial information on the bidders which the Committee resolved was not for publication under Paragraph 3 of Schedule 12A to the Local Government Act 1972 - the Access to Information provisions of that Act.

The marketing exercise and disposal followed the decision of full Council, on 18 October 2016, to close Arthur Hill Pool as a swimming pool and to declare the site surplus to the Council's leisure requirements. It also followed an unsuccessful attempt to judicially review the decision, and an unsuccessful expression of interest in the site, to provide swimming services from the pool, made by the Arthur Hill Save Our Swimming CIC (Community Interest Company) which was considered and rejected by the Policy Committee on 10 April 2017 on the grounds that the Expression of Interest was not suitable to provide or assist in providing swimming services from Arthur Hill Pool.

The Council received a request, made under the Freedom of Information Act 2000, on 23 July 2018 for the Part II report to Policy Committee and the identity of the preferred bidder. This was not agreed, on 20 August, as the report and its appendices contained commercially sensitive information, about all of the bidders. The complainant asked for an internal review of this decision, which was concluded in September 2018: this found that the original response had not quoted the correct exemption under the FOIA, but that the information had been correctly withheld as exempt under Section 43 (where disclosure was likely to compromise the commercial interests of any party).

The complainant then took up the matter with the ICO, who liaised with the Council's Data Protection Officer. The name of the bidder was provided to the complainant in January 2019, along with a copy of the Part II report with commercial data redacted. This followed a public campaign by the complainant and a lobby group to require the Council to provide the information, including threatening to break into the Civic Offices to find it. The report's appendices, which provided details on the offers received and clarifications requested from bidders, were not provided as they too contained commercial information.

The complainant continued the complaint to the ICO, seeking the full report and its appendices. The ICO raised this with the Council on 4 February 2019. The Council replied to the ICO on 7 February, giving notice of the lobby group's activities, advising that we had provided the complainant with a redacted copy of the report and the name of the successful bidder, and confirming that we continued to rely on Section 43 to support our redactions.

The ICO contacted the Council again on 1 May 2019, to request a full copy of the report and its appendices. This was provided on 7 May. At this stage the ICO asked whether we had contacted the parties to the deal to seek their views on whether they considered the redacted and withheld commercial information to be commercially sensitive. We told the Data Protection Officer that we had been in contact with the purchaser about the disclosure of his identity.

The ICO's decision notice was issued on 21 May 2019. It found that whilst Section 43 was engaged, the Council had not demonstrated how disclosure would prejudice the commercial interests of the parties involved, and had not put this question to the parties. The decision notice requires the Council to make the information available to the complainant within 35 calendar days of the decision notice (ie by 24 June 2019) or appeal to the First-tier Tribunal with 28 calendar days of the notice (ie by 17 June 2019).

The Council has shared the ICO decision notice with all eight interested parties mentioned in the Part II report of 18 June 2018 and its appendices, whose commercial data was redacted or not shared with the complainant. We have asked them whether they are prepared to have their commercial data shared with the complainant and, if not, to explain how they consider that disclosure would prejudice their commercial interest. We are still progressing this time-consuming process for all parties and, on the basis of the responses, will get the Monitoring Officer will take a decision, by 17 June 2019, as to whether the Council has grounds for appealing the ICO's decision to the First-tier Tribunal, or whether the redacted information and commercial appendices should be provided to the complainant (by 24 June 2019).

I have already made a public commitment to openness and transparency from this Council, as you will be aware.

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### COUNCILLOR QUESTION 2

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

#### Labour's Road by the Thames

Green councillor Jamie Whitham was elected at the recent local elections as the first-ever Green Party councillor in Redlands Ward in East Reading. This was a Green gain and a Labour loss. One of the biggest issues that came up on the doorstep was Reading Labour's disastrous, destructive plan to build a road by the River Thames. Green Party opposition to the road by the Thames was one of the reasons that residents voted for us in such large numbers. Although this scheme has been refused twice by Wokingham Council's planning applications committee the Deputy Leader of the council maintains that it is his aspiration to build a road by the Thames. Given this recent electoral defeat and with more to come will the Deputy Leader of the council reconsider this aspiration and remove the East Reading Mass Rapid Transport from the Local Plan?

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

I thank Cllr White for his question.

As colleagues know demand for new homes and jobs in Reading is increasing, and the town also remains a key shopping and leisure destination in the region. However, like many successful towns and cities, Reading suffers from significant levels of traffic congestion, and poor air quality is having a real effect on the health and wellbeing of our residents. In addition, earlier this year the Council declared a Climate Change emergency with ambitious plans to make Reading carbon neutral by 2030.

The new Local Plan sets out our strategy for how Reading will develop to 2036. This includes meeting the demand for new housing, meaning thousands of new homes both inside Reading and just outside the town in neighbouring authorities are planned in the coming years. This will create many thousands of new commuter journeys into and out of Reading which, without appropriate infrastructure, will continue to blight the health and quality of life of residents who live here. It is not a situation that any responsible authority can ignore and we have a duty to develop suitable solutions to effectively manage such challenges.

The East Reading Mass Rapid Transit scheme was a proposal that offered a sustainable walking, cycling and public transport alternative to the thousands of commuters who currently drive between Bracknell, Wokingham

and Reading every day, and add to the congestion and poor air quality experienced by residents in Reading. Whilst the ERMRT planning application has been withdrawn, the challenges that it sought to address remain exactly the same and will not go away or reduce. In stark terms, how does Reading plan ahead to successfully absorb the growth in housing, jobs and commuting in the future, whilst protecting the health and wellbeing of its residents?

We will need to reconsider options that were previously rejected, and which were set out in the ERMRT Option Appraisal Report of October 2016 which is available on the Council website.

In order to find solutions to these issues, the Council will very shortly be launching a consultation to help inform development of a new Local Transport Plan. This will build on the high-level transport strategy set out within the Local Plan, which includes the provision of transport improvements in east Reading to help manage the proposed levels of growth in the wider area; an approach the Planning Inspector through the Examination in Public of the Plan has not sought to change in her main modifications. The report at item 9 of today's agenda, *Main Modifications to the Local Plan*, outlines the next stages towards the Plan's adoption.

By launching a broad consultation on the challenges our town faces, we want to hear from residents, businesses and visitors about their ideas for transport solutions to help manage levels of congestion and improve air quality, whilst accommodating the significant levels of planned growth. The consultation will also focus on how we can improve the quality of life and health of residents in the Borough, alongside reducing carbon emissions in line with our updated Climate Change objectives.

I would encourage as many residents, businesses and other stakeholders as possible to engage with the consultation, which will provide an opportunity to influence our future plans at an early stage. Ideas will then feed into development of a new, fourth Local Transport Plan for Reading which will be consulted on when more detailed proposals have been developed following these initial consultations.