



CABINET

**Meeting: Wednesday, 11th November 2015 at 6.00 pm
in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

ADDENDUM

The following item was not provided for in the agenda for the meeting; however, the Chair of the meeting has agreed to accept this report as a matter of urgency:

5a.	SHOPMOBILITY SERVICE OPTIONS APPRAISAL
	To consider the report of the Cabinet Member for Communities outlining the options for the future of the Shopmobility Service and to recommend that a procurement exercise be undertaken.

Yours sincerely

Jon McGinty
Managing Director

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and

(b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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For further details and enquiries about this meeting please contact Tanya Davies, 01452 396127, atika.tarajiya@gloucester.gov.uk.

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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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Meeting:	Overview and Scrutiny	Date:	19 October 2015
	Cabinet		11 November 2015
Subject:	Shopmobility Service Options Appraisal		
Report Of:	Cabinet Member for Communities and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	Yes
Contact Officer:	Gill Ragon, Head of Public Protection		
	Email:	gill.ragon@gloucester.gov.uk	Tel: 396321
Appendices:	1. Shopmobility user consultation results summary 2. Minutes of Overview and Scrutiny		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were to ensure that thorough consideration was given to all relevant factors.

1.0 Purpose of Report

- 1.1 To outline the options for the future of the Shopmobility Service and to recommend that a procurement exercise is undertaken.

2.0 Recommendation

- 2.1 Overview and Scrutiny is asked to consider the information contained in the report and make any recommendations it considers appropriate to Cabinet.

- 2.2 Cabinet is asked to **RESOLVE:**

- (1) That the Shopmobility Service is put out to open procurement with social value.
- (2) That the Head of Public Protection is given delegated powers to work in partnership with another District Council for this procurement exercise should a favourable opportunity arise.
- (3) To note that the Cabinet Member for Communities, as the relevant Portfolio Holder, appoints the successful contractor.

3.0 Background and Key Issues

- 3.1 The Shopmobility is a non-statutory service that aims to provide access to the city centre's facilities for people with mobility impairment. The service's core business is the provision of powered scooters and wheelchairs to help people who have limited mobility through permanent or temporary disablement, illness, accident or age. The service is much valued by users who are visiting the city centre.
- 3.2 Shopmobility has operated from Hampden Way car park in Gloucester since 1990. The Service was set up by the City Council when the city centre was pedestrianised. In May 2009 a satellite service was opened in Gloucester Quays, however the take up of the service in this location was poor and it was therefore closed in 2011. In February 2011 Cabinet approved a proposal to move the Hampden Way operation to the Eastgate Indoor Market. However, following a motion at the Council Meeting in April 2011, it was agreed that further consultation with Shopmobility users would take place, specifically relating to the relocation of the service to Eastgate Indoor Market.
- 3.3 In May 2011, 136 Shopmobility users were consulted specifically on the proposed move to Eastgate Indoor Market;
- 90% of users indicated that the Market was not their preferred location.
 - Of these users (126), most cited access from the car park as their main concern with the move.
 - 96 users also raised concerns with the access to Shopmobility via the lift.
 - Of the users surveyed 80% used the Shopmobility service 3 or more times per week.
- 3.4 In July 2011 based on the above, Cabinet resolved that the Shopmobility Service should remain at Hampden Way for the present time. The same report also resolved that the City Council look to commission a partner in the Third Sector to find a long term solution for the delivery of Shopmobility and its location in the City and that Officers liaise with Cheltenham Borough Council on the joint procurement of a service provider.
- 3.5 An annual membership charge was introduced in October 2012 at a rate of £20 plus VAT per annum. Users who do not wish to become a member can hire a scooter at a daily rate of £3.00. The service also offers longer term hire of manual wheelchairs.
- 3.6 Currently the service employs five staff on part time contracted hours and three staff on zero hours contracts, with one regular volunteer. The service is open six days a week, Monday to Saturday, 09:30 until 17:00. The fleet includes 40 scooters, 5 motorised wheelchairs and 5 wheelchairs, all donated by the public. (Two of the scooters were purchased and donated by the Friends of Shopmobility.)
- 3.7 The cost of running the service, between April 2014 to March 2015, is detailed in the table below:

Outgoings		Income	
Wages	£57,000	Membership fees	£6,600
Pensions/Insurance	£10,000	Daily hire charges	£6,300
Equipment/fleet repair	£4,800	Donations	£800
Site maintenance/utilities etc	£3,200	Donated goods sales	£6,700
Back office support	£2,000		
Rates/other	£1,000		
Total	£78,000	Total	£20,400
Overall net cost	£57,600		

- 3.8 From this table it can be seen that The Shopmobility service runs at a net cost to the Council of £57,600.
- 3.9 The Council budget for 2014/15 shows a reduction in funding for the Shopmobility service of £50,000. Whilst the Council has delayed this savings target, in the current economic climate it cannot continue to. It is therefore necessary to look at ways to adapt the service to reduce the cost to the Council Tax payer.
- 3.10 To make savings of this magnitude it would be necessary to find alternative funding streams and or find additional income generating opportunities. For example the NHS or Social Services by demonstrating the savings this service generates for these organisations by keeping people independent. However this is difficult to put a price to. Alternatively it may be possible to secure an income from sponsorship or advertising from Commercial operations. In addition if Shopmobility was run by an organisation with a similar service it may be possible to reduce overheads. For example an organisation with a workshop might also be able to maintain the scooters. All of these are opportunities that the City Council is struggling to take up as it does not possess the necessary skills or contacts. However, should a third party take over Shopmobility then alternative funding streams may become available or alternatively by partnering with an organisation already working in this field, savings may be achieved through use of existing processes and resources. Potentially these include grant funding, advertising on scooters as well as possible synergy with their existing services.
- 3.11 From time to time small sums of money are bequeathed to the Shopmobility service, however one larger sum of £30,000 was also left for the Shopmobility Project. Whilst the smaller sums have been used the £30,000 has not and is still held by the Council. This money has a covenant attached stating that it can only be used for the Shopmobility project. This sum of money will be held by the Council until any organisation that is appointed by the Council as contractor has developed a proposal that is satisfactory to the Council for its use. Any decision to release the monies would be made with due regard to the covenant, the Council's finance procedures and would be subject to Cabinet approval.

- 3.12 In July and August this year 2 consultation exercises were undertaken. One of these was with the users of the Shopmobility Service and residents of the City, whilst the other was with organisations who might have an interest in running the Shopmobility Service.
- 3.13 During the Shopmobility user and resident consultation 47 survey responses were received and 3 drop in sessions were held. The results of the survey are attached to this report as appendix 1.
- 3.14 At the same time as the survey was conducted a pre-market engagement exercise was also undertaken to determine what, if any, interest there was likely to be to running this service. Three organisations submitted proposals, one was from a Charity, and another was from a Social Enterprise whilst the 3rd one was from a Commercial organisation. Each proposal included ideas on how they would run the service, how they would reduce the costs as well as how they would bring in additional income. This indicates that there is likely to be interest from all types of organisation if a procurement exercise is undertaken.
- 3.15 The Public Services (Social Value) Act 2012 requires authorities to consider in the context of procuring services how economic, social and environmental wellbeing may be enhanced. With the Shopmobility Service it is easy to see that social value could be included for example organisations could be asked to work with the long term unemployed. The advantage of this option is that any organisation can bid but that the City Council can ensure that the end result will be one of a net gain in social value.
- 3.16 In addition in the user and resident consultation exercise 14 respondents expressed a preference for a social enterprise to run the service and 16 expressed a preference for an organisation from the voluntary sector. An open procurement with social value should encourage interest from these types of organisations. The scope for the council to require social value as part of the contract means that there need be no restriction on the type of organisations that can have an opportunity to bid.
- 3.17 It is therefore recommended that a full procurement exercise is undertaken and that social value is included in the tender and contract documents.
- 3.18 The Overview and Scrutiny Committee considered the report on 19 October 2015 and their comments and recommendations are detailed in Appendix 2.

4.0 Asset Based Community Development (ABCD) Considerations

- 4.1 Open procurement of this service building in social value whilst listening to the views of the service users is very much in line with ABCD. ABCD will see the service develop with people that are dependent upon each other running the operation. By involving Social Enterprises and the Voluntary Sector and including social value ABCD is being used.

5.0 Alternative Options Considered

- 5.1 A range of options were considered for this service in order to achieve the £50,000 budget saving which are listed below together with the reasons why they are not recommended at this point in time.
- 5.2 Option 1 - Keeping the status quo. Reviewing the existing position it is apparent that savings to the budget cannot be found. In the present financial climate the cost of the service is unviable. Based on previous years and 2014-15 figures above the net operating costs will remain in the tens of thousands. Therefore this option is not recommended.
- 5.3 Option 2 - Increase charges to cover costs. The current membership charge is £20 (plus VAT unless exempt) per annum and the daily hire rate for occasional users is £3. To reduce the operating costs over a three year period to a point where the service would be self financing would mean an annual rate increase of over 100% initially. An estimate is in year 1 membership would have to rise to £50 plus VAT, year 2 £100 and Year 3 £150. Similarly daily hire rates would need to rise from £3 year 1, to £10 year 2 and £20 in year 3. Given the demographic of the majority of Shopmobility users these increases would make the service unaffordable for most and those that could afford to pay are unlikely to be willing to pay these prices which would result in a loss of members and daily users. This would leave the service under used and underfunded. In addition in the user and resident consultation survey only 3 out of 47 people that responded thought that increasing the fees was an acceptable option for generating the £50,000 saving. Therefore this option is not recommended.
- 5.4 Option 3 – To reduce the hours of operation of the service. This option is unlikely to deliver the savings required. For example a reduction in hours from 7.5 per day (9.30am to 5pm 6 days per week) to 5 per day (10am to 3pm 6 day per week) could generate a saving of around £19,000. To reduce the service hours any more than this is likely to impact heavily on the users who have clearly indicated in the user and resident survey that the current hours of operation are one of the key things that they like about the service. In addition if the hours are reduced too far then the service is unlikely to remain viable as use would decline. Therefore this option is not recommended.
- 5.4 Option 4 – A ‘light touch’ procurement exercise for social and other specific services. This approach does not really give the City Council or prospective bidders any real advantage and therefore this option is not recommended.
- 5.5 Option 5 – Open procurement to include social value. This is the recommended option as outlined in paragraph 3.14.
- 5.6 Option 6 - Shared service with Cheltenham Borough Council Shopmobility. This option was appraised in 2012/13 in a previous review. The appraisal found there was no opportunity to make any significant savings or any improvement to either Cheltenham or Gloucester service provision. Recent discussions with Cheltenham management has shown that Cheltenham Shopmobility is in a similar position to Gloucester with outgoings far outweighing income. In addition their costs per hire are £21.00 compared to ours which are around £8.00. Cheltenham are also, at present, having to identify a new site to operate from as their current site lease is

coming to an end. Therefore it is recommended that this option not be considered at present. If however the situation changes and it looks advantageous to consider sharing with Cheltenham then officers will take this forward.

- 5.7 Option 7 - Asset transfer to the community. Whilst this might be considered the ideal option the pre-market engagement exercise indicates that there is not currently a community group that would be interested in taking this forward. Although Gloucester Shopmobility Service does have a Friends group they did not submit a proposal under the pre-market engagement exercise and indicated that the current membership, due to health and / or age might struggle to take the service on.
- 5.8 Option 8 – To close the service. Option 8 has not been seriously considered due to the negative impact that it would have on the users. Whilst this would achieve the savings required, it would leave many residents of Gloucester with a permanent or temporary disability isolated and without a means to maintain a level of independence that is critical to their general wellbeing. This would have a knock on cost to other services such as the NHS and Social Services.

6.0 Reasons for Recommendations

- 6.1 If the Shopmobility service is successfully tendered immediate savings would be made from wages. Also back office costs would be saved. Although to secure the future of the service, there may be a need to enter into an agreement whereby support is provided on a decreasing scale over say 3 years. However it is likely that after a period of support, Shopmobility would be completely independent and largely self financing therefore removing the financial burden to the council, while still providing a much needed service to those with impaired mobility whilst also generating income for city centre businesses. As explained above during a recent pre-market engagement exercise 3 organisations submitted proposals. One was from a Charity, another was from a Social Enterprise whilst the 3rd one was from a Commercial organisation. This supports the notion that an open procurement with built in social value is the appropriate way forward. If all interested potential service providers have an opportunity to bid this will also give the best opportunity to guarantee a secure future for this important service.

7.0 Future Work and Conclusions

- 7.1 Preparation of the tender documentation to include TUPE agreement, opening hours, staffing levels and predicted financing details. It will also include the approach the Council is to adopt in connection with the premises that the Service occupies as well as the assets i.e. the scooters.

8.0 Financial Implications

- 8.1 The 2014/15 budget set a savings target of £50000 for this service area. The proposed procurement will enable delivery of these required savings to progress, however as raised earlier in this report this maybe over a period of time.

(Financial Services have been consulted in the preparation this report.)

9.0 Legal Implications

- 9.1 The City Council has been through a pre-market engagement exercise to explore options for its in house Shopmobility Service. Organisations that have participated in the exercise cannot be excluded from, or given any unfair advantage in, any future procurement.
- 9.2 Because there is potential for City Council service to be outsourced, as part of a Best Value Duty under Section 3 of the Local Government Act 1999 as amended, the City Council is required to go through a statutory Best Value consultation exercise. Such an exercise is to involve Council Tax payers, those who use or are likely to use the service and those appearing to have an interest in any area where the Council carries out its functions.
- 9.3 In carrying out any procurement, the City Council will need to follow the procedures set out in the Contract Standing Orders of its Constitution and the provisions of the Public Contracts Regulations 2015.
- 9.4 The City Council will need to decide how Shopmobility existing assets and future donations are to be dealt with if the procurement option is taken.
- 9.5 The City Council will need to decide the terms and conditions that will apply to the occupancy of the existing Shopmobility site if the procurement option is taken.
- 9.6 An Invitation to Tender set of documents will need to be drawn up by the City Council, including a Specification for the Service and Contract Terms and Conditions (and including the terms upon which any premises in support of the service will be made available) if the procurement option is taken.
- 9.7 TUPE transfer will apply to staff if the procurement option is taken.
- 9.8 Under the Public Services (Social Value) Act 2012 the City Council is required to consider and demonstrate it has considered how the Shopmobility Service, if procured, might improve the economic, social and environmental wellbeing of the area.

(One Legal have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

- 10.1 There is a risk that it will not be possible to find a suitable partner to run this service and that the Council does not realise the £50,000 savings target. The pre-market engagement exercise indicates that there is interest in the service and that this is not the case.

11.0 People Impact Assessment (PIA):

- 11.1 Staff transferring to another organisation will be covered by TUPE regulations. A condition will be included in any contract to ensure that any fees are set in consultation with the City Council to ensure that fees are kept at a reasonable level. By including social value in the tender requirements positive action is being included. The Council is also committed to finding a way for the Shopmobility

Service to be continued but at the same time delivering the budget savings. As long as the service continues people with temporary or permanent disabilities are not disadvantaged in accessing the City Centre.

- 11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

- 12.1 The Shopmobility service is a member of City Safe.

Sustainability

- 12.2 By including social value in the tender and adopting the ABCD approach to the future of this service a sustainable approach is being taken.

Staffing & Trade Union

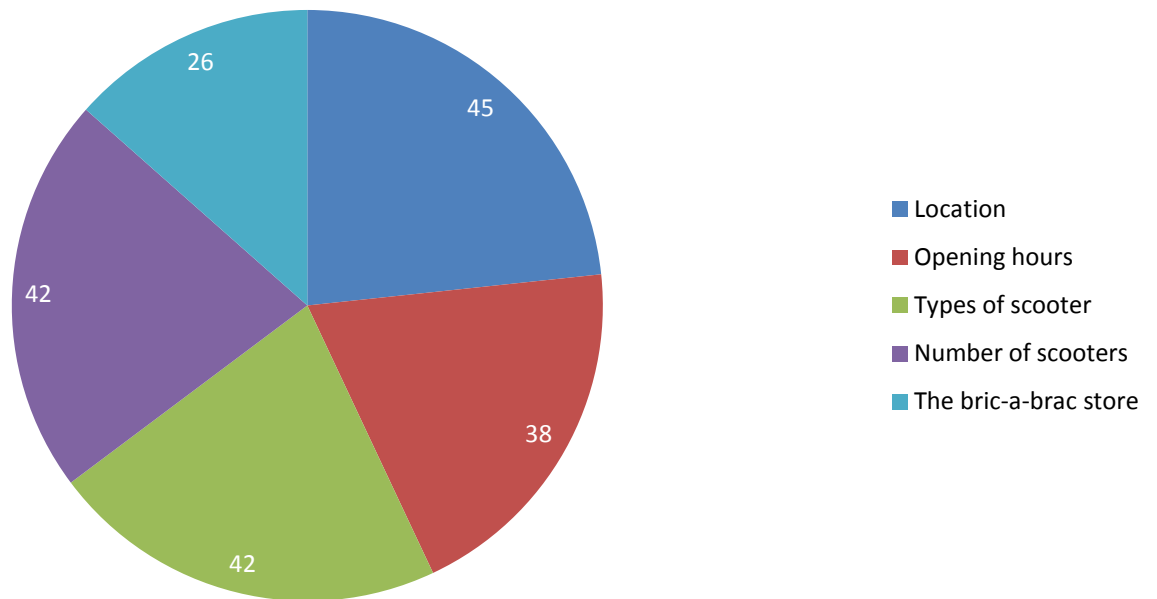
- 12.3 TUPE will apply to any staff transferring.

Press Release drafted/approved

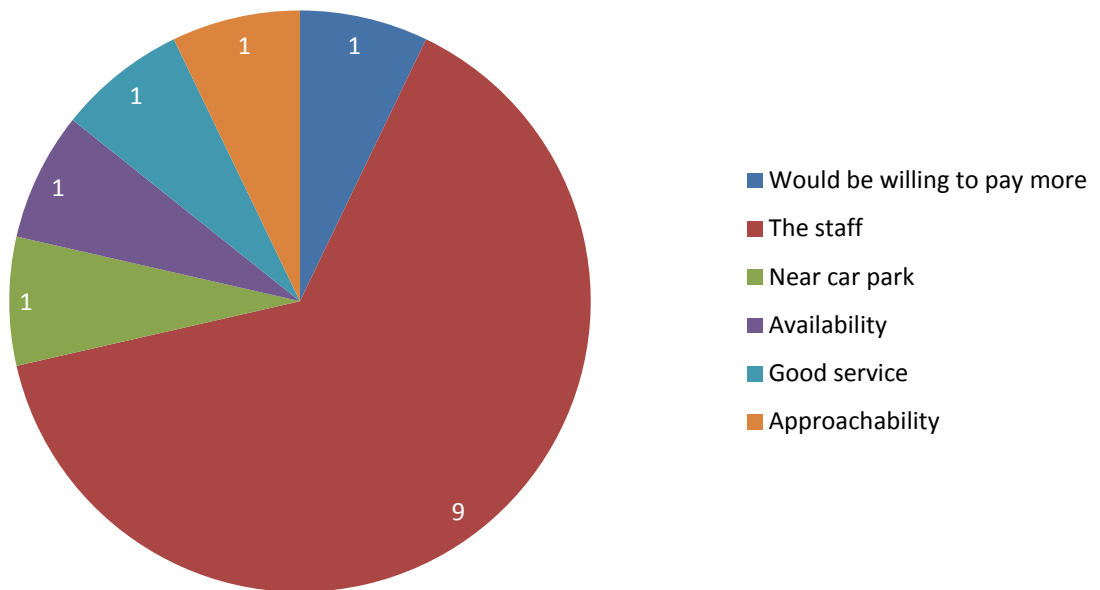
- 12.4 It is deemed to be premature at this stage.

Background Documents: User Survey
Pre-market engagement papers and proposals.
The Public Services (Social Value) Act 2012
The Public Services (Social Value) Act 2012 Explanatory Note

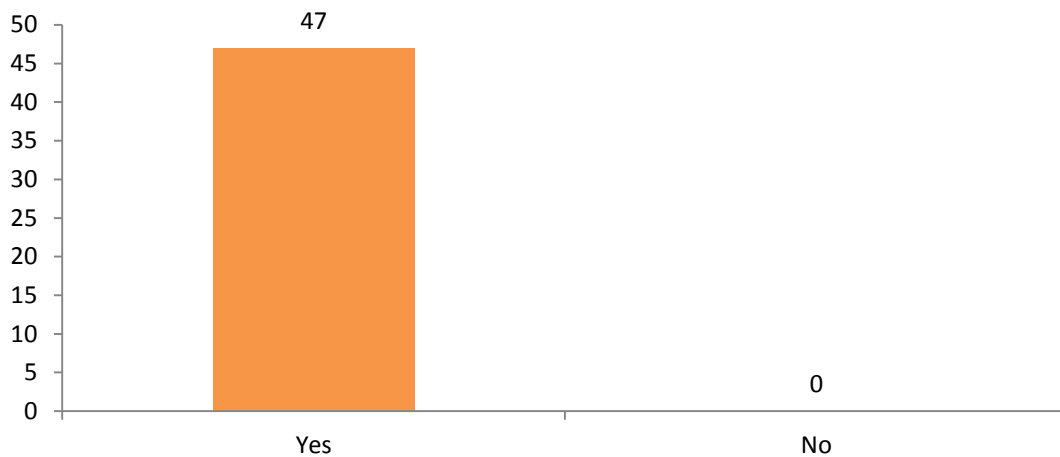
What do you like about the current Shopmobility Service?



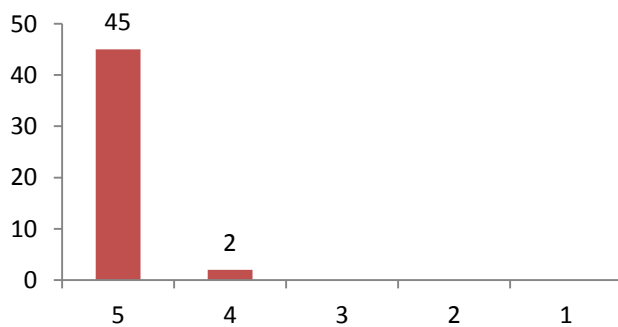
What do you like about the Service...Other



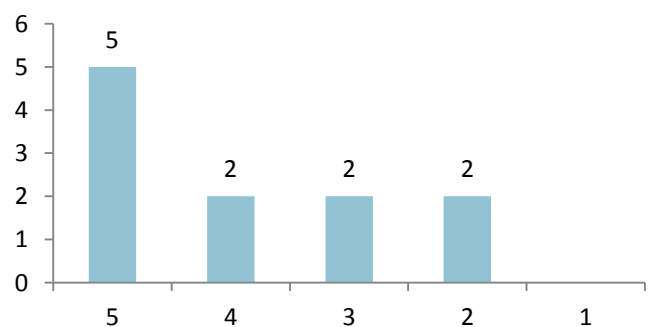
Would you recommend the service to others?



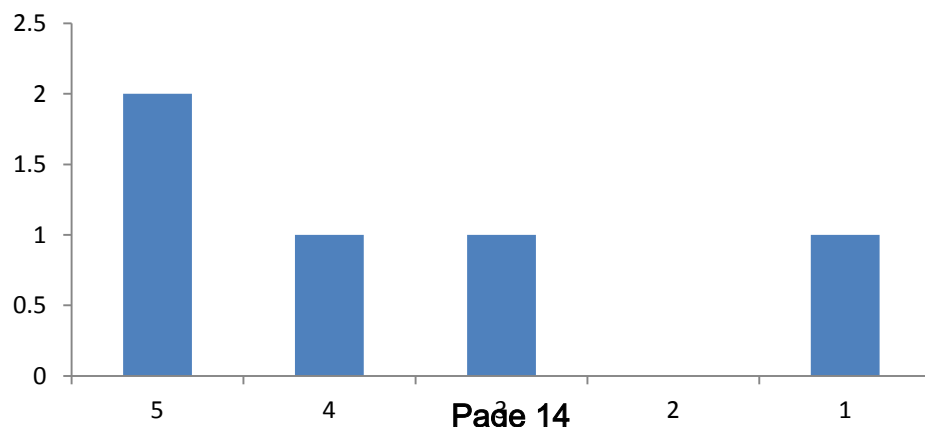
How would you rate the Gloucester service? 5 = Excellent, 1= Poor



How would you rate the Cheltenham Service? 5 = Excellent, 1 = Poor



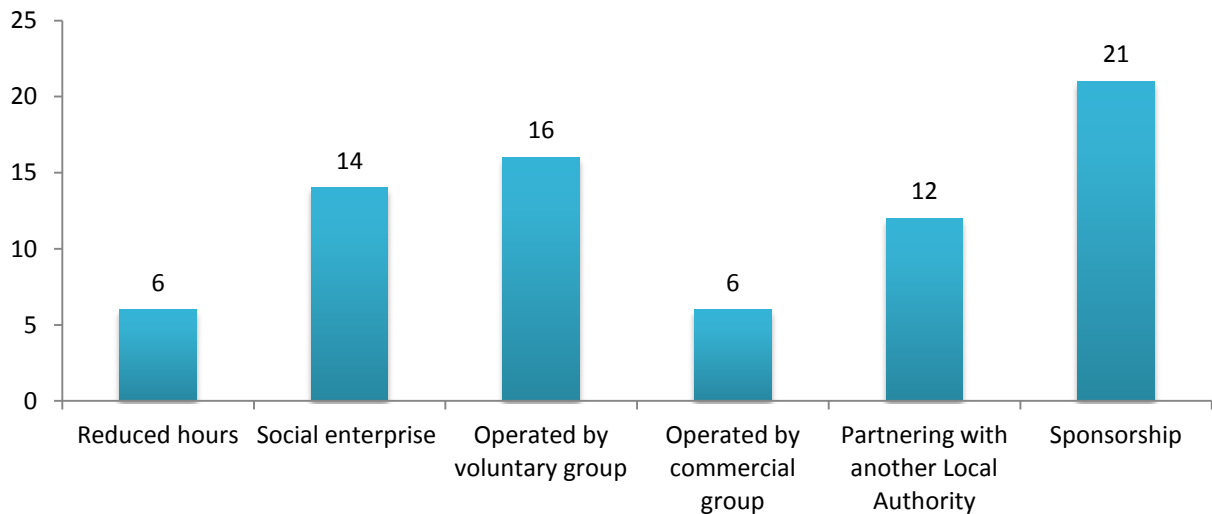
How would you rate the Weston Super Mare Service? 5 = Excellent, 1 = Poor



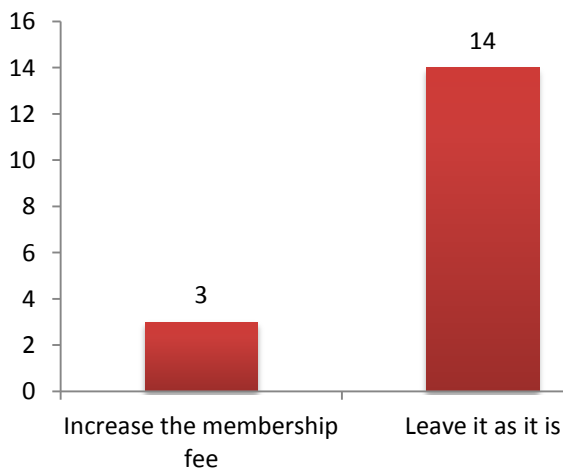
What is the most important thing to you about the Shopmobility Service?



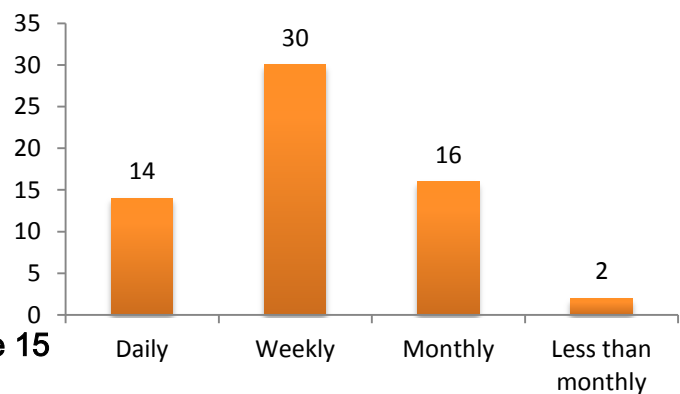
The Council needs to save £50,000. Which is the most acceptable way of doing so?



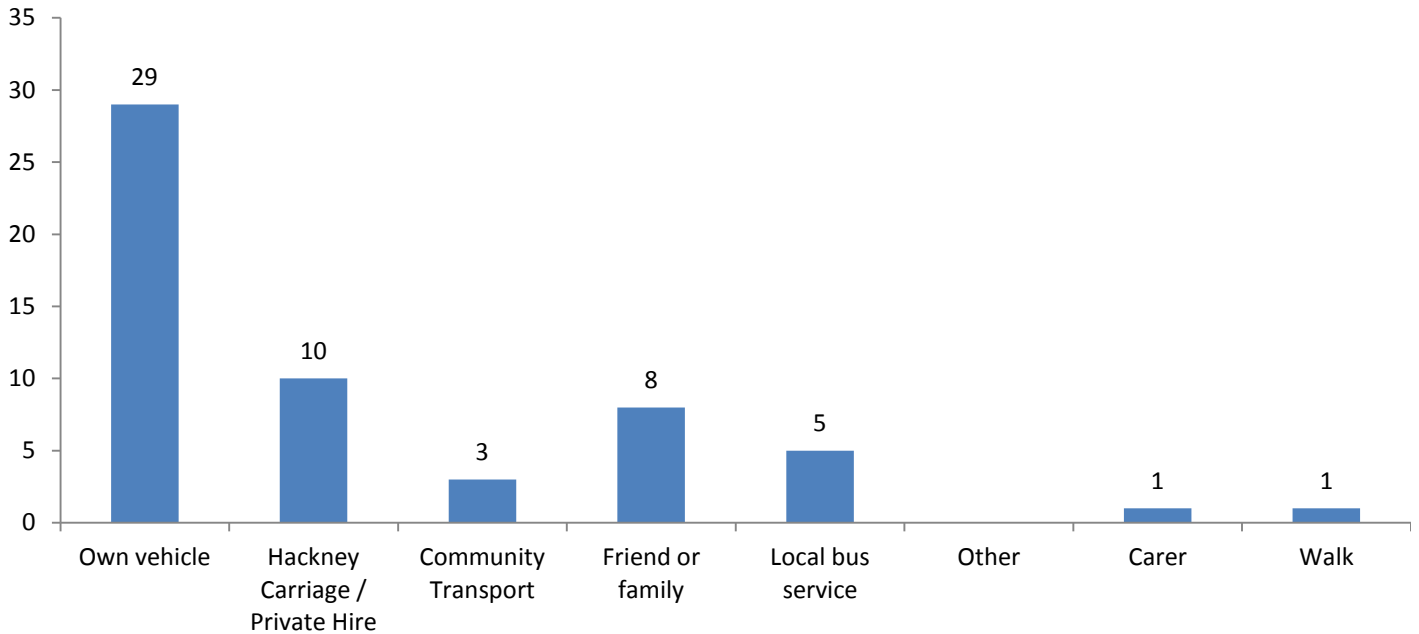
Other suggestions for saving £50,000



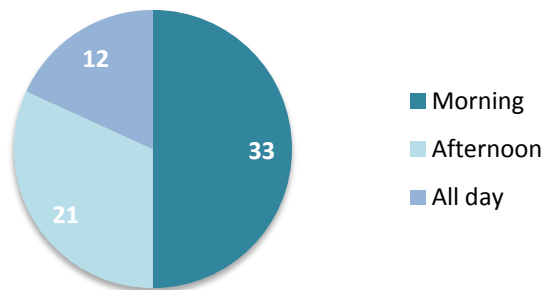
How often do you use the service?



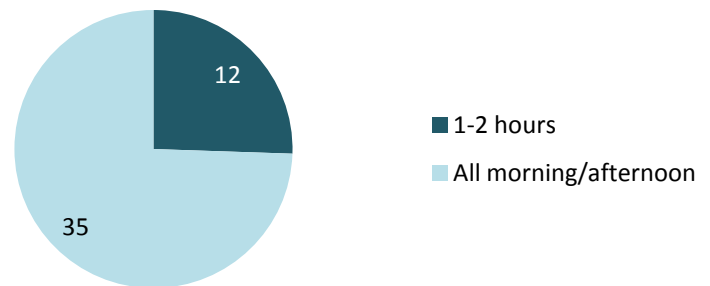
How do you access the service?



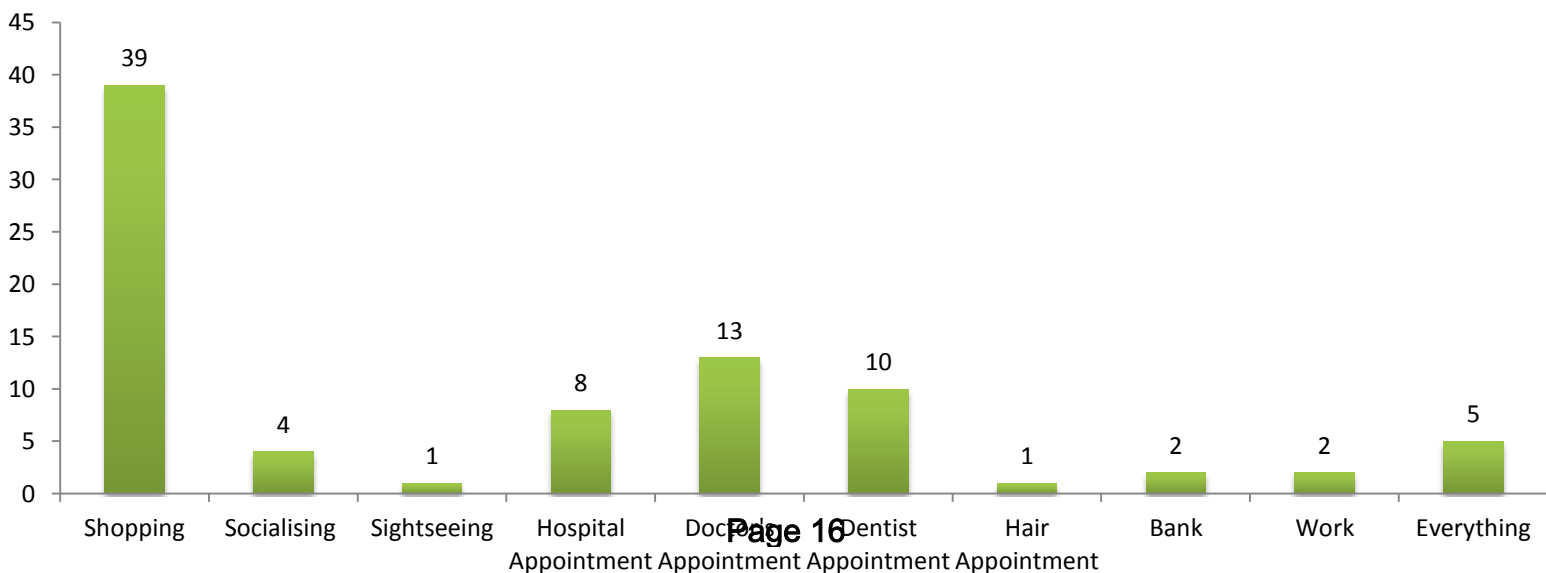
At what time of day do you use the service?



How long, on average, do you use the service for?



What do you use the scooter for?





OVERVIEW AND SCRUTINY COMMITTEE

MEETING : Monday, 19th October 2015

PRESENT : Cllrs. Lugg (Chair), H. Norman (Spokesperson), Haigh, Gravells, Lewis, S. Witts, Dee, Beeley, Hansdot, Pearsall, Randle, Toleman, Etheridge, Dallimore and Porter

Others in Attendance

Councillor Jennie Dallimore, Cabinet Member for Communities and Neighbourhoods

Councillor Jim Porter, Cabinet Member for Environment

Mr Jon McGinty, Managing Director, Gloucester City Council

Mr Ross Cook, Corporate Director, Gloucester City Council

Mr Meyrick Brentnall, Environmental Planning Manager, Gloucester City Council

Ms Sadie Neal, Head of Business Improvement

Mr Jeff Thomas, Shopmobility Manager

Mr Steve Elway, Chief Executive, Aspire Sports and Cultural Trust

Ms Jacquie Douglas, Business Development Director, Aspire Sports and Cultural Trust

APOLOGIES : Cllrs. Hampson and Field

44. SHOPMOBILITY SERVICE OPTIONS APPRAISAL

The Chair welcomed Cabinet Member for Communities and Neighbourhoods, Councillor Jennie Dallimore; Mr Ross Cook, Corporate Director; and Mr Jeff Thomas, Shopmobility Manager; to the meeting.

Members were presented with a report which outlined the options for the future of the Shopmobility Service and which recommended that a procurement exercise be undertaken.

Councillor Dallimore acknowledged Mr Berry's comments during public question time and agreed that it was an excellent service and that the Cabinet wanted to protect it. She explained that it was not sustainable to continue to operate Shopmobility in its existing format and that it was necessary to review it in order to protect its future. Councillor Dallimore stated that she was committed to examining this matter in an open and transparent way. Councillor Dallimore concluded her presentation by asking Members for their feedback.

OVERVIEW AND SCRUTINY COMMITTEE

19.10.15

Overview and Scrutiny Committee was asked to consider the information contained in the report and to make any recommendations it considered appropriate to Cabinet.

The Committee discussed the following matters:-

1. A Member expressed concern that the Council was not able to continue supporting Shopmobility and referred to the Members' Allocation Fund which was provided to all Gloucester City Councillors for spending in their Wards. The Member suggested that this money could be better spent by diverting it to Shopmobility. The Member also reflected that the Council should be doing more to enable disabled residents to fulfil their lives. Councillor Dallimore acknowledged the Member's comments and stated that the Members' Allocation Fund could not be used in its entirety to support the project, but that the Member was welcome to donate their proportion of it to the service.
2. A Member referred to the recommendations in the report which sought the granting of delegated powers to the Head of Public Protection in order to progress the procurement exercise. The Member requested that a decision of this importance should be referred to full Council. Mr Jon McGinty, Managing Director, advised the Member that in accordance with the Council's constitution, this was an executive function which was delegated to Cabinet to determine and that it was not appropriate to refer it to full Council. The Member requested that recommendations 2.2 (2) and 2.2(3) be removed from the report and that any decisions relating to the procurement process be made by Cabinet.
3. The Chair referred to paragraph 3.10 of the report and queried whether any approach had been made to the NHS. Councillor Dallimore replied that the Head of Public Protection had contacted the County Council and also referred to an email from the County Council's Cabinet Member in this regard.
4. A Member voiced the opinion that only Options 2 and 3 were suitable which looked at increasing costs and reducing operating hours. Councillor Dallimore referred the Member to the consultation with users on these two options which had resulted in them not being chosen and reminded the Member the reasons why Option 5 was the preferred option. Another Member agreed that Options 2 and 3 should be combined to make a new Option 9. Councillor Dallimore said that the hours and charges could be examined alongside Option 5, but that she was conscious of the views already expressed by Shopmobility users during the recent consultation.
5. A Member sought clarification on the pre-market engagement exercise mentioned in paragraph 6.1. Mr Ross Cook, Corporate Director, advised that the three organisations referred to might not necessarily express the same interest during an open procurement exercise.
6. A Member referred to the small public health grant given to the City Council by the County Council each year and noted that the City Council had

OVERVIEW AND SCRUTINY COMMITTEE
19.10.15

discretion on the use of this funding. The Member also placed on record the Committee's gratitude to Councillor Dallimore for bringing the report before them. Turning to paragraph 3.11 of the report, the Member suggested that the wording in this section should be 'tightened up'. The Member also commented on comparisons between the Gloucester and Cheltenham services.

7. A Member asked the Cabinet Member to consider the social element of the service and expressed doubt that the proposed procurement would enable delivery of the required savings. Councillor Dallimore responded that the Council had a good track record of putting services out and attracting partners.

RESOLVED:

1. That paragraphs 2.2(2) and 2.2(3) be removed from the report.
2. That any decisions relating to the procurement process be made by the Cabinet and not by the Head of Public Protection.
3. That the wording in paragraph 3.11 be reviewed.

Time of commencement: 6.30 pm hours

Time of conclusion: 8.40 pm hours

Chair

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