



Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ

Wednesday, 10 July 2013

## **TO EACH MEMBER OF GLOUCESTER CITY COUNCIL**

Dear Councillor

You are hereby summoned to attend a **MEETING OF THE COUNCIL** of the **CITY OF GLOUCESTER** to be held at the Council Chamber, North Warehouse, The Docks, Gloucester on **Thursday, 18th July 2013** at **19:00** hours for the purpose of transacting the following business:

### **AGENDA**

#### **1. APOLOGIES**

To receive any apologies for absence.

#### **2. MINUTES (Pages 1 - 20)**

To approve as correct records the minutes of the following Council Meetings:

- (a) Special Council Meeting - 20<sup>th</sup> May 2013
- (b) Annual Council Meeting - 20<sup>th</sup> May 2013

#### **3. DECLARATIONS OF INTEREST**

To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.

#### **4. PUBLIC QUESTION TIME (15 MINUTES)**

The opportunity is given to members of the public to put questions to Cabinet Members or Committee Chairs provided that a question does not relate to:

- Matters which are the subject of current or pending legal proceedings or

- Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers.

**5. PETITIONS AND DEPUTATIONS (15 MINUTES)**

A period not exceeding three minutes is allowed for the presentation of a petition or deputation provided that no such petition is in relation to:

- Matters relating to individual Council Officers, or
- Matters relating to current or pending legal proceedings

**6. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))**

To receive announcements from:

- a) The Mayor
- b) Leader of the Council
- c) Members of the Cabinet
- d) Chair of Overview and Scrutiny Committee
- e) Chief Executive

**ISSUES FOR DECISION BY COUNCIL**

**7. SUSPENSION OF COUNCIL PROCEDURE RULES**

To waive Council Procedure Rules to allow the relevant officers to address the Council in respect of Items 10 and 12 on the agenda.

**8. CHANGES TO GLOUCESTERSHIRE HOMESEAKER (CHOICE BASED LETTINGS SCHEME) POLICY - FOLLOWING CONSULTATION (Pages 21 - 82)**

Report by the Cabinet Member for Housing, Health and Leisure

**9. THE FUTURE OF MARKETING GLOUCESTER (Pages 83 - 92)**

Report of the Cabinet Member for Regeneration and Culture

**10. RUGBY WORLD CUP 2015 (Pages 93 - 98)**

Joint report of the Leader of the Council and the Chief Executive

**11. COMMUNITY RIGHT TO BID (ASSETS OF COMMUNITY VALUE) - PROPOSED PROCEDURE (Pages 99 - 122)**

Joint Report by Cabinet Member of Regeneration and Cabinet Member for Communities and Neighbourhoods

12. **REVIEW OF MEMBERS' ICT (Pages 123 - 132)**

Report of the Corporate Director of Resources

13. **OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2012/13 (Pages 133 - 148)**

Report of the Chair of Overview and Scrutiny Committee

Council is asked to **RESOLVE** that the Overview & Scrutiny Committee Annual Report 2012/13 be noted.

14. **QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12) (Pages 149 - 162)**

a) Written questions to Cabinet Members

Written questions and answers. Only one supplementary question is allowed per question.

b) Leader and Cabinet Members' Question Time (45 minutes)

Any member of the Council may ask the Leader of the Council or any Cabinet Member any question without prior notice, upon:

- Any matter relating to the Council's administration
- Any matter relating to any report of the Cabinet appearing on the Council's summons
- A matter coming within their portfolio of responsibilities

Only one supplementary question is allowed per question.

c) Questions to Chairs of Meetings (15 Minutes)

**MOTIONS FROM MEMBERS**

15. **NOTICES OF MOTION**

**(1) MOVED BY COUNCILLOR HAIGH**

This Council notes

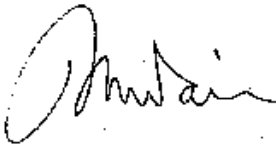
- That by the end of this Parliament, Local Government will have been cut by 33%. In comparison, Whitehall departments will have faced reductions of 12%.
- That the Government Spending review will mean further cuts of 10% to Local Government
- That the Council Tax freeze, due to be lifted next April, is now to be

extended over the next two years.

- That the Local Government Association Chair, Sir Merrick Cockell, and over 150 Council Leaders have written to George Osborne to make the case that Local Government can no longer bear the brunt of these cuts.
- That devolving money from Whitehall to local areas to increase co-operation between public agencies, saves money and improves services

This Council supports the Local Government's case made in Rewiring Public Services for Local Government finance to be put on a sustainable and independent footing in the future and will work with the Local Government Association to achieve that.

Yours sincerely



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**Julian Wain**  
**Chief Executive**

## 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.

#### **Access to Information**

Agendas and reports can be viewed on the Gloucester City Council website: [www.gloucester.gov.uk](http://www.gloucester.gov.uk) and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Penny Williams, 01452 396125, [penny.williams@gloucester.gov.uk](mailto:penny.williams@gloucester.gov.uk).

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

#### **FIRE / EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



## COUNCIL

**MEETING** : Monday, 20th May 2013

**PRESENT** : Cllrs. Brown (Mayor), McLellan (Sheriff & Deputy Mayor), James, Llewellyn, Williams, Organ, Dallimore, Hilton, Haigh, Gravells, Durrant, Tracey, Hobbs, C. Witts, Smith, Lugg, Noakes, Ravenhill, Hanman, Lewis, Wilson, Bhaimia, Field, Dee, Porter, Taylor, Beeley, Hansdot, Wood, Gilson, Mozol, Patel, Randle and Chatterton

### **Others in Attendance**

Julian Wain, Chief Executive

Peter Gillett, Corporate Director of Resources

Martin Shields, Corporate Director of Services and Neighbourhoods

Sue Mullins, Group Manager Legal and Democratic Services

**APOLOGIES** : Cllrs. S. Witts and Toleman

### **94. DECLARATIONS OF INTEREST**

There were no declarations of interests.

### **95. ADMISSION OF HONORARY FREEMEN**

The Council considered a Report by the Chief Executive asking it to confer the honour and title of Honorary Freeman of the City of Gloucester on Dr Edwin Gregory Smith and Mr Ian Richard Mean in recognition of their significant contributions to the work of the Gloucester Heritage Urban Regeneration Board (GHURC Board) and to the City.

Councillor James moved –

“ (1) Pursuant to Section 249 of the Local Government Act 1972, Gregory Edwin Smith be admitted as an Honorary Freeman of the City of Gloucester in recognition of his significant contribution to the work of the Gloucester Heritage Urban Regeneration Board and to the City.

(2) Pursuant to Section 249 of the Local Government Act 1972, Ian Richard Mean be admitted as an Honorary Freeman of the City of Gloucester in recognition of his significant contribution to the work of the Gloucester Heritage Urban Regeneration Board and to the City.”

**COUNCIL  
20.05.13**

In moving the motion Councillor James highlighted the grounds on which the recommendation had been brought before Council and the public services that Dr Smith and Mr. Mean had rendered to the City.

The motion was seconded by Councillor Hilton and in so doing highlighted the gratitude that the Council had for the work of both individuals

Councillor Haigh added her comments of support to the proposal acknowledging the contributions that Dr Smith and Mr. Mean had offered to the GHURC Board and the regeneration of the Gloucester Docks.

On being put to the vote the motion was unanimously carried and it was-

**RESOLVED -**

- (1) Pursuant to Section 249 of the Local Government Act 1972, Gregory Edwin Smith be admitted as an Honorary Freeman of the City of Gloucester in recognition of his significant contribution to the work of the Gloucester Heritage Urban Regeneration Board and to the City.
- (2) Pursuant to Section 249 of the Local Government Act 1972, Ian Richard Mean be admitted as an Honorary Freeman of the City of Gloucester in recognition of his significant contribution to the work of the Gloucester Heritage Urban Regeneration Board and to the City.”

Dr Smith and Mr. Mean were each invited to Swear in the presence of the Mayor and Members of the City Council the Freeman’s Oath and each were duly presented by the Mayor their framed Honorary Freedom scroll.

Dr. Smith and Mr. Mean each addressed the Council expressing their thanks for the Honour that had been conferred upon them by the City Council.

**Time of commencement: 15:00 hours  
Time of conclusion: 15:15 hours**

**Chair**





## COUNCIL

**MEETING** : Monday, 20th May 2013

**PRESENT** : Cllrs. Brown, McLellan, James, Llewellyn, Williams, Organ, Dallimore, Hilton, Haigh, Gravells, Durrant, Tracey, Hobbs, C. Witts, Smith, Lugg, Noakes, Ravenhill, Hanman, Lewis, Wilson, Bhaimia, S. Witts, Field, Dee, Porter, Taylor, Beeley, Hansdot, Wood, Gilson, Mozol, Patel, Randle, Toleman and Chatterton

### **Others in Attendance**

Julian Wain, Chief Executive

Peter Gillett, Corporate Director of Resources

Martin Shields, Corporate Director of Services and Neighbourhoods

Sue Mullins, Group Manager Legal and Democratic Services

### **1. ELECTION OF MAYOR**

Moved by Councillor Haigh, seconded by Councillor Hobbs -

**RESOLVED** - That Councillor Chris Chatterton be elected Mayor of the City of Gloucester until the Annual Council Meeting in 2014.

### **2. ELECTION OF SHERIFF AND DEPUTY MAYOR**

Moved by Councillor Lugg, seconded by Councillor Bhaimia -

**RESOLVED** - That Councillor Said Hansdot be elected Sheriff and Deputy Mayor of the City of Gloucester until the Annual Council Meeting in 2014.

### **3. OUTGOING MAYOR AND SHERIFF AND DEPUTY MAYOR**

Moved by Councillor Wilson and seconded by Councillor Beeley -

**RESOLVED** – That the best thanks of this Council be given to the outgoing Mayor, Councillor David Brown, and the outgoing Sheriff and Deputy Mayor, Councillor Phil McLellan, for the manner in which they discharged the duties of their respective Civic Offices from May 2012 to May 2013 in the 2012-2013 Council year.

**The meeting was adjourned for afternoon tea and reconvened at 17.40 p.m.**

**COUNCIL**  
**20.05.13**

**4. MINUTES**

**RESOLVED** - That the minutes of the Council meeting held on 21 March 2013 be approved and signed by the Mayor as a correct record subject to the correct spelling of *Paju* in paragraphs 92b.23 and 92b.24.

**5. DECLARATIONS OF INTEREST**

Councillors Beeley, Hansdot, Lugg, Randle and Toleman declared personal interests in Agenda item 14, concerning the Housing Options Update, by virtue of their positions as members of Gloucester City Homes Board.

Councillors Hanman, McLellan and Smith declared personal interests in Agenda item 14, concerning the Housing Options Update, by virtue of their positions as members of Gloucester Homes Customer Forum.

**6. ANNOUNCEMENTS**

The Mayor reminded the Council, as previously mentioned in his acceptance speech earlier in the afternoon, that the Very Reverend Stephen Lake, Dean of Gloucester Cathedral, had invited him to be placed in the unique Mayor's stall within the Cathedral. This would take place during Choral Evensong on Wednesday 22<sup>nd</sup> May 2013 and a cordial invitation was extended to all councillors who may wish to attend.

**7. ELECTION OF LEADER OF THE COUNCIL**

Moved by Councillor Llewellyn, seconded by Councillor Dallimore -

**RESOLVED** - (18 Members voting in favour, 9 Members voting against and 9 Members abstaining)

That for the 2013-14 municipal year, Councillor James be elected Leader of the Council.

Following election, the Leader of the Council advised of appointments to the Cabinet and allocations of portfolios as follows:

Councillor Paul James	Regeneration and Culture
Councillor Fred Wood	Performance and Resources
Councillor Sajid Patel	Environment
Councillor Colin Organ	Housing, Health and Leisure
Councillor Jennie Dallimore	Communities and Neighbourhoods

The Leader also advised the Council that he had appointed Councillor Dallimore as Deputy Leader of the Council to act in his absence.

The Leader of Council was currently finalising the names of Champions and these would be notified in the next few days.

**COUNCIL  
20.05.13**

The Leader thanked Councillor Debbie Llewellyn (former Deputy Leader of the Council and Cabinet Member for Performance and Resources) and Councillor Kathy Williams (former Cabinet Member for Environment) for their previous services as Members of the Cabinet. He presented to them their name plaques in recognition of their services.

**8. SUSPENSION OF COUNCIL PROCEDURE RULES**

Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture), seconded by Councillor Dallimore (Deputy Leader of the Council and Cabinet Member for Communities and Neighbourhoods) -

**RESOLVED** - That Council Procedure Rules be suspended to allow the relevant officers to address the Council in respect of agenda items 12 (Treasury Management Strategy 2013-14) and 13 (Pay Policy Statement 2013-14).

**9. APPOINTMENTS TO COMMITTEES, CONSULTATIVE FORUMS AND WORKING PARTIES AND NOMINATION FOR CHAIRS OF COMMITTEES AND VICE CHAIRS FOR 2013-14**

The Council considered an updated Schedule of Appointments to Committees, Consultative Forums and Working Groups, and nominations for Chairs and Vice Chairs for the municipal year 2013-14. The appointment of Chairs and Vice Chairs to committees would be made at the first meeting of each committee. A copy of the updated Schedule of Appointments is appended to these minutes.

Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture), seconded by Councillor Dallimore (Deputy Leader of the Council and Cabinet Member for Communities and Neighbourhoods) -

**RESOLVED –**

- (1) That the Schedule of Appointments of Members to Committees, Consultative Forums and Working Groups for 2013-14 be approved (as appended to these minutes).
- (2) That the nominations for Chair and Vice Chair of Committees, as set out in the appended Schedule be noted and that each Committee at its first meeting in the new municipal year 2013-14 will confirm and appoint its Chair and Vice Chair.
- (3) That in respect of the Planning Committee, each of the Political Groups be invited to nominate those Members to be named as substitutes and that these be incorporated into the updated Schedule appended to these minutes.

**10. APPOINTMENTS TO OUTSIDE BODIES FOR 2013-14**

The Council received a Schedule of Appointments to outside bodies.

**COUNCIL  
20.05.13**

Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture), seconded by Councillor Dallimore (Deputy Leader of the Council and Cabinet Member for Communities and Neighbourhoods) -

**RESOLVED** - That the schedule of appointments to Outside Bodies be approved, subject to the following amendments –

- (1) That Councillor Hobbs be appointed to the Aspire Sports and Cultural Trust.
- (2) That Mr. M. White replaces Mr.R.Ring on the Gloucester Charities Trust.
- (3) That Mr. G. Heath be appointed to the Gloucester Historic Buildings Trust.
- (4) That Councillor Bhamia be appointed to the Gloucester Relief in Sickness Fund.
- (5) That Councillor Field be appointed to the Llanthony Secunda Priory Trust.

(A copy of the updated schedule of appointments reflecting the amendments is attached to these minutes)

**11. ADOPTION OF THE CONSTITUTION**

The Council considered a report of the Monitoring Officer and Group Manager, Legal and Democratic Services seeking adoption of the Council's Constitution for the municipal year 2013-2014.

Moved by Councillor Taylor, seconded by Councillor Field -

**RESOLVED** - that the Constitution, approved by Council on 21<sup>st</sup> March 2013, be adopted for the municipal year 2013-2014.

**12. TREASURY MANAGEMENT STRATEGY 2013-14**

The Council considered a report by the Corporate Director of Resources formally recommending that the Council approves the Treasury Management Strategy, the Prudential Indicators and to note the treasury activities.

The Corporate Director of Resources addressed the Council emphasising that the report met the Council's legal requirement to review and monitor its Treasury Management Strategy. The strategy also recognised the self financing of housing under the Housing Revenue Account (HRA) self financing regulations. All advice received from the Council's treasury management advisers had been adhered to. The treasury management advisers would also be organising a training event for members of the Audit and Governance Committee and the Cabinet.

**COUNCIL**  
**20.05.13**

Moved by Councillor Wood (Cabinet Member for Performance and Resources), seconded by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture) -

**RESOLVED** - that

- (1) The Treasury Management Strategy, which sets out how the Council's treasury service will manage external borrowing and investments in support of the capital programme, be approved;
- (2) The authorised borrowing limit be approved at:-
  - a. 2013/14 £84m
  - b. 2014/15 £86m
  - c. 2015/16 £87m
- (3) The Housing Revenue Account capital financing requirement be limited to £62.750m in accordance with the debt cap imposed through the HRA self financing regime.
- (4) The prudential indicators in section 2 of the Strategy, which set out the capital plans, financing, minimum revenue provision policy statement and affordability on the Council tax and rents, be approved.

**13. PAY POLICY STATEMENT 2013-14**

The Council considered a report by the Corporate Director of Resources seeking approval to the Council's Pay Policy Statement for 2013-14 produced in accordance with the requirements of Section 38 of the Localism Act 2011.

Moved by Councillor Wood (Cabinet Member for Performance and Resources), seconded by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture) -

**RESOLVED** - that the Pay Policy Statement for 2013-14 attached as Appendix A to the report be approved.

**14. HOUSING OPTIONS UPDATE**

The Council considered a Report of the Cabinet Member for Housing, Health and Leisure providing members with an update on progress as a result of meetings held between the Council, Gloucester City Homes and Government Departments about the Council and Community Owned (CoCo) model as the future strategic housing investment option for the Council going forward.

Moved by Councillor Organ (Cabinet Member for Housing, Health and Leisure), seconded by Councillor James (Leader of the Council and Cabinet Member for Regeneration) -

**COUNCIL  
20.05.13**

**RESOLVED** - that the report be noted.

**Time of commencement: 15:15 hours**

**Time of conclusion: 18:15 hours**

**Chair**

**ANNUAL COUNCIL MEETING  
MONDAY 20 MAY 2013**

**Appointments to Committees, Consultative Forums and Working Parties and  
Nomination for Chairs of Committees and Vice Chairs for 2013/14**

**NB. The appointment of Chairs and Vice Chairs to Committees  
will be made at the first meeting of each Committee**

**Recommendations**

Council is asked to **RESOLVE** that

- (1) The schedule of appointments of Members to Committees, Consultative Forums and Working Groups for 2013/14 be approved.
- (2) In respect of the above, the Council, in accordance with Council Procedure Rules, appoint all Members as named deputies for all those meetings (with the exception of Cabinet, Planning Committee and Licensing and Enforcement Committee) to which the Member has not been appointed.
- (3) That the nominations for Chair and Vice Chair of Committees, as set out in the schedule, be noted and that each Committee at its first meeting in the new municipal year 2013/14 confirms and appoints its Chair and Vice Chair.

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In accordance with the Council's Constitution, representation on the following committees/bodies are **not** subject to political balance rules.

- Constitution and Electoral Working Group
- ICT Working Group
- Equality Champions Group
- Regeneration Advisory Board

Alternative arrangements for appointments to these committees/bodies can be approved provided no Member of the Council votes against.

The number of seats held by the three political groups expressed as a percentage on the City Council (36) is:

Conservative	18 seats	(% of 36) = 50.00%
Liberal Democrat	9 seats	(% of 36) = 25.00%
Labour	9 seats	(% of 36) = 25.00%

When applied to the total number of committee seats (67) seats these percentages give the following aggregate entitlement (rounded up/down to the nearest whole seat) for each Group:-

Conservative	50.00% of 67 = <b>34</b> (33.5)	
Liberal Democrat	25.00% of 67 = <b>17</b> (16.75)	
Labour	25.00% of 67 = <b>17</b> (16.75)	<b>Variance in total seats = +1</b>

When the same percentages are applied to the number of seats on each committee/body (assuming the committees/bodies remain the same size as in the last municipal year) they give the following provisional entitlement to seats on each committee/body, rounded up or down to the nearest whole seat:-

	<b>Con</b>	<b>Lib Dem</b>	<b>Lab</b>	
<b>Committee Size</b>	<b>50%</b>	<b>25%</b>	<b>25%</b>	<b>Seat Variance</b>
<b>15</b>	<b>8</b> (7.5)	<b>4</b> (3.75)	<b>4</b> (3.75)	<b>+1</b>
<b>13</b>	<b>7</b> (6.5)	<b>3</b> (3.25)	<b>3</b> (3.25)	<b>0</b>
<b>7</b>	<b>4</b> (3.5)	<b>2</b> (1.75)	<b>2</b> (1.75)	<b>+1</b>
<b>6</b>	<b>3</b> (3)	<b>2</b> (1.5)	<b>2</b> (1.5)	<b>+1</b>
<b>5</b>	<b>3</b> (2.5)	<b>1</b> (1.25)	<b>1</b> (1.25)	<b>0</b>

The calculation above results in a total variance of +4 seats across all committees/bodies subject to political proportionality. To reach the total available number of seats (67), allocations are adjusted as follows:

	<b>Con</b>	<b>Lib Dem</b>	<b>Lab</b>	
<b>Committee Size</b>	<b>50%</b>	<b>25%</b>	<b>25%</b>	<b>Seat Variance</b>
<b>15</b>	<b>7</b> (7.5)	<b>4</b> (3.75)	<b>4</b> (3.75)	<b>0</b>
<b>13</b>	<b>7</b> (6.5)	<b>3</b> (3.25)	<b>3</b> (3.25)	<b>0</b>
<b>7</b>	<b>3</b> (3.5)	<b>2</b> (1.75)	<b>2</b> (1.75)	<b>0</b>
<b>6</b>	<b>2</b> (3)	<b>2</b> (1.5)	<b>2</b> (1.5)	<b>0</b>
<b>5</b>	<b>3</b> (2.5)	<b>1</b> (1.25)	<b>1</b> (1.25)	<b>0</b>

Using the adjusted calculation, the variation of the number of seats based on proportionality and each political party's entitlement is as follows:

	Provisional allocation (as indicated in schedule below)	Entitlement to seats on committees/bodies based on proportionality/Widdicombe principles	Variation
<b>Conservative</b>	33	34	-1
<b>Liberal Democrat</b>	17	17	0
<b>Labour</b>	17	17	0



**Committees, Consultative Forums and Working Parties subject to political proportionality**

<b>OVERVIEW &amp; SCRUTINY COMMITTEE</b>			
<b>Membership (15)</b>	<b>Con (7)</b>	<b>Lib Dem (4)</b>	<b>Lab (4)</b>
<b>Cllr. Lugg</b>	<b>(Lab)</b>	<b>(Chair)</b>	
<b>Cllr. Beeley</b>	<b>(Lib)</b>	<b>(Vice Chair)</b>	
<b>Cllr. Llewellyn</b>	<b>(Con)</b>	<b>(Spokesperson)</b>	
Cllr. Chatterton	(Lab)		
Cllr. Dee	(Con)		
Cllr. Field	(Lib)		
Cllr. Gravells	(Con)		
Cllr. Haigh	(Lab)		
Cllr. Hansdot	(Lab)		
Cllr. Randle	(Con)		
Cllr. Taylor	(Con)		
Cllr. Toleman	(Con)		
Cllr. Williams	(Con)		
Cllr. Wilson	(Lib)		
Cllr. S Witts	(Lib)		

<b>PLANNING COMMITTEE</b>			
<b>Membership (13)</b>	<b>Con (7)</b>	<b>Lib Dem (3)</b>	<b>Lab (3)</b>
<b>Cllr. Taylor</b>	<b>(Con)</b>	<b>(Chair)</b>	
<b>Cllr. Lewis</b>	<b>(Con)</b>	<b>(Vice Chair)</b>	
Cllr. Bhaimia	(Lab)		
Cllr. Dee	(Con)		
Cllr. Hanman	(Con)		
Cllr. Hilton	(Lib)		
Cllr. Hobbs	(Lab)		
Cllr. McLellan	(Lib)		
Cllr. Mozol	(Lib)		
Cllr. Noakes	(Con)		
Cllr. Ravenhill	(Con)		
Cllr. Smith	(Lab)		
Cllr. Toleman	(Con)		
		<b>Named Substitutes:</b>	
		Con	- Tracey
		Lab	- Hansdot
		Lib	- Brown

<b>PLANNING POLICY SUB COMMITTEE</b>			
<b>Membership (5)</b>	<b>Con (3)</b>	<b>Lib Dem (1)</b>	<b>Lab (1)</b>
<b>Cllr. Taylor</b>	<b>(Con)</b>	<b>(Chair)</b>	
<b>Cllr. Lewis</b>	<b>(Con)</b>	<b>(Vice Chair)</b>	
Cllr. Dee	(Con)		
Cllr. McLellan	(Lib)		
Cllr. Smith	(Lab)		

<b>LICENSING &amp; ENFORCEMENT COMMITTEE</b>			
<b>Membership (13)</b>	<b>Con (7)</b>	<b>Lib Dem (3)</b>	<b>Lab (3)</b>
<b>Cllr. Noakes</b>	<b>(Con)</b>	<b>(Chair)</b>	
<b>Cllr. Porter</b>	<b>(Con)</b>	<b>(Vice Chair)</b>	
Cllr. Brown	(Lib)		
Cllr. Durrant	(Lab)		
Cllr. Gilson	(Lab)		
Cllr. Hanman	(Con)		
Cllr. Lugg	(Lab)		
Cllr. Mozol	(Lib)		
Cllr. Randle	(Con)		
Cllr. Ravenhill	(Con)		
Cllr. Toleman	(Con)		
Cllr. Tracey	(Con)		
Cllr. C. Witts	(Lib)		

<b>AUDIT &amp; GOVERNANCE COMMITTEE</b>			
<b>Membership (7)</b>	<b>Con (3)</b>	<b>Lib Dem (2)</b>	<b>Lab (2)</b>
<b>Cllr. Wilson</b>	<b>(Lib)</b>	<b>(Chair)</b>	
<b>Cllr. Hobbs</b>	<b>(Lab)</b>	<b>(Vice Chair)</b>	
Cllr. Gilson	(Lab)		
Cllr. Llewellyn	(Con)		
Cllr. McLellan	(Lib)		
Cllr. Noakes	(Con)		
Cllr. Porter	(Con)		

NB. Comprised of non-Executive Members

<b>ORGANISATIONAL DEVELOPMENT COMMITTEE</b>			
<b>Membership (5)</b>	<b>Con (3)</b>	<b>Lib Dem (1)</b>	<b>Lab (1)</b>
<b>Cllr. James</b>	<b>(Con)</b>	<b>(Chair)</b>	
<b>Cllr. Wood</b>	<b>(Con)</b>	<b>(Vice Chair)</b>	
Cllr. Haigh	(Lab)		
Cllr. Hilton	(Lib)		
Cllr. Llewellyn	(Con)		

NB. Members drawn from each of the political groups

<b>EMPLOYEE FORUM</b>			
<b>Membership (3 Cllrs)</b>	<b>Con (1)</b>	<b>Lib Dem (1)</b>	<b>Lab (1)</b>
Cllr. Brown	(Lib)		
Cllr. Llewellyn	(Con)		
Cllr. Lugg	(Lab)		

<b>GRANTS &amp; COMMUNITY SERVICES FORUM</b>			
<b>Membership (6 Cllrs) plus Cabinet Member for Communities and Neighbourhoods</b>	<b>Con (2)</b>	<b>Lib Dem (2)</b>	<b>Lab (2)</b>
Cllr. Beeley (Lib)			
Cllr. Bhaimia (Lab)			
Cllr. Brown (Lib)			
Cllr. Dee (Con)			
Cllr. Hansdot (Lab)			
Cllr. Randle (Con)			

**NB** Chaired by voluntary sector

**Committees, Consultative Forums and Working Parties NOT subject to political proportionality**

<b>CONSTITUTIONAL &amp; ELECTORAL WORKING GROUP</b>			
<b>Membership (6)</b>	<b>Con (2)</b>	<b>Lib Dem (2)</b>	<b>Lab (2)</b>
Cllr. Field	(Lib)		
Cllr. Haigh	(Lab)		
Cllr. Hilton	(Lib)		
Cllr. Noakes	(Con)		
Cllr. Smith	(Lab)		
Cllr. Taylor	(Con)		

NB. Nominations for Chair and Vice Chair to be considered at the first meeting

<b>REGENERATION ADVISORY BOARD</b>			
<b>Membership (3 Cllrs)</b>	<b>Con (1)</b>	<b>Lib Dem (1)</b>	<b>Lab (1)</b>
Cllr. Hilton	(Lib)	<b>plus</b> <ul style="list-style-type: none"> <li>▪ Dean of Gloucester Cathedral, Reverend Stephen Lake (Chair)</li> <li>▪ University of Gloucestershire representative</li> <li>▪ One representative of the former GHURC Board</li> <li>▪ Major employer member</li> <li>▪ SME member</li> <li>▪ Community member</li> <li>▪ Heritage member</li> </ul>	
Cllr. Randle	(Con)		
Cllr. Smith	(Lab)		
Plus the Cabinet Member for Regeneration and Culture in an ex-officio capacity			

<b>EQUALITY CHAMPIONS GROUP</b>			
<b>Membership (3)</b>	<b>Con (1)</b>	<b>Lib Dem (1)</b>	<b>Lab (1)</b>
Cllr. Dallimore	(Con)		(Chair)
Cllr. Haigh	(Lab)		
Cllr. Wilson	(Lib)		

<b>ICT WORKING GROUP</b>			
<b>Membership (3)</b>	<b>Con (1)</b>	<b>Lib Dem (1)</b>	<b>Lab (1)</b>
Cllr. Taylor	(Con)		(Chair)
Cllr. Chatterton	(Lab)		
Cllr. Wilson	(Lib)		



**COUNCIL APPOINTMENTS TO OUTSIDE BODIES,  
COMMUNITY BODIES AND FORA, ETC. FOR 2013/14**

Organisation		Representatives 2012/13	Representatives 2013/14	Term of Office	Meeting frequency
1.	Aspire Sports and Cultural Trust	1. Cllr. Porter 2. Cllr. Bhaimia	1. Cllr. Porter 2. Cllr. Hobbs	1 year	Quarterly
2.	Barton and Tredworth Development Ltd	1. Cllr. Patel	1. Cllr. Patel	1 year	Monthly, usually Mondays 5.00pm
3.	Charity of John Ward	1. Cllr. Lugg 2. Mr B. Large 3. Mr T. Haines 4. Mr S. Ayland	1. Cllr. Lugg 2. Mr B. Large 3. Mr T. Haines 4. Mr S. Ayland	4 years	Quarterly
4.	Citizens' Advice Bureau	1. Cllr. Hansdot 2. Cllr. Toleman	1. Cllr. Hansdot 2. Cllr. Toleman	1 year	Bi-monthly, evenings AGM lunchtime in June
5.	Environment and Ecology Forum	1. Cllr. Williams 2. Cllr. Bhaimia 3. Cllr. Brown 4. Cllr. Lewis 5. Cllr. Field	1. Cllr. Patel 2. <del>Cllr. Bhaimia</del> 3. Cllr. Brown 4. Cllr. Lewis 5. Cllr. Field	1 year	Bi-monthly evenings
6.	Free Hospital Fund for Children	1. Ms A. Wedley 2. Mrs D. Fenton 3. Mr D. Newcombe 4. Mrs Balderstone	1. Ms A. Wedley 2. Mrs D. Fenton 3. Mr D. Newcombe 4. Mrs Balderstone	4 years	Quarterly
7.	Gloucester Docks Estate Company Ltd	1. Cllr. Llewellyn	1.Cllr. Llewellyn	1 year	Quarterly
8.	GL Communities	1. Cllr. Gravells 2. Cllr. Haigh 3. VACANT	1. Cllr. Gravells 2. Cllr. Haigh 3. VACANT	1 year	Monthly

Organisation		Representatives 2012/13	Representatives 2013/14	Term of Office	Meeting frequency
9.	Gloucestershire Playing Fields Association	1. Cllr. Dallimore	1. Cllr. Dallimore	1 year renewed each December	3 per year
10.	Gloslinks	1. Cllr. Gravells 2. Cllr. Tracey 3. Cllr. C. Witts 4. Cllr. S. Witts	1. Cllr. Gravells 2. Cllr. Tracey 3. Cllr. C Witts 4. Cllr. S Witts	1 year	Annually and ad-hoc
11.	Gloucester Charities Trust	1. Cllr. Lugg 2. Cllr. Porter 3. Cllr. Tracey 4. Mr G Heath 5. Mr G Howell 6. Mr T Haines 7. Mr R Ring	1. Cllr. Lugg 2. Cllr. Porter 3. Cllr. Tracey 4. Mr G Heath 5. Mr G Howell 6. Mr T Haines 7. Mr M White	20 May 2015 23 May 2016 23 May 2016 22 Nov 2016 18 May 2017 18 May 2017 28 Nov 2016	Monthly, daytime
12.	Gloucester City Homes Board (3 year period)	1. Cllr. Beeley 2. Cllr. Hansdot 3. Cllr. Lugg 4. Cllr. Randle 5. Cllr. Toleman	1. Cllr. Beeley 2. Cllr. Hansdot 3. Cllr. Lugg 4. Cllr. Randle 5. Cllr. Toleman	20 May 2014 20 May 2014 8 June 2015 20 May 2014 20 May 2014	Monthly, Weds
13.	Gloucester City Homes Customer Forum (3 years)	1. Cllr. Hanman 2. Cllr. McLellan 3. Cllr. Smith	1. Cllr. Hanman 2. Cllr. McLellan 3. Cllr. Smith	20 May 2016 5 June 2014 2 June 2014	Bi-monthly
14.	Gloucester Historic Buildings Limited	1. Cllr. Dee 2. Cllr. Ravenhill 3. Cllr. C. Witts 4. Mrs G. Gillespie	1.Cllr. Dee 2.Cllr. Ravenhill 3.Mr G Heath 4.Mrs G Gillespie	1 year	Bi-monthly
15.	Gloucester Law Centre Management Committee	1. Cllr. Lugg 2. Cllr. Wood	1. Cllr. Lugg 2. Cllr. Wood	1 year	Currently monthly but may become bi- monthly
16.	Gloucester Operatic and Dramatic Society - Executive Committee	1. Cllr. Brown	1. Cllr. Brown	1 year	1 <sup>st</sup> Weds of every month



Organisation		Representatives 2012/13	Representatives 2013/14	Term of Office	Meeting frequency
17.	Gloucester Partnership	1. Cllr. James 2. Cllr. Dallimore	1. Cllr. James 2. Cllr. Dallimore	The Leader of the Council or their appointed nominee	Bi-monthly
18.	Gloucester Relief in Sickness Fund	1. VACANT	1. Cllr. Bhaimia	4 years	Monthly usually second Monday of month
19.	Gloucester United Schools Charity	1. Cllr. Lugg	1. Cllr. Lugg	Jan 2015	4 times a year
20.	Gloucestershire Airport Ltd - 3 Directors	1. Cllr. Hilton 2. Cllr. Lugg 3. Cllr. Porter	1. Cllr. Hilton 2. Cllr. Lugg 3. Cllr. Porter	3 years	Monthly
21.	Gloucestershire Airport Consultative Committee	1. Cllr. Beeley	1. Cllr. Beeley	Ongoing	Quarterly
22.	Gloucestershire Health and Care Overview and Scrutiny Committee	1. Cllr. Lugg  Substitute: Cllr. Patel	1. Cllr. Lugg  Substitute Cllr. Patel	1 year	Quarterly
23.	Gloucestershire Police and Crime Panel	1. Cllr. Dee  Substitute: Cllr Randle	1. Cllr. Dee  Substitute: Cllr Randle	1 year	Monthly
24.	Joint Airport Scrutiny Working Group (JASWG)	1. Cllr. Gilson 2. Cllr. Taylor 3. Cllr. C. Witts	1. Cllr. Gilson 2. Cllr. Taylor 3. Cllr. C Witts	1 year	Twice a year, plus Ad-hoc
25.	Llanthony Secunda Priory Trust	1. Cllr. Toleman  plus Corporate Director of Regeneration	1. Cllr .Toleman 2. Cllr. Field	1 year	Bi-monthly
26.	Lower Severn Drainage Board	1. Cllr. Porter	1. Cllr. Porter	1 year	Quarterly plus ad-hoc

<b>Organisation</b>		<b>Representatives 2012/13</b>	<b>Representatives 2013/14</b>	<b>Term of Office</b>	<b>Meeting frequency</b>
27.	Marketing Gloucester Limited	1. Cllr. James	1. Cllr. James	The Leader of the Council or their appointed nominee	Bi-monthly
28.	National Association of Black, Asian and Ethnic Minority Councillors	1. Cllr. Bhaimia 2. Cllr. Hansdot 3. Cllr. Patel	1. Cllr. Bhaimia 2. Cllr. Hansdot 3. Cllr. Patel	1 year	AGM
29.	National Parking Adjudication Service	1. Cllr. James	1. Cllr. James	Executive Member with responsibility for parking	AGM
30.	South West Councils	1. Cllr. James	1. Cllr. James	The Leader of the Council or their appointed nominee	3 per year plus AGM
31.	South West Provincial Council	1. Cllr. James	1. Cllr. James	The Leader of the Council or their appointed nominee	Twice a year
32.	St Ann Society of Gloucester	1. Cllr. Tracey	1. Cllr. Tracey	1 year	Not known
33.	Urban Commission	1. Cllr. Wood 2. Cllr. Field	1. Cllr. Wood 2. Cllr. Field	1 year	2 per year

## Gloucester City Council

<b>Meeting:</b>	<b>Cabinet Council</b>	<b>Date: 12 June 2013 18 July 2013</b>
<b>Subject:</b>	<b>Changes to Gloucestershire Homeseeker (Choice Based Lettings Scheme) Policy – following consultation</b>	
<b>Report Of:</b>	<b>Cabinet Member for Housing, Health and Leisure</b>	
<b>Wards Affected:</b>	<b>All</b>	
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework: Yes</b>
<b>Contact Officer:</b>	<b>Mary Hopper, Homelessness &amp; Housing Advice Service Manager</b>	
	<b>Email: mary.hopper@gloucester.gov.uk</b>	<b>Tel: 39-6538</b>
<b>Appendices:</b>	<b>1. Policy Document</b> <b>2. Summary of Responses and List of Changes (incorporating Appendices A, B and C)</b>	

### FOR GENERAL RELEASE

#### 1.0 Purpose of Report

1.1 At its meeting of 12<sup>TH</sup> June 2012, Cabinet approved a number of possible changes to the Gloucestershire Homeseeker (Choice Based Lettings Scheme) Policy (now referred to as the Homeseeker Policy) as the basis for consultation. The consultation has now concluded and comments have been fed into the revised Homeseeker Policy. This report seeks approval of the revised Homeseeker Policy.

#### 2.0 Recommendations

2.1 Cabinet is asked to **RECOMMEND**

(1) The revised Gloucestershire Homeseeker (Choice Based Letting Scheme) Policy (attached as Appendix 1) be approved and adopted by all six District Councils in the County.

2.2 Council is asked to **APPROVE** that

(2) The revised Gloucestershire Homeseeker (Choice Based Letting Scheme) Policy be approved and adopted by all six District Councils in the County.

#### 3.1 Background

3.1 At its meeting of 12 June 2012, Cabinet approved a number of possible changes to the Homeseeker Policy as the basis for consultation. A Countywide consultation ran between 2 January 2013 and 26 March 2013. Letters were sent to everyone registered on the Homeseeker system and to the Registered Providers who use the

system to allocate properties. The letter explained the background to the proposed changes and sought appropriate comments.

- 3.2 A total of 42 individual responses were received, together with one response from a Registered Provider (who made no comments). Details of the comments are set out in Appendix 2.
- 3.3 Having considered the comments received, the final proposed changes have been made to the Homeseeker Policy (Appendix 1). A list of the individual changes are set out in Appendix 2. The changes take into account a number of minor amendments as well as changes brought about by:
- The Localism Act 2011;
  - The Welfare Reform Act 2012; and
  - The Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012.
- 3.4 As part of the consultation exercise, the proposed changes to the Homeseeker Policy were presented to the Overview and Scrutiny Committee (4 February 2013) for comments. A number of issues were discussed at that meeting and as a result, officers were requested to revisit the issue of Local Connection and whether the amount of time a person must have been connected with the area should be extended.
- 3.5 Local Connection is defined in Part 7 of the Housing Act 1996 (Homelessness), as amended, as –
- Those who are normally resident in the local authority area, and that residence is or was of his own choice  
(Local Government Agreement guidelines suggest this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice).
  - Those who are employed in the local authority area  
(Local Government Agreement guidelines suggest this as employment other than a casual nature)
  - Those who have family connections in the local authority area  
(Local Government Agreement guidelines suggest this immediate family members who have themselves lived in the area for five years although there is no statutory definition) or
  - Because of special circumstances
- 3.6 A present, the Homeseeker Policy uses the suggestions contained in the Local Government Agreement to determine and evaluate Local Connection and so has set the same time requirement, i.e. six of the previous twelve months or three of the past five years.
- 3.7 The Localism Act brings with it the option to change the definition of Local Connection (as well as other changes previously identified). As the Homeseeker Policy has been adopted by all six authorities in the County, each, therefore use the

same definition for Local Connection. If one authority wished to use a different definition, it would either need to seek the agreement of the other five authorities, or it would need to adopt its own change to the overall policy which would then operate differently to the other Districts in the County.

- 3.8 A number of authorities have already or are considering changing the time requirement, for example:

Authority	Local Connection – Time Requirement
West Oxfordshire District Council	Three out of the five years prior to the date of application or have been resident in the District for at least 10 years in total
London Borough of Harrow	Applicants must have been continuously resident in the borough for at least 5 years
London Borough of Hammersmith and Fulham	Applicants must have lived in the borough for 5 years or more

- 3.9 The current “six months” criteria is seen, by some, to be unfair as someone need only be resident in the area for six months to then have the same entitlement to bid for social housing as someone who has lived in the area for say 10 or 20 years. The six month residency can be in any type of accommodation and with any tenure, and this has raised concerns, particularly with increasing costs of Bed and Breakfast in other areas of the County and across the Country. If Gloucester were seen to be an affordable place for other authorities to place people with a Statutory Homelessness need, then it would be possible for that person to claim a Local Connection to Gloucester if they were placed in a Bed and Breakfast in the City for six months. If the period for Local Connection were for longer, this would be less likely to occur.
- 3.10 A change to the Local Connection rules would no doubt see a reduction in the number of people on the Homeseeker system seeking a home, for example Hammersmith and Fulham has seen their Housing Register reduce from over 10,000 people to just over 1,000 as a result of introducing a five year local connection. Whilst this would appear to reduce the numbers down to a more manageable amount (Hammersmith and Fulham has around 600 properties become available per year), it does not remove the problem of a shortage of accommodation from the area, but simply reduces the number of people who can apply for social housing. Those who are not entitled to bid for a property through Homeseeker would no doubt still be seeking accommodation in the area through the private sector.
- 3.11 The changes agreed by Cabinet, for consultation, suggested that the Local Connection rules remain as they are. None of the responses to the consultation suggested otherwise and all of the other authorities in the County are looking to keep the existing six month period. If the City Council wished to now adopt a different time limit, the Council would need to consult on that aspect of the Policy

and then look to adopt the change as an addendum outside of the Countywide Policy. It is recommended, therefore, that the Council makes no change to this part of the Policy, but will be reviewed after 12 months to ascertain whether those Authorities adopting a higher period to establish Local Connection have been judicially challenged, and how case law has developed.

#### **4.0 Alternative Options Considered**

4.1 As stated in the report presented to Cabinet in December 2012, the proposed changes to the Homeseeker Policy are as a result of legislative changes and changes to the scheme agreed by the Partnership. Whilst the legislative changes must be taken into account, the Council could consider leaving the Partnership and maintaining its own register and allocations policy for the City. This would require giving six months written notice and would then need to procure and administer a separate IT system. A new allocation policy would have to be agreed. This alternative option is, therefore, not being recommended.

#### **5.0 Reasons for Recommendations**

5.1 The City Council has formed a Homeseeker partnership with the other five District Councils in the County and as a result operates a Choice Based Lettings scheme under one policy and procedure. Changes to the Homeseeker Policy, to ensure that the scheme accommodates the requirements of the Department for Communities and Local Government Allocation of Accommodation: Guidance for Local Housing Authorities in England and the Welfare Reform Act, together with a number of minor changes, have been the subject of consultation, and each of the six authorities are now asked to approve the revised Policy.

#### **6.0 Future Work and Conclusions**

6.1 Subject to the City Council's approval of the revised Policy, the document will then be considered (for approval) by the Homeseeker Partnership Board. Subject to those approvals, the Policy will then be implemented by each of the six authorities. The Policy and the impacts of the changes, will be kept under review and any future changes will be brought back to the Council for consideration.

#### **7.0 Financial Implications**

7.1 Approval of the changes to the Homeseeker Policy would have no financial implications on the City Council. However, if the City Council were to seek changes to the Policy that are not agreed by the other authorities, then the costs of these changes would need to be borne by the Council. This would include the costs of changing the software (outside of the partnership) together with any ongoing costs of administering these changes.

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

#### **8.0 Legal Implications**

- 8.1 Gloucester City Council is responsible for the allocation of social housing under the Housing Act 1996. In accordance with those provisions, the authority must have a scheme for determining priorities and the procedures to be followed when allocating social housing. Before making an alteration to the scheme, the local authority must send a copy of the proposed alteration to every private registered provider of social housing and registered social landlord, allowing them a reasonable opportunity to comment on the proposals. This duty formed part of the consultation exercise. Raising the period of local connection, as adopted by some other authorities, may be subject to judicial challenge, and it is probably sensible to review the development of case law in this area after a period of 12 months, to ascertain how the law in this area has evolved.

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

## **9.0 Risk & Opportunity Management Implications**

- 9.1 If the Council fails to adopt the necessary changes to the existing Homeseeker Scheme, then it could face legal challenge.
- 9.2 In addition, there is a risk that if the eligibility criteria for Gloucestershire Homeseeker applicants are not brought in line with the requirements of the Welfare Reform Act some households may find themselves in accommodation which is deemed to be under – occupied and therefore unaffordable in the long term.

## **10.0 People Impact Assessment (PIA):**

- 10.1 As part of the consultation exercise, the Inclusion and Access Group (part of the Homeseeker Partnership) have developed a revised PIA so as to consider any possible impacts the revised Scheme could have on each of the Protected Characteristics. Some negative impacts have been identified and mitigation has therefore been considered to address this impact.

## **11.0 Other Corporate Implications**

### Community Safety

- 11.1 Not Applicable

### Sustainability

- 11.2 Not Applicable

### Staffing & Trade Union

- 11.3 Not Applicable

**Background Documents:** None

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**Final Draft Gloucestershire Homeseeker  
Policy Document  
2013**

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# Section 1 Policy aims and general rules

## 1 Introduction.

- 1.1. Gloucestershire Homeseeker is a choice based lettings (CBL) scheme run by the six Gloucestershire local authorities in partnership with the majority of Social Housing Landlords operating within the County.
- 1.2. It must be recognised that the demand for affordable social housing within the Gloucestershire Homeseeker area is very high and cannot be met from the available resources. Only those in the highest housing need, with a local connection to the area are likely to obtain housing through the scheme. Each district's Housing Advice Service will be able to discuss a range of housing options.
- 1.3. The policy has been updated to take into account the Localism Act 2012, Welfare Reform Act 2012 and the Statutory Code of Guidance on the Allocation of Accommodation 2012. It also has regard to the Homelessness and Tenancy Strategies of the district councils.

## 2. The aims and objectives of the Partnership.

- Assist in building more sustainable communities.
- Enable informed choice of housing/ options and improve levels of customer satisfaction.
- To operate a common selection system that offers realistic, informed choice for all Applicants.
- To ensure that those who have the greatest need for housing have the greatest opportunity to secure it.
- To ensure that less able Applicants are involved in the lettings process and they have choices offering equality of opportunity for all.
- To make best use of available housing resources to meet local need.
- To minimise the refusal of offers of accommodation and reduce rent loss by allowing people to choose where they live thereby supporting sustainable communities.
- To generally give people with a local connection to a district priority in the letting of housing within that district.
- To enable mobility within social housing in Gloucestershire.
- To enable the authorities to meet their statutory duties including where duties are owed to homeless Applicants under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.
- To contribute towards tackling discrimination.
- To use a common eligibility criteria.
- To use a common housing application process.
- To co-ordinate housing needs assessments.
- To ensure fairness, simplicity and transparency with a system that is easily understood.
- To give new tenants a feeling of ownership and commitment to their area as they have chosen to live there.

## 3. Overview of Gloucestershire Homeseeker

- 3.1. Gloucestershire Homeseeker enables Social Housing landlords to advertise their homes and applicants are asked to express an interest in them. This will be known as

a “bid” for a property. Once a bid is placed the computer system will place applicants in order of band, band start date and whether they meet the criteria of the advert. Priority for properties goes to those who have a local connection with the local authority in which the property is located, then to those who have a local connection with any of the other Gloucestershire districts and finally to anyone else. Gloucestershire Homeseeker provides a clearer way of letting homes, gives more choice in where people wish to live and information about the homes available.

- 3.2. All Applicants seeking social housing across Gloucestershire will complete the same application process and will be assessed against the same clear set of criteria laid out in the Banding table (Section 18). Depending on their circumstances, Applicants will be placed into one of four bands Emergency, Gold, Silver or Bronze subject to final verification by a Gloucestershire Homeseeker partner. In some cases an applicant may have a dual band (See section 27a). Local connection will be applied to the majority of vacancies to help each local authority meet their housing demand or where it is a legal requirement.
- 3.3. Once an application has been made, Applicants are advised of their banding and application date, together with a unique reference number. This enables them to bid for social housing vacancies being advertised across the whole of Gloucestershire.
- 3.4. The majority of social rented housing vacancies are advertised as per local nomination agreements, however social housing landlords may choose to apply their own published allocation policies to the remaining vacancies arising.
- 3.5. The preferred method of bidding for properties is via the internet on the Gloucestershire Homeseeker website. Alternatively bids can be made in person by visiting various locations throughout the County or by using the automated phone line, digiTV and text. Applicants are able to monitor the success of their bid (and their bidding history) via the Gloucestershire Homeseeker website.
- 3.6. Once the Bid deadline has passed, the successful applicant is normally the highest priority household matched against the criteria for the property, including where local connection applies. Responsibility for letting each available property lies with the Social housing landlord. The appropriate landlord must confirm that the details on the application are still correct before making an offer. This is known as verification and will originally have been undertaken by the local authority at the time of application. Incorrect information will result in the offer being withdrawn and the applicant re-assessed. Social Housing Landlords may sometimes choose to invite the “top” three Applicants to a viewing of the property before a final offer is confirmed.
- 3.7. An application for sheltered housing for certain schemes may need an assessment of the support needs, prior to an offer being made.
- 3.8. The banding and the application date of the successful applicant, together with the total number of bids made for each property, will then be published. This enables Applicants to develop realistic expectations regarding their chances of success and likely waiting period.

## **4. Equal opportunities.**

- 4.1. All partners of Gloucestershire Homeseeker are committed to the elimination of discrimination. They promote equality of opportunity for all and work towards this goal in the provision of services.

We are committed to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the act
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it.
- Foster good relations between people who share a protected characteristic and those who do not share it
- Removing or minimising disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic
- Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of people who do not share it
- Encouraging those people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- Making the best possible use of the existing and potential workforce and resources by enabling cross boundary moves.

## **5. Social inclusion**

- 5.1. All partners of Gloucestershire Homeseeker believe that Applicants should be given every assistance to access the housing register and search for suitable properties.
- 5.2. In order to ensure that all Applicants are able to use Gloucestershire Homeseeker fully, we have developed an Access and Inclusion strategy, which can be found under the heading "Our Documents" on the homeseeker website
- 5.3. The Mental Capacity Act 2005 introduced a legal obligation on health and social care commissioners to jointly commission advocacy services. All statutory and voluntary agencies who work within the community either helping or advising Applicants are given information and training in order to fully understand the Gloucestershire Homeseeker scheme and assist their clients to register and search for suitable housing.
- 5.4. To further assist Applicants the following methods may be used: -
- 5.4.1. Applicants potentially disadvantaged by the scheme will initially be identified from the application process. Staff may contact these Applicants and offer them a home visit or interview. Staff will seek to establish what the support needs are and identify ways of enabling the Applicants to participate in Gloucestershire Homeseeker. This may include sending copies of the adverts in large print to an applicant or simply providing advice.
- 5.4.2. All agencies funded through Supporting People should be in a position to provide their clients with help on housing issues.

- 5.4.3. Disadvantaged Applicants are able to nominate a person (including family members, friends or a professional worker) to help them bid or bid on their behalf for suitable properties.
- 5.4.4. Translation services may be provided wherever appropriate (this will reflect the demand for such a service).
- 5.4.5. If no other alternative is available, Gloucestershire Homeseeker staff may bid for suitable vacancies on a vulnerable applicant's behalf where they have no support or use the system Autobid function.

## **6. Who is eligible to register?**

- 6.1. Gloucestershire Homeseeker is open to almost anyone in housing need. It may include existing tenants looking to transfer to another property, homeless families looking for a permanent home and other households who either rent in the private sector, own or are buying a property or lodging with family and friends. A household may include anyone that may reasonably be expected to live with them as part of their application.

## **7. Who is not eligible to register?**

- 7.1. Persons from abroad deemed ineligible through immigration rules and regulations as follows:
  - Person subject to immigration control who is an over-stayer or visitor to the country
  - Illegal entrant
  - Asylum seeker
  - Person in the country on condition that they have no recourse to public funds
  - Person from abroad who is in breach of the European Community Right of residence Directive
  - Person whose only right to reside in the UK arises under European law based on their status as a job seeker or an initial 3 months right of residence
  - Person from abroad who has been the subject of a sponsorship agreement for less than 5 years and whose sponsor is still alive
  - Person with limited leave not granted as a result of a claim for asylum
- 7.2. Persons under 16 years of age. (It should be noted that a tenancy would not usually be given to Applicants under the age of 18 years. A guarantor would normally be required for any person under 18 years of age who is offered and accepts a tenancy).
- 7.3. Persons who are ineligible for a tenancy in their own right may still be included within a household application and for determining the bedroom need of the household.

## **8. Who does not qualify for affordable social housing in Gloucestershire?**

- 8.1 Gloucestershire Homeseeker has been established under the terms of the Housing Act 1996, as amended and the Localism Act 2012. This gives local authorities the right to decide who will not qualify for social housing.
- 8.2 Anyone found to be non eligible or non-qualifying will be entitled to a review of the decision with the reasoning and actions needed to remedy the situation for future application given in writing. – see section 41 for process.

- 8.3 An applicant may not hold two tenancies at one time. They must be able to end the current tenancy before any further offer is made.
- 8.4 A joint tenancy shall only be granted to eligible and qualifying Applicants subject to the policies of each individual Social housing landlord.
- 8.5 An applicant will not be accepted for social housing if we are satisfied that: -
- a) They have sufficient financial resources to resolve their own housing need.
  - b) Where they have unreasonably disposed of financial resources that could have enabled them to purchase/obtain their own accommodation.
  - c) They own or part own a property which is suitable for their needs, or where those needs can be resolved through adaptation, sale or where, if they sold it, they could afford to buy another property. We may make exceptions to this rule in the case of proven social or medical needs.
  - d) The applicant, or a member of their household, has been responsible for unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Authority or a Social Housing Landlord at the time of application. Each case would be considered upon its own merits and subject to the spirit of the Rehabilitation of Offenders Act 1974 according to individual circumstances.

Behaviour that may be regarded as unacceptable is as follows: -

- Criminal activity in the vicinity of the property,
  - History of anti social behaviour or disruptive nuisance to neighbours,
  - Racial harassment,
  - Drug use or dealing,
  - Any other breach of the tenancy agreement such that the landlord would be able to apply for a possession order:
    - i. Ground 2a Domestic violence causing a partner or other family member to leave the property
    - ii. Ground 3 Deterioration of the dwelling-house due to waste, neglect or default
    - iii. Ground 4 Deterioration of furniture provided by the landlord due to ill treatment
    - iv. Ground 5 Tenancy induced by a false statement
    - v. Ground 6 Premium received or paid in connection with a mutual exchange
    - vi. Ground 7 Eviction from a dwelling within the curtilage of a building held for non-housing purposes due to conduct such that given the nature of the building it would not be right for occupation to continue
- e) The applicant or any member of the household has former or current rent arrears (8 weeks rent or more) or other housing debts such that the registered social landlord would be able to apply for a possession order.  
This will apply unless there is evidence that the debt arose directly as a result of a person's disability.  
Existing social housing tenants who are non qualifying because of rent arrears will be considered as an exception on an individual basis if proved that they cannot afford to stay in their current tenancy as a result of Welfare Reform Act changes.

- 8.4 As part of the assessment consideration will be given to the household's personal circumstances, the level of the debt, the household's history of arrears and any other factors that may be relevant.
- 8.5 Such applicants will be informed of the actions required from them to demonstrate that there has been a change in their behaviour such that they will become qualifying e.g. a satisfactory landlord reference for a period of time or regular repayments are made without fail against an agreed repayment plan for a period of time.

## **9. Reasons for suspending an application.**

- 9.1 If we become aware that a household has rent arrears or other housing debt accrued after an application has been registered and verified the applicant will be given the opportunity to clear the debt before an offer proceeds. If the applicant is unable to do this, they may be suspended for a period as required to clear the debt before they can bid for other properties but each case will be considered upon its own merits. If a partner landlord becomes aware of such a debt they will advise the relevant local authority who may suspend or cancel the application as non-qualifying depending on the circumstances.
- 9.2 Applicants who have been awarded a priority banding are expected to bid on all suitable property types in a reasonably wide range of areas. Failure to do so may result in suspension or demotion for a period.
- 9.3 Whilst Gloucestershire Homeseeker aims to give applicants choice for good reason it also needs to help social landlords let their available homes in an efficient way. If an applicant refuses 3 properties that the local authority considers were suitable, the application may be demoted or suspended for a period.
- 9.4 An immediate review of an application will be undertaken if an applicant is found to have acted (or failed to act) in a way which deliberately worsened their housing situation. This could lead to the applicant being suspended, or being demoted to a lower band, for a minimum of 6 months.
- 9.5 Applicants will be advised as to what action/s will be necessary to lift the suspension or demotion.

## **10. Giving False Information**

- 10.1. Any applicant who knowingly or recklessly gives false information or knowingly withholds information in order to secure a home to which they are not entitled may lose any home provided to them and may also be prosecuted. Where false information is given and the applicant becomes non-qualifying, the application will be removed. Where false information is given and the applicant still qualifies, the application will be suspended. The law imposes severe penalties, including substantial fines up to £5000 or imprisonment, when an offence is proven.
- 10.2. It is the applicant's responsibility to update an application for any change of circumstances which can include moving home, changes to household members, birth of a child, changes in medical condition and changes in welfare situations. Failure to update an application following a change in circumstances could mean the application is inaccurate, contains false information, and has the wrong priority banding.



10.3. Any future application would be subject to review before acceptance onto the scheme.

## **11 Local Connection**

11.1. Due to the exceptional demand for housing across the Gloucestershire area and the difficulty in solving local housing need, preference will usually be given to Applicants with a local connection to the appropriate district. Each local authority within Gloucestershire may set quotas of dwellings available for cross boundary moves if necessary, to increase mobility but will balance this against the local connection requirement.

11.2. Local Connection is defined in Part VII of the Housing Act 1996 as:

- Those who are normally resident in the local authority area, and that residence is or was of their own choice.  
(Local Authority Agreement guidelines suggest this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice);
- Those who are employed in the local authority area.  
(Local Authority Agreement guidelines suggest this as employment other than of a casual nature);
- Those who have family connections in the local authority area.  
(Local Authority Agreement guidelines suggest this as immediate family members who have themselves lived in the area for five years).
- Members of the armed forces have a local connection to the district of their choice  
(Those currently serving, served within the immediate preceding 5 years; bereaved spouse or civil partner who has recently or will cease to be entitled to Ministry of Defence accommodation following the death of their service spouse and the death was wholly or partly attributable to their service; existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service).
- Other special circumstances

11.3. In addition, for certain properties which were developed under restrictions imposed by a Section 106 agreement (Town and Country Planning Act 1990), applicants may need a connection to a defined local area.

## **12. Multi agency arrangements.**

12.1. All six local authorities within the scheme have entered into an agreement to use the Gloucestershire Multi Agency Public Protection Arrangements (MAPPA) in dealing with the exchange of information on any household who has been convicted of a serious offence. Any household that confirms on their application form, or who is suspected, or accused, of being a high-risk offender, will be subject to the provisions set out in the information exchange protocol.

12.2. Before any known offender is offered housing, full consultation will be undertaken with the relevant support agencies to assess the risks involved. It does not however guarantee the provision of a tenancy.

12.3. Re-housing of high-risk offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public. The long-term aim is to influence the successful accommodation and resettlement of high-risk offenders, thereby minimising the risk of re-offending, protect the public and the victims of offenders. The local

authority in partnership with MAPPA may bid on behalf of any household that falls within this category.

- 12.4. The authorities also take part in Multi Agency Risk Assessment Conference (MARAC) meetings which aim to provide risk information for people who have experienced domestic abuse.

## **13. Balanced communities.**

- 13.1. To help maintain balanced and sustainable communities, each local authority may decide the proportion of properties to be allocated to the four housing need bands and where local connection applies.

## **Section 2 Scheme details-applications**

### **14. How to register**

- 14.1. The applicant will be able to register for social housing through the Gloucestershire Homeseeker website @ [www.gloshomeseeker.co.uk](http://www.gloshomeseeker.co.uk)
  - Assistance can be provided through Local authority and some Social Housing Landlord offices or through support agencies.
- 14.2. An applicant residing in Gloucestershire who needs advice and assistance with their application will need to contact their own local authority.
- 14.3. Where the applicant lives outside the Gloucestershire boundary they will need to contact the local authority within whose area they wish to live.
- 14.4. Where the applicant lives outside the Gloucestershire boundary and wishes to live in more than one local authority area within Gloucestershire, they should contact the district with whom they have a local connection. If the applicant has no local connection, they can choose to contact any one of the chosen districts (who will become the lead authority for the application).
- 14.5. When an applicant applies through the homeseeker website and has registered their household, they will then complete an application for Social Housing explaining their housing situation. If, after completion of the application and provision of any necessary proof or further information, the applicant is eligible, they will be given a unique application number, an effective date and placed in a housing band. They will then be able to bid for suitable properties.
- 14.6. The applicant should make sure that they include all relevant details on the application so that proper consideration can be given to the application. Gloucestershire Homeseeker may consult any of the Applicants' previous landlords or agencies to check the details they have given.
- 14.7. If a Lead Authority refuses the application on any grounds, the applicant will be notified of the reasons for the decision in writing and be advised of the Gloucestershire Homeseeker review / appeal procedure.
- 14.8. The applicant can re-register after a refusal but should be able to demonstrate that they have addressed the reasons for the refusal.

- 14.9. Giving all Applicants their own unique reference number ensures confidentiality. This will also enable them to access their own application information and easily update any change in their circumstances.
- 14.10. Applicants will be informed if further information or clarification is required. Failure to complete the online application form will result in this being deleted from the system.

## **15. Assessment of an application.**

- 15.1. By registering to join Gloucestershire Homeseeker, the applicant will be giving their consent for enquiries to be made to verify their circumstances. Applicants will have to confirm that the information they have given is true and accurate.
- 15.2. The information the applicant has provided will guide the decision on which band they will be placed in. Applicants will be required to provide the lead authority with documentation to evidence the housing need stated.
- 15.3. Applicants will be able to bid for properties advertised, but no tenancy will be offered until verification has been completed.

## **16 Housing Needs Bands- see table below**

- 16.1 Applicants need to meet the criteria in one box to be assessed in that band in the table below. Applicants will be awarded two bands – one for their “local” band ( lead authority) and one for their “global” band.(other 5 authorities) In many cases these will be the same but in some circumstances, notably when one local authority has accepted a duty under homelessness legislation, applicants will have a different “local” and “global” band.
- 16.2 Special rules are required for those in the armed forces to comply with The Localism Act recognising the services they have offered the country. On discharge members of the armed forces, as defined in 11.2, with Homeless priority need (dependent children or vulnerable as a result of disability) will be awarded Gold band for 6 months from the discharge date. Homeless with a non - priority need are given Silver band from their discharge date. Should they become homeless again within 5 years of the discharge priority need or unintentionally homeless applicants will be awarded Gold band again for 6 months from Notice being received. Non-priority need or Intentional homeless will get Silver band backdated for 6 months from the Notice being received.

### **6.3 Property size**

#### **Emergency Band**

Existing Gloucestershire social housing tenants willing to move to a smaller non family social housing property within the county. This means that the tenants are willing to move to any other non family property that is smaller than their current home.

## **Gold Band**

Existing Gloucestershire social housing tenants willing to move to smaller family sized accommodation if this has been agreed with your local authority to release a property of higher demand or limited availability.

Or

There is major overcrowding in the current property - lacking 2 or more bedrooms (this will not apply if the applicant has allowed one or more people to move in to the property, this is called deliberately worsening your own situation) - See Section 9.4

Or

Environmental Health has inspected the property and has served any Notice on the landlord that the property is overcrowded - subject also to the applicant not deliberately worsening your own situation – see Para 9.4

## **Silver Band**

There is overcrowding in the current property - lacking 1 bedroom - (this will not apply if the applicant has allowed one or more people to move in to the property, this is called deliberately worsening your own situation) - see Para 9.4

### 16.4 Property condition

## **Emergency Band**

Where Environmental Health has inspected the property and requires immediate vacation of the property because of an imminent risk of harm due to disrepair, major defects or grossly inadequate facilities. They could serve an Emergency Prohibition Order on the landlord in these circumstances.

This award is time limited for 1 month when it will be reviewed. It can be extended if no suitable properties have become available in this time scale or a direct match can be made.

## **Gold Band**

Where Environmental Health has inspected the property and has served a Prohibition Order or Suspended Prohibition Order on the landlord that repairs have to be undertaken but the landlord is unable/unwilling to comply. In most cases the landlord will be required to undertake repairs to remedy the problem and when completed this should resolve the issue. These only apply to the Local band so only when bidding for properties in the home/lead local authority area.

## 16.5 Homelessness

### **Gold Band**

The applicant has made a homelessness application to one of the Gloucestershire local authorities and the full duty to secure accommodation for the applicant has been accepted by that authority.

This is time limited for 1 month when it will be reviewed. It can be extended if no suitable properties have become available in this time scale and a tenancy in the private sector or a direct match into social housing may be made to end the homelessness duty.

### **Silver Band**

The applicant has been assessed as homeless or threatened with homelessness. Legally this is taken as within 28 days of being homeless. Homelessness legislation is complicated so contact should be made through Housing Options/Advice Team to discuss the circumstances if threatened with homelessness.

## 16.6 Medical/welfare needs

None of the below refer to having a medical condition in its own right. It is only when the current housing is directly affecting that medical condition that priority is awarded. In other words even when a member of the applicants household has a very severe set of medical conditions, if their housing has little or no bearing on their health then no priority will be awarded.

### **Emergency Band**

The applicant assessed as immediate need of re-housing on medical grounds. This is most likely to be when they have had a major incident, are in hospital or other emergency provision and unable to return to the existing home because of changed medical condition.

Or

Exceptional circumstances where there is proven threat to life or limb. This would normally be based on information provided by the Police or Emergency services.

Or

Exceptional circumstances where the current property has a critical detrimental effect on their welfare. This would normally be based on information provided by Emergency services, multi agency meetings or Social Care services.

These are time limited for 1 month when they will be reviewed. It can be extended if no suitable properties have become available in this time scale or a direct match can be made.

## **Gold Band**

Urgent medical/welfare need or long term disability that would be alleviated by a move to more suitable accommodation. This would apply when the situation is so serious that it would not be reasonable to expect the applicant to continue to live at the property for any length of time, given their particular medical/welfare circumstances but not a life threatening emergency. Proof of the situation would be required from Social Care services or 2gether NHS Foundation Trust or other medical specialists.

## **Silver Band**

Significant medical or welfare need that would be alleviated by a move to more suitable accommodation. This could be a situation/medical condition or group of situations/medical conditions that could apply to one or more members of the household which because of the particular household circumstances significant distress is caused. A medical form is completed by the applicant, which is assessed by local authority staff or supporting evidence is provided by Social Care Services, 2gether NHS Foundation Trust, Support Worker or other medical specialist.

Depression and asthma are the most commonly quoted medical conditions. Where these are mild and not directly related to the current property priority is unlikely to be awarded.

## 16.7 General

### **Gold Band**

Move-on from supported accommodation where a planned move is agreed by the relevant local housing authority. When someone is placed in accommodation based supported housing and is not in their home/lead authority area there is a presumption that they will be reconnected back to their home area when ready to move-on from the supported accommodation. The support provider will also discuss other housing options before putting forward for social housing.

There are 2 requirements for this priority:-

1. that the supported accommodation provider has confirmed that the resident is ready for independent living by completing the standard move- on form detailing the work they have completed with the resident and assessment of any remaining support needs.;
2. that the local authority has been involved in the move-on planning and accepts that they are the appropriate local authority to re-house this applicant by awarding this priority.

Or

As a result of a multi-agency decision agreed by the relevant housing authority. Where multi agencies including the local housing authority are involved with a particular household and meet to agree a way forward to resolve an urgent housing situation this priority can be awarded to better protect the public/local neighbourhood.

Or

Left in occupation/succession of social rented housing such as succession where the household is required to move. This applies to an applicant who is living in a social rented

property but does not have a tenancy. This may be because the household is too big or too small for the accommodation and they are required to move into a property suitable for their size or age. This applies whether or not they have a right of succession. These are time limited for 1 month when it will be reviewed. They can be extended if no suitable properties have become available in this time scale, a direct match may be made.

	Property Size etc	Property conditions (this only applies to the district where the Notice is made)	Homelessness (this only applies to the district where any duty is owed)	Medical/welfare needs	General
<b>EMERGENCY BAND</b>	Giving up family sized social rented housing in the County to move to smaller non-family accommodation	Where a property has been assessed by Environmental Services as causing an imminent risk of serious harm due to disrepair, major defects, inadequate facilities. e.g. Emergency Prohibition Notice served (Time limit 1 month)		Assessed as immediate need of rehousing on medical grounds OR Exceptional circumstances where there is a proven threat to life or limb OR Exceptional circumstances where the current property has a critical detrimental effect on their welfare (Time limit 1 month)	
<b>Page 48 GOLD BAND</b>	Giving up family sized social rented housing in the County to move to smaller family sized accommodation based on local housing demand OR Major overcrowding – lacking 2 or more bedrooms OR Where a Prohibition Notice (or Suspended Prohibition Notice) has been served by Environmental Services due to overcrowding (Does not apply if already awarded gold for Homelessness)	Where a Prohibition Notice (or Suspended Prohibition Notice) has been served on a property by Environmental Services due to disrepair, major defects or inadequate facilities and the landlord is unable/unwilling to comply	Full Statutory Homelessness Duty accepted (Time limit 1 month)	Assessed urgent medical/welfare need or long-term disability that would be alleviated by a move to more suitable accommodation	Move-on from Supported Accommodation where a planned move is agreed by the relevant local housing authority OR As a result of a multi-agency decision agreed by the relevant local housing authority OR Left in occupation of social rented housing such as Succession where the household is required to move (Time limit 1 month)
<b>SILVER BAND</b>	Overcrowding – lacking one bedroom (Does not apply if already awarded silver for Homelessness)		Homeless or threatened with homelessness.	Assessed significant medical or welfare need or disability that would be alleviated by a move to more suitable accommodation.	
<b>BRONZE BAND</b>	<b>ALL OTHER APPLICANTS</b>				



## **17. Time limited bands.**

- 17.1. Certain categories have a time limit of one month. This is given to recognise an urgent need. It is therefore important that Applicants in this category are bidding for all suitable properties types each week and in a wide range of locations.
- 17.2. At the end of the one month period the case will be reviewed by the Lead Gloucestershire Authority
- 17.3. If the applicant is in a time limited band and has either not bid for suitable properties advertised within the 1 month or has been unsuccessful in obtaining an offer of a tenancy within the one month limit, a direct match of a property may be considered. Where a private sector tenancy is available, suitable and affordable at the time the Local authority may look to secure a tenancy in the private rented sector.
- 17.4. The Lead Gloucestershire Authority may however decide to demote an applicant to the band below at the end of the one month period if it is obvious that the applicant is choosing to wait for a particular type of property or immediate location and not treating their circumstance as urgent.

## **18 Definition and implication of dates.**

- 18.1. The date when the application is registered and assessed into a housing needs band is important as this will form part of the short-listing process.
- 18.2. The application date is the date a fully completed online application form is submitted by the applicant.
- 18.3. The effective date is the date a completed application form is placed into a housing band after verification by a Gloucestershire lead local authority.
- 18.4. The band start date is the date of application or the date an applicant moves up to a higher band following a change of circumstances.
- 18.5. If moving to a lower band, normally the original effective date will apply. If however there have been a previous number of changes of band, the effective date will be reviewed by Gloucestershire Lead Local Authority to ensure that the applicant is not disadvantaged (or given an advantage) by the change in circumstances.
- 18.6. Where an applicant has been unable to obtain settled accommodation due to their employment (e.g. Armed Forces Personnel, tied accommodation) the case will be reviewed and the application date may be backdated depending on the circumstances.
- 18.7. If the applicant's circumstances change, they must update their online application to show the change as this may lead to moving up or down the housing needs bands. An offer of a tenancy will be withdrawn if any change is not declared.

## **19. Bedroom need assessment**

19.1. The bedroom need for a household is assessed to match Housing Benefit rules because from April 2013 the same rules apply to all renting households including social housing.

One bedroom is required for;

An adult couple,

A person aged 16 or over.

2 children aged up to 16 years of age of the same sex.

2 children aged up to 10 years of age of different sexes.

19.2 When a child is born, the applicant must provide evidence of the birth as soon as possible and the bedroom need will then be re-assessed to ensure it is still correct.

19.3 An extra bedroom will be considered where the following applies:

- A carer who provides you or your partner with regular overnight care, who is not normally living with you. Evidence will be required to substantiate any claim which may include the care component of DLA (Disability Living Allowance), PIP (Personal Independent Payment) or attendance allowance, or details of a care package from a care providing agency funded by Social Services.
- An independent medical adviser has confirmed the need for an extra bedroom.

In all cases an assessment of affordability will be undertaken, with discretion for the final decision being with the relevant local authority and social housing landlord.

19.4 Potential children of foster or adoptive carers will be considered in the bedroom need assessment on an individual basis once they have been accepted by the appropriate Social Care Panel.

19.5. No visiting children should be included on the application and they will not be included in the bed room need assessment.

## **20. Medical / Disability assessment.**

20.1. Physical disability.

An applicant's (or member of the household included within the an application) physical condition will be assessed by an officer of the local housing authority or its agent or, where deemed necessary and feasible, referred to Children & Families or Adult Social Care for a Housing Needs Report. An assessment will then be carried out and a detailed report forwarded to the appropriate local authority to determine housing need.

20.2. Medical condition.

Applicants will be asked for details of any medical condition and the reasons why their current property affects that condition. An officer of the local housing authority or its agent will assess whether the current property has a detrimental effect on their social and or medical well-being. Where necessary a medical report may be requested from the appropriate independent medical advisor. The applicant may be

required to pay towards the related costs incurred. Their assessment will be based on the applicant's (or member of the household included in the application) medical condition, the affect their property has on that condition and how moving to an alternative property can help.

- 20.3. Following the assessment, the applicant will be informed in writing of the outcome and any change to their banding. If the applicant disagrees with this assessment they may ask for the matter to be reviewed under the Homeseeker Review/Appeal Procedure - See Section 41
- 20.4. Where an applicant's (or member of the household included in the application) medical circumstances change substantially, a new medical assessment form should be submitted along with any supporting evidence.

## **21. Hazard assessment/disrepair.**

- 21.1. The application form asks Applicants about the condition of their current home. Where an applicant indicates the property possesses potential risks to Health and Safety they should contact their landlord in the first instance. If unresolved, the applicant may ask the Environmental Health service of the local authority where they live to inspect the property.
- 21.2. Following an inspection the landlord may be required to undertake works to rectify the problem. Where this is not possible or appropriate a level of priority will be awarded which will determine the band in which the applicant is placed.

## **22. Completed applications.**

- 22.1. Once the applicant has been assessed and accepted on to the Gloucestershire Homeseeker scheme, they will receive, where possible within 28 days, notification, confirming their application details.

This will include;

- a) The band in which the applicant has been placed (bronze, silver, gold or emergency). In certain cases, applicants may be given different bands for different local authority areas (where a homeless duty is accepted by a local authority or where a prohibition notice is served). This "dual banding" reflects the fact that a higher duty exists in one area and the household will therefore have a higher band just in that area.
- b) The property size for which the applicant is eligible.
- c) The effective date (and band start date if applicable).
- d) A reminder about the importance of notifying any change in circumstances.
- e) A unique reference number to allow Applicants to make bids.
- f) Details of the documents required before an offer of accommodation can be made.
- g) Details of where to find the Gloucestershire Homeseeker appeal procedure.

## **23. Change of circumstances**

- 23.1 It is the responsibility of each applicant to update their own information every time there is a change in their circumstances.

- 23.2. Applicants will be notified of any effect of a change of circumstances on their banding within 28 days of providing any requested evidence.

## **24. Annual renewal process**

- 24.1. Where an applicant has not made any bid on any property, nor updated their application in any way within the previous twelve months, they will be contacted to see if they still wish to remain on the Gloucestershire Homeseeker Register. If there is no response within 28 days from the date of the letter being sent, the application will be cancelled. If the applicant contacts the Local Authority within 28 days of their application being cancelled and indicates that they still wish to be considered for housing, the application will be reinstated from their last effective date.
- 24.2. Applicants must renew their application if requested to do so by Gloucestershire Homeseeker.

## **25. Cancelling applications.**

- 25.1. An application will be cancelled from Gloucestershire Homeseeker:-
- At the request of the applicant.
  - Where an applicant does not respond to an application review within the specified time limit.
  - Where the applicant moves and does not provide a contact address.
  - Where the applicant has died.
  - Where an applicant has accepted the offer of a tenancy after a successful bid.
- 25.2. An application will be cancelled from the Gloucestershire Homeseeker Register and the applicant will be notified in writing where the household has been deemed non qualifying as a result of perpetrating Anti Social Behaviour or Racial Harassment since registering on Gloucestershire Homeseeker.

## **26. Rejoining the Housing Register.**

- 26.1. Where an applicant wishes to re-join the housing register at a later date, their new date of application will be the date they re-register.

## **Section 3 Scheme details - properties**

### **27. Looking for a home.**

- 27.1. Once Applicants have been registered as active on Gloucestershire Homeseeker and notified of banding and unique reference number, they can start to look and bid for a suitable property of their choice.

## **28. Advertisements.**

- 28.1. All partner landlords are committed to advertising their available properties as widely as possible. Properties will be advertised in a number of ways on a weekly basis including:

### Website:

A dedicated website for Gloucestershire Homeseeker is accessible to anyone with Internet access. The website will allow Applicants to view all available properties across the whole of Gloucestershire and bid 'on-line' for properties of their choice.

### Newsletters:

Adverts placed into free Gloucestershire Homeseeker newsletters, which can be viewed in a number of localities across the County—details are available from your local authority.

### DigiTV:

Adverts can be viewed through DigiTV

## **29. Bidding for a property.**

- 29.1. Where an applicant meets the eligibility criteria, they may bid for that property within the deadline given. It makes no difference to the final shortlist what time during the week the bid was placed. Property details and information should be carefully read as some properties will have additional requirements that make the property unsuitable for the applicant e.g. the number of people the property is suitable for – some have only single bedrooms.
- 29.2. Applicants may have up to a maximum of three bids in any one week. Until a decision has been made as to who will receive the offer, a bid will remain live. The applicant can withdraw their bid if they wish to bid for another property during the same weekly cycle.
- 29.3. Applicants may bid for properties via the Gloucestershire Homeseeker website, by DigiTV, phone, text or approved assisted bidding (family member, support worker etc.).
- 29.4. At the time the bid is placed, the applicant will be given their current position on the shortlist. This is only an indication, as the position can change, as other people bid or bids are withdrawn. Even if an applicant's position is shown as number 1, they may be subject to a by-pass if they do not meet the criteria of the advert or the scheme.

## **30. Advertisement deadlines.**

- 30.1. All advertisements will carry a weekly deadline by which time all bids for particular properties must be received - before midnight each Tuesday. The advert will be published on the same day each week starting one minute past midnight on Wednesday morning.

## **31. Property descriptions.**

- 31.1. Properties advertised will carry (where possible) a photograph of the property location and a full description which will include:
- Type of property and eligible Applicants i.e. any restrictions such as age, family size or composition.
  - Number of bedrooms and eligible household size appropriate (taking into account issues such as community sustainment or local lettings plans).
  - Location of property.
  - Any adaptations (e.g. disabled facilities such as stair lift etc.) and if this places a restriction on those who may apply.
  - Services provided (e.g. support, caretaker, cleaning etc.).
  - Heating type.
  - Rent/service charges.
  - Local connection requirement.
  - Additional features and marketing information.
  - Housing Bands that will be given priority.
  - Where rural settlement or local letting policies apply.
  - If a Social Housing Landlord's allocation policy applies.

## **32. Rural settlements.**

- 32.1. Additional local connection criteria will apply for properties in rural villages where there are particular shortages of housing e.g. villages with populations under 3000 or sites with planning conditions (Section 106 agreements and rural exception sites) attached to them. In these cases, priority will be given to Applicants who are unable to live in their community due to the lack of affordable housing, who have a local connection to the parish or surrounding parishes by means of living in the parish, working in the parish or having immediate family connections to the parish. Where this applies the details will be explained in the property advertisement.

## **33. Local Letting Plans.**

- 33.1. The Gloucestershire Homeseeker Partnership is committed to creating balanced communities. For new developments and in areas where there are known problems, such as anti-social behaviour or abandoned properties, a local lettings plan may be applied. The plan will take into account the needs of the current and new residents and the make-up of the block, street or cluster of streets, to ensure a responsible letting is made. The local authorities will review each letting plan periodically with landlords.

## **34 Short listing for the successful applicant**

- 34.1. Once the advert deadline has passed, a shortlist will be produced for each advertised property showing all the Applicants who have bid. For each property advertised, the successful applicant will generally be the applicant who has the highest band and the oldest effective date that is eligible to bid (i.e. who best meets the criteria in the advert and the policy).

- 34.2 The system produces the shortlist by the following sort criteria;
- Local district connection (if specified in the advert).
  - Local ward/parish connection (if specified in the advert).
  - Preferred band (if specified in the advert).
  - Band start date.
  - Effective date.
  - Application date.
- 34.3. Each Social Housing Landlord is responsible for checking to ensure there has been no change of circumstances including eligibility for social housing to the housing need assessment of the applicant since originally verified. This is to ensure that social housing is not allocated incorrectly to Applicants who no longer match the criteria.
- 34.4. Each applicant will be given the opportunity to view the property before signing for a tenancy.
- 34.5. A Social Housing Landlord may choose to invite the top three Applicants on the shortlist to view the property at the same time in case it is refused by the highest placed applicant.
- 34.6 Should an applicant be at the top of the shortlist for more than one property (and not subject to a by-pass), one of the Social Housing Landlords of the properties will contact the applicant as quickly as possible to ask them to decide which property they wish to be considered for. Once they have made their decision, their other bids will become invalid. In this circumstance, viewing of any of the properties before a decision is taken is unlikely to be available and will be at the Social Housing Landlord's discretion.
- 34.7 If an applicant is direct matched for a property, any other bids they have made will become invalid.

## **35 By-passing the top of the shortlist**

- 35.1. A by-pass is where an applicant has bid for a property and meets the advertised criteria but is not offered the tenancy.
- 35.2. The appropriate Social Housing Landlord will inform the household of the by-pass and of any steps needed to prevent further by-passes for the same reason.
- 35.3. There may be a number of reasons for by-passes such as:-
- Family composition unsuitable.
  - Rent or other debt outstanding.
  - Unsuitable for sheltered accommodation.
  - An Applicant has not responded to contact to view the property.
  - The Applicant has had a change in circumstances since verification.
  - Unsatisfactory current property inspection.
  - No local connection.
  - Pets not allowed.
  - Local lettings plan.
  - Anti-social behaviour.
  - Mortgage ability.

- Unsuitable for property.
  - Support package not in place.
  - Making best use of available housing stock.
- 35.4. Applicants will be required to match the requirements of this policy and match the criteria of the individual property as detailed in the advert. The advert includes details of both the type of applicant that is eligible for the property and any further restriction due to the Social Housing Landlord's own published allocation policy. If the applicant is at the top of the shortlist but does not meet all these criteria, the Social Housing Landlord may not consider the applicant. This is not a by-pass.
- 35.5. Gloucestershire Homeseeker partners reserve the right to prevent an offer going ahead where the offer is considered not suitable for the Applicant. This could be on the grounds of public safety, risk or sustainability of the tenancy.
- 35.6. Where an offer is being made to a current tenant of a Social Housing Landlord within the partnership, it is made subject to the satisfactory conduct of the present tenancy and approval of that Social Housing Landlord (which may include a home inspection).
- 35.7. If there is an occasion where two or more Applicants have the same band, effective date and application date, the Social Housing Landlord will make a decision which applicant best meets the aims and objectives of Gloucestershire Homeseeker.

## **36. Withdrawal of property.**

- 36.1. An offer of a tenancy may be withdrawn at any stage up to the signing of the tenancy agreement.
- 36.2. This may happen in certain circumstances, such as the tenant of that particular property has failed to vacate the property or the property has been incorrectly labelled on the advert.
- 36.3. If this happens, the Social Housing Landlord will inform the successful applicant that the property is no longer available. If the property is not ready for occupation following a successful bid and the applicant is likely to wait some considerable time before being able to sign the tenancy agreement, the Social Housing Landlord will inform the applicant and give them the option to withdraw their bid so they can bid for any other suitable properties. If the property was mis-labelled on the advert it will be re-advertised.

## **37. Refusals**

- 37.1. Applicants are expected to take reasonable care when bidding for a property to ensure it meets their needs. If however an applicant decides to refuse an offer of accommodation, the property will be offered to the next suitable applicant on the shortlist. An application will be reviewed if an applicant refuses 3 offers of suitable accommodation. This could lead to the applicant being suspended for a minimum of 6 months or being placed in a lower band.
- 37.2. If an applicant in a time limited band refuses an offer of accommodation the application will be reviewed and may be suspended for a minimum of 6 months or placed in a lower band.



## **38. Refusals by Applicants to whom the full homeless duty is owed.**

- 38.1. The local authority will normally expect an applicant to whom it has accepted a full homeless duty to bid for a wide range of suitable properties within the one month time limit in the Gold Band.
- 38.2 At the same time the local authority may be looking to discharge the homeless duty into an affordable and suitable private sector tenancy. If one is identified, the Gloucestershire Homeseeker application will be reviewed and any homeless banding priority awarded will be removed whether or not the applicant accepts the private sector property found which will still be subject to the statutory review process.
- 38.3 If a homeless applicant has not been actively bidding for all suitable properties or a suitable private sector property is not available at the end of the one month time limit, the local authority will secure an offer of suitable, affordable settled accommodation for the household subject to availability.
- 38.4 If a homeless applicant refuses an offer of suitable settled accommodation, the local authority is likely to decide that its duty under the Homeless Legislation is discharged, subject to the statutory review process.
- 38.5. Homeless Applicants have the right to request a review of certain decisions made by the local authority in respect of their homeless application. This includes the decision to bring to an end the full homeless duty by making a suitable offer of settled accommodation.
- 38.6. If an applicant wishes to request a review of the reasonableness of an offer or the suitability of the property, this should be submitted in writing to the appropriate local authority within 21 days of the offer. The applicant has this right whether or not they refuse or accept the offer of accommodation. If the review finds in favour of the homeless applicant, alternative suitable, affordable and settled accommodation will be offered. However if the suitability of the offer is upheld, the homeless duty is ended and the banding will be reviewed and the applicant may be moved to a lower band. **Applicants are therefore advised to accept an offer, occupy the property and then appeal under these grounds.**

## **39 Direct matching of properties.**

- 39.1. A direct match is a property which is not available through Gloucestershire Homeseeker. All the partner social housing landlords are committed to advertising as many of their vacant properties as possible through Gloucestershire Homeseeker. There will be occasions when certain properties will not be advertised and the reasons for these exclusions will be monitored. Some examples are: -
- Over-riding social reason to move the household for safety reasons, as recommended by the Police, partner organisations, or as agreed through multi-agency need and risk assessment panels.
  - Those let to discharge statutory duties to Homeless applicants in certain circumstances.
  - Properties required for existing tenants whose properties are subject to major works requiring them to vacate their own properties (either on a temporary or permanent basis).

- Extra-care vacancies and any supported accommodation where there is an applicant with a Care package that needs a specific property.
- Applicants who have succeeded to a tenancy or, in certain circumstances such as following the death of a family member, left in occupation but who need to move to alternative accommodation.
- Where a property has been adapted and meets the specific needs of a client.
- Applications subject to the Rent (Agriculture) Act 1976.

## **40. Feedback/Recent lets.**

- 40.1. Recent Lets on the web page gives details of the properties previously let once the new tenancy has actually been set up. This will be some weeks after the property was advertised but can help applicants see how long they may have to wait for the size of property they want in the locations of choice. Applicant's personal details will not be included.

The feedback given will include:

- Property size and type.
  - Property location.
  - Number of Applicants who applied for each property.
  - Band of successful applicant.
  - Effective date/ Band start date of successful applicant.
- 40.2. Using this information, Applicants will be able to see where properties are more likely to become available and where they may have the best chances of making a successful bid in order to help them make an informed evaluation of their housing options.

## **Section 4 Monitoring and review**

### **41. Review / appeal procedure. (The Homeseeker Appeal Process can be found at [www.gloshomeseeker.gov.uk](http://www.gloshomeseeker.gov.uk))**

- 41.1. All applicants have the right to request a review of any Gloucestershire Homeseeker decisions. Reviews must be submitted in writing to the local authority that dealt with the application within 14 days of the date on the notification. The appeal should include the reason why the applicant believes the decision is incorrect, together with any additional information.
- 41.2. Stage One – Internal Review  
If the applicant does not agree with the housing need assessment awarded, and believes this is not in line with the Gloucestershire Homeseeker policy, a Senior Housing Officer from the Local Authority dealing with their application will review the decision. Additional information maybe requested, the applicant maybe invited to attend an interview or a home visit carried out. The applicant will be informed of the Senior Housing Officer's decision and advised of their right to request the Gloucestershire Homeseeker Appeal Panel to carry out a review.
- 41.3. Stage Two – Gloucestershire Homeseeker Appeal Panel  
Where an applicant is still not satisfied that their housing need assessment is correct, and in accordance with the policy, a further review may be requested and undertaken

by the Gloucestershire Homeseeker Appeal Panel. The applicant must submit a request for an appeal in writing and send to the Housing Options Team at the Local Authority that is dealing with the application within 14 days of the review notification letter. The receiving local authority will acknowledge receipt of the request for an appeal within 14 days and provide the applicant with contact details of the officer dealing with the request and the time it will take to reply to the applicant. If the review cannot be completed within 56 days, the applicant will be informed and the timescales for the review set out.

The panel will be made up of senior housing officers from three of the other local authorities. The appeal will consider the facts surrounding the case and the applicant's request should specify whether there are additional facts the Panel should take into consideration or whether the applicant feels that the original facts submitted with their original application have not been fully taken into account. Additional evidence, such as additional medical reports should also be submitted.

The Panel will consider the review on the papers submitted by the applicant and the housing officer from the local Council involved in the case. The applicant does not need to attend this review hearing but occasionally the Panel may require additional information from either party and , should this be the case, the applicant and the relevant Housing Officer will be asked to personally attend a further review Hearing. The applicant can bring a representative.

The Gloucestershire Homeseeker Co-ordinator (or a nominated representative) will be present at the Hearing to ensure that all relevant information has been presented and is dealt with correctly.

Once the appeal has been determined, or if the Panel require the applicant to attend a further Hearing, the Gloucestershire Homeseeker Co-ordinator will write to the applicant giving full details within 14 days or as soon as reasonably practicable thereafter.

#### 41.4. Stage Three – Local Authority Complaints Procedure

If the applicant is not satisfied with the process that has been followed by the Gloucestershire Homeseeker Appeal panel, they may make a complaint through the relevant local authority's complaints procedure. It must be emphasised that this will not change the Gloucestershire Homeseeker panel decision on the housing need assessment in line with the Gloucestershire Homeseeker policy.

41.5 The complaint must be made in writing to the appropriate authority within 14 days of the date of the written notification of the decision of the Gloucestershire Homeseeker Appeal Panel.

41.6 If the applicant is still dissatisfied, they may complain directly to the Local Government Ombudsman. The Oaks, 2 Westwood Way, Westwood Business Park, Coventry. CV4 8JB. Telephone 024 7682 0000.

## **42. Access to personal Information.**

44.1. Applicants are entitled under the Data Protection Act (1998) to request details of their personal data held by the six local authorities. A charge will be made for providing this information.

### **43. Use of statistical information.**

- 45.1. The information supplied by Applicants on their housing application may also be used for housing management and research purposes within legal guidelines (such as identifying what size and where new housing is required). No individual will be identified in collating such information.

### **44. Policy monitoring and review**

- 44.1 The Housing Advice/Options Manager of each local authority will run regular reports to monitor performance of the scheme in meeting the aims of the policy.
- 44.2 The Gloucestershire Homeseeker policy will be regularly reviewed to ensure that it takes into account change in demand and need within the County, that it continues to meet its aims and objectives and that it complies with any legislative changes.
- 44.3 Any changes to the Gloucestershire Homeseeker Policy will be implemented only with the majority agreement of the members of the Partnership. An interested party may contact any of the local authority partners to make observations to be considered at the next review.

## Introduction

This paper is a summary of the responses received during the consultation period Wednesday 2nd January to Tuesday 26th March 2013.

The responses have been collated by the Housing Strategy & Enabling Officer, Cheltenham Borough Council on behalf of the local authorities in Gloucestershire.

Letters were sent to housing waiting list applicants and registered providers who are Gloucestershire Homeseeker partners, explaining the changes to the Gloucestershire Homeseeker Allocations Policy as a result of the Welfare Reform Act and the Localism Act.

A copy of the letter can be found in Appendix A in this document

A copy of the proposed changes can be found in Appendix B in this document

All responses are listed in Appendix C in this document.

## Responses

The responses in this paper are that of 42 individuals and 1 registered provider [who stated that they have no comments on the changes] from across the Gloucestershire authorities.

The responses from the 42 individuals is summarised below in table 1:

Table 1: Summary

<b>Response Type</b>	<b>Number</b>
No comment	8
Agree with all changes	6
Other	28

Overleaf, table 2 sets out the proposed changes alongside the number of respondents who agreed or disagreed in some way to that change and commentary about the concerns of respondents.

Table 2: Number of comments/concerns against each proposed change

	Name of change	Disagree with particular changes/ negative response/ concern expressed	Agree with particular changes/ positive response	Main points	Policy Amended/not amended
1	Bedroom eligibility	10	0	The greatest concerns were that of bedroom entitlement, mostly for children but also need for carers and couples who may in future wish to have separate bedrooms.	This change brings the policy into line with the changes introduced to the Benefit rules under the Welfare Reform Act. As a result, the proposed change to the Policy will ensure that tenants who secure a property do not then subsequently find the property to be unaffordable.  The Policy has NOT been amended as a result of the comments
2	Visiting children	7	1	Respondents who were negative about this change were those who were in small [bedsits] accommodation who were concerned about not having a property big enough to have their child/ren to stay - "part-time care" and for children to have access to both parents.	This change brings the policy into line with the changes introduced to the Benefit rules under the Welfare Reform Act. As a result, the proposed change to the Policy will ensure that tenants who secure a property do not then subsequently find the property to be unaffordable.  The Policy has NOT been amended as a result of the comments.
3	Owner occupiers	3	3	Some support but respondents were concerned about how this will affect families, separated families and people are in negative equity.	Owner occupiers will not be offered social housing except where there is a proven social or medical need that they are not able to resolve through the sale or adaptation of their own property.  The Policy has NOT been amended as a result of the comments.

4	Armed Forces	1	3	One respondent felt that there was not enough detail to comment fully on this change.	<p>This change brings the policy into line with the Allocation of Accommodation: Guidance for Local Housing Authorities in England July 2012 which sets out specific proposals concerning ex-service personnel.</p> <p>The Policy has NOT been amended as a result of the comments.</p>
5	Armed Forces discharge	6	3	Respondents questioned why [immediate] discharge was part of the criteria and how appropriate was local connection to this criteria also.	<p>This change brings the policy into line with the Allocation of Accommodation: Guidance for Local Housing Authorities in England July 2012 which sets out specific proposals concerning ex-service personnel.</p> <p>The Policy has NOT been amended as a result of the comments.</p>
6	Foster carers	2	0	Concern for foster carers in social housing	<p>This change brings the policy into line with the changes introduced to the Benefit rules under the Welfare Reform Act. As a result, the proposed change to the Policy will ensure that foster carers will be awarded an extra bedroom.</p> <p>The Policy has NOT been amended as a result of the comments</p>
7	Carers	4	2	Many respondents requested to more about the assessment and what would be required.	<p>This change brings the policy into line with the changes introduced to the Benefit rules under the Welfare Reform Act. It is therefore proposed to change the policy relating to bedroom need in line with Housing Benefit calculations.</p> <p>The Policy has NOT been amended as a result of the comments.</p>

8	Multiple column criteria	4	0	Many respondents were unclear on the proposals and questions asked.	Criteria removed following recent case law allowing authorities discretion to remove. The Policy has NOT been amended as a result of the comments.
9	Social housing transfers	1	1	One respondent agreed with this change based on case-by-case assessments with another concerned about how a household would be deemed unable to afford their property.	This change brings the policy into line with the changes introduced to the Benefit rules under the Welfare Reform Act. Where a social housing tenant's rent is proven to be unaffordable due to under occupation deductions for those receiving housing benefit introduced from 1 <sup>st</sup> April'13.  The Policy has NOT been amended as a result of the comments.
10	Eligibility	5	0	There was negative feeling around the change in that respondents felt this should be being done anyway.	This is current practice for Gloucester City. All applications need to be checked for eligibility on application to ensure correct housing need banding applied.  The Policy has NOT been amended as a result of the comments.
11	History of ASB or rent arrears	3	5	A strong response to ASB and rent arrears and respondents wanting complete exclusion from Gloucestershire Homeseeker in some cases. One respondent wanted to understand however, how long the non-qualifying period would be.	This change brings the policy into line with the Allocation of Accommodation: Guidance for Local Housing Authorities in England July 2012.  The Policy has NOT been amended as a result of the comments.
12	Maximum income	6	2	Several comments relating to the need for social housing if a household has a joint income of £60k suggesting it should be reduced.	An applicant will not be accepted for social housing where their financial resources are sufficient to resolve their housing need in the district of choice. This will be determined on an individual basis.



					The Policy has been amended as a result of the comments
13	Homelessness	1	4	Support for using the private sector to house [families] in emergency/homelessness need.	<p>The Homelessness (suitability of accommodation) England Order 2012, Section 148 &amp; 149 of the Localism Act 2011, came into force on the 9<sup>th</sup> November 2012; local authorities now have the power to end the main homelessness duty with a private rented sector offer with or without the applicant's consent.</p> <p>The Policy has been amended as a result of the comments</p>
	<b>Total</b>	<b>53</b>	<b>24</b>		

**Appendix a – Letter to applicants**

2nd January 2013

Dear

We are writing to you to explain the changes that we are proposing to make to the Gloucestershire Homeseeker Policy as a result of the Welfare Reform Act and the Localism Act. We have also made a few changes to simplify the banding table and make it easier to understand. The full policy will be updated on the web site once the consultation period has ended and the changes have been approved by the 6 partner local authorities. The IT system will then have to be upgraded and tested. We expect to be ready to start using the new policy in the Summer 2013.

We are asking you to read through the changes on the 2nd page of this letter and if you have any comments to either write them in the boxes and post that page back to us (at the address overleaf) or visit the Gloucestershire Homeseeker website and follow the consultation link on the homepage, in order to leave your comments electronically. The website address is [www.gloshomeseeker.co.uk](http://www.gloshomeseeker.co.uk). The banding table has also been updated and shows how priority will be awarded in the revised policy.

The consultation period is running from Wednesday 2nd January 2013 for 12 weeks and so will close at the end of Tuesday 26th March 2013, so all comments need to be received by then.

Please return your form to:

We would also like to make you aware of a new service Glos Homeseeker is now providing: the ability to view properties & place your bids through your TV. The service is called DigiTV and all the information about how to use the service can be found on our website. If you do not have access to the Internet, you can visit one of the free for public use PCs around the County (at most libraries and all Council Offices) or call your local Housing Options team who will be happy to talk you through the steps.

Yours sincerely

## Appendix B – Proposed changes to Gloucestershire Homeseeker Allocations Policy

1. Bedroom Eligibility – We propose to change the ages for bedroom eligibility from 8 and 18 to 10 and 16.
2. Visiting Children – we are proposing to remove the following section: Where an applicant has part-time access to a dependent child or children and seeks an additional bedroom, consideration will be given to the individual circumstances. This may include whether there is a court order or formal custody agreement, whether the applicant is the payee for child benefit payments, the number of children and if the children stay with the applicant for 50% or more of the week.
3. Owner Occupiers will not be offered social housing except where there is a proven social or medical need that they are not able to solve through the sale or adaptation of their own property
4. Armed Forces – Local Connection will be given to the following:
  - Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
  - Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
  - Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
5. On discharge members of the Armed Forces with Priority need, will be Gold band for 6 months from Discharge date. Those with Non Priority Need will be given Silver from Discharge date. If it is an immediate discharge then they will be getting the priority for a shorter time.  
Repeat application up to 5 years from discharge - Priority Need or Unintentional Homeless applicants will get Gold band again for 6 months from Notice being received and Non Priority Need or Intentional Homeless will get Silver priority backdated for 6 months from Notice being received.
6. Foster Carers – Once their application has been approved by the Foster Panel we will consider their extra bedroom requirements on a case by case basis.
7. Carers - We will award the extra bedroom once they have been assessed.
8. Multiple Criteria Column – This is the last column on the band table (overleaf) and we will be removing this from the table completely.
9. Transfers of existing social housing tenants who are Suspended because of rent arrears will be considered as an exception on an individual basis if demonstrable that they cannot afford to stay in their current tenancy as a result of the Welfare Reform Act changes.
10. Eligibility to be on the Housing Register will be checked at point of application and again before any offer is made in case eligibility has been lost in the intervening period.
11. Those with a significant history of Anti-Social Behaviour or Rent Arrears will be non qualifying instead of being Suspended

12. Those with a combined gross income above £60k will be non-qualifying. This figure will change in line with current rules for Home buy/low cost ownership options
13. Homelessness -Local Authorities are now allowed to discharge duty into the private sector so Gloucestershire Homeseeker policy wording will be updated to reflect this position.

**Appendix C – All responses**

No Comments
No Comments will wait to hear where are
Agree with all changes
Agree with all changes
Bedroom Eligibility-unfair as girls start puberty very early. Multiple need what happens if in band? Checking eligibility at point of entry-should be done already. Combined gross income above £60,000-why would you need social housing if you earn this amount of money?
Visiting children should not be allowed a bedroom. Armed forces should only be given preference if homeless, not if they have money. People should be excluded for anti social behaviour. People earning £60,000 should not be allowed to register with all that money. Homeless people should be put into the private sector when housing is short
Agree with all changes
Does not apply to me I have applied for properties but never get one
Agree with all changes but length of residency for local connection too short needs to be at least 5years
Agree with changes but need to address length of time people are resident for local connection
Welcome especially 5 Armed Forces
Agrees with 3,4,5 and 11
Unhappy about 2 because he can't have his children visit in his bedsit
Agrees with 11 and 12. Thinks 13 should be in Emergency band. Banding table all homeless and all medical should be in Gold.
Disagrees with 5 and 6. Likes the £60k income limit
Agrees with 3,4,7,11,12,13
No comments
Disagrees with 1- Girls younger than 10 should not share with boys- mature earlier.
Agrees with 3
No comments
asks how 13 affects their own situation
Disagrees with 3 if family has separated and 5
Didn't think layout clear, disagrees with 2 and 8, need more detail on 4, how long will 11 apply, 13 doesn't understand
Disagrees with 1- Girls younger than 10 should not share with boys- mature earlier.
Doesn't affect him
Doesn't affect her
Disagreeing with ages of children sharing bedrooms
Agrees people coming out of forces should be given priority
Future bedroom need as a couple and how they will be able to have separate rooms
Question "Which Lord and Master dictates these changes?"
Disagreeing with ages of children sharing bedrooms
Disagreeing with ages of children sharing bedrooms
Need for extra bedroom as adults as mother & daughter, daughter providing care.
Daughter's ex-husband forcing sale of the house
Owner occupiers question "what if the person has been left by a partner with children and cannot afford their mortgage and house is in negative equity.
Disagrees with income level stating it should be at £40K.
Agrees with ASB and rent arrears history = non-qualifying
Agrees with visiting children
Agrees with owner occupiers
Multiple column criteria question "Does this mean bronze"

Question regarding change of banding and what band the household will be in once these changes are in place
Against owner occupiers stated "We doubt that we qualify now"
No comments over than "See my letter dated 30/12/12" with regards to Carers, Transfers, Eligibility, ASB rent arrears history, Income and Homelessness. NOTE: no letter attached to provide detail
No comments
No. 1 - Bedroom Eligibility - Is this in line with Housing Benefit?
No. 2 - Visiting Children - So no consideration given to part time care?
No. 7 - Carers - What assessment?
No. 8 - Multiple Criteria Column - Just removed or have med/multi combo?
No. 10 - Eligibility checked - Just eligibility or bed need, banding as well?
No. 1 - Bedroom Eligibility - I do not agree, young girls need privacy.
No. 2 - Visiting Children - Each case should be looked at individually.
No. 4 - Armed Forces - As long as there is a strong Local Connection, otherwise other areas should be offered first.
No. 5 - On discharge - Local connection should apply also.
No. 9 - Suspending rent arrears - Case by case assessment agreed.
No. 7 - Carers - Further confirmation of the assessment, what is it?
No. 9 - rent arrears suspension - What constitutes being unable to pay?
No. 11 - Non-qualifying - What does this mean for the client?
No. 13 - Homelessness - How will this work in practice? I.e. between local and private.
No. 7 - Carers - This is important
No. 8 - Multiple Criteria Column - Should keep this.
No. 2 - Visiting Children - So what are we doing with people with access and hard to let above ground floor.
No. 5 - Armed Forces - why would immediate discharge make a difference?
No. 6 - Foster Carers - Ok for private or owner, not ok for social as it won't be approved
No. 7 - Carers - What would be required?
No. 8 - Multiple Criteria Column - Need a tool for prevention. If multiple added to medical e.g. medical / multiple results then that could work but definitely need something.
No. 11 - Non-qualifying - Does this over ride change 9?
No. 12 - Income - Does this include equity.
No. 10 - Eligibility checked - I hope I will be able to stay on the housing register, the bronze category I was on seems to have been deleted altogether, as my circumstances may change.
No. 1 - Bedroom Eligibility - Does this need to be from 1/4 in line with Housing Benefit.
No. 2 - Visiting Children - Disagree totally. Changes to access laws in 2013. Both parents should have the chance to play a positive role in their children's lives when it is safe and in their best interest.
No. 5 - Armed Forces - Too late may as well make homeless when duty accepted.
No. 10 - Eligibility being checked - By whom?
No. 11 - Non qualifying - what level or R/A significant?
No. 12 - Income - Will everyone who applies be asked to supply wage slips?
No. 12 - Income - Where the ceiling for eligibility is set at a joint income of £55K, at more than twice the national average wage this seems excessively high to me.

# Equality Impact Assessment

**Relating to: Review of Gloucestershire Homeseeker Policy**

**Date: 11 March 2013**

## Introduction

The Equality Act 2010 requires that we pay 'due regard' to the three aims of the equality duty.:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it.
- Foster good relations between people who share a protected characteristic and those who do not share it.

Having due regard (which means consciously thinking about the statutory needs as part of a decision making process) involves:

- Removing or minimising disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic.
- Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of people who do not share it.
- Encouraging those people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Good equality analysis helps us to tackle inequality and target resources efficiently. It also helps us to demonstrate that we are pay due regard to our public sector duty.

The protected characteristics which the duty applies to are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, also marriage and civil partnership (but only in respect of the requirement to have due regard to the need to eliminate discrimination).

Indirect discrimination occurs where a condition or practice is applied which would put people with one of the protected characteristics at a disadvantage and it cannot be objectively justified.

It is important to understand and consider how different people will be affected by the decisions the council makes, so policies and services are appropriate and accessible to all and meet different people's needs.

This assessment will help you think about the potential impact your proposals will have on all sections of the community. Recognising these impacts early on in the process of developing policies will assist good decision making and ensure that the council and its partners deliver services appropriate to people's needs.

If you need help at any point or have any questions, please email [equalities@teWKesbury.gov.uk](mailto:equalities@teWKesbury.gov.uk)



**1 Person responsible for undertaking this assessment:**

<b>Name: Lisa Firstbrook Gloucestershire Homeseeker(GH) Co-ordinator,</b> <b>GH Operational Group and GH Management Board (which incorporates the Gloucestershire Local Authorities and partner Registered Providers)</b>	<b>Telephone: 01594 812492</b> <b>E-mail: lisa.firstbrook@fdean.gov.uk</b> <b>Date of Assessment: 11 March 2013</b>
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**2 Name and brief description of the policy, service, strategy, procedure or function (indicate whether new or revised):**  
(Please note for the remainder of this document will refer to a 'policy')

<b>Page 73</b>	Gloucestershire Homeseeker (GH) Policy (2013) – this is a revised and updated countywide policy to an adopted policy that already exists.
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**3 Briefly describe its aims and expected outcomes:**

<p>The existing and adopted policy is used by local housing authorities in Gloucestershire to enable them to meet their statutory housing duties, including where duties are owed to homeless households under Part VII of the Housing Act 1996, as amended by the Homelessness act 2002. The policy sets out that GH involves a combined housing register, application process and an agreed set of criteria used to assess eligibility for social housing across the county. The policy makes clear who can apply for social housing and how their housing needs translate into a hierarchy of bandings depending upon how urgent the household's needs are. The single scheme approach is also intended to make it easier and simpler for housing applicants to understand so that they can make informed housing choices. By having a single policy, this makes it easier for local housing authorities to provide a clear and consistent approach to the allocation of a finite resource of social housing across Gloucestershire.</p> <p>The existing policy has been revised and updated to take into account legislation changes and in particular those introduced by the Localism Act 2012, Welfare Reform Act 2012 and the Statutory Code of Guidance on the Allocation of Accommodation 2012. It also has regard to the Homelessness Strategies and Tenancy Strategies that have been developed by Gloucestershire local authorities.</p>
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Some changes to the policy have been made in order to comply with legislation. Where the legislative changes allow the housing authorities to exercise discretion, the policy makes clear the considerations that the authorities will make and how these will need to ensure the equality of opportunity to access suitable and affordable housing to meet needs.

The Welfare Reform Act changes the rules concerning the calculation of housing benefit. From April 2013, for the purposes of calculating a household's bedroom need and overall benefit cap, social housing is to be treated the same as all other housing tenures. For this reason, changes to the Gloucestershire Homeseeker Allocations Policy have been proposed to bring it in line with the Housing Benefit rules e.g.

- Bedroom need - a separate bedroom for different sex children aged 8+ and a separate bedroom for same sex children aged 18+, has now been changed to the ages of 10 and 16 respectively. Meaning that the younger children of different sexes will have to share a bedroom for longer, but older children will be entitled to have their own bedroom sooner.
- No extra bedrooms for visiting children will be allowed
- Transfers of existing social housing tenants who are 'suspended' because of rent arrears will be considered as an exception on an individual basis. They will have to demonstrate that they cannot afford to stay in their current tenancy as a result of Welfare Reform changes – e.g. the rent arrears accrued were directly as a result of a cap on benefit.

The Localism Act allows local authorities the freedom to have policies that enable them to make best use of available social housing stock within their locality. This includes that local authorities and other social landlords can offer flexible or fixed term tenancies rather than 'lifetime' tenancies. These terms allow the social landlord to review the circumstances of a tenant household and their continuing ability to need the property in the future. A tenancy can be ended so that the property can be offered to another household with the appropriate need. With this, and the other elements of the Localism Act in mind, the following changes to the Gloucestershire Homeseeker Policy have been proposed;

- Eligibility to housing is to be checked at the point of housing application and before allocation of a property is made to ensure that there are no lapses in eligibility.
- Applicants who own or part own a property which is suitable for their needs, or where those needs can be resolved through adaptation, sale or where, if they sold it, they could afford to buy another property will not qualify to join the housing register. We may make exceptions to this rule in the case of proven social or medical needs.
- Armed Forces groups (personnel and spouse/civil partner) will be entitled to a local connection to whichever local authority they wish to apply for housing under specific qualifying criteria.
- Ex- Armed Forces personnel will have a higher banding (Gold/Silver) for an extended 6 month period to that offered to other housing applicants
- An extra bedroom will only be considered if the following applies:
  - A carer who provides the applicant or the applicant's partner with regular overnight care, who is not normally living with the applicant. Evidence will be required to substantiate any claim which may include the care component of DLA (Disability Living Allowance), PIP (Personal Independent Payment) or attendance allowance, or details of a care package from a care providing agency funded by Social Services.
  - An independent medical adviser has confirmed the need for an extra bedroom.

In all cases an assessment of affordability will be undertaken, with discretion for the final decision being with the relevant local authority and social housing landlord.

- Fostering/adoption – once their application has been approved by the Foster/Adoption panel, an extra bedroom will be considered on a case by case basis.
- History of ASB or rent arrears – these housing applicants are now ‘non-qualifying’ rather than ‘suspended’
- Multiplier bands, previously used to provide additional preference for those with more than one issue, cannot be awarded
- Local authorities will be able to discharge their homelessness duty into the private rented sector provided that it is suitable and affordable for the tenant.

#### 4 Describe how this policy will impact on the council’s duty to:

- eliminate discrimination, harassment and victimisation:
- Advance equality of opportunity;
- Foster good relations.

Identify what particular groups of people will be affected by this policy. Consider how the policy may affect people’s human rights. Will the policy create any problems or barriers to any community or group? Will any group be excluded because of the policy? Will the policy have a negative impact on the community?

The changes to the policy will affect people of all ages and genders who apply to the local authorities in Gloucestershire for housing. The changes will particularly affect those households of working age, families with young children who would not previously have had to share a bedroom, and those households who are members of the armed forces. However these changes are driven by legislative changes to welfare benefits and not entirely within the gift of local housing authorities to control. Currently changes will not affect people receiving Pension Credits (e.g. those over 61 years of age).

The policy makes clear who will not qualify to apply for social housing and states if a household or a member of the household has been responsible for unacceptable behaviour such as criminal activity or anti social behaviour, then they will not qualify to apply for social housing. The criteria can help to proactively eliminate discrimination, harassment and victimisation by ensuring that those who exercise such behaviours are not rewarded with housing opportunities above others. At the same time, the policy also ensures that there are processes in place to consider each application on its merits and reconsider non-qualification where an applicant has demonstrated a commitment to improve and change to more acceptable behaviour (e.g. that is more acceptable to the community). The policy makes clear the reasons why any sanctions may be applied or when restrictions may need to be placed on the household’s ability to access housing. Whilst these sanctions may disadvantage some individuals from accessing housing and having a right to family life (Human Rights Articles), the policy includes an appeal procedure that ensures any representations made by the individual/ household are given due consideration and that sanctions are only applied where they are reasonable and necessary to the circumstances at the time. The appeals process ensures equality of opportunity. The Policy also makes clear that where an individual is in need of support to make an application, search for suitable housing or use the

scheme in any way, these vulnerable households will be identified and additional support will be brokered by the local housing authorities in partnership with housing related support providers, family or friends so that there is an equality of opportunity. The policy does not restrict the movements of social housing tenants where they need to move across Gloucestershire districts to access employment, support of family or move back to an area where they have lived previously. The ability to maintain social networks and links with the community can assist in fostering good community relations.

**5 Provide details of the evidence you have gathered in making this assessment, including data sources, consultation undertaken and the outcome/s of this, including people with specialist knowledge:**

Useful sources of information: complaints monitoring, customer records, census data, focus groups, face to face interviews, surveys, related information produced by other public bodies.

Currently, GH Housing Register includes 21,358 households seeking housing across the county. Of these, 6223 households have been identified as being vulnerable or in need of support to navigate GH and actively find housing solutions. The Housing Register identifies that currently there are 3923 households who consider them self to have a disability; 600 who need wheelchair access, 329 who needed help with the application form and 136 say they have a support worker. The breakdown of households who said that a condition was being affected by their current housing situation was:-

Drug/alcohol	204;	Learning difficulty	249;	Medical problems	2267;	Mental Health	1720;	Physical disability	902;	Social	881
TOTAL										6223 households	

Consultation on the proposed policy changes has been undertaken over a 12 week period from January to March 2013. The consultation included local voluntary and community groups and countywide stakeholder groups such as the Citizens Advice Bureau, Shelter, GAVCA (Voluntary and Community Action), GEAR (street homeless), Youth Support Service, GRCC, Atlas Project, CCSMS (Drug and Alcohol service), GDASS and GDVSAP (domestic abuse services) , ISIS (women addiction/ex-offenders), Nightstop, South West Homes, Adult Social Care, Members of the County Equality Group, all active Gloucestershire Registered Providers, Town and Parish Councils, Councillors plus all existing GH Active applicants.

There were only a total of 43 responses received during the consultation period confirming that most people were aware that the proposed changes to the policy were as a result of legislation changes. Individuals were mostly concerned about the direct affect on their application and Housing Benefit.. No changes have been made to the revised policy as a result of the feedback received but individuals were contacted about their personal circumstances.

An independent agency HQN was commissioned to provide an assessment of the whole GH policy and system processes. They reported to GH Management Board in March 2013.

The operational and strategic experience of the Gloucestershire Housing Options Officers has also assisted in influencing changes to this revised policy.

Appendix A gives key facts about the county of Gloucestershire taken from census data.

Implementation of the revised policy will be monitored over the next 12 months to reveal any issues arising and mitigation to be taken.

**6 Where any particular group is affected differently by the policy in either a negative or a positive way, if you identify a negative impact, explain what actions you have undertaken or you plan to undertake, including consideration of any alternative proposals, to lessen or negate this impact:**

**High**

Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available, urgent need for consultation with customers, general public, employees

**Medium**

Some potential impact, some mitigating measures in place but no evidence available as to how effective they are, would be beneficial to consult with customers, general public, employees

**Low**

Almost bordering with non-relevance to the EIA process (heavily legislation led, very little discretion exercised, limited public facing aspect, national policy)

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
<p><b>Age</b> (children, young people, working age, elderly)</p>			X	<p>Although the Welfare Reform Act will result in a negative impact mainly upon working age adults and especially those who are under occupying their homes, the changes to the Gloucestershire Homeseeker Allocations Policy will take into account the changes to housing benefit and will mean that housing applicants will not be allocated a home where the rent is unlikely to be met in full by housing benefit payments. The change will mean that some families with younger children, aged 10 and under, will be allocated a smaller home than they would have been allocated under the existing allocations policy. The change to the allocations policy will also mean that families with children aged 16+ (rather than 18+) will be allocated an extra bedroom for that child.</p>	<p>Neutral impact as families are not excluded from being eligible for housing the only change will relate to the number of bedrooms in the properties that they can be considered for.</p>	<p>It will be important for housing options officers within the Gloucestershire Local Authorities to monitor the number of families and young people that this change will impact upon.</p>

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
<p><b>Disability</b> (indicate different impacts on different types of disability – mental and physical impairments, mobility, manual dexterity, speech, hearing, learning, understanding, visual, MS, cancer, HIV)</p>			X	<p>The policy supports that physical/medical considerations should be taken into account when assessing housing need and eligibility. The changes to the policy allow that if someone with a disability requires a carer to stay overnight and there is medical or DWP evidence to support that this is needed, then an extra bedroom can be allocated.</p> <p>There are currently 600 housing applicants on GH have an identified need for properties that are wheelchair adapted and a further 902 who have some form of physical disability that may require some adaptation. Priority and essential requirements to meet the housing needs of individuals are considered based on recommendations of County Occupational Therapists. In total 3923 households consider them selves to have a disability.</p>		<p>The definition of disability is factors that affect day to day activities for more than 12 months. GH Operational Group should consider if clarification on the web site and application form would be helpful.</p>

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
<p><b>Gender reassignment</b> (also associated aspects: safety, single-parenting, caring responsibility, potential for bullying and harassment)</p>			X	<p>The policy changes do not impact positively or negatively on persons having undergone or in the process of undergoing Gender reassignment. Assessment of housing need will be based on the needs of the household (including any children or partners to be re-housed with the applicant). There are already provisions within the policy to ensure that there is equality of access to housing and should housing applicants who have identified themselves as belonging to this protected characteristic group be victims of bullying or harassment, then such issues will be considered carefully when assessing housing need.</p> <p>There is currently no monitoring of this particular group.</p> <p>Sexuality is monitored -190 people identified themselves as bi-sexual, 195 gay or lesbian, heterosexual 13,077 and 1712 preferred not say.</p>		GH Operational Group to consider including with other monitoring questions.
<p><b>Race</b> (also ethnicity, nationality, culture, language, gypsy, traveller)</p>	X			<p>Some cultural groups prefer to have more than one family generation or more than one 'family' living in the same property. There may be a negative impact where there are younger and older children in each family but where these children would not normally share a bedroom.</p>	<p>The allocations of housing to multiple family groups will need to be monitored and any issues arising should be discussed with</p>	<p>GH Operational Group to monitor as the revised policy is implemented. Any issues to be raised with the GH Management Board with recommendations for policy changes where needed. .</p>



			<p>Where a household registers as one household ie needing 1 property, they would be assessed in line with HB rules.</p> <p>Given that the maximum Housing Benefit for a household is capped at the 4 bedroom level and there is a limited supply of affordable larger properties this may present difficulties for some families and force them to consider over crowding or forming separate households.</p> <p>On the other hand the new Welfare Reform rules applying to all tenures (including social housing tenants) may encourage some families to keep their young people at home longer in order to avoid the “bedroom tax”.</p> <p>The picture of race varies considerably across the county - see Appendix 1 taken from census data so monitoring and response in some districts will be more critical .</p>	housing benefit teams to establish potential solutions.	
<b>Religion or belief</b> (Buddhist, Christian, Jewish, Muslim, None, Other)		X	<p>Unless the religion or belief results in the need for larger housing or the ability for certain sexes of children not being able to share a bedroom, then there would be no impact. There is little evidence from the information available through the housing register that this would be a practical issue.</p>	Monitoring by the housing options officers will assist in identifying any issues arising.	
<b>Sex</b> (also associated aspects: safety, single-parenting, caring responsibility, potential for bullying and harassment)	X		<p>The negative impact could occur where there are separated families and the parent who does not receive child benefit for the children would not be allocated a bedroom need for visiting children (as part of a court order). In reality this is likely to affect more male single parents than female parents as the child benefit payments historically and currently are</p>	Monitoring by the housing options officers will assist in identifying any issues arising.	Issues to be reported to the GH Management Board within 12 months of the policy changes being implemented.

				usually paid to the female parent. There are 7713 male main applicants and 12,532 female main applicants. Only 16 said they would Prefer not to say.		
<b>Sexual orientation</b> (heterosexual, lesbian, gay, bi-sexual)			X	There are a number of people on the housing register who fall within this protected characteristic group. However, the proposed changes to the policy do not negatively or positively impact upon them. Currently 190 people identified themselves as bi-sexual, 195 gay or lesbian, heterosexual 13,077 and 1712 Preferred not say reflecting some discomfort or fear of discrimination in this area.	Monitoring by the housing options officers will identify if these concerns reduce over time.	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including timescale and who will be responsible for monitoring
<p><b>Indirect discrimination</b></p> <p>Page 83</p>	X			<p>The Armed Forces groups have been allowed a longer timescale in which they will hold a higher banding and local connection. This reasonable preference category is required by legislation (Localism Act) however, by implementing this positive action, this could result in a negative impact upon all other applicants on the housing register who are not considered to fall within the Armed Forces Group and who therefore are not treated as a priority.</p>	<p>This issue may arise more regularly in some areas of Gloucestershire than others due to the location of armed forces barracks. Monitoring by the housing options officers will assist in identifying any issues arising.</p>	<p>Issues to be reported to the GH Management Board within 12 months of the policy changes being implemented.</p>
<p><b>Socio-economically deprived groups</b></p>			X	<p>The changes to the policy have been made to take into account changes in legislation. These legislative changes are not within the gift of local housing authorities to control. Where there is some discretion for local authorities in terms of the interpretation, consideration has been given to limit any adverse impact upon socio-economically deprived groups. Changes have been made to the policy only where it has been necessary to do so and to ensure that people can be housed in suitable and affordable accommodation. The changes apply across the county and therefore will include local areas of identified deprivation.</p>		

<p><b>Community cohesion</b></p> <p>Provide details of any ways in which the proposed activity would promote equality in the community between those who share a protected characteristic and those who do not, and how it would promote good relations between such groups</p> <ul style="list-style-type: none"> <li>• Is there equality between those who will and won't benefit from the proposal?</li> <li>• Are there strong relationships between groups and communities in the area affected and will the proposed action promote positive relationships?</li> <li>• Does the proposal bring groups/communities into increased contact with each other?</li> </ul>	<p>The proposed changes to the policy do not specifically promote community cohesion or strong relationships between groups.</p> <p>The process of allocating social housing can sometimes be governed by a S.106 Agreement or a local lettings plan which help to make the allocation process more equitable in some areas where there is a lack of provision or an oversupply of housing. Housing Officers work in partnership with Registered Providers and other groups to maximise the opportunity to reduce potential housing management issues or tackle anti social behaviour and perceptions of crime in areas where evidence supports action. Working in partnership can also help to promote the development of new and sustainable communities.</p>				

**7 Next review date of this Equality Impact Assessment**

(Every three years or whenever there is a review of policy changes, if earlier)

Date: March 2016 or whenever there is a revision of this policy if earlier.

## 8 What are the training needs for you and your team that have arisen as a result of this assessment?

Housing options officers to monitor the impact upon the groups highlighted in section 6 above. It may be necessary for awareness sessions to be rolled out to officers and support groups who may have involvement and may need to provide support to families or individuals experiencing difficulties as a result of the welfare reform changes and changes to the housing allocations policy.

Suitable monitoring arrangements will need to be agreed.

### Declaration

We are satisfied that an Assessment has been carried out and where a negative impact has been identified, actions have been developed to lessen or negate this impact where possible.

Where the impact on equalities of the policy or proposals is very significant, and mitigating actions do not sufficiently lessen the impact, or mitigating actions cannot be identified, we have considered whether to go ahead with the original proposal at all, or whether to reformulate it.

We understand that the Equality Impact Assessment is required by the council and that we take responsibility for the completion and quality of this assessment.

Completed by: Frances Evans Tewkesbury Borough Council

Sue Leighton-Boyce Stroud District Council

Date:11 March 2013

Role: Housing and Enabling and Policy Manager

Housing Advice Manager

Countersigned relevant manager of service:

Date:11 March 2013

Joanne Jordan Strategic Head Customer Services Stroud District Council

Please forward an electronic copy to [equalities@teewkesbury.gov.uk](mailto:equalities@teewkesbury.gov.uk)

## Appendix 1 Key Facts about Gloucestershire (based on 2011 census and latest available data)

The county is approximately 45 miles from west to east and 37 miles from north to south, with an area of approx 1045 sq miles. Just over 50% of the county is in an Area of Outstanding Natural Beauty.

- **Gloucestershire Population** - 596,984 residents, 5.7% more than 2001. (National average of 7.8%). The biggest age rise is 45 – 64 years. The largest percentage rise is 90+. The number aged 5 - 14 and 25 - 44 fell over the period.

Lower proportion of 0 -19 year olds (22.9%) and 20 - 64 year olds (58.5%) compared to national average. Proportion of people aged 65+ (18.7%) exceeds national average.

By 2026 the population over 65 is predicted to increase by 65% and the 85+ population by 80%.

- **Districts:** Cheltenham 115,732; Cotswold 82,881; Forest of Dean 81,961; Gloucester 121,688; Stroud 112,779; and Tewkesbury 81,943.

Gloucester has the highest representation of children and young people (25.1%) exceeding national and regional average.

Cotswold, Forest of Dean, Stroud and Tewkesbury all have an over-representation of people aged 65+ compared to the national average. At 22.3% Cotswold has the largest proportion of people aged 65 and over.

- **Households** - 254,620, up 16,700 from 2001. The biggest rise is one person (aged under 65) (+7,700), then cohabiting (+6,200) and lone parents (+2,000). The main decline is married couples with dependent children (-3,200).
- **Gender & Age:** In 2011, the gender split of the County residents was 49% men / 51% women. The proportion of older people in the population has risen since 2001, especially for men. The proportion of men aged 65+ rose from 7.3% to 8.3%. For women, it rose from 10.1% to 10.4%.
- **Ethnicity** - Between 2001 - 2011, the percentage of non-white population rose from 2.8% to 4.6%. Nationally it was 14.1%. Gloucester has the highest non-white population at 10.9% and the Forest of Dean the lowest at 1.5%.
- **Health and un-paid care** – Overall Gloucestershire is one of the healthiest counties in England. Health outcomes are better than the national average with death rates from all causes falling over the last 10 years.

82.8% of residents feel in good or very good health, higher than the national average of 81.2%. The proportion feeling in bad or very bad health is 4.5%, lower than the national average of 5.6%.

99,750 residents have a limiting long term illness/disability (LLTI). This is 16.7% of the population, lower than the national average of 17.9%.

A total of 62,600 people provide unpaid care each week, representing 10.5% of the population. This is an increase from 9.9% ten years ago, and is slightly higher than the national average of 10.3%.

- **Religion & belief:** The number of Christians in the County reduced during 2001-2011, same as the national trend. The biggest rise was 'No religion', Muslims and 'Other religion'. Christians now account for 63.5% of the population, followed by 'No religion' (26.7%).
- **Marriage and Civil Partnerships:** The population (16+) in the County who were married rose by 0.3% during 2001-2011, while those who were single, separated or divorced rose by 20-23%. In 2011, 50.2% of people (16+) were married, 30.5% were single and 11.8% were separated or divorced.
- **Average house price - £224,550, but again considerable variation across districts, range from £327,674 in Cotswold to £151,746 in Gloucester (£175,928 difference).**

Between 2001 - 2011, the proportion of owner-occupied households reduced whilst private renting rose. In 2011, 69.4% households are owner occupiers and 16.8% in private renting. Nationally, there are 63.5% and 18.1%.

- **Households without central heating** reduced by 60% between 2001 and 2011. They accounted for 2.7% of all households, the same as the national average.
- **Deprivation** - 12,698 residents live in neighbourhoods classified as being amongst the 10% most deprived in England. There are now 8 neighbourhoods (in Gloucester and Cheltenham) in this top bracket whereas there were only 7 at the time of the 2007 Indices of Deprivation. Just under 45,000 residents are living in the most deprived 20% of neighbourhoods and almost a third of residents live in the least deprived 20% of areas nationally.
- **Unemployment** - The claimant rate was 2.6% in December 2012. (0.1% higher than the South West average of 2.5%, and 1.1% lower than the UK average of 3.7%).

At the end of 2012 there were 721 young people aged 16-18 not in education, employment or training and this figure translates into a 16-18 NEET population of 4.8%.

- **Employment** – 14.8% (45,000) of people who are in employment work in manufacturing compared with 10.2% nationally.
- 88% of Gloucestershire's residents also work in the County.
- **Gross weekly pay** - £490.80 for full-time workers in Gloucestershire compared with £476.50 in the South West and £508.00 nationally.

Source:

<http://www.gloucestershire.gov.uk/inform/index.cfm?articleid=93941>

<http://www.nomisweb.co.uk/reports/lmp/la/1967128589/report.aspx?town=Gloucestershire>

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<b>Meeting:</b>	<b>Overview and Scrutiny Committee</b>	<b>Date:</b>	<b>10<sup>th</sup> June 2013</b>
	<b>Cabinet</b>		<b>12<sup>th</sup> June 2013</b>
	<b>Council</b>		<b>18<sup>th</sup> July 2013</b>
<b>Subject:</b>	<b>The future of Marketing Gloucester Ltd</b>		
<b>Report Of:</b>	<b>Cabinet Member for Regeneration and Culture</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>Yes</b>	<b>Budget/Policy Framework:</b>	
<b>Contact Officer:</b>	<b>Martin Shields, Corporate Director</b>		
	<b>Email: martin.shields@gloucester.gov.uk</b>	<b>Tel: 39-6793</b>	
<b>Appendices:</b>	<b>1. Discussion paper on future of Marketing Gloucester</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 This report addresses the issues of the changes that need to be implemented in relation to the destination marketing of the City of Gloucester as a result of the winding up of the URC. The report is aimed at both the Council and the Board of Marketing Gloucester.

### 2.0 Recommendations

- 2.1 Overview and Scrutiny Committee is asked to consider the information contained in the report and make any recommendations it considers appropriate to the Cabinet.
- 2.2 Cabinet is asked to **RESOLVE** that:
- (1) The projects listed at Paragraph 5.1 and the budgets associated with them for delivery during 2013/14 be delivered and overseen by Marketing Gloucester Limited (MG).
  - (2) Approve the co-location of Marketing Gloucester and the Tourist Information Centre to enable greater joint working between both services as a first stage to potentially merging into one service provider.
  - (3) The marketing and promotion of the Museums, Guildhall and Blackfriars be retained within the City Council for the reasons laid down in paragraphs 4.6 and 4.7.
  - (4) Requirements for the appropriate leadership of MG including designation, hours of work and remuneration be noted.
  - (5) Note that Councillor Paul James will continue to be Chair of the Board until an alternative Chair is identified.

2.3 Cabinet is asked to **RECOMMEND**:

- (1) The business case for the new organisation to Council.
- (2) The makeup of the MG Board and method of determining nomination to the Council.

2.4 Council is asked to **RESOLVE** to:

- (1) Consider those issues referred by the Cabinet and as required under the Council's constitution.

### **3.0 Background and Key Issues**

3.1 MG was first incorporated on 9<sup>th</sup> May 2008 as a business tourism and marketing organisation following a detailed review which established a strong business case for the new organisation. An important factor in the creation of the organisation was the desire to obtain additional funding towards the marketing of the city through private sector sources with the goal of promoting the economic wellbeing of the City, its businesses and its inhabitants.

3.2 MG was established as a Company limited by share. One thousand shares at £1 each were made available but the only share ever issued was to an individual who subsequently passed that share ownership to the City Council in 2011. In effect therefore the City Council owns the only shareholding and the company is therefore wholly owned by the Council.

3.3 It was felt that an organisation at arms length from its public sector funder stood a better chance of attracting other financial support and whilst MG has attracted some funding it has not been as much as originally anticipated. Because of this and other difficulties with the performance of MG in its early years, agreement was reached for it to be managed by the Chief Executive of the URC with MG contributing to the URC to recognise his involvement. This position has remained in place ever since. As the URC was officially wound up at 31<sup>st</sup> March it is now appropriate to consider the future arrangements for destination marketing in Gloucester.

### **4.0 Options considered**

4.1 The MG Board delegated three members of the Board plus the Chair of the Board who is also the Leader of the Council, to evaluate the options. A meeting took place on 13<sup>th</sup> February with Officers of the Council to consider the best way forward. The City Council's Chief Executive produced a paper on the future of MG which was the subject of debate. This paper is appended to this report. The options discussed ranged from abolition of MG to tendering out of the activity. The option that was considered by the members of the Cabinet to be the best option to move forward was 'Option 7' which was:-

**Once again there is a proliferation of marketing functions within the City Council and its partners. Our own communications team does some marketing and there are small scale marketing functions in the Guildhall and in museums. There may well be some logic to an internal consolidation of all marketing and communications functions within the City Council, to deliver a seamless marketing service, particularly as not all of these services are as effective as we would wish. Alternatively there may be a possible approach to join Marketing Gloucester with the Tourist Information Centre.**

- 4.2 The representatives from the MG Board agreed this option should be put to the full Board meeting. The MG Board subsequently agreed that they would like to take over the management of the TIC and to leave the other marketing functions carried out by The Guildhall & Museums within the City Council as these have less of an impact on Marketing of the City to outside agencies and visitors.

#### **What would the changes proposed by Option 7 mean for the Council?**

- 4.3 'Option 7' envisaged the retention of a company dedicated to destination management and marketing for the City. As part of this new arrangement the Council could co-locate its marketing and audience development activities, undertaken by the TIC with MG. It is felt that bringing together similar activities of both the Council and MG operating efficiencies could be achieved.
- 4.4 By co-locating the TIC with MG (potentially within the existing TIC office space) the City would have a cohesive marketing team which would add strength to the existing MG team in terms of expertise and credibility as the team are seen nationally as delivering a top performing service.
- 4.5 The TIC is a real 'jewel in the crown' of the City Council evidenced by its continued success and recognition that it is an excellent service provider. The TIC does not in itself attract tourism into the city, but when tourists arrive it is a great ambassador for the city, sign posting people to places and events. It is also a key source of information for residents of the city, selling tickets for events and other promotional activities. Therefore, the TIC is a key frontline customer service of the City Council and a close working relationship with MG will be beneficial to both organisations.
- 4.6 It is agreed that no significant savings would materialise by bringing together officers involved in marketing functions at the Guildhall, Museums and City Council with MG as they undertake a wide range of functions far beyond the remit of marketing. Therefore, transferring staff from these functions would leave unsustainable gaps and the staff would need to be replaced and would not produce any financial savings.
- 4.7 In addition, the tasks undertaken by these staff are at an operational, day to day delivery level and would not fit with the role of MG and their remit to promote the city to a wider audience beyond the city boundaries.
- 4.8 There will need to be an increased liaison between MG and the City Council with MG delivering services on behalf of the City Council and it is important that these are understood from the outset. No additional resources will be available to MG over and above the budget allocated to deliver events and the funding provided by the City Council to support the day to day running of the Company (see 5.1).

4.9 Because of the financial position the Council faces, and that it is MG's principal funder, there will be a need to find significant savings which may require a rationalisation of the new organisation and inevitably the deletion of a number of posts.

## **5.0 Issues that need addressing**

### **Projects, Budgets and Performance**

5.1 The following projects and budgets have been agreed through the budget setting process:

Tall Ships	25000
Heritage Open Day	5000
Blues Festival	2000
Xmas Procession	10000

**Total** **42000**

5.2 Dependent upon the decisions taken at section 2 of this report, the relationship between the new MG and the Council will need to be strong and rigorous. Clear performance expectations will need to be written into the agreements between the organisations.

### **Chairing of the Board**

5.3 When Mark Owen, the original Chair of the Board stood down he was replaced by Councillor Paul James, Leader of the City Council. Councillor James will continue in this role until an alternative can be found, to avoid any conflict of interest.

### **Governance**

5.4 It is felt that the current Board has worked well but as the scope of the company is to be enlarged now would be an appropriate time to review its composition. An evaluation of the skill set needed to oversee the work of the Company seems like a good starting point and a tool to review the membership.

### **Leadership of the organisation**

5.5 The existing arrangements are that the Chief Executive of the URC acts as the Chief Executive of MG. Consideration of the future requirements is needed. It is not thought necessary to have a full time Chief Executive, indeed it will be necessary for the Board to take a view as to what level of senior Leadership is feels is required and what it is able to fund.

## **6.0 Alternative Options Considered**

6.1 The paper prepared by the Chief Executive of the City Council which is appended to this report outlines the range of options considered

## **7.0 Reasons for Recommendations**

- 7.1 Members need to decide on the future of the TIC and whether they see it fitting within MG or being retained as a council run service. The Allocation of appropriate budgets to enable the delivery of the agreed events is considered to offer the most appropriate way forward for delivering some major events for the City.

## **8.0 Future Work and Conclusions**

- 8.1 A considerable amount of work will still be required as a result of the decision made by Cabinet and Council. These issues are covered in the body of the report.

## **9.0 Financial Implications**

- 9.1 As the Council will be the predominant funder of MG there are a number of financial implications arising from this report. This report proposes a way forward which if approved will be developed to reduce the costs of providing these services.

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

## **10.0 Legal Implications**

- 10.1 There are a number of legal issues outlined in the report which will need to be addressed.

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

## **11.0 Risk & Opportunity Management Implications**

- 11.1 The major risk inherent in this report is reputational. The objective of the proposal is to enhance the reputation of the City of Gloucester as a thriving, ambitious and interesting tourism venue.

## **12.0 People Impact Assessment (PIA):**

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

## **13.0 Other Corporate Implications**

### Community Safety

- 13.1 None

### Sustainability

- 13.2 None

### Staffing & Trade Union

- 13.3 There are a number of issues which will require staff and trades union consultation to be undertaken.

**Background Documents:** Attached.

# Marketing Gloucester

## Background

Marketing Gloucester was established in 2008. The aim was to set up a marketing body to promote the City of Gloucester and Gloucester business, in particular to promote the economic well being of Gloucester, its businesses and its inhabitants. The company was set up as a limited company with a board to promote the City and establish a new brand. One of the key attractions of the model was that private sector companies would be more prepared to invest in a private company than to sponsor the Council for events and promotion. In addition, given that marketing and promotion were fragmented across the City it was intended to pull functions together and achieve co-ordination and resilience.

Over time the remit of the organisation widened and it became responsible for a range of events from the Carnival through Christmas to the Tall Ships events.

It had from the outset a challenging target for member contributions, which was never achieved, largely as a result of the economic climate in which the City and the country found itself. However, in the early years company performance was not strong.

In 2010 Marketing Gloucester was struggling financially and the then Chief Executive left the company. Smith and Williamson, Financial Advisors drew up a financial rescue package on behalf of the City Council in order to restore solvency.

At this time the Chief Executive of Marketing Gloucester was not replaced and instead the Chief Executives role was placed under the auspices of Chris Oldershaw Chief Executive of GHURC, who received a fixed fee of £25,000 per annum, as Acting Chief Executive. This was confirmed on 14<sup>th</sup> April 2011.

Since October 2010 Marketing Gloucester Ltd has also shared offices and an office manager with the Gloucester Heritage Urban Regeneration Company. The GHURC is winding up its operations on 31<sup>st</sup> March 2013 which of course has major implications for Marketing Gloucester.

## Financial implications

At its establishment the Council made grant payments to marketing Gloucester of £132,940 and through seconded staff made a further contribution of £126,934 making a total contribution of £259,874.

Our current annual cash contribution is £176,750 with a further £26,276 salary plus on costs.

Between October 2010 and March 2011 a programme of cost reductions was implemented, including relocating the company from the docks to share with GHURC and making four members of staff redundant. At the end of the 2010/11 financial year the company was able to post a small surplus of £16,250. In 2011/12 the surplus was £24,405. Thus the company is solvent.

Marketing Gloucester does carry an outstanding debt to the City Council of £217,004 arising from the financial struggles of 2009/2010. It appears there is also a VAT liability to HMRC of approximately £30,000.

In the absence of the company continuing as a going concern small redundancy liabilities would arise, together with some Contractual liabilities.

### **What has been achieved?**

In recent times the company has been strongly managed and has achieved a reasonable degree of financial stability. Sponsorship for major events has been obtained, but there has never been a sustainable stream of income from private sector sources to match or replace the public sector contribution.

The 'Your City brand has been promoted and work has been carried out alongside Gloucester Quays on their 'Believe in Gloucester' Campaign.

Improvements and developments have taken place to the website and in the provision of electronic updates.

A range of guides and promotional material has been produced.

There has been a significant programme of events, both large and small. Examples are: BiG Eat week, BiG sporting weekend, Blues Festival, work on Food Festival with Gloucester Quays, Tall Ships festival, Heritage Open Days, History Festival, Christmas Lantern procession, Victorian Market.

### **What are the aims for the future?**

*The core future aims are to continue the organisation and development of events. To promote both internally and externally the city as a destination for leisure and retail, and to involve businesses and retailers in the promotion of the city.*

### **The experience elsewhere**

While the experiences elsewhere are always valuable, it does not seem if there is at present a definitive model to inform our choice of options. Some companies elsewhere have been taken back in house. Others, Marketing Birmingham being a good example continue to receive substantial private contributions and remain outside the council. Visit County Durham by way of contrast is still largely funded by the County Council although it is an independent company.

### **The way forward**

#### Option 1

Clearly it would be theoretically possible to simply discontinue this function and devote the resources to other Council activities, or to carry out a limited range of functions through the Council's events team. The seconded member of staff would return to the City Council. All other members of staff would become redundant. The company would be wound up

### Option 2

Wind up the company and bring the entire operation back in house. Seconded staff will return to the City Council and others would TUPE into the Council. Following that an advisory board could be set up on the same basis as that proposed for the City after the winding up of GHURC.

### Option 3

The company can remain extant but the seconded staff can return to the Council, and non City Council staff can TUPE into the Council. This would enable the Council to manage and run the activities but would preserve a company which would allow for private sector investment. If the company is kept as a paper company to trade the cost will be minimal amounting essentially to some company registration fees and the cost of an annual audit.

### Option 4

Retain the company on its existing footing and either appoint a part time Chief Executive on the money available, or seek to increase Company income to enable a higher salary to be paid.

### Option 5

Seek to merge Marketing Gloucester with alternative providers. No doubt there would be a range of potential possibilities that could be explored. The prime candidate that springs to mind is gfirst, possibly through its destination marketing remit. Doubts remain as to the quality, capability and ability to focus on the city of that organisation.

### Option 6

Tender the service to a private company. This was never the intention of the setting up of Marketing Gloucester, and a considerable amount of work went in to ensuring compliance with European procurement rules while allowing the set up of the company. However, it seems likely that a wide range of marketing or events companies would be prepared to bid for this work.

### Option 7

Once again there is a proliferation of marketing functions within the City Council and its partners. Our own communications team does some marketing and there are small scale marketing functions in the Guildhall and in museums. There may well be some logic to an internal consolidation of all marketing and communications functions within the City Council, to deliver a seamless marketing service, particularly as not all of these services are as effective as we would wish. Alternatively there may be a possible approach to join Marketing Gloucester with the Tourist Information Centre.



### Option 8

This would recognise the reality of the interface between the functions listed above and offer opportunities for consolidation, but could be achieved by further outsourcing. This could be achieved by secondments or by TUPE applying.

### **Office Accommodation**

Marketing Gloucester currently occupies Ladybellgate Street with the GHURC and contributes 50% of the rent/office overheads which equates to £7,000. Dependent on the decisions outlined above one option would be for the company to take over the whole property and sublet the balance of space in 15 Ladybellgate Street, providing an occupier could be found.

The building rental agreement with EH expires in March 2013, no liability beyond that date will exist for termination.

Further options may be around alternative premises in the City Centre, possibly sharing with others such as the Tourist Information Centre.

### **Staffing Implications**

The seconded member of staff has a right to return to a substantive post within the City Council which still exists. It is understood that the person is keen to do so. Any other transfer is likely to involve the application of the TUPE regulations.

TUPE transfers are not straightforward because over time the Marketing Gloucester staff have been paid and employed on different rates to Council staff.

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## Gloucester City Council

<b>Meeting:</b>	<b>Cabinet Council</b>	<b>Date:</b>	<b>10<sup>th</sup> July 2013 18<sup>th</sup> July 2013</b>
<b>Subject:</b>	<b>Rugby World Cup 2015</b>		
<b>Report Of:</b>	<b>Joint Report of the Leader and Chief Executive</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>Yes</b>
<b>Contact Officer:</b>	<b>Julian Wain - Chief Executive</b>		
	<b>Email:</b>	<b><a href="mailto:julian.wain@gloucester.gov.uk">julian.wain@gloucester.gov.uk</a></b>	<b>Tel: 39-6200</b>
<b>Appendices:</b>	<b>None</b>		

### 1.0 Purpose of Report

- 1.1 To advise members of progress with the bid and subsequent planning for the Rugby World Cup 2015, and to seek formal approval for the necessary expenditure.

### 2.0 Recommendations

- 2.1 Members are asked to **NOTE**

- (1) the success of Gloucester's bid to be a host city for the 2015 Rugby World Cup and the economic benefit to the City.

- 2.2 Council is recommended to **RESOLVE that**

- (1) the sum of £350,000 be approved to meet the City Council's obligations in being a host City for the Rugby World Cup 2015.

### 3.0 Background and Key Issues

- 3.1 Members will recall that, in partnership with Gloucester Rugby, the Council submitted a bid to be a host city and venue for the Rugby World Cup 2015. Following an extensive bidding and shortlisting process, we were advised on 2nd May 2013 that we had indeed been successful. There was considerable positive publicity and the news was extremely well received both within the City and further afield.

3.2 Kingsholm and the City as a whole has been selected to host four matches.

These are:

19 <sup>th</sup> September 2015	Tonga v Europe 1 Qualifier
23 <sup>rd</sup> September 2015	Scotland v Asia 1 Qualifier
25 <sup>th</sup> September 2015	Argentina v Europe 1 Qualifier
11 <sup>th</sup> October 2015	Americas 2 Qualifier v Asia 1 Qualifier

#### **4.0 The Bid Commitments**

- 4.1 As part of the bid the Council has committed to working with Rugby World Cup Limited, English Rugby 2015 Limited (ER2015), and with the Rugby Club to deliver a first class spectator experience, that will connect with audiences, has rugby at its heart, provides unforgettable memories and is in fact, much more than a sporting tournament.
- 4.2 Helping fulfil this ambition on behalf of Rugby World Cup 2015 will significantly put Gloucester on the map, in front of many visitors and a worldwide television audience, and provide a significant economic boost to the City and the region.
- 4.3 Specific commitments that the Council made as part of its bid relate to the following:
- 4.3.1 Provision of a Fanzone- Likely to be within the Docks this will be an entertainment and refreshment venue open on Kingsholm match days and at other times during the tournament. It will include large screens and staging.
- 4.3.2 Provision of festivals – It is likely that the summer festival of 2015 would be moved to the autumn to combine with the World Cup, together possibly with the annual Blues Festival as well. Markets and food festivals are also likely to be arranged.
- 4.3.3 Music and events – We would look to arrange a complementary programme of events that would encourage visitors to spend longer in the City during the World Cup.
- 4.3.4 Provision of staffing and organisation of volunteers – City Council staff would be required to work during certain aspects of the World Cup and we would also need to facilitate groups of volunteers who would be responsible for certain activities on the model of the London 2012 Olympics.
- 4.3.5 Purchase of match tickets – the Council has agreed to purchase match tickets across all four matches for use within our community development programmes. Our intention is that these should be made available to children from less affluent areas of the City.

#### **5.0 Marketing**

- 5.1 City Council marketing staff and those of local agencies such as Marketing Gloucester will work throughout the period between now and autumn 2015 to promote the World cup and the City as a venue. Physical fixings will be provided to enable the City to be dressed for the World Cup, including for example banners and lampposts.

## **6.0 Commercial Rights Protection**

- 6.1 As with the Olympics strict commercial sponsorship arrangements will be in place and ambush marketing and unauthorised advertising will be prohibited. City Council staff will, as last year, be involved in protecting these rights.

## **7.0 Safety and Support**

- 7.1 The Gloucester Safety Advisory Group, together with the Council's Emergency planning team will be involved in both the pre – planning and ensuring the safety of the event.

## **8.0 Rugby Legacy**

- 8.1 In the run up to the tournament there will be opportunities for the City, particularly through local clubs and schools to participate in the development of legacy activities which will increase the participation in rugby and improve facilities. There is also a possibility of significant investment in grounds and equipment.

## **9.0 Development of the tournament**

- 9.1 Since the success of the bid a number of meetings have been held with England Rugby 2015 and planning has started.
- 9.2 A number of additional activities are now in train:
- 9.2.1 Webb Ellis Cup tour – The trophy itself will be in Gloucester for a few days at a date yet to be determined.
- 9.2.2 'Ten years on' celebration – 2013 is the tenth anniversary of England's Rugby World Cup triumph. As yet undetermined celebrations are planned for October.
- 9.2.3 Rugby World Cup are keen that New Years Eve 2014, 'the dawn of World Cup Year' is marked in the host cities.
- 9.2.4 We ourselves would plan to have World Cup related displays in the City Museum at the appropriate time.

## **10.0 Governance of the process**

- 10.1 The overarching agreement is the host city agreement which enshrines the commitments of the Council and ER2015 to delivering the tournament. ER2015 will enter into similar agreements with other key stakeholders as the Rugby Club.
- 10.2 To enable the co-ordination and delivery of the City's commitments to the World Cup, there will be a City Steering Group which will involve officers from the relevant agencies, companies and bodies, chaired by ER2015. Participants will include the City Council, Gloucester Rugby Club, County Council, Police, Tourism and marketing agencies and the local RFU/regional legacy group.

- 10.3 Involvement of local business and economic organisations will be through the normal constituent bodies as they are required and it is likely that the Steering Group may have sub-committees to deal with specific issues such as Tourism and the Fanzone.
- 10.4 Member supervision will be exercised by the relevant Cabinet Member reporting to Cabinet and Council where necessary, and Overview and Scrutiny Committee may wish to consider progress periodically.

## **11.0 The Economic Benefits**

- 11.1 Sporting tournaments of this nature, as with other major events bring significant economic benefits to the host countries and the host cities taking part. The Rugby World Cup in New Zealand attracted an estimated 133,000 international visitors and an estimated economic benefit of NZ\$ 1.73 billion. The Olympics are calculated to have had an economic benefit of an estimated £5 billion. For an event like our own Tall Ships Festival we calculate an economic benefit to the City of £2 million spent from over 100,000 festival-goers. Given such a high benefit to investment ratio it can be seen that the benefit to Gloucester is significant. This is likely to be across many sectors of the economy particularly, pubs, restaurants and hotels, but reaching into many other areas as well. There is of course no doubt that there will be a positive benefit for other parts of the County too as visitors will stay in other neighbouring districts.
- 11.2 The economic legacy will not be only one-off as by showing the City in its best possible light and by providing a first class experience, it will be possible to encourage inward investment and longer term economic development.

## **12.0 Financial Implications**

- 12.1 Members will recall that we identified potential costs in February's Events report and the bid document of £275,000. The final costs of staging such a spectacular and hugely prestigious event are difficult to predict and clearly there will be in kind costs as well as pure expenditure. We are however working with partners to meet some of the costs and have already been promised some funding by Enterprise/Amey, and the County Council are meeting the responsibility for transport management. The ability to attract sponsorship, for aspects such as the Fanzone, is as yet undetermined, but every effort will be made to do so in order to spread the financial commitment. We do, however, anticipate that financial requirements will exceed those originally included in the bid.
- 12.2 What is however, very clear is that the economic and prestige benefits of the tournament outweigh many times the investment required.
- 12.3 Given the uncertainty on estimated costs at this stage, there will inevitably be a requirement to update the original figure as the project progresses. The £350,000 provision will be included for the project in the update to the Council's Money Plan in September 2013. Members will receive regular monitoring reports on progress.

### **13.0 Legal Implications**

- 13.1 Section 145 of the Local Government Act 1972 (“the 1972 Act”) empowers the Council to contribute towards expenses of the provision of entertainment of any nature within or outside its area and to enclose or set apart any part of a park or pleasure ground for use for this purpose. The Council also has powers under Section 144 of the 1972 Act to encourage visitors to its area for recreational purposes and incurring expenditure for this purpose would be permissible under Section 111 of the 1972 Act as being incidental or conducive to discharge of this function.
- 13.2 Subject to approval of the required expenditure, the Council will enter into the Host City Agreement and will be legally bound by its terms and under a duty to deliver the commitments given by the Council in the City’s bid. The power to enter into the Host City Agreement would also fall under Section 111 of the 1972 Act.

### **14.0 Risk & Opportunity Management Implications**

- 14.1 There are two principal risks Firstly, excessive costs to stage the tournament. This can be mitigated by careful financial monitoring and management. Secondly, failure to deliver in accordance with the terms of the Host City Agreement which could have financial as well as reputational consequences. However, as Members can see extensive planning and monitoring is already underway to ensure that the likelihood of any such failure is reduced.
- 14.2 The opportunities for the City, as already outlined in the report are tremendous. The event will be broadcast in numerous countries worldwide and will bring significant numbers of additional visitors into the Gloucester area.

### **15.0 People Impact Assessment (PIA):**

- 15.1 At present, there are no adverse impacts identified for any of the Protected Characteristic groups; as the RWC progresses, Impact Assessments may be required against particular elements of being a Host City. These will be completed and presented as and when required.

### **16.0 Other Corporate Implications**

#### **16.1 Community Safety**

None at this stage. The role of the police and Safety Advisory Group is referred to in the text of the report.

#### **16.2 Sustainability**

A requirement of the RWC2015 is that host cities work towards achieving BS ISO 20121 (Event Sustainability). The Cultural Services Group is already geared up for operating with sustainability at the heart of what it does, demonstrated by its Green Tourism Business Scheme Awards. Currently, the TIC holds a gold award, the

Guildhall a silver award and the Museums are working towards the bronze award with their assessment later this summer.

### 16.3 Staffing & Trade Union

As noted above the relevant roles of staff and volunteers will require clarification and reward strategies established accordingly.

**Background Documents:** Rugby World Cup 2015 bid document (This document contains exempt information as defined in paragraph 3 of Schedule 12A to the Local Government Act (as amended)).



## Gloucester City Council

<b>Meeting:</b>	Overview and Scrutiny Committee Cabinet Constitutional and Electoral Working Group Council	<b>Date:</b>	8 July 2013 10 July 2013  16 July 2013 18 July 2013
<b>Subject:</b>	Community Right to Bid (Assets of community value) – proposed procedure		
<b>Report Of:</b>	Cabinet Members for Regeneration and Communities and Neighbourhoods		
<b>Wards Affected:</b>	All		
<b>Key Decision:</b>	No <span style="margin-left: 150px;">Budget/Policy Framework:</span> No		
<b>Contact Officer:</b>	Sue Mullins, Group Manager Legal and Democratic Services		
	Email: <a href="mailto:sue.mullins@gloucester.gov.uk">sue.mullins@gloucester.gov.uk</a>		Tel: 396110
<b>Appendices:</b>	Appendix 1 – Draft Community Right to Bid Policy		

### 1.0 Purpose of Report

1.1 To outline the policy and procedure required for dealing with the Community Right to Bid for assets of community value to meet the requirements of the Localism Act 2011 and to approve consequential delegations to Officers.

### 2.0 Recommendations

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

2.2 Cabinet is asked to **RESOLVE:**

- (1) that the contents of the report be noted; and
- (2) that unsuccessful nominations shall be held for three years;

and to **RECOMMEND** that:

- (3) Authority be delegated to the Asset Manager to determine nominations for the inclusion of local assets on the Council's list of assets of community value;
- (4) Authority be delegated to the Group Manager Planning and Economy to carry out internal reviews of any decision to list an asset under Section 92 of the Localism Act 2011;

- (5) Authority be delegated to the Head of Financial Services, in consultation with the Asset Manager and the Cabinet Member for Performance and Resources to determine claims for compensation for listed land;
- (6) Authority be delegated to the Corporate Director of Resources, in consultation with the Group Manager for Planning and Economy and the Cabinet Member for Performance and Resources to determine appeals in respect of compensation claims for listed land;
- (7) Authority be delegated to the Asset Manager, in consultation with the Cabinet Members for Regeneration and Communities and Neighbourhoods and the Group Manager Legal and Democratic Services to finalise the detailed policy and procedure for dealing with assets of community value;

2.3 Constitutional and Electoral Working Group is asked to **RESOLVE** that the contents of the report be noted and to **RECOMMEND** that:

- (1) Authority be delegated to the Asset Manager to determine nominations for the inclusion of local assets on the Council's list of assets of community value;
- (2) Authority be delegated to the Group Manager Planning and Economy to carry out internal reviews of any decision to list an asset under Section 92 of the Localism Act 2011;
- (3) Authority be delegated to the Head of Financial Services, in consultation with the Asset Manager and the Cabinet Member for Performance and Resources to determine claims for compensation for listed land;
- (4) Authority be delegated to the Corporate Director of Resources, in consultation with the Group Manager for Planning and Economy and the Cabinet Member for Performance and Resources to determine appeals in respect of compensation claims for listed land;
- (5) Authority be delegated to the Asset Manager, in consultation with the Cabinet Members for Regeneration and Communities and Neighbourhoods and the Group Manager Legal and Democratic Services to finalise the detailed policy and procedure for dealing with assets of community value;

2.4 Council is asked to **RESOLVE** that:

- (1) Authority be delegated to the Asset Manager to determine nominations for the inclusion of local assets on the Council's list of assets of community value;
- (2) Authority be delegated to the Group Manager Planning and Economy to carry out internal reviews of any decision to list an asset under Section 92 of the Localism Act 2011;
- (3) Authority be delegated to the Head of Financial Services, in consultation with the Asset Manager and the Cabinet Member for Performance and Resources to determine claims for compensation for listed land;

- (4) Authority be delegated to the Corporate Director of Resources, in consultation with the Group Manager for Planning and Economy and the Cabinet Member for Performance and Resources to determine appeals in respect of compensation claims for listed land;
- (5) Authority be delegated to the Asset Manager, in consultation with the Cabinet Member for Regeneration and Communities and Neighbourhoods and the Group Manager Legal and Democratic Services to finalise the detailed policy and procedure for dealing with assets of community value.

### **3.0 Background and Key Issues**

- 3.1 Sections 87 – 103 of the Localism Act 2011 ('the Act') contain the provisions relating to assets of community value. The Assets of Community Value (England) Regulations 2012 ('the Regulations') brought these sections into effect on 21 September 2012 and places the responsibility for dealing with assets of community value onto district councils. The aim of the legislative provisions is to help community groups to protect buildings or land which are of importance to their communities' social wellbeing or social interests, which include cultural, sporting or recreational interests.
- 3.2 There are two main parts to the process: nomination and listing assets, and the moratorium.

#### Nomination and Listing of assets

- 3.3 Parish Councils and community organizations, including any neighbourhood forums constituted under the Act or community interest groups with a local connection (e.g. a charity), can nominate local assets to the Council for inclusion on the list of assets of community value. Nominations can also be received from parish councils adjoining the local authority's area. Nominated assets may be owned by anybody, including the Council itself or the Crown.
- 3.4 The nomination has to include the following information:
  - A description of the nominated land, including its proposed boundaries;
  - Any information the nominator has about the freeholders, leaseholders and current occupants of the land;
  - The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act;
  - The nominator's eligibility to make the nomination.
- 3.5 Nominations can be made at any time, including after an asset has been put onto the market. However, it should be noted that no restrictions on sale arise from nomination – the asset has to be listed for the statutory provisions to apply.
- 3.6 Section 88 of the Act clarifies that a building or land is "of community value" if, in the opinion of the Council, either:
  - (a) *an actual use of the building or land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*

*(b) It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.*

or

*(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and*

*(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.*

3.7 There are exceptions set out in Schedule 1 to the Regulations and these include, for example, residential property. Any excepted land is not of community value and therefore may not be listed.

3.8 The local authority has 8 weeks from receipt of the nomination to decide whether or not the asset should be included in the list. If the asset is properly nominated, is in the Council's area, falls within the definition in Section 88 of the Act and is not excluded, the Council must list it and inform the owner, relevant parish council, if any, and other specified persons, of the inclusion of the asset in the list. The listing must also be registered as a local land charge and, if the land is registered, the Council must apply for a restriction on the Land Register.

3.9 In determining nominations, the Council has some discretion in assessing whether or not a nominated asset falls within the definition in Section 88 of the Act. In particular, there is discretion around assessment of:-

- (a) 'non-ancillary use' - i.e. that the use is not simply 'supporting' a main use;
- (b) 'recent past'- the Government has stated that 'recent' might be viewed differently in different circumstances;
- (c) how realistic the opportunity is for the use to continue (albeit in a different way) - this may include consideration of the 'fitness for purpose' of the asset for its current use in the future.

3.10 If the owner objects to their property being placed on the list, they have 8 weeks from the date written notice of the listing was given or any longer period allowed by the Council in writing, to make a written request for internal review of the decision to list (Section 92 of the Act). The Regulations prescribe that this review must be carried out by "an officer of the authority of appropriate seniority who did not take part in the making of the decision to be reviewed". The internal review must be completed within 8 weeks of receipt of the review request or such longer period as may be agreed with the owner in writing. The asset remains listed whilst the review is carried out.

3.11 Schedule 2 to the Regulations sets out the procedure for the review:

- The review is to be carried out by an officer of "appropriate seniority" who did not take part in making the original decision;

- The owner can appoint a representative to act on their behalf;
- The local authority has to notify the owner of the review procedure as soon as practicable after receipt of the written review request;
- If the owner requests an oral hearing, an oral hearing must be held;
- Both the owner and their representative can make representations, orally and in writing, to the reviewer;

- 3.12 Each party bears their own costs associated with the review. If the owner is not satisfied with the outcome of the internal review, they have a right of appeal against the Council's review decision and should be notified of this right in the review decision letter. The appeal is to the General Regulatory Chamber of the First Tier Tribunal and needs to be made within 28 days of the Council's review decision being sent to the owner. Appeals can be on both points of law and fact. Again, the property remains listed during the appeal process. The owner can make a claim for compensation in respect of legal expenses incurred in a successful appeal to the Tribunal.
- 3.13 If the Council does not agree that the nominated asset meets the definition in Section 88 of the Act, or it is in an excluded category, the asset must be placed on a list of assets nominated but not listed. An asset must be moved to the list of unsuccessful nominations if an internal review or Tribunal decision is that an asset should not be listed. It is a matter for the Council how long it holds unsuccessful nominations on this list. Officer recommendation is that unsuccessful nominations should be held for three years.
- 3.14 The asset will remain on the list for up to five years. At the end of this time, assets can be re-nominated and the same process will apply to that nomination. It should be noted that the listing of an asset creates no obligation for the owner of the asset to sell it and there is therefore the possibility that some assets listed will never be made available to interested groups or organizations.

#### Moratorium

- 3.15 Nothing further happens with a listed asset unless and until the owner decides to dispose of it, either through freehold sale or the grant or assignment of a qualifying lease. In these situations, unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
- 3.16 Exempt disposals are set out partly in the Act and partly in the Regulations and include, for example, disposals by personal representatives in accordance with a will, sale of land on which a business is carried on (as a going concern), transfers in pursuance of a court order and sales by lenders under a power of sale. There is no requirement to notify the Council of an exempt disposal, however, it would clearly be helpful to do so and the Council can include advice on this in any explanation sent to owners about how the moratorium works.
- 3.17 In the case of any relevant disposal which is not exempt or to a community interest group, the owner may not dispose of the asset during a 6 week interim moratorium period. This period starts from when the owner notifies the Council of their wish to enter into a relevant disposal of the asset, under Section 95(2) of the Act.

- 3.18 On receipt of the owner's notification of their intention to dispose of the asset, the Council is required to update the list, giving the interim and full moratorium end dates and the end date of the protected period. The interim moratorium period is 6 weeks, the full moratorium period is 6 months and the protected period is 18 months, all running from notification of the owner's intention to dispose of the asset.
- 3.19 During the 6 week interim moratorium period, community interest groups may make a written request to the Council to be treated as a potential bidder for the listed asset. If no written requests are received during this period, the owner is free to sell their asset at the end of the 6 week period.
- 3.20 If a community interest group does make a written request to the Council to be treated as a potential bidder within the 6 week interim moratorium period, then the full 6 month moratorium will operate. This runs from the date of the owner's notification to the Council of their intention to dispose of the asset. During this full moratorium period, the owner may continue to market and negotiate sales but may not exchange contracts or enter into a binding contract to do so later. The only exception during the full moratorium period is a sale to a community interest group. At the end of the 6 month moratorium period, the owner is free to sell to whomever they choose and at whatever price and no moratorium can apply for the remainder of the protected period.

### Compensation

- 3.21 It is recognized that these provision could have a financial impact on some owners and there is a compensation scheme for private property owners (but not for public bodies). The Regulations allow an owner of listed land or previously listed land to claim compensation for loss or expense incurred in relation to the land which would not have been incurred if the land had not been listed. The types of claims which can be made include, for example, a delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period or for legal expenses incurred in a successful appeal to the Tribunal.
- 3.22 The time limit for claiming compensation is whichever is the earlier of 13 weeks from the end of the interim or full moratorium period or from the date when the land ceases to be listed. The Regulations require claims to be made in writing, stating the amount of compensation sought and providing supporting evidence. The burden of proof is on the owner.
- 3.23 The claim has to be considered by the Council. Unlike the other processes associated with the community right to bid, there is no time limit specified for the Council to reach a decision on the claim. However, there is an expectation that the Council will reach a decision as soon as is reasonably practicable when it has all the relevant information.
- 3.24 The Government has stated the following in its non-statutory advice note for local authorities on the Community Right to Bid:

*“As with other costs incurred by local authorities in meeting the requirements placed on them, we have reflected the estimated costs of compensation within the new burdens funding. The compensation elements of new burdens funding are*

*estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year.*

*In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.”*

- 3.25 The Council is therefore required to fund compensation claims of up to £20,000 in any financial year, with the ability to reclaim any compensation paid over and above this limit from the Government.

#### **4.0 Alternative Options Considered**

- 4.1 The Council is required to comply with the legislative provisions relating to the Community Right to Bid and there are no alternative options.

#### **5.0 Reasons for Recommendations**

- 5.1 It is important that Members are aware of the Right to Bid process and the Council's responsibilities for that process. As the legislation prescribes that officers must conduct certain parts of the process, certain delegations are required to enable the process to be administered appropriately.

#### **6.0 Future Work and Conclusions**

- 6.1 Officers will continue to prepare the detailed procedure and standard documentation, where required.

#### **7.0 Financial Implications**

- 7.1 There is no cost associated with entry of any listing onto the Local Land Charges Register. The cost of applying for a restriction on the Land Register is minimal at £50.
- 7.2 There is also a cost associated with the staff time required for administration of the nomination processing/listing and internal review processes. These are difficult to quantify at this stage as much will depend on the volume of nominations received. However, these costs will be borne within existing resources.
- 7.3 The most significant costs that could potentially arise relate to the cost of any appeal to the First Tier Tribunal referred to at paragraph 12 of the report and the compensation costs referred to at paragraphs 3.24 and 3.25. *The Council has received £7,800 as part of its New Burdens funding in respect of assets of community value [Finance confirmation awaited]*

(Financial Services have not been consulted in the preparation this report.)

#### **8.0 Legal Implications**

- 8.1 The legal implications are set out in the main body of this report.

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

## **9.0 Risk & Opportunity Management Implications**

- 9.1 If the Council fails to have a procedure for dealing with nominations of assets of community value, statutory timescales could be missed leading to Ombudsman complaints and reputational damage.
- 9.2 The Right to Bid process creates an opportunity for the Council to assist in enabling the retention and/or bringing back into use of assets of community value.

## **10.0 People Impact Assessment (PIA):**

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

## **11.0 Other Corporate Implications**

### Community Safety

- 11.1 None

### Sustainability

- 11.2 None

### Staffing & Trade Union

- 11.3 None.

**Background Documents:** None



# **Gloucester City Council**

## **Community Right to Bid Policy**

Herbert Warehouse

The Docks

Gloucester

GL1 2EQ

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## **1. Introduction:**

- 1.1 The 'Community Right to Bid' was implemented under the Localism Act 2011 ('the Act') which came into force on the 21<sup>st</sup> September 2012. The aim of the legislation is to enable community groups to bid for 'community assets' when those assets are put on the market by the owner. 'Community assets' are those which have a use which promotes the social interests of the area, or have had such a use in the recent past.
- 1.2 To start the process, the community group must submit an application by completing the Nomination Form at appendix A. Gloucester City Council ('the Council') will then assess the application against any relevant regulations, its own policy and the requirements of the Act.
- 1.3 Only eligible community groups, local parish councils or local neighbourhood planning forums and charities can nominate assets.

## **2. Definition of 'Asset of Community Value':**

- 2.2 In order for any asset to be successfully nominated, the nominator must demonstrate that the asset being nominated is of 'community value' as defined under section 88 (1) of the Act. This requires that the main (no ancillary) use of the asset 'furthers the social wellbeing or social interests of the local community' and that there is a realistic prospect that this use will continue in the future. It can also include an asset which has had a 'recent use'. For the purposes of the Council's policy 'recent use' will be taken to mean within the last 5 years.
- 2.3 Schedule 1 of the Assets of Community Value Regulations 2012 ('the Regulations') sets out a list of land which is not of community value, and as such may not be listed. Land which can not be listed includes:
  - **A residence together with land connected with that residence**
  - **Land in respect of which a site licence is required under part 1 of the Caravan Sites and Control of Development Act 1960**
  - **Operational land as defined in section 263 of the Town and Country Planning Act 1990**

### **3. Nominating Bodies:**

3.1 Under section 89 of the Act, nominations can be made by a parish council or 'by a person that is a voluntary or community body with a local connection'.

3.2 A voluntary or community body can mean any of the following:

- A body designated as a neighbourhood forum pursuant to section 61F of the Town and country Planning Act 1990;
- A parish council;
- An unincorporated body (members include at least 21 individuals and which does not distribute any surplus it makes to its members);
- A charity;
- A company limited by guarantee which does not distribute any surplus it makes to its members; or
- A community interest company.<sup>1</sup>

3.3 Nominations can be accepted from any unincorporated group so long as they have at least 21 members who appear on the electoral roll within the local authority or neighbouring local authority.

### **4. Nominating Process:**

4.1 In order to nominate an asset, the nominating body must complete a nomination form (see appendix A). Regulation 6 states that the nominator must provide details of:

- The nominated land and its proposed boundaries;
- A statement addressing who both the current and previous occupiers of the land are;
- The nominators reasons for making the nomination and;
- Evidence that they are eligible to make the nomination.

4.2 All applications coming in to the Council should be made using the Nomination Form and forwarded to (**nominations officers' name**) Gloucester City Council, Herbert Warehouse, The Docks, Gloucester, GL1 2EQ or emailed to [example@gloucester.gov.uk](mailto:example@gloucester.gov.uk).

4.3 Regulation 7 states that the Council is under a duty to decide whether or not the nominated asset should be included on the asset list. This must be done within 8 weeks of receiving the nomination. The Council must also, under Regulation 8, ensure that it takes reasonable steps to notify the owner(s) of the asset that it has been nominated by a community nomination.

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<sup>1</sup> Regulation 5 of The Assets of Community Value (England) Regulations 2012

4.4 If it is decided that the asset will not be included on the Council's list of assets of community value, then under section 90 (6) of the Act the Council must provide the nominating body with a written response as to why the application has been unsuccessful and the reason for its decision.

## **5. Register of Assets of Community Value:**

5.1 Section 87 of the Act requires that the Council must keep a list of all land that is of community value. The Council's list of assets of community value can be found at Appendix B. Under section 93 of the Act, a separate list of 'assets unsuccessfully nominated by community nominations' must also be kept to record any unsuccessful nominations (see Appendix C).

5.2 Any land or asset recorded on the list must be removed after a period of 5 years from the date that entry was made. Any restriction on title will also be removed. At the end of this time, assets can be re-nominated and the same process will apply to that nomination.

5.3 Under section 91 of the Act, the Council must give written notice to the following persons where land is included in or removed from the list of assets of community value:

- Owner of the land,
- Occupier of the land (if the occupier is not also the owner),
- The person who made the nomination.

In circumstances where it is not reasonably practicable to issue a written notice to the above persons, the Council must take steps to bring the notices to the person's attention. The Council will do this by publishing the notice on the Council's website and by placing a notice at the land or asset concerned.

5.4 Access to the lists can be gained by visiting the Council's website at [www.gloucester.gov.uk](http://www.gloucester.gov.uk). Under section 94 of the Act the Council must publish its list of assets of community value and its list of land nominated by unsuccessful community nominations. The Council must provide any person who asks for a copy, one copy free of charge.

5.5 In circumstances where the owner objects to their property being placed on the list, they have 8 weeks from the date written notice of the listing was given or any longer period allowed by the Council in writing, to make a written request for an internal review of the decision to list (section 92 of the Act). The review must be carried out within 8 weeks of receipt of the review request or such longer period as may be agreed with the owner in writing. The asset remains listed until the review is carried out.

5.6 Schedule 2 of the Regulations sets out the procedure for the review:

- The review is to be carried out by an officer of "appropriate seniority" who did not take part in making the original decision;

- The owner can appoint a representative to act on their behalf;
- The Council has to notify the owner of the review procedure as soon as practicable after receipt of the written review request;
- If the owner requests an oral hearing, an oral hearing must be held;
- Both the owner and their representative can make representations, orally and in writing to the reviewer.

5.7 Each party bears their own costs associated with the review. If the owner is not satisfied with the outcome of the internal review, they have a right of appeal against the Council's review decision and should be notified of this right in the review decision letter. The appeal is to the General Regulatory Chamber of the First Tier Tribunal and needs to be made within 28 days of the Council's review decision being sent to the owner. Appeals can be both points of law and fact. Again, the property remains on the list during this appeal process.

5.8 The owner can make a claim for compensation in respect of legal expenses incurred in a successful appeal to the tribunal (see paragraph 8 below).

5.9 Owners must submit their appeal in writing to the First Tier Tribunal by either:

- **Email:** [grc.communityrights@hmcts.gsi.gov.uk](mailto:grc.communityrights@hmcts.gsi.gov.uk)
- **Post:** Tribunal Clerk  
Community Right to bid Appeals  
HM Courts & Tribunals  
First-Tier Tribunal (General Regulatory Chamber)  
PO BOX 9300  
Leicester  
LE1 8DJ

## **6. Relevant Disposal:**

- 6.1 Section 96 of the Act sets out the definition of a 'relevant disposal', that being a 'disposal of freehold estate in land is a relevant disposal of the land if it is a disposal with vacant possession' or 'a grant or assignment of a qualifying leasehold estate in land is a relevant disposal of the land if it is a grant or assignment with vacant possession.'
- 6.2 Relevant disposals trigger the moratorium requirements as set out below and in the Act.
- 6.3 There are exemptions for some types of relevant disposals, and in these circumstances the owner does not need to comply with the Act. The following are examples of such exemptions:
- Disposals which are gifts;
  - Disposals by personal representatives in accordance with the will of a deceased owner;
  - Disposals between family members;
  - Transfers made in pursuance of a Court Order; and
  - Sale by a lender under a power of sale.
- 6.4 For a full list of exemptions to which section 95(1) of the Act does not apply please see Schedule 3 of the Regulations

## **7. Moratorium:**

- 7.1 Under section 95 of the Act the owner will only be able to dispose of the asset once a specified time period has passed. In the case of any relevant disposal which is not exempt to a community group, the owner must not dispose of the asset during a 6 week interim moratorium period. This period starts from when the owner notifies the Council of their wish to enter into a relevant disposal of the asset, under section 95(2) of the Act.
- 7.2 On receipt of the owner's written notification of their intention to dispose of the asset, the Council is required to update the list, giving the interim and full moratorium end dates and the end date of the protected period. The interim period is 6 weeks; the full moratorium period is 6 months, both running from notification of the owner's intention to dispose of the asset.
- 7.3 During the 6 week moratorium period, community groups may make a written request to the Council to be treated as a potential bidder for the listed asset. If no requests are received during this period the owner is free to sell at the end of the period.
- 7.4 If a community group does make a written request to the Council to be treated as a potential bidder within the 6 week interim moratorium period then the full 6 month

moratorium will take effect. This runs from the date of the owner's notification to the Council of their intention to dispose of the asset. During this full moratorium period, the owner may continue to market the asset and negotiate sales, but may not exchange contracts or enter into a binding contract to do so later. The only exception during the full moratorium is a sale to a community group. At the end of the 6 month moratorium period the owner is free to sell to whomever they choose.

- 7.5 Should a bid from a local community group not be forthcoming or is unsuccessful the owner has a protected period of 18 months from the date of the owners notification to sell, to sell the asset without further delay. If, after the full 18 months 'protected' period, the asset has not been sold then the owner will again be required to notify the Council of the intention to enter into a relevant disposal and the moratoriums will again be available to the community groups.

## **8. Compensation:**

- 8.1 It is recognised that these provisions could have a financial impact on some owners and as such there is a compensation scheme for private property owners. The Regulations allow an owner of a listed asset or previously listed asset to claim compensation for loss or expense incurred in relation to the land which would not have been incurred if the land had not been listed.
- 8.2 The time limit for claiming compensation is whichever is earlier of 13 weeks from the end of the interim or full interim period or from the date when the land ceases to be listed. The Regulations require claims to be made in writing, stating the amount of compensation sought and providing supporting evidence. The burden of proof is on the owner.
- 8.3 All claims for compensation which meet the criteria set out in the Regulations must be considered by the Council. Unlike the other processes associated with the community right to bid, there is no specific time limit for the Council to reach a decision on the claim for compensation. However there is an expectation that the Council will reach a decision as soon as is reasonably practicable when it has all relevant information required to come to a decision.

## **9. Appeals:**

- 9.1 Under Regulation 16, a person who has made a claim for compensation under Regulation 14 can ask the Council to review its decisions. The Council must give written notification to the person who asked for the review explaining the decision and the reasons for that decision.
- 9.2 Under Regulation 17 the person who requested the compensation review can appeal the decision of the Council to the First Tier Tribunal.



APPENDIX A



## Community Right to Bid – Nomination Form

Please complete this form and return to [example@gloucester.gov.uk](mailto:example@gloucester.gov.uk) or via post to Gloucester City Council, Herbert Warehouse, The Docks, Gloucester, GL1 2EQ.

### Applicant Details:

Please provide contact details for the person we should contact to discuss this nomination

<b>Contact Name:</b>	
<b>Email Address:</b>	
<b>Telephone Number:</b>	
<b>Contact Address:</b>	
<b>Your Organisation:</b> (E.g. Voluntary Body, Community Body, Charitable Organisation, Parish or Town Council)	
<b>Community Area:</b>	

### Eligibility

<p><b>Please provide evidence that you meet the definition of a community nominator as set out in the regulations (i.e. a parish council or a voluntary or community body with a local connection).</b></p> <p>(If you are an unincorporated group please provide a list of 21 names on the local electoral register)</p>	
---	--

**Nominated Land/Building:**

<p><b>Location and description of Nominated Land/Building:</b> (Please describe in as much detail as possible the land you wish to nominate including its proposed boundaries. Please attach a map if possible.)</p>	
<p><b>Details of current/last known owner:</b> (Please provide as much information as possible, including current or last known addresses of any freeholder or leaseholders. Please attach a Land Registry Entry where possible.)</p>	

**Supporting Information:**

<p><b>Please set out your reasons for nominating this land/building:</b> (Please provide as much information as possible, including how the asset is currently used, benefits to the local community etc.)</p>	
--	--

**I confirm that all the information provided is accurate and complete**

<p><b>Name:</b></p>	
<p><b>Signature:</b></p>	
<p><b>Date:</b></p>	

**APPENDIX B**



**Assets of Community Value:  
List of Assets of Community Value**

Date Application received:	Asset nominated:	Community Nominee:	Reasons for listing:	Date of decision of Council:	Notice from owner to dispose (\$95(2)) Date received	Interim moratorium End date (6 weeks)	Full moratorium triggered Yes / No End date (6 months)	Date of expiry of listing:

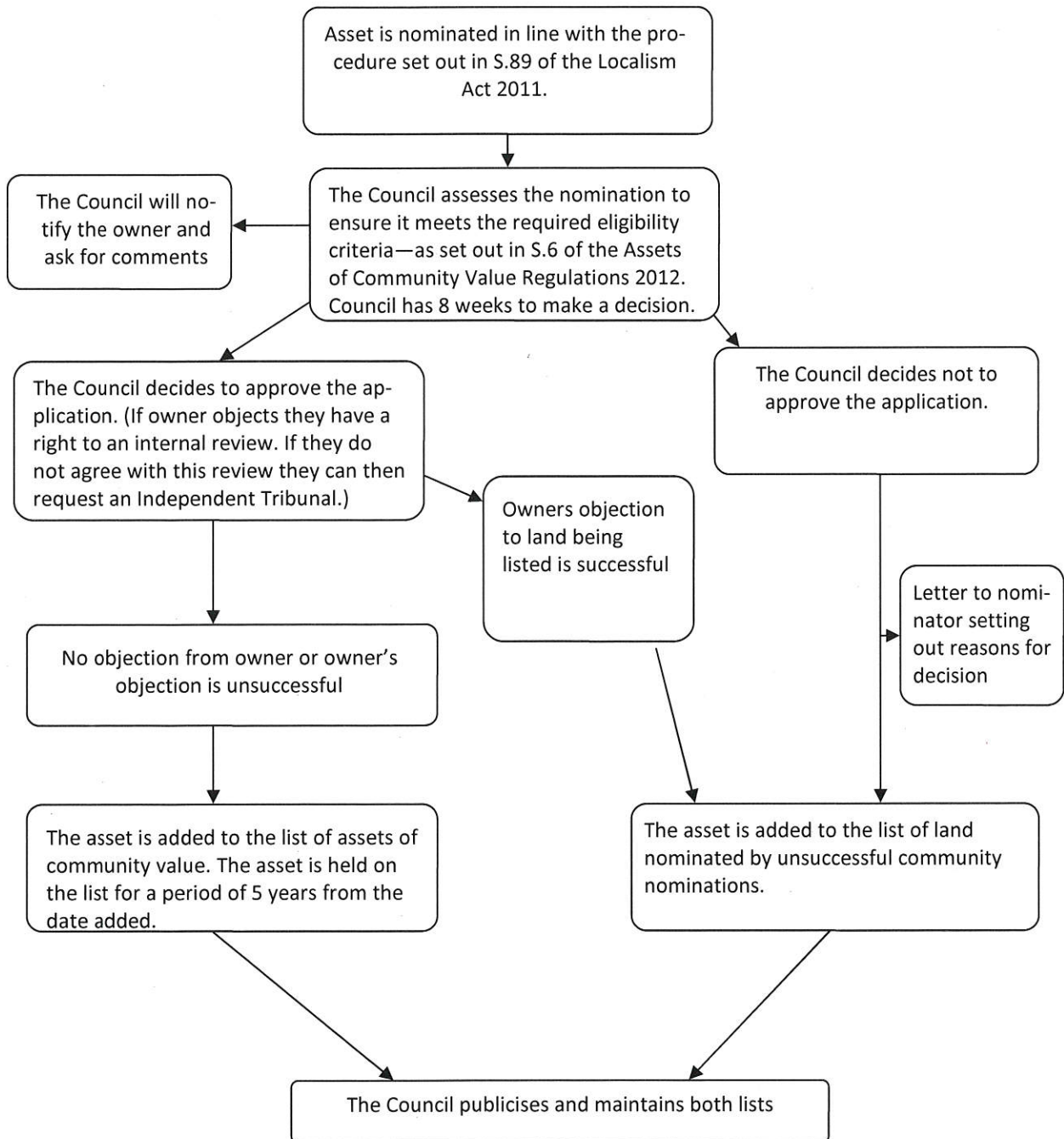
**APPENDIX C**



**Assets of Community Value:  
List of Land nominated by Unsuccessful Community Nominations**

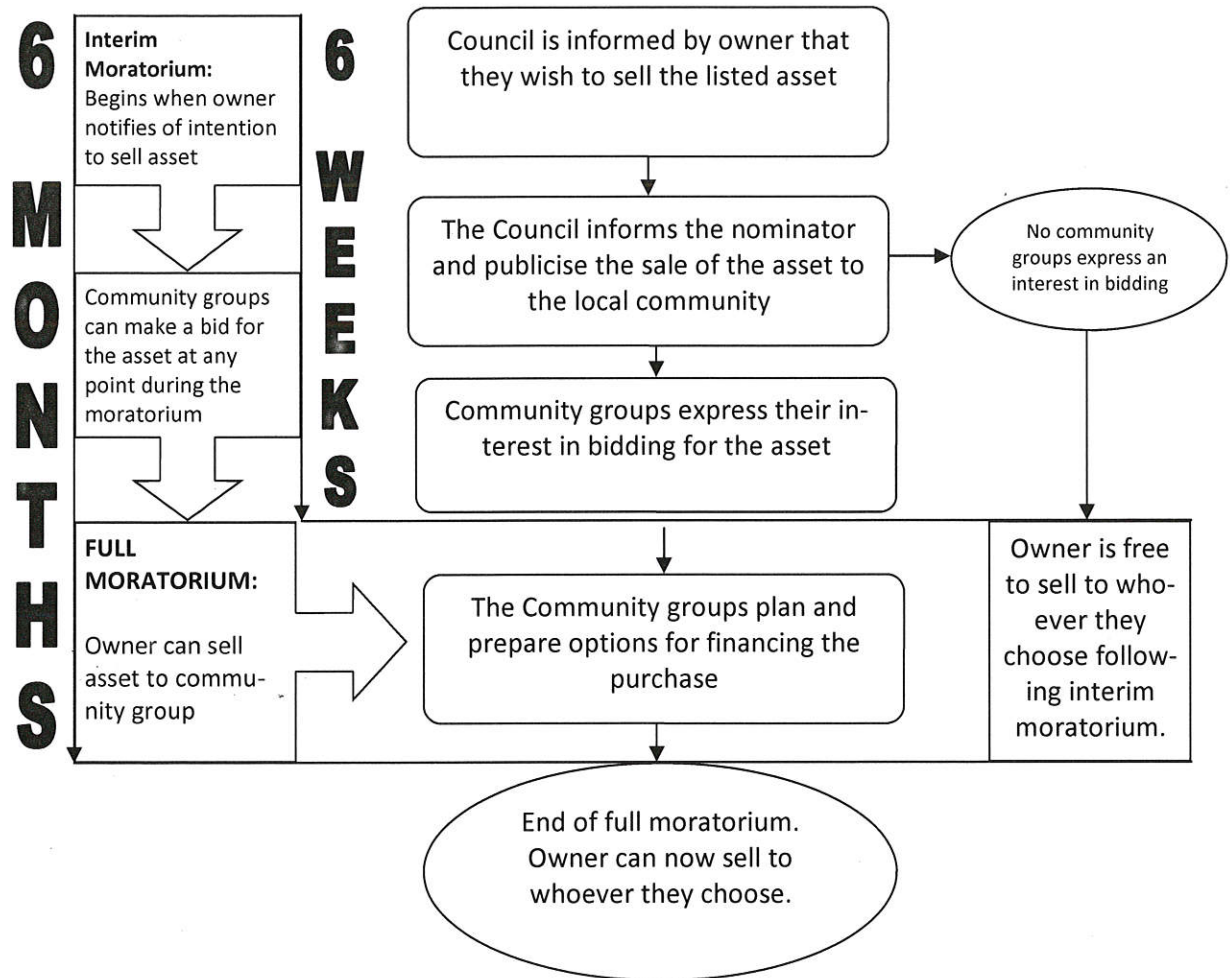
Date Application received:	Asset nominated:	Community Nominee:	Reasons for listing:	Decision of Council and reasons:	Date of decision of Council:

**Flow Chart 1:  
Assessment and listing process**





**Flow Chart 2:  
The moratorium process**







## Gloucester City Council

<b>Meeting:</b>	<b>Council</b>	<b>Date:</b>	<b>18 July 2013</b>
<b>Subject:</b>	<b>Review of Members' ICT</b>		
<b>Report Of:</b>	<b>Corporate Director of Resources</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Tanya Davies, Democratic &amp; Electoral Services Manager</b>		
	<b>Will Newell, Business Systems &amp; ICT Infrastructure Service Manager</b>		
	<b>Email: tanya.davies@gloucester.gov.uk</b>	<b>Tel:</b>	<b>39-6125</b>
<b>Appendices:</b>	<b>None</b>		

### 1.0 Purpose of Report

- 1.1 To present options for future provision of ICT equipment and related services for elected Members, including consideration of the use of tablet computer devices as a replacement for printed meeting agendas and reports.

### 2.0 Recommendations

- 2.1 Council is asked to **RESOLVE** to adopt one of the following options:
- (1) **Option 1** – continue with the existing arrangements for the provision of ICT equipment and services to Members.
  - (2) **Option 2** – cease provision of all ICT equipment and related services to Members, including broadband connections, but excluding smart phones, and continue with the provision of printed meeting agendas and reports.
  - (3) **Option 3** – replace current ICT equipment and related services to Members, including broadband connections, with the provision of tablet computer devices intended as an alternative to printed meeting agendas and reports whilst retaining the option to have a smart phone.
- 2.2 Should **Option 2** be chosen, to **RESOLVE** that delegated authority be given to the Director of Resources in consultation with the Cabinet Member for Performance and Resources to set up a dedicated fund for Members that no longer have access to broadband wireless connections.
- 2.3 Council is asked to **RESOLVE** that the Members' Allowances Panel be requested to consider the impact of any changes to the provision of ICT equipment and related services to Members as part of the next review of Members' allowances.

### **3.0 Background and Key Issues**

- 3.1 In 2011 the ICT Working Group began considering options for the electronic delivery of Council agendas and reports, and in June 2012 six Members volunteered to take part in a trial of tablet devices, to be used for receiving and working on agendas and reports. Feedback from the trial has been positive and it subsequently became clear that it was necessary to consider all ICT provision for Members.
- 3.2 Since the current policy for the provision of ICT equipment and services for elected Members was put in place there have been significant advances in technology and the use of technology has become more widespread, with significant numbers of individuals and families having access to their own ICT equipment and broadband services. Despite offering smart phones to Members, current ICT provision does not appear to meet the needs of all Members and does not offer value for money.
- 3.3 The current policy provides as follows:
- Members may choose to be provided with either a smart phone or a laptop (and printer).
  - Members choosing a laptop will be entitled to either:
    - A broadband connection provided and paid for by the Council, and
    - £10 per month towards the provision of their own broadband (as part of the Members' Allowances Scheme).
  - Members choosing a smart phone will not be entitled to a separate broadband connection or the £10 per month allowance because the smart phone is provided with internet access and a data contract.
- 3.4 It is recognised that a smart phone is not a complete alternative to a laptop (or desktop) computer, but provides essential access to emails whilst on the move. It also provides Members with a dedicated Council phone line. As such, all Members will continue to be offered a smart phone.
- 3.5 All Members were asked to complete a survey regarding access to ICT equipment and broadband and also to provide any additional comments on ICT services for Members. The survey was completed by 32 out of 36 Members and the results have informed the proposals in this report.
- 3.6 The results of the ICT survey show that, of the 32 Members who responded, 29 have access to either a non-City Council desktop, laptop or tablet device. Of those who did not respond, it is known that at least one owns a tablet device. Therefore, if the Council withdrew provision of ICT equipment, at least 91% would already have access to alternative equipment.
- 3.7 Of the 32 Members who responded to the survey 29 have access to non-City Council broadband. Of those who did not respond, given our communications with those Members, it seems likely that all 4 would also have access to broadband. Only one Member indicated that they do not have access to broadband at home. Therefore, if the Council withdrew provision of broadband connections, 3 Members would currently be left without any access to broadband.

- 3.8 Overall, the results of the survey show that the vast majority of existing City Council Members already have access to their own ICT equipment and broadband services, making the withdrawal of ICT equipment and broadband connections a viable option that is in line with the direction taken by other local authorities. To mitigate the impact on those who do not currently have alternative access to equipment or broadband, a separate fund could be set up until such time as the Members' Allowances Panel are able to consider the impact of any changes on allowances.

**Option 1 – continue with the existing arrangements for the provision of ICT equipment and related services to Members.**

- 3.9 For the reasons stated in paragraph 3.2, it is not recommended that the existing arrangements for the provision of ICT equipment and related services to Members continue. It is also desirable to achieve a more consistent approach that can be clearly communicated to existing and prospective Members.

**Option 2 – cease provision of all ICT equipment and related services to Members, including broadband connections, but excluding smart phones, and continue with the provision of printed meeting agendas and reports.**

- 3.10 There is no requirement for the Council to provide Members with ICT equipment or related services and in the present challenging economic environment it is necessary to consider all options for identifying savings, including ceasing such provision, including broadband connections.
- 3.11 Arrangements at other district councils within Gloucestershire vary, ranging from allowances being paid to purchase equipment and broadband to Members being expected to provide their own ICT equipment. Those Councils also continue to provide printed agendas to Members. They also offer their Members network access from their own devices via a browser-based Citrix portal.
- 3.12 Currently 11 Members have been provided with a City Council laptop and, via the laptop, they have VPN access to the Council's network. The Council is currently working towards a solution whereby Members will be able to access the Council's network from their own devices using a VMWare based Virtual Desktop Infrastructure (VDI). This VDI will allow Members to access the network and relevant applications whilst ensuring that the appropriate security and data protection obligations can be met. This will include access to an email client as an alternative to Outlook Web Access. The availability of VDI on Members' own devices will eliminate the need to provide laptops to enable access to the Council's network and is expected to be available within the next 5 months dependent upon resources and project prioritisation. Members would also continue to be able to access their City Council email account from a smart phone or via Outlook Web Access from a browser. If this Option was chosen, the 11 Members currently in possession of a Council laptop could be permitted to retain them on the understanding that they would not be replaced in the future, thus allowing some time for these Members to prepare to provide their own equipment.
- 3.13 If Gloucester City Council ceased provision of all ICT equipment and related services to Members, including broadband connections, but excluding smart phones, and continued with the provision of printed agendas and reports, the only short-term savings would relate to the cost of broadband services and would

therefore be minimal. The potential would exist for longer-term savings associated with not replacing equipment.

- 3.14 Option 2 is not recommended because, based on existing provision, savings would be minimal.

**Option 3 – replace current ICT equipment and services to Members, including broadband connections, but excluding smart phones, with the provision of tablet computer devices intended as an alternative to printed agendas and reports.**

- 3.15 As stated in paragraph 3.1, the impetus for reviewing Members' ICT provision came from a desire to identify a cost effective alternative to providing printed agendas and reports.
- 3.16 Each year the Council spends approximately £12,000 on printing agendas and reports for its formally constituted Council and Committee meetings and in 2011-12 in excess of 270,000 pages were printed. The cost of posting agendas to Councillors is estimated to be in the region of £4,000 per year. Other costs include staff time associated with collecting agendas from the County Print Room, enveloping documents and checking distribution lists. These figures do not include the cost of printing and posting documents to Members by other departments across the Council.
- 3.17 The provision of tablet devices offers an alternative to printed agendas and reports as Members are able to access papers on the tablet as soon as they are published via the Modern.gov committee management system (CMS), subject to wireless broadband availability. The tablet solution would also eliminate any problems of post being delayed or not received.
- 3.18 The Council would have to continue to print a number of agenda packs for use by members of the public at meetings as this is a legal requirement, and thought would need to be given to committees with non-Council membership, but the intention would be to cease all other printing, including for officers. Solutions for officers attending meetings regularly will be considered separately and those attending for specific items will be required to print their own papers should they deem it necessary.
- 3.19 The tablet solution being proposed includes the following components:
1. Device – the recommended device is the Apple 16GB WiFi only iPad for the following reasons:
    - 16GB of memory is the cheapest iPad option and would be sufficient for the purpose proposed.
    - The Modern.gov software provider has developed an application or 'app', which allows Members to specify committees of interest and automatically keeps itself updated with the latest meeting papers thus enabling all committee documents to be accessed in one place on the device. A fully functioning version of the app is available for use with the iPad, with only a more limited version currently available for Android devices. It is likely that the iPad version will remain the most up to date with any updates being released in advance of Android versions.

2. Internet access – WiFi only connection is proposed due to the increased cost of 3G connectivity. It is considered that WiFi only is sufficient given that Members will continue to have access to emails on the go via a Council-provided smart phone and, the vast majority of Members have their own broadband service to enable them to download agendas and reports. In addition, WiFi connectivity is now available in North Warehouse and across the The Docks offices at a later date, with wireless access being available in the Group Rooms from October 2013. Members will need to be made aware that newly published documents can only be accessed when a WiFi network is available, but that once downloaded, the content will remain on the device.
3. Tools for working on agendas – applications would be installed on the device for the purpose of annotation. The Modern.gov app provides this functionality, allowing Members to view and work on documents in one place.
4. Access to exempt papers – the iPad version of the Modern.gov app offers secure access to exempt papers when subscription is taken out. The initial cost of the three year contract is £1000 and thereafter the contract cost will be approximately £350 per annum.
5. Access to email and other programmes – tablets would be provided with an email client installed, allowing Members to access their Council email accounts, subject to WiFi network availability, without using Outlook Web Access via a browser. Devices would also be supplied with Polaris Office, allowing access to Microsoft Office programmes. Access to the Council's network is possible via the device; however, specific consideration of the applications that Members wish to access would be required. The 11 Members currently in possession of a Council laptop could be permitted to retain them, but this would have to be on the understanding that they would not be replaced in the future.
6. Mobile Device Management (MDM)/Security – MDM software allows for security, monitoring and management of mobile devices, including applications, data and configuration settings. It is essential for enforcing corporate governance and security compliance and enforcement against security risks and other types of abuse. MDM gives the Council the ability to remotely wipe a device thereby ensuring its data is securely destroyed if a device is lost, preventing the finder from accessing sensitive information.
7. Bring Your Own Device (BYOD) – the use of MDM will make it possible for Members with their own tablet to be offered the same solution, should they opt to use their own device. MDM will only affect the area of the device that holds Council data and the Council will not be able to access or wipe any other areas of the device. It is known that at least nine Members currently have their own tablet and, should they choose to use it for Council business, the costs of the proposal would be reduced.
8. A fully charge Ipad would last approximately 9 hours whilst surfing the net. In addition multiple chargers would be made available for the Group Rooms and Meeting Room for those Members who needed to charge their Ipads in advance of a meeting.

3.20 It is recognised that some Members will still wish to use a laptop or desktop computer for some aspects of their Council work and, as detailed in paragraph 3.13, Members will soon be able to access the Council's network using their own equipment. Again, Members without access to a non-City Council laptop could be permitted to retain their Council laptop on the understanding that they would not be replaced in the future, thus allowing some time for these Members to prepare to provide their own equipment.

3.21 The costs associated with the proposed tablet solution over three years are as follows:

Based on providing all 36 Member with a WiFi only tablet device

Item	Year 1	Year 2	Year 3	Total
Hardware	£11,160	-	-	£11,160
Device	£1,152.00	-	-	£1,152.00
Accessories (case and screen protector)				
Software	£2,280.99	£1,256.00	£1,256.00	£4,792.99
Maintenance	£1,746.00	£752.00	£752.00	£3,250.00
Insurance	£215.00	£215.00	£215.00	£645.00
Warranty	£1,584.00	-	-	£1,584.00
<b>Total</b>	<b>£18,137.99</b>	<b>£2,223.00</b>	<b>£2,223.00</b>	<b>£22,583.99</b>

3.22 The savings identified over three years are as follows:

Item	Year 1	Year 2	Year 3	Total
Printing	£10,000.00	£10,000.00	£10,000.00	£30,000.00
Broadband*	£2,736.00	£2,736.00	£2,736.00	£8,208.00
Postage	£3,978.98	£3,978.98	£3,978.98	£11,936.94
<b>Total</b>	<b>£16,714.98</b>	<b>£16,714.98</b>	<b>£16,714.98</b>	<b>£50,144.94</b>

\*based on ceasing provision of full broadband connections. The broadband allowance is a matter for the Members' Allowances Panel and does not form part of the proposals.

3.23 The return on investment over three years is as follows:

	Year 1	Year 2	Year 3	Total
Costs	£18,137.99	£2,223.00	£2,223.00	£22,583.99
Savings	£16,714.98	£16,714.98	£16,714.98	£50,144.94
<b>Return</b>	<b>-£1,423.01</b>	<b>£14,491.98</b>	<b>£14,491.98</b>	<b>£27,560.95</b>

3.24 It should be noted that there is significant potential for additional savings to be made if other services are instructed to send documents to Members by electronic means wherever possible. Further savings will be made if Members choose to use their own tablet devices.

3.25 If this option is approved, in order for the return on investment to be achieved, it will need to be communicated clearly to Members and officers that they will not be able to request any printed agenda packs.

#### **4.0 Alternative Options Considered**

4.1 The options are detailed in the main body of the report

#### **5.0 Reasons for Recommendations**

5.1 To determine an approach for the future provision of ICT equipment and services for elected Members that meets the needs of modern Members and provides value for money.

#### **6.0 Future Work and Conclusions**

6.1 If **Option 1** is approved, no further work is required.

6.2 If **Option 2** is approved, existing equipment will need to be returned to the Council by Members and any broadband contracts terminated by the Council. For those who would no longer have access to equipment or broadband, further consideration of dedicated fund would need to be undertaken. Delegated authority would need to be given to the Director of Resources in consultation with the Cabinet Member for Performance and Resources to set up a dedicated fund.

6.3 If **Option 3** is approved, in addition to purchasing the equipment and organising the software, insurance and maintenance, thought will need to be given to providing charging points in meeting rooms. Members would also need comprehensive training on how to use the devices.

6.4 The issue of the £10 broadband allowance is a matter for the Members' Allowances Panel and it is recommended that the Panel be asked to consider this during their next review along with the wider impact of the chosen option. The issue of consumables, such as paper and printer toner cartridges, should also be considered by the Members' Allowances Panel to clearly identify what items Members are expected to purchase from their allowance.

6.5 Option 3 is preferred over Option 2 because, in addition to providing a return on investment over a three year period, it is considered to meet the needs of a modern Member and a modern Council. This option, including the details contained in paragraph 3.20, has been endorsed by the ICT Working Group and forms the basis of their recommendation to Group Leaders and Council.

#### **7.0 Financial Implications**

7.1 Details of the respective savings and costs are provided in paragraphs 3.14 and 3.21-3.24.

7.2 Should Option 3 be approved, the initial costs in Year 1 will be funded entirely from existing budgets. The costs in subsequent years can be funded from the savings achieved and the standard ICT budgets.

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

## **8.0 Legal Implications**

- 8.1 There is no legal requirement for a Council to provide its Members with ICT equipment or broadband services.
- 8.2 In respect of Option 3, the Council's legal obligations with regard to security and protection of data are met through the use of MDM as it meets the requirements of the Information Commissioner's Office for data privacy and allows the Council to create policies which can then be applied to both BYOD and GCC owned devices to enforce passwords, encryption and the remote wipe of either corporate data and or a complete device wipe should the device be lost or stolen.
- 8.3 Paragraph 4 of Schedule 12 of the Local Government Act 1972 (as amended) requires that a copy of the summons to attending a full Council meeting specifying the business to be transacted (i.e. the agenda front sheet, but not specifically any reports or other documentation) should be left at or sent by post to the usual place of residence of every Member of the Council. In respect of other meetings, this is taken as applying to the Members of the committee in question.
- 8.4 Paragraph 3, however, permits a Member to give notice in writing of an alternative address for the delivery of summonses.
- 8.5 In order for Option 3 to be financially viable, Members would be asked to give notice in writing that their chosen address for the delivery of summonses is the Council offices. This would eliminate the need for posting any agenda front sheets.

Legal Services, have been consulted in the preparation this report.

## **9.0 Risk & Opportunity Management Implications**

- 9.1 Option 2 could result in individuals being put off from standing as a Councillor if they do not have access to ICT equipment or broadband; however, it must be recognised that electronic means of communication and ICT solutions in general are a feature of modern Councils and essential tools for driving efficiencies and savings.
- 9.2 There is a risk that Option 3 would not be suitable for all Members, however, individual circumstances can be considered. See Section 10 for further detail.
- 9.3 Option 3 provides the opportunity to make a return on investment in addition to offering a viable alternative to the costs of printing and posting Council agendas, while also meeting the ICT needs of modern Members.

## **10.0 People Impact Assessment (PIA):**

- 10.1 While the aim of the preferred option is to achieve a consistent approach to Members' ICT provision, this will not preclude consideration of individual requirements and where it is identified that an individual Councillor requires equipment that is different or additional to the device issued in order to meet the requirements of their role as a Councillor, such circumstances will be considered and the appropriate equipment will be provided if it is deemed to be necessary.



- 10.2 If Option 2 is approved and no equipment is provided, consideration can be given to establishing a fund to which Members can apply if they are unable to provide their own equipment. Additionally, the Members' Allowances Panel should be asked to consider the level of basic allowance in light of any agreed changes to ICT provision.
- 10.3 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

## **11.0 Other Corporate Implications**

### Community Safety

- 11.1 There are no community safety implications arising from this report.

### Sustainability

- 11.2 Proposals to cease printing documentation for Councillors will have a positive impact on the environment.

### Staffing & Trade Union

- 11.3 There are no staffing implications arising from this report.

**Background Documents:** None

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**OVERVIEW AND SCRUTINY COMMITTEE**

**ANNUAL REPORT**

**2012/13**

Published by Democratic Services

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June 2013

## Introduction from Chair



I am pleased to commend this Annual Report at the end of a Municipal year that has been full of challenges.

It has been a successful year with the Committee demonstrating its proactive and positive contribution to the work of the administration and its assistance to the Executive in acting as a '*critical friend*'.

With the prospect of even tighter curbs on Local Government spending in the future, the Committee will continue to have a high profile role and the scrutiny of our partners' performance and the monitoring of the impact of budget cuts will feature predominantly in the Committee's future work programme.

Pre-decision scrutiny of matters identified in the Council's Forward Plan and the streamlining of agenda items has led to effective and robust debate in the Chamber and with support from my Vice-Chair, Spokesperson and Democratic Services Team I am committed to building on these strengths and enhancing the scrutiny function for the forthcoming year.

Finally, I would like to thank my fellow Committee Members, the Cabinet, all Councillors who have contributed to the Task and Finish Groups, and the Democratic Services team for their support and co-operation during 2012/13 and I look forward to having the opportunity to '*speak up*' and really '*make a difference*' in 2013/14.

Councillor Jan Lugg  
Chair Overview and Scrutiny Committee 2012/13

# The Role of Scrutiny at Gloucester City Council

## Overview and Scrutiny has the powers to:

- Provide a sounding board for the Executive on key policy decisions.
- Hold decision makers to account.
- Challenge and improve performance.
- Support the achievement of value for money.
- Influence decision makers with evidence based recommendations.
- Bring in the views and evidence of stakeholders, users and citizens.

## Successful scrutiny:

- Provides a “critical friend” challenge to executive as well as external agencies.
- Reflects the concerns of the public and community (actively engage the public).
- Takes the lead in scrutinising on behalf of the public (community leadership).
- Makes an impact on the delivery of public services (contribute to performance).

## What the Constitution says

The Council’s Constitution sets out that the Overview and Scrutiny Committee will:-

- (a) co-ordinate, champion and lead on the scrutiny of Council and Executive decisions;
- (b) have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000(as amended);
- (c) have all the powers and functions, powers and duties conferred by Section 19 of the Police and Justice Act 2006 and to act as the Council’s Crime and Disorder Committee;
- (d) determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Task and Finish Group;
- (e) review the operation of the scrutiny process and work programmes of the Overview and Scrutiny Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources;
- (f) oversee and review the resources, support, training and development of Overview and Scrutiny Members;
- (g) develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues;
- (h) provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit;
- (i) give consideration to the management of matters called in for review under paragraph 14 of the Overview & Scrutiny Rules;
- (j) give consideration to matters referred to it by the Councillors’ Call for Action;

- (k) review and scrutinise the work of the Executive;
- (l) review and scrutinise the content of the Forward Plan;
- (m) review and scrutinise the policies and proposed policies of the Council;
- (n) consider any matters which affect the authority, the City of Gloucester (or part of it) or its inhabitants (or some of them).

### **'Call In' Meetings**

The Council's Constitution sets out the rights of Overview and Scrutiny Committee Members to 'call in' a Cabinet decision if they feel it has not been made in accordance with principles set out in Article 13. The 'call in' procedure sometimes necessitates the convening of a special meeting to consider the matter unless the next programmed meeting falls within the deadlines set in the Council's constitution.

In 2012/13 there were no 'call in' requests made.

### **The Centre for Public Scrutiny has established four principles of effective scrutiny:-**

- Provides 'critical friend' challenge to executive policy-makers and decision-makers.
- Enables the voice and concerns of the public.
- Is carried out by 'independent minded governors who lead and own the scrutiny process.
- Drives improvement in public services.

# Highlights of the Year

## **Improved agenda management**

This year has seen a shift change from holding 'Cabinet Question Time' to an approach where there has been early engagement between the Committee and the Executive in order for Overview and Scrutiny Members to be able to influence policy and key decisions made by the Executive. There have been no 'call-ins' this year, which demonstrates the improvements in Scrutiny's early involvement in the Cabinet decision making process.

The Committee has also limited its agenda to 3-4 substantive items to enable meaningful and constructive debate on matters. This streamlining of the agenda, in consultation with the Chair, Vice-Chair and Spokesperson, has led to positive outcomes for the Committee and the development of more effective and robust scrutiny.

The Committee has taken part in consultations which are evidenced later in the document.

## **Spotlight on our partners' performance**

The Committee views scrutiny of the performance of the City Council's partnering bodies as an important part of its work.

In 2012/13 presentations were received from the Chief Executives of Aspire and Gloucester City Homes where Members took the opportunity to question them in depth about their current performance and plans for the future. Members were satisfied with the performance levels of both organisations and will receive an update in 2013/14.

Amey (Enterprise), the Council's Streetcare partner, provoked a lively debate when they attended an Overview and Scrutiny Committee in December 2012 and the Committee was able to make an important decision to support a recommendation for an improved grass cutting regime. As a result of this, the grass cutting regime has been changed.

Inevitably, with the pressure of budget cuts imposed on our partners this year, scrutiny of their performance will continue to be in the spotlight and this has been factored into the work programme for next year.

## **Watching the pennies – Budget Scrutiny in action**

The Overview and Scrutiny Committee plays an important role in examining the Cabinet's budget proposals. Following a review of the process by a Task and Finish Group in 2010/11, recommendations were made which improved the Committee's involvement. The draft budget is now scrutinised at an early stage with Cabinet Members being invited to present their respective elements of the budget to the Committee.

In 2012/13, the Committee considered the budget at two sessions when the opportunity was taken to robustly question the Cabinet Members on their respective portfolios. The views of the Committee were taken into account and reported to Full Council when the draft budget was considered.



# Scrutiny in Action

## Introduction

The overview and scrutiny function is a central element of the Council's aims and objectives and a key part of the democratic process. The Overview and Scrutiny Committee meets in public to fulfil its role to hold the Executive to account against the background of the administration's stated purpose, aims and objectives. However, the guiding principle for its work is that it should make a *proactive* and *positive* contribution to the development of policy and the discharge of the Council's function. Examples of 'scrutiny in action' are listed below. Please note that this is not an exhaustive list of the Committee's work, but it gives a flavour of the highlights of Members' achievements.

## Review of Shopmobility Service

Positive engagement by the Committee in July 2012 led to endorsement of the Executive's proposal to adopt an in-house business focused service as the Shopmobility service model for progression.

## Options for City Centre Closed Circuit Television System

In September 2012 the Committee examined options for updating the City's ageing CCTV system. There was a robust debate which culminated in Members being able to endorse one of the options to the Executive and to recommend adjustments to revenue and capital budgets.

## Outcomes of the Voluntary and Community Sector Grants for the year 2011/12

The Committee demonstrated its proactive behaviour when it considered a report which evidenced the outcomes achieved against community grants awarded in 2011/12. After a full debate, Members agreed three recommendations to the Executive, one of which proposed that Ward Councillors, with their specialist knowledge of their district, be invited to provide feedback on groups who had received funding within their Wards. All these recommendations were adopted by the Executive.

## **Proposed Traffic Restrictions in Pedestrianised areas/Gloucester City Centre Gate Streets**

In February 2013 the Committee showed its commitment to tackling community concerns by commenting on a report by the Cabinet Member for Regeneration and Culture on proposed traffic restrictions in the gate streets and pedestrianized areas. This resulted in Members recommending to the Executive that there should be a short transitional period to allow compliance with Traffic Regulation orders; exemptions to the orders should be kept to a minimum and that any flouting of the Orders should be actively enforced.

## **Car Club**

In 2012/13 the Committee continued its close scrutiny of the performance of the City Council's Car Club with in-depth analysis on two occasions. Members had been disappointed with the take-up of the scheme which had been financed using Section 106 monies and had expressed concerns to the Executive about its future. As a direct result of the Committee's proactive approach and close scrutiny, the Executive has agreed to recommend termination of the contract using a three year break clause.

# **Speaking Up – Scrutiny’s part in consultation**

## **Introduction**

The Overview and Scrutiny Committee has an important part to play in contributing to consultations which can range from in depth examination of new Government legislation, to looking at new and revised Council strategies and policies. Aside from this, the Committee is always happy to review its partners’ and stakeholders’ work as evidenced by a visit from the Director of Public Health when Members were encouraged to comment on a strategy ‘Your Health, Your Care’ which was submitted as part of a presentation on the Director of Public Health’s annual report. Highlights of consultation work in 2012/13 are detailed below.

## **Draft Tenancy Strategy**

The Committee considered a report by the Cabinet Member for Housing, Health and Leisure which outlined a framework for the use of flexible tenancies and social housing with the aim of assisting the Council to make better use of its housing stock. Members robustly debated the proposals which they believed had wide-reaching implications for tenants. As a result of the debate, the Committee was able to recommend to the Executive that they considered a more joined up, County-wide approach to the discharge of the Council’s homelessness responsibilities. This was incorporated into the final draft document approved by Full Council in November 2012.

## **Revision of Evening Economy Action Plan**

In November 2012 the Committee received a presentation from the Cabinet Member for Regeneration and Culture where Members were asked to submit ideas for the improvement of the evening economy in Gloucester which would be subsequently included in a revised action plan. Members examined the document in detail and requested that the importance of cleaning, lighting and the harmonisation of parking regimes be reflected in the document. These suggestions were adopted by the Cabinet Member. Another successful outcome from this meeting was the adoption of the Evening Economy as a Task and Finish Group topic which is evidenced later in this report.

## **Changes to Gloucestershire Homeseeker Choice Based Lettings Scheme**

One of the most difficult and controversial consultations the Committee was involved in related to a report presented by the Cabinet Member for Housing, Health and Leisure which set out proposed changes to the Gloucestershire Homeseeker Choice Based Lettings Scheme. The Council had been asked to contribute to a county-wide policy which had to be adopted by all six districts in Gloucestershire to ensure parity. The Committee explored sensitive and controversial issues including the so-called 'bedroom tax' and the impact on resources of applications being received from outside the City because of Gloucester's cheaper housing costs. At the conclusion of the debate, Members recognised the difficulty of participating in a consultation whilst being constrained by benefit law and legislation. The Committee's comments have been incorporated into the final draft of the scheme which is due to go to Full Council in July 2013.

## **Public Open Space Strategy**

In March 2013 the Committee was a consultee on a Public Open Space Strategy Draft which set out how Gloucester planned to protect, manage, and enhance its open spaces over the next five years. Members were able to suggest matters that needed further highlight or clarification for inclusion in the draft strategy. These items have since been included in the latest draft of the Public Open Space Strategy.

# Task and Finish Group Activity

## Introduction

Task and Finish Groups are set up to look at issues in detail, gather evidence, and talk to witnesses and service users. Site visits are also carried out where appropriate. A one page scoping document sets the scene for the Group's work. The Group's conclusions are documented in a report for the Executive (Cabinet) which details its findings and recommendations.

## Cabinet Response to Dog Fouling Task and Finish Group findings (2011/12)

In July 2012 the Committee received Cabinet's response to the findings of the Dog Fouling Task and Finish Group whose report in March of that year had produced 8 recommendations. All these recommendations were adopted by Cabinet and led to improved reporting and enforcement actions. The Cabinet Member for the Environment thanked the Committee for producing the report. The success of these actions is likely to be monitored in the future.

## Consultation with Members on Task and Finish Group Topics for 2012/13

In October 2012 all Gloucester City Councillors were consulted upon for suggested topics for Task and Finish Groups. This resulted in 8 ideas being put forward which were all discussed at the November 2012 meeting, with 2 topics being eventually chosen (as detailed below) with Task and Finish Group Members being ratified by the Committee in December 2012.

## Recycling and Bulky Items Task and Finish Group

Membership: Councillor Field (Chair), Councillor Haigh, Councillor Taylor

Ambitions for the review (identified in the scoping document):-

- To increase recycling percentages
- To make recycling more accessible to the community

As part of its work, the Group has met with the following witnesses:-

- Amey (Enterprise) – Council's streetcare partner
- Furniture Recycling Project
- Cabinet Member for the Environment
- County Council Waste Unit team

- Stroud District Council's Public Space Manager

The Group will be summarising its findings in a report scheduled for completion in August 2013.

### **Evening Economy Task and Finish Group**

Membership: Councillor Chatterton (Chair), Councillor Gravells, Councillor Taylor

Ambitions for the review (identified in the scoping document)

- To target specific groups to discover what they would be seeking in order to encourage them into the City Centre and Docks.
- To look at ways of linking the evening economy offer in the Quays and the City Centre.
- To 'talk up' the City.
- To identify a lead organisation to have overall co-ordination of existing Evening Economy Groups.

As part of its work, the Group has met with the following witnesses:-

- Director of Gloucester Quays.
- Chief Executive of Marketing Gloucester.
- Dean of Gloucester.
- Cabinet Member for Regeneration and Culture.
- Council Champion for the Evening Economy.
- A representative from the Hackney Carriage Trade.

There has also been engagement with the public following a press release asking what the over 30's would like to see on an evening out in Gloucester and the Chair of the Group gave an interview on BBC Radio Gloucestershire's 'Drive Time' programme.

The Group will be summarising its findings in a report scheduled for completion by August 2013.

# The Resources of Scrutiny

## **Budget**

The Committee does not have its own dedicated budget and its work is funded from the Democratic Services team's budget.

## **Officer Support**

Support is provided by Democratic Services, predominantly by the Democratic Services Officer (Scrutiny Support) under the direction of the Democratic and Electoral Services Manager.

## **Professional Advice**

The Centre for Public Scrutiny (CfPS) provides the Members and Officers with a wealth of information including examples of best practice and case studies etc. for task and finish groups.

## **Networking**

The Gloucestershire Scrutiny Group provides an opportunity for Scrutiny Chairs and Officers to meet others within the County in order to discuss respective workloads and share information.

## **Member Training**

As previously reported, in 2012/13 Members received training from Graham Russell of South West Councils. This session was rated highly by the 10 Committee Members who attended.

Additionally, the Chair received training on Scrutiny chairing skills at the University of Birmingham in July 2012 which she found to be extremely interesting and relevant to her role.

## **Looking Ahead**

In the new Municipal year 2013/14 we are looking forward to having 4 new faces on the Committee who will need training and support to fulfil their roles. These are Councillors Llewellyn, Williams, Toleman and Wilson. Councillors Llewellyn and Williams as former Cabinet Members will have experience of the overview and scrutiny function and will no doubt enjoy scrutinising the new Executive from the other side of the fence.

## Meetings held in 2012/13

<b>Nature of Meeting</b>	<b>Date</b>
Ordinary	11 June 2012
Ordinary	2 July 2012
Ordinary	10 September 2012
Ordinary	15 October 2012
Ordinary	12 November 2012
Budget (Forecast)	3 December 2012
Ordinary	10 December 2012
Budget (Proposals)	14 January 2013
Ordinary	4 February 2013
Ordinary	4 March 2013

### Members' Overview and Scrutiny Attendance Record for 2012/13

<b>Name</b>	<b>Meetings attended</b>
Councillor Janet Lugg (Chair)	10
Councillor Jim Beeley (Vice-Chair)	9
Councillor Tarren Randle (Spokesperson)	9
Councillor Kate Haigh	9
Councillor Andrew Gravells	8
Councillor Susan Witts	10
Councillor Sebastian Field	6
Councillor Gerald Dee	10
Councillor Jim Porter	3
Councillor Gordon Taylor	9
Councillor Said Hansdot	8
Councillor Fred Wood	9
Councillor Saj Patel	8
Councillor Anna Mozol	4
Councillor Chris Chatterton	10



## Meet The Overview and Scrutiny Committee Members 2012/13



**Councillor Janet Lugg  
Chair**



**Councillor Jim Beeley  
Vice-Chair**



**Councillor Tarren Randle  
Spokesperson**



Councillor Kate Haigh



Councillor Andrew Gravells



Councillor Susan Witts



Councillor Sebastian Field



Councillor Gerald Dee



Councillor Jim Porter



Councillor Gordon Taylor



Councillor Said Hansdot



Councillor Fred Wood



Councillor Saj Patel



Councillor Anna Mozol



Councillor Chris Chatterton

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## Gloucester City Council

<b>Meeting:</b>	<b>Council</b>	<b>Date:</b>	<b>18 July 2013</b>
<b>Subject:</b>	<b>Written Questions to Cabinet Members</b>		
<b>Report Of:</b>	<b>Chief Executive</b>		
<b>Wards Affected:</b>	<b>N/A</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Penny.Williams, Democratic and Electoral Services Manager</b>		
	<b>Email: penny.williams@gloucester.gov.uk</b>	<b>Tel:</b>	<b>396125</b>
<b>Appendices:</b>	<b>1. Written Questions to Cabinet Members</b>		

### FOR GENERAL RELEASE

#### 1.0 Purpose of Report

- 1.1 To inform Members of Council of written questions to Cabinet Members and written replies thereto.

#### 2.0 Recommendations

- 2.1 That Council notes the written questions submitted in accordance with the Council's Constitution and corresponding responses.

#### 3.0 Background and Key Issues

- 3.1 Paragraph 12.02 of Part 4 of the Rules of Procedure contained within the City Council's Constitution provides that a Member of the Council may submit a written question to any Cabinet Member:-

- a matter coming within their portfolio of responsibilities, subject to a copy of such question being delivered to the Corporate Director of Resources not later than 12 noon ten clear working days preceding the day of the Council meeting; provided that at the discretion of the Chair a question may be permitted without such notice relating to business which the Chair considers to be urgent upon the same being delivered to the Chair in writing; or
- relating to a report of the Cabinet appearing on the Council Summons.

- 3.2 Every question shall be put and answered without discussion provided that a Member may, for the purpose of clarification, ask one supplementary question related to a question already put by themselves and that no time limit be imposed on supplementary questions and answers.

#### 4.0 Alternative Options Considered

- 4.1 Not applicable

## **5.0 Reasons for Recommendations**

5.1 To draw Members' attention to the written questions and answers.

## **6.0 Future Work and Conclusions**

6.1 Attached as an appendix to this report are written questions received by the deadline as set out above.

6.2 The Council are requested to note the questions and answers.

## **7.0 Financial Implications**

7.1 There are no financial implications arising from this report.

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

## **8.0 Legal Implications**

8.1 There are no legal implications arising from this report.

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

## **9.0 Risk & Opportunity Management Implications**

9.1 Not applicable

## **10.0 People Impact Assessment (PIA):**

10.1 Not applicable

## **11.0 Other Corporate Implications**

### Community Safety

11.1 There are no community safety implications arising out of this report.

### Sustainability

11.2 There are no sustainability implications arising out of this report.

### Staffing & Trade Union

11.3 There are no staffing and trade union implications arising out of this report.

**Background Documents:** None

**Council  
18 July 2013  
Written Questions to Cabinet Members**

No.	Question from/to	Question	Response
1.	From Councillor Field to the Leader of the Council	<p>Please update members on the status of the following buildings:</p> <p>a) Tanners Hall, Gouda Way</p> <p>b) The Golden Egg</p> <p>c) Former Trident Life Insurance building on London Road</p>	<p>Response from Leader of the Council</p> <p>All of these buildings are privately-owned and thus their fate is not in the Council's hands, although we try to influence where possible. Taking each one in turn:</p> <p>a) Tanners Hall is a scheduled monument on the National Heritage at Risk Register. It is owned by a development company based near Stroud. In September 2011 they obtained planning permission for a new 3/4 storey development on the site incorporating the monument. This consent runs until Sept. 2014. The site is currently being advertised for sale.</p> <p>The condition of the monument is deteriorating. English Heritage are due to advise us on what urgent works are required until the current or any future scheme is implemented. If the current owners are not willing to undertake any works, the Council might have to consider serving an Urgent Works Notice.</p> <p>b) We are in discussions with Aviva Investors who will be making a decision on its future shortly.</p> <p>c) Officers have regularly contacted the building owners, Pall Mall Investments, at the request of councillors, including Councillor Field and myself, to ask them to take measures to keep the site tidy. We have recently been in touch with the agents for the building who advise that it is being actively marketed for sale and to let but there is no serious interest from potential buyers or occupiers at this point.</p>

2.	From Councillor Field to the Cabinet Member for Environment	<p>London Road is an important gateway to the city, seen daily by many commuters and visitors. It is also in a conservation area. It needs some attention to the following problems:</p> <ul style="list-style-type: none"> <li>▪ Street markings missing, potholes in Claremont Road and Newland Street</li> <li>▪ Loose paving slabs outside the bus station</li> <li>▪ Litter and weeds in the flower beds and in front of the former Trident Life building</li> </ul>	<p>Response from former Cabinet Member for Environment:</p> <p>The Highways department in the County Council have been to investigate the first two matters raised and have said:</p> <ul style="list-style-type: none"> <li>▪ Whilst some surface scabbing is present there are no actionable defects. We will continue to monitor these roads on a regular basis for safety defects.</li> <li>▪ The area that is Highways around the bus station is inspected on a monthly basis and was completed early this month, any loose slabs would have been picked up as part of this inspection with a completion date of 28 days.</li> <li>▪ This is a piece of private land and therefore not the responsibility of the City Council however after the matter was brought to the attention of NMS by Cllr Field, contact was made with the owner of the building, which resulted in them cutting back the vegetation and clearing the waste, including shopping trolleys off their land. In relation to the flower boxes, we have spoken to both Enterprise and Highways about the problem and it appears that the solution would be to remove / reduce the raised boxes (which will be quite costly). At the time, the flower box was litter-picked at our request. We will seek information from Enterprise as to the frequency of the litter-picking of the flower boxes.</li> </ul>
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<p>2.</p>	<p>continued</p>	<ul style="list-style-type: none"> <li>▪ Street signs in need of repainting outside Northgate House</li> <li>▪ Rusty litter bins on Wellington Parade</li> <li>▪ Waste ground next to the shops opposite the garage, leading up to the city church</li> </ul> <p>I have reported all these issues but it seems we also need to make this area a streetcare priority – have we any resources to make this important entrance to the city spick and span?</p>	<ul style="list-style-type: none"> <li>▪ Matter has been reported to Enterprise and NMS will ensure that it is done ASAP.</li> <li>▪ As part of the ongoing bin review, one of these bins has been identified as needing repair and will be removed. One bin will also be moved to Great Western Rd.</li> <li>▪ This is privately owned land and therefore not the responsibility of the City Council. However in order to create a cleaner environment , NMS have worked with the Gear project to clear this area, up to 200 hours of volunteer time have been spent here. However this is not a permanent solution and legal action against the owner may be needed. A great deal of time has also been spent in this area to get Network Rail to install spikes along the bridge (to tackle pigeon mess). Since the spikes have been installed the pavement has become much cleaner.</li> </ul> <p>Resources have been utilised particularly in terms of staff and volunteer time in this area, but resources for additional work have to be balanced against other demands across the City.</p>
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3.	From Councillor Field to the Leader of the Council	Please list the groups with an influence on the city centre/economy of Gloucester, and briefly describe their remit.	<p>Response from Leader of the Council</p> <p>It is a fact of life that there will be a number of different groups who influence issues as big and varied as the city centre and the economy. Many of these groups have different interests and purposes and the key is to co-ordinate their work. Taking the city centre first, there is:</p> <ol style="list-style-type: none"> <li>1) City Centre Management Team – This is the main co-ordinating group for the city centre and is Gloucester’s “Town Team” under the Portas Review. Town Teams are described as “a visionary, strategic and strong operational management team for high streets”. The CCMT brings together stakeholders in the city centre including the two main shopping centre managers and small traders. It has recently been awarded £133k from the High Street Renewal Fund following a successful bid to Government. The CCMT monitors and drives the implementation of the City Centre Action Plan.</li> <li>2) City Centre Community Partnership – A resident-led group for the city centre.</li> <li>3) Evening Economy Group – Brings stakeholders together to deliver the Evening Economy Action Plan.</li> <li>4) Westgate Traders – A traders group based on the Westgate Street area of the city centre.</li> </ol> <p>Turning to the economy, the main driver for growth in the County’s economy is GFirst, the Local Enterprise Partnership. In the City, our Economic Development Team are very proactive and have delivered many great results in inward investment terms. The Chamber of Commerce and the Federation of Small Businesses are the two main business groups with whom the Council works.</p>
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4.	From Councillor Field to the Leader of the Council	Do you agree that 'chuggers' put off shoppers and detract from the Gloucester shopping experience?	<p>Response from Leader of the Council:</p> <p>Yes, they can have that effect and that is why the Council entered into a Site Management Agreement with the Public Fundraising Regulatory Authority in August 2012 which limits the number of chuggers, the places in which they can stand and the days on which they can operate. Councillor Field was advised of this in response to a question at Council on 19<sup>th</sup> July 2012.</p>
5.	From Councillor Field to the Leader of the Council	The City MP disappointingly declined to speak up for my Richard III campaign in the House of Commons. Will you support it?	<p>Response from Leader of the Council:</p> <p>The decision on the resting place for the body of Richard III is a matter for Leicester University under the terms of exhumation licence. York Minster has already set aside its claim, although some distant relatives have lodged a judicial review. To argue over the resting place of a long-departed monarch does feel to me to be rather unseemly. The Chief Executive is writing to the University of Leicester to request that our Mayor and Sheriff are invited to the service in due course. We will also work with the Cathedral to ensure there is an appropriate celebration of his life held in Gloucester.</p>

6.	From Councillor Field to the Leader of the Council	At the last council meeting I asked you what the administration is doing to support the shops in the city centre. Please can you provide me with a list of all the measures you are undertaking?	<p>Response from Leader of the Council:</p> <p>It is disappointing that Councillor Field feels the need to ask the same question twice. The answer is still the same, although the City Council, through the City Centre Management Team, has successfully bid for £133,000 of High Street Renewal Fund money. There are numerous measures the Council has taken or is taking, including:</p> <ol style="list-style-type: none"> <li>1) Reducing car parking charges.</li> <li>2) Grants for new businesses to help with business rates, rent and property repairs.</li> <li>3) £2 million city centre investment fund established for projects including car park refurbishments, new Tourist Information Centre, Shop Gloucester campaign, new public toilets, lighting and phase two of the Museums Transformation Project.</li> <li>4) Business support through our Economic Development Team.</li> <li>5) No charges for tables and chairs on the highway.</li> <li>6) Regular contact with Commercial Agents to help fill empty units.</li> <li>7) Increased resources for our City Centre Management Team.</li> <li>8) Night Markets held regularly.</li> <li>9) Christmas lights and switch-on event.</li> <li>10) Other Council-supported events in the city centre including heritage weekend and Gloucester Day.</li> <li>11) Replacement of the Eastgate Chamber structure.</li> </ol>
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7.	From Councillor Field to the Leader of the Council	What is your reaction to news that Nike is pulling its shop out of the Quays?	<p>Response from Leader of the Council:</p> <p>The news is disappointing but, as I understand it Nike took a decision to close a number of stores. The nature of outlet shopping is that retailers come and go and I am sure that the Gloucester Quays management will be working hard to fill this unit.</p>
8.	From Councillor Mary Smith to the Cabinet Member for Policy and Performance	<p>Discretionary Housing Payments</p> <p>1. How many applications were there for dhps last year and how many were awarded?</p> <p>2. What was the budget for dhps last year? How much was awarded and how much was returned to the DWP?</p> <p>3. What is the budget for this year? How many applications have they had so far in this financial year? How many of these claims have been processed and how many awards have been made?</p>	<p>Response from Cabinet Member for Policy and Performance</p> <p>The number of applications for a given financial year has not been recorded in the past. We receive a number of applications in March that are for the coming year. However, under the old procedure in 2012/13 applicants were rarely declined. We do record the number awarded and these are 163 DHP awards plus 14 relating to homelessness.</p> <p>The budget for 2012/13 was £89,107. We awarded £56,489. Therefore £32,618 was returned to the dwp</p> <p>The budget for 2013/14 was £234,400. We have received over 200 to date. We have already considered over 100 applications. 40 have been awarded, 40 declined and the remainder referred back to the claimant for additional information</p>

8	continued	<p>4. Are they able to confirm the number of applications for each housing provider?</p> <p>5. Given the fact that the Good Practice Guide suggests that claims should be processed within 4 weeks is this going to be their target time?</p> <p>6. Have they decided upon any kind of eligibility criteria and what type of cases will they prioritise?</p>	<p>We do not collate this information as part of processing DHP applications.</p> <p>Our procedure states we will review applications within a month. There were an unprecedented number of initial applications in the first quarter, which took longer than a month. We anticipate being able to deal with the majority of cases within this deadline. Sometimes there is a need to carry out some further investigation and these cases may take a little longer. As part of our review process, using Civica’s staff welfare rights knowledge, we are also taking the opportunity to review applicants eligibility for other benefits and signposting them to apply for further support, rather than simply focusing on DHP applications alone.</p> <p>Yes. Applicants need to fall into financial hardship. All income will be taken into account when considering if that applicant is in financial hardship. The initial award for dhp is 13 weeks. Repeat awards will be considered where the applicant has other criteria involved.</p> <p>These are;</p> <ul style="list-style-type: none"> <li>• That applicant or member of the household have a terminal illness</li> <li>• That applicant or member of the household have a long term illness or disability that affects their ability to move properties or requires them to have an extra bedroom</li> <li>• The property is significantly adapted to meet the needs of the tenant or a member of the household, thus making it uneconomic to move them</li> </ul>
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8.	continued	<p>7. Have they re-designed the claim form to make it more appropriate for social housing tenants?</p> <p>8. What is the review/disputes procedure?</p> <p>9. Are they going to work together with landlords to identify claimants who may be entitled to dhps?</p> <p>10. Are they going to notify landlords of decisions on dhps?</p>	<p>We are currently in the process of finalizing the revised application form and expect to have this approved by the end of June</p> <p>Applicants have the right for the decision to be reviewed. In these cases the review will be dealt with by a different officer than originally considered the case. Applicants should write to request a review and advise us of any additional information that may support their application.</p> <p>We are attending landlord events to help inform the process.</p> <p>We do not plan to notify landlords of individual dhp decisions, as this is potentially personal information. We will continue to work closely with GCH as our housing ALMO.</p>
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<p>9.</p>	<p>From Councillor McLellan to Cabinet Member for Environment</p>	<p>Other councils in the area recycle a wider range of plastics and "tetra packs." Are there any plans to extend the range of recyclable objects being collected in Gloucester City</p>	<p>Response from Cabinet Member for the Environment:</p> <p>Since being appointed to this role, I have met with Council officers to discuss the current recycling regime and the possibility of introducing further improvements to the service, whilst seeking more efficiencies and savings.</p> <p>It is worth reminding Members of the items we can currently collect through our kerbside collection service –</p> <ul style="list-style-type: none"> <li>Newspapers and Magazines</li> <li>Plastic Bottles (all types)</li> <li>Phone Directories</li> <li>Plastic Milk Bottles</li> <li>Magazines and Paperback Books</li> <li>Juice Bottles</li> <li>Junk Mail, letters and cards</li> <li>Cleaning / Detergent / Bleach Bottles</li> <li>Light Card Egg Boxes</li> <li>Toiletry Bottles</li> <li>Envelopes (with plastic windows removed)</li> <li>Cereal and Food packaging boxes</li> <li>Household Dry Cell Batteries</li> <li>Shredded Paper</li> <li>Meat and Fish (raw and cooked – including bones)</li> <li>Food Cans</li> <li>Dairy Products</li> <li>Drink Cans</li> <li>Cooked and Raw fruit and vegetables</li> <li>Bread, Cake and Pasta</li> <li>Clean Glass Jars</li> <li>Leftover food from your plate</li> <li>Glass Bottles</li> <li>Tea and Coffee Grounds</li> </ul>
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9.	Continued		<p>In addition, the recycling banks at Sainsburys (Barnett Way and The Quays), Morrisons (Glevum Way), Asda (Bruton Way) and at Castlemeads Car Park provide the facilities for further recycling of –</p> <ul style="list-style-type: none"> <li>• Textiles and Shoes</li> <li>• Cardboard, and</li> <li>• Tetra Paks (Barnett Way only)</li> </ul> <p>Whilst we are able to collect a wide range of material, I will be looking to introduce changes so as to improve our collections, whilst I also seek further improvement and efficiencies from the Enterprise contract.</p> <p>However, I was pleased to attend a recent meeting of the Overview and Scrutiny Committee’s Waste and Recycling Task and Finish Group, who are looking at this very issue. The Task and Finish Group are looking at a number of ways of changing our current recycling scheme. They have already met with a number of different individuals and organizations, and I eagerly await their recommendations, so that I can consider these accordingly. It would, of course, be wrong for me to steal their limelight, and so I am sure Councillor Field, as Chair of that Group, would be pleased to tell you more.</p>
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