



Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Wednesday, 20 November 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 Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP on **Thursday, 28th November 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 a correct record the minutes of the Council Meetings held on:-

- 12 September 2013
- 17 October 2013
- 11 November 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 on the agenda, as appropriate.

8. **STROUD DISTRICT COUNCIL LOCAL PLAN PRE-SUBMISSION DRAFT (Pages 21 - 32)**

To receive the report of the Cabinet Member for Regeneration and Culture which asks Members to agree the City Council's response to the pre-submission consultation of the Stroud Local Plan.

9. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - ANNUAL REVIEW OF PROCEDURAL GUIDE (Pages 33 - 58)**

To receive the report of the Chief Executive requesting that Members review and update the Council's procedural guidance on RIPA.

10. **DRAFT PROGRAMME OF MEETINGS FROM MAY 2015 TO END OF OCTOBER 2015 (Pages 59 - 66)**

The Council's Programme of Meetings has already been set to April 2015.

Council is asked to **RESOLVE** that subject to any further changes, the draft programme of meetings for the period May 2015 to the end of October 2015 be approved.

11. **QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12) (Pages 67 - 72)**

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

12. NOTICES OF MOTION

(1) MOVED BY COUNCILLOR HAIGH

This Council notes that 28 July 2014 will mark the 100th anniversary of the outbreak of the First World War. The Nation will mark the loss and sacrifice made in that war with acts of commemoration and the City of Gloucester should play its part.

As a first step this Council should send the thanks of the people of Gloucester to the local branch of the Royal British Legion for their work with veterans and families. For not only keeping remembrance alive but for the practical help and support they have given within our community for so many years.

This Council resolves to join the First World War Centenary Partnership, a network of over 1,800 local, regional, national and international cultural and educational organisations led by the Imperial War Museums. This provides a network of resources to organization planning commemoration events and activities.

This Council resolves to use its museums and arts facilities to tell the story of the people of Gloucester during the First World War, what life was like for those who served and for those who remained behind. This should include an opportunity to share family history, documents and objects.

This Council resolves to conduct a survey of all war memorials and commemorative public art in the City so that there is a complete record. The survey is to include information about the condition of the memorial in order that any in disrepair can be identified and measures taken to preserve them.

This Council resolves to make the anniversary and Remembrance Day 2014

an event that reaches out to all communities and all generations in the City.

(2) MOVED BY COUNCILLOR HAIGH

This Council notes that the inquiry in the siting of an Energy from Waste facility at Javelin Park has commenced.

As a Waste Collection Authority this Council believes that more waste can be removed from the waste stream by an increased emphasis in waste reduction, re-use and recycling. We believe that mass incineration is not conducive to improvements in that area.

This Council believes that a massive incinerator is not the solution to the city or the County's waste disposal problems. It is the wrong technology in the wrong place. This Council instructs the Leader to write to the Secretary of State for Communities and Local Government and ask him to use his powers to refuse planning permission for this facility.

(3) MOVED BY COUNCILLOR McLELLAN

August 2014 will see the 100th anniversary of the start of World War One. The City Council will seek to remember, in an appropriate way, the sacrifice of many local people. We will especially seek to tell children and young people of the sad realities of the war and the need to try to ensure it does not happen again. The Council notes that the Lord Lieutenant is leading the County response and will seek to work with her to develop a relevant programme of events.

13. EXCLUSION OF PRESS AND PUBLIC

To resolve -

“That the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of this item there will be disclosure to them of exempt information as defined in paragraph 3 of Section 100(I) of the Local Government Act 1972 as amended.”

Agenda Item Nos.

Description of Exempt Information

14 and 15

Information relating to the financial or business affairs of any particular person (including the Authority holding that information).

14. REPORT ON SPECIAL URGENCY DECISIONS (Pages 73 - 74)

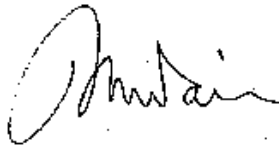
To receive the report of the Chief Executive on Special Urgency Decisions.

15. **THE FUTURE OF GLOUCESTERSHIRE AIRPORT - BASED ON 'REVIEW OF ASSETS AT AND ADJOINING GLOUCESTERSHIRE AIRPORT' YORK AVIATION 2013 (Pages 75 - 198)**

To receive the report of the Leader of the Council which advises Members of the recommendations of York Aviation on the Future of Gloucestershire Airport and seeks approval for a way forward.

Members are asked to bring the confidential report with them which was circulated on 5 November 2013.

Yours sincerely



.....
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 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 .

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, 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.

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Gloucester City Council

COUNCIL

MEETING : Thursday, 12th September 2013

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

Others in Attendance

Julian Wain, Chief Executive

Peter Gillett, Corporate Director of Resources

Martin Shields, Corporate Director of Services and Neighbourhoods

Sue Mullins, Monitoring Officer and Group Manager Legal and Democratic Services

Penny Williams, Democratic and Electoral Services Manager

APOLOGIES : Cllrs. C. Witts, Field and Beeley

29. MINUTES

RESOLVED that the minutes of the meeting held on 18 July 2013 be approved and signed by the Mayor as a correct record.

30. DECLARATIONS OF INTEREST

Councillor Gravells declared a non-prejudicial interest in agenda item 8 (Draft Joint Core Strategy) as a Member of Gloucestershire County Council.

Councillor Durrant declared a non-prejudicial interest in agenda item 8 (Draft Joint Core Strategy) by virtue of his employment.

Councillor Brown declared a non-prejudicial interest in agenda item 11 (Memorandum of Understanding) as he had signed the original memorandum during his mayoral year.

Councillor Lewis declared a personal non-prejudicial interest in agenda item 13, (Notice of Motion) by virtue of his employment.

Councillor Smith declared a non-prejudicial interest in agenda item 13 (Notice of Motion) by virtue of her employment.

Councillor James declared a personal and non-prejudicial interest in agenda item 13 (Notice of Motion) by virtue of his employment.

31. PUBLIC QUESTION TIME

Alice Ross, a member of the public, asked the following question:-

How can there be a meaningful consultation on the Joint Core Strategy when one of the most crucial reports, namely on transport, has only just been commissioned, will not be available during the consultation period and will only be completed in January 2014? And, would Councillors agree that it and other missing reports on infrastructure, sustainability, viability and health risk should actually have formed the basis for the whole strategy and not be an afterthought with luck added just in time for the public consultation?

The Leader of the Council responded that, without prejudging the decision of Council on the matter, he could guarantee that there would be a genuine consultation. He hoped that people would engage with the consultation as their views were important to the Council and he advised that there was still much work to be done and the detail would follow.

Richard Lloyd, a member of the public, asked the following question:-

The strategic housing allocation was silent on the issue of phasing and would brownfield sites be developed before greenfield allocations?

The Leader of the Council responded that the Council was keen to see further brownfield regeneration as some brownfield sites had already been successfully developed. He noted that brownfield development in the City served a different market to the Greenfield development proposed in the strategy.

32. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

33. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))

The Mayor made the following announcements:-

Gloucester History Festival 5-20 September. The Mayor drew Members' attention to the programme of talks and events.

Civic Service – 29 September. The Mayor hoped that as many Councillors as possible would attend the service

Mayor's Christmas Party – 7 December. The Mayor advised that invitations would be issued shortly.

34. SUSPENSION OF COUNCIL PROCEDURE RULES

Moved by Councillor James (Leader of the Council) and seconded by Councillor Dallimore (Deputy Leader of the Council) –

RESOLVED that Council Procedure Rules be suspended to allow the relevant officers to address the Council in respect of agenda items 8 (Joint Core Strategy), 9 (Gloucester City Enforcement Plan), 10 (Scrap Metal Dealers' Act 2013) and 11 (Memorandum of Understanding – Paju, South Korea).

35. JOINT CORE STRATEGY

The Council considered a report which sought Council approval to publish the Draft Joint Core Strategy for public consultation. An addendum pack containing the minutes of the Planning Policy Sub-Committee of 4 September 2013 and other supplementary information had been circulated.

In presenting the report Councillor James drew Members' attention to the additional recommendation of the Planning Policy Sub-Committee:-

'That the JCS authorities note that, through housing allocations and expected supply across the plan period, the draft Core Strategy meets the needs of the three authorities as a whole. However, taken individually, the needs of each authority are not exactly matched with the supply of homes the Joint Core Strategy is expected to deliver for each area. Following consultation, and taking account of additional evidence produced during this period, the housing and employment allocations will be reviewed to improve this relationship between the need and supply for each area.'

Moved by Councillor James and seconded by Councillor Taylor –

RESOLVED that the Council

- (1) Approves for public consultation the Draft Joint Core Strategy, set out in Appendix 1,**
- (2) delegates authority to the Chief Executives in consultation with the Lead Members and the JCS Member Steering Group, to make any necessary minor amendments to the draft JCS as considered appropriate by the three JCS Councils prior to publication, and;**
- (3) That the JCS authorities note that, through housing allocations and expected supply across the plan period, the draft Core Strategy meets the needs of the three authorities as a whole. However, taken individually, the needs of each authority are not exactly matched with the supply of homes the Joint Core Strategy is expected to deliver for each area. Following consultation, and taking account of additional**

evidence produced during this period, the housing and employment allocations will be reviewed to improve this relationship between the need and supply for each area.

36. GLOUCESTER CITY PLANNING ENFORCEMENT PLAN

The Council considered a report detailing the City Council's revised Planning Enforcement Plan.

Moved by Councillor James and seconded by Councillor Taylor –

RESOLVED that

- 1) the Planning Enforcement Plan at Appendix 1 be approved; and**
- 2) the Terms of Reference for Planning Committee be amended to enable the Planning Committee to approve any future amendments to the Planning Enforcement Plan.**

37. SCRAP METAL DEALERS' ACT 2013

The Council considered a report detailing new legislation covering scrap metal dealers and motor salvage operators and proposed changes to the role of the Licensing and Enforcement Committee, the Licensing Enforcement Sub-Committees and Officers within the Council's scheme of delegated functions.

In presenting the report Councillor Noakes advised that it was hoped to set a level of fees to be charged across the County. She informed Members that an Information Sheet would be issued in the near future.

Moved by Councillor Noakes and seconded by Councillor Porter -

RESOLVED that

- (1) The delegated function to consider appeals against officer decisions and contentious applications for scrap metal dealer licences is delegated to the Licensing and Enforcement Committee with sub-delegation to Licensing and Enforcement Sub-Committees;**
- (2) The delegated function to determine and approve policy for implementation and delivery of the Scrap Metal Dealers Act 2013 is delegated to the Licensing and Enforcement Committee;**

- (3) **The delegated function to determine fees for Scrap Metal Dealers licence applications is delegated to the Licensing and Enforcement Committee;**
- (4) **The delegated function of processing minor amendments to policy as a result of pending guidance, is delegated to the Director of Services & Neighbourhoods in consultation with the Chair of Licensing and Enforcement Committee; and**
- (5) **The delegated function of considering and approving non-contentious applications for scrap metal dealer licences is delegated to the Food and Licensing Service Manager**

38. MEMORANDUM OF UNDERSTANDING - PAJU, SOUTH KOREA

The Council considered a report which provided details of progress on the agreement of a Memorandum of Understanding with Paju in South Korea.

In presenting the report, the Leader of the Council reminded Members that it was Council policy not to pursue further twinning arrangements but that a memorandum of understanding particularly relating to the enhancement of economic co-operation would be useful, subject to the agreement of Paju.

Moved by Councillor James and seconded by Councillor Dallimore –

RESOLVED that progress be noted and that a further report establishing the agreement be received in due course.

39. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)

(a) Written questions to Cabinet Members

Council noted the written question submitted by Councillor Field and the written response as set out on the agenda.

(b) Leader and Cabinet Question Time

Councillor Hilton commented on the surrender of covenants in respect of Llanthony Secunda Priory and questioned the removal of measures intended to safeguard the Council's interests in the event of the Trust becoming insolvent.

The Leader of the Council responded that maintenance of the priory was a liability and it did not enjoy the best of settings but the building was in the hands of capable trustees.

He noted that the Council could not take ownership of every heritage building in the City although it had a number of powers available to protect them. He believed that the prospect of full restoration of the priory was more likely with the Trust than the Council and he informed members that the Trust had requested that the covenants be surrendered to facilitate fundraising to secure the building for the future.

Councillor Haigh referred to the impact of the anticipated cut of 10 per cent in government funding in 2015/16 and the massive challenge that would present to the Council. She asked if services would be threatened.

The Leader of the Council responded that the Council had achieved significant savings with limited impact on services. He hoped that would continue and stressed the importance of reducing the national deficit.

Councillor Haigh believed that the cut in funding would more likely be in the region of 15 per cent and asked what further challenges that would present.

The Leader of the Council responded that the budget planning process had been started. The Council would have to challenge everything it did and make every effort to increase revenues from non-domestic rates.

Councillor Hilton asked whether Council could be assured that the Fleece Hotel would be sold to an appropriate purchaser.

The Leader of the Council noted that the Fleece Hotel had been part of the portfolio of assets acquired from the South West Regional Development Agency. A number of works had been undertaken to the building including stabilisation measures.

Councillor Hilton noted that should the Fleece Inn be sold, the purchaser must have a comprehensive restoration plan and the means to implement it.

The Leader of the Council affirmed that would be required.

Councillor Haigh enquired about heritage buildings in the City.

The Leader of the Council advised that Blackfriars was open throughout the year rather than the occasional days previously. He referred to 68, Westgate and the £100,000 repair package approved for St Michael's Tower. He noted that there were alternatives to ownership available.

Councillor Haigh noted that there were occasions when the best course of action was for the Council to take on a Heritage asset to dispose of it to a buyer with a restoration plan.

Councillor Hobbs asked if efforts were being made to ensure that the number of missed refuse bin collections did not increase.

Councillor Patel, Cabinet Member for Environment confirmed that efforts were being made and missed bin collections were currently less than 0.1 per cent. He advised that he was currently in discussions with Amey.

In response to a question from Councillor Smith, the Cabinet Member for Performance and Resources advised that 72 staff were employed on zero hours contracts.

In response to Councillor Lewis, Councillor Organ, the Cabinet Member for Housing, Health and Leisure believed that all Members would join him in wishing Scott Redding of Quedgeley all the very best following his recent success in motorcycling sport.

Councillor Durrant asked that, as the suggested motion on the privatisation of Royal Mail could not be debated, would the Leader use his best endeavours to protect the post offices in the City.

The Leader of the Council advised that he had always done so. He was not aware of the recent comments of the National Federation of Sub-Postmasters but he believed that privatisation would be in the best interests of Royal Mail staff and customers.

In response to Councillor Gilson, the Leader advised that although he was not aware of the recent comments made by the Rt Hon. Michael Gove MP regarding food banks, he acknowledged that food banks do a good job.

Councillor Lugg referred to the need for three-bedroom houses and asked if the occupants would receive full housing benefit.

Councillor Organ, Cabinet Member for Housing, Health and Leisure responded that each case was considered, independently on its own merits.

In response to Councillor Bahaimia, Councillor Patel, Cabinet Member for Environment advised that environmental crime was being targeted in 2013- 14.

Councillor Llewellyn asked if the Leader welcomed the rise in employment with 114 fewer people out of work. The Leader welcomed the fall which had been the largest in recent years and was due to working with the Local Enterprise Partnership.

Councillor Mozol asked if there was any intention to acquire land in Quedgeley known as Clearwater for public open space. The Leader advised that the land was in the ownership of the County Council.

Councillor McLellan expressed concern that Council-owned trees were causing damage to property resulting in increases in insurance premiums and he asked if there was a Council policy on trees.

Councillor Patel, Cabinet Member for Environment was not aware of a specific policy for those circumstances.

Councillor Ravenhill asked what was happening in respect of heritage.

The Leader of the Council advised that the City had been awarded third place in a national award. He referred to the current programme of talks, a further series of prison tours and the forthcoming Assize of Ale.

Councillor Brown referred to the small minority of dog owners who failed to clear up after their animals and asked what plans the Cabinet Member for Environment had regarding education and enforcement.

Councillor Patel, Cabinet Member for Environment, stated that dog fouling was a serious health and safety issue and if details of incidents were reported to the Council they would be followed through. He advised that a series of events was being held at schools throughout the City and the "Paws on Patrol" initiative was proving to be successful.

Councillor Brown asked if any financial penalties had been imposed as a result of the "Paws on Patrol" campaign. Councillor Patel was not able to attribute any specific penalties to the initiative but leaflets and bags had been distributed and he believed that the message was being conveyed to the community.

Councillor Randle enquired about progress with the supermarket at the Railway Triangle.

The Leader of the Council stated that significant progress was being made, shop-fitting was under way and the store was expected to open in November. He stated that good progress was also being made with commercial and other development on the site.

Councillor Toleman asked the Cabinet Member for Environment if the clean up undertaken prior to Gloucester Day had been worthwhile. Councillor Patel believed it helped to build pride in the City, he referred to the efforts of volunteers who among many other tasks, undertook litter picks and cleaned planters and mosaics. He thanked all involved for their efforts.

Councillor Dee congratulated the Cabinet Member for Environment on this year's wild flower planting. He asked if this could be sustained and suggested that poppies be planted to mark the centenary of the outbreak of the Great War in 1914.

Councillor Patel believed that was a great suggestion and thanked the Member. He advised that wildflower plantings had been increased from eight sites to 18 in the current year adding colour and increasing bio-diversity in the City. He noted that Gloucester was the first Bee Friendly city in the country and asked Members to let him have any other suggestions.

Councillor Hilton asked for details of the public art planned for the Railway Triangle and the Leader of the Council reaffirmed the commitment to public art on the site and undertook to provide a written response.

In response to Councillor Lewis, the Leader of the Council stated that he had been pleased to welcome the Sports Minister on his recent visit to the City. The Minister had been impressed with the facilities at Kingsholm Stadium and had also visited the new running track at Blackbridge and the site of the new boathouse.

Councillor Smith noted that 1.45 million people were in part-time employment and the need to treat statistics with caution. She believed that the Council should concentrate its resources on encouraging full time, well paid employment.

Councillor Durrant asked why litter picks and clean up initiatives were organised during working hours which could be a cause of embarrassment to those Members unable to attend and support the events due to work commitments.

Councillor Patel, Cabinet Member for Environment, responded that these events were held in the week as Council Officers and contractors were working.

The Mayor ruled that the time allotted for questions of the Leader and Cabinet had elapsed.

(c) Questions to Chairs of meetings

There were no questions to Chairs of meetings.

40. NOTICES OF MOTION

- (1) Moved by Councillor Hilton and seconded by Councillor Wilson –

This Council notes the request from 'Local Works' to consider submitting the following proposal to the government under the Sustainable Communities Act:

‘That the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.’

This Council notes that if this power was acquired it would present the opportunity to raise further revenue for the benefit of local communities, should the Council wish to use it and that this Council would only levy an 8.5% charge on large retail units based outside the city centre.

This Council resolves to prepare a proposal to submit to the government under the Sustainable Communities Act and to work together with Local Works to gain support for the proposal from other councils in the region and across the country.

The motion was put to the vote and was lost.

- (2) Moved by Councillor Haigh and seconded by Councillor Hobbs -

This Council notes that since April 1 this year housing benefit claimants deemed to have a spare bedroom have had to pay a 'bedroom tax' . Payment of this element of the rent is leading to an increase of tenants in arrears, debt including the use of unscrupulous payday lenders and calls upon the foodbank.

This Council further notes that:-

- The majority of housing benefit claimants are in work.
- Rents on smaller properties in the private rented sector are often higher than rents in the social rented sector leading to an increase to the housing benefit bill.
- There is a shortage of suitable properties so those who want to move may not be able to.

This Council requests that the Cabinet Member for Housing investigates the impact of the first 6 months bedroom tax on housing benefit claimants and brings a report to Council detailing the number of tenants in arrears, the numbers seeking to move to smaller properties, the demand on agencies offering legal and debt advice and the impact on the work of the Council's Housing team. It should also consider what further actions could be taken by the Council to assist claimants who are struggling to pay and look at examples of what is being done by other Councils and housing providers in England to mitigate the effects of the charge.

Councillor Wilson moved an amendment to replace the phrase 'bedroom tax' with to 'loss of previous spare room subsidy'. Councillor Haigh indicated that she would accept the amendment.

The motion as amended became:-

This Council notes that since April 1 this year housing benefit claimants deemed to have a spare bedroom have lost the previous spare room subsidy . Payment of this element of the rent is leading to an increase of tenants in arrears, debt including the use of unscrupulous payday lenders and calls upon the foodbank.

This Council further notes that:-

- The majority of housing benefit claimants are in work.
- Rents on smaller properties in the private rented sector are often higher than rents in the social rented sector leading to an increase to the housing benefit bill.
- There is a shortage of suitable properties so those who want to move may not be able to.

This Council requests that the Cabinet Member for Housing, Health and Leisure investigates the impact of the first 6 months of loss of the previous spare room subsidy on housing benefit claimants and brings a report to Council detailing the number of tenants in arrears, the numbers seeking to move to smaller properties, the demand on agencies offering legal and debt advice and the impact on the work of the Council's Housing team.

It should also consider what further actions could be taken by the Council to assist claimants who are struggling to pay and look at examples of what is being done by other Councils and housing providers in England to mitigate the effects of the charge.

The motion was carried.

- (3) Moved by Councillor Smith and seconded by Councillor Haigh -

This Council wishes to join the other 92 Councils who have signed up to Shelter's 'Evict Rogue Landlords' campaign.

This Council requests that an investigation is carried out to determine if there are rogue landlords in our communities, and if so, a report to come back to a future Council, within the next 9 months, detailing the action taken against them and any future work needed to eradicate rogue landlords from Gloucester.

Councillor Organ moved the following amendment which was seconded by Councillor James:-

This Council

- 1) notes the importance of the private rented sector in meeting housing need;
- 2) recognises that the vast majority of landlords in Gloucestershire are responsible and look after their tenants and properties well;
- 3) welcomes the work done by the Council's Private sector Housing Team in dealing with dangerous and low quality accommodation;
- 4) requests that a report is brought to a future Cabinet meeting within the next nine months detailing the action taken to date and proposed in future to raise standards of accommodation in the private rented sector.

Councillor Haigh raised a point of order as she believed that two Cabinet Members were employed as estate agents. The Monitoring Officer advised that declaration of interest was the responsibility of each Member. She noted that the motion, as amended, was to request a report and she advised Members to be circumspect.

The Leader of the Council advised that he was happy to declare an interest although he worked for a firm of selling agents who operated a landlord accreditation Scheme.

On being put to the vote, the amendment was carried and became the substantive motion.

The motion was carried.

Time of commencement: 19:00 hours

Time of conclusion: 21:50 hours

Chair



COUNCIL

MEETING : Thursday, 17th October 2013

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

Others in Attendance

Sue Mullins, Head of Legal and Policy Development & Monitoring Officer

Peter Gillett, Corporate Director of Resources

Martin Shields, Corporate Director of Services and Neighbourhoods

Julian Wain, Chief Executive

Penny Williams, Democratic and Electoral Services Manager

APOLOGIES : Cllr Mozol

41. DECLARATIONS OF INTEREST

Councillors Beeley, Hansdot, Lugg, Randle and Toleman all declared a Disclosable Pecuniary Interest as Council nominees on Gloucester City Homes (GCH) and as Directors of Gloucester City Homes Limited and withdrew to the public gallery.

Councillors McLellan declared a Personal Interest as members of Gloucester City Homes Customer Forum.

Cllr Smith declared a Personal Interest as a member of Gloucester City Homes Customer Forum and that her daughter worked for Gloucester City Homes.

42. SUSPENSION OF COUNCIL PROCEDURE RULES

Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture), and 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 officer to address the Council in respect of Agenda Item 4, Housing Futures – Joint Strategic Options Review.

43. HOUSING FUTURES - JOINT STRATEGIC OPTIONS REVIEW

Council received the Housing Futures, Joint Strategic Review report, the purpose of which was to inform Members of the progress made in relation to the Government's Transfer Guidance Consultation. The Cabinet Member for Housing, Health and Leisure introduced the paper and explained that the Council had spent the previous two years considering the options regarding maintaining the Decent Homes Standard for its existing stock and the potential for the development of new properties for social and affordable rent in Gloucester.

Members were further advised that the Council received insufficient income from the rent and that tenants were paying for the necessary works. Moreover, that all of the borrowing capacity had been used in achieving 100% Decent Homes Standard, but should investment cease houses would return to non decency.

The Cabinet Member continued to explain that an independent survey had indicated that at least £13m would be required over the next 10 years to ensure that a Decent Homes Standard was maintained. Moreover, should houses not be maintained they would become more difficult to rent and thus debt could not be serviced, and the maintenance and investment in the rest of the stock would be put at risk.

Members were advised that a transfer of the housing stock to a new landlord had been identified as being an option that would allow for all of the homes to be kept at the Decent Homes Standard for future years. This option was known as 'Co –Co Plus' and was a governance structure where tenants, Councillors and independents were represented equally on the Board.

The Cabinet Member advised Council that the debt cap that stopped the Council from borrowing would not apply to the 'Co – Co plus model, and the new organisation would be able to borrow to invest in the properties. Moreover, without the debt cap, the new organisation could also look to borrow to develop new homes.

Members were advised that for the transfer to work, the Council would have to apply to have the majority of its £62.75m debt written off by the Government. Further, that the decision to have the debt written off would be based on the quality of the business case, the ability to deliver wider benefits for the economy, i.e. creating jobs, training, regeneration and a wide range of health and social benefits. Members were cautioned that should the debt not be written off, the transfer of the stock could not proceed.

The Cabinet Member explained to Council that should the transfer not be approved the Council would have to continue to manage within the HRA resources that it had available from rents. This would mean that there would be reduced investment in the properties and or a reduction in service standards by up to £2m per annum in the short to medium term. Members were advised that keeping Gloucester City Homes as an ALMO and delivering the same level of service was not an option and only the 'Co –Co Plus' transfer allowed for the necessary capital investment and borrowing.

The Cabinet Member concluded by advising Members that the transfer needed to be completed by 31 March 2015 and should the application to Government be accepted, then the tenants would be asked to vote on proposed transfer of stock and the transfer would require a majority of tenants to vote in favour. Moreover, that the Customer Forum had worked hard on this project, and were recommending to Council that their preference would be for a transfer to Gloucester City Homes as a new stand alone charitable private registered provider that would plough any surpluses it made back into investment in the homes and estate.

Council was advised that Angie Marshall-Smith, the lead financial adviser was present to answer questions if needed.

Members from all groups spoke in support of the proposals noting the contributions from tenants, and officers in formulating the proposals to date and noting the work that needed to be done to ensure that the Council met the deadline of 31 March 2015. It was also noted that whilst there had been a great deal of support from many tenants, further consultation would be undertaken to ensure that support was from all tenants. Moreover that the support of the Member of Parliament for Gloucester was paramount in this matter, particularly around lobbying Government on writing off the debt.

The Leader of the Liberal Democrat Group spoke in support of the proposals, making reference to the importance of the government writing-off all HRA related borrowing as part of a transfer, to ensure a demonstrable financial business case for the City Council.

Members continued to speak in support of the proposals, whilst noting the importance of the financial implications and support of the tenants, further, it was noted that a 'Plan B' should be in place should the matter not come to fruition. Members also recognised the work carried out by Gloucester City Homes and the national recognition they had received.

The Leader of the Council addressed the meeting, stating that the final business case would be presented to Council for agreement, and that the amount of debt written off was an important consideration. Further that the housing stock should not fall into disrepair and the tenants would vote on the proposals in due course. The tight time scale was recognised and whilst there was a great deal of work to be done it was an important stepping stone on that journey.

The Cabinet Member for Housing, Health and Leisure concluded the debate by thanking all those that had been involved in the process to date for their contributions and dedication.

Resolved that:

- 1. The Council and Community Owned (Co-Co) model for stock transfer be approved in principle, subject to the financial business case being satisfactory and subject to the subsequent approval of the offer to tenants.**

2. **The Customer Forum's recommendation that GCH be selected as the preferred new stand alone landlord in the event of a transfer be endorsed.**
3. **Approval be given for an application to be submitted to the Government for inclusion in the 2014/15 Transfer Programme, subject to Cabinet finalising the detailed application prior to submission.**
4. **Approval be given for commencing expenditure against the Stock Transfer budget.**

44. DESIGNATION OF MONITORING OFFICER

In advance of this item being discussed Sue Mullins left the meeting.

Council received a tabled urgent report on the designation of a Monitoring Officer to meet the requirements of the Local Government and Housing Act 1989 and to carry out the statutory role and responsibilities of Monitoring Officer under that Act.

Resolved: That Sue Mullins be designated as Monitoring Officer under Section 5 of the Local Government and Housing Act with effect from 1 October 2013.

Time of commencement: 19:00 hours

Time of conclusion: 19:45 hours

Chair



COUNCIL

MEETING : Monday, 11th November 2013

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

APOLOGIES : Cllrs. Durrant, Hobbs and Lewis

45. DECLARATIONS OF INTEREST

Councillor Toleman declared a disclosable pecuniary interest as a Member of the Llanthony Priory Trust.

Councillor S Witts declared a disclosable pecuniary interest as she is employed by Gloucester College.

Councillor C Witts declared a disclosable pecuniary interest as his wife is employed by Gloucester College.

Councillor McLellan declared a personal interest as Governor at Gloucester College.

Councillor Brown declared a personal interest as he had worked for the college for 18 months.

Councillor Beeley declared a disclosable pecuniary interest as he is employed part time by the college.

46. SUSPENSION OF COUNCIL PROCEDURE RULES

It was proposed by Councillor James and seconded by Councillor Dallimore that Council Procedure Rules be suspended to allow Officers to address the Council in respect of item 4 on the agenda.

Resolved: That the Council Procedure Rules to be suspended to allow Officers to address the Council in respect of item 4 on the agenda

47. LLANTHONY SECUNDA PRIORY

Council received a report the purpose of which was to receive the called in decision on the release of covenants relating to Llanthony Secunda Priory from Overview and Scrutiny Committee, and to agree a way forward on the matter.

Prior to this matter being discussed a paper was tabled that gave amended recommendations to Council and Cabinet.

The Leader of the Council, Councillor James, introduced the report on the Llanthony Secunda Priory, explaining the background and rationale for the report coming before Council. In particular he drew Members attention to paragraph 4.10 of the report which detailed the subsequent negotiations and the Trust's current position, including that the right to public access would be enshrined in the memorandum and articles of the Company, and the right to appoint directors which had been in dispute, was conceded. Moreover, that Group Leaders, and other interested Members would be kept informed as the matter progressed. The Leader concluded by stating that the Trust was doing an excellent job and the future of the Priory lay with the Trust.

At the request of the Labour Group Leader, Councillor Hilton, the Head of Legal and Policy Development & Monitoring Officer explained the recommendations in the tabled motion.

In response to a question regarding why Council was unable to take the decision on the matter before them the Head of Legal and Policy Development & Monitoring Officer explained that the Council could not take a decision that was an executive decision delegated to Cabinet and through the call in process it could only refer it back to Cabinet.

At the request of the Leader of the Liberal Democrat Group, the Mayor agreed that the Council could recess for 10 minutes to enable all Councillors to read in detail the motion that had been tabled. Council recessed at 18.20 and reconvened at 18.30.

Councillor Tracey spoke of her pleasure in the matter coming before Council for consideration and of the importance of the Llanthony Priory for the people of Gloucester.

The Leader of the Liberal Democrat Group, Councillor Hilton addressed Council and spoke in support of the revised report and tabled motion. In particular that he was pleased that Council had now been provided with the additional information that he considered was necessary to enable a decision to be made with confidence. Moreover, that he had seen the Heritage Lottery Fund bid, and the additional legal advice and now believed that this was an excellent project. Councillor Hilton added that he was now content that there would now be public access and a nominated director on the Trust Board. He concluded his address to Council by speaking of his confidence in the Trust and the importance of doing the right thing for the public good.

The Leader of the Labour Group, Councillor Haigh, also spoke in support of the proposals and noted that it was important to protect the heritage of Gloucester. Moreover that the Trust carried out some very good work and the Priory was an important asset for the city and the Trust enabled it to have a secure future.

Councillor Wilson spoke in support of the recommendations, and of his satisfaction with the pragmatic and sensible solution the Council had achieved in protecting the Priory for future generations.

The Deputy Leader of the Conservative Group, Councillor Dallimore addressed the Council and spoke in support of the proposals, in particular the charitable aims of the Trust in securing the heritage of the Priory.

The Leader of the Council concluded the debate by stating that he was pleased to support the aims of the Trust and that he hoped the outcome of the debate gave a positive message to the Heritage Lottery Fund.

Resolved:

- 1. The 2004 Section 106 agreement be discharged.**
- 2. That authority be delegated to the Chief Executive and the Head of Legal and Policy Development, in consultation with the Leader, to negotiate and sign any documents necessary to effect the decision of the Council;**
- 3. That the remaining matters be referred back to Cabinet for determination.**

and to RECOMMEND to Cabinet:

- 1. That the Option agreement be varied:**
 - a. To remove the right for the Council to exercise the Option due to the Trigger Event set out in paragraph 1.1.9.4 of the Option Agreement (dismissal of the Council's members or officers), such variation to be conditional on appropriate changes being made to the Trust's Memorandum and Articles of Association to protect the Council's right to nominate one Trustee;**
 - b. To amend the perpetuity period for the remaining Trigger Events so that this period will expire at the time when the Trust has achieved a successful Round 2 Heritage Lottery Fund pass;**
 - c. To amend clause 3 of the Option Agreement to enable the proposed lease to Gloucestershire College to take effect;**
- 2. That the Transfer agreement be varied:**
 - a. to remove the covenants at paragraphs 11.2, 11.3, 11.5, 11.6 and 11.7 of the Agreement;**
 - b. to amend clause 11.4 of the agreement to enable the use proposed under the lease to Gloucestershire College;**
- 3. That the Trust's reasonable legal fees in effecting any necessary changes to the relevant documents be paid by the Council;**

4. That authority be delegated to the Chief Executive and the Head of Legal and Policy Development, in consultation with the Leader, to negotiate and sign any documents necessary to effect the decision of Cabinet.

Time of commencement: 18:00 hours

Time of conclusion: 18:40 hours

Chair

Gloucester City Council

Meeting:	Council	Date:	28th November 2013
Subject:	Stroud District Council Local Plan Pre-Submission Draft		
Report Of:	Cabinet Member for Regeneration and Culture		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
Contact Officer:	Mick Thorpe: Development Services Manager		
	Email: michael.thorpe@gloucester.gov.uk Tel: 396835		
Appendices:	1. Minutes of Report to Council on 22nd March 2012		

1.0 Purpose of Report

- 1.1 To agree the City Council's response to the Pre-Submission consultation of the Stroud Local Plan

2.0 Recommendations

- 2.1 Council is asked to **RESOLVE** to approve the recommendations amended and agreed by Planning Policy Sub Committee on 29 October 2013, namely that the authority responds to the Pre-Submission Draft of the Stroud Local Plan as follows:

- (i) *Gloucester City Council welcomes the opportunity to comment on Stroud's Pre-Submission Draft Local Plan (September 2013)*
- (ii) *That the decision to lengthen the plan period from 2026 to 2031 be welcomed as it harmonises with the Gloucester Tewkesbury and Cheltenham Joint Core Strategy and the Gloucester City Plan development periods and that the Council be supported in the principle of its proposal to meet its housing target of 9,500 dwellings by 2031.*
- (iii) *That the City Council objects to the continued expansion of the urban area of Gloucester through the proposed allocation of a further 500 new dwellings at Hunts Grove. This approach conflicts with the Draft Joint Core Strategy for Gloucester, Tewkesbury and Cheltenham and the strategy of the City Plan which seeks to focus growth around the north, west and east of the Gloucester urban area,*

- iv) That the City Council does not support proposals to promote an urban extension to Gloucester City at Hunts Grove as the most sustainable choice for addressing Stroud's housing needs*
- (iv) The City Council supports Stroud Pre-Submission Draft Plan position that alternative locations to the south of Gloucester, namely Whaddon and Hardwicke, are unsuitable locations for development.*
- (vi) That Stroud and Gloucester City Councils continue to work together on cross boundary issues as part of the Statutory Duty to Cooperate, particularly in respect of continuing to align the evidence base supporting the development plans of each authority*
- (vii) That Stroud District Council be requested to amend the review policy set out in policy C2, to ensure the plan is seen as being positively prepared and in line with national guidance, as follows:
"Stroud District Council will give due consideration to the need to assist neighbouring authorities in meeting their unmet objectively assessed development through an early review of its plan if required based on ongoing monitoring and co-operating with the other authorities to ensure any future shortfalls that may arise in the delivery of housing and employment growth across the area are assessed and provided for in the most appropriate and sustainable way".*

In addition, the following associated changes to the supporting text be requested :

"Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils are currently preparing a Joint Core Strategy. If neighbouring authorities can demonstrate through their local plan process that there are unmet development and infrastructure requirements that could be met more sustainably through provision in Stroud District, these will be considered by Stroud District Council and may be incorporated into an early review of this Local Plan"

3.0 Background and Key Issues

- 3.1 Stroud District Council published its Pre-Submission Draft Local Plan for consultation on 4th September 2013 for a 6 week period of public consultation and has invited Gloucester City as a neighbouring authority to respond to its content. The publication of the Pre-Submission Draft Local Plan follows previous consultations including a Preferred Option consultation in February 2012. Council considered a response to the Preferred Options consultation on 22nd March 2012, and the agreed minutes which formed the basis of the response to Stroud District Council are attached at Appendix 1.
- 3.2 The Stroud Pre-Submission Draft Local Plan is accompanied by a Sustainability Appraisal, a Viability Report, and a Community Infrastructure Levy (CIL) Development Appraisal Study and an extensive evidence base on planning policy related issues including housing, employment, landscape and flooding. All of these documents are available to view on the Stroud District

Council website at the following link;

http://www.stroud.gov.uk/docs/planning/planning_strategy.asp#s=sectioncontent2&p=submission,BASE

- 3.3 At the 'Pre-Submission' stage any representations made by Gloucester City Council can only relate to the 'soundness' of this version of the Stroud Local Plan. The tests of soundness are set out in the National Planning Policy Framework (NPPF) para 182 and are as follows;
- A plan must be **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities from where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** - the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework
- 3.4 The City Council must therefore consider in its response how the Stroud Pre-Submission Draft Local Plan performs against the tests of soundness outlined above.
- 3.5 The strategy being pursued by Stroud District is one of prioritising opportunities for economic growth with an aspiration that development up to 2031 will generate the equivalent of two new jobs for every new allocated home built. Stroud District makes provision for 9,500 new homes through the plan period up to 2031. The spatial strategy is based on concentrated development, focussed on a small number of strategic growth areas, within or adjacent to larger settlements with the best access to services, facilities, jobs and infrastructure, rather than dispersed development within small settlements.
- 3.6 The plan identifies four strategic growth locations at North East Cam; the Stroud Valleys; south of Gloucester and at Sharpness .
- 3.7 The 'Gloucester Fringe' sub area is identified as a strategic growth area with the largest of all the proposed strategic housing allocations in the pre-submission plan being located at Hunts Grove.
- 3.8 In the Stroud Preferred Option consultation of spring 2012, 500-750 new dwellings were proposed at Hunt's Grove. This is reduced to an allocation of 500 additional dwellings at Hunts Grove in the new plan, resulting in 2,250

dwellings being built at Hunts Grove in total. The site is allocated for housing and supporting infrastructure including local retail and community uses as well as a primary school of sufficient scale to meet the needs of the development.

- 3.9 In addition the Pre-Submission Plan also includes an additional employment allocation of 13ha to the south of the City east of the M5 motorway at Quedgeley East Business Park. The site is allocated for B1 and B8 employment uses at Policy SA4a (p.67). Access to the site will be from the existing B4008. The development will provide contributions to off site highway works including public transport, pedestrian and cycle links to Gloucester City, Stonehouse and Stroud.
- 3.10 Javelin Park is also identified as a key employment site. The site allocated in the Stroud Pre-submission Plan includes the site allocated in the County Council County Waste Core Strategy, adopted in November 2012 and the subject of a refused planning application to the County Council for a waste incinerator, plus a further parcel to the north to abut the car park of the garden centre/retail complex at Junction 12 of the M5 motorway. The proposal is currently subject to a planning appeal.
- 3.11 In essence, development on the Gloucester fringe will include not only housing and related uses at Hunts Grove but also additional employment development to the east of Junction 12 of the M5. It is also possible that other settlements within the Gloucester fringe (eg: Hardwicke, Upton St. Leonards) may wish to allocate new development through Neighbourhood Plans commensurate with policies contained in Chapter 4 (p.87).

4.0 Summary of proposed changes and their implications

- 4.1 The key differences between the current pre-submission plan and the former preferred option plan with regard to the Gloucester Fringe are tabulated for members below:

Feb 2012 Preferred Option Plan	Sept 2013 Pre-Submission Plan	Difference
Up to 750 dwellings proposed at Hunts Grove	500 dwellings allocated at Hunts Grove	Reduction of 250 dwellings at Hunts Grove
New local service centre including retail and community facilities for whole Hunts grove area	New local service centre including retail and community facilities for whole Hunts grove area	None
Suggestion that the area could be a focus for employment growth and intensification at key employment sites near to Hunts Grove but no proposed allocations or quantum of development identified.	13ha of employment allocated as strategic site allocation at Quedgeley East Business Park 11.23ha at Javelin Park allocated as a key employment site	A total of 24.23ha of land allocated for employment across two sites at Junction 9 of M5
Safeguarded land at Hunts Grove for potential new rail station	Safeguarded land at Hunts Grove for potential new rail station	None

- 4.2 In its representations the draft plan the Council objected to the Hunts Grove allocation and the identification of major development locations, without supporting evidence and detail on infrastructure provision.
- 4.3 While the reduction in additional overall housing numbers is to be welcomed at Hunts Grove, the point still remains that increasing the number of households living to the south of Gloucester will continue to put pressure on the existing services and facilities available in the south of the City, notwithstanding the new local centre to be delivered in the re-master planning of Hunts Grove. The precise detail of the new services and facilities to be provided in a re-masterplanned Hunts Grove is at yet unknown.
- 4.4 Feedback from the Gloucester City Plan public consultation this summer continued to highlight the difficulties that those moving into the urban extension of Kingsway within the City experience in terms of accessing local services and facilities. Additional development at Hunts Grove is likely to place further stress on existing services and facilities in Quedgeley at the district centre and Kingsway local centre until the proposed Hunts Grove local centre is delivered.
- 4.5 Members will also be aware that there are still a further 800 dwellings to be built out at Kingsway, whose future residents will also require access to services and facilities in this part of the City. An additional 500 homes at Hunts Grove will bring a total of 1950 more homes on this site. A further 200 homes at Sellars Farm in Hardwicke, 800 outstanding dwellings at Kingsway as well as City Plan allocations and commitments at Quedgeley, amounting to a further 240 dwellings are also in the pipeline. In summary, a further 3,190 dwellings could be delivered to the south of the City all placing demands on existing services and facilities including secondary schools, medical, retail and leisure facilities.
- 4.6 The Stroud Pre-submission Local Plan does not provide further detail on how the services and facilities to meet the needs of the new proposed population living within their area will be met. While locating development to the south of the City may be seen by Stroud District as being sustainable in terms of its strategy for Stroud District, it is not appropriate that the City should meet the service and facility needs of new housing located in Stroud District when the development is being provided solely to meet Stroud's housing needs and not those of the City.
- 4.7 In addition Members are reminded that the rationale behind the Council's strategy for developing to the north is to ensure the City's population is housed in locations that can support the city centre and continued regeneration, as well as being close and accessible to a range of employment locations to reduce CO2 omissions and utilise and get best value from new infrastructure provision.
- 4.8 Members should note that the allocation of 24.23ha of employment land identified in the pre-submission draft at Junction 12 of the M5, is in line with the LEP strategy of clustering more employment land adjacent to the M5. In support of the emerging growth plan, it is not recommended that this be opposed. However, this will be in direct competition with the large existing

employment commitment at Kingsway of 15ha and the proposed City Plan employment allocation to provide an extension to Waterwells Business Park, and could also support arguments that it should be balanced with further housing allocations to the south of the City.

5.0 Infrastructure Provision and Sustainability Appraisal

- 5.1 Stroud District has procured an Infrastructure Delivery Plan to accompany the pre-submission version of the Local Plan. Given the arguments above about infrastructure requirements to meet the needs of not only new proposed growth in Stroud District but also possible new development coming forward to the south of the City through the City Plan, it is considered that a broader approach to infrastructure provision needs to be taken. This could be achieved through closer collaboration between the two Councils, as part of fulfilling our responsibilities under the duty to cooperate.
- 5.2 Earlier versions of the Stroud Plan identified a number of options for development on the southern periphery of Gloucester, all of which were subject to sustainability appraisal. A similar assessment of the same locations has been undertaken by the JCS authorities as part of the Draft Joint Core Strategy; this concluded that locations south of Gloucester were discounted as having the potential to meet the needs of the JCS area. Other locations were identified as being preferable and these have gone forward into the Draft JCS which is about to be the subject of public consultation. The Council should therefore support the findings of the Stroud assessment in respect of Whaddon and Hardwicke.

6.0 Request for Joint Core Strategy Joint Response

- 6.1 Since the agreement of the three Councils to publish the Draft Joint Core Strategy in September, our partners Tewkesbury and Cheltenham Borough Councils have asked that Gloucester make a joint response with them to the effect that the proposed allocation at Hunts Grove, if endorsed by the Planning Inspector for the Stroud Plan examination, be counted as contributing mainly to meet Gloucester's housing need not Stroud's.
- 6.2 The Tewkesbury Borough Council/Cheltenham Borough Council suggestion would be consistent with the approach being taken to urban extensions at north Gloucester in Tewkesbury's administrative area and on the face of it could be considered logical. Members will see that in Appendix 1, Resolution (v) of the response to the earlier consultation in March 2012, the City Council has already commented that the evidence shows that development here will not in reality be serving Stroud. However, there is no agreed wider strategy for the Gloucestershire Housing Market Area that commits Stroud to this, and Stroud consider Hunts Grove serves its needs and is a justifiable strategy for its area. This is substantially the same position that Stroud took when originally allocating Hunts Grove against the policies of the Structure Plan, and Members will recall that it received the backing of the Local Plan Inquiry Inspector.

- 6.3 While Members may follow the logic of JCS partners' approach, given that the Inspector previously was persuaded that Hunts Grove met Stroud's need, there is a strong likelihood that any reduction of the Hunts Grove allocation to Stroud will result in proposals to allocate further land to the South of Gloucester. This could take the form of increased numbers at Hunts Grove or proposed allocations at Whaddon and Hardwicke. It should be borne in mind that Joint Core Strategy partners do not share fully the City Council's long held policy opposition to further growth to the south of the city.
- 6.4 Members will be aware that within the Draft JCS there is currently a mismatch between the identified need for Gloucester and the current allocations, amounting to around 1,000 dwellings (or around 700 dwellings if allocations extending beyond 2031 are included). A further resolution to resolve this before the JCS reaches the next stage was agreed by all three Councils. It is strongly suspected that claiming some contribution from Stroud to help resolve this is our partners' intention. Your officers' view is that this relatively modest shortfall can be resolved wholly within the JCS area by looking again at site capacities and reconsidering the allocation of existing commitments.
- 6.5 Policy C2 of the Pre Submission Plan makes reference to a review of the plan and "giving due consideration to housing proposals that are intended to meet the clearly identified needs of a neighbouring local authority and that are set out in an adopted Local Plan"
- 6.6 This policy, while welcome, does not, in our view, precisely align with the NPPF and recently published advice which advises that "Cooperation should take place throughout Local Plan preparation – it is important not to confine cooperation to one point in the process ... Cooperation should continue until plans are submitted for examination and beyond into delivery and review."
- 6.7 It is therefore suggested at the Policy CP2 should be strengthened to read :
"Policy CP2 : "Stroud District Council will give due consideration to the need to assist neighbouring authorities in meeting their unmet objectively assessed development through an early review of its plan if required based on ongoing monitoring and co-operating with the other authorities to ensure any future shortfalls that may arise in the delivery of housing and employment growth across the area are assessed and provided for in the most appropriate and sustainable way".
- 6.8 An associated change would be required to the supporting text as follows:
"Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils are currently preparing a Joint Core Strategy. If neighbouring authorities can demonstrate through their local plan process that there are unmet development and infrastructure requirements that could be met more sustainably through provision in Stroud District, these will be considered by Stroud District Council and may be incorporated into an early review of this Local Plan"
- 6.9 Given the position explained in 6.4 above, officers consider that there is considerable merit in pressing our JCS partners over the coming months on resolving matters within the JCS, and continuing to cooperate with Stroud by

supporting their suggestion for strengthening their early review policy. This would not prevent the City Council maintaining its objection to Hunts Grove.

7.0 Alternative Options Considered

7.1 The Council could choose not to respond to the Stroud Local Plan consultation; however this would not be in the council's interest as it has already made an objection and Stroud District Council needs to be clear about this Council's views. As part of the duty to co-operate, it is also important for the authority to demonstrate that it has engaged effectively with neighbouring authorities such as Stroud.

8.0 Reasons for Recommendations

8.1 An informal officer response to the Stroud Local Plan consultation has already been submitted to meet the deadline for consultation responses; this report and accompanying recommendations are required to formalise the Council's response to the Stroud Local Plan.

9.0 Future Work and Conclusions

9.1 If approved, this authority's representations will go forward to be considered by Stroud District Council along with other representations. The intention is that a final submission version of the Stroud Local Plan will be submitted to the Secretary of State in December 2013. Following this, it is anticipated that a public examination will be held next year.

10.0 Financial Implications

10.1 There are no direct financial implications associated with this report (Financial Services have been consulted in the preparation this report.)

11.0 Legal Implications

11.1 The comments and objections set out in this report will be taken forward as part of a number of representations which will be considered as part of the Public examination of the Stroud Core Strategy , expected in 2014 (Legal Services have been consulted in the preparation this report.)

12.0 Risk & Opportunity Management Implications

12.1 There are no high risks associated with this report

13.0 People Impact Assessment (PIA):

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

14.0 Other Corporate Implications

Community Safety

- 14.1 There are no community safety implications

Sustainability

- 14.2 The Stroud Local Plan has been through a full Sustainability Assessment process , so any sustainability issues have been addressed.

Staffing & Trade Union

- 14.3 There are no staffing and trade union implications

Background Documents:

Stroud District Local Plan : Pre Submission Draft : Draft for Consultation September 2013

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**APPENDIX 1
EXTRACT FROM GLOUCESTER CITY COUNCIL MINUTES 22.03.12**

STROUD CORE STRATEGY CONSULTATION

The Council considered a report of the Cabinet Member for Regeneration & Culture concerning the Council's response to the Preferred Options for Stroud District Council's (SDC) emerging Core Strategy

RESOLVED – That the Council responds to the Stroud Core Strategy on the points set out in Section 7, which in which in summary raised the following issues:

- (i) Gloucester City Council welcomes the opportunity to comment on Stroud's Core Strategy.
- (ii) Stroud Council be supported in principle in its proposals to meet its full housing requirement as identified in the document of 9,350.
- (iii) That the City Council strongly objects to the continued extension of the urban area of Gloucester through the additional proposal for 500 to 750 new dwellings at Hunts Grove. This is not justified and conflicts with the emerging Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury.
- (iv) Stroud and Gloucester City continue to work together on cross boundary issues as part of the Statutory Duty to Cooperate, particularly in respect of continuing to align the evidence base supporting the development plans of each authority.
- (v) Stroud's Preferred Option document is not based upon all the evidence available in that it promotes an urban extension to Gloucester City as the most sustainable choice for addressing its own housing need. The evidence is contrary to this and illustrates that an urban extension at this location is unlikely to meet the housing needs of Stroud.
- (vi) Stroud's Preferred Option does not adequately deal with employment provision and relies upon Gloucester City to provide employment opportunities for its resident population. While Gloucester City is key location for employment in the County Stroud's Core Strategy should not rely on the City and its JCS partners to provide employment opportunities to support its housing allocations.
- (vii) The Preferred Option document should be supported in its assessment of alternatives around the south of Gloucester in so far as it identifies the area of Whaddon and Hardwicke as unsustainable locations for development. This is consistent with the evidence prepared by the Joint Core Strategy authorities.
- (viii) The Council objects to the identification of major development locations with no supporting evidence or detail on infrastructure provision. It is not made clear how these locations can be supported without sight of an Infrastructure Plan.
- (ix) That Stroud Council undertake an assessment of its strategy and alternatives using all the evidence available to it, particularly the Gloucestershire Affordability model.

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Gloucester City Council

Meeting:	Cabinet	Date:	13 November 2013
	Audit and Governance Committee		25 November 2013
	Council		28 November 2013
Subject:	Regulation of Investigatory Powers Act 2000 (RIPA) – Annual Review of Procedural Guide		
Report Of:	Chief Executive		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Sue Mullins , Head of Legal and Policy Development		
	Email: sue.mullins@gloucester.gov.uk	Tel:	39-6110
Appendices:	1. Procedural Guidance		

1.0 Purpose of Report

- 1.1 To request that Members review and update the Council's procedural guidance on RIPA.
- 1.2 To request that the use by the Council of its RIPA powers in the last year be noted.

2.0 Recommendations

- 2.1 Cabinet is asked to **RECOMMEND**, subject to any comments Cabinet wishes to make, that the changes to the Procedural Guide at Appendix 1 be approved;

and

to **RESOLVE** that the Council's use of its RIPA powers in the last year be noted.
- 2.2 Audit and Governance Committee is asked to **RESOLVE**, subject to any comments the Committee wishes to make, that
 - (1) the proposed changes to the Council's RIPA Procedural Guide and the Council's use of its RIPA powers in the last year be noted.
- 2.3 Council is asked to **RESOLVE** that
 - (1) the changes to the Procedural Guide at Appendix 1 be approved.

3.0 Background and Key Issues

- 3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the

situations in which and the conditions under which councils can use their RIPA powers. All authorities are required to have a RIPA policy and procedure to which they adhere in using their RIPA powers.

- 3.2 The Council reviews and updates its RIPA Procedural Guide at least annually. The Council last updated its RIPA Procedural Guide in November 2012.
- 3.3 The Council's use of its RIPA powers is subject to annual reporting and triennial inspection by the Office of Surveillance Commissioners (OSC). The Council received its most recent inspection by the OSC on 27 July 2012. The suggestions for amendment and improvement of the Council's RIPA Procedural Guide arising from the inspection have been incorporated into the draft Procedural Guide at Appendix 1.
- 3.4 Since the changes made to the Council's RIPA powers by the Protection of Freedoms Act 2012, the Council has not made use of its RIPA powers. This is most likely due to the change restricting RIPA authorisations for directed surveillance to offences which carry a maximum custodial sentence of 6 months or more. It should be noted that most offences prosecuted by local authorities do not carry custodial sentences, either at all or of this length. As a result of this, it is not possible to say whether or not any changes to the Guide are required from an operational point of view.
- 3.5 Given the level of the Council's use of its RIPA powers, Cabinet has requested that reports on use of the Council's RIPA powers are made bi-annually rather than quarterly. This requested change is reflected in paragraph 5.5 of the attached Procedural Guide. A further minor change relates to a job title change for the RIPA Co-ordinator and this is shown at paragraph 6 of the Guide.

4.0 Alternative Options Considered

- 4.1 The Council still has and can make use of other investigatory powers, such as overt surveillance, when investigating potential criminal offences, but must comply with RIPA when it carries out Directed Surveillance or CHIS. There are therefore no real alternative options relevant to the Council's use of its RIPA powers.

5.0 Reasons for Recommendations

- 5.1 The revisions set out in the draft Procedural Guide are to ensure that the Guide remains up-to-date.

6.0 Future Work and Conclusions

- 6.1 Further revisions to the Procedural Guide may be required, depending on any changes to the legislation or statutory Home Office Guidance.

7.0 Financial Implications

- 7.1 There are no direct financial implications arising out of this report.

8.0 Legal Implications

8.1 These are set out in the main body of the report.

9.0 Risk & Opportunity Management Implications

9.1 Having a procedural guide that complies with the legislation and guidance and ensuring that officers using RIPA powers are fully trained in the use of the powers will help to reduce the risk of the Council using its RIPA powers unlawfully.

10.0 People Impact Assessment (PIA):

10.1 The impact of the changes to the RIPA legislation will have been considered by the Government during the drafting of the legislation. The RIPA legislation requires the Council to give substantial consideration to the people impact of using its RIPA powers each and every time a RIPA application is authorised.

10.2 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 The use of RIPA powers by the Council can contribute to ensuring community safety.

Sustainability

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

Staffing & Trade Union

11.3 There are no staffing or Trade Union implications arising out of this report.

Background Documents: None.

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GLOUCESTER CITY COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000

PROCEDURAL GUIDE

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1. INTRODUCTION

- 1.1 This policy document shall be readily available at the offices of Gloucester City Council (“the Council”).
- 1.2 The purpose of this document is to ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.3 This document provides guidance on the regulation of any covert surveillance that is carried out by Council officers. This includes the use of undercover officers, informants and private investigators and other agents of the Council.
- 1.4 Any covert surveillance will have to be authorised and conducted in accordance with RIPA, the statutory codes of practice and this Guide and shall only be for one of the purposes set out in this Guide and for a purpose which the Council is legally required or empowered to investigate as part of its functions.
- 1.5 Covert surveillance will only be used by the Council where it judges such use to be proportionate to the seriousness of the crime or matter being investigated, and the history and character of the individual(s) concerned.
- 1.6 Before requesting authorisation, Investigating Officers will have regard to this document and the statutory Codes of Practice issued under section 71 of RIPA. The Codes of Practice are available from the RIPA co-ordinator and direct from the Home Office at <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice/>
- 1.7 Authorising officers will have to consider whether it is necessary and proportionate for Investigating Officers to undertake covert surveillance and whether it is possible to obtain the evidence through other means.
- 1.8 Authorising Officers must give detailed consideration to the risk of collateral intrusion, ie. the risk of intruding into the privacy of others while watching someone else. Steps will have to be taken to minimise this risk.
- 1.9 There should be no situation where an officer engages in covert surveillance without obtaining authorisation in accordance with the procedures set out in this document, the statutory Codes of Practice and from RIPA.
- 1.10 Any queries concerning the content of the document should be addressed to the RIPA co-ordinator.

2. THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

2.1 The background to RIPA

RIPA provides a legal framework for the control and regulation of surveillance and information techniques which public authorities undertake as part of their duties. As was highlighted in the introduction to the Guide the need for such control arose as a result of the Human Rights Act 1998. Article 8 of the European Convention on Human Rights states that:-

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.

The right under Article 8 is a qualified right and public authorities can interfere with this right for the reasons given in paragraph 2 of Article 8. RIPA provides the legal framework for lawful interference.

2.2 The scope of this Guide

This Guide intends to cover the surveillance and information gathering techniques which are most likely to be carried out by the Council.

Neither RIPA nor this Guide covers the use of any overt surveillance, general observation that forms part of the normal day to day duties of officers, the use of equipment to merely reinforce normal sensory perception, such as binoculars, or circumstances where members of the public who volunteer information to the Council.

RIPA does not normally cover the use of overt CCTV surveillance systems since members of the public are aware that such systems are in place.

If an Investigating Officer envisages using any CCTV system for surveillance they should contact the RIPA co-ordinator.

RIPA deals with a wide variety of surveillance types. Some of the other techniques that are covered by RIPA but will not or cannot be used by local authorities are listed below. These include:-

1. The interception of any communication such as postal, telephone or electronic communications without both the sender and receiver's permission;
2. The acquisition and disclosure of information to who has sent or received any postal, telephone or electronic communication; and
3. The covert use of surveillance equipment within any premises or vehicle, including business premises and vehicles with the intention of covertly gathering information about the occupant(s) of such premises or vehicles.

2.3 Consequences of not following RIPA

Section 27 of RIPA provides that surveillance shall be lawful for all purposes if authorised and conducted in accordance with an authorisation granted under RIPA.

Lawful surveillance is exempted from civil liability

Although not obtaining authorisation does not make the authorisation unlawful per se, it does have some consequences:-

- (i) evidence that is gathered may be inadmissible in court;
- (ii) the subjects of surveillance can bring their own proceedings or defeat proceedings brought by the Council against them on human rights grounds, ie. we have infringed their rights under Article 8;
- (iii) if a challenge under Article 8 is successful the Council could face a claim for financial compensation;
- (iv) a complaint could be made to the Office of Surveillance Commissioners; and
- (v) the government has also introduced a system of tribunal. Any person who believes that their rights have been breached can have their complaint dealt with by way of a tribunal.

2.4 The Surveillance Commissioner

The government has appointed a Surveillance Commissioner to review the way in which public authorities implement the requirements of RIPA. The Commissioner has a wide range of powers of access and investigation. The Council will receive periodic visits from the Office of the Surveillance Commissioners. They will check to see if the Council is complying with RIPA.

It is important that the Council can show that it complies with this Guide and with the provisions of RIPA.

3. COVERT SURVEILLANCE

There are three categories of covert surveillance:-

1. Directed surveillance
2. Covert human intelligence sources; and
3. Intrusive surveillance (but nothing in this procedure permits the authorising of "Intrusive surveillance" as defined in RIPA (ie. in respect of anything taking place on residential premises or in a private vehicle, involving the presence of an investigator on those premises/vehicles or carried out through a surveillance device).

3.1 Directed Surveillance (DS)

3.1.1 The majority of covert surveillance that will be undertaken by the Council will fall under the heading of Directed Surveillance (DS).

3.1.2 DS is defined as surveillance which is covert, but not intrusive, and is undertaken:-

- (a) for the purpose of a specific investigation or operation;

- (b) in such a manner as it is likely to result in obtaining private information about a person (whether or not that person is the target of the investigation or operation); and
- (c) in a planned manner and not by way of an immediate response whereby it would not be reasonably practicable to obtain an authorisation prior to the surveillance being carried out.

3.1.3 It is irrelevant where the subject of the DS is being observed.

3.1.4 If you intend to instruct an agent to carry out the DS the agent must complete and sign the form marked “agent’s agreement form” contained in Appendix C. The agent will be subject to RIPA in the same way as any employee of the Council would be.

3.1.5 The flow chart in Appendix D gives guidance on when authorisation might be needed.

3.2 **Covert Human Intelligence Sources (CHIS)**

3.2.1 This involves the establishment or maintenance of a personal or other relationship with a person for the covert purpose of obtaining or disclosing private information. A CHIS is a person who:-

- (a) s/he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- (b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- (c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

3.2.2 A relationship is established or maintained for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

3.2.3 A relationship is used covertly and information obtained is disclosed covertly, if and only if the relationship is used or the information is disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

3.2.4 Covert Human Intelligence Sources may only be authorised if the following arrangements are in place:

- that there will at all times be an officer within the local authority who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source’s security and welfare;
- that there will at all times be another officer within the local authority who will have general oversight of the use made of the source;

- that there will at all times be an officer within the local authority who has responsibility for maintaining a record of the use made of the source; and
- that the records relating to the source maintained by the local authority will always contain particulars of all matters specified by the Secretary of State in Regulations.

- 3.2.5 Legal advice should always be sought where any matters for investigation may involve the use of other enforcement agencies, including the police.
- 3.2.6 Special consideration must be given to the use of vulnerable individuals for CHIS. A 'vulnerable individual' is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive (Head of Paid Service) (or, in his absence, by the person acting as Head of Paid Service).
- 3.2.7 Before an Investigating Officer undertakes any surveillance involving a vulnerable individual they **must obtain legal advice** and consult the RIPA co-ordinator concerning any clarification on the administrative process. Also in these cases, the Chief Executive (Head of Paid Service) (or in his absence, by the person acting as Head of Paid Service) must authorise the use of a vulnerable individual as a CHIS.
- 3.2.8 Special safeguards also apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him.
- 3.2.9 In other cases, authorisations should not be granted unless the special provisions contained within The Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied. Authorisations for juvenile sources should be granted by the Chief Executive (Head of Paid Service) (or in his absence, by the person acting as Head of Paid Service). Before an Investigating Officer undertakes any surveillance involving a juvenile they must consult the RIPA co-ordinator.
- 3.2.10 If an Investigating Officer intends to instruct an agent to carry out the CHIS the agent must complete and sign the form marked "agent's agreement form" contained in Appendix C. The agent will be subject to RIPA in the same way as any employee of the Council would be.
- 3.2.11 The flow chart in Appendix D gives guidance on when authorisation might be needed.
- 3.2.12 Any Investigating Officer considering the use of a CHIS must seek advice from the RIPA Co-ordinator before taking any steps in relation to a CHIS.

3.3 **Intrusive surveillance**

3.3.1 Intrusive surveillance is defined as covert surveillance that:-

- (a) is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- (b) involves the presence of any individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- (c) if the device is not located on the premises or in the vehicle, it is not intrusive surveillance unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

3.3.2 Local authorities are not authorised to conduct intrusive surveillance.

4. **Procedure for Obtaining Authorisations**

4.1 The Senior Responsible Officer:-

Role:

4.1.1 The Chief Executive Officer is designated the Council's Senior Responsible Officer (SRO) with responsibilities for:-

- (a) ensuring the integrity of the Council's RIPA processes;
- (b) ensuring compliance with RIPA legislation and the Home Office Codes of Practice;
- (c) engaging with the OSC when its inspector conducts an inspection;
- (d) overseeing the implementation of any post-inspection plans;
- (e) ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations made by the OSC inspection reports;
- (f) ensuring that concerns are addressed, where OSC inspection reports highlight concerns about the standards of Authorising Officers.

4.2 Authorising Officers

Role:

Authorising Officers can authorise, review and cancel directed surveillance, and can authorise, review and cancel the employment of a juvenile or vulnerable CHIS, or the acquisition of confidential information.

4.2.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for local authorities the Authorising Officer shall be a Director, Head of Service, Service Manager or

equivalent as distinct from the officer responsible for the conduct of an investigation.

4.2.2 Officers of a lower rank **cannot** grant authorisations.

4.2.3 A designated Authorising Officer must qualify **both** by rank and by competence. Officers who wish to be designated must have been trained to an appropriate level so as to have an understanding of the Act and the requirements that must be satisfied before an authorisation can be granted.

Appendix A sets out the officers within the Council who can grant authorisations.

4.2.4 Authorisations must be given in writing by the Authorising Officer. .

4.2.5 Authorising Officers are also responsible for carrying out regular reviews of applications which they have authorised and also for the cancellation of authorisations.

4.3 **Investigating Officers - What they need to do before applying for authorisation**

4.3.1 Investigating Officers should think about the need to undertake DS or CHIS before they seek authorisation. Investigating Officers need to consider whether they can obtain the information by using techniques other than covert surveillance. There is nothing that prevents an Investigating Officer discussing the issue of surveillance beforehand. Any comments by a supervisor should be entered into the application for authorisation.

4.3.2 The Codes of Practice do however advise that Authorising Officers should not be directly responsible for authorising investigations or operations in which they are directly involved although it is recognised that this may sometimes be unavoidable.

4.3.3 If an Investigating Officer intends to carry out DS or use CHIS they should complete and submit an Application for Directed Surveillance form which is marked Application for Directed Surveillance or an Application for the use of CHIS which is marked Application for CHIS to an Authorising Officer. An electronic version of the most up-to-date forms and Codes of Practice are available from the RIPA Co-ordinator, via the RIPA folder within SmartAccess or from the Home Office website address in Appendix B.

4.3.4 Appendix D shows the steps which are required as part of the authorisation process.

4.3.5 The person seeking the authorisation should obtain a Unique Reference Number from the RIPA Co-ordinator and complete parts 1 and 2 of the form having regard to the guidance given in this Guide and the statutory Codes of Practice.

4.3.6 The form should then be submitted to the Authorising Officer for authorisation.

4.4 Authorising Officers - What they need to do before authorising surveillance

4.4.1 Before giving authorisation an Authorising Officer **must** be satisfied that the reason for the request is the permitted reason under the Act and permitted under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, i.e.

in the case of directed surveillance, for the purpose of the prevention and detection of conduct which constitutes one or more criminal offences that are:

- (i) punishable by a maximum term of at least 6 months imprisonment; or
- (ii) are offences under:
 - a. Section 146 of the Licensing Act 2003 (sale of alcohol to children)
 - b. Section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
 - c. Section 147A of the Licensing Act 2003 (persistently selling alcohol to children); or
 - d. Section 7 of the Children and Young Persons Act 2003 (sale of tobacco etc. to persons under eighteen); and

or

in the case of CHIS, for the purpose of the prevention and detection of crime or for the preventing of disorder;

and

- the desired result of the covert surveillance cannot reasonably be achieved by other means; and
- the risks of collateral intrusion have been properly considered, and the reason for the surveillance is balanced proportionately against the risk of collateral intrusion; and
- there must also be consideration given to the possibility of collecting confidential personal information. If there is a possibility of collecting personal information the matter should be passed to the Senior Responsible Officer for consideration.

4.4.2 An Authorising Officer **must** also be satisfied that the surveillance in each case is **necessary** and **proportionate**.

This is defined as:-

Necessity

- Obtaining an authorisation under the 2000 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. The 2000 Act first requires that the person granting an authorisation for directed surveillance believe that the authorisation is necessary in the circumstances of the

particular case for the statutory ground in section 28(3)(b) of the 2000 Act being “for the purpose of preventing or detecting crime or of preventing disorder” .

Proportionality

- The following elements of proportionality should be considered:
 - i) balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - ii) explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
 - iii) considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
 - iv) evidencing as far as reasonably practicable, what other methods have been considered and why they were not implemented.

When the Authorising Officer has considered if the surveillance is necessary and proportionate they must complete the relevant section of the form explaining why in his/her opinion the surveillance is necessary and proportionate.

4.5 Judicial Approval

- 4.5.1 From 1 November 2012, any DS or CHIS authorisation granted by an Authorising Officer **does not** take effect until an order has been made by a Justice of the Peace (“Magistrate”) approving the grant of the authorisation.
- 4.5.2 When an authorisation has been granted by an Authorising Officer, an Officer authorised by the Council to appear on its behalf in Magistrates’ Court proceedings (the “Applicant”) needs to make an application to the Magistrates’ Court for judicial approval of the authorisation before the authorisation can take effect (i.e. before lawful surveillance can begin).
- 4.5.3 Under the Criminal Procedure Rules 2012, the Applicant must:
 - (i) apply in writing and serve the application on the court officer;
 - (ii) attach the authorisation which the Applicant wants the court to approve (NB the original authorisation should be shown to and a copy provided to, the Magistrate. The original authorisation should be retained by the Investigating Officer) ;
 - (iii) attach such other material (if any) on which the Applicant is relying to satisfy the court that the authorisation was necessary for the purposes of the prevention and detection of crime and was proportionate (as set out in paragraph 4.4.1) and that the authorisation was granted by a person designated for the purposes of RIPA .

The Applicant should also provide the Magistrate with two copies of a partially completed judicial application/order to assist the process.

4.5.4 The relevant Magistrate may approve the granting of a DS authorisation if, and only if, they are satisfied that:

- (i) at the time of the grant (i.e. when approval was given by the Authorising Officer):
 - a. there were reasonable grounds for believing that the authorisation was necessary for the purposes of the prevention and detection of crime and was proportionate (as set out in paragraph 4.4.1); and
 - b. that the authorisation was granted by a person designated for the purposes of authorising DS; and
- (ii) at the time when the relevant Magistrate is considering the matter, there remain reasonable grounds for believing that the authorisation is necessary and proportionate (as set out in paragraph 4.4.1)

4.5.5 The relevant Magistrate may approve the granting of a CHIS authorisation if, and only if, they are satisfied that:

- (i) at the time of the grant (i.e. when approval was given by the Chief Executive (Head of Paid Service)):
 - a. there were reasonable grounds for believing that the authorisation was necessary for the purposes of the prevention and detection of crime or disorder and was proportionate (as set out in paragraph 4.4.1) and that the arrangements set out in paragraph 3.2.3, together with any other prescribed requirements, were in place; and
 - b. that the authorisation was granted by a person designated for the purposes of authorising CHIS, and
- (ii) at the time when the relevant Justice of the Peace is considering the matter, there remain reasonable grounds for believing that the authorisation is necessary and proportionate (as set out in paragraph 4.4.1)

4.5.6 Where an application is approved by a Magistrate, the Investigating Officer should:

- (i) retain a copy of the judicial application/order that has been signed by the Magistrate;
- (ii) retain the original authorisation; and
- (iii) notify the RIPA Co-Ordinator of the JP approval for the authorisation and provide a copy of the authorisation, application and Order for the RIPA records.

4.5.7 Where an application is not approved by a Magistrate, the authorisation does not take effect and the surveillance proposed in the authorisation should not be carried out.

4.5.8 Where an application is refused by a Magistrate, the Magistrate may make an order quashing the authorisation.

5. **Duration, Review, Renewal and Cancellation of Authorisations**

5.1 **Duration**

5.1.1 DS authorisations will cease to have effect after three months from the date of judicial approval unless renewed (also subject to judicial approval) or cancelled.

5.1.2 Authorisations should be given for the maximum duration (i.e. three months) but reviewed on a regular basis and formally cancelled when no longer needed.

5.1.3 CHIS authorisations will cease to have effect after twelve months from the date of approval.

5.1.4 Investigating Officers should indicate within the application the period of time that they estimate is required to carry out the surveillance, this will be proportionate to the objectives of the investigation and give due consideration to collateral intrusion.

5.1.5 From 1 November 2012, urgent verbal authorisations are no longer available.

5.1.6 For CHIS authorisations, legal advice must be sought, particularly those that involve the use of juveniles (for which the duration of such an authorisation is one month instead of twelve months).

5.17 It is the responsibility of the Investigating Officer to make sure that the authorisation is still valid when they undertake surveillance.

5.2 **Review**

5.2.1 An Investigating Officer must carry out a regular review of authorisations. If an authorisation is no longer required it **must** be cancelled.

5.2.2 The results of any review must be included on the review form (see forms "Review of Directed Surveillance" and "Review of CHIS" available from the RIPA Co-ordinator, via SmartAccess or the Home Office website address given in Appendix B).

5.2.3 The Authorising Officer also has a duty to review authorisations that have been granted when it is necessary or practicable to do so. Particular attention should be given to authorisations involving collateral intrusion or confidential material.

5.2.4 The Authorising Officer should keep a copy of the review form and a copy should be given to the Investigating Officer. A copy of the review form must also be sent to the RIPA Co-ordinator.

5.3 Renewals

- 5.3.1 An Investigating Officer can ask for and an Authorising Officer can grant, subject to judicial approval, a renewal of an authorisation before it would cease to have effect.
- 5.3.2 An application for a renewal must not be made more than seven days before the authorisation is due to expire.
- 5.3.3 A renewal can last for up to three months, effective from the date that the previous authorisation would cease to have effect.
- 5.3.4 An Authorising Officer can grant more than one renewal, subject to judicial approval, as long as the request for authorisation still meets the requirements for authorisation. An Authorising Officer must still consider all of the issues that are required for a first application before a renewal can be granted.
- 5.3.5 If the reason for requiring authorisation has changed from its original purpose it will not be appropriate to treat the application as a renewal. The original authorisation should be cancelled and a new authorisation should be sought, granted by an Authorising Officer and approved by a Magistrate.
- 5.3.6 An application for a renewal must be completed on the appropriate form (see forms "Renewal of Directed Surveillance" and "Renewal of CHIS" available from the RIPA Co-ordinator, via SmartAccess or the Home Office website address given in Appendix B).
- 5.3.7 The Authorising Officer should keep a copy of the renewal and a copy should be given to the Investigating Officer. A copy of the renewal form, judicial application and order must also be sent to the RIPA Co-ordinator.

5.4 Cancellations

- 5.4.1 If the reason for requiring the authorisation no longer exists, the authorisation must be cancelled and in any event as soon as the operation for which an authorisation was sought ceases to be necessary or proportionate. This applies to both original applications and renewals (see forms "Cancellation of Directed Surveillance" and "Cancellation of CHIS" available from the RIPA Co-ordinator, via SmartAccess or the Home Office website address given in Appendix B).
- 5.4.2 Authorisations must also be cancelled if the surveillance has been carried out and the original aim has been achieved. Authorising Officers will ensure that authorisations are set to expire at the end of the appropriate statutory period.
- 5.4.3 It is the responsibility of the Investigating Officer to monitor their authorisations and seek cancellation of them where appropriate.
- 5.4.4 The Authorising Officer should keep a copy of the cancellation form and a copy should be given to the Investigating Officer. A copy of the cancellation form must also be sent to the RIPA Co-ordinator.

5.5 Review of Policy and Procedure

- (i) The Cabinet will receive bi-annual reports on the use of RIPA.
- (ii) The Cabinet will review the use of RIPA and report any recommendations to the Overview and Scrutiny Committee and Council on an annual basis.

6. The RIPA Co-ordinator

6.1 Role

The RIPA Co-ordinator will:-

- (i) provide a Unique Reference Number for each authorisation sought;
- (ii) keep copies of the forms for a period of at least three years;
- (iii) keep a register of all of the authorisations, reviews, renewals and cancellations, including authorisations granted by other public authorities relating to joint surveillance by the Council and that other public authority;
- (iv) provide administrative support and guidance on the processes involved;
- (v) monitor the authorisations, reviews, renewals and cancellations so as to ensure consistency throughout the Council;
- (vi) monitor each department's compliance and act on any cases of non-compliance;
- (vii) provide training and further guidance on and awareness of RIPA and the provisions of this Guide; and
- (viii) review the contents of the Guide, in consultation with Investigating Officers, Authorising Officers and the Senior Responsible Officer.

All original applications for authorisations and renewals including those that have been refused must be passed to the RIPA Co-ordinator as soon as possible after their completion with copies retained by the Authorising Officer and the Investigating Officer.

The RIPA Co-ordinator shall be the Head of Legal and Policy Development.

All cancellations must also be passed to the RIPA Co-ordinator.

6.2 It is however the responsibility of the Investigating Officer, the Authorising Officers and the Senior Responsible Officer to ensure that:-

- (i) authorisations are only sought and given where appropriate;
- (ii) authorisations are only sought and renewed where appropriate;
- (iii) authorisations are reviewed regularly;

- (iv) authorisations are cancelled where appropriate; and
- (v) they act in accordance with the provisions of RIPA.

7. **Legal Advice**

Legal Services will provide legal advice to staff making, renewing or cancelling authorisations, including making applications for judicial approval.

8. **Joint Investigations**

Where joint investigations are carried out with other agencies, such as the Department of Work and Pensions (DWP) or the Police, the RIPA Co-ordinator should be notified of the joint investigation and provided with a copy of any RIPA authorisation granted by another agency in respect of a joint investigation involving Council officers

Officers

The following officers are the Senior Authorising Officer and the Authorising Officers for the purposes of RIPA.

Senior Responsible Officer

Chief Executive - Julian Wain

Authorising Officers – Directed Surveillance

Chief Executive – Julian Wain

Corporate Director of Resources - Peter Gillett

Corporate Director of Services and Neighbourhoods - Martin Shields

Authorising Officer – CHIS

Chief Executive (Head of Paid Service) – Julian Wain

Authorisation Forms

The authorisation, review and cancellation forms will be the forms that are current on the home page of

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice/>

Regulation of Investigatory Powers Act 2000

Gloucester City Council

Agent's Agreement Form

I (insert Agent's name) of
..... (address) confirm that in
relation to

.....
.....
.....
.....
.....
.....
.....
.....

..... (name or description of
the surveillance) I agree to comply with the Regulations of Investigatory Powers Act 2000,
with all statutory provisions, statutory Codes of Practice and with Gloucester City Council's
Procedural Guide when undertaking any and all surveillance authorised by Gloucester City
Council under the Regulation of Investigatory Powers Act 2000.

I acknowledge receipt of a copy of the Council's Authorisation Form reference number
..... dated the and I agree not to
carry out any surveillance that is contrary to this authorisation.

Signed

Dated

Will Directed Surveillance authorisation be required?

Are you carrying out the surveillance in a way that people are going to be unaware that it is being carried out?	No →	Surveillance is unlikely to be covert and therefore authorisation will not be required
↓ Yes		
Is the surveillance part of a specific investigation?	No →	Unlikely to require authorisation
↓ Yes		
Are you going to be collecting information about a person's private or family life?	No →	Unlikely to require authorisation
↓ Yes		↓ No
Will the surveillance require the presence of an individual or use a surveillance device on a person's premises or private vehicle?	Yes →	This may fall within the definition of intrusive surveillance
↓ No		
You will need to obtain authorisation		Seek advice from RIPA co-ordinator

Will Covert Human Intelligence Sources authorisation be required?

Are you carrying out the surveillance in a way that people are going to be unaware that it is being carried out?	No →	It is unlikely that the CHIS is covert and authorisation will be required
↓ Yes		
Are you going to establish a personal or other relationship with someone in order to obtain, provide access to, or disclose information as part of that relationship?	No →	Unlikely to require authorisation
↓ Yes		
Are you going to be using a vulnerable person or persons under 18 years old?	Yes →	Speak to the RIPA co-ordinator
↓ No		
Is the person establishing a relationship with employee or agent?		
↓ Yes		
Authorisation for CHIS should be obtained and an agent's agreement form should be completed when an agent is used		

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Gloucester City Council

Meeting:	Council	Date:	28 November 2013
Subject:	Programme of Meetings, May 2015 – End October 2015		
Report Of:	Corporate Director of Resources		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Penny Williams, Democratic and Electoral Services Manager		
	Email: penny.williams@gloucester.gov.uk	Tel:	39-6125
Appendices:	1. Draft Programme of Meetings, May 2015-October 2015		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To approve a six month programme of ordinary meetings of Council and calendar of other meetings for the period of May 2015 to the end of October 2015.

2.0 Recommendations

- 2.1 Council is asked to **RESOLVE** that subject to any further changes, the draft programme of meetings for the period May 2015 to end of October 2015 be approved.

3.0 Background and Key Issues

- 3.1 Members will be aware that Council on 24 January 2013 resolved that an 18 month rolling programme of meetings would be prepared.
- 3.2 Members have already approved a programme of meetings up to and including the end of April 2015.
- 3.3 The attached draft programme of meetings covers the period from May 2015 to the end of October 2015.

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May 2015

<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>
				1
4 Bank Holiday	5	6	7 Combined Elections?	8
11	12 6.00 Planning Committee	13	14	15
18	19	20	21 3.00 *Annual Council	22
25 Bank Holiday	26	27	28	29

* This is the suggested date.
The meeting could also be held during the following week which is half-term

June 2015

* Ramadan 18 June
2015 to 17 July 2015

Mon	Tue	Wed	Thu	Fri
1	2	3 6.00 Cabinet Briefing	4	5
8	9 6.00 Planning Committee	10 6.30 Group Leaders	11 2.00 Employee Forum	12
15 6.30 Audit and Governance Committee	16 6.30 Licensing and Enforcement Committee	17	18 *Start of Ramadan 6 pm Planning Policy Sub	19
22 6.30 Overview and Scrutiny Committee	23	24 6.00 Cabinet	25	26
29 6.00 Organisational Development Committee	30			

July 2015

<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>
		1 6.00 Cabinet Briefing	2	3
6	7 LGA CONF? 6.00 Planning Committee	8 LGA CONF?	9 LGA CONF?	10
13 6.30 Group Leaders	14 6.00 CEWG	15	16 6.00 Grants and CSF	17 End of Ramadan
20 6.30 Overview And Scrutiny Committee	21	22 6.00 Cabinet	23 7.00 Council	24
27	28	29 6.00 ICT WG	30	31

August 2015

<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>
3	4 6.00 Planning Committee	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26 6.00 Cabinet Briefing	27	28
31 Bank Holiday				

September 2015

<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>
	1	2 6.30 Group Leaders	3	4
7	8 6.00 Planning Committee	9	10 2.00 Employee Forum	11
14 6.30 Overview and Scrutiny Committee	15 6.30 Licensing and Enforcement Committee	16 6.00 Cabinet	17 6.00 Planning Policy Sub Committee	18 * Rugby World Cup (RWC) starts
21 6.30 Audit and Governance Committee	22	23 * NO MEETINGS RWC Fixture at Kingsholm	24 7.00 Council	25 * RWC Fixture at Kingsholm
28 6.00 Organisational Development Committee	29	30 6.00 Cabinet Briefing		

* RWC runs from 18 September to 31 October 2015.

Kingsholm Matches are:-

- Saturday 19 September
- Wednesday 23 September
- Friday 25 September
- Sunday 11 October

October 2015

<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>
			1	2
5	6 6.00 Planning Committee	7 6.30 Group Leaders	8	9
12 6.30 Overview and Scrutiny Committee	13 6.00 CEWG	14	15	16
19	20	21 6.00 Cabinet	22	23
26	27	28	29	30

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.

This document informs Members of Council of written questions put to Cabinet Members and written replies thereto.

Council is recommended to RESOLVE to note the written questions submitted and corresponding responses.

No	Question from/to	Question	Response
1.	From Councillor Field to the Leader and Cabinet Member for Regeneration and Culture	I am sure you welcome, as I do, the new Costa in King's Square. Unfortunately for customers, the eyesore Golden Egg building still looms outside the window. Why is it still standing?	I agree that the new Costa Coffee outlet is a positive addition to the Kings Square area. As Councillor Field knows, the former Golden Egg building is owned by Aviva Investors. Although this Council granted Aviva demolition consent in April 2011, that consent has never been implemented. The Council has been engaged in positive discussions with Aviva for some months about this building and future plans for the wider area and we hope to be able to report on progress soon.
2.	From Councillor Field to the Leader and Cabinet Member for Regeneration and Culture	Are we still putting in a bid for European City of Culture in 2017?	<p>We have not chosen to make a bid for City of Culture 2017, and indeed I understand that four cities have been shortlisted and the winner will be announced this year.</p> <p>As previously, it remains the case that both the bidding and the implementation are extremely resource intensive matters and as such bigger cities will always be more likely to succeed.</p> <p>We continue to work with Cheltenham in promotion of major events, while as ever focusing on delivering improvements to the City's cultural offer. As Councillor Field knows through the History Festival, the programme at Blackfriars and the ever improving Guildhall to name but a few, we have made significant strides in recent years.</p>

3.	From Councillor Field to the Cabinet Member for the Environment	Do you support the Liberal Democrat policy of a tax on plastic carrier bags?	This Council has always supported ways of encouraging people to change their shopping habits, so as to have less of an impact on the environment. A tax on plastic bags is one such option, but other, more positive, incentives should also be considered, for example we promote the use of bags for life by providing jute bags for our customers through the TIC. However, it is for the Government to decide on issues such as new taxes.
4.	From Councillor Field to the Cabinet Member for the Environment	The lack of bins in which people can recycle aluminium cans etc in the city centre is a real problem. How can we expect people to recycle, or we as a council to meet our recycling/landfill targets, when there are so few opportunities to do so?	<p>On street recycling has been tried on a number of occasions within the City Centre. Five bins were installed in 2008, providing different compartments for plastics and cans. However, it was found that on most days there was contamination in each of the compartments and so the bins were subsequently removed in 2009 due to the levels of contamination.</p> <p>We are looking at ways of re-introducing this, and know it would be welcomed, but this must be balanced with the amount of ongoing contamination and associated costs.</p> <p>There are a number of options open to residents which allow them to recycle a range of materials. The current recycling service allows residents to present the following items for doorstep collections –</p> <ul style="list-style-type: none"> • Cans, • Plastic Bottles, • Paper and Light Card, • Glass; and • Domestic batteries. <p>In addition there are a number of Bring Sites located throughout the City where residents can take their recycling. These are located as follows:</p> <p>Tescos – St Oswalds Tescos – Quedgeley Sainsburys – Barnwood Sainsburys – Quays Asda – Bruton Morrisons – Glevum Way</p> <p>Castlemeads Car Park Podsmead – Burns Avenue Hempsted Household Recycling Centre</p>

5.	From Councillor Field to the Cabinet Member for the Environment	Apparently there is a new method when it comes to weedspraying of only spraying the weeds as reported by residents/ councillors and leaving any nearby that have not been reported. Is this really the case?	<p>No. There is a comprehensive programme of weed spraying across the city but Amey will also respond to overgrown weeds that have been reported by residents or Councillors where the growth is excessive and warrants being dealt with outside of the programme.</p> <p>As useful background information Members might be interested to know that The Plant Protection Products (Sustainable Use) Regulations 2012 require anyone who uses or permits others to use pesticides to ensure that:</p> <ul style="list-style-type: none"> - all reasonable precautions are taken to protect human health and the environment; - the application is confined to the area intended to be treated, ie “the target weed”; and - when used in public spaces that the amount used and frequency of use is as low as is reasonably practicable. <p>Pesticides cannot be sprayed over wide areas anymore and can only be sprayed on the weed itself.</p> <p>Therefore, there is an increased obligation to minimise the use of pesticides and give preference to certain types of products (those classified as least damaging to the aquatic environment). This may include reducing rates and frequencies of application, and the inclusion of other technologies or cultural controls, such as burning, hot foam or increased use of road sweepers. We are therefore working with our Streetcare Partner, Amey, to review the best ways of treating weeds.</p>
6.	From Councillor Field to the Cabinet Member for Housing, Health and Leisure and Cabinet Member for Environment	Does the council, and the related homelessness projects and agencies it supports, make use of the 'Fairshare' organisation in making use of food that would otherwise be thrown away because it is	<p>Firstly all food donated to any project or organisation must be in date and comply with food safety legislation.</p> <p><u>Fareshare Organisation</u> Fareshare is a national UK charity at the centre of food poverty and food waste. They provide surplus fit for purpose products from the food and drink industry to organisations working with disadvantaged people in the community. Any food accepted by FareShare must comply with Food Safety legislation in terms of being fit for human consumption. If it <u>could</u>, in theory, be sold then it can be redistributed. All reasonable care is carried out to ensure that the food</p>

		<p>past its sell-by date? Briefly, which supermarkets etc are participating, and which have yet to join?</p>	<p>supplied is safe and appropriately labeled. Tesco's and Sainsbury's are mentioned as contributors to Fareshare on their website. The nearest regional depot is at:</p> <p>FareShare South West (Bristol) Partner Organisation: Community Initiatives South West Ltd 4 Little Anne Street St Judes Bristol BS2 9EB Tel: 0117 941 4401 (Pete) / 0117 954 2220 (Jacqui) Contact: Pete Wright or Jacqui Reeves Email: fssouthwest@fareshare.org.uk Website: http://www.faresharesouthwest.org.uk/</p> <p>Organisations that work with Fareshare in Gloucester are G.E.A.R, Black Elders, G.A.R.A.S, Taylor House, New Testament Church, St.Hilda's Lunch Club, St Mark's Lunch Club and 7th Day Advent Church.</p> <p>All of the major suppliers to the supermarkets donate food, Sainsbury's have worked with Fareshare since 2007, Tesco more recently.</p> <p>A newsletter is issued on a regular basis which they will send to Gloucester City to ensure we are kept up to date as a number of new projects are being piloted.</p> <p><u>Gloucester City Foodbank</u> Non – perishable and in – date food is donated to the Foodbank by schools, churches, businesses, and individuals. Supermarket Collections are one of the main ways that food is donated and are regularly held throughout the year. This year collections have been held at Tesco's, Sainsburys and Morrison's resulting in 2309.10kg of food since March'13. Frontline care professionals including family support workers in children's centres', schools, health visitors, the city council housing service, Gloucester City Homes, Citizen's Advice Bureau and many other related agencies identify and issue people in crisis with a foodbank voucher. This is redeemed at the Foodbank Centre for 3 days of emergency food.</p>
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7.	From Councillor Field to the Cabinet Member for Housing, Health and Leisure	How many empty properties in the City have been brought back into use in the last year?	<p>Council tax records are used to identify the number of empty homes at any point in the year and according to these records; At the end of September 2012 there were 1766 empty homes (of which 760 had been empty for more than 6 months). At the end of September 2013 there were 1644 empty homes (of which 736 have been empty for more than 6 months).</p> <p>However it is not possible to use these figures to be able to simply say that 122 properties were brought back into use during one year because as some come back into use, others become empty. But it is useful information to identify trends and this indicates that the percentage of empty properties compared with the total number of dwellings in the city is reducing.(3.3 % in Sept 2012 compared with 3.0% in September 2013)</p> <p>The Private Sector Housing Team focus attention on the properties that have been empty for more than four years and the status of these properties is monitored carefully so we are able to confirm that 23 of these long term empty properties have been brought back into use since September 2012.</p>
8.	From Councillor Field to the Cabinet Member for Regeneration and Culture and the Cabinet Member for Communities and Neighbourhoods	<p>Is Gloucester applying for 'Purple Flag' status?</p> <p>https://www.atcm.org/programmes/purple-flag/about-purple-flag</p>	<p>Purple Flag aims to raise the standard and broaden the appeal of town centres at night. Purple Flag is the benchmark for good night time destinations. Town centres that achieve a Purple Flag will be those that are safe, vibrant, appealing, well-managed and offer a positive experience to consumers.</p> <p>The current application period to apply for Purple Flag status is between 1st Oct 2013 and 10 Jan 2014 (However, there are 2 application windows per year). Applicants must complete an application pack – see https://www.atcm.org/programmes/purple-flag/apply-for-purple . The application is competitive with strict criteria.</p> <p>For the population size of Gloucester the application fee will be £2,250 with a £750 “top up” every 12 months to maintain status if granted purple flag status- so there are budget considerations.</p> <p>The Purple Flag award is a good idea and worth</p>

			<p>bidding for. In terms of timelines for the submission, we need to have a clearer understanding of what information partners hold on the key assessment criteria, outlined below:</p> <p>Wellbeing: Welcoming, clean and safe Movement: A secure pattern of arrival, circulation and departure Appeal: A vibrant choice and a rich mix of entertainment and activity Place: A stimulating destination and a vital place Policy Envelope: A clear aim and a common purpose.</p> <p>Currently we feel it would be appropriate to use the application document as a basis for future evening economy meetings, gather information from partners and work with them to implement changes, which would enable us to submit a stronger bid in the future once the City Centre Coordinator post has been recruited to. Initial discussions with our night time partners have been very positive and if successful, Gloucester will be the only District in the County to hold Purple Flag status.</p>
9.	<p>From Councillor Field to the Cabinet Member for Regeneration and Culture and the Cabinet Member for Communities and Neighbourhoods</p>	<p>After the success of 'Project Aqua' in 2011/12, is this being repeated?</p> <p>https://www.atcm.org/purple-flag-files/files/72-Case_Study_9</p>	<p>It is true to say that the scheme never ended after the success of the project in 2011/12. Butler's bar, who were the original participants of the project have continued to supply and promote free water coolers for their customers. In addition, Café Rene, Fever and Registry/Elevation all offer free water to customers. Other clubs/bars are providing water in jugs at the end of bars available for free usage. Project Aqua will be progressed by the Police Headquarters Licensing Officer and will be part of the work of the City Safe Coordinator when appointed.</p>

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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