



Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Wednesday, 12 November 2014

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, 20th November 2014** at **19:00** hours for the purpose of transacting the following business:

AGENDA

1. **APOLOGIES**

To receive any apologies for absence.

2. **MINUTES (Pages 9 - 22)**

To approve as a correct record the minutes of the Council Meeting held on 25 September 2014.

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 or deputation 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) Chairs of Committees
- e) Head of Paid Service

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 item 12 on the agenda.

8. **JOINT PROPOSAL FOR A SHARED MANAGING DIRECTOR & COMMISSIONING DIRECTOR FOR GLOUCESTER CITY COUNCIL & GLOUCESTERSHIRE COUNTY COUNCIL (Pages 23 - 28)**

To consider the joint report of the Leaders of Gloucester City Council and Gloucestershire County Council seeking approval to appoint a Managing Director for the City Council and a Commissioning Director for the County Council to deliver a new concept of joint working between the two organisations.

9. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - REVIEW OF PROCEDURAL GUIDE (Pages 29 - 54)**

To consider the report of the Head of Paid Service concerning the annual review of the RIPA Procedural Guide.

10. **REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2014 (Pages 55 - 70)**

To consider the report of the Returning Officer concerning the recommendations for Gloucester City Council following the consultation period for the 2014 Polling District and Polling Places Review.

11. 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 Schedule 12A of the Local Government Act 1972 as amended”.

Agenda Item No.	Description of Exempt Information
12	Paragraph 1: information relating to any individual. Paragraph 3: information relating to the financial or business affairs of any particular person (including the Authority holding that information).

12. UPDATE ON GOVERNANCE ARRANGEMENTS FOR GLOUCESTERSHIRE AIRPORT LIMITED (Pages 71 - 78)

To consider the report of the Cabinet Member for Regeneration and Culture concerning the governance arrangements for Gloucestershire Airport Limited.

13. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)

a) Written questions to Cabinet Members

No written questions have been received.

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

14. NOTICES OF MOTION

(1) MOVED BY COUNCILLOR HAIGH

“This Council notes that we are committed to be a Living Wage Council and to pay employees the current national Living Wage rate of £7.85 an hour. Not only is this the right thing to do as an employer but as a council we can show leadership and encourage our partners, public and private, to deliver services and do business that also acts in the interests of our residents.

There are, however, 25 employees in roles which are not suitable for fixed hours and these workers are paid below the living wage at £6.56 per hour.

In order that we can continue to show leadership and fairness as an employer this Council agrees to draw up a standardised worker agreement for these roles with term and conditions agreed with the Trade Unions, in line with other Council staff. These workers are to be paid at a minimum of the living wage.”

(2) MOVED BY COUNCILLOR FIELD

“Sky lanterns (also known as Chinese lanterns) are much like miniature hot air balloons that are constructed of tissue paper with a heat source at the base of the lantern such as a wad of cotton fabric soaked with a combustible material. Once released the hot air produced by the fuel source can lift the lantern to extreme heights. It can then drift for long distances until the fuel is depleted, at which point the lantern falls to the ground.

Sky lanterns pose a serious fire safety hazard due to their uncontrolled and unpredictable flight path. These products could land in trees, on rooftops or other combustible properties while still ignited and potentially cause a fire. A sky lantern was probably the cause of the massive fire at Croft Farm Water Park site near Hardwick Gloucestershire, which destroyed 60 caravans in November 2013.

Sky lanterns can also cause damage to the environment. When the device falls to the ground it becomes a hazard to pets, wildlife and livestock as they may ingest the remains of the lantern. Additionally the sky lanterns pose a serious threat to agriculture; an ignition source landing on a crop ready for harvest could cause significant economic hardship for farmers and also other businesses.

This Council resolves therefore to recognise the fire hazard associated with the use of sky lanterns (also known as Chinese lanterns), which can potentially lead to loss of life (human and animal), damage to property and increase the pressure on the Fire Service, Police and medical emergency services.”

The council further resolves to write to the MP for Gloucester, asking him to introduce legislation in the House, to investigate ways to produce sky lanterns that are safer, and biodegradable.”

Yours sincerely

mshields

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Martin Shields
Corporate Director of Services and Neighbourhoods

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 Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

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

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



COUNCIL

MEETING : Thursday, 25th September 2014

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

Others in Attendance

Martin Shields, Corporate Director of Services and Neighbourhoods

Sue Mullins, Head of Legal and Policy Development

Duncan May, Project Officer

Marcus Grodentz, Communications and Marketing Service Manager

Tanya Davies, Democratic and Electoral Services Manager

APOLOGIES : Cllr. Hobbs

38. MINUTES

38.1 **RESOLVED** – That the minutes of the Council meeting held on 17 July 2014 and the Special Council meeting held on 14 August 2014 be approved and signed by the Mayor as correct records.

39. DECLARATIONS OF INTEREST

39.1 Councillors Hansdot, Lugg, Randle, Beeley and Toleman declared a prejudicial interest in agenda item 8, Housing Futures – Outcome of Tenant Ballot on Housing Transfer as Board Members of Gloucester City Homes. They retired to the public gallery for this item.

39.2 Councillors Gravells, Tracey and Brown declared a personal interest in agenda item 14(3), a Notice of Motion from the Labour Group, as Gloucestershire City Councillors.

40. PUBLIC QUESTION TIME (15 MINUTES)

40.1 There were no public questions.

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41. PETITIONS AND DEPUTATIONS (15 MINUTES)

41.1 There were no petitions or deputations.

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

Mayor

42.1 The Mayor advised that the Crucible exhibition at Gloucester Cathedral would end on 31 October 2014 and commended it to Members.

42.2 The Mayor thanked Members for their attendance at the Annual Civic Service on 21 September 2014 and praised students from Fieldcourt Infant School and High School for Girls, and Scouts and Guides from the City for their participation.

42.3 The Mayor congratulated Councillor Hobbs and his partner on the birth of their daughter.

Chair of Overview & Scrutiny

42.4 Councillor Lugg invited all Members to attend a special meeting of the Overview & Scrutiny Committee on 13 October 2014, which would be a question time event involving educational institutions from within the City.

43. SUSPENSION OF COUNCIL PROCEDURE RULES

43.1 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) –

43.2 **RESOLVED** - That Council Procedure Rules be suspended to allow the relevant officers to address the Council in respect of agenda item 8 (Housing Futures – Outcome of Tenant Ballot on Housing Transfer).

44. HOUSING FUTURES - OUTCOME OF TENANT BALLOT ON HOUSING TRANSFER

44.1 The Council considered a report of the Cabinet Member for Housing, Health and Leisure concerning the outcome of the tenant ballot on the housing stock transfer.

44.2 Councillor Organ (Cabinet Member for Housing, Health and Leisure) moved the recommendation set out in the report and reported that 89.1% of the tenants who voted in the ballot voted in favour of transferring the Council's housing stock to Gloucester City Homes. He stated that the outcome represented a clear mandate to proceed with the transfer, which would enable Gloucester City Homes (GCH) to access funding to invest in homes and safeguard the City's housing stock for many years to come. He explained that it was anticipated that the deal would be finalised in the Spring of 2015. He extended his gratitude to all of those involved, including Councillors from all parties, the Housing Futures Tenants Group, the Tenant Participation Advisory Service (TPAS), the Electoral Reform Society, officers from the Council and GCH, external consultants, and housing tenants and leaseholders.

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- 44.3 Councillor James seconded the motion.
- 44.4 Councillor Hilton (Leader of the Liberal Democrat Group) welcomed the clear and decisive outcome of the ballot. He emphasised the importance of involving Members in mapping the land to be transferred and requested that maps be provided as soon as possible.
- 44.5 Councillor Haigh (Leader of the Labour Group) welcomed the result and echoed the thanks to all involved, especially the Housing Futures Tenants Group. She stated that she was confident that the Council's relationship with GCH would continue after the transfer for the benefit of tenants and the City.
- 44.6 Councillor Smith stated that she was proud of the level of knowledge and participation shown by the Council's tenants and noted that without their dedication the outcome may not have been as decisive.
- 44.7 Councillor James endorsed the thanks given to all involved and added his thanks to Councillor Organ and Councillor Gravells as the current and former Cabinet Members responsible for housing, and to the City's MP, Richard Graham, for securing the debt write-off. He welcomed the cross-party consensus achieved throughout the process and looked forward to moving to the next stage.
- 44.8 Councillor Organ advised that the Land Sub Group were working on the fine details of the land transfer and that all land would be mapped and shared with Members prior to transfer.
- 44.9 **RESOLVED –**
- (1) That the positive result of the tenants' ballot in respect of the proposed transfer to Gloucester City Homes be noted and a Stage 3 statutory notice be served on tenants informing them of the result and explaining their right to make representations to the Secretary of State for Communities and Local Government.
 - (2) That negotiation on the detailed terms of the proposed transfer to Gloucester City Homes should proceed. The Council's final approval of the terms of the transfer will be sought before the transfer takes place.
 - (3) That an application be made to the Secretary of State for Communities and Local Government for all necessary statutory consents in respect of the proposed transfer at the appropriate time. Completion of the transfer will be subject to the required consents being received.
 - (4) That officers be authorised to take any steps necessary on behalf of the Council to enable Gloucester City Homes to be converted as soon as possible to a Community Benefit Society (previously known as an Industrial & Provident Society) and support its registration as a registered provider of social housing with charitable objects.

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- (5) That authority be given to the Council's Head of Paid Service in consultation with the Leader of the Council and the Cabinet Member for Housing, Health & Leisure to consider and resolve all matters on behalf of the Council in relation to the proposed transfer to Gloucester City Homes subject to the Council's final approval of the terms of the transfer.

45. COUNCIL PLAN ACHIEVEMENTS 2011-14

- 45.1 The Council considered a report of the Leader of the Council concerning highlights of the achievements towards the key priorities of the Council Plan 2011-2014 *Transforming Your City*.
- 45.2 Councillor James moved the recommendation set out in the report. He noted that the Council Plan had covered a challenging period of time for local government, but that the Council had achieved a significant amount, including progress on regeneration, reduction in crime, securing funding for various projects, improvements to the museums service and an extensive programmes of events, in addition to making significant savings and freezing the level of Council Tax. He noted that some targets had not yet been met, but that the Council could be proud of its achievements.
- 45.3 Councillor Norman (Cabinet Member for Performance and Resources) seconded the motion. He stated that the achievements under the last Council Plan were clear and that he looked forward to realising the ambitions in the new Council Plan
- 45.4 **RESOLVED** – That the report be noted.

46. COMPLAINTS POLICY

- 46.1 The Council considered a report of the Cabinet Member for Communities and Neighbourhoods concerning the corporate Complaints Policy.
- 46.2 Councillor Dallimore moved the recommendation in the report. She advised that the complaints policy, along with the many compliments received, was essential to the monitoring customer feedback and ensuring that the service provided was continuously reviewed and improved.
- 46.3 Councillor James seconded the motion.
- 46.4 Councillor Haigh requested that the documentation be amended to make it clear that the equalities information would be recorded and stored separately from the complaint to ensure that members of the public were not discouraged from complaining.
- 46.5 Councillor Dallimore agreed to amend the wording on the form.
- 46.6 **RESOLVED** – That the Complaints Policy at Appendix 1 be approved.

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47. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) SIX MONTHLY REPORT

- 47.1 The Council considered a report of the Cabinet Member for Performance and Resources concerning the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).
- 47.2 Councillor Norman moved the recommendations in the report and advised that the Council has not used its RIPA powers since the last report to Members.
- 47.3 Councillor James seconded the motion.
- 47.4 **RESOLVED** - That the contents of the report be noted.

48. BOUNDARY REVIEW - PROPOSED WARDING PATTERNS

- 48.1 The Council considered a report of the Head of Legal and Policy Development concerning the proposals of the Boundary Review Working Group (BRWG) on warding patterns for submission to the Local Government Boundary Commission for England (LGBCE).
- 48.2 Councillor Haigh moved the recommendation set out in the report. She reported that the BRWG had agreed proposals for 8 wards and several principles for other wards that would be submitted to the LGBCE. She advised that individual political parties would submit their own proposals for the other wards and the LGBCE would make their decisions based on evidence from a number of sources.
- 48.3 Councillor Hilton seconded the motion.
- 48.4 Councillor Tracey stated that Westgate ward should have three Members representing constituents and that Hempsted should not be split into a separate community.
- 48.5 Councillor Chatterton noted a number of factual errors in the proposed evidence and requested that all errors be corrected before the documentation was submitted to the LGBCE.
- 48.6 Councillor Hilton advised that the timetable for the review had meant that it had not been possible to achieve a consensus on all wards, but that there was some agreement between Parties on other areas. He stated that Matson should be a three Member ward, with a single Member ward for Coney Hill and a separate single Member ward for Hempsted. He commended the BRWG for achieving a substantial amount of agreement in challenging circumstances.
- 48.7 Councillor Porter spoke in favour of a three Member ward for Westgate.
- 48.8 Councillor Pullen raised concerns about the possibility of moving the Linden area into Podsmead as the community had stronger links with Moreland.
- 48.9 Councillor Dallimore stated that there was significant community cohesion between Linden and Podsmead, with both schools and transport links being shared.

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- 48.10 Councillor Toleman stated that Hempsted should not be separated from Westgate ward and that the new ward should have three Members.
- 48.11 Councillor Haigh thanked Duncan May and Sue Mullins for their support to the BRWG and requested that Members informed officers about any factual errors in the proposed submission as soon possible.
- 48.12 **RESOLVED** – that, subject to the amendment of any factual errors, the draft Warding Proposal map at Appendix 1 and the Evidence in support of Warding proposals at Appendix 2 be approved for submission to the Local Government Boundary Commission for England.

49. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)

Written questions to Cabinet Members

- 49a.1 As a supplementary question to her written question Councillor Haigh asked the Leader of the Council and Cabinet Member for Regeneration and Culture whether he would be working on making Gloucester Carnival more inclusive.
- 49a.2 Councillor James advised that he would carefully consider the concerns raised and advised there were no plans to limit freedom of speech or expression, but that ensuring contributions were in the spirit of the event was the main priority.
- 49a.3 As a supplementary question to her written question Councillor Haigh asked the Cabinet Member for Housing, Health and Leisure if the Council would register the locations of its own defibrillator devices and encourage other organisations to do the same.
- 49a.4 Councillor Organ stated that an increasing number of organisations had defibrillators on site and that the British Heart Foundation was working with others to put together an up to date register.
- 49a.5 As a supplementary question to his written question Councillor Hansdot asked the Cabinet Member for Housing, Health and Leisure what steps the Council was taking to identify HMOs.
- 49a.6 Councillor Organ explained that the Council was required to keep a list of licensed HMOs only, but that he was aware that there were a number of other types of HMOs in Barton and Tredworth ward, a number of which were unlicensed. He advised that enforcement action was taken in the case of unlicensed HMOs and that an Overview and Scrutiny Task and Finish Group would be looking at the issue.
- 49a.7 As a supplementary question to his written question Councillor Hansdot asked the Cabinet Member for Environment if the trade waste scheme could be extended to include Barton Street.

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- 49a.8 Councillor Porter advised that it was necessary to see how the scheme would work in the Gate Streets before considering any extensions, but that the inclusion of Barton Street would be reviewed in the future.
- 49a.9 As a supplementary question to his written question Councillor Gravells asked the Leader of the Council and Cabinet Member for Regeneration and Culture if he would do all he could to ensure that the review of the Assets of Community Value policy was completed within one month.
- 49a.10 Councillor James undertook to ask officers to complete the review as quickly as possible.
- 49a.11 **RESOLVED** – That the written questions submitted and corresponding responses be noted.

Leader and Cabinet Members' Question Time

- 49b.1 Councillor Hilton asked the Leader of the Council and Cabinet Member for Regeneration and Culture how many of the key regeneration sites identified by the Council and the City MP would be delivered on prior to the Rugby World Cup in 2015
- 49b.2 Councillor James explained that the 'hit list' contained sites with a range of different challenges and at different stages on development; the progress achievable by 2015 would vary from site to site, but a number would be completed. He stated that it was important to use the Rugby World as a lever to attract investment, but that regeneration for the good of the whole City was the long term priority.
- 49b.3 Councillor Hilton asked how the City MP would contribute to the regeneration of the City.
- 49b.4 Councillor James advised the City MP took a significant interest in regeneration and would continue to work with the Council to meet the challenges presented. He stated that both the economy and property prices were recovering and that this would contribute to delivering on major and minor schemes.
- 49b.5 Councillor Haigh asked the Leader of the Council and Cabinet Member for Regeneration and Culture what acting up arrangements had been put in place while the Head of Paid Service would be away on holiday.
- 49b.6 Councillor James advised that the Council would ensure appropriate interim arrangements were in place including acting up responsibilities and support from the County Council.
- 49b.7 Councillor Haigh asked when Members would be informed of the arrangements.
- 49b.8 Councillor James stated that the plans were well advanced and that Members would be informed shortly.

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- 49b.9 Councillor Hilton asked the Leader of the Council and Cabinet Member for Regeneration and Culture for an assurance that there would be no ban imposed on the involvement of political and religious groups in Gloucester Carnival and the Gloucester Day Parade.
- 49b.10 Councillor James stated that in respect of the Carnival, the Council had no intention of banning any groups. He stated that it was difficult to provide rules to cover every eventuality, but that individual groups should consider whether their contributions were in the spirit of the event. He advised the Council was not the organiser of the Gloucester Day Parade.
- 49b.11 Councillor Haigh asked the Cabinet Member for Communities and Neighbourhoods how long residents should expect to wait for a call to the Council's '396396' number to be answered.
- 49b.12 Councillor Dallimore acknowledged the waiting times increase during peak times and undertook to provide Councillor Haigh with up to date performance data.
- 49b.13 Councillor Haigh asked whether the Council would consider introducing a call back facility for callers waiting for longer than a specified amount of time.
- 49b.14 Councillor Dallimore stated that she was not aware that there was a problem with the call waiting times and that a call back facility was not necessary. She advised that there were a number of ways for individuals to contact the Council and that additional staff were brought in to the Contact Centre during peak times.
- 49b.15 Councillor Wilson asked the Cabinet Member for Environment to provide details of the archaeological excavation taking place in Hucclecote ward, including any proposals to sell off the land in question.
- 49b.16 Councillor Porter advised that he had not been made aware of the work being carried out and would report back to Councillor Wilson after the meeting.
- 49b.17 Councillor Williams asked the Leader of the Council and Cabinet Member for Regeneration and Culture if he welcomed the news of the relocation of a number of jobs to the Pillar and Lucy Warehouse.
- 49b.18 Councillor James welcomed the announcement and noted that the jobs were high value positions. He stated that the news added to the growing feeling that Gloucester was an attractive location for businesses.
- 49b.19 Councillor Brown asked the Cabinet Member for Communities and Neighbourhoods to explain the reasons for the delay to the upgrade of CCTV equipment at the Bearland control centre.
- 49b.20 Councillor Dallimore advised that the delay was largely due to the election of the new Police and Crime Commissioner who had taken the decision to relocate the CCTV control room. As a result the Council was in discussion about a joint procurement exercise with Cheltenham Borough Council, which was likely to deliver some financial savings and could also deliver proposals for free wifi in the

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City centre. It was anticipated that the procurement would be concluded by 1 April 2015.

- 49b.21 Councillor Chatterton asked the Leader of the Council and Cabinet Member for Regeneration and Culture why 9 out of the 10 street lights on Eastgate Street were not working and how quickly they would be repaired.
- 49b.22 Councillor James noted that street lights were the responsibility of the County Council and suggested that every individual had a duty to report problems to the relevant authority so that action could be taken swiftly.
- 49b.23 Councillor Toleman asked the Leader of the Council and Cabinet Member for Regeneration and Culture if he welcomed the announcement that Gloucester had been named as the second fastest growing retail destination in the country.
- 49b.24 Councillor James stated that he welcomed the news and noted that the City had climbed 26 places in the ranking. He explained that it was important to understand the complete message and that the positive news should be used to attract new retailers to the City.
- 49b.25 Councillor Gilson asked the Leader of the Council and Cabinet Member for Regeneration and Culture why Marketing Gloucester were being prevented from erecting Rugby World Cup promotional banner by Council conservation officers.
- 49b.26 Councillor James advised that discussions had taken place about what level of display was appropriate and Council officers had taken a cautious approach. He stated that conversations would take place around the appropriate dressing of the City in advance of and during the tournament.
- 49b.27 Councillor Gilson asked whether the banner brackets would be used to advertise others events.
- 49b.28 Councillor James confirmed that the Council had secured a deal with the bracket supplier for repeated use.
- 49b.29 Councillor Ravenhill asked the Leader of the Council and Cabinet Member for Regeneration and Culture for update on works being carried out on St Michael's Tower.
- 49b.30 Councillor James reported that the scaffolding was due to come down on 6 October 2014 and that the work had been completed on time and on budget. He added that it demonstrated the importance placed upon the Council's ownership of historic buildings.
- 49b.31 Councillor Randle asked the Leader of the Council and Cabinet Member for Regeneration and Culture if he agreed that the City's cultural offering was to be commended.
- 49b.32 Councillor James stated that the City's cultural offering was impressive, with a packed programme of events and the Arts Commission keen to invest.

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- 49b.33 Councillor Randle asked whether art created during the Paint Jam event would be displayed on empty shops.
- 49b.34 Councillor James advised that he was keen for art to be displayed in appropriate places and that Marketing Gloucester would be assisting with this.
- 49b.35 Councillor Lewis asked the Leader of the Council and Cabinet Member for Regeneration and Culture if he welcomed the news that unemployment in the City was in a sustained downward trend.
- 49b.36 Councillor James welcomed the news and emphasised the importance of ensuring that people could access the training required to meet the needs of employers in the City and that the Council would continue to work with the Local Economic Partnership on such objectives.
- 49b.37 Councillor Field asked the Leader of the Council and Cabinet Member for Regeneration and Culture what specific action was proposed to bring Tanners Hall and the former Trident Life Building back into use.
- 49b.38 Councillor James advised that the current position in respect of Tanners Hall was being established; consents were agreed, but not implemented and a sale had not been achieved to date. He reported that restructuring work had been taking place at the former Trident Life Building and that he hoped some progress would now be made; he noted that an interest in converting the property had been expressed. He undertook to keep Councillor Field updated in respect on both buildings.
- 49b.39 Councillor Beeley asked the Leader of the Council and Cabinet Member for Regeneration and Culture for an update on the disused public conveniences in Hucclecote ward.
- 49b.40 Councillor James undertook to obtain an update on the latest position from Asset Management.
- 49b.41 Councillor Patel asked the Leader of the Council and Cabinet Member for Regeneration and Culture if he agreed that there was a growing level of confidence in the City as a result of the number of new businesses opening in Barton Street and the City Centre.
- 49b.42 Councillor James welcomed the opening of new businesses in the City and in Barton Street, which was a clear indication of confidence in the City, and praised the Economic Development team for their work on encourage businesses to come to Gloucester.
- 49b.43 Councillor Smith asked the Cabinet Member for Communities and Neighbourhoods who was monitoring the key performance indicators in respect of calls to revenues and benefits and calls to customer services, and whether there had been any recent improvements in performance.

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- 49b.44 Councillor Dallimore advised that the relevant officers continued to monitor the performance of these services and she undertook to provide Members with recent performance data.
- 49b.45 Councillor Pullen asked the Cabinet Member for Communities and Neighbourhoods for an update on spend from the Members' Allocation Fund and details of how it was being monitored.
- 49b.46 Councillor Dallimore reported that take up had so far been very limited and she encouraged Members to take advantage of the funding available to them to support projects in their wards. She advised that the Community Engagement team were responsible for monitoring use of the fund and would ensure that it was spent appropriately.

50. NOTICES OF MOTION

(1) Notice of Motion from the Labour Group

- 50.1 Councillor Haigh advised that the motion had been withdrawn.

(2) Notice of Motion from the Labour Group

- 50.2 Moved by Councillor Haigh and seconded by Councillor Lugg:

“Following the result of the Scottish Independence Referendum there is the question of what this means for England. England is the most centralised Country within the UK and that is not healthy for local economies and prosperity. The Core Cities (eg. Manchester and Birmingham) have stated their intent to seek more powers and control of their own resources to build powerful local economies. For Gloucester, we must find ways of working with our neighbours to bring the same benefits of such devolution and cooperation to our own residents whilst at the same time retaining what is distinctive and important to our City.

Local Councils are far more trusted than Central Government, we live and work in the places we represent, from the supermarket to the doorstep we meet our constituents every day.

This Council asks the Leader to talk to other Districts and the County Council and to establish a cross party and cross authority Leaders summit to discuss what this means for Gloucester and how we can secure the benefits of devolution within England.”

- 50.3 Councillor Hilton moved an amendment.

- 50.4 Councillor Haigh accepted the amendment:

“Following the result of the Scottish Independence Referendum there is the question of what this means for England. England is the most centralised Country within the UK and that is not healthy for local economies and prosperity. **This Council records its best wishes and thanks to the people of Scotland for voting to keep the union of Great Britain and Northern Ireland together.**

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This Council notes that ~~the~~ Core Cities (eg. Manchester and Birmingham) have stated their intent to seek more powers and control of their own resources to build powerful local economies. For Gloucester, we must find ways of working with our neighbours to bring the same benefits of such devolution and cooperation to our own residents whilst at the same time retaining what is distinctive and important to our City.

Local Councils are far more trusted than Central Government, we live and work in the places we represent, from the supermarket to the doorstep we meet our constituents every day.

This Council asks the Leader to talk to other Districts and the County Council **Leaders** ~~and to establish a cross party and cross authority Leaders summit~~ to discuss what this means for Gloucester and how we can secure the benefits of devolution within England.

This Council notes the LGA's view is that a constitutional convention should be established to consider how powers could be devolved in England, and requests that the Council considers and comments on the consequential impact this may have on the city of Gloucester and the county of Gloucestershire."

50.5 The motion, as amended, was put to the vote and was carried.

(3) Notice of Motion from the Labour Group

50.6 Moved by Councillor Chatterton and seconded by Councillor Haigh:

"This Council believes that the experimental Shared Space at Kimbrose Triangle has not proved successful and presents a danger to pedestrians and motorists alike, and resolves to make a submission to the current consultation being carried by Gloucestershire County Council urging the reinstatement of a pedestrian crossing."

50.7 Councillor James moved an amendment.

50.8 Councillor Chatterton accepted the amendment:

"This Council ~~believes~~ **acknowledges** that the experimental Shared Space at Kimbrose Triangle ~~has not proved successful and presents a danger to~~ **is still a source of concern for** pedestrians, **particularly the visually-impaired**, and motorists alike, and resolves to make a submission to the current consultation being carried by Gloucestershire County Council urging ~~the reinstatement of a pedestrian crossing~~ **further works to be undertaken to improve safety at this location."**

50.9 The motion, as amended, was put to the vote and was carried.

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51. EXCLUSION OF PRESS AND PUBLIC

51.1 Moved by Councillor James and seconded by Councillor Dallimore –

51.2 **RESOLVED** 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 these items there will be disclosure to them of exempt information as defined in Schedule 12A of the Local Government Act 1972 as amended.

Minute No.

Description of Exempt Information

52

Paragraph 1: information relating to any individual;

and

Paragraph 3: information relating to the financial or business affairs of any particular person (including the Authority holding that information).

and

Paragraph 5: information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

52. EXEMPT MINUTES

52.1 **RESOLVED** – That the exempt minutes of the Council meeting held on 17 July 2014 be approved and signed by the Mayor as a correct record.

Time of commencement: 19:00 hours

Time of conclusion: 21:55 hours

Chair

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Gloucester City Council

Meeting:	Council	Date:	20 November 2014
Subject:	Joint Proposal for a shared Managing Director & Commissioning Director for Gloucester City Council & Gloucestershire County Council		
Report Of:	Joint report of the Leaders of the City Council & Gloucestershire County Council		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officers:	Martin Shields, Corporate Director of Services and Neighbourhoods, Gloucester City Council		
	Email: martin.shields@gloucester.gov.uk	Tel: 39-6745	
	Pete Bungard, Chief Executive, Gloucestershire County Council		
	Email: peter.bungard@gloucestershire.gov.uk	Tel: 42-5875	
Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To seek approval of Full Council to appoint a Managing Director for the City Council and a Commissioning Director for the County Council to deliver a new concept of joint working between the two organisations.

2.0 Recommendations

- 2.1 Council is asked to **RESOLVE** that:

- (1) The post of Managing Director for the City Council and Commissioning Director for the County Council to be advertised and recruited to.
- (2) The Head of Paid Service role for the City Council to be assigned to the Managing Director role from the date of appointment.
- (3) Both roles be shared equally (18.5hrs per week).
- (4) Gloucester City Council be the employing authority.
- (5) All costs associated with the roles to be split equally between both organisations, now and in the future.

3.0 Background and Key Issues

- 3.1 Following the departure of Gloucester City Council's CEO in March 2014 and the departure of the Corporate Director of Resources in June 2014, options have been considered by the City Council regarding the future structure of the Senior Management Team.
- 3.2 A replacement for the Corporate Director of Resources is pending and this approach has been supported by Members of all Political Parties. The appointment to this post clearly fits with the recommendations of the LGA Peer Challenge team, regarding consistency of leadership and stability within the organisation.
- 3.3 Following Gloucester City Council's Peer Challenge in Dec 2013, transformational change was identified as a key priority for the Council moving forward. The City Council has a proven track record in this area, for example, using innovative contracts with the private sector (The Gloucester Model) and the move towards shared services. However, there is still much to do both in terms of service redesigns, efficiency gains, value for money and further partnership contracts and joint arrangements that could be delivered with more resilience at the most senior level of the organisation.
- 3.4 Members will be aware that the City Council has a statutory duty under Section 4, Local Government and Housing Act 1989 to designate a Head of Paid Service.
- 3.5 This role has a duty, where they consider it appropriate to do so, to prepare a report to the Council setting out their proposals in respect of any of the following matters:
- The manner in which the discharge of the different functions of the Council is co-ordinated
 - The number and grades of staff required by the Council for the discharge of its functions
 - The organisation of the Council's staff and;
 - The appointment and proper management of the Council's staff.
- 3.6 Following the deletion of the Chief Executive Post (as agreed by Organisational Development Committee on 24 March 2014) it was agreed by Council in June 2014 that the statutory Head of Paid Service role became the responsibility of the Corporate Director for Services & Neighbourhoods.
- 3.7 With the departure of 2 key senior roles within the City Council it is clear that a sustainable and resilient structure is required. The LGA have helpfully facilitated discussions between the City Council and County Council political leaders and Senior Officers and a preferred option has emerged from these discussions. The LGA have confirmed that they are keen to work closely with both councils to identify the right structure to enable the approach to succeed. This support will include helping to develop success criteria and to review the arrangements to ensure that there is senior officer capacity in place for both the short – medium and longer term.

4.0 Preferred Option

- 4.1 Both the City Council and County Council have a strong desire to improve services whilst reducing costs, removing duplication and directing resources to the areas of greatest need. Talks have been on-going for some time regarding the benefits of

sharing services and being creative in our thinking. Back in 2011 'Project Fusion' was launched to explore opportunities for Joint Working which led to the successful development of a hosted SAP (payroll system) for the City Council which is delivered by the County Council. Other 'back-office' services are being considered for partnerships and both organisations are open-minded to the use of external contractors to deliver key services.

- 4.2 Staffing structure changes at senior levels in both organisations now brings an opportunity for shared resources which can significantly benefit the residents of the City. The proposal is to appoint a Managing Director for the City Council who also has Commissioning Director responsibility at the County Council. The role would be split equally between both organisations. The MD role would report to the Leader of the City Council and the Commissioning Director role would report to the CEO at Gloucestershire County Council.
- 4.3 This proposal clearly supports the view amongst Members on both Councils that Gloucester City needs to 'punch its weight' and requires a leadership structure that can fulfil this. Also it is widely recognised that the City Council has a clear understanding of community engagement and has the skills to engage with residents at 'grass roots level', something that the County Council sometimes struggles to achieve.
- 4.4 This dual role will also ensure City Council issues and concerns are expressed and heard at the highest levels of the County Council with the ability to ensure that issues are acted upon and delivered in areas of greatest need. A good example of this is the significant bias towards Gloucester City in many of the services offered to vulnerable people e.g. 400 out of 900 families within the 'Families First' project are within Gloucester. This is already leading to a different approach to service provision in the City and a realisation that for demand management to succeed the County Council needs much better connection to locality services and community activity, both of which are specialities of the City Council.
- 4.5 Whilst it may be too early to really judge the interim management structure within the City Council, a two Director structure is by any definition very thin, and it has been recognised that there is a need to build resilience. Perhaps the current situation of one of the posts being vacant demonstrates the vulnerability to such a model. However, the City Council needs to show on-going financial savings, and the departure of the previous Chief Executive was partly justified on the basis of affordability. It is therefore suggested that some replacement capacity and capability for officer leadership is necessary, but needs to be affordable.
- 4.6 The County Council's challenge is quite different, needing to enhance capacity and capability at the local level to deliver savings relating to a demand management approach. This could be achieved at arm's length through partnership working, and indeed this has been tried in the past, but often found lacking. Given the geographical bias towards Gloucester City, particularly for services to vulnerable people and families, the County Council can justify Commissioning Director investment in the Gloucester City area.

5.0 Alternative Options Considered

- 5.1 At the Council Meeting on 27th March 2014, Members requested a review of the senior management arrangements of the City Council after a six month trial period of the two Director model. However, following the departure of the Corporate Director of Resources succession arrangements need to be put in place sooner rather than later.
- 5.2 Continuing with the two Director model and not progressing with this proposal is an option. However, this does not address the issues of capacity or resilience. The absence of a Director for any significant length of time causes operational concerns and leaves the senior management of the organization at risk. Linked to this, the “first amongst equals” approach where one Director takes on the Head of Paid Service role on a permanent basis does nothing to address the concerns stated above.
- 5.3 Sharing a Chief Executive with another District is not considered to be a viable option at this time. Gloucester is unique in its demography, issues and needs when compared to the other Districts in the County. The recent appointment of the Head of Regeneration coupled with the consultancy expertise that exists within the organisation means that the Council is well resourced with expertise around the regeneration agenda and other large scale strategic projects, such as the stock transfer to Gloucester City Homes. In addition, support can be brought in as and when required to support Cabinet and officers. Sharing senior officer roles would undoubtedly produce savings but any partner District is likely to expect to be reimbursed for their Chief Executive or Senior Management Teams time and may not provide the level of input required to make any significant impact.
- 5.4 It is also worth noting that the traditional CEO role is not what is required for the City Council. The two Corporate Directors are able to manage the organisation on a day to day basis and ensure that the Council’s priorities are delivered to a high quality and within budget. This new role is very much a strategic one as well as being a figure-head for the City Council with real influencing powers over services administered by the County Council and delivered in the City boundary. This effectively, provides a voice for both organisations at the ‘top table’ of discussions.
- 5.5 Some Councils have adopted an approach to senior management where they have a full time leader who is paid enhanced allowances to reflect the additional time and workload placed upon them. Any decision to progress this would need to be considered by the Allowances Panel, but there are no plans to progress this option at this time.
- 5.6 Within these new proposals it is still intended to appoint a second Director at the City Council to address the concerns about resilience mentioned earlier in the report. However, given that the City Council is looking at a range of partnering and outsourcing arrangements for ‘back office’ functions it will be necessary to identify the key tasks to be undertaken by this role as the new structure evolves.
- 5.7 In the meantime, support will continue to be offered by the Deputy Chief Executive of the County Council, Peter Jones, who has a clear understanding of the support required in the current situation and has a wide range of knowledge that can assist officers at the City Council whilst the new structure takes shape.

6.0 Reasons for Recommendations

- 6.1 With the staffing changes taking place in both organisations there is a unique opportunity to pool resources, build on collaborative working, provide resilience, address the issues set out in the Peer Challenge report and provide an organisational figure-head for the City Council.

7.0 Future Work and Conclusions

- 7.1 Reporting lines and governance arrangements will need to be clearly laid down to ensure that both organisations get an equal benefit from the joint role and that Members of both Councils have an opportunity to scrutinise the new arrangements.
- 7.2 The on-going support offered to both Council's by the LGA will continue to be taken up, to ensure a perspective is maintained for both the short-medium and longer term.

8.0 Financial Implications

- 8.1 There will be costs associated with sharing the roles described as both organisations will bear an equal share of any costs, now or in the future. Until the salary and other associated costs have been established it is unclear as to how much of the Budget saving for 2014/15 will be achieved (The Senior Management Team saving identified within the Money Plan and Budget 2014/15, Budget Savings Narrative, appendix 3, is £100,000). Any shortfall in savings will have to be found from elsewhere within the senior management team or from across the wider organisation.
- 8.2 Just for the purposes of financial planning, it is suggested that we work on an assumption of a £110k post, plus employment on-costs, shared exactly 50/50 between the two councils on which basis the proposed salary can be accommodated in both council's pay structures. In terms of comparable pay there are very few roles to compare. The LGA have looked at senior managers pay in the region for district chief executives and county council directors. They have taken into consideration the current climate of austerity, the uniqueness of the post and the skills that will be required to deliver the role effectively and support the proposed salary in order to be able to attract a range of suitable candidates.
- 8.3 Additional savings and cost efficiencies will be achieved from across the organisation by driving through shared services with the County Council and other partner organisations.

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

9.0 Legal Implications

- 9.1 The Council has a statutory duty under Section 4 Local Government and Housing Act 1989 to appoint a Head of Paid Service and these arrangements fulfil that duty.

(Legal Services have consulted in the preparation of this report)

10.0 Risk & Opportunity Management Implications

- 10.1 There is a risk that the post holder will not be able to fully deliver the expectations of both roles in 18.5hrs per week.
- 10.2 However, the opportunities outweigh the risks as these new arrangements will bring an organisational figure-head to the City Council, who can offer leadership and direction to staff and allow other Senior Management to focus on delivering the priorities of the Council. The arrangements will continue to be reviewed on an on-going basis through support from the LGA.
- 10.3 This proposition is clearly a new way of working, and it is recommended that the two councils have some form of joint governance and scrutiny arrangements, to review its implementation and ongoing performance on a regular basis. This should include both member and officer perspectives.

11.0 People Impact Assessment (PIA):

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

12.0 Other Corporate Implications

Community Safety

- 12.1 The ability for the post holder to influence the troubled families initiative and other County Council functions would contribute to making Gloucester a safer place.

Sustainability

- 12.2 These arrangements provide resilience for the future and offer direct influence in community focused service delivery.

Staffing & Trade Union

- 12.3 These arrangements will bring stability to staff following a period of change.

Background Documents: None



Meeting:	Cabinet Audit and Governance Committee Council	Date:	12 November 2014 13 November 2014 20 November 2014
Subject:	Regulation of Investigatory Powers Act 2000 (RIPA) – Annual Review of Procedural Guide		
Report Of:	Head of Paid Service		
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		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To request that Members review and update the Council’s procedural guidance on RIPA.

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;
- 2.2 Audit and Governance Committee is asked to **RESOLVE**, subject to any comments the Committee wishes to make, that the proposed changes to the Council’s RIPA Procedural Guide be noted;
- 2.3 Council is asked to **RESOLVE** that 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 2013.

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 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 Following a change in senior management, minor changes to the list of Authorised Officers are proposed, to ensure that there are sufficient numbers of officers within the Council who can authorise RIPA applications.

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

Adopted by Council: XXXX

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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, i.e. 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 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 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 Head of Paid Service 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 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

Head of Paid Service – Martin Shields

Authorising Officers – Directed Surveillance

Corporate Director of Resources

Head of Neighbourhood Services

Head of Regeneration and Economic Development

Authorising Officer – CHIS

Head of Paid Service – Martin Shields

Authorisation Forms

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

<https://www.gov.uk/government/collections/ripa-forms--2>

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:	Constitutional & Electoral Working Group Council	Date:	21 October 2014
			20 November 2014
Subject:	Polling District and Polling Places Review 2014		
Report Of:	Returning Officer		
Wards Affected:	All Wards		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Kirsty Cox, Senior Elections Officer		
	Email: kirsty.cox@gloucester.gov.uk	Tel:	396203
Appendices:	1) Consultation response – Barton and Tredworth 2) Consultation response – Longlevens 3) (A)RO response 4) Extract from the minutes of the Constitutional and Electoral Working Group, 21 October 2014		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To outline the recommendations for Gloucester City Council following the consultation period for the 2014 Polling District and Polling Places Review.

2.0 Recommendations

2.1 Constitutional and Electoral Working Group is asked to note the representations received during the consultation period and, subject to any amendments, **RECOMMEND** to Council that no changes be made to polling districts or polling places.

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

- (1) No changes be made to polling districts or polling places at this time.
- (2) That the Returning Officer's decision to move the polling station for L2 (Kingsway) to Kingsway Community Centre be endorsed.

3.0 Background and Key Issues

3.1 In accordance with the provisions of the Representation of the People act 1983 and Section 16 of the Electoral Administration Act 2006, the Council must undertake a review of the polling districts and polling places within its area every four years. Section 17 of the Electoral Registration and Administration Act 2013 provides that

the next such review must take place in the period of 16 months from the 1st October 2013.

- 3.2 The last review took place in 2011.
- 3.3 It is the Council's responsibility to ensure that all electors have access to a polling station which is considered to be as suitable as possible for voting purposes. The local authority must take measures to ensure that, where possible, polling stations are accessible to disabled electors. Polling stations must be located in the polling district they are serving unless there are special circumstances. It should also be in a location which is easy for electors from all areas of the district to find.
- 3.4 The Council is required to publish any correspondence submitted in respect of this Polling District and Polling Places/Station Review.
- 3.5 The Council must adhere to the following regulations whilst conducting the Polling District and Polling Places/Station Review:
- The authority must publish notice of the holding of a review
 - The authority must consult the (Acting) Returning Officer in a constituency which is wholly or partly in its area
 - The (Acting) Returning Officer must make representations to the local authority which must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed)
 - The local authority must publish the (Acting) Returning Officer's representations within 30 calendar days of receipt, in such manner as is prescribed
 - The authority must seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the returning officer's representations
 - Any elector in a constituency situated in whole or in part of the authority's area may make representations
 - Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places
 - On completion of a review, the authority must give reasons for its decisions in the review and publish such other information as is prescribed.
- 3.6 The consultation period for the review ran from 11 August – 23 September. Details of the consultation were placed on the Council's website and the following were notified directly:
- All Councillors, by post and by email
 - Local contacts for parties who have had nominated candidates at GCC Elections
 - All current polling stations
 - MPs for both Gloucester and Tewkesbury
 - (A)RO for both Gloucester and Tewkesbury
- 3.7 In total two responses were received. The responses are appended to this report and have been published on the Council's website. Comments received are taken into consideration as far as reasonably practicable, along with any comments received in the course of any elections that have taken place.

Polling District H3

- 3.8 The first submission related to the polling station for polling district H3. We considered the location and size of the current polling station and determined that it was big enough to hold the current polling stations assigned to it. This venue has been used for a long time; to date we have had no other complaints and there were not any other representations received during the consultation period concerning this venue. Therefore, our recommendation would be that this station remains unchanged.

Polling District C5

- 3.9 The second submission related to the use of Tredworth Junior School as a polling station for polling district C5 and has been raised repeatedly over a number of years. The School has expressed their view that they do not want the school to be used as a polling station again in future. They feel that the timing of the election is so close to the exam period that it jeopardises the children's performance and is disruptive to their routine. Alternative locations have been considered on a number of occasions; however, the options in this polling district remain limited. St Paul's Church is a large church at the end of Tredworth Road and is likely to have a hall which would be suitable for use, however, it sits outside the boundary for polling district C5 and the distance for electors to travel could be considered to be too far; Parry Hall could also be considered, but it is also further for electors to walk and is outside of the Ward. There is a church building situated directly adjacent to the school which would make a very good alternative, however, we have been informed a number of times that we would not be allowed to use this building. The ward Councillors for Barton and Tredworth have been consulted directly on this issue and their views were that it should either remain at Tredworth School or possibly consider moving it to Hatherley of St James Schools instead.
- 3.10 For these reasons it is recommended that the polling station remains at Tredworth School.

Polling District L2A

- 3.11 During the elections in May 2014 comments were received regarding disabled access to the polling station for polling district L2A. Following inspection it is proposed that a ramp be provided at this polling station.

4.0 Alternative Options Considered

- 4.1 There are no alternative options. A review is required by legislation.

5.0 Reasons for Recommendations

- 5.1 The current polling stations are considered to be in good locations for the majority of electors and are fit for purpose.

6.0 Future Work and Conclusions

- 6.1 It is proposed that, following consideration of the representations received, no changes be made to polling districts or polling places in the Gloucester City voting area at this time.
- 6.2 The Council will formally publish its final report on the Review of Parliamentary Polling Districts and Places within the Gloucester Constituency on 24 November 2014.
- 6.3 The next review must be conducted by 1 December 2020, as required by the Electoral Administration Act 2006 (subject to any necessary changes following possible amendments to the City Council boundaries).

7.0 Financial Implications

- 7.1 Changes to polling stations may result in a small increase or decrease in costs, which will be covered by existing budgets; however, as no changes are proposed, there are no financial implications arising from this report.

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

8.0 Legal Implications

- 8.1 Any changes made to the location of a polling station must adhere to the following rules:
- (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled;
 - (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place;
 - (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate any area wholly or partly outside the district;
 - (e) the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.

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

9.0 Risk & Opportunity Management Implications

- 9.1 There are no risk management implications resulting from this report.

10.0 People Impact Assessment (PIA):

- 10.1 As part of the review process, local authorities must have regard to accessibility issues and must take measures to ensure that, where possible, polling stations are accessible to disabled electors.
- 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 There are no community safety implications resulting from this report.

Sustainability

- 11.2 There are no sustainability implications resulting from this report.

Staffing & Trade Union

- 11.3 There are no issues relating to trade unions arising from this report.

Background Documents: None

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Appendix 1



Tredworth Junior School

Tredworth Road, Gloucester GL1 4QG

Telephone: (01452) 524578

Fax: (01452) 387843

e-mail: finance@tredworth-jun.gloucs.sch.uk

website: www.tredworth-jun.gloucs.sch.uk

Headteacher

Andrew Darby BEd (Hons)

18 September 2014

Gloucester City Council
Herbert Warehouse
Gloucester Docks
Gloucester
GL1 2EQ

Dear

Polling Station

As previously advised we would welcome your assistance in not using the school as a polling station.

By closing the school for polling the education of our pupils is disrupted and many of them are deprived of the free school meal they are entitled to.

There must be some other premises in our area that would be suitable for use as a polling station.

There are a number of local churches that are not used in the week perhaps they can be approached.

Yours sincerely

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[REDACTED]

From: [REDACTED]
Sent: 22 September 2014 17:38
To: Elections
Cc: [REDACTED]
Subject: Polling district review 2014 - Longlevens

Longlevens : H3 Polling District

Although my own polling station in Longlevens Ward is adequate in terms of nearness to the actual district which polls there (H1 at Longlevens Rugby Club, Longford Lane), my experience as a candidate for both county and city council elections in Longlevens in recent years suggests to me that the polling station for those in H3 polling district (the area around Greyhound Gardens) is nothing like as near to that district, as it is in the church hall in Church Road, Longlevens. Most voters in H3 who have not opted for postal voting will probably use a car to get them to the church hall, but there will be some, like myself, who have no ready access to a car. They are left with quite a walk from Greyhound Gardens, or the goodwill of a neighbour who has a car and is going that way. I believe this could easily discourage those who are not committed voters from exercising their democratic right. There is also the question of overloading: fully one half of the polling districts in Longlevens (3 out of 6) use the church hall as their polling station. In the lower turn-outs for local elections and with turn-outs of 60-70% for parliamentary elections this may not be a problem, but if we should ever reach the dizzying heights of 85-90% turn-out seen in the Scottish independence referendum, maybe it could!

Has there ever been an approach to the Greyhound public house in Greyhound Gardens, asking if a polling station could be established in there for polling day? I know that there is at least one such polling station in a licensed public house in Stroud, so the precedent is set. It's just a question of getting the pub owners to agree (which of course they may not, though you could always point out that some voters may be entering their premises for the first time and having seen what it is like, may want to go back later for a drink or meal!).

Regards

[REDACTED]
[REDACTED]

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Review of Polling Districts & Polling Places September 2014

Report of the Acting Returning Officer concerning existing polling arrangements in the Gloucester Constituency.

Ward	Polling District(s)	Station	Comments	Proposals
Abbey	A1, A2, A3	Abbeydale Community Centre, Glevum Way, Gloucester, GL4 4BL	Satisfactory	None
	A4, A5, A5A	Heron Primary School, Heron Way, Gloucester, GL4 4BN	Satisfactory	None
Barnwood	B1	Wotton Hall Club, Barnwood road, GL4 3JS	Satisfactory	None
	B2	St Lawrence Church Centre, 32 Church Lane, Gloucester, GL4 3JB	Satisfactory	None
	B3	The Trefoil Centre, Dinglewell, Hucclecote, Gloucester, GL3 3HS	Satisfactory	None
	B4, B5, B5A, B5B	St Oswalds Church Hall, Coney Hill Road, Gloucester, GL4 4LX	Satisfactory	None
Barton and Tredworth	C1, C3	Colwell Arts Centre, Block B, Colwell School Close, Off Derby Road, Gloucester, GL1 4AD	Satisfactory polling station, however, tellers must remain outside. Limited Parking.	None
	C2	St James C Of E Junior School, Upton Street, Gloucester, GL1 4JU	Satisfactory	None
	C4	Hatherley Infant School, Hatherley Road, Gloucester, GL1 4PW	Satisfactory	None
	C5	Tredworth Junior School, Tredworth Road, Gloucester, GL1 4QG	Satisfactory, however, the school have requested on numerous occasions not to be used.	Alternatives are being considered

Elmbridge	D1, D2	Old Richians R.F.C. Sports & Social Club, Sandyleaze, Gloucester, GL2 0PX	Satisfactory	None
	D3, D4	Methodist Church Hall, Lonsdale Road, Gloucester, GL2 0TA	Satisfactory	None
Grange	E1, E4	Tuffley Community Association, Windsor Drive, Gloucester, GL4 0RS	Satisfactory	None
	E2	Gloucester District Scout H.Q., Murray Hall, Tuffley Lane, Gloucester, GL4 0NU	Satisfactory	None
	E3	St Georges Church Centre, Grange Road, Gloucester, GL4 0PE	Satisfactory	None
Hucclecote	F1, F2	Hillview Primary School, Hillview Road, Gloucester, GL3 3LQ	Satisfactory	None
	F3, F4	Hucclecote Community Centre, Hucclecote Road, Gloucester, GL3 3RT	Satisfactory	None
	F5, F6	Abbeymead Primary School, Mead Road, Gloucester, GL4 5YS	Satisfactory	None
Kingsholm and Wotton	G1, G2, G3	Cathedral View Lounge, Kingsholm Road, GL1 3AX	Satisfactory. Large enough to accommodate 3 polling stations. Adequate parking. Disabled access via lifts.	None
	G4	St Peters Under 5 Nursery, St Peters Primary School, Horton Road, Gloucester, GL1 3PY	Satisfactory	None
Longlevens	H1, H5	Longlevens Rugby Football Club, Longford Lane, Gloucester, GL2 9EU	Satisfactory	None
	H2, H3, H4	Holy Trinity Church Hall, Church Road, Longlevens, Gloucester, GL2 0AJ	Satisfactory	None
	H6	The Gala Club, Fairmile Gardens, Gloucester, GL2 9EB	Satisfactory, however, Tellers must remain outside the building	None

Matson and Robinswood	N1, N5	St Aldates Church, Reservoir Road, Gloucester, GL4 6RW	Satisfactory	None
	N2, N3	The Phoenix Centre, Matson Lane, Gloucester, GL4 6DX	Satisfactory, however, Tellers must remain outside the building	None
	N4	Redwell Centre, Redwell Road, Gloucester, GL4 6JG	Satisfactory	None
Moreland	J1, J1A	St Pauls Primary School, New Street, Gloucester, GL1 5BD	Satisfactory polling station, however, Tellers must remain outside the building. There is an access issue as cars drive past the entrance to the polling station.	None
Page 67	J2, J2A, J3, J3A, J3B, J5, J5A, J6	Linden primary School, Linden Road, Gloucester, GL1 5HU	Satisfactory	None
	J4	Parry Hall, Parry Road, Gloucester, GL1 4RZ	Satisfactory, however, Tellers must remain outside the building	None
Podsmead	K1, K2	Podsmead Community Association, 62 Milton Avenue, Gloucester, GL2 5AS	Satisfactory	None
Quedgeley Fieldcourt	L1, L3, L3A	Quedgeley Community Centre, School Lane, Quedgeley, GL2 4PY	Satisfactory	None
	L2	Kingsway Primary School, Valley Gardens, Kingsway, Gloucester, GL2 2ZZ	Satisfactory, however, Tellers must remain outside	None

	L2A	Quedgeley Village Hall, Bristol Road, GL2 4PE	Satisfactory	Retain arrangement – procure a ramp for disabled access
Quedgeley Severn Vale	M1, M1A, M2	Meadowside School, Elmore Lane East, Quedgeley, GL2 4LX	Satisfactory building, limited parking	None
	M3, M4	Quedgeley Community Centre, School Lane, Quedgeley, GL2 4PY	Satisfactory	None
Tuffley	P1, P2	St Barnabas Parish Hall, Stroud Road, Gloucester, GL1 5LJ	Satisfactory	None
	P3, P4	Court Community Association, Robert Raikes Avenue, Gloucester, GL4 0EB	Satisfactory	None
Westgate	Q1	Hempsted Village Hall, Hempsted Lane, Gloucester, GL2 5JU	Satisfactory, however, Tellers must remain outside the building	None
Page 68	Q2, Q2A	St Mary De Lode Church Hall, Archdeacon Street, Gloucester, GL1 2QT	Satisfactory, however, Tellers must remain outside the building	None
	Q3	Christ Church Hall, Montpellier, Gloucester, GL1 1LF	Satisfactory	None

Comments received from (Acting) Returning Officer Tewkesbury Constituency: There were no comments from the (A)RO for the Tewkesbury Constituency

CONSTITUTIONAL AND ELECTORAL WORKING GROUP

MEETING : Tuesday, 21st October 2014

PRESENT : Cllrs. Noakes, Hilton, Field, Taylor and Chatterton

Officers present

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

Tanya Davies, Democratic and Electoral Services Manager

Kirsty Cox, Senior Electoral Services Officer

Sonia Tucker, Democratic Services Officer

APOLOGIES : Cllrs. Smith

DRAFT MINUTES

4. POLLING DISTRICT AND POLLING STATIONS REVIEW 2014

The Group considered the Returning Officer's statutory review of Polling Districts and Polling Places following the close of the recent consultation exercise.

The Group was informed that two representations had been received as a result of the consultation relating to polling stations in Polling Districts H3 and C5. These representations had been carefully examined, but they had not resulted in any proposals to change the sites of these polling stations.

The Group's attention was drawn to the need for disabled access to a polling station in Polling District L2A. Accordingly, it was proposed to install a ramp at this location.

The Senior Elections Officer advised the Group that since the review had been completed a new community centre had opened at Kingsway (L2) which would be more suitable as a polling station than Kingsway Primary School. For this reason it was proposed to change the location of the polling station at L2 to the new community centre.

Councillor Noakes commented that there were parking problems associated with B3, The Trefoil Centre. The Senior Elections Officer agreed to highlight this in the future.

Councillor Hilton queried the capacity of the Cathedral View Lounge at the Rugby Club (G1, G2, G3) to cope with large turnouts and asked if there was a contingency plan to deal with power outages which could affect the lifts. Councillor Chatterton cautioned that any rugby matches during the week of the election could impact on access to the polling station. The Senior Elections Officer responded that the lifts were independently powered and that contingency plans were already in place to ensure that assistance was available to those electors with special needs in the event of both lifts being affected. However, she would enquire whether the Club had a generator and would also check the match fixtures for the week. The Group

CONSTITUTIONAL AND ELECTORAL WORKING GROUP
21.10.14

was advised that the Cathedral View Lounge was the best location in that area and that local schools were not suitable.

The Democratic and Electoral Services Manager confirmed that the Group was being asked to recommend that no changes be made to polling districts or polling places at this time. She reminded the Group that changes to polling stations could be considered at any time.

RESOLVED TO RECOMMEND TO COUNCIL -

- (1) That no changes be made to polling districts or polling places at this time.**

- (2) That the Returning Officer's decision to move the polling station for L2 (Kingsway) to Kingsway Community Centre be endorsed.**

Time of commencement: 18:00 hours

Time of conclusion: 18:45 hours

Chair

Agenda Item 12

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

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of the Local Government Act 1972.

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