



**Gloucester
City Council**

Cabinet

Meeting: Wednesday, 12th November 2014 at 6.00 pm hours in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. James (Leader of the Council and Cabinet Member for Regeneration and Culture) (Chair), Dallimore (Deputy Leader and Cabinet Member for Communities and Neighbourhoods), Norman (Cabinet Member for Performance and Resources), Organ (Cabinet Member for Housing, Health and Leisure) and Porter (Cabinet Member for Environment)
Contact:	Anthony Hughes Democratic Services Officer 01452 396127 anthony.hughes@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	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.
3.	MINUTES (Pages 7 - 12) To approve as a correct record the minutes of the meeting held on 15 October 2014.
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: <ul style="list-style-type: none"> • 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

<p>5.</p>	<p>PETITIONS AND DEPUTATIONS (15 MINUTES)</p> <p>To receive any petitions or deputations provided that no such petition or deputation is in relation to:</p> <ul style="list-style-type: none"> • Matters relating to individual Council Officers, or • Matters relating to current or pending legal proceedings 						
<p>6.</p>	<p>FLOOD ASSETS REPORT (Pages 13 - 24)</p> <p>To consider a report of the Cabinet Member for Environment concerning the flood alleviation works which have been completed across the City throughout 2013/2014, those that are currently in progress and to outline future planned works.</p>						
<p>7.</p>	<p>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - REVIEW OF PROCEDURAL GUIDE (Pages 25 - 50)</p> <p>To consider a report of the Cabinet Member for Performance and Resources concerning the Annual Review of the Regulation of Investigatory Powers Act 2000 (RIPA) Procedural Guide.</p>						
<p>8.</p>	<p>FINANCIAL MONITORING QUARTER 2 REPORT (Pages 51 - 64)</p> <p>To consider a report of the Cabinet Member for Performance and Resources concerning financial monitoring report details including budget variances, year end forecasts, and progress made against agreed savings targets for the 2nd quarter ended 30th September 2014.</p>						
<p>9.</p>	<p>CITY CENTRE INVESTMENT FUND ALLOCATIONS AND UPDATE (Pages 65 - 76)</p> <p>To consider a report of the Cabinet Member for Regeneration and Culture concerning projects within the City Centre Investment Fund delivery programme.</p>						
<p>10.</p>	<p>THE FUTURE OF THE EASTGATE INDOOR MARKET (Pages 77 - 84)</p> <p>To consider a report of the Cabinet Member for Regeneration and Culture concerning the regeneration of the Indoor Market Hall at the Eastgate Shopping Centre.</p>						
<p>11.</p>	<p>EXCLUSION OF PRESS AND PUBLIC</p> <p>To resolve:-</p> <p>“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”.</p> <table border="0" data-bbox="236 1832 1469 2040"> <thead> <tr> <th data-bbox="236 1832 606 1868">Agenda Item No.</th> <th data-bbox="606 1832 1469 1868">Description of Exempt Information</th> </tr> </thead> <tbody> <tr> <td data-bbox="236 1868 606 1904">12</td> <td data-bbox="606 1868 1469 1904">Paragraph 1: information relating to any individual.</td> </tr> <tr> <td></td> <td data-bbox="606 1939 1469 2040">Paragraph 3: information relating to the financial or business affairs of any particular person (including the Authority holding that information).</td> </tr> </tbody> </table>	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).
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12. UPDATE ON GOVERNANCE ARRANGEMENTS FOR GLOUCESTERSHIRE AIRPORT LIMITED

To consider a report of the Cabinet Member for Regeneration and Culture concerning the governance arrangements for Gloucestershire Airport Limited (report to follow).

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Martin Shields
Corporate Director of Services and Neighbourhoods

Date of Publication: Tuesday, 4 November 2014

NOTES

Disclosable Pecuniary Interests

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

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

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

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For further details and enquiries about this meeting please contact Parvati Diyar, 01452 396192, parvati.diyar@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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- 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;
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CABINET

MEETING : Wednesday, 15th October 2014

PRESENT : Cllrs. James (Chair), Dallimore and Organ

Others in Attendance

Martin Shields, Corporate Director of Services & Neighbourhoods

Sue Mullins, Head of Legal and Policy Development

Ross Cook, Head of Neighbourhood Services

Parvati Diyar, Democratic Services Officers

APOLOGIES : Cllrs. Norman and Porter

30. DECLARATIONS OF INTEREST

There were no declarations.

31. MINUTES

The minutes of the meeting held on 17 September 2014 were confirmed as a correct record and signed by the Chair.

32. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

33. PETITIONS AND DEPUTATIONS (15 MINUTES)

There were no petitions or deputations.

34. ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Cabinet considered a report of the Cabinet Member for Communities and Neighbourhoods which provided an update on the new anti-social behaviour (ASB) tools which would be introduced through the Anti-social Behaviour, Crime and Policing Act 2014. It was noted that a further report would follow which would outline the approach to implementation once the Act had come into force.

Cabinet were informed that the Act would provide simpler and more effective powers to tackle anti-social behaviour that would provide better protection for victims and communities. It was noted that anti-social behaviour had been taken

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seriously in Gloucester and the multi-agency approach to tackling ASB problems through Project Solace was being used.

The Cabinet Member for Communities and Neighbourhoods referred to pages 13 and 14 of the report which contained more information regarding the community trigger.

It was noted that the Act would go live on 20 October 2014.

Cabinet Members welcomed the report and the additions to the Act which highlighted the importance of public safety.

In response to a question from the Cabinet Member for Regeneration and Culture relating to what financial resources would be required, the Cabinet Member for Communities and Neighbourhoods advised that she did not anticipate that the community trigger would be used on a regular basis and therefore this would not have a huge impact on resources. A more detailed report outlining this would follow.

RESOLVED:

That the community trigger is implemented in the city of Gloucester as outlined in paragraphs 3.12 – 3.17.

35. CITY CENTRE CLOSED CIRCUIT TELEVISION SYSTEM - UPDATE REPORT

Cabinet considered a report of the Cabinet Member for Communities and Neighbourhoods which provided an update on the work undertaken following Council's approval on 27 September 2012 of a budget for an upgrade and maintenance programme for the city council's closed circuit television (CCTV) system.

Cabinet were informed that one of the biggest impacts related to location of the CCTV Control Room which would now be based at Waterwells. This would have implications on the progress of the CCTV project as the system would need to be compatible with the new Control Room.

Whilst the proposed CCTV Control Room move had caused delays, it had become apparent that those changes would also affect Cheltenham's operations. Approval had been given for the City Council and Cheltenham Borough Council to undertake a joint tender and work on the project together. This would ensure both systems would be compatible and this would also achieve minimal costs. The introduction of free Wi-Fi would also be explored. It was hoped the CCTV cameras would be installed before the Rugby World Cup.

Cabinet Members welcomed the report and noted that public safety was paramount.

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RESOLVED:

That authority be delegated to the Corporate Director of Services and Neighbourhoods, in consultation with the Cabinet Member for Communities and Neighbourhoods to determine the final detail of the upgrade and maintenance programme, including the potential inclusion of city centre Wi-Fi, based on the technical consultant's recommendations.

36. SUPPORT TO GLOUCESTER CATHEDRAL HLF LOTTERY BID

Cabinet considered a report of the Cabinet Member for Regeneration and Culture updating members on the Council's support in grant funding to the Cathedral's Heritage Lottery Fund (HLF) bid 'Project Pilgrim Phase 1 : the Heart of Gloucester'.

Cabinet were informed that a key objective in the current Council plan was to enhance the role of the Cathedral in the life of the City. Gloucester Cathedral had secured major development funding from the Heritage Lottery Fund (HLF). The Cabinet Member for Regeneration and Culture believed it was reasonable for the City Council to make a contribution to the project from the Regeneration Fund. The Council had already provided funding from the events budget for Crucible 2.

Cabinet Members supported the report which highlighted the need to restore historic buildings. The Cathedral was an iconic building and any enhancements would benefit the economy and tourism of the City.

RESOLVED:

That a grant of £50,000 which had been made to the Cathedral from the Regeneration Fund to support the HLF bid be noted.

37. MICRO-REGENERATION 'HIT-LIST'

Cabinet considered a report of the Cabinet Member for Regeneration and Culture which provided an update on work to bring about the regeneration of various important, mainly city centre, sites and buildings.

Cabinet were informed that it had been planned to target key sites and buildings for regeneration in the run-up to next year's Rugby World Cup. It was intended that this would act as a focus for activity and encourage investment which would provide long term benefit in the city.

The Cabinet Member for Communities and Neighbourhoods referred to the ongoing progress to the three significant sites in Bristol Road. The Cabinet Member for Regeneration and Culture referred to the two new shops opening in Southgate Street in long term empty properties.

Cabinet Members endorsed the report which detailed the proactive approach that would be undertaken to regenerate the city and attract tourism. It was noted that weaknesses had been identified and an action plan was in place to ensure work is carried out.

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Cabinet Members thanked the Leader and officers involved in the report.

RESOLVED:

That the information contained in the report be noted and it was confirmed that these buildings would be a priority for regeneration activity.

38. PEER REVIEW

Cabinet considered a report of the Cabinet Member for Performance and Resources which informed members of the progress made against the Corporate Peer Challenge and provided a copy of the Peer Challenge Action Plan.

Cabinet were informed that the Peer Challenge took place in December 2013 and the final report had been signed off in March 2014. The report highlighted the areas of improvement particularly, the work undertaken on the regeneration in the City.

An Action Plan had been produced which was appended to the report and detailed the improvements and progress which had been made, particularly relating to Member/Officer relations. This was apparent at the recent staff event which had received positive feedback.

The Corporate Director of Services and Neighbourhoods commented that he had spoken to colleagues from the Local Government Association (LGA) who endorsed the Action Plan and welcomed the work undertaken with Peers from each of the political parties and the work undertaken regarding Community Engagement.

Cabinet were advised that the Cabinet Member for Performance and Resources had taken an active role in the development of the plan to bring together the skills of managers to help improve relationships.

Cabinet Members welcomed the report and noted the positive changes which had been made within the organisation. It was a positive approach to undertake a Peer Review and have an Action Plan in place. It was suggested that a continual review of progress was important to move forward.

The Cabinet Member for Regeneration and Culture thanked the Corporate Director of Services and Neighbourhoods and officers involved with the Action Plan.

RESOLVED:

That the report and action plan be noted and that updates be received on a quarterly basis.

39. PROPOSAL TO JOIN 'ONE LEGAL' SHARED SERVICE

Cabinet considered a report of the Cabinet Member for Performance and Resources which sought approval, subject to a satisfactory Business Case, to join the existing One Legal Shared Service which operates between Cheltenham Borough Council and Tewkesbury Borough Council.

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Cabinet were informed that by joining One Legal the Council would benefit from having a joint service that would be efficient, resilient and cost effective. The Cabinet Member for Regeneration and Culture said it was important to have a strong Business Case to support the decision and was happy to move in this direction.

The Corporate Director of Services and Neighbourhoods highlighted the need to ensure authority is delegated to the Head of Paid Service, the Cabinet Member for Performance and Resources and the S151 Officer to progress the matter.

Cabinet Members supported the report and believed shared services would be the best way to achieve savings during difficult financial times. This process would provide a cost effective way without affecting front line services. It was important to review Council services and explore the success of shared services which would provide cost savings.

RESOLVED:

That subject to the approval of a Business Case (including the financial case) by the Head of Paid Service in consultation with the Cabinet Member for Performance and Resources and the s151 Officer:

1. The joining of the Gloucester City Council's legal services with Cheltenham Borough Council and Tewkesbury Borough Council (One Legal) be approved.
2. Gloucester City Council's legal services staff transfer to Tewkesbury Borough Council under the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) on 31st January 2015 or such other date as is agreed
3. Gloucester City Council's legal service functions be delegated to Tewkesbury Borough Council, as host authority, in accordance with section 101 (1) of the Local Government Act 1972 and under Part 1A Chapter 2 section 9EA of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
4. That authority be delegated to the Head of Paid Service in consultation with the Cabinet Member for Performance and Resources and the s151 Officer, to enter into the s101 Agreement, other legal documentation and to take all necessary steps to implement the above mentioned resolutions.

40. DATE OF NEXT MEETING

12 November 2014 at 6.00pm.

Time of commencement: 18:00 hours

Time of conclusion: 18:35 hours

Chair

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Gloucester City Council

Meeting:	Cabinet	Date:	12th November 2014
Subject:	Flood Assets Report		
Report Of:	Cabinet Member for Environment		
Wards Affected:	All Wards		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Wayne Best, Environmental Health Officer – Flood Resilience & Land Drainage		
	Email: Wayne.Best@gloucester.gov.uk	Tel:	396307
Appendices:	<ol style="list-style-type: none"> 1. Completed Flood Works/Schemes 2. Capital and Maintenance works ongoing 3. Future works for consideration 4. Ward Risk Register 5. Case Study – Retro Fit of SuDS at St Peter’s School 6. List of areas where works carried out by volunteers 		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To update Members of the flood alleviation works which have been completed across the City throughout 2013/2014, those that are currently in progress and to outline future planned works.

2.0 Recommendations

2.1 Cabinet is asked to **RESOLVE:**

- (1) That the contents of this report are noted.
- (2) That the importance of flood alleviation works within the City to minimise the risk and impact of flooding events is recognised.
- (3) That the partnership work that is being undertaken to reduce flood risk in the City is acknowledged and supported.
- (4) That officers continue to investigate additional sources of funding to maximise opportunities to reduce flood risk for residents and businesses across the City.
- (5) That opportunities to provide information, education, and signposting and to undertake consultation are pursued to help reduce the impact of the reduction in funding available for schemes.

3.0 Background and Key Issues

3.1 Introduction 2007- 2014

- 3.1.1 To date 110 schemes and major improvement works have been completed since 2007 to reduce the risk of future flood risk to residents and businesses city wide.
- 3.1.2 Many of the projects undertaken have only been possible as a direct result of partnership working and obtaining external funding.
- 3.1.3 The City Council has contributed towards these projects with funding secured from a number of sources including the Environment Agency, DEFRA, Gloucestershire County Council and Developers through section 106 agreements and commuted sums. The City Council has secured around £1.6 million pounds since 2007; approximately £1,068,000 has been spent on the delivery of schemes to date.

3.2 Capital Schemes

- 3.2.1 Approximately £85k was secured in funding this financial year and between September 2013 and September 2014 approximately £184k was spent on Capital Schemes and associated works, see Appendix 1 for list of completed schemes.
- 3.2.2 There are currently 12 Capital projects currently in progress across the City. Details can be found in Appendix 2.
- 3.2.3 An additional 14 Capital projects identified will be investigated and progressed if viable/cost effective over the next 12 months. See Appendix 3 for details.

3.3 Future Funding

- 3.3.1 The County Council's Local Flood Risk Strategy has identified the most vulnerable locations for flood risk across the County. Wards at the highest risk are given priority for funding where viable schemes are available. See Appendix 4 for list of wards in Gloucester.
- 3.3.2 Although funding for flood alleviation projects and works is decreasing schemes that can deliver additional environmental benefits (including improved water quality, creation of wildlife habitats and increased biodiversity) are looked upon more favourably and presents additional funding opportunities including third party contributions. Details of a scheme at St Peter's School can be found in Appendix 5.

3.4 Maintenance Works

- 3.4.1 Works to remove Himalayan Balsam in areas where there is known issue is ongoing with the support of the TCV (The Conservation Volunteers) on behalf of the City Council. However, there continues to be a marked reduction in Balsam.
- 3.4.2 Inspections and assessments of flood assets throughout the City including; culverts, trash screens, balancing ponds, flood barriers etc is ongoing.

3.4.3 The City Council has Riparian Responsibilities of approximately 25 kilometres of watercourse the majority of which is not included in the Amey contract and works are carried out on a priority basis.

3.4.4 There is no capacity to put all maintenance works on to contract; as a result resources are focused on those areas at greatest risk with the support of voluntary groups. See Appendix 6 for list of areas where the majority of works are carried out by TCV. Between September 2013 – and September 2014, TCV accumulated 951 volunteer hours carrying out watercourse clearance works on behalf of the Council.

3.5 **Recent Weather/Tidal Events**

3.5.1 The completed projects, continuing programme of maintenance works including monthly pinchpoint inspections and ongoing vigilance have contributed too few flood related issues despite several episodes of acute adverse weather over the winter months.

3.5.2 A number of areas affected by recent events have resulted in further investigations and the securing of funding to carry out flood alleviation works including Tewkesbury Road, Deans Way, Stroud Road and Rea Lane.

3.6 **Planning**

3.6.1 Regeneration is important for Gloucester and the City Council has been actively working with developers to attract further investment whilst offering constructive planning advice to reduce future flood risk.

3.6.2 Looking to resolve issues with land which the City Council is likely to adopt from developers which in some cases attracts a commuted sum.

3.6.3 The City Council now has access to surface water and ground water maps. This information will be used to assist with determining planning applications, emergency planning purposes and to aid with securing funding for flood alleviation schemes.

3.7 **Education**

3.7.1 Riparian owners in a number of areas have been contacted where clearance works are required. Land owners have been made aware/reminded of their responsibilities whilst being offered advice and support.

3.7.2 The continued need for improved signposting and information for residents, Members and other customers in relation to the roles and responsibilities of the various organisations involved with flood related work through improved communication and information.

3.7.3 A Members training sessions held in November 2013 included updates on schemes and works, discussions on how the FWMA 2010 influences our work and proposals regarding planning guidance to reduce flood risk as part of future development.

3.8 **Resilience**

- 3.8.1 The City Council and partners have been working together to promote community resilience in those areas at greatest risk of flooding. A number of future events to promote community resilience are planned by officers over the coming year.
- 3.8.2 A drop in event at The Lampreys in August to promote a proposed scheme and community resilience was well attended by residents and supported by officers from a number of organisations including; Environment Agency, Gloucestershire County Council (Civil Protection and Flood Risk Management Teams), Gloucester City Council and National Flood Forum. A recent event at the City Council offices in September was well attended by residents, Members and Community Leaders.
- 3.8.3 Officers are working with communities on management plans (i.e. Saintbridge) to assist with future ongoing maintenance in addition to trying to establish Friends Groups in these areas which will create additional opportunities including funding and awards.
- 3.8.4 There is a continued need for additional flood storage capacity and better management of water across the city to reduce the risk of future flooding. A number of options are currently being considered including:
- Additional storage within the existing drainage ditches at Blackbridge
 - Creation of an attention area within the open space at Scott Avenue
 - Flood storage area at Winnycroft Farm as part of the proposed development
 - Improving a number of existing balancing ponds at Appleton Way, Barnwood Park and off Abbeymead Avenue
 - Diverting surface water along Coney Hill Road into the existing balancing pond near Harley's Field

3.9 **Gloucestershire Highways**

- 3.9.1 The City Council has been working closely with Gloucestershire Highways (GH) to resolve a number of ongoing localised highways flooding issues with the agreement of further investigations and future works planned by GH, see table below -

Location	Issues	Timetable/Proposed Works
Estcourt Road	Access road floods regularly	Phase 1 – Utilities company to carry out works to reinstate drainage which was damaged when laying cables in 2013. Phase 2 – to address flooding issues on northern carriageway scheduled for 15/16. Interim Measures include the replacement of a number of gully pots as existing are difficult to clean and camera.
Naas Lane	Road and adjacent property affected by surface water during heavy rain	CCTV of highways drainage carried out in July identified an obstruction in the line. Further investigations/works planned to remove obstruction.

Location	Issues	Timetable/Proposed Works
Fox Elms Road	Several metres of curb stones have fallen away from the roads edge resulting in surface water pouring into the rear gardens of residential properties.	Sandbags laid along the line of the missing curbs as an interim measure to reduce runoff. Further investigations, works/design planned for autumn, construction early 2015.
Innsworth Lane	Issues with surface water affecting a number of properties during heavy rain.	High pressure jetting & CCTV survey carried out have identified an issue which requires further works. Design & construction works planned for late 2014/early 2015.
Tewkesbury Road	Issues with surface water ponding when Wotton brook/River Severn is high for prolonged periods causing backflow and silt depositing in highways drain.	CCTV survey carried out by GCC. Further works include silt removal, and prevention of backflow to be carried out by GCC on behalf of GH as part of a scheme for the area.
St Oswald's Road	Issues with surface water on the highway during heavy rain.	CCTV planned by GH for the near future.
Painswick Road	Issues with surface water running down driveway of property since resurfacing works carried out in 2013.	GH investigating the need for additional road gulleys.
Porchester Road	Near flood incident in November 2012. CCTV survey carried out by GCC identified a number of issues with GH drainage.	Remediation works added to GH drainage programme. Works will be carried out by GCC on behalf of GH.

4.0 Alternative Options Considered

- 4.1 Do minimum; only carry out maintenance works currently on contract and no further submission of bids for the funding of Capital Schemes resulting in minimal costs and resources.
- 4.2 However doing the minimum would increase the flood risk to residential and businesses premises in addition to important infrastructure and assets. Given Gloucester City's geographical location and history of flooding events this would also be a backward step and would increase anxiety for residents and businesses. There is also an expectation that works to reduce flood risk will continue which also helps attract investment and employment into the City. Flood schemes are politically supported in Gloucester and the Council has built up a good reputation which could be affected if works do not continue.

4.3 The City Council could consider making funds available to fund Capital Schemes however given the current economic climate this is unlikely to be an option.

5.0 Reasons for Recommendations

5.1 Although a number of Capital Schemes and maintenance works have been delivered in 2013/2014. It is our intention to reduce the risk of future flooding to both residential properties and business premises including continued investment in flood alleviation schemes/works, the promotion of self resilience, advice and information, community flood plans and drop in sessions.

5.2 Reducing flood risk to homes and businesses will continue to support regeneration and further investment into the City which will be communicated to developers through planning policy.

5.3 To meet the requirements of the Flood and Water Management Act 2010 in respect of flood risk management including working with partners to resolve flooding issues.

5.4 The ongoing Capital Works Schemes and Maintenance programme in 2013/2014 has proven very successful. This was illustrated by the performance of these assets during this winter's severe weather events which resulted in a small number of localised issues in Gloucester.

5.5 To continue to investigate and utilise additional sources of funding and resources to deliver schemes and improvement works to further reduce flood risk to homes and businesses throughout the City.

5.6 To investigate improving the effectiveness of our resources with the aid of technology, better signposting for customers and building community resilience.

6.0 Future Work and Conclusions

6.1 The City Council will continue to plan, prioritise and deliver flood alleviation schemes and works where resources allow, whilst delivering improvements to watercourse biodiversity, habitat creation, water quality and amenity value in accordance with legal requirements.

6.2 Works will continue to be funded through our capital and maintenance budgets and external funding will continue to be sought where opportunities present themselves and resources allow.

6.3 The City Council will continue to work with partner organisations to identify where flood alleviation schemes and watercourse improvement works are required and seek joint funding where possible to deliver schemes.

6.4 Continue to target areas and assist Riparian owners with carrying out regular maintenance works.

6.5 An update report will be provided for Members on an annual basis regarding works that have been completed and future planned works.

7.0 Financial Implications

- 7.1 Costs for capital and maintenance works have been met through existing budgets. The City Council continues to be proactive in securing additional funding from external sources for capital projects and maintenance works. The Council will continue to bid for funding for flood alleviation and watercourse improvement works wherever the opportunity presents itself and where resources allow.
- 7.2 The annual Streams and Watercourse revenue budget was previously £15,000. A report requesting an increase to £25,000 was submitted to GLT in July 2013 and approved (Streams and Watercourse Budget Paper) which has assisted with being able to carry out additional works as required to reduce flood risk.
- 7.3 With the ongoing constraints on Local Authority and partner organisations budgets there is a need to investigate alternative sources of funding whilst prioritising existing resources.

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

8.0 Legal Implications

- 8.1 The report identifies that the City Council has riparian responsibilities as a land owner under the Land Drainage Act 1991 which requires parties to maintain the watercourses in such a condition as to ensure that the free flow of water is not impeded.

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

9.0 Risk & Opportunity Management Implications

- 9.1 See table below -

Risk	Opportunities
Flood Alleviation structures and assets will not perform to their full potential if ongoing maintenance is not carried out subjecting residents/ communities and businesses to greater risk of flooding during extreme weather events which increases anxiety and concern.	To prioritise resources on those areas at greatest risk and to work with partners to deliver additional works to reduce flood risk. The Council will work with communities to promote resilience and participation with schemes and works in their areas.
Increased insurance premiums or becoming uninsurable and the potential loss of investment and employment to the City.	Continue working with voluntary groups and to promote a programme of community events which we will publicise through the Partnerships and Community Groups.
	Continue working with communities to establish more 'Friends Groups' which can have a number of positive outcomes including residents taking ownership of their area, attract funding opportunities for further enhancements and awards.

10.0 People Impact Assessment (PIA):

- 10.1 Reducing flood risk to an individual property or a community does not prejudice against any one group or community. Reducing flood risk and increasing flood resilience provides re-assurance and comfort to those communities and groups at greatest risk.
- 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 Flood alleviation works and measures have a critical role to play in protecting communities. Proper maintenance of all our flood assets will reduce the risk and impact of flooding events.

Sustainability

- 11.2 Given the ongoing reductions to local authority resources there is a need to support communities to become more resilient.
- 11.3 Sustainable Urban Drainage Systems are promoted in relation to new developments and used whenever possible in flood alleviation schemes. SuDS (ponds, swales, rain gardens etc) are usually less expensive to implement, maintain, add amenity value and are important for habitat creation.
- 11.4 Consideration is given to other requirements such as the Water Framework Directive to enhance and renaturalise watercourses in addition to improving water quality.

Staffing & Trade Union

- 11.5 None.

Background Documents: None

FLOOD ALLEVIATION CAPITAL PROJECTS & MAINTENANCE WORKS COMPLETED

Location	Issue/Works	No. of properties protected
1. Porchester Road - Wotton brook, Hucclecote	Surface water/flooding from brook - works to include Property Level Protection measures to be fitted to 22 properties. Jointly funded scheme – DEFRA/County and City Council	22
2. 162/164 Bristol Road, Moreland	Surface water flooding issues – works to include Property Level Protection measures to be fitted to both properties. Jointly funded scheme – County and City Council	2
3. Pearwood Way, Tuffley - Whaddon brook	Installation of trash over face of Relief culvert to prevent access and blockages.	Approximately 20
4. Milton Avenue, Podsmead	Installation of trash over face of culvert at the end of the open ditch to prevent blockages.	Approximately 10+
5. Yarrow Close, Matson & Robinswood	Surface water pouring off Robinswood Hill during heavy rain and onto residential properties. Works completed to divert flows away from properties and into an existing pond. Additional works included the increase to the size of the current pond, ground reprofiling and the digging of new drainage ditches.	2
6. St Peters School, Stroud Road – Wotton brook, Tuffley	Surface water issues in the area and large volumes of water are pouring off the site during heavy rain. Phase 1 of the scheme is now complete and included the building of 3 rain water gardens to deal with surface water from a number of the buildings on site to reduce run-off, create storage capacity, and improve water quality, in addition to habitat creation and a valuable learning resource. The scheme is a joint venture between Gloucester City Council, the Environment Agency and St Peter’s School.	6+ Highway,
7. Bourton Road	Surface water pouring from a Highways Public Open Space into the front gardens and against the threshold of a number of properties during heavy rain. The works involved the laying a new short section of drain across the footpath and the construction of a swale to intercept overland flows.	Approximately 6
8. Coney Hill – Wotton brook Tributary	Clearance of a 140 metre section of banks and channel to the rear of houses in York Road	Approximately 8

Location	Issue/Works	No. of properties protected
9. Whaddon brook – Tuffley	Clearance of banks and channel adjacent the rear of properties in Bybrook Road/Bybrook Gardens	Approximately 6+
10. Off Lobleys Drive open space, Hucclecote	Ditches to the rear of properties were overgrown and had been used to fly tip green waste and other items including furniture, garden equipment, rubble etc. Issues with an overgrown pond to the rear of Oakwood Drive and large willows which require pollarding (some tree works still outstanding). Works also included a letter drop to residents who back on to the ditches, clearance of ditches (approximately 500 metres) and pond.	Approximately 30
11. Quedgeley - Dimore Tributary	Clearance of a 400+ metre section of the Dimore tributary in Quedgeley from Saddlers Road down to Merlin Drive	Approximately 20
12. Barnwood Park, trash screen	Structural survey of retaining wall identified minor works including repointing works and removal of undergrowth which has now been completed.	
13. Bristol Road, Quedgeley surface water drainage into Dimore trib	Works to improve the conveyance of surface water via investigations and associated works including a CCTV survey, high pressure jetting and removal of silt. Works to one side of the carriageway have now been completed.	Approximately 4
15. Dimore Tributary, Quedgeley	Clearance of silt from culvert which is causing flow to back up during heavy rainfall	4
Total		Approximately 140 properties

FLOOD ALLEVIATION CAPITAL PROJECTS & MAINTENANCE WORKS ONGOING/PLANNED

Location	Issue/Works	No. of properties protected
1. Dinglewell/Green Lane, Hucclecote	Surface water/flooding from Wotton brook - works to include Property Level Protection measures to be fitted to approximately 13 properties. Jointly funded scheme – DEFRA and City Council.	13
2. Sud brook – The Lampreys/Cheyney Close, Matson & Robinswood/Barnwood	Surface water/ flooding from Sud brook - works to include Property Level Protection measures to be fitted to 40+ properties. Jointly funded scheme – DEFRA, County and City Council and GCH.	40+
3. St Peters School, Stroud Road – Wotton brook, Tuffley	Surface water issues in the area and large volumes of water are pouring off the site during heavy rain. Phase 2 is underway and will include the construction of several ponds, swales and reed beds to reduce run-off, create storage capacity, improve water quality, habitat creation and be a valuable learning resource.	6+ highway
4. Upper Rea/Rea Lane, Hempsted	Issues with surface water pooling in Rea Lane making it inaccessible for residents (some of which are vulnerable) for several days at a time as in November/December 2012 and this winter. The EA will be carrying out improvement works over the coming months to improve flow and reduce the risk of the road being under water for extended periods. Joint scheme between the EA, County Council and City Council.	Approximately 16 and highway
5. Stroud Road	Surface water flooding due to water pouring off fields adjacent to Grange Road. Works could include extending of existing bund along Grange Road, replacement of trash screen on Stroud Road on Whaddon brook and ground works on the junction of Bybrook Road and Grange Road	Approximately 10
6. Tewkesbury Road	Surface water/flooding from Wotton brook which backs up when the River Severn is high for prolonged periods – works to include diversion ditch, additional storage for storm water, flap valves to highways drainage to prevent backflow. Joint project between the City and County Council's and Highways.	Approximately 6+ properties and highway

Location	Issue/Works	No. of properties protected
7. Deans Walk	Surface water/flooding from River Twyver which fills the public open space and makes its way to the rear threshold of a number of properties. Potential works may involve bunding of the public open space to the rear of properties	Approximately 20
8. Milton Avenue	Extensive clearance of the ditches and pond in the POS area.	Approximately 30 taken from County SWMP
9. Bristol Road, Quedgeley surface water drainage into Dimore trib	Works to improve the conveyance of surface water via investigations and associated works including a CCTV survey, high pressure jetting and removal of silt. Investigation works also identified a diesel leak discharging into the surface water system/brook which has now been remediated.	Approximately 4
10. Barnwood Park	Works to improve the efficiency of the pond to reduce pressure on the Wotton brook during heavy rain fall events. Works to include investigating filling/flooding the pond more often during heavy rain fall events, creating additional storage and water treatment through a reed bed/swale.	
11. Highclere Road	Over topping of brook, works will look to include Individual Property Level Protection measures and the installation of a flood alert/warning system.	Approximately 20
12. Porchester Road	Additional works to reduce the risk of flooding from Wotton brook - works may include providing additional drainage and works to directing flows back into the watercourse when brook overtops.	Approximately 20
13. Fox Elms Road	Surface water/ground water – issues regarding a section of highway which has fallen away and ground water flows. Joint scheme between City Council and Highways	2
14. Forest View Road	Surface water issues affecting a number of properties. Further investigation required - works may include reinstating a ditch to the rear of properties.	Approximately 6
Total		Approximately 193 properties

Gloucester City Council

Meeting:	Cabinet	Date:	12 November 2014
	Audit and Governance Committee		13 November 2014
	Council		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		

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?

<p>Are you carrying out the surveillance in a way that people are going to be unaware that it is being carried out?</p>	<p>No →</p>	<p>It is unlikely that the CHIS is covert and authorisation will be required</p>
<p>↓ Yes</p>		
<p>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?</p>	<p>No →</p>	<p>Unlikely to require authorisation</p>
<p>↓ Yes</p>		
<p>Are you going to be using a vulnerable person or persons under 18 years old?</p>	<p>Yes →</p>	<p>Speak to the RIPA co-ordinator</p>
<p>↓ No</p>		
<p>Is the person establishing a relationship with employee or agent?</p>		
<p>↓ Yes</p>		
<p>Authorisation for CHIS should be obtained and an agent's agreement form should be completed when an agent is used</p>		

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Gloucester City Council

Meeting:	Overview and Scrutiny Cabinet	Date:	10th November 2014 12th November 2014
Subject:	Financial Monitoring Quarter 2		
Report Of:	Cabinet Member for Performance and Resources		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Andrew Cummings – Management Accountant		
	andrew.cummings@gloucester.gov.uk	Tel:	396231
Appendices:	Appendix 1 – Progress Against Savings Targets Appendix 2 – Capital Programme Appendix 3 – Council Income		

FOR GENERAL RELEASE

1. Purpose of Report

- 1.1 For Cabinet to note the financial monitoring report details including budget variances, year end forecasts, and progress made against agreed savings targets for the 2nd quarter ended 30th September 2014. It also highlights some key performance indicators.

2. Recommendations

- 2.1 **Overview and Scrutiny Committee** is asked, subject to any recommendations it wishes to make to Cabinet, to note the contents of the report.

- 2.2 **Cabinet** is asked to **NOTE** that:

- (1) In year savings already achieved total £833k. This is an improvement on the previous position at Quarter 1 of £663k, meaning that savings of £170k have been achieved in Quarter 2.
- (2) the forecast year end position for 14/15 is to increase the Council's general fund balance by £320k.

3. Background

- 3.1 The figures contained within this report forecast the year end position. This is based on the actual expenditure to the end of Month 6 and forecast forwards based on budget monitoring meetings between service managers and financial services staff.
- 3.2 The financial position for each directorate is presented in a summary table showing the budget for the year as well as final position against budget for the end of the 2014/15 financial year.
- 3.3 The 2014/15 budget approved by Council in February 2014 includes agreed savings of £1.38 million. All of the agreed savings have been removed from the budgets of the relevant service area in 2014/15. The savings targets set were front loaded to enable a stronger financial position over the life of the Council's Money Plan. Therefore, if the Council were to achieve its budgeted position there will be a transfer to the General Fund in 14/15 of £637k. The current forecast overspend of £317k would therefore see an increase in the General Fund of £320k.

4. Council Summary

	2014/15 Budget £000	Forecast Outturn £000	Forecast Variance £000
Services	7,653	8,318	665
Resources	3,794	4,115	321
Funding and Corporate Adjustments	(12,084)	(12,753)	(669)
GCC	(637)	(320)	317

- 4.1 The forecast position for the Council is that the general fund will be increased this year by £320k. The Council's challenging budget was set to achieved a surplus of £637k but the current position is that budgets will be exceeded by £317k.
- 4.2 In Quarter 2 there has been a net improvement in the position, outside of the savings targets, by £387k.
- 4.3 The improvement of £669k currently forecast in the Funding and Corporate Adjustments area is predominantly due to a projected saving on budgeted levels of interest paid on external borrowings. This is as result of the Council's recent treasury management policy of using investments to repay borrowings to ensure the best possible interest position.

5. Services and Neighbourhoods

	2014/15 Budget £000	Forecast Outturn £000	Forecast Variance £000
Director	187	177	(10)
Public Protection	(449)	(315)	134
Neighbourhood Services	5,551	5,818	267
Development Services	300	303	3
Housing Services	689	673	(16)
Cultural Services and Tourism	571	851	280
Contact Centre and Customer Services	804	811	7
Total	7,653	8,318	665

- 5.1 A number of budgetary pressures have been identified in the monitoring of this directorate. The majority of these relate to historic budget issues or challenging savings targets.
- 5.2 A significant historic pressure remains the funding of events at the Guildhall. As in previous years, the events are not anticipated to reach the surplus which is required by the budget. The current prediction for this shortfall is £190k. The costs at the Guildhall are within budgeted levels but the projected income for both events and associated catering remain short of the level at which the budget has been set. This shortfall is, however, an improvement on the shortfall experienced in previous years. A service review of Cultural Services, which includes the Guildhall, is currently being carried out which has the reduction of the budget deficit as one of its areas of review. As the year continues the progress against targets for the Guildhall will be closely monitored and the budget for 2015/16 will reflect a more realistic target.
- 5.3 The cultural services review will also consider operation of the Museums service. The prediction for this service is currently that it will be £58k over budget for the year. The service review has a £50k savings target and the income from catering at the city museum is also anticipated to be approximately £10k down from prior years.
- 5.4 Within Neighbourhood Services officers have already achieved £270k of the budgeted savings from the contract with Amey for neighbourhood management. Amey have been tasked with producing a schedule of savings to achieve the additional budgeted £230k within the year. For reason of prudence the £230k is currently being recorded as “at risk”, and therefore creating a budgetary pressure, until Amey have produced the actions which will result in the savings.

- 5.5 Also within Neighbourhood Services, the Green Garden Waste Scheme income projections currently show that income is likely to be £60k lower than the approved income budget of £630k. Options are currently being explored to bring in additional income during 2014/15 and managers are currently producing financial analysis to try and quantify the impact of those options.
- 5.6 Within the service Area of Public Protection savings targets of £50k within both the markets budget and the Shopmobility budget are not anticipated to be made in 2014/15. A review of the Shopmobility service is underway which should deliver the appropriate savings in 2015/16.

6. Resources

	2014/15 Budget £000	Forecast Outturn £000	Forecast Variance £000
Audit	121	127	6
Business Improvement	1,968	2,324	356
Finance	146	270	124
BT & T	648	681	33
Director	90	70	(20)
Parking	(875)	(965)	(90)
Regeneration and Economic Development	219	287	68
HR	323	271	(52)
Legal, Democratic and Communications	1,154	1,050	(104)
Resources	3,794	4,115	321

- 6.1 The Business Improvement Service area is where the budgets for some of the Council's major external relationships are administered. Within this area an overspend is currently predicted of £356k. The Council is making significant investments to improve IT systems and network security and this is generating additional costs. In addition, a historic budget issue has been identified in relation to the level of recharges to partners. The Council invoices partners for work it has carried out their behalf and a potential issue has been highlighted which suggests that actual income may not reach the historic budgeted levels. Work is underway to determine the correct level of income to be received and resolve the issue.
- 6.2 There has been an improvement in the performance of the Council's off street parking service. Income levels are currently in excess of those anticipated and costs remain within budgeted levels. The impact of this performance is that the service is expected to make an additional £90k contribution to the Council at the year end.

- 6.3 Regeneration and Economic Development (which includes the asset management service) has a savings target for the financial year of £100k. This is to be achieved through a staff restructuring. The restructuring is currently in the phase of staff consultation. In its current form the restructure will deliver a budget saving of £100k per annum. The saving in 2014/15 will be more limited as the new structure will not be implemented until significantly into the financial year. The current estimate is a net saving in 2014/15 of £20k. This creates a budgetary pressure of £80k. It is anticipated that underspends in the rest of the department may compensate for some of this pressure.
- 6.4 The Finance Department is currently predicting an overspend of £124k. This relates to the costs and income relation to the provision of housing benefits and the receipt of subsidy from the government towards the costs. The levels of budgeted income and expenditure are in excess of £30m so small fluctuations can have a disproportionate effect on the budget of the service. Housing benefit levels will be continue to be monitored closely throughout the year.

7. Savings

- 7.1 Appendix 1 shows that £833k of savings have already been successfully implemented in 2014/15. The most recent saving achieved relates to the Amey Contract. Discussions have been finalised in relation to reducing the contract fee as a result of recalculating the annual indexation fee on the contract. This exercise has resulted in savings to the Council of £200k annually.
- 7.2 An additional £367k of savings are in progress with managers actively working through plans or seeking proposals to implement the agreed savings. Within this figure £330k of savings are currently considered to be at some risk of not being achieved. This means that although plans to identify savings are underway they are unlikely to have a significant budgetary impact in 2014/15. This includes the proportion of the Amey savings target where Amey are currently producing a schedule of suggested actions to deliver the savings. Also included within this category is the £100k of savings within Cultural Services that it is hoped the service review will deliver.
- 7.3 It is currently believed that £280k of savings will not be delivered in 2014/15. The savings targets in the most recent money plan were front loaded to deliver a surplus budget in 2014/15 meaning that the delay in achieving these savings can be absorbed without creating a deficit position this year

8. Capital Programme

- 8.1 The Capital Programme budget for the year, including Housing Expenditure, is £21.117m with expenditure year to date of £5.242m. The nature of capital projects means that many of them span a number of financial years and any unspent budgets at the end of any one financial year may be carried forward into the next.
- 8.2 Appendix 2 provides summarised details by area.

9. Supplier Payments

9.1 The Council is committed to paying invoices within terms. During Quarter 1, the actual achievement was 94% within 30 days. The details on prompt payment (30 days performance) are:

	<u>TOTAL QUARTER 1</u>		<u>TOTAL QUARTER 2</u>	
-				
Number paid within 30 days	2619	93%	2496	94%
Number paid over 30 days	183	7%	173	6%
Total Invoices paid	2802		2669	
Average Days to Pay (from receipt of invoice to payment date)	9		9	

10. Financial Implications

10.1 Contained in the report

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

11. Legal Implications

11.1 There are no legal implications from this report

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

12.0 Risk & Opportunity Management Implications

12.1 There are no specific risks or opportunities as a result of this report

13. People Impact Assessment (PIA):

13.1 A PIA screening assessment has been undertaken and the impact is neutral. A full PIA is not required.

14. Other Corporate Implications

Community Safety

14.1 None

Sustainability

14.2 None

Staffing & Trade Union

14.3 None

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Budget Savings Programmes - 2014/15

Service	Details: aim of the project	2014/15 £000	Achieved £000	In Progress £000	At Risk £000	Not Achieved	Comments
Neighbourhood Services	Amev contract review, ongoing project from 2013/14 with requirement to identify further savings	(500)	(270)	0	(230)		£270k saving achieved. Continuing discussions with Amev are near conclusion to deliver further savings.
Neighbourhood Services	Environmental Team Review	(100)				(100)	A review of the operations of the Environmental Planning Team is to be carried out to identify potential savings and these should be achieved within 2015/16.
Business Improvement	Aspire, ongoing project from 2013/14 with requirement to identify further savings	(100)	(100)				Contract price changed to achieve saving 14/15
Business Improvement	Accommodation Saving	(90)	(90)				Achieved
Business Improvement	Grants to VCS	(100)	(100)				Achieved
Public Protection	Shopmobility	(50)				(50)	Work ongoing to review the service and deliver savings in 2015/16
GLT	Senior Management Restructure		(100)				Early achievement of Senior Management Restructure, saving achieved 14/15 rather than 15/16
Guildhall	Events grant	(10)	(10)				
Public Protection	Market Service	(50)				(50)	No saving expected in 14/15
Development Services	Building Control savings to be gained from Shared Services	(30)	(30)				Will be achieved in year. Long term saving not yet achieved.
Cultural Services	Museums Operational Review	(50)			(50)		Consultant Appointed
Cultural Services	Guildhall Operational review	(50)			(50)		Consultant Appointed
Regeneration	Asset Management Service Review	(100)		(20)		(80)	Proposed Review in place to deliver £100k savings. This will be achieved part way through the year.
Business Improvement	CIVICA, review further savings on contract	(50)	(33)	(17)			Contract price changed to achieve saving 14/15
ICT	BT & T Outsourcing	(100)	(100)				Contract price changed to achieve saving 14/15
		(1,380)	(833)	(37)	(330)	(280)	

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Capital Programme 2014/15

Appendix 2

Directorate	Revised budget 2014/15	Actual Spend to date	Variance to date	Forecast	Year End Variance
Regeneration	10,295,628	663,651	4,631,977	7,181,260	3,120,177
The Regeneration capital programme includes the City Centre Fund projects, Kings Quarter, repairs to the Eastgate rooftop car park, Commuted Funds for social housing and various building works projects					
Service and Neighbourhoods	2,594,692	302,956	2,291,736	555,829	2,057,771
The Services and Neighbourhoods capital programme includes agreed Section 106 funded projects, the Lottery funded Southgate Street Townscape Heritage Initiative project, the Herbert Reception upgrade, improvements at the Depot, Crematorium and public spaces					
Resources	331,310	9,805	321,505	15,420	322,810
The Resources capital programme covers various IT projects					
Housing General Fund	795,860	265,023	530,837	714,000	81,860
The Housing General Fund capital programme covers various grant funded housing projects, including Disabled Facilities improvements					
HRA	7,100,000	4,000,300	3,099,700	7,125,040	0
The HRA capital programme funds improvements to the GCH managed housing stock					
TOTAL	21,117,490	5,241,735	10,875,755	15,591,549	5,582,618

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Position on Budgeted Income at the end of Quarter 2

Appendix 3

Service Area	Income to end of Month 6	Budgeted Income 2014/15	Forecast Income	Forecast Variance
Internal Audit	54	112	107	(5)
Financial Services	52	65	60	(5)
Parking	1,088	2,172	2,176	4
Asset Management	845	1,564	1,640	76
Business Improvement	206	827	701	(126)
Legal and Democratic	245	343	349	6
Human Resources	(4)	85	62	(23)
Total Resources Directorate	2,486	5,168	5,095	(73)
Development Services	370	806	695	(111)
Shopmobility	9	24	15	(9)
Private Sector Housing	51	56	59	3
Cem and Crem	938	1,638	1,743	105
Food Safety and Licensing	151	271	251	(20)
Markets	524	981	936	(45)
Public Health and Flooding	74	15	62	47
Waste Management	672	1,110	1,055	(55)
Countryside and Environment	60	86	110	24
Tourist Information Centre	210	422	405	(17)
Museums	64	152	121	(31)
Guildhall	286	690	586	(104)
Total Services and Neighbourhoods	3,409	6,251	6,038	(213)
Overall Council Position	5,895	11,419	11,133	(286)

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Gloucester City Council

Meeting:	Cabinet	Date:	12th November 2014
Subject:	City Centre Investment Fund Allocations and Update		
Report Of:	Cabinet Member for Regeneration & Culture		
Wards Affected:	Westgate		
Key Decision:	Yes	Budget/Policy Framework:	No
Contact Officer:	Anthony Hodge Head of Regeneration & Economic Development		
	Email: anthony.hodge@gloucester.gov.uk	Tel:	39-6034
Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 This report updates Members on the projects within the City Centre Investment Fund delivery programme.

2.0 Recommendations

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

- (1) That the public toilet allocation of £100,000 be used to provide a new facility at the relocated Tourist Information Centre, subject to the outcome of detailed feasibility studies.
- (2) That a further £5,000 be allocated to cover the cost of the Urban Designer to develop the Lighting Schemes up to 30th September 2015.
- (3) Note the updates in respect of the specific funding proposals.
- (4) Confirm the prioritisation of Longsmith Street Car Park and the Eastgate Street frontage of the Kings Walk Car Park for the treatment of their facades.

3.0 Background and Key Issues

- 3.1 Cabinet has set up the City Centre Investment Fund utilising some of the money (£2m) from the Tesco deal at St. Oswalds, to help support the attractiveness, vitality and viability of the centre and build on the considerable amount of successful work already being carried out.
- 3.2 This report provides an update in respect of allocated resources following a March 2013 Cabinet report and subsequent amendments made through a report to Cabinet in April 2014.

4.0 Allocations

The following are updates on the areas previously identified for allocation.

4.1 Better Car Parks - £200,000

4.1.1 This allocation reflects the importance that the appearance of car parks has on visitors' impressions. The works needed at various car parks have now been assessed and the following proposals identified and progressed:

4.2 Car Parks General

4.2.1 Litter bins (seagull proof) – a total of 20 have been installed in Longsmith Street, Kings Walk and Eastgate Roof top.

4.2.2 All of the old type bins have been removed.

4.2.3 Quotes have been received for the improved lighting in Hampden Way car park and an order has been placed with a contractor to install the new LED light fitting at a cost of £5,000. This work will be completed by end of November.

4.2.4 A lighting inspection has been undertaken at the start of October so that any lighting issues in the car parks can be addressed for the winter.

4.2.5 **Station Road Car Park:** The layout of the car park has been amended and re-lined to meet current standards for bay and running lane widths. This has resulted in a revised provision of 96 total spaces including 5 disabled at a cost of £1,700. Quotes are being obtained for the coloured surfacing to provide safe pedestrian walkways. Costs are estimated at £6,000.

4.2.6 **Eastgate Rooftop Car Park:** Reinstatement of lighting and refurbishment of the area above Boots – this work is now complete at a cost of £4,300.

4.2.7 Recent concerns have been raised regarding pedestrian access to the car park. In particular when the shopping centre is closed and pedestrians have to use the vehicular ramp. Officers are currently working up a scheme to improve this pedestrian route and general approach up the ramp to the car park.

4.2.8 **Kings Walk & Longsmiths Street Car Park:** There has been a series of improvement works undertaken to the stairwells at Longsmith Street Car Park. Louvered grills have been fitted to stairwell openings that prevent access for unwanted nighttime visitors but still allow ventilation of the stairwell. Initial findings are positive and assuming continued success Officers propose to use similar grills in the Kings Walk stairwell. In order to combat ongoing anti-social behaviour and fouling of the stairwells, replacement doors (£10,500) have been fitted at each entry point at Kings Walk which are now locked in the evening.

4.2.9 A deep clean of the stairwells was undertaken when these works were completed. However it is clear that the benefits of the deep clean do not provide a long term solution. Officers will investigate more permanent solutions including waterproofing and tanking membranes which prevent fluids from being absorbed into the stairwells and allow effective cleaning for both Kings Walk and Longsmith Street car parks.

4.2.10 **Westgate Street Car Park:** The works required to improve ingress and egress to the car park have been completed at a cost of circa £8,000. This included removal of the attendants hut and reconfiguration of barriers at the entrance. Further cosmetic improvements have been made to include refurbishment of the railings around the toilet block and replacement of the toilet doors at a cost of £1,300.

4.2.11 Quotes are being obtained to improve the surface of the car park, together with white lining.

4.3 Major 'Shop Gloucester' Advertising Campaign - £30,000

4.3.1 This allocation is to support a 'Shop Gloucester' Campaign and the related idea of Residents' Weekends where a week or weekend is selected, and participating businesses offer discounts or incentives of one kind or another during this period, coupled with street entertainment to make the city as vibrant and attractive as possible. The first Residents Weekend of 2014 was held in March and was widely considered to be a significant success. Uniquely the weekend was jointly marketed by the Quays, Eastgate and Kings Walk shopping centres.

4.3.2 Work is on going around city dressing for the Rugby World Cup.

4.4 City Museum Phase 2 - £500,000

4.4.1 The transformation of the ground floor of the City Museum made a great deal of difference to the museum and boosted visitor numbers. Phase 2, the redevelopment of the first floor, will enable this to go even further with an emphasis on the important moments in the history of the City.

4.4.2 The Round 1 HLF Grant bid was completed and successfully submitted in August 2014. The bid was reviewed by our appointed HLF Consultant and extremely positive feedback was offered. Our bid contained several pieces of high quality supporting information including a forward plan detailing how we will deliver the project if successful at Round 1. Fifteen strong letters of support were included. The HLF case officer has advised us that no other projects in Gloucestershire submitted a Round 1 application in August adding that the HLF are looking to offer further support to museum based projects in Gloucester. Whilst the outcome cannot be guaranteed, the proposal is being given every chance of success at Round 1 by producing a high quality and comprehensive bid. A decision will be made by the HLF in November 2014. If successful the project will progress through the development phase before submitting a Round 2 application.

4.5 A new Tourist Information Centre - £130,000

4.5.1 The relocation of the Tourist Information Centre (TIC) to new larger premises is currently focussed on 26 Westgate Street. This is a significant listed building in need of re-use. The TIC would be largely contained on the ground floor of the premises and disabled access would be required along the passageway to the side with alterations at the rear. Disabled Groups have been consulted and they accept this proposal in principle, subject to design.

4.5.2 This is a Grade 1 listed building of significant importance. The Gloucester Historic Buildings Trust (GHBT) have expressed an interest to work with the owners and the City Council, to consider sustainable schemes and to contribute towards building works through appropriate grant applications, not least in support of the proposed relocation of the TIC.

4.5.3 Following investigations relating to the ground floor of the building, there remain insufficient resources to implement the improvements required to facilitate the move. The owners of the building have also advised Officers that they can no longer meet the cost of insuring the building. Work is ongoing to see if the building can be insured through the Councils insurance policy subject to the conclusion of the TIC feasibility work. This would be on a no additional cost basis to the Council.

4.5.4 The TIC would also be an appropriate location for public toilet provision, not least due to the footfall both generate. Co-location would help with management and maintenance and provide an efficient solution to provision.

4.6 Enhanced Christmas Lights / Decorations - £75,000

4.6.1 Christmas 2013 already had the benefit of additional resources being allocated. These delivered improvements which included an additional tree in Kings Square, additional lighting on the Tree of Light and lit highway trees on the Gates Streets. Through the City Centre Investment Fund Christmas 2014 will benefit from remotely operated lights on the parade route. This will improve the effect of the lights coming on as the parade passes underneath. Some refurbishment works have also been undertaken to the existing lights. During 2014/15 quotes and details of improved lights will be obtained, for approval, ready for Christmas 2015, including the potential to increase coverage and benefit more businesses.

4.7 Extended Business Grants - £100,000

4.7.1 The business grants programme is proving very successful. To date there have been 41 (14 previously reported) expressions of interest and 23 (8 previously reported) grants agreed committing £23,000. Based on the original allocation, this can be broken down as follows:

- Evening vitality grants £30,000, 2 EOI
- Flexible business support grants £18,000, 12 EOI, 6 grants agreed
- Growing Gloucester grants (existing businesses) £10,000 and Growing Gloucester grants (new businesses) £40,000, 27 EOI, 17 grants agreed

4.7.2 The below identifies those companies that have now been in receipt of the grant:

7 Bamboos Rugby Ltd	Allcap Limited
Armed Creative	Ashgreen Business Services Ltd
Café on the Cut	Cuff Security Services Limited
E G Carter & Company Limited	Envesca Ltd
Express Removals and Storage Ltd	F Norville Ltd T. A. Norville Opticians
GSC Consultancy	HR Champions Ltd
JSM Business Gifts	One to One Recruitment
Power Direct Limited	Space Interior Contracts Ltd
Target Catering Equipment	Twinkle Teepees

4.7.3 In addition to the grants a budget was provided for Marketing support (£2,000).

4.8 Targeted Historic Grant Scheme - £200,000

4.8.1 The City Centre Historic Areas grant scheme was launched in July 2013, during this period a total of forty eight expressions of interest have been received. From these initial enquiries a total of seven grant applications have been received. Therefore as of September 2014 four grants have being formally offered and accepted totaling £29,442 for the following works:

- 105 - 107 Westgate Street - 15 new timber sash windows £25,410
- GA Bakers and Sons, 5 Southgate Street - repairs and cleaning to the clock and figures £4,715
- 21 St John's Lane - repairs to windows £3,045
- 50 Northgate Street – Shop front repairs £987

4.8.2 Two schemes have been completed, GA Baker and Sons and 107-109 Westgate Street. The works at 21 St John's Lane are currently being undertaken. Of the remaining expressions of interest three properties have submitted grant applications but Officers are awaiting further information and additional quotations to enable assessment.

4.8.3 Officers have also prioritised building projects for targeted grants and these are buildings which are on the City Councils Buildings at Risk Register (B@R) and also those which are vacant on both ground and upper floors to help rejuvenate the gate streets of Gloucester. The following properties have been allocated funds and are awaiting formal grant applications to be submitted:

- 24 Westgate Street
- 26 Westgate Street
- 31 Westgate Street
- 39 Westgate Street
- 41 Westgate Street
- 78 Westgate Street

4.8.4 The owners of these properties are presently undertaking further investigations to assess the condition, viability and feasibility of the projects together with subsequent planning and listed building permissions. It is anticipated that approved further grant applications will be forthcoming once this work has been undertaken. Other buildings will also be considered for grants including 60-62 Westgate Street (Hayden Taylor).

4.8.5 Officers will continue to promote the scheme working with Gloucester City Centre Community Partnership (GCCCCP), Chamber of Commerce, as well as, the Regeneration and Economic Development Team to continue cross promoting the grant schemes to assist in rejuvenating the city centre's gate streets through reusing vacant commercial and residential premises.

4.9 Lighting - £145,000

4.9.1 A total of £145,000 has been allocated to lighting within the fund. This can be broken down as follows:

1) £45,000 lighting schemes which is further broken down into:

- £25, 000 'priority schemes' top-up to the existing lighting budget, to potentially cover any cost over-runs for the developing lighting projects (St Nicholas Church, Eastgate Portico, Old Bell, Eastgate Viewing Chamber). Detail over the supply, cost and responsibility of the electricity supply will be considered and agreed as part of the project development process
- An additional £5,000 Urban Design Officer project funds (for a period of 1 year ending 30.09.14 or until the work is concluded, whichever is the sooner) . This is in addition to the originally approved £10,000 which expired early September 2014. It is proposed that the required £5,000 is identified from the contingency figure of £60,000. However Officers will continue discussions with Finance to consider if this cost can be met through alternative sources.
- £10,000 St. Michael's Tower, which is proposed to be implemented over the next 12 months following completion of the repair works. The lighting scheme will be developed in collaboration with the Civic Trust.

2) £80,000 allocated for the relighting of Eastgate and Westgate Streets (identified as Option 3 in Cabinet Report considered in September 2013), with a suggested 50% top-up requested from the County Council to reach a level of funding which would make a significant impact. Discussions are on-going between the County Council and the City Council and the principle of re-lighting Westgate and Eastgate Streets has been agreed.

The next stage is to develop a detailed design for the re-lighting, to provide the following costed options:

- Keep existing high-level floodlights but with some minor alterations to reduce light spill onto buildings
- A middle-ground scheme where some of the existing floodlights are retained but supplemented with a partial column-based lighting approach (at various points to enhance seating areas or where we may want to light up historic buildings).
- A column-based lighting scheme, possibly using a combination of lower-level building mounted lanterns and columns, which would tie in well to the more historic setup in Westgate Street.

3) £20,000 maintenance of existing and proposed lighting schemes. It is expected to last between 4 and 6 years, based on our experience over the previous 5 years.

4.10 Treatment of Unattractive Facades £150,000

4.10.1 Following approval Officers have been working on developing architect designed schemes after receiving quotations for a variety of approaches including cladding, possible art work and green walls. The following schemes are being developed:

- a) **Kings Walk Car Park, Eastgate Street elevation:** Officers have been in discussions with the lease holder and to date they have been productive. Cladding has been agreed as the most appropriate way forward in terms of costs and visual impact and to date a number of Computer Generated Images (CGI) have been produced, showing what could be achieved.

Designs will be refined and will be subject to consultation through a targeted stakeholder seminar October/November time. It is proposed that a planning application can be submitted before Christmas with work starting late winter early spring.

- b) **The Eastgate Link Bridge:** Officers have been in discussions with the Shopping Centre and there is interest in the scheme subject to further detailed proposals being developed. This will probably be progressed as a separate application due to the Kings Walk scheme being further developed. Permission will be required from the Eastgate Shopping Centre, as well as, planning applications submitted for the re-cladding. Similar to the Kings Walk scheme consultation will be undertaken with local stakeholders and the shopping centre. The intention is to submit a planning application by January 2015 for approval in March 2015.
- c) **Eastgate Shopping Centre:** This is on a long lease from the City Council, however, permission will be needed from the Eastgate Centre's owners and a planning application will be needed. The facades which are considered to be the most appropriate for a Tromp l'oiel (a form of building wrap) is the area above Paddy Power and B&M. This is due to the area being visually uninteresting. Officers are presently focusing on the building wrap treatment though cladding has not been ruled out. Wraps are a canvas sheet set on a frame and have a life span of approximately 5 years, after which they may have to be renewed or removed. Designs have been researched and initial thoughts have focussed on a recreation of the 19th century hotel that previously occupied the site. Subject to further meetings with the Shopping centre and leaseholders the intention is to submit a planning application by January 2015 for approval in March 2015.
- d) **Longsmith Street Car Park:** A planning application has been submitted for the planters and guide wires in order to create the green wall. Trials of various plants have been on going over the summer to ascertain the most appropriate species/cultivar to use in the scheme. On gaining planning permission and a licence from the county council it will be built out over the winter months.
- e) **Wilkinson Northgate:** this is seen as a lower priority scheme due to its less central location. However it will be considered following the successful completion of the other façade works.

f) **Public Art Coordinator:** The use of a public art coordinator will depend on the detail required for the Tromp D'oeil on Eastgate Shopping Mall

4.10.2 Overall Officers are proposing to prioritise work on Longsmith Street Car Park and Kings Walk as the City Council own the former and have a good in principle support for the latter. Eastgate Link Bridge and Southgate Street schemes while having in principle support the owners are not able at this juncture to give assurances that they will want to progress a scheme. There are also issues around sub-leases with some of the tenants.

4.10.3 The timetable for implementation will be over the following 12 months and it is still the intention to have the sites delivered in time for the Rugby World Cup.

4.11 Heritage Interpretation, Signage and Street Banners

4.11.1 **Heritage Trails survey - £10,000:** A review of the existing Heritage Trails was undertaken by Conservation Staff with help from the Civic Trust. The Conservation Projects Officer has been working with Marketing Gloucester to implement a Heritage Trails web based application. Local firm ICON.net has been chosen to develop this application. This completed and launched at the end of August. The company have been contracted to provide web management for 12 months to monitor web traffic and trends, so that we can see how popular it is and how people use it.

4.11.2 **Interpretation Boards £40,000:** A design brief was produced and forwarded to suitable companies to provide quotations for two further heritage interpretation boards at Eastgate Chamber and also within the new public realm created at Kimbrose Triangle. The designer has drafted the two boards and these have been subject to two rounds of public consultation with local heritage groups providing expertise and guidance. The final designs are due to be received in early October. Once received a contractor will be appointed to construct and install the boards in a style to match those already in existence in the gate streets.

4.11.3 Marketing Gloucester are leading on the installation of further signage boards/finger posts being installed across the City similar to those for the public realm improvements to the docks and Kimbrose. £36,000 has been allocated to these improvements. This will include reference to City tourism attractions including the Folk and City Museums and the Guildhall.

4.11.4 **Event Banner Holders £10,000:** This is being coordinated within the larger banner project for the Rugby World Cup. The objective is to ensure the City Centre Investment Fund contributes towards additional banners that benefit the city centre.

4.12 Gate Street Public Realm Improvements - £100,000

4.12.1 Cabinet at its meeting on the 6th February 2013 approved the improvement to traffic restrictions in the Gates Street area. This included changes to the existing four Traffic Regulation Orders (TROs), which will restrict access to all vehicles apart from emergency services and certain specific exemptions between 10.00 am and 4.00pm seven days a week. The main objective being to create a much more clearly defined and enforceable pedestrian zone, so that a safer and more attractive

shopping environment is maintained. The TROs are to be enforced through the installation and operation of a series of hydraulic bollards.

4.12.2 Work to implement the hydraulic bollards has been completed. They are expected to be operational at the end of November 2014

4.13 Quality Public Toilet Provision - £100,000

4.13.1 This allocation recognised the need for high quality public toilet facilities in the City Centre. We are awaiting clarity regarding the Kings Square redevelopment which is expected to provide additional facilities which may remove the need for a further separate facility. In addition the possibility of a public toilet provision as part of the relocation of the TIC has merit.

4.14 Kings Square Refresh - £20,000

4.14.1 £20,000 of the City Centre Investment fund has been allocated to improvement works in Kings Square. Officers have now ordered new bollards to be placed in strategic parts of Kings Square so as to both restrict vehicular access and to identify the curtilage of the square. Spend to date is £10,000. The bollards will be installed in the next few weeks. All remaining works are subject to the identification of capital budgets.

4.15 Replace Westgate Mosaics £30,000

4.15.1 As detailed in the September 2013 report, these are being regularly damaged. Their replacement will add to the attractiveness of a key historic street and has now been completed.

4.16 St Michaels Tower stonework repairs. £100,000

4.16.1 Works to repair the tower have been successfully completed and the scaffolding removed.

4.17 Public Realm Strategy

4.17.1 Cabinet in April 2014 agreed to reallocate £40,000 that had been identified for the replacement of the Station Road Car Park boundary wall with railings, to develop a Public Realm Strategy (PRS) and deliver some early improvements. Work is progressing and to date the following has been achieved:

- A street furniture database has been created to record all of the characteristics of the furniture.
- The boundary of the street furniture survey work has been established and the plan drawn up using the GIS map base, set within the boundary of the Primary Shopping Area.
- Surveys of existing street furniture has been undertaken. So far, Kimbrose Triangle, Commercial Road, Southgate Street and half of Westgate Street have been surveyed and the information entered into the database, including photos for each individual piece of furniture.

- Research of existing PRS documents in surrounding areas + other notable examples, including Stroud, Cheltenham, Swindon, Oxford and Bristol.
- Research undertaken into a potential palette of street furniture, focussing on the types and specifications of bins, including establishing the requirements for any proposed bins including refurbishment, such as seagull proof, metal body, cigarette facility etc.
- Consultation and discussions with colleagues and representatives from manufacturers to form appropriate designs, including branding, colours, and features.
- Setting out structure of PRS document and forming best framework to present ideas.

4.17.2 The first draft of the Public Realm Strategy will be produced by the end of this calendar (2014) for Members review and approval, with alterations and proposed public consultation on that document to follow in the New Year.

4.17.3 However in advance of the Strategy, to tackle a pressing issue, a pallet of replacement and refurbished bins has been developed. A trial is proposed to ensure that the proposed bins are fit for purpose and work well. This will enable the bin component of the strategy to be expedited to address the pressing issue of current bins being obsolete.

5.0 Alternative Options Considered

5.1 The alternatives for the allocation of the remaining money in this fund were assessed in Section 5 of the September 2013 Cabinet report.

6.0 Reasons for Recommendations

6.1 The recommendations for further allocations have been based on the objectives of the City Centre Investment Fund which is to improve the attractiveness of the City Centre.

7.0 Future Work and Conclusions

7.1 A considerable amount of further specific work will be required. A six monthly update report will be brought back to Cabinet so that progress and potential re-allocations can be considered.

8.0 Financial Implications

8.1 The report proposes the spending of an element of a capital receipt received as a result of the sale of a piece of land to Tesco.

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

9.0 Legal Implications

- 9.1 There are no specific legal implications arising out of this report although there will be specific issues where it will be necessary to involve colleagues from Legal Services.

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

10.0 Risk & Opportunity Management Implications

- 10.1 The recommendations offer an opportunity to improve the appearance and attractiveness of the City Centre.

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 There are no community safety implications.

Sustainability

- 12.2 There are no sustainability implications.

Staffing & Trade Union

- 12.3 There are no staffing implications.

Background Documents: None

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Gloucester City Council

Meeting:	Cabinet	Date: 12 November 2014
Subject:	The Future of the Eastgate Indoor Market	
Report Of:	Cabinet Member for Regeneration and Culture	
Wards Affected:	Westgate	
Key Decision:	Yes	Budget/Policy Framework: No
Contact Officer:	Philip Ardley, consultant asset management	Tel: 396107
	Email: philip.ardley@gloucester.gov.uk	
Appendices:	1. First Floor indicative layout for new indoor market	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To update Cabinet Members on options for the regeneration of the Indoor Market Hall at the Eastgate Shopping Centre and to seek approval to progress negotiations.

2.0 Recommendations

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

- (1) the City Council continue negotiations with their headlease holder, Rockspring Investors, to create a new indoor market either on the first floor or split between the ground and first floors of the Eastgate Shopping Centre subject to:
 - a) acceptable arrangements for layout and rental levels being agreed with a focus on attracting new food and other retailers and subject to all existing market traders being offered an opportunity for a new stall if they so wish.
 - b) final agreement as to costs with Rockspring Investors and a proper return being achieved for the City Council's leasehold investment.
 - c) acceptable lease terms being agreed to ensure longevity and flexibility for both the new first floor and the existing ground floor premises.
 - d) satisfactory Consultant's report to demonstrate best value.

- (2) only essential repairs are undertaken to the existing market hall for the very short term with a view to closing the building once the new market is fully operational. Negotiations with Rockspring to take place to minimise any essential repairs following service of their dilapidations notice. The cost of these essential repairs could form part of the service charge recovery in accordance with normal practice until the market moves to the new location.

- (3) officers negotiate with Rockspring Investors regarding the future of the existing market hall site and how this asset maybe used for the benefit of the Council,

the Eastgate Shopping Centre and the city centre generally, and report back to Cabinet in due course.

3.0 Introduction

- 3.1 This report has been prepared to update Cabinet Briefing following two meetings of the all-party indoor market working group on the 30th July and 2nd October and continuing discussions with Rockspring as head leaseholders of the Eastgate Centre.

4.0 Brief Background

- 4.1 The City Council are the freeholder of the Eastgate Shopping Centre with Rockspring Investors holding a significant long leasehold interest of the whole centre expiring 31st March 2191. The Council have a long lease back of the Indoor Market Hall at a peppercorn rent expiring 31st March 2092. Further details of the term and lease were set out in the Report to Cabinet briefing on 16th July 2014. This report set out a full options appraisal to move the market to various alternative locations but concluded that the preferred option was to continue negotiations to modernise and move the market to the Eastgate first floor.
- 4.2 Negotiations with Rockspring Investors have continued to investigate ways in which the indoor market could be modernised and become more attractive thereby creating a destination for a wider cross section of consumers.
- 4.3 The existing building, which is now approaching 50 years old, suffers from under investment and is in a poor state of repair. Many elements of the fabric and services are now reaching the end of their useful life with mechanical and electrical systems especially exceeding their typical life expectancy. The previous report to Cabinet Briefing highlighted and summarised the planned maintenance survey and costs identified for the next five years which were summarised as circa £850,000.
- 4.4 Various alternative locations were considered in some detail with advantages and disadvantages previously reported. The majority were discounted either on economic grounds or less than ideal buildings. The only feasible options were either the first floor of the Eastgate Centre or remain in the existing building, albeit probably only short term.
- 4.5 A subsequent survey of the existing market traders identified that the majority did not wish to move to the first floor and an undertaking was given that they will not be moved against their will in the short term.
- 4.6 Further options are being investigated of either (1) to split the market between a ground floor presence in the vacant units opposite Marks & Spencer and a smaller area initially on the first floor. Rockspring have confirmed that they are willing to consider this but rents for a ground floor unit would be considerably higher than a first floor unit; or (2) close down the existing market hall, completely repair and refurbish the building and then reopen possibly with an enlarged modern market. This would mean a gap in trade of around a year and would entail a major capital investment for the Council.

5.0 Current Progress

- 5.1 A review of the feasible options results in the most economically advantageous scheme with the least disturbance to the market traders, being a new market on the presently vacant first floor or split between the two floors. This scheme is also deliverable in a short time frame with the new market being constructed by Rockspring Investors with minimal procurement risk to the City Council. This will allow a new market concentrating on a wide food offer to be created in completely refurbished premises and with the existing market continuing to trade undisturbed until the new premises are available.
- 5.3 The vertical circulation within the shopping centre has been enhanced by Rockspring with the installation of two new lifts (a net addition of one). This improves access from the rooftop car park and to the public toilets located on the first floor providing immediate footfall and visibility for a modern and accessible market. Clear and prominent signage would be provided at ground level within the main malls to attract interest and direct footfall.
- 5.3 Many of the existing market traders have stated in a survey that they will not move to a first floor location, due to concerns about visibility and footfall, it is proposed that the new market would be professionally managed under contract to the City Council and would be committed to extensively promoting and advertising the market thereby attracting a wider customer base.
- 5.4 Earlier this year Rockspring Investors carried out a survey of the market hall building and their solicitors have just served a formal repairs notice dated 17th October 2014 on the City Council under the terms of our lease. A period of three months has been stated by which time we must commence the works and proceed diligently to completion. The repair works have been costed at £722,372 and in the event that the City Council do not proceed diligently with the works, the notice states that the Landlord may enter and carry out the works recovering the cost as a debt due. In this event a further £72,237 will be claimed for supervision and administration.
- 5.5 This latest repairs notice may have been initiated as a result of Rockspring's intention to sell the Eastgate Centre as highlighted in item 10.3 hereunder. If the repairs were to be undertaken this could have a catastrophic effect on the existing market traders who would experience greatly increased service charges to pay for the additional cost, but still with an old building, high utility bills and a poor environment with potentially fewer customers than would otherwise be the case for a new market. The increases could be approximately 160% on the present total stallholder costs which assumes no changes to the rent, rates or utilities. Otherwise the repair costs would fall on the City Council and these are entirely unbudgeted and unaffordable.
- 5.6 Rockspring Investors have confirmed verbally that the offer of a new market is "still on the table" notwithstanding the repairs notice and are prepared to negotiate a settlement.
- 5.7 Our Markets team continue to liaise with the existing traders who are themselves seeking extensive repairs and improvements to the existing market hall. The most recent meeting took place on Wednesday 29th October to appraise the traders of the effect of the latest repairs notice. A further meeting is proposed with the traders

and their representatives to include the National Association of British Market Authorities.

5.8 Discussions are underway with local groups on ideas to provide crafts and entertainment to attract increased footfall. An article is to be published in City Life and further adverts placed on Twitter and Facebook to help fill the few vacant units in the lead up to Christmas.

5.9 As outlined in the report to Cabinet Briefing on 16th July 2014 we have a draft Market Strategy on which we are presently consulting. In addition to help further inform this draft strategy we have been undertaking a survey about Markets in the City. These are both very much works in progress and their outcome will be reported on once consultation has been completed. In addition the all party Task and Finish Group is looking at the Eastgate Indoor Market. This group will report to Cabinet on completion of the review.

6.0 Reasons for Recommendations

6.1 To achieve an attractive and well used indoor market with greater footfall both for the Eastgate Centre and the City Centre generally. The market stall holders would have the opportunity to trade from a new environment and in a modern format appealing to a wider cross section of customers. Their overheads would be under strict control without the uncertainty of paying for the maintenance of an old and expensive building.

6.2 The long term vision for the Gloucester Indoor Market should be to create a vibrant and relevant retail destination as an antidote to bland supermarket environments and cheap competition from e-commerce.

6.3 By entering into a Partnership with Rockspring Investors and investing in a lease for a new indoor market, the City Council would make a bold statement and commitment to retail regeneration in Gloucester. This may provide confidence to retailers wishing to expand in the City Centre and assist other schemes, such as Kings Quarter and both Eastgate and Kings Walk shopping centres.

6.4 Additionally the existing traders would be encouraged to modernise and invest in their business thereby creating a larger and more sustainable market. Many towns and cities support markets in excess of 60 stalls.

7.0 Future Work and Conclusions

7.1 Following confirmation of the recommendations, negotiations will be resumed with Rockspring Investors for a lease acquisition of the first floor and consideration of the ground floor premises. Further discussions will take place with the market traders with full costing provided for the short term repairs. A further report will be provided to Cabinet Briefing in due course.

7.2 An independent Consultants report will be commissioned to assess the proposed business case for the new market and to provide reassurance that Best Value for money is being achieved.

8.0 Financial Implications

- 8.1 The latest heads of terms for a City Council 35 year lease of the first floor envisages a rent of £150,000 pa and a service charge of £50,000, now with no capital contribution (previously circa £850,000) for the new 15,000 sq ft market. Rockspring Investors have proposed a fixed uplift to the rent to reflect the absence of any capital payment and this remains to be negotiated. A professional management contract should be competitively tendered, but ideally Rockspring Investors or their successors should be responsible for operating and promoting the market as that could save significant costs due to economies of scale as part of the shopping centre service charge. Total costs for running the new market, including rent, rates and services maybe in the order of £330,000pa, with income increasing by 10% to £400,000. However in the first year letting concessions to new traders may reduce the profit element. The City Council would additionally benefit by circa £20,000 pa from an enhanced head rent from the first floor lease once the Eastgate Centre was fully let at market rents and the base rent for the Centre of £515,000 pa achieved.
- 8.2 The City Council could retain the existing market hall lease thereby enabling a further redevelopment or refurbishment to take place when the new Linden Homes residential scheme matures. The market hall building could then be completely refurbished and considerably enlarged by incorporating other adjoining City Council owned land, thereby enabling lettings to national retailers for rents to the City Council possibly in excess of £200,000 pa. As part of the negotiations with Rockspring Investors, flexibility in the market hall lease must be recognised to resolve uncertainty concerning future redevelopment of this building and to avoid unnecessary short term repair costs.
- 8.3 The essential short term repairs and redecoration of the existing market hall could incur planned maintenance of about £200,000 within the next year prior to the new first floor market being operational. Whilst these costs can in theory be recovered from the market traders by way of their service charge, the subsequent increase of around 50% may result in some traders leaving and difficulty in recruiting new temporary stall holders. Hence a significant risk of a substantial shortfall in recovery exists unless Rockspring Investors can be persuaded to withdraw all requirements for repairs.

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

9.0 Legal Implications

- 9.1 A new lease and modifications to the existing market hall lease will be required to effect the recommendations, if approved by Cabinet.
- 9.2 It is intended to instruct our internal legal department to effect this document.

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

10.0 Risk & Opportunity Management Implications

- 10.1 The existing long lease of the market hall places all risk, and conversely reward, on the City Council for this building for a further 78 years. The maintenance and repair of the existing market building carries the risk of significant financial shortfall to the

City Council in the event that stall holders are unable to meet a possible 50% increase in their charges next year. This in turn will reduce the rental income due to increasing voids but operational costs are unlikely to significantly reduce in the short term.

- 10.2 The risk of the market being unsuccessful on the first floor remains with the City Council who will be responsible for the rent and service charge payments for the length of the lease term. Promotion, marketing and professional management will reduce this risk and encourage full occupancy and increased profit. It is also essential to ensure flexibility in the lease terms especially relating to the future use of the space.
- 10.3 The Rockspring Investors' lease for the Eastgate Centre is presently being offered for sale with six other retail investments in a single package (offers are sought in the region of £250m). Clearly if a sale proceeds the new owners could be a city financial investment house with lower priorities than Rockspring Investors for retail improvements in Gloucester. Hence there is a risk that the new owners will not be prepared to invest circa £2m to create a new market and may be less enthusiastic about markets generally. In which case, they may seek to enforce repairing covenants for full repair of our market hall building in isolation.

11.0 People Impact Assessment (PIA):

- 11.1 The PIA screening stage is being completed.

12.0 Other Corporate Implications

Community Safety

- 12.1 Safety of the public will be managed during the construction stage by Rockspring Investors.

Sustainability

- 12.2 None, although sustainability will be considered when specifying products, and in construction methods.

Staffing & Trade Union

- 12.3 None.

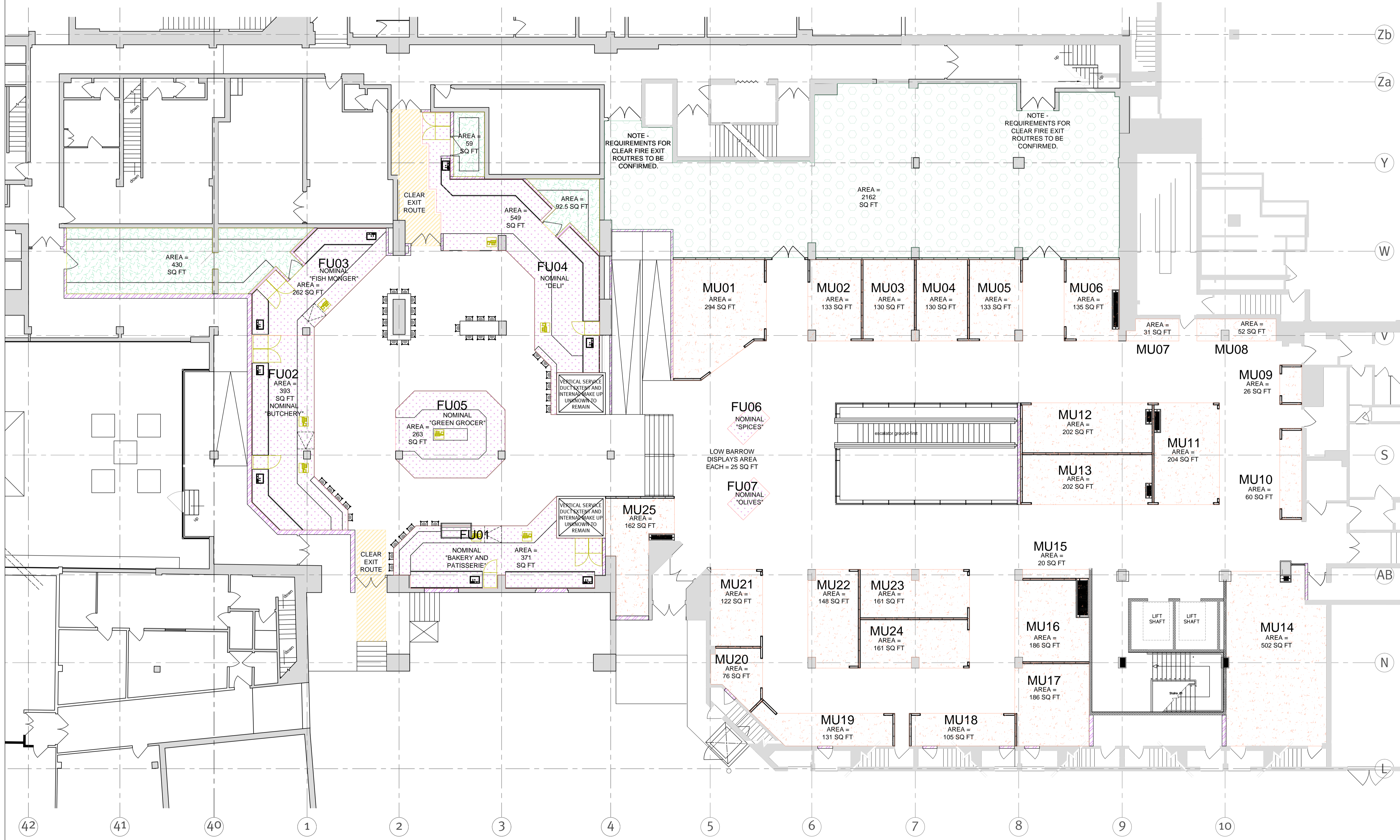
Background Documents: None

DRAWING ISSUED AS WORK IN PROGRESS ONLY INFORMATION REQUIRED PRIOR TO THE COMMENCEMENT OF ANY SITE WORKS

Do not scale from this drawing.
All dimensions to be checked on site prior to manufacture.
All discrepancies to be reported to Small Back Room for verification.
All building works to comply with current and local / national planning and building laws.

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All works to be carried out by a contractor competent to undertake the type of construction works indicated on this drawing.



HATCH	DESCRIPTION	UNIT Nos
[Red Dotted]	MARKET RETAIL UNITS NOMINALLY 3649 SQ FT	MU 01-25
[Green Dotted]	FOOD RETAIL UNITS NOMINALLY 1888 SQ FT	FU 01-07
[Purple Dotted]	FOOD OFFER BoH NOMINALLY 581.5 SQ FT	BoH
[Blue Dotted]	UNIVERSITY SPACE NOMINALLY 2162 SQ FT	-

NOTES :-
• ALL DIMS AND AREAS QUOTED ARE DEPENDENT OF FINAL STRIP OUT AND SITE CONDITIONS

REV DATE DESCRIPTION
small back room
5 WOOTON STREET Telephone 020 7902 7600
LONDON Facsimile 020 7920 7601
SE1 8TG E-mail info@sbp.co.uk

CLIENT	THE OTHER RETAIL GROUP		
PROJECT	EASTGATE SHOPPING CENTRE GLOUCESTER		
TITLE	MARKET RE-LOCATION SCHEME PROPOSED KIOSK UNIT SCHEDULE		
SCALE	1:100 @ A1		
DWG No.	15057_011	REV	-
DRAWN BY	MKS		
DATE	06-12-13		

DRAWING STATUS
PRELIMINARY

NOTE - ALL FINISHES TO CONFORM TO CLASS "0" SSF

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