



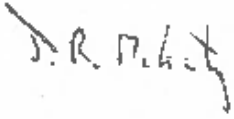
## Overview and Scrutiny Committee

**Special Meeting: Tuesday, 9th May 2023 at 6.30 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

<b>Membership:</b>	Cllrs. Field (Chair), Pullen (Vice-Chair), Durdey (Spokesperson), Ackroyd, Campbell, Castle, Dee, Evans, Gravells MBE, Hilton, Hudson, Kubaszczyk, Sawyer, Trimnell, Wilson and Zaman
<b>Contact:</b>	Democratic and Electoral Services 01452 396126 <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a>

### AGENDA

<b>1.</b>	<p><b>APOLOGIES</b></p> <p>To receive any apologies for absence.</p>
<b>2.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>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.</p>
<b>3.</b>	<p><b>DECLARATION OF PARTY WHIPPING</b></p> <p>To declare if any issues to be covered in the Agenda are under party whip.</p>
<b>4.</b>	<p><b>CALL IN OF CABINET DECISION REGARDING NOMINATIONS TO THE GLOUCESTER CITY HOMES BOARD (Pages 5 - 10)</b></p> <p>To consider a call in of the Cabinet decision of 5<sup>th</sup> April 2023 regarding Nominations to the Gloucester City Homes Board.</p> <p>The following documents are included:</p> <ul style="list-style-type: none"> <li>• Call In request, dated 14<sup>th</sup> April 2023.</li> <li>• Decision Record signed by the Leader of the Council, dated 6<sup>th</sup> April 2023.</li> <li>• Call In Procedure.</li> </ul> <p>The following documents have been marked <b>TO FOLLOW</b>:</p> <ul style="list-style-type: none"> <li>• Statement of the decision-taker.</li> </ul>

A handwritten signature in black ink, appearing to read 'J. R. McGinty', written in a cursive style.

**Jon McGinty**  
**Managing Director**

**Date of Publication: Thursday 27<sup>th</sup> April 2023.**

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

### **Access to Information**

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

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

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

### **Recording of meetings**

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Chair aware before the meeting starts.

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

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

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

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

## **Notice of call-in – Cabinet decision published 6<sup>th</sup> April 2023 – Agenda Item 9 Nominations to the Gloucester City Homes Board**

We the undersigned wish to call-in the decision made by cabinet on the 5<sup>th</sup> of April about agenda item nine, nominations to the Gloucester City Homes Board.

It is noted that the decision notice clearly identifies this decision by cabinet is subject to the call-in procedure if done by the deadline on the 17<sup>th</sup> of April 2023.

### **The decision made by cabinet reads as follows: -**

*“That council agrees to surrender their right to appoint up to two Council Board Members to the Gloucester City Homes Board.”*

Our reasons for the call-in is that the cabinet failed to comply with article 12.02 of the council’s constitution, The Principles of Decision Making, which reads:

### **12.02 Principles of Decision Making**

All decisions of the Council (whether they are the responsibility of the Leader or Cabinet or not) will be made in accordance with the following principles:

- Proportionality (i.e. the action should be proportionate to the desired outcome);
- Due consideration of professional advice from officers;
- Respect for human rights;
- Presumption in favour of openness; and
- Clarity of aims and desired outcomes.

### **Our reasons**

#### **1. Presumption in favour of openness; and clarity of aims and desired outcomes.**

The proposal first appeared in the cabinet forward plan published in the Scrutiny Committee papers for the meeting of the 27<sup>th</sup> of March, with a misleading description suggesting that the paper was about appointing new directors rather than the council surrendering its rights to nominate two members to the board of Gloucester City Homes.

It described the report as **Appointments to the Gloucester City Homes (GCH) Board**

With a summary of the decision: *“To appoint new members to the GCH Board of Directors.”*

This was incorrect and quite clearly misleading and was written without regard to openness.

The Agenda front sheet for cabinet was also misleading on agenda item 9, which was titled **Nominations to the Gloucester City Homes Board**

The summary said: “To consider the report of the Cabinet Member for Planning and Housing Strategy seeking Members to review the current approach to the nominating Members to sit on the Gloucester City Homes Board.”

Again this was misleading in that the cabinet member had not sought the view of members of the council and it did not suggest that it was on her mind to surrender nomination rights.

2. Presumption in favour of openness; and clarity of aims and desired outcomes.

The decision notice published on the 6<sup>th</sup> of April quite clearly indicates that the proposal affected all wards, but there was no consultation with members of the council, except for those sitting in cabinet about the plan to remove nomination rights to the board of GCH.

The cabinet sat for just ten minutes to discuss nine agenda items. The minutes say the meeting started at 6pm and finished at 6.10pm. This indicates that cabinet members just nodded the decision through, without proper consideration.

There is no evidence that the tenants and leaseholders have been consulted by Gloucester City Homes about the removal of the council's right to nominate two members to the board, which makes up just 15% of its membership.

3. Clarity of aims and desired outcomes.

The report does not adequately explain the pros and cons of the council retaining or surrendering its right to nominate two members to the board of GCH and how the retention of the right to nominate might better protect the interests of GCH's tenants and leaseholders. The report doesn't provide any evidence from GCH that the retention of two directors appointed by Gloucester City Council is frustrating their ambitions to better serve their customers.

Signed by

Jeremy Hilton  
Anne Radley  
Angela Conder  
Linda Castle  
Rebecca Trimnell

Friday 14<sup>th</sup> April 2023.



# DECISION RECORD

# Gloucester City Council

Publication Date

06 April 2023

**Decision Of**

Cabinet

**Date of Decision**

05 April 2023

**Item No.**

9

**Title**

Nominations to the Gloucester City Homes Board

**Report Of**

Cabinet Member for Planning and Housing Strategy (Councillor Stephanie Chambers)

**Report Author**

Neil Coles, Housing Innovation Manager

**Wards Affected**

All Wards

**Key Decision**

No

**DECISION:**

**RECOMMENDED** that the Council agrees to surrender their right to appoint up to two Council Board Members to the Gloucester City Homes Board.

**REASON FOR DECISION:**

The Council does not appoint members to the Boards of any other Registered Housing Providers in the City. The regulations governing the operation of registered provider's has reduced the proportion of Board Members who can be nominated by councils. By ceasing to nominate to the GCH Board, GCH can expand the breadth of experience and skills of their Board Members to better meet their ambitions to support their business and customers.

**ALTERNATIVE OPTIONS CONSIDERED:**

The Council could maintain its membership on the Board. However, it is considered that it would be in the best interests of GCH to enable it to appoint Independent Board Members who are likely to be better equipped to meet the future ambitions of the Association.

**OTHER RELEVANT MATTERS CONCERNING THE DECISION:**

None

**CONFLICTS OF INTEREST (including any dispensations granted):**

None

**SCRUTINY (including details of call-in procedure where applicable):**

This decision will come into force at the expiry of 5 working days from the date of the publication of the decision.

Call-in Deadline: 17 April 2023

**CONFIRMED AS A TRUE RECORD:**

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 and is a true and accurate record of that decision:

**Decision Maker:**

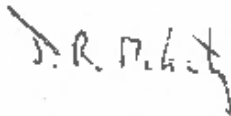
Councillor Richard Cook  
Leader of the Council



**Date:** 05 April 2023

**Proper Officer:**

Jon McGinty  
Managing Director



**Date:** 05 April 2023



## **Procedure to be followed at a meeting when considering a Call-in**

The Chair will open the meeting.

### **1. Reasons for the Call-in**

The Members who “Called-in” the decision will be asked to explain why they have done so and what they feel should be reviewed. **They shall be allowed up to 15 minutes in total to present their case.** It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers as they see fit.

***Members of the Committee may ask questions of clarification at this point. However there is no opportunity for cross-examination.***

### **2. Decision-maker’s response**

The Leader of the Council / Cabinet Member will respond to the reasons given for the Call-in. **15 minutes shall be allowed to respond on behalf of the decision-maker(s).** It shall be up to them to decide how to use this allocation. The relevant Cabinet Member may make the presentation or they may divide the time between several speakers as they see fit.

***Members of the Committee may ask questions of clarification at this point. However there is no opportunity for cross-examination.***

### **3. Consideration by the Committee**

The Overview and Scrutiny Committee will then discuss the matter. Members may ask further questions of the Members who submitted the Call-in or the decision-makers during the debate. The Members making the call in and the decision-maker will not normally speak during the debate, except to answer questions.

### **4. Summing-Up**

When the Chair considers that the matter has been debated for a reasonable length of time, both the decision-maker and one of the Members making the Call-in will be offered the opportunity to make any final comments on the matter and to sum up.

***Each side will be allowed five minutes for this purpose.***

### **5. The Vote**

The matter will then move to the vote. The first issue for consideration is whether, in light of the case presented by the Members making the Call-in and any other points made during the debate, Members wish to refer the decision for further consideration.

## **6. If the Vote to support the Call-in is lost**

If Members vote **NO** at this stage, the call-in is ended. The matter will not be referred back and the original decision may be implemented.

## **7. If the Vote to support the Call-in is carried**

If Members vote **IN FAVOUR** of referring the matter for reconsideration, they must vote on the following matters in turn:

### **Where to refer the matter –**

Members must decide whether the decision should be referred back for reconsideration directly to the original decision-maker (i.e. to the Cabinet) **OR** to refer the matter to City Council with a request that they decide whether to refer the matter back to the original decision-maker for reconsideration.

The Chair will ask members to vote in favour of either:

- (i) Reference directly back to the original decision-maker
- OR**
- (ii) Reference back via the City Council

### **Reasons for referring the matter back –**

The Chair will then put to the meeting that the matter be referred back to the original decision-maker (or to the City Council, as the case may be) for the reasons set out in the call-in request.

Members will then be invited to move any amendments or additions to those reasons. Members may also move any specific recommendations or issues they would like the original decision-maker or Council to consider.

Members must agree on the factors the decision-maker (or Council) are to be asked to consider. The matter may not be referred for reconsideration without reasons being given.

## **8. Advising the Committee of Action taken**

Where a decision has been referred back to the decision-maker (or Council), a report of actions taken will be presented to a future meeting of the Committee.