



OVERVIEW AND SCRUTINY COMMITTEE

MEETING : Tuesday, 9th May 2023

PRESENT : Cllrs. Field (Chair), Durdey (Spokesperson), Campbell, Castle, Evans, Hilton, Sawyer, Trimnell, Wilson, Finnegan, Morgan, Patel, Taylor, Toleman and Williams.

Others in Attendance

Cabinet Member for Planning and Housing Strategy, Councillor
Stephanie Chambers
Chief Executive of Gloucester City Homes
Managing Director
Housing Innovation Manager
Democratic and Electoral Services Officer.

APOLOGIES : Cllrs. Pullen, Ackroyd, Dee, Gravells MBE, Hudson, Kubaszczyk and Zaman.

137. DECLARATIONS OF INTEREST

There were no declarations of interest.

138. DECLARATION OF PARTY WHIPPING

There were no declarations of party whipping.

139. CALL IN OF CABINET DECISION REGARDING NOMINATIONS TO THE GLOUCESTER CITY HOMES BOARD

139.1 The Chair provided the Committee with an overview of the Call-In procedure.

Reasons for the Call-In

139.2 Councillor Hilton outlined his reasons for 'Calling-In' the decision, arguing that in his view the decision failed to comply with the 'Principles of Decision Making' set out in 12.02 of the council's constitution. Referring to the presumption of openness and clarity of aims and desired outcomes, Councillor Hilton expressed concerns that the summaries provided in the

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Cabinet Forward Plan and the 5th April Cabinet meeting agenda front sheet were misleading.

139.3 Councillor Hilton further noted that he was not aware of any evidence that tenants and leaseholders had been consulted by Gloucester City Homes (GCH) regarding the removal of the City Council's right to appoint Board Members to the GCH Board, noting his view that Council nominations were helpful. He also stated that there had been no consultation with political Group Leaders around the decision. In relation to clarity of aims and desired outcomes in particular, Councillor Hilton stated that the report did not provide clarity around the pros and cons of the council withdrawing its right to nominate two members to the Board of GCH. He referred to future land transactions and noted that if the City Council were to retain a close working relationship with GCH, it was important that Board Members with the appropriate skills were in place.

139.4 The Chair invited Members to ask questions on matters of clarification.

139.5 Councillor Hilton responded to Members' questions of clarification as follows:

- It was correct that the main issues around the decision process were the way the report was described on the Forward Plan, the wording on the agenda front sheet and the length of the Cabinet meeting. He noted that the Cabinet meeting had lasted 10 minutes and that 9 separate agenda items had been discussed during this timeframe. Councillor Hilton expressed concern that Cabinet had approved the decision without taking sufficient time to consider it.
- There was no documentation or evidence in the report explaining why the decision had been proposed or whether it had been initiated by the City Council or GCH.

139.6 Councillor Morgan raised a point of order in respect of a statement from Councillor Trimnell which the Chair accepted.

Decision Maker's Response

139.7 The Cabinet Member for Planning and Housing Strategy, Councillor Stephanie Chambers, assured the Committee that there had been no intention to mislead, and that there would be an opportunity for Members to debate the decision at the next full Council meeting. Councillor S. Chambers agreed that the summary published in the Cabinet Forward Plan could have been worded differently and she confirmed that she had asked her Lead Officers to check all future wording carefully to ensure it accurately reflected the content of the report. Councillor S. Chambers maintained that the report was factual and confirmed that she was satisfied that it had been considered properly and that the proposed decision was correct.

139.8 Councillor S. Chambers reminded Members of the process for Cabinet decision making, noting that all reports were discussed in detail via briefings with Cabinet Members. She further noted that there were 16 Registered

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Social Housing providers serving Gloucester and that the council did not nominate representatives to any other board. Councillor S. Chambers asserted that the council had a good working relationship with GCH and expressed the view that all social housing tenants in Gloucester should be treated equally, rather than providing additional oversight for tenants of GCH through board nominations.

139.9 Councillor S. Chambers advised that there had been some recent legislative changes which reduced the influence of Local Authorities on Registered Social Housing Providers. She commented that this was a good opportunity to inform residents of the distinction between Gloucester City Homes and the City Council.

139.10 The Chief Executive of GCH stated that GCH had been an independent organisation from the City Council for 8 years and that the organisations had developed a new type of relationship. He noted that the relationship was positive and one of equal partnership, which GCH were keen to maintain.

139.11 The Chief Executive of GCH explained that the board had matured over the years into a single status board, and that GCH was working to identify and meet skill gaps which would ultimately strengthen the organisation. He noted that although GCH welcomed applications from all backgrounds, being a Councillor did not automatically mean a representative had the skills required of a board member. He assured Members that GCH would still engage with the council in a constructive way with a shared focus on Gloucester, which he believed they could do so through partnership working rather than via a board representative.

139.12 The Chief Executive of GCH responded to Members' questions of clarification as follows:

- GCH owned around 5,000 properties in the city.
- There were no issues with GCH board membership including Councillors, however it was best practice in the sector to have a single status board, which all other Registered Social Housing providers in Gloucester already had.
- GCH were keen to diversify their board as it was not currently as diverse as the organisation hoped for.
- GCH had not been frustrated by the input of the City Council, however the board did now consider itself to be single status. He noted that the City Council nominated board member would not ask questions on behalf of or as a representative of the council. It was also noted that it was sometimes challenging for board members who had council or community responsibilities to separate these obligations from their board responsibilities.
- GCH had been approached by the City Council regarding nominations however it was felt that it was sensible to make the decision at this point in the year as the current council board representative was due to step away in December 2023. The recruitment process would therefore need to begin around September 2023.

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- The current City Council nominee was a former finance director and had brought valuable experience to the board.
- GCH wanted to steer away from politics as it is not a political organisation, however GCH continues to welcome advocacy from Councillors.

139.13 Councillor S. Chambers clarified that the Cabinet and decision-making process in her view was sufficiently open, and that the presumption was that meetings and reports were openly available to the public under Access to Information Rules.

Consideration by the Committee

139.14 Having heard the submissions of the Members who 'Called-In' the decision and the response of the Cabinet Member, the Committee discussed a number of issues including the Forward Plan summary and the role of the Overview and Scrutiny Committee in considering Call-In requests. It was noted that Councillor S. Chambers had committed to asking Officers to look closely at Forward Plan summaries for future reports. It was also noted that the Managing Director had accepted that the request met the criteria for Call-In, however there were concerns that the Call-In procedure should be used to scrutinise decisions made by Cabinet rather than recommendations relating to full Council decisions. The Managing Director confirmed that the Monitoring Officer would be reviewing provisions in the council's constitution to ensure that this was made clear.

139.15 The Chair emphasised that if Members were concerned about the decision-making process, it was only right that those Members were afforded the opportunity to Call-In the decision and that it was an important part of democracy. He also asserted that had the report appeared on the Cabinet Forward Plan earlier and with a clearer summary, the Overview and Scrutiny Committee would have likely requested it for consideration. Councillor Morgan expressed the view that GCH were best placed to decide which skills and expertise were needed to strengthen the board and Councillors had other avenues of raising concerns if this was needed.

Summing-Up

139.16 Councillor Hilton reiterated that the Forward Plan summary published on 17th March 2023 was misleading and that he was concerned that there was a danger of Members having a whipped vote at full Council without proper discussion. He stated that had the summary been made clearer and added to the Forward Plan earlier, the report was likely to have been requested by the Overview and Scrutiny Committee for a fuller discussion and scrutiny. Councillor Hilton referred to the decision notice, which stated that the decision was subject to the usual Call-In procedure before the deadline. He maintained that the Call-In stood as there were issues with the summary in the Forward Plan and concerns that the Cabinet report were confusing and unclear. He felt that Members should agree that there had been a rational reason for Calling-In the decision.

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139.17 Councillor S. Chambers did not accept that the report did not accurately reflect the proposed decision and expressed the view that the issue might have been that some Members had left it too late to read the papers in full. She acknowledged that the summary on the Forward Plan could have been worded differently. Councillor S. Chambers reiterated earlier comments from the Managing Director highlighting that the role of the Overview and Scrutiny Committee was to scrutinise Executive decisions rather than decisions which were being taken to full Council. Reflecting on earlier statements around the importance of democracy, she reiterated that there was no reason in her view that the council should have more of an influence on decisions made for GCH tenants than tenants of other Registered Social Landlords. Councillor S. Chambers stated that she stood by the recommendation in the report and reassured Members that the report had been discussed in great detail.

Decision of the Committee

139.18 The Chair asked the Committee to determine whether, in light of the case presented by the Members making the Call-In and other points made during the debate, Members wished to refer the decision for further consideration.

139.19 A motion to refer the decision for further consideration was put to a vote and lost, and the Call-In was therefore ended.

Time of commencement: 6.30 pm hours

Time of conclusion: 7.37 pm hours

Chair