

Cheltenham Borough Council
Cabinet – 14th July 2015
Shopmobility – Future Delivery

Accountable member	Cabinet Member Health Lifestyles Rowena Hay
Accountable officer	Townscape Manager, Wilf Tomaney
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	The Shopmobility unit situated within the multi-storey car park at Beechwood Arcade has, subject to contract, been granted a lease extension of a further 4 months until 1st November 2015. This report considers the future delivery method and location and seeks Member views. In the light of legal advice it recommends consultation prior to any decision on future delivery.
Recommendations	<p>1.1 That consultation is undertaken with interested and affected parties on the future of the Shopmobility provision, the findings to be reported to Cabinet in September.</p> <p>1.2 Delegate authority to the Director of Environmental and Regulatory Services to carry out the consultation.</p> <p>1.3 That a search for relocation Shopmobility premises continues in order to expedite decisions about location if necessary following the September meeting in time for relocation in November, the search in the interim to be in consultation with the Cabinet Member Healthy Lifestyles.</p>
Financial implications	<p>No financial implications arising directly from this report.</p> <p>Contact officer: Nina Philippidis, Business Partner Accountant nina.philippidis@cheltenham.gov.uk, 01242 264121</p>

<p>Legal implications</p>	<p>Shopmobility is a discretionary service which means that the Council is not statutorily obliged to offer this service.</p> <p>When considering changes to a service the Authority has to comply with its duty under Section 3 of the Local Government Act 1999. Section 3(2) imposes a general duty which requires the Authority to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. In deciding how to fulfil the duty there is a requirement to consult those persons referred to in the Act which includes representatives of council tax and non-domestic rates payers and persons who use or are likely to use the service. The council must also have regard to guidance on this duty issued by the Secretary of State. More information about the statutory guidance is contained in the body of this report.</p> <p>The Authority must also have regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. The Authority will need to undertake an impact assessment to assess the likely or actual effects of proposed changes in the service on persons who share a protected characteristic (as defined by the Act).</p> <p>If a commissioning exercise is undertaken, a procurement exercise in accordance with the Authority's contract procedure rules and, if applicable, the Public Contracts Regulations 2015 must be complied with.</p> <p>A change in the service will have an impact on the employees who work at shop mobility. GOSS HR will need to be involved and legal advice will be given if required.</p> <p>Contact officer: Donna Ruck,donna.ruck@tewkesbury.gov.uk, 01684 272696</p>
<p>HR implications (including learning and organisational development)</p>	<p>As one of the current options is to explore the possibilities of transferring the service to another provider the TUPE regulations apply. Informal discussions have taken place to ensure that the staff are fully aware of the implications but formal consultations with staff and trade unions may need to take place should this option be considered further.</p> <p>Any change of location / working practices / hours would require discussions and negotiations with staff and trade unions, as these are contractual terms and conditions. Preliminary work has already taken place to ensure that the team are fully aware of any possible changes and to ensure that they remain as passionate and committed as they have been up to now.</p> <p>Should the service be closed then redundancy situation would apply for those staff unless they were able to be redeployed. There may be redundancy and pension liabilities</p> <p>As a decision is not going to be made until September, it would be challenging to be able to transfer the service via TUPE by the 1st November. There are a number of legal steps that need to be taken to ensure a fair and reasonable transfer. Equally if the service closed then statutory notice periods would have to be given which could be up to 12 weeks.</p> <p>Contact officer: Richard Hall HR Business Partner , Richard.hall@cheltenham.gov.uk, 01242 774972</p>

Key risks	If suitable relocation options are not identified prior to a decision in September, then the authority could be vulnerable to having no relocation site available by November.
Corporate and community plan Implications	<p>Shopmobility contributes to the following Corporate Plan objectives</p> <ul style="list-style-type: none"> • Sustain and grow Cheltenham’s economic and cultural vitality • People live in strong, safe and healthy communities <p>Delivery considerations have an impact on the following objectives</p> <ul style="list-style-type: none"> • Transform our council so it can continue to enable delivery of our outcomes for Cheltenham and its residents
Environmental and climate change implications	None
Property/Asset Implications	<p>A outlined in the report</p> <p>Contact officer: David Roberts@cheltenham.gov.uk</p>

2. Background

Current Position

2.1 The Shopmobility service operates from Beechwood Arcade occupying a purpose built structure of approximately 280sm with nine associated disabled parking spaces. It has been based within the arcade’s multi-storey car park since 1992. It has been served notice to quit by the Landlord, effective June 24th 2015. Subject to contract, a lease extension until 1st November 2015 has been negotiated with the Landlord by the Council’s Estates team

2.2 The service has a range of mobility equipment for hire – including 23 mobility scooters and 21 wheelchairs. Service is available Monday to Saturday 9:30am to 4:30pm, with 2 staff on duty to enable “meet & greets” (at town centre bus stops etc.), lunch cover and minimise lone-working. To do this it has the following staffing arrangement (note that staff work 7 hour days so, effectively “full-time” is 35 hours per week):

- 1fte – leading the team (funded from Shopmobility budget)
- 2no x 0.4fte (funded from Shopmobility budget)
- 1no x 0.4fte (funded from Urban Design budget)

One of the Shopmobility 0.4fte staff is on “single-time” overtime of 0.2fte (funded from Shopmobility budget).

2.3 Shopmobility charges are as follows for VAT exempt users hiring a scooter or wheelchair:

- Annual membership £28 (gives unrestricted use for the year)
- Daily membership £7.50 (4 daily membership visits in a single year gain the client Annual membership)

Budget & Funding

2.4 The annual budget is as follows

	2014-15 Budgeted	2014-15 Closing Account	2015-16 Budgeted
Gross	£77,450	£55,822	£81,450
Income	£13,800	£7,138	£14,000

Net	£63,650	£48,531	£67,450
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2.5 Custom has been in decline for a number of years. The numbers from 2011 are set out below, along with approximate cost to the Council per visit.

	2011-12	2012-13	2013-14	2014-15
Annual visits	3,156	2,736	2,362	2,280
Daily avg visits	10	9	8	7
Gross Budget		£79,250	£64,550	£63,650
Net Budget		£68,227	£55,037	£48,531
Avg cost per visit to CBC		£25	£23	£21

2.6 Questions have been asked about the ability of the Council to maintain this budget situation in the current financial climate. There seem to be a number of options

- Close the service entirely as the quit date approaches;
- Relocate and operate as at present;
- Bring in external funding to support the budget;
- Restructure the charging system and relaunch the service in the new location in order to increase income;
- Commission out the service to an organisation with synergies and the potential to address the funding gap.

Pattern of usage

	Frequency of use per client	No. of clients	Registration Address		
			Cheltenham	Rest of Glos	Other
Apr 2012- Mar 2015	1	200	20%	36%	45%
	2-5	88	30%	43%	27%
	6-20	42	33%	57%	10%
	21-50	22	68%	27%	5%
	>50	6	83%	17%	0%
	All	358	28%	39%	33%

2.7 Table 3 shows the pattern of use by frequency of visit and by the address used to register at the Shopmobility office. The pattern of use is perhaps predictable - low frequency users are more likely to be from outside Cheltenham; high frequency users, from a Cheltenham address. Within that "headline" there are two points of note: medium frequency users are more likely to be from a Gloucestershire address outside Cheltenham; and anecdotally, holiday-makers using the service will frequently use their local holiday address to register – this may skew the figures in Table 3 in favour of a local address.

2.8 Between 2004 and March 2015 there were 2115 users registered. Table 3 shows that between 2012 and 2015, 358 of these had made use of Shopmobility. One user used it 180 times.

2.9 The database was purged in April 2015 and Table 4 shows user registrations entered between 1st April and mid-May 2015. 94 people registered and used the service in these 6 weeks. Currently

there is a heavy “in-county” bias; this may alter as the tourist season hits.

	Frequency of use per client	No. of clients	Registration Address		
			Cheltenham	Rest of Glos	Other
Apr 2015- May2015	1	47	28%	53%	19%
	2-5	31	48%	42%	10%
	6-20	14	64%	36%	0%
	21-50	2	50%	50%	0%
	>50	0	0%	0%	0%
	All	94	40%	47%	13%

Current position – discussion

- 2.10** Shopmobility provides a service which is anecdotally well liked by its users. In Cheltenham, use of the service has declined over recent years. Comparative information from other towns and cities is being gathered but it is clear from discussions so far that there are a range of models for delivery, location and facilities and a range of charging regimes – including a number where the service is free to users. Information from Gloucester and Worcester (similar sized cities nearby) is showing usage averaging 30-40 visits per day.
- 2.11** Nevertheless, there are a number of regular users – some using Shopmobility a number of times a week on a regular basis - and the re-registration exercise since April 2015 appears to show an increase in use.
- 2.12** The 2012-2015 analysis shows that the service is used by locals and visitors alike and those registered from within Gloucestershire are likely to use it more than once. A third of users are from outside the County. This suggests that there is some benefit to the economy of the town from the Shopmobility service, though the numbers in absolute terms are small.
- 2.13** Anecdotal evidence, from ad hoc discussions with visitors by officers and the Overview and Scrutiny task group, is that there is a “social” benefit to the Shopmobility service, with a number of vulnerable people relying on it as a part of their regular routine. A few clients use it on an almost daily basis, making regular visits to shops and cafes in the town; they have built a strong rapport with the staff and see them as part of their social life. On occasion, members of staff have been able to alert other services of health or care concerns.
- 2.14** Staff time is taken up with a range of activities. Most activities are directly related to the Shopmobility function, including registration and training of new users, hire and return of equipment, cleaning and minor maintenance of equipment, taking and collecting equipment to bus users and administering the service – ordering parts, ordering annual maintenance checks, budget management etc. As discussed, staff are also frequently an important part of clients daily contact and listening to clients, understanding their needs and taking a caring interest in their welfare is part of the job. Additionally, if time allows staff are available to undertake work remotely for other E&RS teams – work on data entry for the tree section is an on-going piece of work. The staff member funded 0.4fte through the Urban Design budget works 0.6fte within the main Townscape team on street and integrated transport related issues, she is able to undertake work on her main role remotely from the Shopmobility office when time allows.
- 2.15** One area in which there is a recognised deficiency is promotion and publicity for the service. This has been acknowledged by officers and is an issue identified by the O&S Task Group. It is possible that a new location or service format will offer an opportunity to relaunch and reinvigorate the service with new promotional opportunities. Additionally, the O&S Task Group in particular suggested that there may be, a yet untapped, opportunities to improve links to care providers and

the NHS. .

- 2.16** However currently there is a significant cost per visit and with the notice to quit the existing premises, this is a good time to review provision.

Duty to Consult

- 2.17** Paragraph 3 of the DCLG's Revised Best Value Statutory Guidance states that:

"...before deciding how to fulfil their Best Value Duty – authorities are under a Duty to Consult representatives of a wide range of local persons; this is not optional. Authorities must consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation. This should apply at all stages of the commissioning cycle, including when considering the decommissioning of services."

- 2.18** Before a decision is made on the future of Shopmobility, the Council will need to carry out consultation in accordance with its Duty to Consult. The exact nature of the consultation provision will be agreed with the Cabinet Member Healthy Lifestyles, Townscape Manager and Strategy and Engagement Manager, who have responsibilities in this area. Consultation results will be reported back to the Cabinet in September.

- 2.19** Consultation on vacating the premises is not an option due to the notice to quit. Finding new premises is often a reactive process as opportunities arise. The consultation process in respect of premises will need to reflect this ability to react quickly, within desirable criteria. Again the exact nature of the consultation on location will be agreed with the Cabinet Member, Townscape Manager and Strategy and Engagement Manager. Consultation results will be reported back to Cabinet in September. In the meantime, the Cabinet Member Healthy Lifestyles, Townscape Manager and Strategy and Engagement Manager with the Head of Property and Asset Management will continue to refine the search for premises in order expedite decisions about location if necessary following the September meeting in time for relocation in November.

- 2.20** A draft Communities Impact Assessment is at Appendix 2. It will be updated following the consultation exercise for September Cabinet.

Issues

- 2.21** The council needs to address the following issues.

- a. Continued operation of the service – The issues below (relocation and delivery method) are dependent on a decision to see the continued provision of a Shopmobility service in Cheltenham.
- b. Relocation of the Shopmobility – This has been considered a priority because of the notice to quit deadline and the likelihood that any variation in terms of delivery method is likely to be a lengthy process.
- c. Delivery method and commissioning – the service will need to demonstrate value for money and this could be tested out through a commissioning review of the service which would consider which delivery options (including the current in-house provision) provides best value for money.

Continued Provision

- 2.22** The current funding arrangements for the Shopmobility service have been outlined above and a net cost of £21 per visit is substantial. Whilst it is possible that another body could take on the running of the service, it seems likely that there will need to be continued financial support for a transitional period of a number of years following transfer, in order to help any new provider to achieve break-even. The Council needs to consider whether it wants to see a service continue in

the town.

2.23 Informally, the Chamber of Commerce and Cheltenham Business Partnership have both indicated that they would wish to see it continue, in order to make Cheltenham a place which welcomes people of all abilities. The O&S Task Group similarly supports continued provision of a Shopmobility service. Equalities auditing (draft at Appendix 2) indicates potential areas of impact.

2.24 Nevertheless, a political view on continued provision of Shopmobility is the starting point for decisions regarding the Service's future; a decision to abandon makes further considerations (relocation and delivery method) irrelevant.

Decommissioning costs will include redundancy and potential pension liabilities will arise and income from sale of stock will need to be factored in.

Relocation

2.25 If Members wish to see continued provision of Shopmobility in the town, it seems highly unlikely that this can be achieved without providing a relocation site. There is a possibility that an alternative provider could come forward with a town centre site available, but it seems unlikely. Similarly it is likely to be more difficult to find a suitable provider if the service is homeless. Therefore, whatever the delivery method, a site needs to be found.

2.26 The current unit is oversized for its current needs; it is considered that the service could operate from a minimum of 65-70sm, given an appropriate configuration of the space; provision is likely to be greater in a converted building but still well below current floorspace provision. Savings would result from deletion of redundant private office from current accommodation schedule; downsizing of current equipment stock; efficiency in storage arrangements; reduction in reception size.

2.27 The main relocation criteria are

- Proximity to the town centre
- Easy access to car parking
- Ease of disabled access to the site
- Equality Act 2010 compliance in and around the site.
- Approximately 65 – 70 square metres of usable space.
- Manoeuvrability

2.28 There are a number of options available and these will be included in any consultation, depending on suitability and feasibility.

Delivery Method

2.29 It has been suggested that Shopmobility could be commissioned to another organisation – this could be particularly beneficial to the service if there is the potential to gain benefits from synergies in terms of activities or client base.

2.30 However, officers are of the opinion that the need to relocate it is the first priority and this was the view of the Scrutiny Task Group, unless an immediate option with accommodation in a central location becomes available for the service. Commissioning out the service while it is without a home is likely to be problematic.

2.31 There are unlikely to be any immediate savings, as initial discussions suggest that the Shopmobility budget would need to be transferred with the service over the early years of any arrangement. Staff would transfer under TUPE regulations. There appear to be a number of options which can be explored including:

- Working with a local charity.
- Working with another council
- Working with the Cheltenham Trust

There may be others. These will be included in any consultation, depending on suitability and feasibility.

2.32 The way forward

2.33 There are the following options for progressing beyond the September Cabinet:

- a. If there is a decision to decommission the service in September, no further work on relocation or delivery methods will be necessary.
- b. If the decision is to continue in some form, the Shopmobility service can be relocated in time for the 1st November deadline.
- c. If the decision is to continue the service as a Council function, no further work on delivery methods is necessary following relocation (b. above).
- d. If the decision is to procure the service to another provider, work on the commissioning process can continue following relocation (b. above).

2.34 The Scrutiny Task Group has shown a keen interest in the future delivery of the service and Overview and Scrutiny has recommended its continued involvement in the work to come. This interest is welcomed and should be accommodated in future work.

3. **Reasons for recommendations**

3.1 To allow full engagement on the issues with groups affected by any change to Shopmobility.

3.2 To allow potential relocation options to be available to meet the November quit date if there is a decision to continue the service at the September meeting of cabinet.

4. **Alternative options considered**

4.1 The report sets out all options.

5. **Consultation and feedback**

5.1 The report outlines a process for consultation and feedback.

6. **Performance management –monitoring and review**

6.1 Report back to Cabinet in September.

Report author	Contact officer: Wilf Tomaney, wilf.tomaney@cheltenham.gov.uk, 01242 264145
Appendices	1. Risk Assessment 2. Communities Impact Assessment
Background information	1.

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	
1	Any risks associated with equality impact	WT	June 15	5	4	20	Reduce	Undertake Equalities Impact Assessment	September 15	WT		
	Any environmental risks	None										
2	If suitable relocation options are not identified prior to a decision in September, then the Council could be vulnerable to having no relocation site available by November.	WT	June 15	5	4	20	Reduce	Continue site search in readiness for decision to relocate	September 15	WT		
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>												

DRAFT Community impact assessments – for services, policies and projects

What is a community impact assessment?

A community impact assessment is an important part of our commitment to delivering better services for our communities. The form will help us find out what impact or consequences our functions, policies, procedures and projects have on our communities, as well as employees and potential employees.

By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.

Background

Name of service / policy / project and date	Shopmobility – service provision and relocation
Lead officer	Wilf Tomaney
Other people involved in completing this form	Collette Sekulic Rhonda Tauman

Step 1 - About the service / policy / project

What is the aim of the service / policy / project and what outcomes is it contributing to	Shopmobility provided mobility aids for rent, available for use in the town centre. It contributes to Corporate Strategy 2015-16 Economic Outcome and Community Outcome.
Who are the primary customers of the service / policy / project and how do they / will they benefit	Residents and visitors with a mobility difficulty.
How and where is the service / policy / project implemented	Currently delivered from the car park of Beechwood Arcade. Notice to quit has been served. Currently searching for an alternative suitable location.
What potential barriers might already exist to achieving these outcomes	The Council's budgetary constraints. Falling numbers using the service – reasons unclear- possible reasons are <ul style="list-style-type: none"> • location (reducing passing trade); • cost; and • increasing private ownership of mobility aids. All anecdotal, no positive evidence.

Step 2 – What do you know already about your existing / potential customers

What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information	<ul style="list-style-type: none"> • Declining use year on year. • Three year analysis of users shows registration address as follows <ul style="list-style-type: none"> ○ 28% Cheltenham ○ 39% rest of Gloucestershire ○ 33% outside Gloucestershire ○ Regular users tend to be Cheltenham based; one-time users largest proportion is from out of County; moderate users, largest proportion from rest of Glos. • Usage appears low compared to similar towns/cities (notably Worcester and Gloucester – anecdotal). • Comparative costs to clients are difficult to assess because of the variety of payment methods across the various providers nationally. A number of services are free to customers. Cheltenham looks to be on the high side of the norm for services which charge. • O&S Shopmobility Task Group, Cheltenham Chamber of Commerce and Cheltenham Business Partnership want to see a continued service in the town. • Anecdotally the service receives positive responses for customers
What does it tell you about who uses your service / policy and those that don't?	<ul style="list-style-type: none"> • There is a small core of regular users who are very frequent users. • Users are roughly even split in terms of the three divisions used for analysis of the registration address. This suggests some value to tourism and to the town centre economy.

	<ul style="list-style-type: none"> Primary users are people with a mobility disability, usually (but not exclusively) those without access to their own equipment. Many are late middle-age or elderly, though again, not exclusively.
What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?	Consultation yet to be carried out.
If not, who do you have plans to consult with about the service / policy / project?	<p>Will need to undertake some consultation on any relocation options – but realistically they are very limited; and notice to quit by November means remaining in situ is not an option.</p> <p>Decision to close service or procure to another supplier will need consultation.</p>

Step 3 - Assessing community impact

How does your service / policy / project impact on different groups in the community?

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
People from black and minority ethnic groups				No impact
Gender				No impact
Gender Reassignment				No impact
Older people / children and young people	Older people are a major user of the service	Closure is likely to impact on ability to access town centre for shopping, leisure or social contact.	Seek to retain service in some form within the town.	
People with disabilities and mental health challenges	People with mobility disabilities are a major user of the service	Closure is likely to impact on ability to access town centre for shopping, leisure or social contact.	Seek to retain service in some form within the town.	
Religion or belief				No impact
Lesbian, Gay and Bi-sexual people				No impact
Marriage and Civil Partnership				No impact
Pregnancy & Maternity	Potential user of service, but not a major target		Seek to retain service in some form within the town.	
Other groups or communities				No impact

Step 4 - what are the differences

Are any groups affected in different ways to others as a result of the service / policy / project?	Financially disadvantaged groups may be affected if unable to access Shopmobility. Users of public transport may be disadvantaged if Shopmobility is required to move away from town centre.
Does your service / policy / project either directly or indirectly discriminate?	No
If yes, what can be done to improve this?	n/a
Are there any other ways in which the service / project can help support priority communities in Cheltenham?	No

Step 5 – taking things forward

What are the key actions to be carried out and how will they be resourced and monitored?	Relocations Search – monitored against a set of criteria, including conformity with DDA; accessibility to town centre; accessibility to car parking.
Who will play a role in the decision-making process?	Cabinet, informed by all party member discussion and officer advice.
What are your / the project's learning and development needs?	
How will you capture these actions in your service / project planning?	?