



12 January 2021

Tel: (01285) 623210 or 623236
e-mail - democratic@cotswold.gov.uk

COUNCIL

You are summoned to attend a special meeting of the Full Council to be held remotely via Cisco Webex on **Wednesday 20 January 2021 at 2.00pm.**

Robert Weaver
Chief Executive

To: All Members of the Council

Due to the current social distancing requirements and guidance relating to Coronavirus Regulations 2020 – Part 3 – Modification of meetings and public access requirements this meeting will be conducted remotely using Cisco Webex.

Members of the public will be able to follow the proceedings through a broadcast on <https://www.facebook.com/CotswoldDC/> (You do not need a Facebook account for this).

Recording of Proceedings - The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**

2. **Declarations of Interest**

To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.

3. **Minutes**

To confirm the minutes of the meeting of Council held on **18 November 2020**.

4. **Announcements from the Chair, Leader or Chief Executive (if any)**

5. **Public Questions**

To deal with questions from the public within the open forum question and answer session of fifteen minutes in total. Questions from each member of the public should be no longer than two minutes each and relate to issues under the Council's or Committee's remit. Any member of the public wishing to ask a public question is requested to contact Democratic Services by no later than 5.00pm the working day before the Meeting.

6. **Member Questions**

The following questions have been submitted:

(a) **Question from Councillor Tony Berry to Councillor Mike Evemy, Deputy Leader of the Council and Cabinet Member for Finance**

'Please could you tell me what the total income expected from parking fees in the year ending April 2021, and the percentage of the total for the year 2019/2020 was paid in cash?'

(b) **Question from Councillor Tony Berry to Councillor Joe Harris, Leader of the Council**

'In September you gave me details of employees of CDC and those working for Publica but dedicated to CDC, thank you for this information.

Following on from this please could you tell me what **new** positions have either been recruited or are planned to be recruited since May 2019 and the total sum of the salaries involved(Totals only to protect confidentiality)?'

(c) **Question from Councillor Julian Beale to Councillor Tony Dale, Cabinet Member for the Economy and Skills**

'What is the progress and the current situation with analysis of Applications and Payments made under the latest Business Grants Discretionary programme?'

(d) **Question from Councillor Stephen Hirst to Councillor Clive Webster, Cabinet Member for the Planning Department, Town and Parish Councils**

'I am receiving an increasing number of complaints regarding the length of time taken to receive answers to queries and other matters directed to the Planning Department and it is obvious that service levels are suffering from a serious reduction in the numbers of staff in this Department. Could you please advise me of the number of vacancies in the Planning Department and when do you expect to be able to recruit sufficient new members of staff to meet a full compliment so that the service levels improve to a satisfactory level?'

(e) **Question from Councillor Gina Blomefield to Councillor Joe Harris, Leader of the Council**

'As a prospective volunteer helper for the COVID vaccine roll out I am aware of the urgency in enabling this to be done as quickly and efficiently as possible. Providing sites with good parking for these inoculations would help speed up the programme. Has the Cotswold District Council offered either or both the Trinity Road office and the Moreton office to the Clinical Commissioning Group for this purpose as they would appear to be ideal?'

Items for Decision

7. **Terms of Reference - Crime and Disorder Committee**
8. **Adoption of Local Government Association Model Code of Conduct, Appointment and Remuneration of Independent Persons**
9. **Appointment of Interim Returning Officer and Electoral Registration Officer**

Other Matters

10. **Notice of Motions - In accordance with Council Procedure Rule 12, the following Motion has been received:-**

(a) Motion 6 of 2020/21 - re Flytipping

Proposed by Councillor Tony Berry, Seconded by Councillor Julia Judd.

'The new mapping system introduced to identify instances of fly-tipping is highly successful and much appreciated. On checking recently that various events had been reported I was dismayed to see that there were 6 current instances in my Ward and so I spoke with ERS about what we might do to reduce this amount, particularly in those spots which regularly received unwanted deposits. To my amazement I was told we don't have any cameras which we can put in these locations to catch/deter those dumping their (or someone else's) rubbish.

Catching and finding these people that desecrate our countryside must be the best deterrent and usually gains good publicity. Although considerable efforts are being made to try to do so, catching people in the act must surely be an option our officers have to help them.

From some research I discovered that motion activated cameras of good quality can be purchased for under £500. Whilst these might not be the right sort of camera, we can surely find out from Councils which are best suited and have good success rates. Even if they cost £1,000 each, it must be a worthwhile investment.

Equally there must be other 'good practices' in the industry that we could investigate (e.g. paying for skips in strategic locations).

We would therefore recommend to this Council that it puts aside up to £50,000 to:

- 1) Investigate the purchase and use of cameras to support the efforts to catch and fine fly-tippers.
- 2) Investigate other possible activities that would help reduce or remove this scourge from our district, and report back to this Council if further funds are required.'

11. **Next meeting - Wednesday 24 February 2021, 6.00pm**

(END)



Minutes of a meeting held remotely of Council held on Wednesday 18 November 2020.

Councillors present:

Nigel Robbins - Chair

Dilys Neill - Vice-Chair

Stephen Andrews
Mark Annett
Tony Berry
Gina Blomefield
Ray Brassington
Patrick Coleman
Tony Dale
Andrew Doherty
Mike Evely
Jenny Forde
Joe Harris

Mark Harris
Nikki Ind
Stephen Hirst
Robin Hughes
Roly Hughes
Sue Jepson
Julia Judd
Richard Keeling
Juliet Layton
Andrew Maclean
Nick Maunder

Richard Morgan
Richard Norris
Gary Selwyn
Lisa Spivey
Ray Theodoulou
Steve Trotter
Clive Webster

Officers present:

Interim Chief Executive
Chief Finance Officer
Interim Monitoring Officer

Service Leader (Licensing and Business Support)
Democratic Services

CL.50 Apologies were received from Councillors Julian Beale, Rachel Coxcoon and Claire Bloomer.

CL.51 **Declarations of Interest**

There were no Declarations of Interest from Members or Officers.

CL.52 **Minutes – 23 September and 21 October 2020**

RESOLVED that:

- (a) **Subject to the record of voting in respect of Minute CL.42 Treasury Management Review 2019-20 being amended to read: Record of Voting - for 32, against 0, abstentions 0, absent 2; and the amendment of Councillor 'Tony Dake' to 'Dale' in the list of Councillors present, the minutes of 23 September 2020, be approved as a correct record.**

Record of Voting – for 31, against 0, abstentions 0, absent 3.

- a) **the Minutes of the Special Meeting of Council held on 21 October 2020 be approved as a correct record**

Record of Voting - for 29, against 0, abstentions 2, absent 3.

CL.53 Announcements from the Chair, Leader or Interim Chief Executive

Announcements from the Leader

- (a) The Leader paid tribute to Andrea Shutt, former Cirencester PCSO, who recently passed away. She had previously been diagnosed with Motor Neurone Disease and while suffering from this, raised money for charities. Her PSCO responsibilities included the areas of Cirencester, North Churn Valley and Ermin. He explained that her greatest legacy was her children, which were a tribute to her, and they embodied the values that Andrea had instilled in them. Like their mother, they would continue the work for charities and make lives better for people.
- (b) The Publica Board had commissioned a review of the company governance arrangements earlier this year. Since the four partnership councils had established Publica in 2017, many changes had taken place. The report had been circulated to Members, and contained recommendations, to ensure that the Company was strengthened for the next stage of development. The Chair of the Publica Board, David Brooks, was standing down; the Leader thanked him for his work on the Board. A recruitment campaign for a new Chair of the Board was a priority.
- (c) The Leader explained that work had been undertaken on a new Council logo. Effective communication with business and residents was changing with increased emphasis on the use of the Website and Social Media, to help services to be delivered to the highest standard. A modern logo was to be used alongside the current crest. He thanked colleagues in the Print and Design Service for all their work on producing the new logo.
- (d) The Leader explained that the Council had appointed a Climate Emergency Manager and an Economic Development Lead who had been making good progress in these areas. It was now time to appoint a similar senior officer, to meet the Council's priorities on affordable housing and social rented homes.
- (e) The Leaders of Cheltenham Borough Council, Councillor Steve Jordan and West Oxfordshire District Council, Councillor James Mills had recently stepped down from their roles. He thanked them for their work and everything they had done for their respective Councils. Councillor Rowena Hay would replace Councillor Jordan at Cheltenham Borough Council and Councillor Michelle Mead would replace Councillor James Mills at West Oxfordshire District Council. Both Councillors would be invited to speak at a future Council meeting.

- (f) The Leader thanked the Interim Chief Executive, Christine Gore for her work over the last six months, Christine would return to her post within Publica in the New Year. The new Chief Executive would be in post for the next meeting in January 2021.

CL.54 **Public Questions**

(a) Question from Mr David Fowles to Councillor Joe Harris, Leader

The first question put to Council was deemed to be a political statement and Mr. Fowles was invited to replace it with a question.

'Was there a possibility between 3 December 2020 and Christmas, that the Council might consider a short term change on car parking charges to encourage parking in the District and to get people back into the towns and shops. Wychavon are offering free car parking until January, may be free after 3pm until January, Stroud have free parking on Saturday, could offer some days free when low occupancy days, such as Mondays/Tuesdays.

Response from the Leader of the Council

The Leader commented that he felt Mr Fowles might have introduced these himself when he was Cabinet Member for the Council, although he would take it in the spirit it was meant. The Council is taking part in the Small Business Saturday, and offering different car parking options around that event. In two of the car parks, 24/7 charging had been scrapped; the Council was waiting for Gloucestershire County Council to allow the Whiteway Car Park to be opened which would free up the rest of the town centre car parks with more short term stays. Over the next 10 years, the administration was committed to weaning the Council off relying on car parking charges to prop up the Council budget.

(b) Question from Mr David Fowles to Councillor Mike Evemy

Following the decision in July to increase car parking charges in Cirencester and across the district by 30% by the Lib Dem administration with effect from 1st Sept this year against the wishes of businesses and residents; I made a Freedom of information request that monthly year on year income, occupancy and transaction figures should be published as from 1st September 2020 comparing them with the same period last year.

This was not only in the interests of transparency but also to see what the trends were and whether for example the number of transactions and car park income increased in line with your forecast or whether there was a decrease.

As I understand it at the recent November Cirencester Town Council meeting, it was announced that the income had increased.

Could you confirm whether this is true and whether the current figures show an increase and what the comparison is with the same period last year?

Response from Councillor Mike Evemy

You may not have seen the question from Councillor Coleman and the answer, which shows the figures for car parking stays and income. A reply had been sent to all Members and would be included in these minutes. The price rise, (which was not 30%), in car parking charges shows that September had no negative impact on the number of stays in the car parks. The comparison was made with September and October figures, to what was seen in August. It was the correct decision to increase the charges and the benefits are beginning to be seen, the numbers had exceeded those for October 2019.

CL.55 Member Questions

(a) Question from Councillor Nikki Ind to Councillor Mike Evemy, Deputy Leader of the Council and Cabinet Member for Finance

Whilst I appreciate the benefits of technology and the cost savings related to cashless parking, following resident's concerns raised with me, could you please confirm that from next April there will be no way for elderly residents or those without an up to date mobile phone or credit/debit card to pay for car parking in the Cotswolds? How does this allow the District Council to ensure all services remain inclusive?'

Response from Councillor Evemy

Our plans to remove the option to pay for parking using cash were included in the Council's budget consultation in January 2020 and in the budget papers presented to Council on 26 February. In the Corporate Plan passed by the Council on 23 September 2020, the action 'Introduce cashless parking in all car parks' was shown with a commencement date of 'July 2020' and a completion date of 'April 2021'.

There are two main reasons why we intend to phase out the use of cash in our car parks: (i) the cost and environmental impact of cash collections; and (ii) the costs and inconvenience to the public and officers of acts of theft and vandalism.

The Council's 2020/21 budget contains an estimated saving of £35,000 from the removal of cash from car parks. Cash collection requires regular journeys around the District to empty the machines with the associated vehicle use. Over the four-year period from 2015/16, we have seen nine incidents of theft or vandalism of machines in our car parks. Whilst we can make insurance claims for the theft or damage to the machines, subject to a £1,000 excess, we incur the cost of the stolen cash and any consequential loss in parking revenue while the situation is rectified ourselves. Costs of the latter can be in five figures when the damage is significant as it was at the Beeches in 2016.

With the launch of our new free parking app on 1 October, we took the opportunity to publicise our plans to remove the option to pay for parking using cash by 31 March 2021. I was interviewed on the subject on BBC Radio Gloucestershire and am aware that this decision has caused concern to some residents and visitors to the District. A significant number of these concerns stem from a report in the Wilts

and Glos Standard on 3 October, which at the top of the story suggested that the only way to pay in future would be by phone. Clearly, that is not the case. Our plans have always included the retention of the ability to pay by credit or debit card using contactless or chip and PIN technology.

However, I am aware there are residents who would prefer to continue to use coins to pay for their parking. This may be because they do not own a smartphone or a mobile phone or, if they do, they do not wish to use them for this purpose. It may also be because they do not wish to use a card. In response to your point about inclusion, I believe it is reasonable to expect a car driver to have either a credit or debit card. Most payments for fuel, vehicle licence duty, insurance, repair and servicing bills will be made by card. Access to a basic bank account including a debit card must be made available to all adults.

As part of our administration's plans to rebuild the Council and the services, we provide we're committed to improving the parking service and making it easy for people to use. We have seen a considerable increase in the share of car park stays paid for using cards following the first lockdown - between 10% and 16% up on the same months in 2019, with year on year increases in the share of payments by phone/app in September and October of 6% and 8% respectively. These increases coincided with the publicity around the switchover to PaybyPhone and scrapping of the 10p administration charge on 1 October.

However, despite these changes, there are still many people who are parking in our car parks and paying by cash. We want to encourage them to pay using a card or the app and will be working with PaybyPhone on a campaign to encourage this.

In recognition of this and the concerns raised by Cllr Ind and others, I have asked officers to bring a report to Cabinet on 4 January 2021 to provide options for a phased approach to the removal of cash payments with an extension to the completion date of this project to January 2022 in advance of the start of are-tendered cash collection service in February 2022.

Supplementary Question from Councillor Ind

Had communication taken place with residents in relation to any change to this scheme?

Response from Councillor Evemy

He thanked Councillor Ind for her question. Sometimes information relayed to residents through newspapers is out of our control. A line in the newspaper saying that residents will not be able to pay by card is wrong, they absolutely will, the switch will be staggered and the Council will learn from the car parks, which have switched over to cashless car parking charges first. People will have good notice when this will happen.

(b) Question from Nikki Ind to Councillor Joe Harris, Leader of the Council

'With the ongoing COVID situation, would the Cabinet consider a publicity campaign regarding Postal Votes, as it looks likely that next year's elections will take place and many of our residents may prefer to change to this option?'

Response from Councillor Joe Harris

We understand that many people may wish to use a postal vote for May's elections and we are very happy that they should do so. The Returning Officer and the elections team are already planning a campaign to promote postal voting with the aim of ensuring that anyone who wants to has arrangements for a postal vote in place well before the elections.

(c) Question from Councillor Tony Berry to Councillor Joe Harris, Leader of the Council

'Last month you gave me details of CDC employees and those working for Publica but dedicated to CDC. Please could you now tell me what the total increase in the CDC Payroll has been since May 2019 including all new hirings and advertised vacancies?'

Response from Councillor Harris

The payroll fluctuates from month to month during the year for many reasons, the most significant change being staff turnover. The estimated annual payroll cost based on actual salaries paid in May 2019 was just under £904,000, including the employer's on-costs. The equivalent estimate in October 2020, taking account of the Council 18 November 2020 2.75% annual pay increase that was effective from April 2020, was just under £834,000. The appointment of our new Chief Executive will add a further sum of just under £133,000.

Our administration has ambitious plans to rebuild the Council and help rebuild our District in the post COVID-19 world; these plans are outlined in the Council's corporate strategy. In order to realise these ambitions we have to have the staff in place to help do this and ensure we are paying them at a level that is commensurate with officers at other Councils.

Councillor Berry did not have a supplementary question, although would take the response away and make sure the information was what he was looking for.

(d) Question from Councillor Tony Berry to Councillor Rachel Coxcoo, Cabinet Member for Climate Change and Forward Planning

1. 'In July 3rd 2019 Council unanimously approved the idea of investigating the benefit of putting solar panels on our Trinity Road premises
2. When questioned in July 15th 2020 you reported that a review had taken place in April which showed that:

- a) This would make a 10% reduction in our carbon footprint on the property.
 - b) The investment would pay for itself in 10 years (a 10% return)
3. That a review was being undertaken on the use of the property and all 'options' were being considered.

Are we ever going to see this happen?'

Response from Councillor Coxcoon

Tackling the climate emergency is the foundation stone of this administration's plans to rebuild the Council and rebuild our District in the post COVID-19 world.

As everyone is aware, the usage of the Trinity Road offices since the first Covid-19 lockdown in March has been a tiny fraction of the normal usage the office had prior to the pandemic. As a consequence the amount of electricity consumed by the office has also fallen dramatically, and this naturally adversely affects the economics of installing solar panels on the roof of Trinity Road.

The Council has reacted quickly and effectively to the challenge presented by Covid-19, and most Council employees continue to work from home, and will do so for the near future, in line with Publica's 'agile working' strategy.

All this means that we must establish much greater certainty over the way the Trinity Road offices are to be used in the future, before committing to capital investment in solar PV. Making such an investment now, in the absence of that clarity on the Council 18 November 2020 future use of Trinity Road, risks the investment failing to deliver value to the Council, either in terms of carbon emissions reduction, or in financial terms.

We remain committed to making cost-effective investment in renewable energy technology wherever it is appropriate, and the Council is therefore commissioning a review of the opportunity for investment in solar PV across the whole of its building portfolio, to include Trinity Road, in collaboration with other Publica councils.

Supplementary Question from Councillor Berry

If there is uncertainty about Trinity Road going forward, should we be spending on the reception area and how much is that costing?

Response from Councillor Joe Harris in Councillor Coxcoon's absence

Anyone who had visited CDC reception would notice it was pretty grim. We do need to make a decision if we want to stay at Trinity Road, as we do not know if we will be going to be back to capacity in the future. Deciding what we do with Trinity Road is a longer-term option. We want people to come into reception and feel we are a professional organisation. We would not want to put solar panels up and in a year or two move out. We are committed to the climate emergency and there are some radical things in what we are doing to tackle the climate emergency.

(e) Question from Councillor Gina Blomefield to Councillor Rachel Coxcoo, Cabinet Member for Climate Change and Forward Planning

'You recently ran a Climate Change Forum for Parish and Town Councillors, please could you tell me how many people attended this and how many Councils were represented?'

Response from Councillor Coxcoo

Twenty-nine Councillors registered for the event, and 27 attended, representing 19 Town and Parish Councils between them.

All of the larger settlements were represented (Bourton on the Water, Chipping Campden, Northleach, South Cerney, Moreton-in-Marsh, Stow-on-the-Wold, Cirencester, Tetbury, Fairford, Lechlade), plus several smaller parishes. Support was expressed for the idea of Parish and Town councils continuing to progress the climate emergency work together, and attendees generated a large number of good ideas for local action.

We are now considering how we move forward with further support to help parish and town councils in the district to act on the climate emergency, including assessing the appetite for further action days in the new year.

Supplementary Question from Councillor Bloomfield

Councillor Bloomfield thanked Councillor Coxcoo for her response. She very much would welcome knowing more of the response to the forum across the whole Cotswolds, as we would want to help the parishes in any way we can, and would want to know of those councils who did not get involved and feedback of those councils who did attend.

Response from Councillor Joe Harris in Councillor Coxcoo's absence

Communication with all Town and Parish Council is important, as they are crucial in helping us with the Council's corporate aims. As an aside, he was surprised to find out that the Council only had contact details of parish clerks and some of these were out of date. He had asked that a live spreadsheet of Town and Parish Councillors be kept. The Climate Emergency Manager had run this event, it could have been better attended, and maybe the timing of this on a Saturday was unhelpful. Town Clerks act as gatekeepers, in relation to passing on information to local Councillors. The feedback was positive and the Council was lucky to have Councillor Coxcoo who understands the importance of this. In terms of the next steps, the Climate Emergency Manager would be working on this.

(f) Question from Councillor Stephen Hirst to Councillor Joe Harris, Leader of the Council

'Prior to the Lib-Dem assumption of control of the administration at CDC, the previous administration operated with a number of major management posts as shared posts with other adjoining District Councils normally West Oxfordshire District Council or the Forest of Dean District Council. These shared posts proved

to be very cost efficient and operationally effective, contributing to major savings in the running of the respective councils. Could the Leader please explain the reasoning behind this cost-effective method of controlling costs being replaced by single individual responsibilities and the added costs of running the Council in this manner'

Response from Councillor Harris.

"Retained staff are working to maximum capacity and will not be able to deliver new and emerging priorities and it is the view of the team that some capacity issues present a real and immediate risk to the council and its ability to operate safely." - LGA Corporate Peer Challenge for Cotswold District Council

I think this passage neatly sums up why my administration has had to act in order to 'bulk up' our retained staff. This will allow us to rebuild the Council after 16 years of underinvestment by the previous Conservative administration.

Supplementary Question from Councillor Hirst

Could the Leader advise how the Health and Wellbeing Officers plan to support the work that is being carried out by the Public Health department to slow the growth of Covid 19 as it concerns us all.

Response from Councillor Joe Harris

There is an outbreak engagement board, which meets weekly. Gloucestershire County Council liaises with the Council about what we need to have on the ground. More Environmental Health Officers have been employed and we are comprehensive in our support of the county council. The Health and Wellbeing team are hardworking and we are doing everything we can.

(g) Question from Councillor Stephen Hirst to Councillor Tony Dale, Cabinet Member for the Economy and Skills

'Busy Town Centres are vital to both the economy of our District and the profitability of our many traders. To support local businesses and traders what measures are being planned to support Cotswold Businesses in the run up to Christmas?'

Response from Councillor Dale

Creating an environment where we can allow businesses to thrive is a key plank of this administration's plans to rebuild the Council and in turn help rebuild the Cotswolds in the post COVID-19 world.

The District Council has been working to support local businesses across the Cotswolds and specifically with Cirencester Town Council, on its Christmas shopping guide. We have also maintained free after 3pm parking in a number of car parks in the District throughout the festive period.

The Council's work with Maybe to improve the social media presence of businesses will also help them to improve trade during the run-up to Christmas and indeed some of their webinars have focused on this theme.

The Council continues to promote a Shop Local message through its communications channels. Cotswolds Tourism continues to support businesses in the visitor economy through promotions on the Cotswolds.com website and through its other channels, consistent with enabling a Covid-secure environment.

(h) Question from Councillor Richard Morgan to Councillor Tony Dale, Cabinet Member for the Economy and Skills

'What impact will the second lockdown have on your economic forecast and return on investment forecasts and calculations with relation to your commercialisation strategy?'

Response from Councillor Dale

The District Council is not an economic forecaster and relies on other organisations with greater expertise and resources in this area to do this, especially as so many factors are beyond its control in the present pandemic.

Nonetheless, with a vaccine now on the horizon and the recovery in global stock markets last week we have seen improvements in our returns, beyond forecast, so remain in positive territory, something I know you will welcome.

Our Green Economic Growth Strategy is designed to ensure that the actions of the District Council and its partners positively contribute to the benefit of the local economy so its growth will therefore be higher than it would otherwise have been. In terms of the Recovery Investment Strategy, there are criteria set out in the report approved by Council, which must be met before an investment will progress and the second lockdown does not alter those criteria. They are robust and already agreed and form a key plank of this administration's plans to help rebuild our council and in turn help rebuild the Cotswolds in the post COVID-19 world.

The Strategy does include some borrowing for infrastructure purposes at a time when debt costs are perhaps the lowest they have ever been. The latest forecast for 50-year gilts shows the rate to stay below 1% for the next three years and beyond. So although we did not choose a second lockdown, the continued low cost of debt continues to create a 'once in a lifetime' opportunity to invest in the renewal of the infrastructure of the Cotswolds that has been neglected for so long. We will not miss that opportunity.

Supplementary Question from Councillor Morgan

He thanked Councillor Dale for his reply and mentioned that Councillor Dale was proud of this policy, the Commercialisation Strategy, as this was a flagship policy. Why aren't we explaining this policy to the residents of the Cotswolds with public consultation, as the administration had borrowed £54million to support some of the priorities?

Response from Councillor Dale

The Recovery Investment Strategy and the Green Economic Growth Strategy have been published. The Council will need a recovery fund moving forward, an investment board will be a cross party board and will bring the District into the 21st century. The Recovery Investment Strategy will deliver green businesses, jobs and growth and affordable housing. The Council has not borrowed £54 million; the Recovery Investment Strategy will be funded by a mixture of sources of money, not just simply borrowing. Using the resources to invest in residents and businesses.

(i) Question from Councillor Patrick Coleman to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

'Could the Deputy Leader and Cabinet Member for Finance please advise the Council of:

- a) the numbers of stays in this Council's car parks so far in the current financial year 2020/21;
- b) the revenue received from them so far in the said financial year;
- c) the impact of the price rise implemented on 1 September 2020.'

Response from Councillor Evemy

- a) The table below shows the number of paid parking stays by month in 2020/21 with comparator figures for 2019/20:

	2019/20	2020/21
April	96,001	95
May	98,601	293
June	94,541	28,538
July	103,869	66,181
August	102,239	88,452
September	95,256	86,119
Oct	96,977	85,685
Total	687,484	355,363

Parking charges were suspended between 26 March and 31 May 2020.

- b) The table below shows the revenue (excluding VAT) received from car parking charges by month in 2020/21 with comparator figures from 2019/20:

	2019	2020
April	£169,080	£85
May	£173,790	£191
June	£172,768	£42,747
July	£182,852	£108,455
August	£185,597	£148,088
September	£170,693	£167,857
October	£167,703	£168,739
Total	£1,222,483	£636,161

- c) The figures above show that September and October were better months for the number of paid parking stays than August, with over 90% and 88% of the previous year's totals compared to 86% in August and 64% in July as we were coming out of lockdown. So, despite concerns raised by Conservative councillors and some businesses, there is no evidence to support their fear that the rise implemented on 1 September would put people off using our car parks and visiting our towns and enjoying what they have to offer. Indeed, the rise has boosted car park income and enabled the monthly revenue to exceed the 2019 figure for the first time in October. I'd like to thank those people for continuing to support our local businesses and for spending their time and money in our towns.

(j) Question from Councillor Andrew Maclean to Councillor Clive Webster, Cabinet Member for the Planning Department, Town and Parish Councils

'The section 106 agreement for the main Upper Rissington development states in Part 4:

The Owner agrees:

1. *To provide a minimum of 1500 (one thousand five hundred) square metres of floorspace to shell and core for Employment Uses prior to the Occupation of the 300th Residential Units.*

The only employment space provided to date are two converted RAF buildings that have a combined floor space of less than 1,000 m². Why were the developers not held to this agreement and what steps can and will the council now take to ensure the full quota of employment space is provided before the developer leaves the site?'

Response from Councillor Webster:

As Cllr Maclean correctly highlights, the Outline planning permission requires the provision of 1500sqm of employment floor space to be provided by the time that the 300th home is occupied. This requirement remains in force and the amount of homes now built is in excess of 300. Planning officers are therefore in the process of seeking a position statement from the developer in respect of the amount of floor space provided to date and any remaining shortfall if found to be the case. I will, of course, update Cllr Maclean as soon as I receive the confirmation and, pending that response, I will arrange to meet with him to appropriately address any further action necessary.

(k) Question from Councillor Andrew Maclean to Councillor Joe Harris, Leader of the Council

In 2016, I, along with the majority of voters in the Cotswolds, voted to remain within the European Union. Our representative in Westminster has ignored the expressed will of his constituents and supported his party leaders in driving forward the most disruptive departure from the European Union possible. Now, with only 43 days until we leave the transitional arrangements, we can only end up with an incredibly meagre deal or no deal at all.

This is our final council meeting before this calamity is inflicted upon our residents, with all the negative impacts upon their rights, their freedom of movement, their jobs, their environment and their security. In the light of this terrible situation, what can and will this administration do to mitigate the catastrophic impacts that our government's actions are about to unleash upon the Cotswolds.

Response from Councillor Harris

Like Councillor Maclean I voted to Remain and I still passionately believe that the United Kingdom would be better off within the European Union.

It is my expressed hope that in my lifetime the UK will re-join, however, I do not believe now is the right time to begin the campaign to re-join. A period of national healing is needed and I fear that reopening the debate now will only serve to divide people further.

I believe it would be in residents' and the Council's best interest for the Government to seek an extension to the transition period so we can retain the status quo for a while and focus on tackling the COVID-19 pandemic.

The Council has a Brexit risk register that we keep updated to try and evaluate what the potential threats to the Council are arising from the uncertainty around Brexit. I will ask officers to share this with you.

As always seems to be the case with Brexit the uncertainty caused by the Government's flip-flopping makes it very hard to know what to plan for. I'm confident though that thanks to Cllr Evemy and Jenny Poole's financial prudence in seeking to rebuild the Council's finances we have the financial resilience to weather a 'no deal' Brexit.

CL.56 Review of Cotswold District Council's Statement of Licensing Policy

The Cabinet Member for Environment, Waste and Recycling introduced the report, which had been discussed at the Planning and Licensing Committee.

Enquiries to Licensing and Regulatory Services had risen this year, above normal levels and as a result, a revised policy for 2021/22 was deferred. He was proposing to extend the existing requirements currently in place for 2020/21 to 2021/22, with Officers reporting to the Planning and Licensing Committee in February 2021, carrying out a full review in 2021/22.

Councillor Layton seconded the proposal and reiterated that this was discussed at the Planning and Licensing Committee recently. The Service Leader (Licensing and Business Support) confirmed that the policy had not changed since being presented to that Committee.

RESOLVED that Council approves the current Statement of Licensing Policy attached at Annex 'A' to the report, to be in place for a further year and that a review be carried out in 2021/22.

Record of Voting – for 31, against 0, abstentions 0, absent 3.

CL.57 **Planning Protocol and Scheme of Delegation**

Councillor Layton, Chair of Planning and Licensing Committee introduced the report, which set out revisions to the scheme. She highlighted that the main revision to the scheme was the referral of applications to the Committee. She reiterated that Councillors must have material planning reasons to bring an application to Committee. A change to the briefing meeting was proposed; this would take place three weeks prior to the meeting, with Officers to discuss each application, and would replace the current briefing, which normally takes place two days prior to the meeting. This would not cause extra work or time spent on the meetings with Officers.

It was proposed that Ward Members would not be able to speak on behalf of the Town or Parish Council/Meeting. The Town or Parish would need to use the public speaking slot allocated to them, either speaking themselves or sending in a written submission to be read out at Committee. This was to ensure that if the Ward Member sits on the Planning Committee, they would take part in the discussion and the vote when necessary.

It was proposed that site inspections would be voted for on planning grounds only, not because the Ward Member thought it was a good idea.

A local campaign against an application with many objectors and no planning grounds should not be a reason to take an application to Committee

Councillor Layton urged Members to support these revisions. Councillor Joe Harris seconded the proposals.

During debate, some Members considered that the proposals should be referred back to the Planning and Licensing Committee. The interpretation of planning grounds was difficult, as some applications were overturned against Officers recommendations and applicants would want to know applications were being considered fairly. Officers would not be deciding what applications went to Committee.

More training for Town and Parish Councils/Meeting was necessary, for Parish Councillors to understand the reasons for bringing applications to the attention of the Ward Member, also understanding the NPPF. A suggestion was made that every parish councillor should have mandatory training, in order to be able to make a judgement.

The scheme should take into account Neighbourhood Plans, if an application was contrary to a Neighbourhood Plan, it should be put forward to the Committee.

Concern was expressed that Members of the Committee may occasionally appear to be voting politically, and as the Planning and Licensing Committee was quasi-judicial, this should not be happening.

Councillor Layton summed up. Annex B to the report was the proposed scheme and Annex C gave the appropriate delegated powers to officers.

Training was to be given to all Councillors following the election and regular training would take place throughout Councillors terms of office. It was reiterated that Councillors were required to have training in order to sit on the Planning and Licensing Committee. All Members would be invited to attend training.

Town and Parish Council training was due to take place following the May 2019 election. The General Election in December 2019 meant that the Council Chamber could not be used. Training was then due to take place in March 2020, due to Covid-19 this was not able to take place. Training was now scheduled for 26 November 2020 at 3.00pm.

Members were encouraged to always speak to Officers before referring an application to the Committee.

Councillor Layton refuted the comments about Members voting politically and assured Council that if it was considered that voting was taking place on a political basis, it would be stopped immediately.

She reiterated that the Committee was not the place for an application to have a public airing, the Planning Portal was the place for comments and applications presented to Committee would always be considered on material planning grounds, it was not a case of winning or losing.

RESOLVED that:

- (a) the revised Protocol (Annex B) and Scheme of Delegation (Annex C), be approved;**
- (b) delegated authority be given to the Monitoring Officer to make the consequential amendments to the Constitution.**

Record of Voting – for 18, against 13, abstentions 0, absent 3.

CL.58 Schedule of meetings 2021/22 and Meeting Arrangements

The Leader of the Council introduced this report, proposing that the meeting times remain the same in 2021/22 as they were in 2020/21. A decision would be made on the meeting times in the autumn of 2021, based on information, which would be gathered throughout the year. There had been an extraordinary set of circumstances this year.

The Deputy Leader and Cabinet Member for Finance seconded this proposal, explaining that the timing of school holidays was considered as many Members of the Council do have caring responsibility. Some meetings had been moved due to falling within the school holidays.

An amendment to this proposal was proposed by Councillor Beale and seconded by Councillor Jepson.

“Council resolves that, under whatever operating circumstances, with effect from 1st January 2021 all Meetings will commence at 10.00am for review

after a trial period at the Council's Annual meeting on Wednesday 26th May 2021."

Councillor Keeling, speaking on behalf of Councillor Beale, commented that since the Covid-19 pandemic meetings had been exclusively in virtual mode, enabling Councillors and Officers to attend meetings in reasonable safety.

Trinity Road was the heart and home of the Council, and the transparency sought would make meetings easier to attend for the public.

A Member survey should have taken place by 1 December 2020 to ascertain views, although the questionnaire which was received by Members was all about profile editing.

He also explained that staff would be compensated in time for working in the evenings, and many Parish Council meetings are in the evenings. He urged Members to support this amendment.

Councillor Jepson who seconded the motion explained that the meeting times were confusing and it was difficult to arrange childcare when the meetings were at different times of the day and evening.

The Deputy Leader commented that discussions on meeting times had taken place previously and the survey was to understand the demographics of the Council being representative of the communities. He urged Members to reject this amendment.

During debate Members expressed concerns relating to; parish council and community type meetings being in the evenings; meetings taking place at the same time would make it easier for people to arrange their diaries;

It was noted that Covid-19 had meant that the meetings were more transparent, as the public had been able to watch the meetings through a livestream to Facebook and should the Council consult with the public on how they would prefer to engage with the Council meetings.

In summing up the Leader, explained that Members should be thinking less about what is convenient for themselves and more about how to engage with the public, he wanted to lead a Council that was representative of the District. He urged Members to vote against the amendment in order to revisit the timings when they were more informed.

Councillor Keeling on summing up had nothing further to add.

On voting on the amendment set out above the vote was lost:

Record of Voting – for 13, against 18, abstentions 0, absent 3.

A vote was then taken on the substantive motion

RESOLVED that the schedule of meetings for 2021/22 be approved.

Record of Voting - for 18, against 7, abstentions 6, absent 3.

CL59. Acceptance of Delegated Powers - The Health Protection (Coronavirus Restrictions) (England) (No.3) Regulations 2020

The Cabinet Member for the Environment, Waste and Recycling introduced this item, proposing that the Council undertake the responsibilities relating to Covid-19, which were outlined in the report. Gloucestershire County Council were asking the Districts to undertake these. Councillor Jenny Forde seconded this proposal.

RESOLVED that

- (a) the delegation of powers from the County Council, be accepted;**
- (b) the Interim Head of Legal Services, be authorised, to conclude an agreement to reflect the delegation in accordance with Section 101 Local Government Act 1972.**

Record of Voting – for 28, against 0 abstentions 0, absent 6.

CL.60 Notice of Motions

Motion 4 of 2020/21 – Short Term Lets

Proposed by Councillor Tony Berry, Seconded by Councillor Clive Webster.

“Council notes that properties being let to large groups of people on a short-term holiday let basis, particularly when situated in villages, can cause nuisance and have a negative impact on neighbouring properties.”

Councillor Berry thanked Councillor Webster for the work that had been carried out on bringing this motion to Council.

Councillor Berry explained that where large houses are being let by agencies, that are outside the rules in terms of the normal letting cycle. Housing for over seven people, let out short term, should be classed as a ‘house in multiple occupation’, and should have had business approval, in relation to business rates as opposed to Council Tax, it should be a business transaction. A cross party working group was proposed to gather more evidence.

Councillor Webster seconded this motion and thanked Councillor Berry for raising this. He reiterated that it was a nuisance across the district when large houses were let out, possibly for parties, and a noise nuisance log had to be built up over three weeks, which is unhelpful when people are visiting for a short amount of time. It would be useful to see how other Councils were tackling this problem and what other options were available for the Council.

Concern was expressed that it was not just one well-known agency that rents out large houses for a short period, other agencies in the District also do this. There was a balance to be struck, with flexible options brought back to Council.

RESOLVED:

- (a) that a working group is established to explore options seeking to ensure that the impact on the locality is no worse than that which would apply to a domestic dwelling;**
- (b) that the working group reports its findings back to Council by June 2021.**

Record of Voting – for 28, against 0, abstentions 1, absent 5.

Motion 5 of 2020/21 - re Car Parks

Proposed by Councillor Tony Berry, Seconded by Councillor Stephen Hirst.

“That the changes to the way we pay for parking in all CDC Car Parks (due in March 2021) are altered to maintain the options of paying by cash or ‘Swipe Card’ whilst offering the benefit of ‘an app’ to those that can use it.”

In line with Council Procedure Rules, this motion would automatically stand referred to Cabinet for review.

The Leader of the Council highlighted that this was the last meeting for the Interim Chief Executive, Christine Gore. He thanked her for her work over the last six months and wished her well in moving back into her role with Publica.

The Meeting commenced at 2.00pm and closed at 5.00pm.

Chair

(END)



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 20 JANUARY 2021 Presented to Overview and Scrutiny Committee - 1 December 2020
Report Number	AGENDA ITEM 7
Subject	TERMS OF REFERENCE - CRIME AND DISORDER COMMITTEE
Wards affected	ALL
Accountable member	Cllr Jenny Forde, Cabinet Member for Health and Wellbeing Email: jenny.forde@cotswold.gov.uk
Accountable officer	Philippa Lowe - Business Manager Localities Tel: 01285 623515 Email: philippa.lowe@cotswold.gov.uk
Summary/Purpose	The Council's Constitution, Article 7 for Overview and Scrutiny Committee states that the Committee has all the powers and functions, powers and duties conferred by Section 19 of the Police and Justice Act 2006 and to act as the Council's Crime and Disorder Committee.
Annexes	Annex A - Draft Terms of Reference Annex B - Proposed amendment to the Council's Constitution
Recommendation/s	(a) To approve the terms of reference for the Crime and Disorder Committee; (b) The Monitoring Officer make the recommended changes to the Council's Constitution, in the terms of reference for the Overview and Scrutiny Committee.
Corporate priorities	Encourage resilient, well-connected and active communities that take responsibility for their own health and wellbeing goals.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Chair of Overview and Scrutiny Committee Senior Management Team

1. BACKGROUND

A briefing note, attached as Annex B to this report, was presented to the Overview and Scrutiny Committee on 28 July 2020. This provided an overview of the Council's responsibilities for Crime and Disorder and outlined the main activities of the Community Safety Partnership, in relation to the discharge of the authority's duties on Crime and Disorder.

The Committee has powers, functions and duties conferred by Section 19 of the Police and Justice Act 2006 to act as the Council's Crime and Disorder Committee.

Attached as Annex A to this report are the proposed terms of reference for the Committee's Crime and Disorder Committee.

2. MAIN POINTS

- 2.1. The Council's Corporate Plan, adopted at Council, on 23 September 2020, sets out the action in relation to Community Safety and reducing the fear of crime; 'Continue to raise the profile of the Community Safety Partnership to reduce the fear of crime and ensure residents know how, and where, to get support'.
- 2.2. Section 19 of the Police and Justice Act 2006 sets out the powers and duties for the Committee to act as the Council's Crime and Disorder Committee.
- 2.3. It is proposed that an annual report be presented to the Crime and Disorder Committee, on the performance of the Cotswold Community Safety Partnership together with the Action Plan be presented at the Overview and Scrutiny Committee meeting in June 2021, to support the role and decision making of the Crime and Disorder Committee.

3. FINANCIAL IMPLICATIONS

- 3.1. This report has no financial implications.

4. LEGAL IMPLICATIONS

- 4.1. This report has no legal implications.

5. RISK ASSESSMENT

- 5.1. There are no key risks expected to arise from this item.

6. EQUALITIES IMPACT

- 6.1. Not required.

7. CLIMATE CHANGE IMPLICATIONS

- 7.1. No implications arise from this report.

8. ALTERNATIVE OPTIONS

- 8.1. None

9. BACKGROUND PAPERS

- 9.1. None.

(END)



Overview and Scrutiny Committee – Crime and Disorder

Draft Terms of Reference

1. Background

- 1.1 The Council's Constitution, Article 7 for Overview and Scrutiny Committee paragraph 7.05 (c) states that the Committee has all the powers and functions, powers and duties conferred by Section 19 of the Police and Justice Act 2006 and to act as the Council's Crime and Disorder Committee.
- 1.2 The responsibilities on the Council for Crime and Disorder is set out in Section 17 of the Crime and Disorder Act 1998 which dictates that the responsible authorities (as defined by the Act) must consider the implication on crime and disorder of all their day to day activities. In its broadest sense the Act also brought about a duty to cooperate which led to the creation of Community Safety Partnerships (CSP's) in each local authority area in Gloucestershire.
- 1.3 Section 17 of the 1998 Act, as amended by the Police and Justice Act 2006, requires 'responsible authorities' (as defined by the Act) to consider the likely impact on crime and disorder, the community safety dimension, in all their day to day activities. It is also about the contribution that can be made to reducing crime, disorder and the fear of crime as well as improving the quality of life in the area.

2. Community Safety Partnership (CSP)

- 2.1 Section 5 of the Crime and Disorder Act 1998 established community safety partnerships in England (then known as 'crime and disorder reduction partnerships'). CSPs are statutorily responsible for reducing crime and disorder, substance misuse and re-offending in each local authority area. CSPs are defined as: "An alliance of organisations which generate strategies and policies, implement actions and interventions concerning crime and disorder within their partnership area".
- 2.2 The Police and Crime Commissioner is held to account by the Gloucestershire Police and Crime Panel. The Panel is a joint body of all the Gloucestershire local authorities and served by Gloucestershire Police. The Panel is made up of sixteen appointed Councillors and two co-opted members.

3. Crime and Disorder Committee

- 3.1 The Overview and Scrutiny Committee will act as the Council's Crime and Disorder Committee, overseeing the activities in relation to the 'responsible authorities' and any other relevant issues which may arise for the Committee to consider.



- 3.2 In order to support the Committee's role, an annual paper will be prepared on the outcomes achieved by the Cotswolds Community Safety Partnership, in relation to discharge of its statutory functions as defined by Section 17 of the Crime and Disorder Act 1998.
- 3.3 The committee will report or make recommendations to the Cabinet or Council in respect of discharging the function outlined above.
- 3.4 The Committee will comprise Members of the Overview and Scrutiny Committee and will invite other Members, Officers and relevant speakers to address the Committee when relevant.
- 3.5 The overview of the Partnerships work will include:
- Progress against the Community Safety Partnership Action Plan
 - Spending against external funding
 - Progress in relation to agreed Council Priorities

D5 - OVERVIEW AND SCRUTINY PROCEDURE RULES

Proposed amendment to the Constitution of Cotswold District Council as currently (22nd November 2020) published. Delete Paragraph 9.5 and insert:

1. Crime and Disorder Committee
 - 1.1 The Overview and Scrutiny Committee will act as the Council's Crime and Disorder Committee, overseeing the activities of the 'responsible authorities' who form part of Cotswold Community Safety Partnership (CSP) and any other issues which may arise for the Committee to consider.
 - 1.2 The Committee will report or make recommendations to the Cabinet or Council in respect of discharging the function outlined above.
 - 1.3 When acting in its capacity as the Crime & Disorder Committee the Overview and Scrutiny Committee shall derive its responsibility and authority from: 1.3.1 Section 17 of the Crime and Disorder Act 1998; 1.3.2 Section 19 of the Police and Justice Act 2006; 1.3.3 The Crime and Disorder (Overview and Scrutiny) Regulations 2009; 1.3.4 And other such legislation and regulation that may from time to time be approved by Parliament amending any or all of the above.
 - 1.4 The Committee will comprise Members of the Overview and Scrutiny Committee and will invite other Members, Officers and relevant speakers to address the Committee when relevant.
 - 1.5 In order to support the Committee's role, an annual paper will be prepared to present an update on the performance of the Cotswolds CSP, in relation to discharge of its statutory functions as defined by Section 17 of the Crime and Disorder Act 1998.
 - 1.6 The overview of the Partnerships work will include:
 - Progress against the Community Safety Partnership Action Plan
 - Spending against external funding
 - Progress in relation to agreed Council Priorities



**COTSWOLD
DISTRICT COUNCIL**

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 20 JANUARY 2021
Report Number	AGENDA ITEM 8
Subject	ADOPTION OF LGA MODEL CODE OF CONDUCT, APPOINTMENT AND REMUNERATION OF INDEPENDENT PERSONS
Wards affected	None
Accountable member	Cllr. Joe Harris, Leader Email: joe.harris@cotswold.gov.uk
Accountable officer	Patrick Arran, Monitoring Officer Email: patrick.arran@cotswold.gov.uk
Summary/Purpose	To adopt the LGA Model Code of Conduct, appoint Independent Persons for standards matters and approve allowances payable
Annexes	Annex A - Prospective Independent Person CV Annex B - LGA Model Councillor Code of Conduct 2020
Recommendation/s	It is recommended that <ul style="list-style-type: none"> a) Council adopts the Local Government Association Model Code of Conduct with effect from the 1st March 2021 b) Council notes that the Monitoring Officer will carry out training prior to it coming into effect. c) Phyllida Pyper and John Acton are appointed as Independent Persons with immediate effect and that Michael Pagett-Wilkes is re-appointed as Independent Person, all appointments to be for a maximum of one year. d) The Independent Persons are paid an all-inclusive allowance of £1000 per annum on a monthly basis.
Corporate priorities	N/A
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Chair of Audit Committee, Leader & Deputy Leader

1. Section 27 of the Localism Act 2011 (the Act) places a duty on relevant authorities to promote and maintain high standards of conduct. In order to discharge its duty a council must adopt a code dealing with the conduct that is expected of members of the authority when they are acting in that capacity. Section 28 of the Act provides that a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with the Nolan Principles. There is also a requirement to ensure that appropriate measures are taken to record and declare interests. Other than these requirements, it is a matter for each council to adopt a code that is relevant to its particular circumstances. There is power to amend or replace a code as circumstances dictate.
 - 1.1 Cotswold District Council has a code of conduct for members which forms part of the Constitution.
 - 1.2 The Committee on Standards in Public Life (CSPL) undertook a review of the ethical framework for members with its report being published in January 2019. The CSPL review concluded that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The terms of reference for the review were to examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
 - 1.3 The CSPL also assessed whether the existing structures, processes and practices are conducive to high standards of conduct in local government and were to make any recommendations for how they can be improved. The full report can be accessed [here](#)
 - 1.4 The aim of the Localism Act was to place matters such as the code of conduct within the hands of individual councils, but in doing so there are now understandably considerable variations in approach and content. The CSPL heard evidence that the variation between codes, even where the codes do not differ in quality, is problematic as it creates confusion among councillors who may be serving at multiple tiers of local government. It also found that the current situation creates confusion among members of the public over what is required of different councillors. This is the also the experience of the Monitoring Officer.
 - 1.5 Consequently, the CSPL came to the conclusion that there should be a national model code of conduct, but that this should not be mandatory, and should be able to be adapted by individual authorities. It was recommended that the model code should be drafted by the Local Government Association, given their significant leadership role in the sector, in consultation with representative bodies of councillors and officers of all tiers of local government.

The Model Code

2. The Local Government Association (“the LGA”) released a draft Model Member Code of Conduct for consultation on 8 June 2020. Its aim was stated to be that:

“the draft Model Member Code of Conduct aims to be concise, written in plain English and be understandable to members, officers and the public. The draft Model Member Code has been designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members.”

There was extensive consultation and response on the draft Model which resulted in some changes to the draft. The draft was considered by the Audit Committee at its meeting on the 30th of July and authorised the then Monitoring Officer to respond to the consultation on behalf of the authority.

- 2.2 The Model Code, which was finalised and released on the 23rd December 2020, incorporates the Committee on Standards in Public Life recommendations on Local Government Ethical Standards and representations from its membership. Part of the CSPL recommendations was the introduction of sanctions for breaches of the code, alongside an appeals process but this aspect was outside the scope of the LGA consultation as it requires legislative changes by Government.
- 2.3 It is suggested that a model code would create consistency across England and reflect the common expectations of the public regardless of geography or tier of authority. A summary of the some of the elements of the Model Code which is appended to this report are set out below, but the Monitoring Officer would reassure members that the Model Code, with its explanations and definitions appears to be an intuitive document.

2.4 When Does the Code Apply?

The code will apply to members when they are acting in their capacity as a councillor, misuse their position as a councillor or their actions would give the impression to a reasonable member of the public with knowledge of all of the facts that one is acting as a councillor. The latter aspect is one of the most difficult for members of the public to understand as there is a perception that councillors are always ‘on duty’, that is that members are bound by the Code at all times. This has gained prevalence in recent times due to the impact of social media.

- 2.5 The legal position at present is that under the Localism Act, the code can only apply when the member is acting in the capacity of an elected councillor. Many codes reflect the definition set out in the old model code and extend the applicability of the Code to cover situations where a member is acting or appearing or purporting to act as a member or representative of the Council. This is intended to cover the ‘don’t you know who I am’ situation, which is thankfully rare, but there is a clear gap in the

law with many codes being 'stretched' to include application to members where the law may not permit, particularly as a consequence of social media activity. There are of course shades of grey as to when a member is acting in that capacity and the CPSL recognised this which is why it recommended that there should be a rebuttable presumption that the person is acting in the capacity of a member unless they demonstrate that they were not. However, this would require a change in the law.

- 2.6 It is the view of the Monitoring Officer that the Model Code would be unlikely to withstand legal challenge to the Code being extended to giving the impression to a member of the public that one is acting as given the current statutory position. The likelihood of challenge is small, but if there is a change in the law to allow suspension for up to 6 months, then the stakes for members will be far higher. If adopted, the Monitoring Officer will apply the Code in accordance with the Localism Act and will take a purposive and pragmatic approach.
- 2.7 The Code will apply to all forms of communication and interaction. This is intended to cover the increase in use of social media by members and that there is sometimes confusion as to whether members are acting in their official capacity when operating outside of formal Council processes, for example on social media.
- 2.8 Content of the Code

The CSPL recognised that:

*"A code of conduct is not a values or vision statement for an organisation. **It therefore needs to state clearly what is required of councillors rather than an aspiration or aim.** Often this will mean phrasing requirements in terms of what councillors 'must not' do. The requirements should also be enforceable: codes should not include provisions such as 'councillors must be aware of...'"*

The Code adopted by the Council does not comply with the requirements of the CSPL in that it does not tell councillors what they should or should not do. Furthermore, it does not cover a number of aspects that one would expect to see in a Code such as a prohibition on bullying and harassment, bringing the office of councillor or the Council into disrepute or maintaining confidentiality.

- 2.9 The CSPL issued 15 best practice recommendations (which are appended to the Model Code), one of which was that the Code of Conduct should provide definitions of bullying and harassment. These are now contained in the Model Code.
- 2.10 The Model Code introduces the requirement to treat other councillors, officers and members of the public with respect. This does not prevent councillors from having a viewpoint and there will still be the ability to express challenge or disagree with opinions, but the line is rightly drawn at personal attack. It will be interesting to see how the Code stands up to judicial scrutiny in terms of freedom of expression, which preserves the right to hold and express views which may be disagreeable or even offensive to certain sections of the public. The Monitoring Officer will provide

guidance to members during training which, whilst not mandatory, he would recommend all members to attend.

- 2.11 There is the introduction of a definition of bullying and harassment as mentioned above. A prohibition on bullying and harassment is found in most Codes, but the Model Code introduces the definitions required by the CSPL.
- 2.12 There are further requirements around gifts and hospitality to make the position around perception of undue influence clearer.
- 2.13 Declaration of interests has been clarified. Disclosable Pecuniary Interests are set by Regulation so cannot be altered and remain the same as before. However, the Code re-states the position in relation to other interests which are now referred to as other 'registrable' interests which are set out in Table 2 of the Code.
- 2.14 There is a fundamental change to the approach to interests other than DPI's in that the concepts of financial interests which are not DPI's and of well-being have been introduced.
- 2.15 The best way to summarise the change is that they reflect what used to be known as prejudicial interests prior to the introduction of DPI's. The concept of personal and prejudicial interests has remained unchanged in the Welsh Model Code as it was not impacted by the Localism Act. However, members will note that the definition of other interests in Table 2 is almost identical to the existing Code, it is just the actions to be taken which will change.
- 2.16 The Monitoring Officer will be providing training on the Model Code and as such, the implementation will be delayed until the 1st March to allow members to familiarise themselves with the Model Code and to attend the training.

3. Independent Persons

The Localism Act 2011 (Section 28) requires a relevant authority to have in place arrangements under which allegations made under the Code of Conduct can be investigated, and under which decisions on allegations of breaches of the Code can be made.

- 3.1 The arrangements must include provision for the appointment of at least one independent person whose views must be sought, and taken into account before any decision is made on an allegation that it has been investigated. The views of the Independent Person may also be sought at other stages of the process and most authorities refer complaints to the Independent Person at an early stage in the process and particularly when the Monitoring Officer is carrying out an initial assessment of the complaint.
- 3.2 It is also now customary for a different Independent Person to provide assistance to members who are the subject of complaints under the Code. As such, the approach

is to appoint at least two Independent Persons. There are certain requirements set out in the Act in summary, these are that an Independent Person may not be a current or past (within 5 years):

- member, co-opted member or officer of the authority,
- member, co-opted member or officer of a parish council of which the authority is the principal authority, or
- relative, or close friend, of a person referred to above

3.3 The Audit Committee will be considering a review of the arrangements for investigating complaints at its meeting later in January with a view to recommending it to Council for adoption.

3.4 The authority has already appointed one Independent Person, namely Mr Michael Paget-Wilkes who is also a member of the Independent Remuneration Panel. As the best practice recommendations require at least two Independent Persons, the Monitoring Officer has approached the Independent Persons appointed by Stroud District Council. Both Phyllida Pyper and John Acton have agreed to assist Cotswold District Council and a brief CV for each is set out in Appendix One. The Monitoring Officer has discussed this approach with the Chair of Audit Committee given its responsibility for standards issues.

3.5 The appointments are being made to ensure that the authority has sufficient provision and are essentially an interim arrangement pending a review of the processes and to enable the Model Code to bed in. Therefore, the appointments are for a maximum of one year.

3.5 Remuneration

It is lawful to pay Independent Persons an allowance and payment does not affect their independence. It is extremely difficult to attract interest for the role of Independent Person and the work can be quite time consuming depending on the nature of the complaints received. Therefore, it is recommended that an allowance of £1,000 per annum is paid, which will be paid monthly.

4. **FINANCIAL IMPLICATIONS**

4.1. There will be an all-inclusive allowance payable to each Independent Person in the sum of £1,000 per annum and therefore a total financial commitment of £3,000 per annum.

5. **LEGAL IMPLICATIONS**

5.1. All legal implications have been set out in the body of the report.

6. **EQUALITIES IMPACT**

6.1. There are no equalities implications arising from the recommendations made in this

report.

7. ALTERNATIVE OPTIONS

- 7.1. No alternative options have been considered, however, the Council could retain the current Code of Conduct. This is not recommended as the Monitoring Officer is of the view that it is no longer fit for purpose.

8. BACKGROUND PAPERS

None.

(END)

Annex A

PROSPECTIVE INDEPENDENT PERSON CV

JOHN ACTON

In 1996 I was co-opted on to Charfield Parish Council and served for 11 years, including some as Chairman.

I was a member of South Gloucestershire Council's Standards Committee from its inception in 2001. In May 2007 I did not seek re-election to the parish council and therefore had to stand down as a Parish Member of the Standards Committee. A year later I was appointed as an Independent Member and continued until the committee was abolished when the Localism Act came into force. Under the provisions of that Act, I was appointed by South Gloucestershire as an Independent Person to advise the new Standards Sub-Committee. I decided in February 2019 that it was an appropriate time to resign prior to the election of a new council in May and when I was already beyond the terms of my appointment. Before then, in 2013, I had also been appointed by Stroud District Council as an Independent Person and I remain in that appointment.

My early career, after graduating in Civil Engineering, was in highway engineering for various county councils and then Government. Subsequently I was employed by the Government as a Planning Inspector in England and Wales. The ethos of the Inspectorate is that Inspectors' standard of behaviour must be beyond reproach. As an Inspector holding public inquiries, and later as a member of senior management advising other Inspectors, a high standard is ingrained in me.

In 1996 I took advantage of terms offered for early retirement from the Inspectorate. Later I was appointed to the Secretary of State's panel of chairmen conducting public examinations of regional planning guidance. I chaired the first of these into the guidance for East Anglia and another into the guidance for the North-West of England.

Experience of the quasi-judicial functions of the Planning Inspectorate trained me to examine thoroughly and objectively the evidence presented by opposing parties. I have been able to apply this skill to cases of alleged breaches of codes of conduct by councillors, whilst appreciating the sensitivity of such allegations and the need to treat people equally and impartially.

PHYLLIDA PYPER

Current activities:

I am currently an Independent Person on the Standards Committees of Stroud and South Glos Councils.

I am an NHS associate manager working in mental health (Avon & Wilts NHS Mental Health Trust). The role includes acting as Chair or panel member for hearings regarding patient detention under the Mental Health Act.

I am a school governor of Olveston CEVC Primary School in South Glos.

Previous appointments include member and Chair of South Glos Standards Committee, Independent Member of Avon & Somerset Police Authority and local community representative on Avon & Somerset Courts Board.

I have also been a parish councillor and vice-chair of Aust parish Council.

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

Table 2: Other Registerable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
--

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.



**COTSWOLD
DISTRICT COUNCIL**

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 20 JANUARY 2021
Report Number	AGENDA ITEM 9
Subject	APPOINTMENT OF INTERIM RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER
Wards affected	ALL
Accountable member	Cllr Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Patrick Arran, Monitoring Officer Email: patrick.arran@cotswold.gov.uk
Summary/Purpose	To ask Council to appoint Jan Britton as Interim Returning Officer and Electoral Registration Officer for the Council for the May 2021 elections and any attendant duties are completed.
Annexes	None
Recommendation/s	It is recommended that: <ul style="list-style-type: none"> a) Council appoint Jan Britton as Interim Returning Officer and Electoral Registration Officer for all elections due to take place in May 2021 and until any attendant administration is completed. b) Rob Weaver resume his designation as Returning Officer and Electoral Registration Officer immediately upon the May 2021 elections and the attendant administration being completed c) If the elections in May are postponed due to the Covid pandemic, resolutions a) & b) shall be taken to apply to the date the elections actually take place provided that if they are postponed for a period exceeding six months, a further report will be brought to Council.
Corporate priorities	None
Key Decision	No
Exempt	No
Consultees/ Consultation	None

1. BACKGROUND

On the 3rd June 2020 due to the retirement of Mr Nigel Adams the Head of Paid Service, Returning Officer & Electoral Registration Officer, Jan Britton, Managing Director of Publica, was appointed as Returning Officer and Electoral Registration Officer. This was intended to be a temporary arrangement pending the recruitment of a Chief Executive.

- 1.1 As part of his duties, Mr Britton engaged the Association of Electoral Administrators to conduct a peer review of the election count processes and the final detailed report made a number of recommendations. These recommendations were converted into an action plan for agreement and implementation. Cabinet considered and noted the report and action plan at its meeting on the 7th of December. Since then, Mr Britton has been progressing the actions and preparing for the elections which are extremely complicated given the pandemic and its consequences.
- 1.2 On the 23rd September 2020, Rob Weaver was appointed as Chief Executive by Council. Mr Weaver was also designated as Returning Officer and Electoral Registration Officer at that meeting. Mr Weaver commenced employment with the authority on the 4th January 2021.
- 1.3 Given the detailed involvement Jan Britton has had with the election review and preparation for the elections, to ensure consistency, it would be prudent to ask him to see the work through, but to satisfy the legal requirements, Council has to formally designate him into the roles.
- 1.4 At the time of writing the report, the Government intends the elections to take place as planned. However, given the current issues caused by the resurgence of infections, some contingency has been built into the recommendations. As soon as officers are made aware of any changes to the planned elections, they will inform members. If the elections are postponed for a period in excess of six months, a further report will be brought to Council.

2. FINANCIAL IMPLICATIONS

- 2.1. There are no financial implications for this Council arising from the recommendations in this report.

3. LEGAL IMPLICATIONS

- 3.1. The Council must appoint a Returning Officer and Electoral Registration Officer to be responsible for and organise elections on its behalf.

4. RISK ASSESSMENT

- 4.1. There are no risks identified as a result of the recommendations made in this report.

5. EQUALITIES IMPACT

- 5.1. There are no equality implications arising from the recommendations made in this report.

6. ALTERNATIVE OPTIONS

- 6.1. The Council must appoint a Returning Officer and Electoral Registration Officer and has designated Mr Weaver into this role. Council could decide not to follow the recommendations, but this is not recommended.

7. BACKGROUND PAPERS

None.

(END)