

COTSWOLD DISTRICT COUNCIL  
OVERVIEW AND SCRUTINY COMMITTEE  
1 SEPTEMBER 2020

Present:

Councillor Stephen Andrews - Chair

Councillors -

Claire Bloomer  
Gina Blomefield  
Patrick Coleman  
Roly Hughes (left at 5.00pm)

Andrew Maclean  
Dilys Neill  
Richard Norris  
Gary Selwyn – Vice Chair

Officers -

Interim Chief Executive  
Forward Planning Manager

Joint Performance & Policy Analyst  
Democratic Services

Apologies:

There were no apologies.

OS.14 SUBSTITUTION ARRANGEMENTS

There were no substitutions.

OS.15 DECLARATIONS OF INTEREST

(1) Member Declarations

There were no declarations of interest from Members.

(2) Officer Declarations

There were no declarations of interest from Officers.

OS.16 MINUTES – 28 JULY 2020

The minutes were discussed and the following amendments were requested:

Minute No. OS.8 to be amended as follows:

Third line of first paragraph to read: Cotswold was eleventh on a list of twenty areas *throughout the country* .....

The word gigaclear in the second paragraph, fifth line, should have a capital 'g' to read Gigaclear.

Minute No. OS.10, the word 'note' on the first line of the resolution be removed.

Minute No. OS.11 was clarified in relation to the green bin licenses. The financial/performance report was presented to Committee at the end of quarter 4, the licenses had reduced in the year 2019/20.

Minute No. OS.13, the word 'time' from the second line of the second paragraph to read be removed.

**RESOLVED that, subject to the above amendments, to the Minutes of the meeting held on 28 July 2020 they be approved as a correct record;**

**Record of Voting - for 9, against 0, abstention 1, absent 0.**

OS.17 CHAIR'S ANNOUNCEMENTS

There were no announcements.

OS.18 PUBLIC QUESTIONS

A question was received from Mr. David Fowles, as detailed below, there was no supplementary question.

Having watched the recent Council meeting on 29th July which was subsequently reported on both Gloucestershire Live and in the Wilts and Glos paper this week, I am left with a series of questions about this whole transaction which give me great cause for concern over the processes undertaken and the decisions taken by CDC and which as a member of the public, I would like investigated by the O and S committee.

Fundamentally I wish to challenge the decision which was taken and to explore the possibility of the decision being reversed. Failing that to learn from the mistakes that have been made and to make sure they don't happen again in the future.

A number of assumptions were made without any proper due diligence and Councillors then had to make their decisions based on incorrect information.

I can confirm that all the figures and statements quoted are in the public domain.

1. Conservative opposition Councillor Ray Theodoulou is reported as saying that SLM is a huge commercial organisation with turnover of £270 million, profits of £10m and recently paid its directors with pension enhancements £665,000. If this is the case why has Cotswold District Council made a grant of £222,140.00 available to re-open its leisure centres to this organisation.

2. The structure of SLM and Everyone Active seems far from transparent with one subsidiary collecting membership income on a 'not for profit' basis and another subsidiary paying to run the centres on a 'not for profit basis' with the parent company making huge profits in the centre. Please could you clarify the structure and find out who pays what to whom?

3. Given these huge profits, why as has been reported in the media did the Lib Dem administration based it would seem on the advice of the Deputy Leader opt to gift £222,140.00 to SLM and not give it to them as a loan.

4. What due diligence if any was done on the figures submitted to full Council? Who did this due diligence?

5. On what basis and with what evidence did Councillor Mike Every, the Deputy Leader make the assessment that without the grant of nearly quarter of a million pounds, the Leisure centres may never have reopened? Related to this on what basis did Councillor Mike Every assume that the main public interest was to reopen the centres and that this took precedence over giving away quarter of a million pounds of tax payers money.

6. Is it true that the decision to award this grant was actually taken by the Cabinet and sent to full Council to be rubber stamped despite the clear protocol that any decision to spend over £50,000.00 has to go to full Council for approval? Is it true that the Council through the Cabinet gave a legally binding commitment to SLM before the Council meeting?

7. Could the contract between SLM and the Council be made available to O and S for them to scrutinise?

8. Who specifically made the decision to waive £61,000.00 of monthly management fees before the matter was referred to Full Council for determination which again is a financial sum in excess of £50,000.00 limit placed on Cabinet

9. As I understand it, Councillor Jenny Forde is not only the 'PFH for Leisure and Well being' but was also the previous Chairman of O and S when the contract between SLM and CDC was reviewed. Consequently she would have a detailed knowledge of the contract and CDC's obligations. Please review her role and confirm which decisions were taken by her and when?

10. I note that David Bibby, the MD of Everyone Active is quoted in the media as saying that the agreement between CDC and Everyone Active 'complies with the terms in the partnership agreement.' He also said that the agreement is in line with other Local authority agreements. If this is the case / please provide the evidence to prove both these statements?

11. Finally given the decision by government to allow leisure centres to reopen from 25th July with many centres opening then, what caused CDC's plans to reopen its centres to be delayed?

Although there are lots of individual questions, they all fall broadly under the main question which is why did CDC waive the management charge of £61,000.00 and then award a grant of £222,000?

### **Response from Councillor Stephen Andrews**

'Thank you for your question which clearly covers a lot of detail. In seeking to provide as full an answer as possible, I have sought the advice of the Council's Legal Officer.

In the first instance I have to point out that the role of the Committee is not to act as an "Appeal Committee" over policy decisions made by the Full Council. The interest of the Committee lies in ensuring that lessons can be learnt and applied when it comes to the application of legal frameworks through best practice in administration. This includes looking at processes in terms of due diligence etc. but in more general terms that does not use a particular decision, such as this, as an example.

This means that this Committee is not able to consider your substantive first point *"to challenge the decision which was taken and to explore the possibility of the decision being reversed."*

However, in the detail that you raise there may be points relating to the process that was followed in informing that decision that this Committee are able to consider as part of its more general activity. This will be considered at the next informal meeting of the Committee that it periodically holds to review its Work Plan. Should the Committee agree that there are aspects that it might reasonably consider, given its remit to improve the information provided to those making a decision, those aspects will be included in more general terms within its Work Plan.'

OS.19 MEMBER QUESTIONS

No questions had been received from Members.

OS.20 CALLED-IN DECISIONS

No executive decisions had been the subject of Call-In since the Committee's previous Meeting.

OS.21 COTSWOLD DISTRICT LOCAL PLAN

The Forward Planning Manager introduced this report and explained that the Local Development Scheme will be updated and presented to Cabinet In October 2020 with the Statement of Community Involvement being presented to Cabinet in November 2020. Key documents set out the strategic planning issues, the Planning White Paper which was currently available for consultation would have ramifications and a full response would be provided for Council.

Committee thanked the Officer for the work being carried out on this and looked forward to receiving the report at Full Council. Some of the issues highlighted by Committee during discussion were:

- (a) housing figures for the district and how these would work out with the Cirencester masterplan;
- (b) the Local Plan being the starting point for housing allocation, taking into consideration the NPPF;
- (c) delivering affordable housing;
- (d) landowners sitting on land which had planning permission; local infrastructure and employment land; more trends for homework;
- (e) dualing of the A417 which may create more commuting;
- (f) the impact of the White Paper on Planning, the Officer explained that there may be a move to a zonal system, which would change the plan and Council would need to reflect on how it would deliver the local plan, in light of the White Paper – as a partial review or a new local plan.

OS.22 FINANCIAL, COUNCIL PRIORITY AND SERVICE PERFORMANCE REPORT – 2020/21 QUARTER ONE

The Interim Chief Executive explained that the report was presented to Committee in a different format from previous reports, it tried to reflect the commissioning relationship between the Council and Publica. Officers were considering different options for reporting key performance data. Thanks were recorded for the Officers, particularly the Joint Performance & Policy Analyst Officer who had worked on the new format.

Members considered that the new format was helpful and made comparing issues within the report easier to read. During discussion, comments on the report included:

- (a) a report to Committee was requested on the number of complaints which had been upheld by the Local Government Ombudsman;
- (b) business jargon should be explained;
- (c) the new appraisal process ensured that officers were receiving appraisals, including statutory officers;
- (d) a query relating to Retained Services, Corporate Income and Expenditure total, on page 72 of the document pack, was considered should read £59,000 and not £99,000.
- (e) The Chief Finance Officer was in contact with the MCHLG in relation to further government grants, as Members noted an overspend of £410,000 relating to Revenues and Housing support.
- (f) Committee requested to be advised on the loss of income from car parks during this reporting period.

#### OS.23 PUBLICA UPDATE AND PROGRESS UPDATE ON COMMISSIONING

The Interim Chief Executive introduced this report, explaining that the information contained in the report was in response to the Covid-19 emergency, with aspects of commissioning, overall management feedback and delivering services.

Members highlighted the following:

- (a) The appropriate software was not available, at the time, for delivering the business grants;
- (b) communication in relation to the Waste service could have been better;
- (c) telephone calls to people on the assisted bin collection list were considered to be, in some instances, a waste of time, although some Members felt that contacting their residents was useful and enjoyable. The inaccurate data needed to be updated;
- (d) rationalising the virtual meetings platforms, as people were using different platforms, such as Microsoft Teams, Google Hangouts, Webex, all formal Council meetings were being held through Webex;
- (e) thanks was given to all staff involved in the response to the emergency and the benefit of having an organisation such as Publica was positive, as more staff were able to respond throughout the partner councils and the organisation was now able to respond effectively to future emergencies;
- (f) residents did not receive suitable food parcels, although the Council did not supply or distribute these, there were lessons to be learnt from this;
- (g) town centre reopening was still ongoing and would be reported to Committee in quarter two;
- (h) information relating to grants was available to the wider community, there was concern that some groups did not know about grants available;

- (i) the Local Resilience Forum was top of the risk register in relation to the pandemic, lessons should be learnt on how to help communities in future emergencies.

The Interim Chief Executive explained that work was being carried out on commissioning and procurement between Publica and the shareholders. More details would be reported in future. The Corporate Plan was due to be reported to Council in September with aims and objectives for delivering services to the public.

#### OS.24 APPROVAL OF TOR FOR ROLE AS CRIME AND DISORDER COMMITTEE

The Chair gave an update, explaining that one of the roles of this Committee was to act as the Crime and Disorder Committee ensuring that the statutory guidance issued in 2009 was adhered to. The Committee could ask the Community Safety Partnership to report on services delivered to the communities, through the partnership. Councillor Brassington was the Council's representative on the Police and Crime Panel; Officers were reviewing whether he could sit on the Committee as a co-opted Member, although the Chair had been advised by the Council's Legal Officer that there was a need to keep a political balance on the Committee. More information would be reported to Committee in due course.

#### OS.25 QUARTERLY DIGEST (including County Matters)

Committee received the digest which included minutes of meetings from the Gloucestershire County Council, Economic Growth Scrutiny Committee, Health Overview and Scrutiny Committee and Police and Crime Panel. No comments were made by Members in relation to these minutes.

Members wanted to express appreciation at the amount of additional work that staff had carried out to provide services across the district during the Covid-19 emergency and the contributions made in the year before the pandemic.

#### OS.26 WORK PLAN 2020/21

Economic Development – could include information on helping younger people back into work;

Contract terms in relation to Leisure Centres.

The Meeting commenced at 4.00pm and closed at 6.35pm.

Chair

(END)