

# Public Document Pack



**COTSWOLD**  
DISTRICT COUNCIL

Monday, 16 May 2022

Tel: (01285) 623210 or 623208  
e-mail - [Democratic@cotswold.gov.uk](mailto:Democratic@cotswold.gov.uk)

## **OVERVIEW AND SCRUTINY COMMITTEE**

A meeting of the Overview and Scrutiny Committee will be held at Council Chamber, Trinity Road, Cirencester on **Tuesday, 24 May 2022 at 4.00 pm.**

Rob Weaver  
Chief Executive

To: Members of the Overview and Scrutiny Committee  
(Councillors Stephen Andrews, Gina Blomefield, Claire Bloomer, Patrick Coleman, Roly Hughes, Richard Norris, Ray Theodoulou, Gary Selwyn, Nigel Robbins and Nikki Ind)

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. **Substitute Members**  
To note details of any substitution arrangements in place for the Meeting.
3. **Declarations of Interest**  
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes (Pages 5 - 18)**  
To confirm the minutes of the meetings of the Committee on 1<sup>st</sup> March and the 26<sup>th</sup> April 2022.
5. **Chair's Announcements**
6. **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 issues under the Committee's remit.
7. **Member Questions**  
To deal with written questions by Members, relating to issues under the Committee's remit, with the maximum length of oral supplementary questions at Committee being no longer than one minute. Responses to any supplementary questions will be dealt with in writing if they cannot be dealt with at the meeting.
8. **Called-in Decisions**
9. **Draft Cabinet Scrutiny Protocol (Pages 19 - 26)**  
Purpose  
Modernising the Constitution  
  
Recommendation(s)
  - To provide comments on the Cabinet/Scrutiny Protocol attached at Annex A for future consideration by the Cabinet.
10. **Executive Forward Plan (Pages 27 - 34)**  
Purpose  
To receive Executive Forward Plan and identify any areas for inclusion in future Overview and Scrutiny meetings.
11. **Draft Work Plan 2022/23 (Pages 35 - 36)**  
Purpose  
Following the Overview and Scrutiny Committee Work Plan meeting on 23<sup>rd</sup> March 2022, the Committee are asked to consider the draft work plan timeline for the Overview and Scrutiny Committee for 2022/23 for approval.

Recommendation(s)

To approve the Work Plan running order and provide any comments for officers on the proposed plan.

12. **Quarterly Digest (including County Matters)**

Purpose

To consider any items arising out of the Quarterly Digest for future debate and/or action by the Committee

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Overview and Scrutiny Committee  
01/March2022



COTSWOLD  
DISTRICT COUNCIL

## Minutes of a meeting of the Overview and Scrutiny Committee held on Tuesday, 1 March 2022 at 4pm.

### Councillors present:

Stephen Andrews

Claire Bloomer

Richard Norris

Gary Selwyn

Ray Theodoulou

Nikki Ind

Ray Brassington

Julia Judd

### Officers present:

Jenny Poole – Deputy Chief Executive

Caleb Harris – Strategic Support Officer Democratic Services

Jan Britton – Managing Director – Publica

Rob Weaver – Chief Executive

Phil Shaw – Business Manager, Development Management

Jon Dearing – Group Manager for Resident Services

Joseph Walker – Community Support Officer

### Observers:

Councillor Tony Dale, Councillor Juliet Layton, and Councillor Jenny Forde

### **OS.128** Apologies

There were apologies given from Councillor Gina Blomefield, Councillor Roly Hughes and Councillor Patrick Coleman. There was also an apology given from Ben Patel-Sadler for Democratic Services. Councillor Nigel Robbins was absent with no apology given before the meeting.

### **OS.129** Substitute Members

Councillor Julia Judd substituted for Councillor Gina Blomefield and Councillor Ray Brassington substituted for Councillor Roly Hughes.

### **OS.130** Declarations of Interest

There were no declarations of interest to note from Members or Officers present.

### **OS.131** Minutes

The Chair of the meeting outlined points of clarification and changes to the wording which had been provided to Democratic Services in advance of the meeting.

There were no further comments on the minutes provided.

**RESOLVED:** That subject to the changes identified by the Chair, the Committee approves the minutes as a true and accurate record of the meeting held on 1<sup>st</sup> February 2022.

### Voting Record

**6 For, 0 Against, 2 abstention, 1 absent**

#### **OS.132 Chair's Announcements**

The Chair noted the length of the agenda and emphasised the need for focus on the key issues.

#### **OS.133 Public Questions**

The Chair noted a question that was submitted to him and advised that had been forwarded to the Police and Crime Commissioner to provide an answer. There were no additional public questions submitted.

#### **OS.134 Member Questions**

There were no member questions submitted for the Committee.

#### **OS.135 Called-in Decisions**

There were no called-in decisions for the Committee to consider.

#### **OS.136 Police and Crime Commissioner Presentation**

The Deputy Police and Crime Commissioner (Deputy PCC) Nick Evans and Inspector Ellson attended to give a presentation to Members. . Apologies were noted for the Police and Crime Commissioner due to a meeting in London which was unavoidable.

Councillor Forde joined the meeting at 16:07.

The Deputy PCC opened the presentation to the Committee by outlining his aim to be visible to the public and partners such as Cotswold District Council to discuss the Police and Crime Prevention Plan (the Plan) and to address issues within communities.

The Deputy PCC gave an overview of the priorities set out in the Plan to tackle crime within rural communities. These included anti-social behaviour and crime prevention at the source.

Moreover, a number of steps were outlined as to how the police are improving their engagement within the communities, increasing the number of police officers and providing appropriate support for victims.

The Committee asked the Deputy PCC about victims of domestic violence, both men and women and what is being done to support them.

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Deputy PCC said that the focus is on women as they are more likely to be a victim of domestic violence but there is support available for both men and women in Gloucestershire.

The Committee asked the Deputy PCC about a number of the priorities within the Plan and of the commitments of the PCC to increase the number of police officers.

The Deputy PCC explained that the aim was to increase the number of police officers by as much as possible. He also outlined that there was a focus on helping to facilitate the reporting of crimes which are currently underreported such as sexual assault and domestic abuse.

The Committee asked about the issues of reporting crime and the problem of getting through to the police via the 101 service.

The Deputy PCC outlined how there had been sustained pressure on the police with an increase in the number of 999 and 101 calls.

The Committee asked the Deputy PCC about the measures being taken to tackle the problem of speeding in rural communities which was a significant concern for Members.

The Deputy PCC highlighted that he was well aware of this within his role as a district councillor in the Forest of Dean. It was outlined how a strategy of enforcement and engagement with partners was key to reduce instances. Inspector Ellson outlined that a report was circulated to Members about the specific enforcement measures for the District.

Due to time constraints, the Chair closed this item. The Deputy PCC undertook to answer any questions that are sent to him via email.

The Chair thanked the Deputy PCC and Inspector Ellson for attending and for providing an update to the Committee.

### **RESOLVED:**

The Committee NOTED the presentation given by the Deputy PCC.

### **OS.137      Financial, Council Priority and Service Performance Report - 2021-22 Quarter 3**

The Chief Executive, opened the item and provided some updates on items and targets within departments

It was noted that Q3 had seen improvements in a number of areas such as call waiting times and the processing of benefit claims. It was also noted some departments such as planning were seeing improvements and that areas like food hygiene inspections are expected to be back to target in Q4.

The Deputy Chief Executive introduced the financial section of the report to the Committee.

It was outlined how the financial position of the Council had reduced from Q2 with a £165,000 underspend in Q2 being reduced to £18,000 as the Council's income had slowed from areas like car parking.

It was noted that some Covid-19 financial support had been provided to the Council although this was £127,000 less than expected in Q1. However, additional support was being provided for the Council Tax Rebate from central government.

In summary, it was noted that the end of year forecast for the budget surplus had reduced from £173,000 to £47,000.

The Committee wished to know more about the reduction of food hygiene inspections.

The Group Manager for Resident Services explained that there had been a reduction due to recruitment issues but these had been resolved. It was further noted that this had not impacted Health and Safety inspections.

The Committee asked about 'Changing Places', the national scheme to provide fully accessible toilets, and why Tetbury was not included within the proposed list of sites. The Leader of the Council outlined the commitment to provide for suitable places within The Cotswolds and for officers to examine any proposed sites within Tetbury.

The Committee raised the issue of affordable housing within the district and specifically the Kemble Community Gardens site. The Leader of the Council explained that whilst the site had not been ruled out, there were a number of challenges causing delays such as the current layout of the site.

A briefing note for the Committee on delays in Kemble from officers was offered and deemed appropriate by the Chair.

The Committee noted the challenges presented to them such as fuel and wage costs and that they will have an impact on the Council's financial position.

The Committee asked about the provision of broadband services to rural communities and the £500,000 allocated for investment in the Cotswold District.

The Leader of the Council explained that negotiations were ongoing to ensure that the provision was in place. The Chief Executive added that the approach is market-led with the Council stepping in when this process does not deliver and needs further support.

The Chair commented about homelessness in light of aid being refused by some rough sleepers. It was noted by the Leader of the Council that this issue is one which cuts across other social challenges like drug addiction.

**RESOLVED:**

The Committee NOTED the report.

**OS.138      Consultation on the Update of the Council's Corporate Plan (2020-2024)**

The Chief Executive introduced this item to the Committee which included a copy of the current Corporate Plan and the draft update to it.

It was outlined how the plan was being revisited to ensure focus on the key priorities of the Council.

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A final draft would be presented to Cabinet for consideration and then presented to Annual Council for approval in May 2022.

The Leader of the Council added that this would provide officers with direction and ensure delivery of the priorities going forward up to 2024.

The Committee asked about additional information within the table of actions for specific measures taken for each of the priorities. In addition, feedback was requested for Cotswold's Let's Chat and Cotswold New Start.

This undertaking was given from the Chief Executive regarding feedback. It was also explained that the two documents presented would be merged into one version.

The Committee commented on the use of Crowdfunding and the total of £300,000 which had been raised, and wished to know the financial commitments from CDC to these projects. The Community Support Officer confirmed that the Council had committed £100,000.

The Chair asked about deadlines and if the actions can be picked up in future.

The Chief Executive confirmed that work was ongoing to give dates to specific actions rather than having them listed as 'ongoing' within the plan. It was outlined to the Committee that affordable housing was the umbrella term for a number of different schemes as opposed to traditional social housing. It was also explained to the Committee that some housing had to be remodelled or demolished as the existing provision is no longer in line with local needs.

The Committee raised the issue of recent publicity around how multiple occupancy homes are charged individual Council Tax, and wished to know if this was being applied by the Council.

The Deputy Chief Executive indicated that she would need to take this away for further examination with officers.

The Committee discussed how the plan might be reviewed for military veterans following the re-signing of the Military Covenant by Full Council, including health and wellbeing, housing and how the Council might collaborate with the military in future.

**RESOLVED:**

The Committee **NOTED** the report.

The Leader of the Council introduced the item and invited Members to raise queries with the Managing Director of Publica Jan Britton.

The Committee asked about any references to biodiversity and what actions are being taken in light of the departure of the biodiversity officers.

The Managing Director of Publica highlighted references within the document to biodiversity. The Business Manager for Development Management assured Members that the process for recruitment was underway for replacement officers.

The Chair asked about Publica and its process for delivery of the Council's priorities.

The Leader of the Council outlined the position of Publica within the organisation when it was set up. This was re-emphasised by the Managing Director of Publica and made it clear that Councillors set the policy for Publica to deliver.

A request was made by some Members for further guidance regarding the relationship with Publica through documentation being provided including the Articles of Association and a high level commissioning statement and for a Member briefing session to be scheduled to assist new and/or existing Councillors in understanding how the relationship had matured since the signing of those documents in 2017.

**RESOLVED:**

The Committee **NOTED** the plan and requested that Cabinet considers the comments made.

**OS.140**      **Development Management Improvement Update**

As the Cabinet Member tasked with looking at this item the Cabinet Member for Economy introduced the item to the Committee. .

It was outlined how the planning department had been impacted by the Coronavirus pandemic and how a change in working practices was required.

The Group Manager for Resident Services supported by the Cabinet Member for Development Management provided an update on the areas where work was being undertaken to improve the work of the Planning Department.

This included areas such as customer satisfaction and increasing the efficiency of the Planning Department through the recruitment of planners.

The Committee asked about the resources within the Planning Department. They also asked about the qualifications officers hold when issuing official responses specifically in the Environmental Health Department.

The Group Manager for Resident Services explained that whilst recruitment of these officers has been challenging with the impact of Covid-19, there has been recruitment of trainee

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officers to help provide capacity. The sign-off procedure utilised before official planning responses are given was also outlined to the Committee.

The Committee asked about the number of invalid applications that are received by the Planning Department.

It was explained by the Business Manager for Development Management that a system of validation checklists was being introduced to reduce the number of applications arriving which were invalid.

The Chair asked for information around validation feedback and the number of applications being received that turn out to be invalid.

The Chair then indicated to the Committee that the 3 hour time limit had been reached and a vote was required to continue proceedings beyond 3 hours.

### Voting Record

**7 for, 0 against, 2 absent**

The Committee reaffirmed the key role of the Planning Department in fulfilling its statutory responsibilities. It also asked to receive information on the trends in the movement of staff coming to and leaving the planning department.

### RESOLVED:

The Committee **NOTED** the presentation.

### **OS.141**      **Quarterly Digest (including County Matters)**

The Chair invited Councillor Ray Brassington as a member of the Police and Crime Panel to run through some key points of the minutes of the meeting of the Police and Crime Panel which was held on 4<sup>th</sup> February 2022

Councillor Ray Brassington outlined to the Committee how the increase in staff pay would help with the recruitment in areas like the 101 service and that the pledge on the increase in the number of officers by the Police and Crime Commissioner came under scrutiny during this meeting.

The Chair also outlined the Health Overview and Scrutiny Committee's Winter Sustainability Plan for Urgent and Emergency Care review which was to be discussed on the 8<sup>th</sup> March.

### **OS.142**      **Work Plan 2021/22 and Executive Forward Plan**

There was nothing to change on the Work Plan

No items for scrutiny were identified from the Executive Forward Plan.

## Overview and Scrutiny Committee

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The Chair reminded Members that a Overview and Scrutiny Work Plan meeting would take place on 23<sup>rd</sup> March.

The Chair reminded Members of the additional Overview and Scrutiny meeting on 26<sup>th</sup> April 2022, which will be a single item meeting to consider the Leisure Services Contract and make recommendations to Cabinet.

It was noted following the conclusion of the meeting that a response from South West Ambulance Foundation Trust had been received following a letter from the Chair on behalf of the Committee.

The Meeting closed at 7.15 pm

Chair

(END)

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Overview and Scrutiny Committee  
26/April2022



**COTSWOLD**  
DISTRICT COUNCIL

## Minutes of a meeting held of Overview and Scrutiny Committee held on Tuesday, 26 April 2022.

### Councillors present:

Stephen Andrews (Chair)  
Gina Blomefield  
Claire Bloomer  
Patrick Coleman

Gary Selwyn  
Roly Hughes  
Richard Norris  
Ray Theodoulou

Nigel Robbins  
Nikki Ind

### Officers present:

Rob Weaver – Chief Executive  
Jenny Poole - Deputy Chief Executive  
Angela Claridge – Director of Governance and Development  
Mandy Fathers – Business Manager for Operations and Enabling  
John Hyde – Programme Manager  
Scott Williams – Business Manager - Contracts  
Caleb Harris – Democratic Services  
Wayne Smith - Democratic Services

### **OS.143** Apologies

There were no apologies

### **OS.144** Substitute Members

There were no substitute members present

### **OS.145** Declarations of Interest

There were no declarations of interest for the Committee to note

### **OS.146** Minutes

The Chair stated that consideration of the minutes of the meeting of 1<sup>st</sup> March 2022 would be held over until the next Overview and Scrutiny Committee meeting on 26<sup>th</sup> May 2022.

### **OS.147** Chair's Announcements

There were no Chair's Announcements

**OS.148**      **Public Questions**

There were no Public Questions

**OS.149**      **Member Questions**

There were no Member Questions

**OS.150**      **Discretionary Funding Policy - Energy Council Tax Rebate**

The Chair addressed the meeting and advised that he was content that there had been no substantive change since the policy had been reviewed by O&S and therefore its decision to waive the right to Call-In of this decision should stand, allowing the policy to be acted upon immediately following the Cabinet decision without any further Call-In consideration.

The Officer presented the policy that included the proposed criteria for entitlement to payments from the Discretionary Fund

The Committee noted that the report had been brought to Overview and Scrutiny to enable the committee to consider the proposed eligibility criteria of the Discretionary Scheme.

The Committee noted that this report would focus on the Discretionary scheme, for which, the Council had been awarded £152,850

The Committee welcomed the scheme as a serious attempt to focus on those that were hard to reach, and suggested support groups that could help to contact eligible people including Town & Parish Clerks Citizens Advice Bureau and other charitable trusts. The officer confirmed that work was already underway to contact all of these support groups.

The Committee commented that the eligibility criteria appeared to be complex and may be difficult to administer. The officer agreed that the scheme was relatively complex but the proposed eligibility for the support would prioritise relieving hardship.

The Committee queried how potential recipients (especially those without web access) would find out about the scheme. The officer confirmed that the Council's comms team was working to promote the scheme and a leaflet had been included with every council tax bill

The Committee commented that those without a bank account would find it difficult to receive payment. The officer confirmed paper applications would be available for those without web access and recipients without a bank account would be sent a barcode that could be taken to a Post Office for cash payment.

The Committee queried if it was possible to reduce the eligibility for E-H Council Tax households and include/increase A-D Council Tax households. The officer confirmed that the Council could chose to extend eligibility to A-D households to provide an addition to the mandatory £150 council tax rebate. However, the size of the fund available would mean that

the Council would be administering thousands of small value payments which would have less impact than the proposed scheme.

The Committee noted that as the Discretionary Scheme closes at the end of November and eligible households needed to be identified as quickly as possible, and asked if the number of Direct Debit payers had been identified. The officer confirmed that 67% of Council households pay their Council Tax by Direct Debit. Those eligible for Mandatory Scheme payments had already been identified and work would begin to identify those eligible for Discretionary Scheme payments will begin once the eligibility criteria had been agreed

The Committee noted that there was an initial risk that insufficient funding would be available, but projection modelling now indicated there may a small surplus.

The Committee commented that, should there be a surplus, consideration should be given to providing additional support for heating to eligible groups. The officer confirmed that, should there be a surplus, an options report will be brought back to agree how this should be utilised.

RESOLVED: The Committee has considered the eligibility criteria as set out in Annex A, provided feedback to the Cabinet for the consideration on 9<sup>th</sup> May 2022, and agrees to waiver call-in arrangements for this item following Cabinet consideration on 9 May 2022, subject to there being no fundamental change to the recommendation.

### Voting Record

For 10, Against 0, Abstentions 0, Absent 0,

### **OS.151** Active Cotswolds Programme Update

The Officer presented the Active Cotswold Programme that had the three aims to provide an Active Environment, a Healthier District and Connected Communities

- The Active Environment work stream has focussed on a sustainable transport strategy, the provision of cycle and walking infrastructure across the District including utilising former railway routes and an assessment of the Kemble to Cirencester public transport provision.
- The Healthier District work stream had developed the Leisure Management options appraisal that was being considered later in the meeting and making services more digitally accessible to residents.
- The Connected Community work stream had engaged with the public to assess digital accessibility utilising the Digibus around the District.

The Committee welcomed Active Cotswold Programme Update and commended the wider brief to promote Active Lifestyles, including facilitating cycling and walking, rather than just providing fitness centres.

The Committee commented that the Tetbury to Kemble line had not been mentioned in the work looking at former railways despite it being promoted by many support groups within the

town, and asked if the playing pitch review included the new rugby club that was being built in the town.

The Officer stated that more work was being completed on the development of cycle routes that included the Tetbury to Kemble line.

The Committee noted that the development of cycling routes were designed to both promote healthy lifestyles and improve green access to towns for shopping, leisure and employment.

The Committee noted that the improvements to walking and cycling facilities within the Cotswold Water were grouped in one area and future work would be more widespread.

RESOLVED: The Committee reviewed overall progress on the programme

### **OS.152 Options Appraisal of Leisure and Culture Management Arrangements**

The Officer presented the Options Appraisal and summarised the proposal

The Committee noted the Options Appraisal of Leisure and Cultural Management Arrangements and its recommendations

The Committee noted that the “locally focussed” reference applied to the management approach being closer to that of the Council, rather than describing the cultural approach of the museum or its displays.

The Committee commented that the ‘Leisure Only’ option (i.e. without the Museums) was not offered, although the ‘Culture Only’ option had subsequently been soft market tested. The officer stated that the details of a ‘Leisure Only’ option was not available when the initial options appraisal had been developed.

The Committee commented that the manner in which success was achieved should be considered in any decision making as the report did not currently identify that the success of the museum had been widely attributed to a talented, dynamic curator.

The Committee commented that care should be taken with Council owned assets/buildings, to ensure these were not given away if an external contractor was chosen.

The Committee commented that there is provision for an extension to the current contract and that a robust negotiation process would be required to ensure a good settlement is delivered if this option is taken.

The Committee commented that when the current contract was agreed the Council’s leisure centres were the principle facilities in Cirencester, but that there are now a number of similar facilities and it was important that the Council’s facilities should remain a preferred option. The officer agreed that the leisure market was now more challenging particularly in Cirencester, but that the swimming pool remained a valued community facility and public areas

and changing facilities at the centre were also being maintained and refreshed. The officer also stated that ensuring the attractiveness of dual use facilities was more difficult, however there were currently good relationships with the management of each of the dual use facilities.

The Committee welcomed the decision to undertake a second evaluation with criteria that gave a higher consideration to the costs involved in delivering each option, rather than just considering whether the option would deliver against the Council's identified outcomes. The Committee noted that the second evaluation indicated that the cost of delivering the services was significantly less if an External Contractor provided them, compared to either the In House, or the LATC/NPDO option.

The Committee commented that the drafting of the service contract was key to ensuring that the External Contractor clearly understood the expectations and service standards of the Council and that they were able to deliver them.

The Committee commented that the Council understood the need to share risk with an External Contractor, as this was now commonly done, however it did not want to be left to pick up the pieces if the contract requirements were not met and the service failed. The drafting of the final service contract would be key to avoiding this.

RESOLVED: The committee considered the outcomes of the Leisure and Culture Management Option Appraisal and provided feedback to Cabinet and Council as part of the decision making process.

**OS.153**      **Quarterly Digest**

There was no issues arising from the Quarterly Digest to consider

**OS.154**      **Executive Forward Plan**

There was no additional areas for inclusions in the Executive Plan

The Meeting commenced at 4.00pm and closed at 6.00pm

Chair

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Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>OVERVIEW &amp; SCRUTINY COMMITTEE 24 MAY 2022</b>
Report Number	<b>AGENDA ITEM 9</b>
Subject	<b>DRAFT CABINET SCRUTINY PROTOCOL</b>
Wards affected	ALL
Accountable member(s)	Cllr Joe Harris - Leader of the Council Email: <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
Accountable officer(s)	Angela Claridge, Director of Governance & Development Tel: 01282 623219 Email: <a href="mailto:angela.claridge@cotswold.gov.uk">angela.claridge@cotswold.gov.uk</a>
Summary/Purpose	Modernising the Constitution.
Annexes	Annex A – Draft Cabinet Scrutiny Protocol
Recommendation/s	<ul style="list-style-type: none"> <li>To provide comments on the Cabinet/Scrutiny Protocol attached at Annex A for future consideration by the Cabinet.</li> </ul>
Corporate priorities	Ensure that all services provided by the Council are delivered to the highest standard
Key Decision	No
Exempt	No
Consultees/ Consultation	<p>Cabinet Members</p> <p>Elected Members of the Constitution Working Group (Cllrs Andrews, Coleman, Evely, J Harris (Chair), Ind, Neill and Theodoulou in attendance on 10.02.2022)</p> <p>Chief Executive</p> <p>Deputy Chief Executive/S151 Officer</p> <p>Head of Legal Services</p> <p>Business Manager – Corporate Responsibility</p>

## REPORT

1. The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council has a legal duty to publish an up to date Constitution and it should be reviewed annually with any necessary changes being considered at the Full Council.
2. The Constitution must contain:
  - the Council's Standing Orders/Procedure Rules;
  - the Members' Code of Conduct;
  - such information as the Secretary of State may direct;
  - such other information (if any) as the authority considers appropriate.
3. The Chair of Overview & Scrutiny Committee, requested that the Constitution Working Group endorse the introduction of a new part to the Constitution – a Cabinet/Scrutiny Protocol (“the Protocol”). The Constitution Working Group, at its meeting on 10 February 2022, endorsed the draft protocol, included as Annex A.
4. Their minutes state:

“The Chair felt that the report was good and would be a useful document going forwards to provide appropriate practice for the Committee.  
The report was accepted by the Group with no objections. This would need to be referred to Cabinet and to the Overview and Scrutiny Committee for their comments before submission to Full Council”
5. Cabinet, at their meeting on 09.05.2022 were consulted on the draft Protocol. At that meeting, Cabinet Members requested the Protocol is deferred until June’s Cabinet, but discussed briefly. The draft minutes from that meeting state:

“Members commented that ‘policy development’ and ‘decision making’ need to be clearly defined as the protocol stated ALL policy development will be carried out in an informal setting going through Overview and Scrutiny.

Members also commented that the short timescale of 10 working days for responses for to Overview & Scrutiny proposals may not be workable in reality although it was accepted that this timescale had been defined in a statutory instrument”.
6. The Protocol is not a mandatory part of the Constitution, but is considered good practice. It sets out the basis for a positive relationship between the Cabinet and Overview & Scrutiny Committee.
7. Whilst the Protocol will form part of the Constitution and therefore requires Council approval. Consultation with the Cabinet and Overview & Scrutiny Committee is being sought prior to taking a further report Cabinet and to a meeting of Council.

## **FINANCIAL IMPLICATIONS**

8. None specific or arising from this report.

## **LEGAL IMPLICATIONS**

9. There is no legal requirement for the Council to have a Protocol although it is considered best practice in the 'Overview and Scrutiny: Statutory Guidance for Councils and Combined Authorities (MHCLG)' document published in May 2019.

## **BACKGROUND PAPERS**

Overview and Scrutiny: Statutory Guidance for Councils and Combined Authorities (MHCLG) document published in May 2019 available on the Centre for Governance & Scrutiny website.

Constitution Working Group minutes from 10.02.2022.

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## **DRAFT CABINET SCRUTINY PROTOCOL FOR COUNCILLORS OF COTSWOLD DISTRICT COUNCIL**

**May 2022**

### **1. Introduction**

1.1 Overview & Scrutiny must be located at the strategic heart of the authority and is a key element of the decision making process acting as a 'critical friend'.

1.2 This Protocol applies to all members of Overview & Scrutiny, any Member who may sit on an Overview & Scrutiny Task & Finish Group, and all Members of the Cabinet.

### **2. Trust**

2.1 All Members should promote an atmosphere of openness at Overview & Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust.

2.2 Overview & Scrutiny Members need to trust that Cabinet Members are being open and honest.

2.3 Cabinet Members need to trust Overview & Scrutiny Members with information and to trust in their views.

### **3. Policy Development and Pre-Decision Scrutiny**

3.1 The importance of early input from Overview & Scrutiny into policy development is recognised. Scrutiny can act as a sounding board and a think tank in investigating issues coming up on the horizon, bringing in added value. Cabinet Members and Officers should draw to the attention of Overview & Scrutiny Committee any key policy that is being developed or is due for review to ensure timely input.

3.2 All policy development will be carried out in an informal setting with a report submitted to Overview & Scrutiny Committee ("Scrutiny") for consideration. The Cabinet and relevant lead Officer will consider the views of Scrutiny Members in the development of the policy and provide a response to the recommendations of Scrutiny within 28 days or earlier should the report of the Cabinet require publication. The detail of Scrutiny's involvement shall also be included within the body of the Cabinet report. The Cabinet/Full Council will continue to be responsible for approving and adopting policy.

3.3 Cabinet Members may wish to request views from Scrutiny Members on a decision before it is taken. The Cabinet Member will be responsible for circulating the details to the relevant Scrutiny Committee Members, through Democratic Services. Utilising this as an option does not exclude the decision from being subject to call-in.

However, it will give the Cabinet Member the ability to consider different views and perspectives of a decision to be taken before it is taken.

#### **4. Holding the Cabinet to Account**

4.1 A key role of Scrutiny is in holding the Cabinet to account for decisions taken and performance of services. In holding the Cabinet to account Scrutiny Members will:

- Consider decisions taken by the Cabinet, individually and collectively and items on the Forward Plan through formal Scrutiny Committee meetings;
- Review service performance and performance against policy and targets;
- Be prepared to ask searching questions that provide a constructive challenge;
- Be positive and respectful in their interactions with Cabinet Members;
- Represent the voice of the public;
- Listen to the responses provided and assist the Cabinet in identifying areas for further consideration and improvement.

4.2 In return, Cabinet Members will:

- Be willing to be open, honest and engaged in providing a response to constructive challenge;
- Value the importance of Scrutiny;
- Be supportive of the scrutiny process and invite and seek opinion from Scrutiny Members on decisions to be taken, where appropriate;
- Provide a positive contribution to Scrutiny meetings;
- Attend meetings when invited to do so to answer questions and present information:
  - By way of a direct answer
  - By reference to published publications
  - By referring a matter to an Officer in attendance, if they are not able to respond
  - If an answer cannot immediately be given, by providing a written answer within five working days unless it is not reasonable to do so. If considered unreasonable, an explanation as to why will be given.
  - A combination of the above four options.

#### **5. Scrutiny Work Planning**

5.1 At the start of each Municipal Year, Scrutiny will hold a Work Planning Workshop. As part of this Workshop the views of the relevant Cabinet Member(s) will be inputted. The advice of the Cabinet Member(s) will be sought regarding the priorities of the Council, areas of planned policy development and they will be asked to highlight any areas of conflict and instances where Scrutiny may be invited to assist in work.

5.2 The Chair & Vice-Chair of Scrutiny will meet periodically with representatives of the Cabinet in order to ensure ongoing Cabinet input into work plans, liaison between Scrutiny and the Cabinet over Council priorities and targets and performance and to continue to build on the positive working relationship between the two functions.

5.3 Informal meetings may be held between the Chair and Vice-Chair of Scrutiny, the Leader and relevant Cabinet Members to discuss upcoming issues, consider items for scrutiny and to ensure engagement and communication of ongoing work from both the Cabinet and Scrutiny.

## **6. Overview & Scrutiny Recommendations to the Cabinet**

6.1 Scrutiny may make recommendations to the Cabinet on functions for which the Council is responsible through a formal Committee meeting or by way of an Overview & Scrutiny Committee Task & Finish Group final report.

6.2 Upon receipt of a recommendation from Scrutiny, Cabinet Members will:

- Give due consideration to any recommendations or views expressed;
- Provide an explanation for the reasons why recommendations made by Scrutiny have not been pursued.

6.3 Once approved by Scrutiny, the views of the Cabinet Member on any recommendations will be sought within 10 working days and included within the report. The Chair and Vice-Chair of Scrutiny will have the opportunity to meet with the relevant Cabinet Member(s) to discuss the recommendations and the response to those recommendations. The final report will then be submitted to the Cabinet for consideration. Should any of the recommendations not be approved or be only partially supported, the Cabinet will provide details of the reason why. Following approval of recommendations, Scrutiny will monitor the implementation and impact of the recommendations.

## **7. Call-in**

7.1 Cabinet Members will be expected to attend any meetings of Scrutiny at which a call-in request in relation to his/her/their area of responsibility is being considered. If the relevant Cabinet Member cannot attend, the Leader or a Deputy Leader should attend in their absence. The purpose of their attendance will be to answer questions of fact not to present the item. The following procedure will take place where call-ins are being considered:

- i. The Member who called in the decision will speak first;
- ii. The Chair will invite the Cabinet Member (decision maker) to respond;
- iii. The Committee will then ask questions of the decision maker, who may ask a relevant Officer to supply further information if necessary;
- iv. Scrutiny debates the issue and votes on the outcome.

## **8. Scrutiny Consideration of Confidential Decisions**

8.1 Scrutiny Members have a right to access exempt information pertaining to decisions that have been taken in order to allow effective scrutiny. Should a Scrutiny Member wish to ask questions around an exempt decision at a public Committee meeting, the Press and public will be excluded in accordance with the Council's Constitution and the Cabinet Member will be expected to answer in an open and transparent manner. The exempt information will remain confidential and all elected Members and Officers who receive that information shall maintain that confidentiality in line with the Codes of Conduct for Elected Members and Officers.

## **9. Ensuring Compliance with the Protocol**

9.1 The Business Manager (Corporate Responsibility) and the Monitoring Officer will be responsible for overseeing compliance with the Cabinet/Scrutiny Protocol which should be used by Members to support the wider aim of supporting and promoting a culture of scrutiny. The success of the Protocol will be determined by:

- Recognition of the value of scrutiny;
- A clear record of constructive challenge;
- Valuable scrutiny reviews that achieve outcomes;
- An open and accountable decision making process.

9.2 An Annual Report will be submitted to Full Council each year with the aim of demonstrating the impact of Scrutiny and effectiveness of the Protocol.



**COTSWOLD**  
DISTRICT COUNCIL

**EXECUTIVE FORWARD PLAN  
INCORPORATING NOTICE OF DECISIONS PROPOSED TO BE TAKEN IN PRIVATE SESSION AND NOTICE  
OF INTENTION TO MAKE A KEY DECISION**

**MAY 2022 – DECEMBER 2022**

*Published 29 April 2022*

**The Forward Plan**

By virtue of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, local authorities are required to publish a notice setting out the key executive decisions that will be taken at least 28 days before such decisions are to be taken. The Regulations also require notice to be given of any matter where it is proposed that the public will be excluded during consideration of the matter.

This Forward Plan incorporates both of these requirements. In the interests of transparency, it also aims to include details of those items to be debated by the Cabinet that relate to either policy/budget formulation, matters which will be subject to a recommendation to the Council, and other matters due to be considered by the Cabinet. This programme covers a period of four months, and will be updated on a monthly basis. The timings of items may be subject to change.

It should be noted that although a date not less than 28 clear days after the date of the notice is given in each case, it is possible that matters may be rescheduled to a date which is different from that given provided, in the cases of key decisions and matters to be considered in private, that the 28 day notice has been given. In this regard, please note that agendas and reports for Meetings of the Cabinet are made available on the [Council's Web Site](#) – five working days in advance of the Meeting in question. Please also note that the agendas for Meetings of the Cabinet will also incorporate a necessary further notice which is required to be given in relation to matters likely to be considered with the public excluded.

There are circumstances where a key decision can be taken, or a matter may be considered in private, even though the 28 clear days' notice has not been given. If that happens, notice of the matter and the reasons will be published on the Council's Web Site, and available from the Council Offices, Trinity Road, Cirencester, Glos. GL7 1PX.

**Key Decisions**

The Regulations define a key decision as an executive decision which is likely –

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the authority.

In financial terms, the Council has decided that a key decision is any executive decision which requires a budget expenditure of £150,000 or more, or one which generates savings of £150,000 or more.

A key decision may only be made in accordance with the Cabinet Procedure Rules contained within the Council's Constitution.

### **Matters To Be Considered in Private**

The great majority of matters considered by the Council's Cabinet are considered in 'open session' when the public have the right to attend.

However, some matters are considered with the public excluded. The public may only be excluded if a resolution is passed to exclude them. The grounds for exclusion are limited to situations where confidential or exempt information may be disclosed to the public if present and, in most cases involving exempt information, where in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The definitions of these are set out in the Council's Constitution.

### **Documents and Queries**

Formal reports presented relating to any executive decision will be available on the Council's Web Site at least five working days in advance of the Meeting at which the decision is to be made (except insofar as they contain confidential and/or exempt information).

The Decision Notice for each key decision will be published as soon as reasonably practicable after it has been made. We will seek to do this within five working days of the date of the decision. The Decision Notice will be available for public inspection on the Council's Web Site, and at the Council Offices, Trinity Road, Cirencester, Glos. GL7 1PX.

If you have any questions about the Forward Plan, or if you wish to make representations about any of the matters contained within it, please contact the Council's Democratic Services Team. The Democratic Services Team can also, on request, provide copies of, or extracts from, documents listed in the Plan and any which subsequently become available (subject to any prohibition or restriction on their disclosure).

### **Contact Details:**

Democratic Services, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire GL7 1PX

**E-mail:** [democratic@cotswold.gov.uk](mailto:democratic@cotswold.gov.uk) **Telephone:** 01285 623000 **Website:** [www.cotswold.gov.uk](http://www.cotswold.gov.uk)

### **The Council's Executive Arrangements**

The Council currently operates the Strong Leader and Cabinet form of governance.

By law, the Cabinet can comprise a Leader of the Council, together with up to nine other Members to be appointed by the Leader (one of whom has to be appointed as Deputy Leader). The Leader will be elected by the Council, for a four-year term; and the Deputy Leader appointment is also for a four-year term.

The Cabinet at Cotswold District Council currently comprises a Leader, a Deputy Leader, and seven other Cabinet Members. The structure is as set out in the table below.

Executive decisions are taken either collectively by the Cabinet or individually by Cabinet Members.

The Cabinet generally meets monthly; whereas decision-making by individual Cabinet Members occurs on an 'as and when needed' basis.

Decisions of the Cabinet and individual Cabinet Members are subject to scrutiny by the Overview and Scrutiny Committee.

Councillor	Portfolio Area	Areas of Responsibility
Joe Harris	Leader	Policy framework including the corporate plan, Coordination of executive functions, Democratic Services, Publica, Communications, Customer experience, Town and Parish Council Liaison, Democratic Renewal and Consultation, Cotswold Clean and Green Campaign
Mike Evely (Deputy Leader)	Finance	Financial strategy and management, Revenue and benefits, Property and asset management, Car parking operations and Grants
Rachel Coxcoon	Climate Change and Forward Planning	Climate Change and energy planning, Sustainable transport, Strategic forward planning, Local plan, Community Infrastructure Levy and Section 106 and Allowable solutions
Tony Dale	Economy and Council Transformation	Internal service transformation and improvement, Local Enterprise Partnership and county-wide partnerships, Economic Development and COVID-19 Economic Recovery, Council commercialisation, Internal council transformation, Tourism and Visitor Information Centres and Chamber of Commerce liaison
Andrew Doherty	Environment, Waste and Recycling	Waste and recycling, UBICO, Flooding, Public protection, Food safety, Cemeteries, Noise and public nuisance and Public toilets
Jenny Forde	Health and Wellbeing	COVID-19 response, Public health, wellbeing and mental health, Improving social mobility, Tackling social isolation, Crime, disorder and safety, Supporting and safeguarding people, Leisure, museums and culture, Support for community events (Stow Fair, Phoenix Festival, Fleece Fair, Moreton Show) and Young people
Juliet Layton	Development Management and Licensing	Development management, Heritage and design management, Landscape conservation, Cotswold Area of Outstanding Natural Beauty, Neighbourhood Development Plans, Licensing, Building Control and Cotswold Water Park
Lisa Spivey	Housing and Homelessness	Tackling homelessness and improving housing security, Delivery of social rented homes, Support for small housing developers and community land trusts, Promotion of self-build and system build housing, Strategic oversight of tenure and housing needs assessment, Liaison with housing developers and Housing Benefit and Universal Credit.

Item for Decision	Key Decision (Yes / No)	Likely to be Considered in Private (Yes / No)	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
Approval for the use of funds from the Capital Programme to invest in the Council's leisure facilities	No	No	Council	25 May 2022	Jenny Forde, Cabinet Member for Health and Wellbeing	Scott Williams		
Leisure and Culture Management Options Appraisal	Yes	Yes	Council	25 May 2022	Jenny Forde, Cabinet Member for Health and Wellbeing	Scott Williams		
Corporate Plan Refresh – Cabinet and Council	No	No	Council	25 May 2022	Joe Harris, Leader of the Council	Robert Weaver		
Changes to the Constitution – Update to the Council Procedure rules	No	No	Council	25 May 2022	Councillor Joe Harris Leader of the Council	Angela Claridge	Constitution Working Group	CDC Constitution
Community Governance Review	Yes	No	Council	25 May 2022	Joe Harris, Leader of the Council	Sarah Dalby/Rob Weaver	Follow up report on Community Governance Review with results of consultations	Draft timetable and process for Community Governance Review
Cabinet/Scrutiny Protocol – draft for consideration by the Cabinet.	No	No	Cabinet Council	6 June 2022 20 July	Councillor Joe Harris Leader of the Council	Angela Claridge,	Constitution Working Group – 10 <sup>th</sup> February 2022 4 <sup>th</sup> May 2022	

				2022			Overview and Scrutiny Committee – 24 <sup>th</sup> May 2022	
Investments under the recovery strategy	Yes	Yes	Cabinet	6 June 2022	Tony Dale, Cabinet Member for Economy and Council Transformation	Jenny Poole	Capital Programme Investment Board	
Legal and Estates Standard Fees	Yes	No	Cabinet	6 June 2022	Mike Evey, Deputy Leader and Cabinet Member for Finance	Jasmine McWilliams		
Whistleblowing Policy Approval	No	No	Cabinet	6 June 2022	Joe Harris, Leader of the Council	Emma Cathcart	Legal Services Team – draft approval JMT/CMT – briefed Governance Group – briefed CDC - Audit Committee – April 2022	None
Procurement and Contract Management Strategy – Draft for Consultation	No	No	Cabinet	6 June 2022	Mike Evey, Deputy Leader and Cabinet Member for Finance		Approved by the Audit Committee on the 28th April 2022	Procurement and Contract Management Strategy.
Old Station – permission to proceed with a partner/investment	Yes	No	Cabinet	6 June 2022	Mike Evey, Deputy Leader and Cabinet Member for	Jenny Poole	Town Council  Civic Society	None

					Finance Joe Harris, Leader of the Council			
Recovery Investment Strategy	No	No	Council	July 2022	Mike Evey, Deputy Leader and Cabinet Member for Finance	Jenny Poole		
Legal Services Review	No	No	Council Cabinet	20 July 2022 July 2022	Joe Harris, Leader of the Council	Jenny Poole		
Independent Remuneration Panel	Yes	No	Council	July 2022	Joe Harris, Leader of the Council	Angela Claridge		
Green Economic Growth Strategy – Six Monthly Update	No	No	Cabinet	July 2022	Tony Dale, Cabinet Member for Economy and Council Transformation	Paul James		Green Economic Growth Strategy 2021-25
Draft Financial outturn and Q4 Performance Report	No	No	Cabinet	July 2022	Mike Evey, Deputy Leader and Cabinet Member for Finance	Jenny Poole		
Investments under the recovery strategy	Yes	Yes	Cabinet	July 2022	Tony Dale, Cabinet Member for Economy and Council	Jenny Poole		

					Transformation			
UK Shared Prosperity Fund	Yes	No	Cabinet	July 2022	Tony Dale, Cabinet Member for Economy and Council Transformation	Paul James	Cotswold Economic Advisory Group. UK Shared Prosperity Fund Steering Group. Senior Officers and Cabinet Members.	UK Shared Prosperity Fund prospectus (April 2013)
Draft Q1 Financial and ,Performance Report	No	No	Cabinet	Sept 2022	Mike Evey, Deputy Leader and Cabinet Member for Finance	Jenny Poole		
Draft Q2 Financial and Performance Report	No	No	Cabinet	Dec 2022	Mike Evey, Deputy Leader and Cabinet Member for Finance	Jenny Poole		
Peer Review Update	No	No	Cabinet	Dec 2022	Joe Harris, Leader of the Council	Rob Weaver		

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## Overview and Scrutiny Committee DRAFT Work Plan

Following an informal meeting of Members of the Committee on 23<sup>rd</sup> March 2022, the following topics have been drafted within the timeline below for consideration.

### 21st June 2022

Performance Task and Finish Group outcomes

Waterpark strategy

South West Ambulance Service

Crime and Disorder Committee – Community Safety Partnership report

Q4 2021-22 Performance Report

Quarterly Digest

Work Plan/Executive Forward Plan

### 20th September 2022

Housing

S.106 and CIL

Neighbourhood planning

Q1 2022/23 Performance Report

Quarterly Digest

Work Plan/Executive Forward Plan

### 22nd November 2022

Budget/MTFS

Car parking

Climate Change Emergency

Q2 2022/23 Performance Report

Quarterly Digest

Work Plan/Executive Forward Plan

To note: A draft version was circulated to the Chair and Vice Chair of the Committee by email on 24<sup>th</sup> March 2022 before being distributed to the Committee.

24th January 2023

Budget

Ubico

Broadband Fastershire

Quarterly Digest

Work Plan/Executive Forward Plan

21st March 2023

Planning and Development

Leisure and cultural services

Publica service and delivery

Q3 2022/23 Performance Report

Quarterly Digest

Work Plan/Executive Forward Plan

To note: A draft version was circulated to the Chair and Vice Chair of the Committee by email on 24<sup>th</sup> March 2022 before being distributed to the Committee.