

# Public Document Pack



**COTSWOLD**  
DISTRICT COUNCIL

Tuesday, 10 January 2023

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## COUNCIL

A meeting of the Council will be held at Council Chamber - Trinity Road on **Wednesday, 18 January 2023 at 2.00 pm.**

Rob Weaver  
Chief Executive

To: Members of the Council

(Councillors Stephen Andrews, Tony Berry, Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Rachel Coxcoon, David Cunningham, Tony Dale, Andrew Doherty, Mike Evemy, Jenny Forde, Joe Harris, Mark Harris, Stephen Hirst, Robin Hughes, Roly Hughes, Nikki Ind, Sue Jepson, Julia Judd, Richard Keeling, Juliet Layton, Andrew Maclean, Nick Maunder, Richard Morgan, Dilys Neill, Richard Norris, Nigel Robbins, Gary Selwyn, Lisa Spivey, Tom Stowe, Ray Theodoulou, Steve Trotter and Clive Webster)

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 (Pages 7 - 22)**  
To confirm the minutes of the meeting of Council held on Wednesday 16<sup>th</sup> November 2022.
4. **Announcements from the Chair, Leader of 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.
6. **Member Questions**  
The following questions have been submitted:

**Question from Councillor Julia Judd to Councillor Lisa Spivey, Cabinet Member for Corporate Services**

The Calendar option associated with our email accounts, can quickly schedule meetings and events and get reminders about upcoming activities, so you always know what's next. Calendar is designed for teams, this Council, both officers and members, is a perfect model for its use. It makes it easy to share schedules with others, is easy to navigate and can be viewed by day, week, or month. One of the main advantages is its sharing abilities and it's easy use from mobile phones.

Calendar tells us who has been invited, where the meeting is, who has accepted and could give us quick and easy access to documents and attachments, if they are attached. Amendments made by the host are automatically fed through. The Calendar facility makes appointments and meeting arrangements faultless, easy to manage and efficient.

It would be helpful if all officers are trained to use Calendar for all invitations, appointments and meetings and desist from sending just email invitations. All the meetings on the Council's Website Calendar of Meetings link should feed through to members' personal calendars where appropriate. Email reminders are automatically generated directly from Calendar, firstly when the invitation is generated and then when amendments are made, saving the need to 'double deal', and reducing human error.

**Question from Councillor Sue Jepson to Councillor Joe Harris, Leader of the Council**

In the Peer Review report, they state that staff morale is really low. Over many months/years the Conservative group has questioned you about staff morale and the constant turnover since 2019. Cllr Harris, you have always stated that staff morale is

good and that there are no problems, very happy or words to that effect.

Will you please agree now we have questioned this many times and now the peer review has highlighted the situation.

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

It was very interesting to read through the Peer Group Review report and whilst other members will also be picking up on other aspects contained within it, I would like to highlight the difficulties noted that Members can experience in getting their casework progressed due to the lack of clarity around prioritisation and timescales for responses to their queries on behalf of a resident. I am sure we all have experienced this at some point and indeed discovering the most appropriate officer to approach on a particular problem can also lead to delays in obtaining an answer for the resident concerned.

Will the system of how queries by Members are prioritised and timescales for responses be addressed as a matter of urgency so that all officers have an understanding of this framework?

**Question from Councillor Stephen Andrews to Councillor Jenny Forde, Cabinet Member for Health and Wellbeing and Armed Forces Champion**

In November last year, following extensive consultation with service providers, the Government published Statutory Guidance on how local authorities should treat current members of the Armed Forces, Veterans, their partners and families when providing some important services.

This is an important step in strengthening the support to Veterans provided under the Armed Forces Covenant.

Can she reassure the Council that CDC is fully compliant with all of those Statutory Regulations?

**7. Peer Review (Pages 23 - 62)**

Purpose

To consider the Local Government Association's Feedback Report and to note the Action Plan that details how the recommendations within the report will be implemented.

Recommendations

That Council:

- Notes the Corporate Peer Challenge Feedback Report at annex A
- Approves the Action Plan detailed at annex B.

**8. Draft Programme of Meetings - Follow up report (Pages 63 - 68)**

Purpose

To set a programme of Council and committee meetings for 2023-24.

Recommendation

That Council resolves to:

Agree to holding a meeting of the Planning and Licensing Committee on 19 April 2023

9. **Amendments to the Constitution (Pages 69 - 84)**

Purpose

To consider proposals from the Constitution Working Group for amendments to the Constitution to adopt –

- Amended Articles 7, 8 and 9 to remove the requirement for each political group to provide an annual statement that demonstrates the necessary freedom of its Members from the whipping process on these Committees;
- Amended Council Procedure Rules to include electronic voting and changes to public questions;
- Approve the Protocol for Electronic Voting for inclusion in the Constitution;
- Approve the Protocol for Cabinet Member Decision Making for inclusion in the Constitution.

Recommendations

That Council resolves to:

a) agree that the following Articles of the Constitution:-

Article 7, The Overview & Scrutiny Committee,

Article 8, The Audit Committee, and,

Article 9, The Planning and Licensing Committee,

are amended with immediate effect to remove the requirement for each political group to present to the Proper Officer, at the start of each municipal year, a statement that demonstrates the necessary freedom of its Members from the whipping process on these Committees.

b) approve the amended Council Procedure Rules (section 16) incorporating the provision for electronic voting.

c) approve the Protocol for Electronic Voting for inclusion in the Constitution.

d) approve the amended Council Procedure Rules (section 10) changing the management of public questions.

e) approve the Cabinet Member Decision Meeting Protocol for inclusion in the Constitution.

f) delegate authority to the Monitoring Officer to make minor and consequential amendments to the Constitution.

10. **Dispensations (Pages 85 - 88)**

Purpose

To approve a number of general dispensations to councillors under the Localism Act 2011 for a period of four years.

Recommendation(s)

That Council resolves to approve, under Section 33 of the Localism Act 2022, the general dispensations listed at paragraph 2.1, for all elected members and co-opted members of Cotswold District Council, until 17 January 2027.

## 11. Notice of Motions

In accordance with Council Procedure Rule 12, the following Motions have been received:-

### Motion Regarding the Climate and Ecology Bill

**Proposed by Councillor Nikki Ind, and seconded by Councillor Andrew Maclean**

Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. The global temperature has already increased by 1.2°C above pre-industrial levels, and the natural world has reached crisis point, with 28% of plants and animals (ICUN Red List) threatened with extinction.

#### Climate change

Unless we drastically change course, the world is set to exceed the Paris Agreement's 1.5°C limit. Pledges, such as the Paris Agreement and Glasgow Pact—and updated emissions targets—are not legally-binding. This gap between pledges and policy leaves the world on course for catastrophic warming of near 3°C (Climate Action Tracker).

Following the “now or never” Intergovernmental Panel on Climate Change (IPCC) report in April 2022, the UN Secretary General António Guterres stated that “we are on a fast track to climate disaster. This is not fiction or exaggeration. It is what science tells us will result from our current energy policies”.

In addition, the UK Government's Net Zero Strategy stated that “if we fail to limit global warming to 1.5°C, we risk reaching climatic tipping points, we could lose control of our climate for good”. The 1.5°C goal is ‘on life support’ and only ambitious action from national and sub-national authorities, civil society, the private sector and local communities will help us realise it.

#### Biodiversity loss

The UK is one of the most nature-depleted countries in the world (WWF). More than one in seven of our plants and animals face extinction, and more than 40% are in decline. We therefore welcome the Leaders' Pledge for Nature, signed by the UK Government, which states that—if we fail to halt and reverse biodiversity loss by 2030—we increase the risk of further pandemics, rising global temperatures and loss of species. In order to achieve this, the UK needs a legally-enforceable nature target so that, by 2030, nature is visibly and measurably on the path of recovery—in line with the Global Goal for Nature (Nature Positive).

Cotswold District Council notes that:

The Climate and Ecology Bill—which has been introduced in the UK Parliament on several occasions since 2020—would require the development of a strategy to ensure that the UK's environmental response is in line with the latest science. The strategy would ensure that:

- the ecological crisis is tackled shoulder to shoulder with the climate crisis via a joined-up approach;
- the Paris Agreement aim is enshrined into law to ensure that the UK does its full and fair share to limit the global temperature rise to 1.5°C;
- we halt and reverse biodiversity loss by 2030 to ensure that the UK's ecosystems

are protected and restored;

- the UK takes responsibility for its greenhouse gas footprint, including international aviation and shipping—and by accounting for consumption emissions related to the goods and services that are imported and consumed in the UK;
- the UK takes responsibility for its ecological footprint in order to better protect the health and resilience of ecosystems—including along domestic and global supply chains; and
- an independent, temporary Climate and Nature Assembly is set-up—representative of the UK population—to engage with the UK Parliament and UK Government to help develop the strategy. This would be set up on broadly similar lines to the Climate Assembly 2020 which was very successful and very well received on all sides of the political divide.

Cotswold District Council therefore resolves to:

1. Support the Climate and Ecology Bill;
2. Write to Sir Geoffrey Clifton-Brown MP to provide notice that the motion has been passed - request that the Climate and Ecology Bill is supported in Parliament, or provide thanks for already doing so; (as at 22.12.22 he does not appear to have signed up)...and
3. Write to Zero Hour, the organisers of the cross-party campaign for the Bill, expressing its support (campaign@zerohour.uk).

12. **Next meeting**

The next meeting of Full Council will be on Wednesday 15<sup>th</sup> February 2023 at 6pm

(END)

Council  
16/November2022



COTSWOLD  
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## Minutes of a meeting of Council held on Wednesday, 16 November 2022.

### Councillors present:

Dilys Neill - Chair  
Stephen Andrews  
Tony Berry  
Gina Blomefield  
Claire Bloomer  
Ray Brassington  
Rachel Coxcoon  
David Cunningham  
Tony Dale  
Andrew Doherty  
Mike Evemy  
Jenny Forde

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

Richard Morgan  
Richard Norris  
Nigel Robbins  
Gary Selwyn  
Lisa Spivey  
Tom Stowe  
Ray Theodoulou  
Steve Trotter  
Clive Webster

### Officers present:

Rob Weaver – Chief Executive  
David Stanley – Deputy Chief Executive  
Angela Claridge - Director of Governance  
Andrew Brown – Business Manager for Democratic Services  
Caleb Harris – Democratic Services  
Wayne Smith – Democratic Services

## **42 Apologies**

No apologies had been received.

Councillor Berry provided verbal apologies for Councillor Trotter and advised Councillor Theodoulou would be arriving late.

Councillor Coleman advised that he would be leaving the meeting at 3.00pm and returning at 4.15pm

## **43 Declarations of Interest**

For openness and transparency Councillor Webster declared an interest as a member of Moreton-In-Marsh Town Council.

There were no Declarations of interest from Officers.

## **44 Minutes**

### **Minutes from Council 21 September 2022 (including restricted item)**

Minutes from Council 21 September 2022 were considered and the following comments or amendments were made.

Minute 30 'Council noted that no Driffield Parish Councillors had taken part in the consultation but had not requested to speak at the Council meeting. Should read 'Council noted that ~~no~~ Driffield Parish Councillors had taken part in the consultation but had not requested to speak at the Council meeting.

Minute 31 'Council noted that the 50 year period referenced in the Financial Impacts section 3.1 was a standard measure of useful economic life rather than indicating the lifetime of the fabric of the roof. *The Chief Finance Officer agreed to provide further clarification how these two periods differ to Councillor Ind.*'

Councillor Ind stated that the clarification had not been provided, but the new Chief Finance Officer had agreed to arrange this.

RESOLVED: Council agreed that, with the inclusion of the amendments, the Minutes of the Council meeting 21 September 2022 were an accurate record.

**Voting Record – For 22, Against 1, Abstentions 9, Absent 2**

### **Minutes from Council 5 October 2022**

Minutes from Council 5 October 2022 were considered and there were no comments or amendments.

RESOLVED: Council agreed that the Minutes of the Cabinet meeting 5 October 2022 were an accurate record.

**Voting Record – For 22, Against 1, Abstentions 9, Absent 2**

### **45 Announcements from the Chair, Leader or Chief Executive (if any)**

The Leader of the Council, Councillor Joe Harris announced the very recent reported death of Sue Pangborne, Executive Director of Publica Group and a highly valued member of the Cotswold District Council executive team. Further tributes would be made Sue at future meetings.

Cotswold District Council had won an award for the Best High Volume New Housing Development at Whitelands in Tetbury.

Thanks were given to Members and Officers who had taken part in the recent Council Peer Review. The findings from this review would enable the Council to compare itself to other Councils and review how well it was operating.

The Chief Executive stated that, as Christmas and the end of the year approaches, Council was invited to reflect and remember those less fortunate and suffering through ill health, the loss of loved ones, the impact of war or through other circumstances beyond their control.



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Tribute was also paid to Council Members and Officers, who invariably enter Local Government to make a positive difference to the lives and welfare of local people, and who, throughout the year, had arranged support and shelter for refugees from Ukraine and were now helping and supporting residents struggling with the ongoing Cost of Living crisis.

The Chair introduced Council Officers.

## **46 Public Questions**

### **Cirencester Rugby Club Car Park**

QUESTION from Mr Slater, to the Deputy Leader and Cabinet Member for Finance:

Mr Slater stated that the car park at the Rugby Club appeared to be under-utilised. It had been converted at a cost of around £400k and the published accounts also showed that a rental cost of £1,000 per month was being paid, which was contracted for 10 years. The total cost to the taxpayer would therefore be over £600k with little revenue being generated.

**What is the strategy to utilise this 'white elephant' which is costing the taxpayers significantly on a daily basis?**

RESPONSE from the Deputy Leader and Cabinet Member for Finance

The Deputy Leader and Cabinet Member for finance stated that the car park at the Rugby Club had been converted as part of a legacy project from the previous administration to provide decant parking whilst a new multi-storey car park was built in Cirencester. The construction of the multi-story car-park had been delayed during the pandemic and a decision had been taken not to proceed with its construction due to changes in car usage and a reduced need for car parking. The Rugby Club car park was now part of a new strategy looking at car parking provision and utilisation across Cirencester.

### **External Consultants**

1<sup>st</sup> QUESTION from Mr Fowles, to the Leader of the Council

Mr Fowles stated that since being elected in May 2019 the current administration had regularly appointed external consultants and allocated budgets to explore initiatives and projects, many of which appeared to have been still-born. One of these was the now shelved £75m Recovery Investment Strategy which had been allocated a consultancy budget of £350k.

**Would the Leader confirm how much of the £350k has been used, and supply a breakdown of all consultants that have been appointed along with a breakdown of the costs since May 2019?**

1<sup>st</sup> RESPONSE from the Leader of the Council.

The Leader of the Council stated that the amount of the £350k consultancy budget for the Recovery Investment Strategy that had been used, had been the subject of a similar Member Question and referred Mr Fowles to that response for details. The Leader of the Council also agreed to arrange for a written response, providing a breakdown of all consultants and their project costs, to be prepared and sent to Mr Fowles.

### **Officers Leaving The Council**

2<sup>nd</sup> QUESTION from Mr Fowles, to the Deputy Leader and Cabinet Member for Finance:

In December 2021 Mr Fowles had asked a question about staffing levels and the number of staff that had left the Council since May 2019, and how many of these had been terminated and at what cost to the taxpayer. Mr Fowles confirmed he had received a response from the Publica Managing Director Jan Brittan confirming that 99 members of staff had left. Mr Fowles stated that this was 37% of the workforce, and had been at a cost to the taxpayer of £880k.

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**Could you please give me an update on the number of employees that have left the Council over the past 12 months, a breakdown of those who resigned and those whose roles were terminated and an update on the cost to council tax payers?**

2<sup>nd</sup> RESPONSE from the Deputy Leader and Cabinet Member for Finance:

The Deputy Leader and Cabinet Member for Finance recalled the previous question and stated that the factual information that Mr Fowles had requested would be sent to him as a written response and challenged the accuracy of the figure of 37% of staff that had been stated. It was also stated that employees left the organisation for a number of reasons and there was nothing untoward in the way the Chief Executive of the Council or the Managing Director of Publica were running the organisation in conjunction with the administration.

### **SLM Leisure Centre**

QUESTION from Mr Gibson, to the Cabinet Member for Welfare, or the Deputy Leader and Cabinet Member for Finance:

During covid Cotswold District Council arranged a series of grants for SLM which was a 'for profits' organisation. After the first grant was organised, it was agreed that subsequent grants would be repaid using future profits from the leisure centres.

**Please can you confirm what profits and repayments have been generated and why this has not been accounted for in the 2023 budget even though the tender renewal is in January 2023?**

RESPONSE The Cabinet Member for Welfare stated that the figures were not currently available, but a written response including these would be sent to Mr Gibson

SUPPLEMENTARY WRITTEN RESPONSE from the Cabinet Member for Welfare

The grant figure you quoted is correct, and is the total received under the furlough scheme, all of which was passed on to the 15,000 SLM employees that were on furlough while the sites were closed. No dividends were paid during that year, and after accounting for the support SLM received from central government and local authorities the company suffered a loss of over £11m.

The figure of £12m refers to an intra group dividend paid the previous year (2019/20) to SLM's parent company Castle View International Holdings Ltd, as part of a restructure of the Castle View Group. The actual dividend paid by the group to its shareholders in that year was £1.5m, no dividends were paid by the group in 20/21.

I hope the above clears up any confusion, but if you need any further information please let me know.

### **Kemble Gardens**

QUESTION from Mr McEwan to the Leader of the Council

Kemble Gardens are an important asset for the community in Kemble. Cotswold District Council had been social rented homes on the site, but no update has been made for some time.

**Could you please provide residents with an update on plans for the site?**

RESPONSE from the Leader of the Council

The Leader of the Council stated that it had proved difficult to develop the site due to its enclosed location, however plans were still ongoing and a public announcement on the future of the site will be made in the next few months. Councillor Berry, the Ward Member for Kemble, asked to be involved in discussions about the site.

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QUESTION from Mr Wilkinson to the Leader of the Council

The GLA had stated that even significant Council Tax rises would not bridge the funding gaps being faced by local authorities.

**What tough choices will you be making over the coming months and what reductions in services should Cotswold residents expect?**

RESPONSE from the Leader of the Council

The Leader of the Council stated that local authorities have faced austerity over the past 12 years and CDC core funding had been cut by 60%. With this context a budget consultation was underway that includes potential increases in council fees and charges alongside savings to be made by the Council, Publica and Ubico, although no final decisions have been made.

### **Cirencester Transport and Town Plans**

QUESTION from the Chair of the Park Community Group to the Cabinet Member for Climate Change and Forward Planning

The Chair of the Community group stated that at a meeting of the Community Group, the number and variety of infrastructure and transport plans affecting Cirencester (e.g. Cirencester Neighbourhood Plan, Cirencester Town Master Plan etc.) and the new Steadings Development, had been discussed.

**Could CDC please elaborate how the various planning exercises are aligned, coordinated and prioritised particularly in the light of the Climate Emergency Strategy 2030?**

RESPONSE from the Cabinet Member for Climate Change and Forward Planning

The Cabinet Member provided context for the many strategies and plans covering Cirencester and confirmed that the Council had taken the unusual step of appointing a Sustainable Transport Officer to engage and raise the profile of this important work.

The Steadings development had passed through the planning process during the Council's previous administration when active transport and infrastructure details had been agreed. Renegotiation of these details was not now possible, although the Sustainable Transport Officer has continued to work with developers to see if any improvements can be incorporated.

### **Cotswold News**

QUESTION from Ms Heaven to the Leader of the Council

I have received the October edition of Cotswold News and have discovered that although the Council has 18, Liberal Democrats, 14 Conservatives, 1 Green Party and 1 Independent Councillors, there are only articles promoting the Liberal Democrat or Independent Councillors.

**Could you explain why all 16 pages contain photographs and articles promoting Liberal Democrats or the Independent Councillor and none of which include Conservative Councillors?**

RESPONSE from the Leader of the Council.

The Leader of the Council stated that Cotswold News was an important way of communicating important information to Cotswold residents and, although opportunities for Councillors not in the current administration had been given the opportunity to provide articles.

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**Question 1, from Councillor Claire Bloomer to Councillor Joe Harris, The Leader of the Council**

I am concerned about the spread of graffiti in our towns and the increasing effort and cost to clean it up. Has the Council considered using community payback by offenders to clean up areas blighted by graffiti thereby saving both officer time and council funds?

**Response 1, from Joe Harris, the Leader of the Council to Councillor Claire Bloomer**

This is a great idea and one I hope we can make a reality. Officers have approached the Gloucestershire Community Offending Team who undertake such projects within the county to ask whether there are teams that carry out the removal of graffiti as part of restorative justice. Officers are still awaiting a response and will update me once a response is received.

**Question 2, from Councillor Claire Bloomer to Councillor Joe Harris, the Leader of the Council**

We have recently seen more cuts to bus services in the Cotswolds. These cuts will have a huge impact on residents who rely on them to get to work, to the shops, for medical appointments and to see friends and family. What can the Council do to help residents whose bus services are being withdrawn?

**Response 2, to Councillor Joe Harris, The Leader of the Council to Councillor Claire Bloomer**

Gloucestershire County Council are responsible for bus services in our area but the District Council will always do what it can to try and help improve the situation with the very limited resources we have. Firstly, it's worth noting that bus services in Gloucestershire have been decimated over the past decade due to cuts to bus subsidies. This has made it much harder for people to get around, particularly in rural areas. The current situation is in large part the result of the Government's austerity programme which has put the squeeze on local authority budgets over the past decade. More recently issues including a nationwide shortage of bus drivers and the forthcoming withdrawal of the Covid recovery grant (in March 2023) and the reluctance to return to bus use post-Covid, particularly amongst concessionary fare holders (only around 50% of whom have returned to regular bus use) have been the driving issues behind cuts to public transport services. In combination, these are having a severe effect on the ability of bus companies to reliably operate routes. I think we will see further cuts coming over the next few months. The District Council will continue to work with community transport providers such as Cotswold Friends in order to help target support to the most isolated and most vulnerable in our District. This is however not a long term solution to the lack of provision in public transport in our District and as a council we'll work proactively with Gloucestershire County Council, through our Sustainable Transport Manager, to try and improve access to public transport. It's worth noting that the Government's own net-zero targets won't be met without meaningful investment into public transport so we can only hope that this spurs them into action. Walking and cycling may be options for others, and we are working with the County Council to improve those infrastructure networks.

**Question 3, from Councillor Tony Berry to Councillor Tony Dale, Cabinet Member for Economy and Transformation**

I note that Cabinet has approved a sum of £125,000 for new car parking charge machines which have a higher speed for authorising card charges and don't accept cash. Given the inflationary challenges facing the Council, would this not be a good opportunity to save a not unsubstantial amount of money by retaining our existing machines and at the same time pleasing all those members of the public who still want to pay for their parking in cash?

**Response 3, from Councillor Tony Dale, Cabinet Member for Economy and Transformation to Councillor Tony Berry**

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There is a Capital Budget of £125,000 to replace the payment machines. Only £21,195 of this Capital fund will be utilised to change the remaining machines, not yet converted, to card only payment and upgrade all machines with the latest technology. This will allow card payments to be made off-line which will increase the speed of payment and reduce waiting times. One of the Council's priorities is to make all its car parks cashless. The removal of cash enabled machines will significantly reduce the amount of travelling required for the cash collector contractor and therefore will reduce carbon emissions. Residents will still be able to pay by credit or debit card or by using Apple or Google Pay at all parking machines or by using the PayByPhone mobile app. I note that Conservative-run Gloucestershire County Council has recently transitioned to cashless car parking machines.

**Supplementary Question 3a, from Councillor Tony Berry to Councillor Tony Dale, Cabinet Member for Economy and Transformation**

In your response you state that, of the £120,000 approved budget, only £21,195 has been spent, could you please tell me what the other £100k is going to be spent on?

**Supplementary Response 3a, from Councillor Tony Dale, Cabinet Member for Economy and Transformation to Councillor Tony Berry**

I do not know what the other £100k is being spent on, but I will check with the officer and have a written response sent to you.

**SUPPLEMENTARY WRITTEN RESPONSE from the Cabinet Member for Economy and Transformation**

This money has been put in the capital programme for the replacement of machines.

Only a part of this will be spent to upgrade the machines (instead of replace).

However, the money will need to remain in the capital programme as the machines will need replacing in the future. The remainder of the capital funding is profiled to be spent in 2025/26 on the basis that the upgrade should mean that the machines last longer.

**Question 4, from Councillor Tony Berry to Councillor Joe Harris, the Leader of the Council**

Please could you tell us how many old road signs you sold at the recent auction and the amount received for them net of commission?

**Response 4, from Councillor Joe Harris, the Leader of the Council to Councillor Tony Berry**

The Council is looking at a number of ways of selling old street signs. We're doing this to inform how we'll sell the rest. As a first step we recently used a local auction house where 10 signs were put up for auction, all were sold generating a small income of £18.70 after commission and VAT. I think we can do much better by targeting how we sell the signs and I think it unlikely we'll use an auction again. To date we have had 52 enquiries, which we are following up and hope to make substantially more than we achieved at auction.

**Question 5, from Councillor Stephen Andrews to Councillor Joe Harris, the Leader of the Council**

In September 2020 the Council approved its first Recovery Investment Strategy to provide critical support to the key priorities in the Corporate Plan 2020-2024. This was re-approved more recently in July of this year to support the delivery of the Corporate Plan to 2020-2024. At the same time, there was no analysis of the financial risks within the strategy that might impact upon the delivery of key Corporate Plan outcomes and there was no prioritisation within the Corporate Plan of those outcomes. Given the stated intent to rescind the Recovery Investment Strategy, which outcomes within the Corporate Plan is it proposed to scale back or will no longer be delivered?

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**Response 5, from Councillor Joe Harris, the Leader of the Council to Councillor Stephen Andrews**

We're not planning to scale back or cancel any of the outcomes in our Corporate Plan although they may now take longer for us to achieve due to the expected recession and tightening of the public finances. The months of political uncertainty in Government and the effects of the disastrous mini-budget have made these impacts much worse than they might have been had we been governed by a stable fiscally-responsible government throughout 2022.

**Supplementary Question 5a, from Councillor Stephen Andrews to Councillor Joe Harris, the Leader of the Council**

Will rescinding of the Recovery Investment Strategy have an impact on the Corporate Plan, and if this is the case, could the changes be presented along with the amended plan?

**Supplementary Response 5a, from Councillor Joe Harris, the Leader of the Council to Councillor Stephen Andrews**

There will be an impact on the feasibility of doing things, however this will not 'tank' the Corporate Plan and much of it will remain.

**Question 6, from Councillor Julia Judd to Councillor Andrew Doherty, Cabinet Member for Environment, Waste and Recycling**

We were told earlier this year that instances of green waste fly tipping have greatly increased. Please could we be told by what percentage (ideally since 2019 or from whenever there are recent records) and how much it has cost the Council to collect green waste fly tipping?

**Response 6, from Councillor Andrew Doherty, Cabinet Member for Environment, Waste and Recycling to Councillor Julia Judd**

2020	914
2021	1107
2022	534 (To end of Q2)

**Reported Green waste cases April to March**

2019	23
2020	55
2021	30
2022	15 (To end of Q2)

**Green waste % of total incidents**

2019	4.36%
2020	6.02%
2021	2.71%
2022	2.81% (To end of Q2)

Officers are still awaiting a response from Ubico for the cost to clear green waste and will update Cllr Judd once a response is received.

**Question 7, from Councillor Tom Stowe to Councillor Tony Dale, Cabinet Member for the Economy and Transformation**

Following the news of the Cabinet's u-turn and its decision to rescind the planned £75,000,000 Recovery Investment Strategy. Can the Cabinet Member please confirm the sunk costs incurred by the Council in relation to developing these now abandoned plans over the last 3 years, including Consultancy fees, Officer time and any other associated costs.

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**Response 7, from Councillor Tony Dale, Cabinet Member for the Economy and Transformation to Councillor Tom Stowe**

The costs incurred to date on schemes that will not progress and therefore regarded as 'sunk' are around £50,000 made up of procurement and technical advice, tax advice and funding advice. Some of this advice is not specific to the Recovery Investment Strategy and will help inform more general capital programme activities in the future. The nature of these schemes is such that there were always anticipated to be sunk costs on schemes that did not go ahead. The Council allocated £350,000 from its Priorities Fund to support its work in this area of which £152,175 remains unused. £87,512 was used to finance the 'Economic Development Lead' and 'Affordable Housing Programme Manager' posts in 2020/21 and 2021/22.

**Supplementary Question 7a, from Councillor Tom Stowe to Councillor Tony Dale, Cabinet Member for the Economy and Transformation**

Please can you confirm that ALL Officer time accrued developing these plans is included in the figures in your written response?

**Supplementary Response 7a, from Councillor Tony Dale, Cabinet Member for the Economy and Transformation to Councillor Tom Stowe**

I cannot reassure you that every minute fraction of time spent by every Officer supporting the strategy can be accounted for. I am confident however that Officers will continue to support future Council decisions going forward.

**Question 8, from Councillor Theodoulou, Councillor Jenny Forde, Cabinet Member for Health and Wellbeing**

Is the administration planning to increase the cost to the public of any leisure services?

**Response 8, from Councillor Jenny Forde, Cabinet Member for Health and Wellbeing to Councillor Ray Theodoulou.**

There are currently no plans to increase costs to the public.

**Supplementary Question 8a, from Councillor Theodoulou, Councillor Jenny Forde, Cabinet Member for Health and Wellbeing**

Do you expect more than one contractor to bid for the Leisure and Cultural contracts?

**Supplementary Response 8a, from Councillor Jenny Forde, Cabinet Member for Health and Wellbeing to Councillor Ray Theodoulou.**

Yes, more than one contractor has already shown interest in bidding for the contracts.

**48 Cost of Living Working Group**

The purpose of the report was to set out how the Council is responding to the Cost of Living and Warm Places Motions and to make recommendations for funding allocations for specific initiatives.

The Cabinet Member for Health and Wellbeing introduced the report and summarised how local initiatives in every community area across the Cotswolds were helping residents with the Cost Of Living Crisis. The Cost of Living Working Group had been established to promote, support and engage with these local initiatives and provide help and guidance to help residents to access what was available.

Council welcomed the report and the allocation of funds in the recommendation that would further help and support those on low incomes who were struggling to manage the crisis.

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Council noted that a few areas of the District did not have established food distribution organisations and Town Councils had taken on much of this community coordination and support.

Council noted that the Cost of Living Working Group had recognised that all residents were having to deal with the Crisis including employed and self-employed workers, and those not in receipt of benefits.

RESOLVED: Council noted the response to the Cost of Living and Warm Places Motion detailed in this report and agreed to allocate match funding of £20,000 for the Council Tax Hardship Fund from the balance of the Covid-19 Hardship Fund earmarked reserve, and, agreed to allocate £40,000 from the Council Priorities Fund towards establishing a Food Network.

**Voting Record – For 30, Against 0, Abstentions 0, Absent 4,**

#### **49 Council Tax Support Scheme Proposals for 2023/24**

The purpose of the report was to present the results of the public consultation on proposals for revising the current Council Tax Support (CTS) scheme with effect from 1 April 2023.

The Deputy Leader and Cabinet Member for Finance introduced the report and summarised the proposed changes to income bands and eligibility of the benefit and its impact on the Council's Council Tax income levels.

Council noted the additional recommendation to enable Officers to consider backdating Council Tax Support beyond the current four week limit (but no more than six months) in exceptional circumstances.

Council noted that the CTS scheme was still not as widely known as (for instance) the 25% single person discount, and this could lead to potential recipients not realising they would be entitled to receive it.

Council noted that residents are able to (and should) apply for CTS if they believe they may be entitled to it, and there would be no negative consequences if it later emerged that they were not entitled.

Council noted that the Response to Comment 6 in the report annex: *"It is inevitable that there will always be some households that are not eligible for support. Households could review their own spending to make the necessary changes to reduce their outgoings"* was insensitively worded.

RESOLVED Council agreed to increase income bands as detailed within paragraph 2.8 and Annex B of the report from 1 April 2023, and also to enable officers to consider backdating Council Tax Support for a period beyond four weeks, but for no longer than six months, if there were exceptional circumstances. Exceptional circumstances (or good cause) would apply in situations such as

- The claimant was seriously ill (physically or mentally)
- Someone the claimant should have been able to rely on for support did not give the support required (such as the Council, Advice Agency, DWP or a support worker) and therefore the claimant was not aware they were able to claim for Council Tax Support



- Some external factor that prevented a claim being made (such as imprisoned, detained under the Mental Health Act)

**Voting Record – For 31, Against 0, Abstentions 0, Absent 3,**

#### **50 Recommendation from Cabinet 3rd October 2022: Changing Places Toilets**

The purpose of the report was to consider a recommendation from Cabinet on 3 October 2022 relating to funding for “Changing Places” toilets.

The Deputy Leader and Cabinet Member for Finance introduced the report and provided a summary of the allocated funding of £162,500 that had been provided to be used installing four ‘Changing Places’ toilets across the District.

Council welcomed the funding, and noted that it must be spent by March 2024 and was provided for the building of four ‘Changing Places’ toilets and this number was not negotiable.

Council noted that suitable land had been identified at four locations, and where this was within a commercial venue that charged an admission fee, this fee would not be payable by those wanting to use the ‘Changing Places’ toilets.

Council noted that the new toilets would be listed on the ‘Changing Places’ national register to enable them to be identified and utilised, and local signposting would also be put in place to highlight their locations.

**RESOLVED:** That Council resolves to allocate a capital budget of £162,500 in 2022/23 to install four accessible ‘Changing Places’ toilets across the district for people with severe disabilities following a successful bid for funding from the Department of Levelling Up Housing and Communities.

**Voting Record – For 32, Against 0, Abstentions 0, Absent 2,**

#### **51 Recovery Investment Strategy**

The purpose of the report was to Council to rescind the Recovery Investment Strategy for the reasons as set out in this report.

The Cabinet Member for the Economy and Transformation introduced the report and summarised the reasons that the visionary and ambitious Recovery Investment Strategy, that had been developed in 2020 to underpin the Council’s Corporate Priorities should now be rescinded following circumstances that now prevent it from delivering its objectives.

Council noted that the pandemic had delayed the implementation of the full strategy although some initiatives had continued, and the strategy had been refreshed and re-approved by Council in July 2022.

Council noted that on 23 September 2022 the proposals within the Government’s ‘mini-budget’ were “...poorly received by markets with a significant impact on gilts and a huge spike in yields and a further fall in sterling...”. These factors along with existing global factors (the pandemic, Ukraine war) combined to cause widespread political and financial insecurity, and increased the cost of borrowing.

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Council noted that during a period of financial instability, the proposed investments within the strategy could no longer be reasonably expected to deliver the previously anticipated strong rates of return.

Council noted that the Council's corporate priorities remained unchanged and, although it was recommended that the strategy was rescinded, important investment opportunities supporting these priorities would still be considered, developed and initiated where it made sound financial sense to do this and strong business cases could be established.

**RESOLVED:** Council agreed to rescind the Recovery Investment Strategy for the reasons set out in this report.

**Voting Record – For 32, Against 1, Abstentions 0, Absent 1,**

## **52 Implications of Elections Act 2022**

The purpose of the report was to provide an update on the key elements of the Elections Act 2022 and its implications for the Council's Returning Officer and Electoral Services team.

The Leader of the Council introduced the report and summarised the key elements from over the 500 new regulations and processes within the Elections Act 2022, and the specific implications of the introduction of Voter Identification (ID).

Council noted that at the next CDC local elections in May 2023, everyone voting on the day will be required to show photo identification at polling stations, and the Council needed to prepare for this.

Council noted that the preparations and delivery of Voter ID would produce significant additional operational and financial burdens and risks for the Council as its Elections Team and Returning Officer works to:

- ensure those without a passport, photo driving license or other existing photo id are able to vote
- improves the accessibility of polling stations
- ensures that at least one woman was present at every polling station
- ensures privacy screens with mirrors were available at every polling station
- ensures all polling station and elections staff are trained and understand all of the new policies and requirements and feel able to challenge and refuse the opportunity to vote to those without the correct identification.

Council noted that details of the additional requirements of the act had been sent to Councillors prior to the meeting

Council noted that CDC would work support Town and Parish Councils to ensure their elections incorporated the changes without significant additional burdens.

**RESOLVED:** Council noted the report confirming £23,910 had been allocated from the Council's Priorities Fund to provide additional staff resource to enable the Council to meet the requirements for Voter ID at elections taking place on or after 4 May 2023.

**RESOLVED:** Council agreed to instruct the Leader of the Council to write to the Secretary of State for DLUHC to request that the Government suspends the introduction of Voter ID and associated provisions at polling stations for elections scheduled to take place in May 2023

**Voting Record – For 23, Against 5, Abstentions 3, Absent 0,**

RESOLVED: Council agreed to instruct the Leader of the Council to write to the Member of Parliament for the Cotswolds seeking his support for such a suspension

**Voting Record – For 20, Against 8, Abstentions 2, Absent 0,**

### **53 Executive Scrutiny Protocol**

The purpose of the report was to present Council with the Draft Executive Scrutiny Protocol for consideration and approval.

Councillor Joe Harris, the Leader of the Council introduced the report and proposed that it was agreed by Council.

Councillor Stephen Andrews, the Chair of Overview and Scrutiny Committee seconded the proposition.

RESOLVED: That Council agreed to approve the addition of an Executive Scrutiny Protocol into the Constitution.

**Voting Record – For 28, Against 1, Abstentions 0, Absent 0,**

### **54 Draft Programme of Meetings 2023-24**

The purpose of the report was to set a programme of Council and committee meetings for 2023-24.

The Leader of the Council introduced the report and the Deputy Leader and Cabinet Member for Finance provided background and context for the proposed timetable of future Council meetings to May 2024.

Council noted that the recommended changes included:

- changing and cancelling some meetings during the pre-election period, the period between the election and the first post-election Annual Council, and around the Coronation of King Charles III
- avoiding Gloucestershire school holidays
- avoiding clashes with County Council and Town and Parish Council meetings
- continuing with Committee meeting starting times in the afternoon to enable Councillors in paid employment to attend meetings.
- recommending Planning and Licensing Committee and Sub-Committees consider starting all meeting at 2.00pm and recommend Audit and Overview and Scrutiny Committees start their meetings at 5.00pm and take no longer than three hours.

Council noted that some CDC Councillors were also County Councillors and Town and Parish Councillors and it was important that any changes to meeting times and dates should not clash with these other responsibilities.

Council noted the gap between meetings of the Planning and Licensing Committee from March to June 2023 was due to the holiday period and the local elections and requested a report to a

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future meeting so that a meeting date for the Planning and Licensing Committee could be set for mid-late April 2023.

**RESOLVED:** That Council agreed to approve the programme of meetings for May 2023 and the inclusion of a Licensing Sub-Committee meeting on 26 April 2023 as set out in part 2 of the report and shown in Annex A and

- noted that the Leader of the Council had agreed to move the Cabinet meeting originally scheduled for 6 March 2023 to 13 March 2023 and to cancel the Cabinet meeting that was scheduled for 3 April 2023
- approved the programme of meetings for June 2023 to May 2024 (Annex B)
- delegated authority to the Director of Governance and Development (Monitoring Officer), in consultation with Group Leaders, to make changes to the programme of meetings in the event that there is any future decision of Council to change the committee structure or committee remits that impacts the programme of meetings;
- delegated authority to the Democratic Services Business Manager to set meeting dates for the Performance and Appointments Committee and the Licensing Sub-Committee (Licensing Act 2003 Matters)
- agreed that meetings shall start at the same times as in 2022/23 subject to the following changes:
  - all Planning and Licensing Committee meetings to start at 2pm
  - Licensing Sub-Committee meetings to start no earlier than 2pm
  - Annual Council meetings on 25/05/2023 and 15/05/2024 to start at 6pm
  - Overview and Scrutiny and Audit Committee meetings to start at 5pm
  - authority is delegated to the Director of Governance and Development (Monitoring Officer) to set dates for member training and briefing sessions and any working groups established by the Council.
  - the Constitution Working Group considers recommending a change to the Council's Constitution so that meetings of Overview and Scrutiny Committee and Audit and that committees should have a maximum duration of three hours.

**Voting Record – For 19, Against 9, Abstentions 0, Absent 0,**

## **55 Notice of Motions**

Council debated and passed the following motion;

**Motion I on Provision of Community Public Access Defibrillators on New Developments.  
Proposed by Councillor Tom Stowe, seconded by Councillor Stephen Andrews.**

This Council notes that according to the British Heart Foundation there are over 30,000 out-of-hospital cardiac arrests in the United Kingdom each year where emergency medical services attempted to resuscitate the victim. However, the survival rate is very low. Early use of Automated External Defibrillators could double the chances of survival, however, unfortunately, for every 1 minute delay the chances of survival can reduce by 10%. Given the rural nature of our district, the chances of swift medical intervention from the emergency services are limited, therefore, access to a good network of Community Public Access Defibrillators, that can be accessed swiftly, is vital to safeguard the health and well-being of our residents.

The Council also noted that in many cases the responsibility for the installation of CPADs in our communities fell to local voluntary and community groups. This presented many challenges, not just for funding, but also working and negotiating with various parties with

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regard to finding suitable siting and electrical supplies for the devices. With ongoing and future development throughout the district, keeping up with the installation of new CPADs could be a very difficult task. Best practice guidance stated that CPADs should be located no further than 400 metres apart.

This Council believes that the Health and Well-being of our residents should be at the forefront of everything that it does.

**RESOLVED:** The Council therefore resolves to give authority to the Forward Planning Team to investigate options to amend the Regulations in the new Cotswold Local Plan to address this issue, and to ensure that any new housing developments within the district include the provision for the supply and installation of sufficient Community Public Access Defibrillators to cover the housing and industrial area of the new development. An exception may be considered for smaller developments of less than 6 properties.

**Voting Record – For 28, Against 0, Abstentions 0, Absent 0,**

Council debated and passed the following motion;

**Motion 2 on Menopause. Proposed by Councillor Claire Bloomer, seconded by Councillor Andrew Doherty.**

Council notes that 51 per cent of the UK population will directly experience the menopause during their lifetime, over 13 million women in the UK are either menopausal or perimenopausal at any time, 4.5 million of those 13 million women are in the workplace, three out of four women experience menopause-related symptoms with one in four experiencing serious symptoms, 1.6 million working days are lost to menopause symptoms annually as a result. Menopause can see women experiencing a wide range of symptoms including hot flushes, fatigue, anxiety, disturbed sleep, heavy and erratic periods, mood swings, rage, heart palpitations, and itchiness. The intensity and combination of some of these symptoms can be unsettling. In particular, when oestrogen levels decrease in the lead up to menopause, cognition. Women may struggle with memory, word retrieval, and other cognitive activities. For some, the change in cognitive function is so pronounced they fear they are developing dementia or Alzheimer's. These changes can also reduce their confidence to manage their work, home and social life. Hormone levels may exacerbate existing conditions such as ADHD, and medication and strategies for managing those conditions may not work as effectively as they once did. Many menopausal women are finding it difficult to obtain Hormone Replacement Therapy medicines due to increased demand and supply chain issues, adding to their anxiety. Support for women with menopausal symptoms in the workplace is variable and understanding by managers and other employees is often limited. In some cases, understanding and empathy is so poor that women receive insults and rude comments from colleagues and managers. As a result, many women end up leaving their workplace as they feel unable to continue in their role.

Cotswold District Council welcomes steps taken by Cirencester Town Council to develop a menopause policy for its staff. Adjustments that can be made including allowing flexibility in work patterns, increasing ventilation, allowing people to move their work location to be closer to a toilet giving time off to attend medical appointments and support groups designating a member of staff for women to approach about the effect of the menopause on their work and providing professional counselling if requested. Cotswold District Council also welcomes the establishment of an All Party Parliamentary Group on Menopause in 2021.

**RESOLVED:** Council agreed that Cotswold District Council should:

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- asks its Teckal companies, Publica and Ubico, to review their menopause policies to ensure that their staff and CDC retained staff going through the menopause have the understanding and support they need
- commit to campaigning for menopause support to form a central part of the next national Women's Health Strategy
- work with Gloucestershire County Council and other local health organisations to ensure that support for those experiencing menopause is a central part of the next Gloucestershire Health and Wellbeing strategy
- support the #MakeMenopauseMatter campaign which is calling for mandatory menopause training for all GPs and menopause to be taught as part of every medical school curriculum, menopause guidance and support to be in every workplace, menopause to be added to the Relationships, Sex and Health Education curriculum for schools throughout the UK.

**Voting Record – For 24, Against 0, Abstentions 0, Absent 2,**

**56 Next meeting**

The next meeting of Council will take place on Wednesday 18 January 2023 at 2.00pm.

**57 Matters exempt from publication**

Council did not exclude the press and public from the meeting as they did not discuss the contents from the exempt annexes

**58 Exempt minutes of 21 September Council meeting**

Council did not exclude the press and public from the meeting as they did not discuss the contents from the exempt annexes

The Meeting commenced at 2.00 am and closed at 6.00 am

Chair

(END)

# Agenda Item 7



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 18 <sup>th</sup> JANUARY 2023
Report Number	AGENDA ITEM 7
Subject	CORPORATE PEER CHALLENGE 2023 – FEEDBACK REPORT AND ACTION PLAN
Wards affected	ALL
Accountable member	Cllr Joe Harris, Leader of the Council Email: <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
Accountable officer	Robert Weaver, Chief Executive Tel: 01285 623605 Email: <a href="mailto:Robert.weaver@cotswold.gov.uk">Robert.weaver@cotswold.gov.uk</a>
Summary/Purpose	To consider the Local Government Association's Feedback Report and to note the Action Plan that details how the recommendations within the report will be implemented.
Annexes	Annex A – Corporate Peer Challenge 2023 – Feedback Report Annex B – Action Plan
Recommendation/s	<i>That Council:</i> <ul style="list-style-type: none"> <li>• <i>Notes the Corporate Peer Challenge Feedback Report at annex A</i></li> <li>• <i>Approves the Action Plan detailed at annex B.</i></li> </ul>
Corporate priorities	Ensure that all services delivered by the Council are delivered to the highest standard.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	None

## I. BACKGROUND

- I.1. The Council invited the Local Government Association (LGA) to conduct a corporate peer challenge in October 2022. A corporate peer challenge provides for an external review of how a council functions and its ability to deliver on its plans, proposals and ambitions. It is good practice for a council to have a peer challenge every 3 – 4 years (the last peer challenge was undertaken in November 2019). The review is undertaken by a team that is knowledgeable and experienced in local government, and includes both officer and councillor representatives. The team acts as a ‘critical friend’ and produces feedback that provides a health check and commentary on areas of strength and potential areas for further consideration.
- I.2. The corporate peer challenge team gathers information from a wide range of sources and attends various meetings, whilst also conducting interviews with staff, councillors and the Council’s partner organisations. The Council’s performance is then reviewed in terms of a core set of assessment areas:
- **Local priorities and outcomes** – are the council’s priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
  - **Organisational and place leadership** – does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
  - **Governance and culture** – Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
  - **Financial planning and management** – Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
  - **Capacity for improvement** – Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?
- I.3 In addition to covering the core assessment areas, the Council requested that the peer challenge team also consider:
- How well equipped the Council is to respond to the challenges and opportunities that are facing local government now and into the future?
  - How well does the Council ensure it delivers its ambitions and priorities through its existing partnership arrangements with Publica?



## **2. MAIN POINTS**

- 2.1. The Council's corporate peer challenge took place between Tuesday 11 and Thursday 13 October 2022. The feedback report has been shared with all members and following this Council meeting, will be separately published on the Council's website.
- 2.2 The peer review team comprised:
- John Robinson, Chief Executive, Newark and Sherwood District Council
  - Councillor Alan Connett, Leader, Teignbridge District Council
  - Sarah Pennelli, Strategic Director and SI51 Officer, Blaby District Council
  - Deborah Poole, Head of Business Transformation and Organisational Development, Redditch Borough Council and Bromsgrove District Council
  - Bev Thomas, Relationship and Commissioning Manager, Harlow District Council
  - Chris Bowron, Peer Challenge Manager, Local Government Association
- 2.3 A corporate peer challenge forms a key element of sector-led improvement, where the process is designed to complement and add value to a council's own performance and improvement thinking. Peers use their experience and knowledge of local government to reflect on the information presented to them by people they meet and material they read. The team provides feedback as critical friends, not as assessors, consultants or inspectors. The team reported that they had been made to feel welcome and had been very well supported throughout the peer review process, and they found those they engaged with to be open and honest.
- 2.4 The Corporate Peer Challenge 2023 – Feedback Report (which sets out the team's findings and recommendations) is provided at Annex A. Council is asked to note the Feedback Report. The Action Plan that sets out how the Council will implement the recommendations, is provided at Annex B. Council is asked to approve the Action Plan.
- 2.5 The Action Plan reproduces the recommendations made by the corporate peer challenge team, the measures that will be implemented, commencement dates and the lead officers assigned to oversee the key actions.
- 2.6 A progress review is an integral part of the corporate peer challenge process. It is designed to provide the opportunity for a council to:



- Update the peers on the progress made in relation to the recommendations put forward by the peer team and the council's related action plan, and to receive feedback on this.
- Consider the peers' reflections on any new opportunities or challenges that may have arisen since the peer team were on-site, including any further support needs
- Discuss impact and learning from the progress made to date

2.7 The progress review involves some or all of the original peer challenge team meeting remotely with the council's senior political and managerial leadership around six months on from the initial activity. Council will be provided with a further report following the six-month progress review.

### **3. FINANCIAL IMPLICATIONS**

3.1. There are no specific financial implications arising from this report. Any financial implications arising from the actions that may need to be taken to implement the recommendations of the peer challenge team will be addressed as and when necessary.

### **4. LEGAL IMPLICATIONS**

4.1. There are no legal implications associated with this report.

### **5. RISK ASSESSMENT**

5.1. The principal risk associated with this report is that the recommendations fail to be implemented or that insufficient progress is made against them. Following discussion at Council, the Action Plan will be submitted to the LGA as a means of identifying the actions Cotswold District Council will be looking to implement. The LGA normally expects to undertake a progress review within six months of the original peer challenge being undertaken and a further report on progress will be submitted to Council after that has been carried out.

### **6. ALTERNATIVE OPTIONS**

6.1. Not applicable

### **7. BACKGROUND PAPERS**

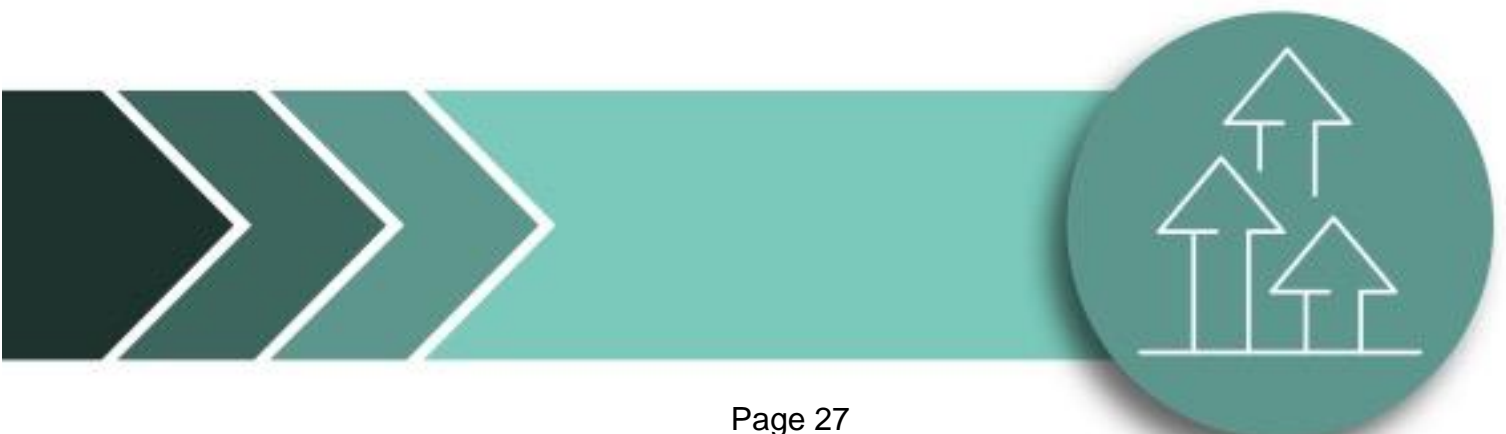
7.1. None.


# LGA Corporate Peer Challenge

Cotswold District Council

Tuesday 11<sup>th</sup> to Thursday 13<sup>th</sup> October 2022

Feedback report





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# 1. Executive summary

External partners reflected having seen a fundamental shift in the council over the last three years. It has become an organisation, and with a leadership, that is ambitious and outward looking. The drive, energy and passion of the Administration and Chief Executive are clear to see.

The Cabinet is highly regarded both internally and externally and strong leadership is being demonstrated on the agendas that form the council's priorities. What the Administration stands for and is seeking to achieve is very clear. There is tremendous pride on the part of the Administration and officers in relation to what has been achieved in the period since 2019 and the agenda going forward is both exciting and compelling.

The Leader, Cabinet Members and the Chief Executive are visible and proactive with partners across a range of geographies. Partners highlighted the efforts being made by the council in the last few years and months to establish or reinforce key relationships. It is important to highlight, though, that the experiences of some local authority partners when they are engaged with the senior political leadership of the council can be mixed, with a need for the council to refine and adapt the approach sometimes going forward.

Since 2019, a number of changes to the council's Constitution have been agreed by elected members. Councillors recently requested that a comprehensive review be undertaken in light of it becoming apparent that no single overview has been maintained of how the Constitution should now read. There are additional aspects to the approach to governance which, whilst more mundane, can, when aggregated, easily escalate into undermining trust and confidence amongst stakeholders internally and externally. These different elements combined has led to the peer team's recommendation around the council reassuring itself that its governance arrangements are robust.

There are different views around the effectiveness of Overview and Scrutiny in the council. People reflected that the Chair is driven and keen to see the fulfilment of the valuable role that this important governance function can provide. Another key part

of the jigsaw is also already in place, with the Leader and Cabinet being very clear that they wish to be held to account more by Overview and Scrutiny. There is a strong sense of members of the Overview and Scrutiny Committee valuing it currently as a mechanism for being kept informed of key developments across the district. The fundamental consideration in relation to Overview and Scrutiny is determining, as a council, what it is there to do.

There is an absence of training and development provision for elected members which needs to be addressed. The council needs to ensure that an effective and timely induction programme is prepared for implementation following the elections in May next year. This should be supplemented with a rolling programme of elected member training and development covering all of the key elements of councillors' roles and weaving in regular all member briefings on key issues.

The Medium-Term Financial Strategy from February outlined a budget gap over the period up to and including 2025/26 of £8.9m – with just under £4m of this relating to the financial year starting in April next year. However, in the period since February, the council is confident that the gap for next year has reduced significantly. Ensuring an accurate understanding is maintained of the financial situation facing the council, through the guidance of the new permanent Section 151 Officer, will be crucial.

Cabinet has been demonstrating leadership around the financial challenge that exists for the council – reflected in the development of the Recovery Investment Strategy (RIS) produced in September 2020 and updated in July this year. This is designed as a framework within which the council can operate to deliver on its priorities whilst simultaneously closing the budget gap without having to look at cuts to services. Thinking around the refreshed RIS has developed since July in response to the fluid context the council is operating in. Given the state of flux being experienced, we recommend that the council takes stock again now of the strategy and what it can deliver.

Cabinet needs to continue to demonstrate the required leadership and collective responsibility for addressing the financial challenge. Proposals for addressing the financial gap are currently being developed and these will enter the public domain over the coming months. Cabinet and the managerial leadership need to ensure that

all necessary due diligence around the proposals is undertaken and that they are realisable and that a strong financial grip overall is applied.

In 2017 Cotswold District Council, West Oxfordshire District Council, Forest of Dean District Council and Cheltenham Borough Council became equal shareholders in a newly created company, known as 'Publica', delivering council services. The majority of the staff that had previously worked for one or other of the partner councils transferred into the employment of the new company.

It is clear that there are contrasting perspectives in the council and Publica regarding how effectively things are working in the partnership. There is much that Publica is delivering, including increased resilience in certain services and functions; fulfilment of the agreed financial objectives; and savings that go beyond the financial targets set out for Publica when the company was established. However, the contrasting perspectives remain and there is a fundamental set of considerations that need to be explored. Either clarity for now, or planning for the future, is required around these if the partnership is to be felt to be successful on all levels and, crucially, to be helping to drive the council's priorities. They include the continued appropriateness of some functions remaining with Publica; where direction is set from, clarity of roles and where accountability sits; whose 'people' officers within Publica are; and how performance and value for money are understood and managed.

It was clear from our discussions with staff at various levels of both organisations that capacity pressures are increasingly being felt and are impacting on both the delivery of council priorities and the well-being of staff. Ensuring the clear political objectives of the Administration are translated into manageable deliverables is a key managerial responsibility that sits across both the council and Publica.

Whilst Publica acts as the 'Chief of Staff', their employees are also "the council's people". It is in both organisations' interests to look after people's physical and mental well-being. Staff that we spoke to reflected concerns about the way they are treated by some senior leaders within the council and Publica. It is important for there to be a focus on organisational culture and behaviours and the well-being of staff and it is vital to ensure that people feel valued and respected and able to cope. What we gleaned from our discussions with staff regarding levels of stress, low morale and well-being should represent a major concern for the leadership of both

organisations.

Whilst the vast majority of officers delivering for the council in the Cotswolds are employed by Publica, there is also work to be done by the council in enabling the small core group of staff it has retained to have a greater sense of identity and belonging and feel better informed and engaged.

There needs to be more direct dialogue between the senior leadership of the two organisations in order to address issues. Steps have been made in this regard since the Cotswold District Council Chief Executive arrived in January 2021. This is positive but the sense is that there is a long way to go still in enabling the necessary dialogue to take place. Making sure it happens is fundamental to mutual success.

## 2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

- The council needs to reassure itself that its governance arrangements are robust
- Refine and adapt the leadership approach in engaging local authority partners in order to ensure shared objectives can be achieved
- Determine what Overview and Scrutiny is there to do and provide the appropriate support to it
- Establish a training and development programme for elected members and ensure good induction arrangements are in place for after the election
- Cabinet continue to be cognisant of the financial challenge that exists and demonstrate the required leadership and collective responsibility for addressing it
- Take stock of the Recovery Investment Strategy and what it can deliver
- Ensure all necessary due diligence is undertaken in relation to the budget proposals and that the proposals are realisable



- Address the concerns of staff about the way they are treated by some senior leaders within the council and the Publica organisation
- Undertake more direct dialogue between the senior leadership of the council and Publica in order to address the following issues:
  - The continued appropriateness of some functions remaining with Publica
  - Where direction is set from, clarity of roles and where accountability sits
  - How increased strategic capacity is provided to support the council
  - Translating the political objectives into manageable deliverables
  - Developing a focus on organisational culture and behaviours and staff well-being

### 3. Summary of the peer challenge approach

#### 3.1. The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:

- John Robinson, Chief Executive, Newark and Sherwood District Council
- Councillor Alan Connett, Leader, Teignbridge District Council
- Sarah Pennelli, Strategic Director and S151 Officer, Blaby District Council
- Deborah Poole, Head of Business Transformation and Organisational Development, Redditch Borough Council and Bromsgrove District Council
- Bev Thomas, Relationship and Commissioning Manager, Harlow District Council
- Chris Bowron, Peer Challenge Manager, LGA

#### 3.2. Scope and focus

The peer team considered the following five themes which form the core components

of all corporate peer challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** – Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** – Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** – Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** – Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
5. **Capacity for improvement** – Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

In exploring the above, the council asked us also to consider:

- How well equipped is the council to respond to the challenges and opportunities that are facing local government now and into the future?
- How well does the council ensure it delivers its ambitions and priorities through its existing partnership arrangement with Publica?

### 3.3. The peer challenge process

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by

people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure that they were familiar with the council and the challenges it is facing. The team then spent three days onsite, during which they:

- Gathered information and views from more than 25 meetings, in addition to further research and reading
- Spoke to more than 100 people including a range of council staff, elected members and external stakeholders

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and members.

## 4. Feedback

### 4.1. Local priorities and outcomes

The peer team met a wide range of external partners during the corporate peer challenge, at both the local and regional level. They reflected having seen a fundamental shift in the council over the last three years. It has become an organisation, and with a leadership, that is ambitious and outward looking. The drive, energy and passion of the Administration and Chief Executive are clear to see.

The council generally, and the Cabinet specifically, reflect a good knowledge and understanding of the place that the organisation serves. This includes median house prices being more than 13 times gross median earnings (which is the highest in the county); the district having double the national average of people working from home; the existence of pockets of deprivation within what is a relatively prosperous district; challenges for those residents reliant on public transport when it comes to accessing services, amenities, training and education; and 80% of the district being within an Area of Outstanding Natural Beauty (AONB).

The ambition, drive and knowledge and understanding of place are translated into

the Corporate Plan 2020 to 2024 – updated in the spring of this year – and reflected in the priorities and principles that are the focus of the organisation:

### Council Priorities

- Deliver the highest standards of services
- Respond to the climate crisis
- Provide socially rented homes
- Make the Local Plan ‘Green to the Core’
- Support health and well-being
- Enable a vibrant economy

### Principles

- Rebuilding trust and confidence in the council
- Providing value for money for residents and businesses
- Listening to the needs of the community and acting on what is heard

What the Administration stands for and is seeking to achieve is very clear and this is crystallised further by the political leadership who consistently cite ‘affordable housing, the climate agenda and the economy’ as the primary drivers. The agenda going forward is both exciting and compelling and there is tremendous pride on the part of the Administration and officers in relation to what has been achieved in the period since 2019, with the following providing just a flavour of this:

- Led the response in the Cotswolds to the pandemic, including the creation of the ‘Help Hub’ to support over 700 residents, particularly the elderly and the vulnerable, and the disbursement of £73m of Local Business Grant from government
- Driven forward affordable housing provision focused on social rented accommodation – with 2020/21 seeing 114 affordable houses built, thus exceeding the council’s target of 100, and a range of other initiatives with both the private sector and social landlords to boost further the provision of social, affordable and low-carbon housing over the coming months and years

- Rolled out a new waste and recycling service during the pandemic with the council's partner Ubico, with 144,000 containers now being emptied every week
- Established the Green Economic Growth Strategy and Cotswold Economic Advisory Group
- Commissioned a Framework Master Plan for Cirencester town centre
- Established 'Cotswold New Start' to support young people not in education, employment or training
- Drawn in funding to provide accessible toilet facilities for people with severe disabilities
- Established the 'Crowdfund Cotswolds' grants funding platform as a way to help communities raise money for local projects, generating over £400,000 funding thus far in support of more than 20 community-led initiatives. The approach won the 'Community Involvement Award' at this year's Local Government Chronicle Awards.
- Developed an innovative tourism charge scheme to benefit local communities, involving an extra 50p levy on car parking in Bourton-on-the-Water which is mainly used by visitors to this popular village. In 2021/22 this generated an additional £60,000 which has been used to fund a Village Warden, extra waste bins, parking control bollards and an accessibility audit looking at how the needs of disabled residents and visitors can be better met.
- Created the Green Investment Bond scheme – the first in Gloucestershire and only the fifth such scheme nationally – generating over £500,000
- Established the 'Clean and Green Cotswolds' environmental initiative
- Drawn in funding to enhance energy efficiency and reduce carbon in key council facilities including leisure centres

- Secured enhanced electric vehicle charging point provision, with more to be rolled out in the coming months
- Designed the Carbon Net Zero Toolkit with Forest of Dean and West Oxfordshire District Councils, as two of the key partners in the Publica arrangement, plus technical expert partner organisations – designed to show builders, architects, developers and homeowners how to make new build or retrofit projects ‘green to the core’. The toolkit has been made openly available as a resource for private and public sector organisations to adopt, in order to help others reach net zero and to speed up the UK’s collective response to the climate emergency.
- Exemplar areas of work ‘on the ground’, cited by partners, including around the climate agenda and through the Community Team which have impacted positively in areas such as health and well-being, frailty and social isolation – delivered in conjunction with partners including the voluntary and community sector

In service delivery terms, the council’s performance can be seen to be mixed when compared to councils serving similar areas. The following reflects performance information drawn from the LG Inform system that the Local Government Association hosts for the sector. The data is the latest available, which is from either 2020/21 or 2021/22 depending on the measure, and the comparator group (‘nearest neighbours’) are the fifteen other district or borough councils nationally that Cotswold District Council is deemed by the Chartered Institute of Public Finance and Accountancy (CIPFA) to be most similar to.

Areas where the council can be seen to be performing well are:

- The amount of residual waste per household – with it being the third best performing (2020/21)
- The percentage of household waste sent for reuse, recycling or composting – with it being the second best performing (2020/21)

Areas that the council needs to be mindful of include:

- The percentage of council tax not collected – with it being the second highest behind West Oxfordshire (2021/22)
- The percentage of non-domestic rates not collected – with it again being the second highest behind West Oxfordshire (2021/22)
- The percentage of vacant dwellings in the area (2020/21)
- The percentage of Planning applications (major and ‘other’) decided in time (2021/22)

On most other performance measures recorded within the LG Inform system, Cotswold District Council appears around the middle within its ‘nearest neighbours’ group – including the time taken to process housing benefit new claims and change events (2021/22); the percentage of Planning applications (minor) decided in time (2021/22); and the number of households living in temporary accommodation (2021/22).

The following is a link to the LG Inform system - [Home | LG Inform \(local.gov.uk\)](https://local.gov.uk)

## **4.2. Organisational and place leadership**

The Leader, Cabinet Members and the Chief Executive are visible and proactive with partners across a range of geographies, whether that be locally within the Cotswolds; across Gloucestershire; or on a wider regional footprint. The proactive element here is of particular note, with partners highlighting the efforts being made by the council in the last few years and months to establish or reinforce key relationships.

The Cabinet is highly regarded both internally and externally and seen to be of a high calibre and to be leading the place. Strong leadership is being demonstrated on the agendas that form the council’s priorities, reflected in the types of innovative examples already cited such as the work with partners to boost the level of affordable, social and low-carbon housing; the development of the Carbon Net Zero Toolkit; and the Green Investment Bond scheme.

Another area where leadership has been shown is the commissioning, with partners including the Town Council, of a Framework Master Plan for Cirencester town centre.

The creation of the 'Green Economic Growth Strategy' for the Cotswolds and the establishment of the Cotswold Economic Advisory Group are both good examples of strong place-based leadership, spearheaded at Cabinet level. The Economic Advisory Group draws together representatives from partners at different spatial levels, including the local Chamber of Commerce; Cirencester College; the Gloucestershire First LEP; and the Federation of Small Businesses with its reach across the West Midlands. Cabinet has also been showing leadership around, and demonstrating that it is cognisant of, the financial challenge that exists for the council. This is reflected in the development of the Recovery Investment Strategy (RIS) produced in September 2020 and updated in July this year. This is designed as a framework within which the council can operate to deliver on its priorities whilst simultaneously closing the budget gap without having to look at cuts to services.

It is important to highlight that the experiences of some local authority partners when they are engaged with the senior political leadership of the council can be mixed. Moving forward, it will be important for the leadership in Cotswold to refine and adapt the approach, according to the circumstances and context, in order to ensure shared objectives with local authority partners can be achieved.

The council's approach to external communications is seen to have improved significantly and to be engaging people across the district much more effectively now. Digital communications are playing a key role here, with social media channels reaching nearly 30,000 residents and businesses and more than 4,000 people having signed-up to receive the recently launched 'Cotswold Round-Up' E-newsletter. Digital consultation is also being undertaken, with it having been used in relation to the budget and the Local Plan, and all council meetings are now being livestreamed to make them more accessible.

Progress has also been made in 're-asserting' a council brand in a context of the Publica partnership, with examples including frontline staff returning to having council e-mail addresses and identity badges and the council logo re-appearing on adverts, letterheads and correspondence generally. There is still a way to go, though, in ensuring the public are clear that it is the council that is engaging and contacting them even where it is being undertaken by the Publica organisation.



By way of context, in November 2017 Cotswold District Council, West Oxfordshire District Council, Forest of Dean District Council and Cheltenham Borough Council became equal shareholders in a newly created Teckal company, known as 'Publica', delivering council services. The majority of the staff that had previously worked for one or other of the partner councils transferred into the employment of the new company, which now has around 650 employees. Cotswold, Forest of Dean and West Oxfordshire buy into all the services available from Publica whilst Cheltenham have opted only to receive support around HR, ICT and some financial services. Publica also provides HR and ICT services for Cheltenham Borough Homes, Cheltenham Leisure Trust and Ubico, which is the waste and environmental services Teckal company owned by the seven district/borough and county councils in Gloucestershire.

'Organisational leadership' is complex in this context – with the overwhelming majority of "the council's people" sitting in another organisation. This key corporate peer challenge theme feels inextricably linked to that of 'Capacity for improvement' and we have therefore opted to consider them together later in that section of the report.

Whilst the vast majority of officers delivering for the council in the Cotswolds are employed by Publica, it was important that we met a cross-section of those who are in the direct employment of the council. It was clear from those discussions that there is work to be done by the council in relation to this small core group of staff. The shift of so many colleagues to Publica, and the very strong brand and identity that was created in the early years of that partnership, means that some of those who have remained are seeking a greater sense of identity and belonging as part of the council. They also wish to feel better informed and engaged, which we would anticipate being relatively straightforward given the small number of people involved – although recognising that 'hybrid working' throws up some new challenges around this that will need to be overcome. As a simple example, the staff we met highlighted to us that they hadn't received any communications about the corporate peer challenge happening, beyond their being invited to participate in the focus group activity.

#### **4.3. Governance and culture**

The week prior to the corporate peer challenge, on Wednesday 5<sup>th</sup> October, an Extraordinary Council meeting was held dedicated to the Constitution of the Council. Since 2019, a number of changes to the Constitution have been agreed by elected members. Those councillors forming the Constitution Working Group recently requested that a comprehensive review be undertaken in light of it becoming apparent that no single overview has been maintained of how the Constitution should now read. Essentially the purpose of the meeting was to “authorise the Monitoring Officer to publish a final clean version of the Constitution”, ensuring that all revisions agreed since May 2019 have been incorporated.

This is one example of why the peer team are recommending that the council seeks to reassure itself that its governance arrangements are robust. During the course of our time in the Cotswolds we heard of issues around committee papers being published late; such papers being sent to members of the wrong committee or forum; and a lack of precision in reports, with the incorrect ‘Accountable member(s)’ or ‘Wards affected’ being shown. Aspects of what we are reflecting here may, in isolation, be seen as relatively mundane. However, when aggregated and seen repeatedly, which appears to be the case, at the very least the council’s reputation is negatively impacted upon. This can easily escalate into undermining trust and confidence on the part of elected members, the public and other stakeholders and start to prompt questions about the council’s attitude towards good governance, democracy and matters of openness and transparency. Given the scale of the types of decisions that are facing the council in the current financial context and the levels of complexity it is managing in the agendas it is facing, it is vital that all key stakeholders internally and externally have maximum confidence in the governance of the authority – hence the peer team’s recommendation around the council reassuring itself that its governance arrangements are robust.

There are a number of elected member working groups and forums in place which provide cross-party involvement. One of these is the Capital Programme Investment Board and this provides, through the challenge that is brought to bear there, an excellent example of the way in which the council can capitalise upon experience and knowledge across the wider elected membership. Other examples of cross-party engagement are the Constitution Working Group already highlighted and a joint working group with officers undertaking a review of Planning.

There are different views around the effectiveness of Overview and Scrutiny in the council. The Constitutional change that has been made which sees the Opposition chairing the Overview and Scrutiny Committee is a mature one that provides a good foundation. People reflected that the Chair is driven and keen to see the fulfilment of the valuable role that this important governance function can provide. Another key part of the jigsaw is also already in place, with the Leader and Cabinet being very clear that they wish to be held to account more by Overview and Scrutiny. They recognise this as a key element of leadership and ensuring the council is seen to be open, transparent and driving delivery and improvement. The fundamental consideration in relation to Overview and Scrutiny is determining, as a council, what it is there to do.

Based on our discussions and a look back at some agendas of previous meetings, there is a strong sense of members of the Overview and Scrutiny Committee valuing it at this point in time as a mechanism for being kept informed of key developments across the district – with most agenda items being badged as an ‘update’ for councillors. Looking at alternative ways of facilitating this information sharing and extending it to the wider elected membership, which currently is not accustomed to the concept of ‘all member briefings’, would seem appropriate. This would enable the efforts and focus of the Overview and Scrutiny Committee to be applied to both holding the Executive to account more and contributing to policy development. Whatever approach is applied going forward, it needs to be supported appropriately, with there currently being no designated lead officer for overview and scrutiny designated in the council and little in the way of guidance and support for the Chair.

There is an absence of training and development provision for elected members which needs to be addressed. When asked about this area, both councillors and officers highlighted that an induction programme was delivered following the 2019 elections. However, that is the extent of what people could indicate as being in place, although we know there has been input provided by the Local Government Association around overview and scrutiny training and development at certain points.

The 2019 induction is seen to have been late in taking effect. Councillors also felt it was limited in both scope and the extent of the insights provided, which came from an officer perspective. In the short term, the council needs to ensure that an effective and timely induction programme is prepared for implementation following the

elections in May next year. This should be supplemented with a rolling programme of elected member training and development covering all of the key elements of councillors' roles and weaving in regular all member briefings that fulfil the role that overview and scrutiny is currently partly fulfilling.

Some of the staff that we spoke to reflected concerns about the way they are treated by some senior leaders within the council and Publica. They spoke of an environment in which mistakes are focused upon in a way which feels neither proportionate nor constructive whilst, on the other hand, they felt there is seldom thanks for people's hard work and effort or recognition of the things that go well. There were some instances cited of staff being addressed very directly by elected members and staff talked of feeling anxious and stressed sometimes when being contacted by Publica's senior leadership. These experiences speak of a culture that needs to be addressed across the two organisations. The senior leadership of both the council and Publica need to reflect on the best ways to care for and motivate people. First and foremost, ensuring their well-being is the right thing to do. Secondly, in a context of councils finding themselves increasingly operating on the goodwill of their staff, and with the capacity pressures already being experienced, they cannot risk the debilitating effect of the council's people potentially experiencing the leadership of the two organisations negatively.

#### **4.4. Financial planning and management**

The council has a current net revenue budget this year of £12.5m. The Medium-Term Financial Strategy (MTFS) from February outlined a budget gap over the period up to and including 2025/26 of £8.9m – with just under £4m of this relating to the financial year starting in April next year. However, in the period since February, and despite pressures emerging through the global and national context, including cost inflation; demand on services; a lack of clarity around central government funding; and uncertainty around being able to maintain or increase income, the council is confident that the gap for next year has reduced significantly. Ensuring an accurate understanding is maintained of the financial situation facing the council, through the guidance of the new permanent Section 151 Officer, will be crucial.

The opening General Fund balance this financial year of £2.5m represents around 20 per cent of the council's net budget. The current budget was set to increase this balance to around £4m by the end of 2022/23 but this is under review given the context referred to above. Usable reserves total around £25m, which is seen to be a reasonable level, and work is taking place with elected members to review earmarked reserves to potentially provide increased scope. The council is debt free.

The council has consistently achieved a clean audit opinion on its accounts from the External Auditors. The council's budget monitoring process sees a quarterly report presented to both the Overview and Scrutiny Committee and Cabinet, with any variances over £10,000 highlighted along with the mitigating actions being undertaken.

Whilst a refreshed Recovery Investment Strategy was agreed in July this year, the thinking around it has developed since in response to the fluid context the council is operating in. As an example, we understand that the proposed 'Climate Change and Green Energy Investments' relating to solar provision, which were to be funded through borrowing, are now being reconsidered. Given the state of flux being experienced, and whilst recognising that the context means establishing certainty is difficult, we recommend that the council takes stock again now of the strategy and what it can deliver.

Cabinet needs to continue both to be cognisant of the financial challenge that exists and to demonstrate the required leadership and collective responsibility for addressing it. Obviously, proposals for addressing the financial gap are currently being developed and these will enter the public domain and be considered by the wider elected membership over the coming months, ahead of budget-setting in February. Cabinet and the managerial leadership need to ensure that all necessary due diligence around the proposals is undertaken and that they are realisable and that a strong financial grip overall is applied.

#### **4.5. Capacity for improvement**

As we outlined earlier in this report under 'Organisational leadership', aspects of that theme and the one of 'Capacity for improvement' feel inextricably linked in a context

of the overwhelming majority of officers sitting in another organisation. To contextualise this, well over 90% of officers linked to Cotswold sit within the Publica organisation.

Whilst, looking purely contractually, most officers in Cotswold are employees of Publica, they are also “the council’s people” – reflected in the way the political and managerial leadership of the council speak; the nature of what they are delivering – namely council services and functions; and the emotional bond with the organisation that exists for many, particularly those previously employed by the council.

It is clear that there are contrasting perspectives in the council and Publica regarding how effectively things are working in the partnership. The bottom line is that it is in everybody’s interests to ensure that the partnership works, in a context of the contract running until 2027.

Benefits being delivered through the Publica arrangement include increased resilience in certain services and functions as a result of having the staffing complement for at least three councils to call upon and deploy relatively flexibly; instances of the exchange of learning and cross-fertilisation of ideas across the partner organisations; and fulfilment of the agreed financial objectives.

The shared cyber security function provided by Publica for the four councils in the partnership is a good example of where economies of scale and resilience have been provided – with the existence of a specialist team that would most likely be beyond the resources of one of the partner councils acting alone.

Between April 2019 and March 2022, Publica delivered recurring annual core contract savings of £702,000 in respect of the Cotswold District Council contract which has a net annual value of £9.2m – representing savings of around eight per cent per annum. There have also been savings realised that go beyond the targets set out for Publica when the company was established. This includes £475,000 of one-off savings in the form of underspends, which have been returned to the council to reinvest. Other examples are Publica having enabled the council to secure accommodation savings through the letting of office space; a negotiated reduction in licensing costs for Revenues and Benefits software; and supporting the automation and rationalisation of green waste licensing – assisting the council to generate in



excess of £400,000 of additional income.

Publica as an organisation has recently received Investors In People accreditation. It has also established a learning and development programme for managers delivered through Oxford Brookes University. Officers directly employed by the council have been given the opportunity to engage in this programme too, alongside Publica colleagues.

Thus, there is much that Publica is delivering. However, the contrasting perspectives on how effectively things are working in the partnership remain and there is a fundamental set of considerations that need to be explored. Either clarity for now, or planning for the future, is required around these if the partnership is to be felt to be successful on all levels and, crucially, to be helping to drive the council's priorities:

- The continued appropriateness of some functions remaining with Publica
- Where direction is set from, clarity of roles and where accountability sits
- Whose 'people' officers within Publica are
- How performance in service delivery and organisational effectiveness is understood and managed
- How value for money is understood and demonstrated

Whilst Publica describes itself as 'Chief of Staff' when it comes to the employees working to support Cotswold, there is inevitably engagement between those staff and Cabinet members, ward councillors, the Chief Executive and other senior figures in the council. Equally inevitably, such engagement generates elements of direction-setting for those staff. At the same time, staff will be being directed by Publica's managerial leadership and a proportion of officers also have the demands of other partner council/s to consider. The different considerations, drivers, priorities and timescales of the different organisations will inevitably not always be aligned – sometimes leaving staff wondering where to take their direction from, what and how to prioritise and whose 'people' they are.

The peer team also heard of challenges and complexity in the processes across the two organisations to determine whether and how resource can be redeployed as priorities shift. One example was the liaison over who would be able to take a lead on developing the council's Corporate Plan produced earlier this year – with this being a priority for the council but Publica having the responsibility for identifying and deploying the resource. Another example relates to the project management support required to help drive the council priorities around climate change and the economy – with the council ultimately needing to provide further investment to Publica in order to secure the necessary capacity. A further example is that which we cited earlier of committee papers being published late; such papers being sent to members of the wrong committee or forum; and a lack of precision in reports. Responsibility for the production of committee papers sits with Democratic Services, within Publica, but clearly the issues are played out in 'the shop window' of the local authority and the reputational damage accrues to Cotswold District Council.

Aspects of what we have outlined here suggest the need for conversations between the council and its partner around the continued appropriateness of some functions remaining with Publica, such as strategic financial advice, Democratic Services and those that relate directly to the council's community leadership role such as strategic housing and Planning policy.

Another dimension and question here is whether and how 'internal' communication should take place directly between the council's senior political and managerial leadership and Publica staff. Staff we met conveyed a desire to hear at key junctures from the council's Leader and Chief Executive through the equivalent of what would be staff forums or Facebook Live sessions in many councils. This doesn't seem to take place currently but would be both beneficial and valued – returning us to the question of whose people Publica staff are.

All of the above serves to highlight what we see as a blurring of clarity both around respective roles at the senior levels of Cotswold District Council and Publica and where accountability sits. This needs to be addressed if delivery of the council's priorities is to be driven to best effect.

When asking how performance around service delivery is overseen by the council,



people generally pointed to the 'Financial, Council Priority and Service Performance Report' considered quarterly at both Cabinet and Overview and Scrutiny Committee. This report features an extensive narrative around key achievements, service delivery, project delivery and progress against council priorities; data relating to performance metrics; and a financial overview.

One of the council's priorities is 'Delivering the highest standards of service'. This raised for us a question as to how those standards are determined and delivery against them is assessed. Based on the content of the report, the answer would seem primarily to be how the Publica council partners compare with one another and whether delivery is on target – although how targets are determined is unclear. Through the use of LG Inform, and as outlined in section 4.1 of this report, comparative analysis can be undertaken on a broader basis, including with the fifteen other district or borough councils nationally that Cotswold District Council is deemed by the Chartered Institute of Public Finance and Accountancy (CIPFA) to be most similar to. From this, it can be seen that in the last financial year, collection of council tax and national non-domestic rates in Cotswold was the second lowest performing behind West Oxfordshire in that CIPFA group. Another example would be the number of affordable homes delivered in 2020/21 being the sixth lowest in the family group and yet Cotswold's own ambitions were exceeded with 114 delivered against a target of 100.

We highlight the above examples not as a judgement but as a means of prompting consideration within Cotswold around how targets are set and performance is measured and understood – all in a context of the council aspiring to deliver on its priority of the 'highest standards'. It may be that there are aspects of the Cotswold context that mean comparisons with elsewhere have less value. For example, delivering housing growth in a district where 80 per cent of it exists within an Area of Outstanding Natural Beauty clearly brings its challenges. The question is simply whether the council is clear on how targets are set and how effectively performance management is driving delivery of the highest standards. We understand that there is a working group in place, including elected members, looking at the development of a new suite of performance metrics – which would suggest the council is keen to develop a stronger focus in this area.

These matters in relation to how performance in the delivery of council services and

priorities is understood in turn raises a question of how value for money is understood and demonstrated. This is amplified when the subject of 'organisational effectiveness' in Publica is considered. The quarterly performance report to Cabinet and Overview and Scrutiny Committee doesn't cover this element, which raises the question of how the council, and indeed Publica itself, understand key people issues across the organisation. Many councils have been undertaking regular 'temperature checks' during and since the pandemic to keep abreast of how people are, for example, coping in both their professional and personal lives; adapting to changing working arrangements; and feeling about the 'return to the workplace'. Staff turnover; vacancy rates; sickness absence levels and the related causal factors; and the findings from exit interviews are insights and measures that many councils will commonly be measuring and responding to.

As we previously touched on, whilst Publica acts as the 'Chief of Staff', their employees are also "the council's people". It is in both organisations' interests to look after people's physical and mental well-being and there can therefore be a legitimate interest on the part of the council in understanding core aspects of 'organisational effectiveness'.

It was clear from our discussions with staff at various levels of both organisations that capacity pressures are increasingly being felt and are impacting on both the delivery of council priorities and the well-being of staff. There would seem to be a number of issues that need to be considered in order to manage these pressures as effectively as possible and address resulting emerging tensions:

- In terms of an overall context, it is important to highlight that what is being experienced in the Cotswolds, in terms of the increasing, unrelenting and constantly changing demands on the council, is mirrored across all local authorities. Whilst recognising this doesn't in any way help to address the issue or reduce the impact, it is beneficial for people to understand that there are many causal factors outside anybody's control in the Cotswolds and that the experience elsewhere is unlikely to be much different. What the situation highlights is the importance of organisational adaptability, responsiveness and being 'fleet of foot' in order to cope as best as possible – which links back to our point from before around the processes to shape how Publica resources come to be re/deployed.

- In the current climate of unprecedented demands on councils, in terms of both their scale and nature, creativity and proactivity are at a premium. The same applies to strategic capacity to help organisations ‘horizon scan’; navigate emerging challenges and opportunities; and draw in learning. There is a key question around the extent to which these aspects are factored into the partnership both contractually and in terms of the approach within Publica and can therefore be drawn upon to support the work of the council. An obvious example would be the area of strategic financial advice, which is very different in nature to the more traditional and transactional aspects of financial management and support. Another example would be that of ensuring the Planning function operates as ‘an enabler’ to support, to the greatest extent possible, the council’s ambitions around the economy and housing whilst also continuing to protect all that is special about the district.
- We highlighted at the outset of this report that what the Administration in Cotswold stands for and is seeking to achieve is very clear. Ensuring the clear political objectives act as the driver and are translated into manageable deliverables is a key managerial responsibility that sits across both the council and Publica and requires good work programming. Alongside this, and given the scale of the ambitions the Administration holds and the demands that exist upon the people working for the Cotswolds, there is an essential requirement for senior officer liaison with elected members that involves mature dialogue, and probably negotiation too, around what is deliverable and when – with the outcomes from this then needing to be respected by all.
- Progressing casework issues for their residents is obviously a key priority for councillors. The means by which elected members bring these to the attention of officers are many and varied. It is also unclear how the response to them is prioritised and what the timescales for dealing with them are. This links to themes we have already outlined around where direction is set from, where accountability sits and whose ‘people’ officers within Publica are and it is generating ‘heat in the system’. Establishing greater clarity around the avenues that elected members should utilise, how prioritisation takes place and the timescales for responses would be very positive steps.

- Given what we have highlighted elsewhere in this report linked to themes such as capacity, organisational leadership and organisational effectiveness, it is important for there to be a focus on organisational culture and behaviours and the well-being of staff within Publica. It is vital to ensure that people feel valued and respected and able to cope in a context of the demands being faced. What we gleaned from our discussions with staff regarding levels of stress and low morale should represent a major concern for the leadership of both organisations.
- Recruitment and retention challenges are really impacting on organisational capacity. This, again, is not a situation unique to Cotswold and the situation is currently only worsening and being felt in many more services and functions within councils than before. There are no easy or quick answers here but ensuring that Cotswold is as attractive an employment proposition as possible will be beneficial.

There needs to be more direct dialogue between the senior leadership of the two organisations in order to address these issues. Steps have been made in this regard since the Cotswold District Council Chief Executive arrived in January 2021. One of the measures has been the development of a revised structure and membership for the Shareholder Engagement Forum, which acts as the key conduit between the Publica Shareholders (the Leaders of each council) and Publica's managerial leadership. This includes having broadened the forum membership to include the councils' Chief Executives. Another measure has been a re-focussing of the roles of the Publica Executive Directors, in the form of a locality lead being assigned for each of the partner councils, which is seen to have helped to create a more localised and direct link between Publica and the council in question and a better understanding of respective roles and responsibilities. This is positive but the sense is that there is a long way to go still in enabling the necessary dialogue to take place, in the right way, across the two organisations. Making sure it happens is fundamental to future mutual success.

## 5. Next steps

It is recognised that the council's senior political and managerial leadership will want to consider, discuss and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The corporate peer challenge process includes a 'progress review' session around six months on from the initial activity, with this providing the opportunity for the council's senior leadership to update the peers on its progress against the related improvement planning. In a context of local elections being held in the Cotswolds in May next year we will liaise closely with you to ensure the progress review is scheduled for an appropriate point in time.

In the meantime, Paul Clarke, Principal Adviser for the region within which the council sits, is the main contact between your authority and the Local Government Association. Paul is available to discuss any further support the council requires – [paul.clarke@local.gov.uk](mailto:paul.clarke@local.gov.uk)

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PEER REVIEW RECOMMENDATIONS	ACTIONS TO BE TAKEN TO IMPLEMENT RECOMMENDATION	TIMESCALES FOR COMMENCEMENT	LEAD OFFICER
<b>Governance - the Council needs to reassure itself that its governance arrangements are robust.</b>	<ul style="list-style-type: none"> <li>● <b><i>Prepare and present a report to Audit Committee</i></b> (scheduled for 26.01.2023) confirming the governance arrangements that already in place (likely to include: Annual Governance Statement, Local Code of Corporate Governance, Risk Management Strategy, audit reports, decision making, system of internal control, LGO reports; financial resilience/CFO assurance, Audit Committee's effectiveness), and identifying any gaps/actions required to bolster governance arrangements where needed.</li> </ul>	January 2023	Angela Claridge
	<ul style="list-style-type: none"> <li>● <b><i>Introduce two independent members</i></b> to the Audit Committee in accordance with 'CIPFA's Position Statement: Audit Committees in Local Authorities and Police 2022' good practice guidance. Commence with recruitment campaign.</li> </ul>	May 2023	David Stanley Angela Claridge
	<ul style="list-style-type: none"> <li>● <b><i>Implement a programme of regular training for Audit Committee members</i></b> to include legislative/regulatory requirements; role and expectations, features of governance (audit, risk and compliance).</li> </ul>	May/June 2023 as part of new members induction programme	Angela Claridge Andrew Brown
	<ul style="list-style-type: none"> <li>● Revisit terms of reference and consider Renaming Audit Committee to <b><i>Audit &amp; Governance Committee</i></b> to reflect the breadth of its responsibilities and ensure governance is a focal part of the committee's function.</li> </ul>	May 2023	Constitution Working Group (CWG), supported by Angela

	<ul style="list-style-type: none"> <li>● <b><i>Deliver Democratic Services Action Plan</i></b> - ensuring the smooth and efficient management of decision making processes.</li> <li>● <b><i>Ensure Constitution continues to reflect robust governance processes and arrangements via timely updates.</i></b></li> </ul>	<p>July 2022</p> <p>March 2023</p>	<p>Claridge/Andrew Brown</p> <p>Constitution Working Group (CWG), supported by Angela Claridge/Andrew Brown</p>
<b>Refine and adapt the leadership approach in engaging local authority partners in order to ensure shared objectives are achieved.</b>	<ul style="list-style-type: none"> <li>● Work with Cabinet via Away Day session, or dedicated Informal Cabinet session to <b><i>identify the best ways to develop strong relationships with key partners, namely GCC</i></b>, in order to ensure CDC's interests are best served.</li> </ul>	January 2023	Rob Weaver
<b>Determine what Overview and scrutiny is there to do and provide the appropriate support to it.</b>	<ul style="list-style-type: none"> <li>● Hold workshop session with Chair and Vice Chair of O&amp;S Committee to <b><i>review findings of the Corporate Peer Review, to identify opportunities for enhancement.</i></b></li> <li>● <b><i>Ensure Executive/Scrutiny Protocol agreed at Full Council (16.11.2022) is embedded in terms of future ways of working.</i></b></li> <li>● <b><i>Prepare and present to O&amp;S Committee Peer Review outcomes and considerations</i></b> report to discuss peer review outcomes &amp; consider options.</li> <li>● <b><i>Provide Centre for Governance &amp; Scrutiny 'Scrutiny Essentials'</i></b> training course for O&amp;S Committee members.</li> </ul>	<p>January 2023</p> <p>January 2023</p> <p>February 2023</p> <p>May 2023 as part of new councillor induction programme</p>	<p>Angela Claridge Claire Locke Rob Weaver</p> <p>Angela Claridge Andrew Brown</p> <p>Angela Claridge</p> <p>Angela Claridge Andrew Brown</p>



	<ul style="list-style-type: none"> <li>● <b>Maximise links with the SW Overview &amp; Scrutiny Network</b> (a forum for representatives to share key priorities, good practice and ideas on improving the scrutiny process).</li> <li>● <b>Utilise member briefings</b> rather than O&amp;S Committee as a mechanism to update members on service and operational developments and responding to requests for follow-up information from Council meetings.</li> <li>● <b>Maximise input of recently allocated Publica Assistant Director in terms of assisting Overview &amp; Scrutiny</b> in terms of work plan development, roles and responsibilities and embedding change.</li> </ul>	February 2023	Andrew Brown
		January 2023	Angela Claridge
		January 2023	Claire Locke
<b>Establish a training and development programme for elected members</b>	<ul style="list-style-type: none"> <li>● <b>Maximise use of the existing councillor's portal</b> as a means of advertising and actively promoting both in house and externally provided training.</li> <li>● <b>Undertake review of councillor's training needs in advance of May 2023 Elections</b>, to ensure roll out of new councillor training programme is exemplary.</li> <li>● <b>Create member training and development steering group</b> – key purpose - to receive regular updates on member training and development and contribute to discussions regarding the training development programme.</li> <li>● <b>Ensure a 'new Councillor induction pack' is prepared and presented to each new Councillor on 4<sup>th</sup> May 2023</b>, and subsequently at any By-Election, including welcome letter from CEO, background to CDC, contact details for key officers, a schedule of training and development 'dates for diaries' and named Democratic service 'buddies' that will act as a single</li> </ul>	January 2023	Angela Claridge Andrew Brown
		March 2023	Angela Claridge
		February 2023	Angela Claridge
		April 2023	Angela Claridge Andrew Brown

	<p>point of contact for any queries in the first few weeks of a new Councillors taking office.</p> <ul style="list-style-type: none"> <li>● <b>Work towards achieving LGA's Member Development Charter</b> - the charter signifies a commitment to introduce a policy that supports and encourages member development.</li> </ul>	July 2023	Angela Claridge Andrew Brown
Continue to ensure Cabinet members are cognisant of the financial challenges and demonstrate the required leadership and collective responsibility for addressing it	<ul style="list-style-type: none"> <li>● <b>Develop a programme of financial briefing sessions for Informal Cabinet</b>, looking at local and national picture and implications for CDC MTFS.</li> <li>● <b>Develop and deliver a wider all member finance briefing session programme</b> on aspects of Local Government Finance to include specific areas such as Treasury Management and the implications of the Local Government Finance Settlement.</li> <li>● <b>Initiate the Cabinet Transform Working Group</b>, (proposal agreed at Cabinet in December 2022) tasked primarily with receiving regular updates on progress against the Publica and Ubico savings and efficiencies targets as part of an ongoing strategy to mitigate the forecast adverse financial position. Ensure where possible synergy with Shareholder Engagement forums.</li> </ul>	<p>January 2023</p> <p>January 2023</p> <p>January 2023</p>	<p>David Stanley</p> <p>David Stanley</p> <p>Rob Weaver David Stanley</p>
Take stock of the Recovery Investment Strategy and what it can deliver	<ul style="list-style-type: none"> <li>● <b>Review the Capital Programme Planning</b> process in light of the Council decision to rescind the RIS(16/11/2022) to ensure it is fit for purpose.</li> </ul>	January 2023	David Stanley

<p>(NB- this recommendation pre-dates the rescinding of the RIS – the actions therefore reflect what is now needed in light of this)</p>	<ul style="list-style-type: none"> <li>● <b>Review the Terms of Reference of the Capital Investment Board</b>, the purpose of this board and its continuation, in light of the rescinded Recovery Investment Strategy.</li> <li>● <b>Develop the 2023/24 Capital Strategy and 2023/24 Treasury Management Strategy</b> with reference to the Council's Priorities and the relevant CIPFA Guidance.</li> <li>● <b>Create a Capital Financing Strategy</b> setting out the good practice and guidelines that will be adopted when considering investment opportunities requiring borrowing, or include this as part of the treasury management programme.</li> </ul>	<p>February 2023</p> <p>January 2023</p> <p>February 2023</p>	<p>David Stanley</p> <p>David Stanley</p> <p>David Stanley</p>
<p>Ensure all necessary due diligence is undertaken in relation to the budget proposals and that the proposals are realisable</p>	<ul style="list-style-type: none"> <li>● <b>Develop 2023/24 financial budget scenarios with sensitivity analysis</b> (stress testing) of budget proposals to ensure a credible budget can be put forward in February 2023.</li> </ul>	<p>January 2023</p>	<p>David Stanley</p>
<p>Address the concerns of some staff about the way they are treated by some senior leaders within the council and the Publica organisation,</p> <p>&amp;</p> <p>Develop a focus on organisational culture and behaviours and staff well-being</p>	<ul style="list-style-type: none"> <li>● <b>Clarify process of councillor engagement with staff (routes, prioritisation, expectation management, timescales etc.)</b> with particular reference to email communications.</li> <li>● <b>Align with the 'Great Place to Work/Investors in People (IiP) &amp; Leadership' project.</b> Specifically to support the IiP indicators 'Living the Organisation Values &amp; Behaviours' and 'Empowering &amp; Involving People'</li> <li>● <b>Revisit Publica focus on organisational culture, values and behaviours</b> and <b>engage and work with the Staff Forum Group</b></li> </ul>	<p>January 2023</p> <p>March 2023</p>	<p>Rob Weaver Jan Britton</p> <p>Angela Claridge Zoe Campbell</p> <p>Angela Claridge Zoe Campbell</p>

	<ul style="list-style-type: none"> <li>● <b>Update Member/Officer Protocol</b> (part of the Constitution) and share with Members - agree protocols and approaches for engagement between Members and Officers.</li> <li>● <b>Revisit and refresh the Staff Recognition and Reward scheme</b> to highlight examples of great service, providing a mechanisms for both senior officers and Councillors to make nominations.</li> </ul>		<p>Angela Claridge</p> <p>Angela Claridge Zoe Campbell</p>
<b>Appropriateness of some services remaining within Publica</b>	<ul style="list-style-type: none"> <li>● <b>Give consideration to reviewing service delivery options</b>, and undertaking an analysis of the advantages and disadvantages of bringing some service areas back into the Council, (which could include Democratic Services, Elections, Planning, Procurement &amp; Commissioning lead).</li> </ul>	February 2023	Rob Weaver Jan Britton
<b>Where direction is set, clarity of roles, accountability</b>	<ul style="list-style-type: none"> <li>● <b>Revisit key roles and responsibilities</b> and if necessary seek to re-set relationship between CDC and Publica, via Away Day session between CDC snr management and Publica MD and Exec Director.</li> <li>● Subsequently ensure input and views of leader, Deputy Leader and Cabinet are included as part of the 're-set' process.</li> <li>● <b>Revisit and communicate how shared responsibilities across Councillor/retained officers/Publica senior officer cohorts operate</b>, to provide clarity to staff and stakeholders where necessary.</li> <li>● <b>In the interests of providing the best customer service, review the appraisal process for Publica MD and Exec. Directors</b>, which could include greater engagement and input from Council CEO and Leader to provide better mechanisms for</li> </ul>	<p>February 2023</p> <p>April 2023</p>	<p>Rob Weaver Jan Britton</p> <p>Rob Weaver Jan Britton</p>

	<p>monitoring and communicating expectations, performance and accountability, In the interest of the partnership and customer service.</p> <ul style="list-style-type: none"> <li>Clarify and confirm accountability process for GM's and Exec Director in a similar way and for similar reasons.</li> </ul>	April 2023	Rob Weaver Jan Britton
How increased strategic capacity is provided to support the council	<ul style="list-style-type: none"> <li><b><i>Re-visit and clarify the extent to which Publica is in a position to provide strategic capacity and input</i></b>, versus day to day BAU, for example in relation procurement and commissioning.</li> <li>Consider where there are currently 'gaps' within strategic support and how these could best be filled.</li> <li>Determine the best ways to fill any identified gaps in process.</li> </ul>	March 2023	Rob Weaver Jan Britton
Translating the political objectives into manageable deliverables	<ul style="list-style-type: none"> <li><b><i>Consider the best ways to ensure that the Administration are providing clear political objectives</i></b> and importantly that these are understood by all.</li> <li><b><i>Ensure the clear political objectives of the Administration are translated into manageable deliverables</i></b>, particularly around agreement of timescales and deadlines for key projects. This action point will build on the successful Cabinet away days, where the Councils corporate Plan is used as the basis for identifying and agreeing projects and timescales.</li> </ul>	January 2023	Rob Weaver Angela Claridge  Rob Weaver Angela Claridge

<b>Sense of identity – providing mechanisms to support staff identify with both Publica and the Council</b>	<ul style="list-style-type: none"> <li>• CEO and Leader to initiate staff Q&amp;A to share updates on key CDC projects, ambitions and direction.</li> <li>• Review ‘organisational effectiveness’ to seek to address staff struggling to identify with one or both organisations.</li> </ul>	February 2023	Rob Weaver Zoe Campbell Jan Britton
<b>Performance and value for money</b>	<ul style="list-style-type: none"> <li>• <b><i>Initiate VFM review to enable further benchmarking and analysis to take place</i></b></li> <li>• <b><i>Re-set and revisit Publica Contract/SLA and key roles and responsibilities</i></b></li> <li>• <b><i>Utilise ‘nearest neighbour’ analysis tools including LG Inform to provide a broader basis upon which to judge and manage performance and service delivery</i></b>, via use of LG Inform or similar data set tools.</li> <li>• <b><i>Feed KPI review into O&amp;S work plan</i></b> for performance setting metrics</li> <li>• <b><i>Seek to become top quartile in terms of service delivery</i></b> with particular regard to planning, non-domestic rates collection, vacant dwellings, council tax collected.</li> <li>• <b><i>Refresh target setting process, outcomes and processes</i></b> to ensure that recognition of performance is broader than just Publica partner councils.</li> <li>• <b><i>Ensure that Publica does not lose sight of the basics of service delivery</i></b> in relation to the Publica Business Plan.</li> </ul>	March 2023	Rob Weaver David Stanley Frank Wilson
<b>Enhanced sense of identity (CDC retained staff base – CFU Legal services</b>	<ul style="list-style-type: none"> <li>• <b><i>Hold post Peer Review meeting</i></b> with managers of these service areas via routine one to one process. This will enable a better understanding in relation to the sense of identity comments raised.</li> </ul>		Rob Weaver David Stanley Angela Claridge

# Agenda Item 8



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 18 JANUARY 2023
Report Number	AGENDA ITEM 8
Subject	COTSWOLD DISTRICT COUNCIL DRAFT PROGRAMME OF MEETINGS 2023-24 – UPDATE REPORT
Wards affected	N/A
Accountable member	Cllr Joe Harris – Leader of the Council Email: <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
Accountable officer	Robert Weaver – Chief Executive Email: <a href="mailto:rob.weaver@cotswold.gov.uk">rob.weaver@cotswold.gov.uk</a>
Report author	Andrew Brown – Democratic Services Business Manager Email: <a href="mailto:andrew.brown@publicagroup.uk">andrew.brown@publicagroup.uk</a>
Summary/Purpose	To set a programme of Council and committee meetings for 2023-24.
Annexes	Annex A – Programme of meetings for January 2023 to May 2023 with changes - updated
Recommendation(s)	<i>That Council resolves to:</i> <i>1. Agree to holding a meeting of the Planning and Licensing Committee on 19 April 2023</i>
Corporate priorities	Delivering our services to the highest standards
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Planning Services Business Manager Chair and Vice Chair of Planning and Licensing Committee



## **1. BACKGROUND**

- 1.1 Council on 16 November 2022 agreed a programme of meetings for 2023/24.
- 1.2 In debate it was noted that there was a considerable gap between meetings of the Planning and Licensing Committee between March and June 2023. The Democratic Services Business Manager was asked to return with a proposed meeting date. Planning Services have since confirmed that the gap between meetings was too long which would be unfair on applicants whose applications are referred to committee for determination.

## **2. PLANNING AND LICENSING COMMITTEE MEETING DATE**

- 2.1 Council is recommended to agree to the holding of a Planning and Licensing Committee meeting on Wednesday 19 April 2023. This date is approximately half way between the March and June meeting dates and avoids Gloucestershire School Holiday dates and very close proximity to the 4 May 2023 local elections. Council has previously agreed that start times for the Planning and Licensing Committee will alternate between 10.00am and 2.00pm. In keeping with this pattern, the meeting on 19 April 2023 would start at 2.00pm.

## **3. FINANCIAL IMPLICATIONS**

- 8.1 Members are entitled to claim mileage expenses for attending meetings and such costs can be met from existing budgets.

## **9. LEGAL IMPLICATIONS**

- 9.1 The responsibility for setting meeting dates for Council and committee meetings rests with Council under the Local Government Act 1972 (Schedule 12).

## **10. RISK ASSESSMENT**

- 10.1 There are no significant risks in relation to this report.

## **11. EQUALITIES IMPACT**

- 11.1 The recommendation is not expected to differentially impact any groups with protected characteristics. Meetings are held in an accessible venue and are webcast live.

## **12. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 12.1 Members are required to attend meetings in person so there will be emissions associated with journeys to and from meetings. Many members choose to have paper copies of agenda packs but alternatively members may prefer to access papers using the Modern.gov app.





### **13. ALTERNATIVE OPTIONS**

- 13.1** Planning and Licensing Committee meetings are normally held on a Wednesday. The first two Wednesdays in April are during the Gloucestershire school holidays. The following Wednesday, 26 April is also an option but is closer to the 4 May 2023 local elections.

### **14. BACKGROUND PAPERS**

- 14.1** None.

(END)

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Current programme of meetings for Jan 23-May 23 with changes										
Jan-23					Feb-23					
Mon	Tue	Wed	Thur	Fri	Mon	Tue	Wed	Thur	Fri	
	2	3	4	5	6			1	2	3
PH										
	9	10	11	12	13	6	7	8	9	10
Cabinet		Plan & Lic				Cabinet		Plan & Lic		
	16	17	18	19	20	13	14	15	16	17
		Council						Council		
	23	24	25	26	27	20	21	22	23	24
	Scrutiny	Lic Sub	Audit					Lic Sub		
30	31					27	28			
Mar-23					Apr-23					
Mon	Tue	Wed	Thur	Fri	Mon	Tue	Wed	Thur	Fri	
		1	2	3	3	4	5	6	7	
									PH	
6	7	8	9	10	10	11	12	13	14	
		Plan & Lic			PH					
13	14	15	16	17	17	18	19	20	21	
Cabinet		Council					Plan & Lic			
20	21	22	23	24	24	25	26	27	28	
	Scrutiny	Lic Sub					Lic Sub	Audit		
27	28	29	30	31						
May-23					Key for Annex A and Annex B					
Mon	Tue	Wed	Thur	Fri	Add					
1	2	3	4	5	Audit	Audit Committee				
PH			ELECTION		Scrutiny	Overview and Scrutiny Committee				
8	9	10	11	12	Plan & Lic	Planning and Licensing Committee				
	Induction	Induction			Lic Sub	Licensing Sub-Committee (Private Hire, Hackney Carriage and Street Trading)				
15	16	17	18	19						
22	23	24	25	26						
		Council								
29	30	31								
PH										

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# Agenda Item 9



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 18 JANUARY 2023
Report Number	AGENDA ITEM 9
Subject	AMENDMENTS TO THE CONSTITUTION – REPORT OF THE CONSTITUTION WORKING GROUP
Wards affected	All
Accountable member	Cllr Joe Harris - Leader of the Council Email: <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
Accountable officer	Angela Claridge, Director of Governance & Development Tel: 01282 623219 Email: <a href="mailto:angela.claridge@cotswold.gov.uk">angela.claridge@cotswold.gov.uk</a>
Report author	As above.
Summary/Purpose	<p>To consider proposals from the Constitution Working Group for amendments to the Constitution to adopt –</p> <ul style="list-style-type: none"> <li>• Amended Articles 7, 8 and 9 to remove the requirement for each political group to provide an annual statement that demonstrates the necessary freedom of its Members from the whipping process on these Committees;</li> <li>• Amended Council Procedure Rules to include electronic voting and changes to public questions;</li> <li>• Approve the Protocol for Electronic Voting for inclusion in the Constitution;</li> <li>• Approve the Protocol for Cabinet Member Decision Making for inclusion in the Constitution.</li> </ul>
Annexes	Annex A - DRAFT Protocol for Electronic Voting Annex B – DRAFT Protocol for Cabinet Member Decision Making
Recommendation(s)	<p><i>That Council resolves to:</i></p> <p><i>a) agree that the following Articles of the Constitution:-</i></p> <p><i>Article 7, The Overview &amp; Scrutiny Committee,</i></p>



	<p><i>Article 8, The Audit Committee, and,</i></p> <p><i>Article 9, The Planning and Licensing Committee,</i></p> <p><i>are amended with immediate effect to remove the requirement for each political group to present to the Proper Officer, at the start of each municipal year, a statement that demonstrates the necessary freedom of its Members from the whipping process on these Committees.</i></p> <p><i>b) approve the amended Council Procedure Rules (section 16) incorporating the provision for electronic voting.</i></p> <p><i>c) approve the Protocol for Electronic Voting for inclusion in the Constitution.</i></p> <p><i>d) approve the amended Council Procedure Rules (section 10) changing the management of public questions.</i></p> <p><i>e) approve the Cabinet Member Decision Meeting Protocol for inclusion in the Constitution.</i></p> <p><i>f) delegate authority to the Monitoring Officer to make minor and consequential amendments to the Constitution.</i></p>
Corporate priorities	<ul style="list-style-type: none"> <li>• Delivering our services to the highest standards</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>Elected Members of the Constitution Working Group;</p> <p>Local Management Team;</p> <p>Business Manager, Democratic Services, and;</p> <p>Interim Head of Legal Services.</p>



## **1.0 BACKGROUND**

1.1 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.

1.2 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.

## **2.0 REPORT**

2.1 Members of the Constitution Working Group have considered a number of proposals and now recommend the following amendments to the Constitution to the Council.

### **3.0 AMENDMENTS TO ARTICLE 7 – THE OVERVIEW & SCRUTINY COMMITTEE, ARTICLE 8 – THE AUDIT COMMITTEE AND ARTICLE 9 - THE PLANNING & LICENSING COMMITTEE: WHIPPING.**

3.1 The Constitution currently provides for “Whipping” in three Articles – Article 7 (Overview & Scrutiny Committee), Article 8 (Audit Committee) and Article 9 (Planning & Licensing Committee). Part E5: Planning Protocol - Guidance for Councillors and Officers, also makes reference to whipping which is not being considered as part of this report.

3.2 The Constitution states:

#### **Whipping**

“The Whip will not apply from any of the political groups on their respective Members of the Committee while they are taking part in Overview and Scrutiny Committee (Article 7)/Audit Committee (Article 8)/Planning & Licensing Committee (Article 9) business. No political meetings of Overview and Scrutiny Committee/Audit Committee/Planning & Licensing Committee Members shall take place.

Each political group shall present to the Proper Officer at the start of each municipal year a statement that demonstrates the necessary freedom of its Members from the whipping

process on the Overview and Scrutiny Committee/Audit Committee/Planning & Licensing Committee”.

3.3 Members will note that Articles 7, 8 & 9 require;

“Each political group shall present to the Proper Officer at the start of each municipal year a statement that demonstrates the necessary freedom of its Members”

3.4 The requirement to provide this statement is not happening in practice, and is unusual in a Constitution.

3.5 The Constitution Working Group (CWG), at its meeting on 13 October 2022, considered whether this requirement to produce a statement should be reintroduced as currently stated in the Constitution, or removed. After debating both options the Group’s recommendation is to remove the requirement. However, the remainder of each paragraph; “The Whip will not apply from any of the political groups on their respective Members of the Overview & Scrutiny/Audit/Planning and Licensing Committee while they are taking part in the Committee’s business. No political meetings of the Committee Members shall take place”, will remain unchanged.

#### **4.0 AMENDMENT TO PART D1 SECTION 16 OF COUNCIL PROCEDURE RULES TO INCORPORATE ELECTRONIC VOTING.**

4.1 Full Council and Cabinet have been undertaking a pilot of electronic voting, with the intention of improving the transparency of decision making. After some initial teething problems, the Constitution Working Group are now recommending that the Council’s Constitution is updated to incorporate electronic voting, supported by a Protocol for Electronic Voting which is included as Annex A.

4.2 Electronic Voting, where available, will be used when votes are taken on resolutions at meetings of Cabinet and Council, and at meetings of any committees that have agreed to utilise electronic voting. Should the technology fail to enable members to vote electronically, the meeting will revert to voting by a show of hands.

4.3 The current wording within the Constitution (Section 16 of Part D1: Council Procedure Rules) and proposed replacement wording in italics is overleaf:





## **“Part DI: Council Procedure Rules**

### **16. VOTING**

#### **16.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

#### **Replace with**

*Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting at the time the question was put. For Council, Cabinet and any committees that have opted to utilise electronic voting, voting will be undertaken via the electronic voting system used by the Council at the time of the vote.*

*Any Member who fails to vote within the time allocated will be deemed to have abstained from voting and there will be no opportunity for the vote to be retaken.*

#### **16.2 Chair’s Casting Vote**

If there are equal numbers of votes for and against, the Chair will have the right to exercise a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, including the choice not to use such vote.

#### **Replace with**

*If there are equal numbers of votes for and against, the Chair will have the right to exercise a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, including the choice not to use such vote. The casting vote will be given verbally irrespective of whether the vote is being taken electronically or by a show of hands.*

#### **16.3 Show of Hands**

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.6, the Chair will take the vote by show of hands.

#### **Replace with**

*Where electronic voting is not being used or the system has failed, the Chair will take the vote by show of hands and announce the result.*



#### **16.4 Ballots**

The vote will take place by ballot if one quarter of the number of Members present at the meeting demands it. The Chair will announce the numerical result of the ballot immediately the result is known.

**Replace with** – no change to this section.

#### **16.5 Record of Voting**

A record of all votes shall be recorded in Minutes.

**Replace with**

*A record of all votes shall be recorded in Minutes. For meetings that utilise electronic voting, the names and numbers of members voting for, against, and abstaining on a proposal will be included in the minutes of the meeting.*

#### **16.6 Recorded Vote**

If, before a vote is taken, three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot except when voting for appointments, when a ballot shall prevail.

**Replace with**

*If, before a vote is taken, three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes. A demand for a recorded vote will override a demand for a ballot except when voting for appointments, when a ballot shall prevail.*

*If electronic voting is not used, or the system has failed, the voting on any motion shall be recorded so as to show how each member present and voting gave his/her/their vote. The name of any member then present who abstained from voting shall also be recorded.*

#### **16.7 Right to Require Individual Vote to be Recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

**Replace with** – no change to this section



## **16.8 Voting on Appointments**

If there are more than two people nominated for any position to be filled, and upon a vote being taken there is not a clear majority of votes in favour of one person (i.e. the number of votes cast for one person is not greater than the total sum of the votes cast for all other nominees), then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. If at any stage in the process an equal number of votes is cast for two nominees when one of them is to be appointed or taken off the list, the issue will be determined by the drawing of lots.

**Replace with** – no change to this section

## **5.0 AMENDMENT TO PART DI SECTION 10 OF COUNCIL PROCEDURE RULES TO AMEND PUBLIC QUESTIONS.**

5.1 To increase public participation, transparency and member accountability, the Constitution Working Group have been reviewing how “Public Questions” are managed at Council, Cabinet and Committees.

5.2 Currently the Constitution states:

### **“10. QUESTIONS BY THE PUBLIC**

#### **10.1 General**

Members of the public may ask questions at Ordinary Meetings of the Council, Cabinet and Committees. A maximum period of fifteen minutes shall be allowed at any such meeting for public questions.

#### **10.2 Open Forum at meetings for Questions**

An open forum of 15 minutes maximum for public questions will allowed at Council, Cabinet and Committees. The maximum length of oral questions or supplementary questions by the public will be two minutes;

#### **10.3 Number of Question**

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

#### **10.4 Scope of Questions**

The Chief Executive may reject a question if it:



- is not about a matter for which the Council has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council, Cabinet or Committee in the past six months; or
- requires the disclosure of confidential or exempt information.

### **10.5 Record of Questions**

A register, open to public inspection, will be maintained containing the following:-

- (i) any question duly submitted, and the response provided;
- (ii) any supplementary question duly asked, and the response provided;
- (iii) any rejected question, with reason(s) for rejection;
- (iv) a record of the date and time that the question was received.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

### **10.6 Asking the Question at the Meeting**

The Chair will invite the questioner to put the question to the Member.

### **10.7 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

If a question is submitted at least seven working days prior to the meeting, a written answer will be guaranteed by no later than 24 hours prior to the meeting. A written response cannot be guaranteed to a question submitted any later than seven working days prior to the meeting but, in respect of any question that cannot be dealt with at a meeting, a written response will be provided within five working days of the relevant



meeting.

### **10.8 Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice in response to the reply to his or her original question. This will be no longer than two minutes.

A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.5 above.

A supplementary question may be preceded by a short preamble to set the context but, if such preamble is excessive, then the Chair shall stop the person from speaking further by way of preamble and ask him/her/them to put the question.

An immediate answer cannot be guaranteed to any supplementary question.

However, the Cabinet Member or Chair will try and answer the supplementary question at the meeting, if at all possible; but if the Cabinet Member or Chair is unable to answer the question at the Meeting, then they will answer as much as possible and then provide a full response within five working days (if, for any reason, a full response cannot be provided within the five days, then a holding response will be sent, along with the reason for delay and a likely timescale for the full response). In respect of any supplementary question that cannot be dealt with at a meeting, a written response will be provided within five working days of the relevant meeting.

### **10.9 Written Answers**

Any question which cannot be dealt with during public question time, because of lack of time, will be dealt with by a written answer.

### **10.10 Reference of Question to the Council, the Cabinet or a Committee**

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Council, the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion"

The Constitution Working Group are proposing a number of changes, principally:

- members no longer require prior written notice of public questions;
- the questioner or their representative is present at the meeting;
- The time limit for a verbal question and a supplementary verbal question is one minute.

Members' views are sought on replacing the existing sections in the Constitution with the proposals overleaf.



### **5.3 Proposed – QUESTIONS BY THE PUBLIC**

#### **10.1 Open forum questions at Council, Cabinet and Committees**

Members of the public may ask a verbal question followed by a supplementary verbal question at Ordinary Meetings of the Council, Cabinet and Committees. A supplementary question must arise directly out of the original question or the reply. A maximum period of fifteen minutes shall be allowed at any such meeting for open forum questions. Prior notice of verbal questions is not required. The time limit for a verbal question and a supplementary verbal question is one minute.

The Chair will decide on the order of questioners at the meeting.

Questions must relate to any matters in connection with which the Council, its Committees or the Cabinet, has powers or duties, or which affects the economic, social or environmental well-being of the District.

Questions must be addressed to a Cabinet Member or the Chair of Council or a Committee or Sub-Committee. If the person asking the question does not identify the Member they wish to put the question to, the Chair will decide which Member should respond, having regard to the subject matter of the question.

An answer to a verbal question or a supplementary verbal question may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated within 10 working days of the date of the meeting to the questioner. The written response will be included in the minutes of the meeting.

If the Chair believes, at any time, that the questioner misconducts themselves by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council, the Chair may move that the questions may not be further heard.

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to Council, Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion”.

#### **10.2 Rejecting open forum questions**

The Chair is authorised to disallow any questions which they consider to be:

- scurrilous, improper, or offensive;
- the same or substantially the same as a question which has been asked at a previous meeting of the Council
- requires the disclosure of confidential or exempt information.

## **6.0 INDIVIDUAL CABINET MEMBER DECISION-MAKING PROTOCOL**

6.1 The Constitution Working Group agreed on 21 September 2021 to set up a new Working Group to examine the governance structure of the council and to look at alternative options. Ultimately it was resolved not to make any changes to the Cabinet and Leader model but to identify improvements. An area which was identified for improvements was individual Cabinet Member decision making.

6.2 The standard practice previously was to publish the agenda within the statutory framework, and then hold a virtual call between the Cabinet Member, the accountable officer(s) and a Democratic Services officer.

6.3 Whilst this process exceeded the minimum statutory requirements for decision-making and was an agile way of making decisions, the exclusion of the public made the process less transparent than for decisions taken at formal meetings held in public i.e. meetings of Cabinet which are broadcasted via the Public-I system and to the Council's Facebook page.

6.4 In light of this outcome, work commenced to look at ways in which Cabinet Member decisions can be broadcasted. Following the examination of the options, it was deemed appropriate to utilise the technology in the Chamber to allow people to attend the meeting in-person or follow online enhancing openness and transparency.

6.5 A trial in the Chamber took place on 3 November 2022 with the Deputy Leader and Cabinet Member for Finance. The meeting was conducted successfully using the system, and received positive feedback via email from members of the public and officers who followed the meeting. The trial also highlighted the importance of the proceedings being explained for the benefit of the viewing public, in a way that is not necessary where Cabinet Member decision making is not broadcast to the public.

6.6 As this relates to Executive functions, the Leader approved the increased transparency on 12 December 2022. Council's approval is sought to incorporate the draft Cabinet Member Decision Meeting Protocol at Annex B into the Constitution.



## **7.0 FINANCIAL IMPLICATIONS**

7.1 None specifically arising from this report.

## **8.0 LEGAL IMPLICATIONS**

8.1 Save that any changes to the Constitution need to be approved by Council, there are no specific legal implications arising from the recommendations in this report.

## **9.0 RISK ASSESSMENT**

9.1 The changes proposed to the Constitution are proposed with a view of mitigating any current risk facing the Council by way of lack of transparency in process and procedures, leading to reputational damage, and potential non-compliance with statutory requirements.

## **10.0 BACKGROUND PAPERS**

10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Constitution (dated 05.10.2022) available on the Council's website.

These documents will be available for inspection online at [www.cotswold.gov.uk](http://www.cotswold.gov.uk) or by contacting democratic services [democratic@cotswold.gov.uk](mailto:democratic@cotswold.gov.uk) for a period of up to 4 years from the date of the meeting.

(END)



## **Part E10: DRAFT Protocol for Electronic Voting**

Electronic Voting, where available, will be used when votes are taken on resolutions at meetings of Cabinet and Council, and at meetings of any committees that have agreed to utilise electronic voting. Should the technology fail to enable members to vote electronically, the meeting will revert to voting by a show of hands (or roll call for recorded votes).

### **Moving to a vote**

When a recommendation or motion is put to the vote, the Chair will clarify what the meeting is being asked to vote on.

Democratic Services will then activate the vote on the system and the vote will remain open for 20 seconds. The Chair may declare the vote closed within 20 seconds if it is clear that all members have cast a vote, in which case Democratic Services will close the vote at that point.

### **Voting**

Members vote using the delegate units and may vote “for”, “against” or “abstain” on a proposal. Members may cast one vote. Proxy voting is not allowed.

Instructions on how to vote will be available in the meeting room from Democratic Services. Any member who wishes to vote and is unable to is advised to alert Democratic Services.

### **Format of votes**

Prior to the meeting Democratic Services will set up the votes in the system based on the recommendations listed on the agenda, identifying the agenda item number, its title (or a shortened title) and what the recommendation is seeking the meeting to resolve. Generally a single vote will be taken on the recommendations for each agenda item unless the meeting decides to vote on some recommendations separately. Examples of the format are below:

Item 10b - Recovery Investment Strategy: Rescind

Item 11 - Rural England Prosperity Fund: Approve, Delegate authority.

Item 14 - Motion 1: Provision of Community Public Access Defibrillators on New Developments: Agree

The above wording will appear on members’ delegate units and the “votes” tab on the Public-I webcast page (subject to any character limits).

### **Voting on amendments**

Where applicable, amendments will be circulated to members electronically and/or in paper form. Where an amendment is tabled during a meeting the Chair will clarify the proposal that the meeting is asked to vote on and Democratic Services will set up the vote at that time in the following format:

Item 11 – Amended Motion 1: Provision of Community Public Access Defibrillators  
on New Developments: Agree

**Confirming the outcome of an electronic vote**

The outcome of votes will be displayed on delegate units and the display screens in the Council Chamber. The view on the display screens will normally alternate between the overall voting numbers and the list of how each member voted.

The Chair will confirm the outcome of the vote and whether the proposal has been passed.

**Recording electronic votes in minutes**

Where possible the minutes will identify how each member voted, as well as stating the overall numbers voting for, against and abstaining on a proposal.

## **DRAFT Cabinet Member Decision Meeting Protocol**

### **Prior to the decision date**

Agenda and report to be published 5 clear working days prior to the decision specifying the time and place and the name of the Cabinet Member.

Agenda to include declarations of interest

Cabinet Member decisions will be included on the Cabinet Work Plan for completeness where time allows.

Any Member who wishes to comment on an item is requested to send those comments (preferably by e-mail) to the Reporting Officer, copied to Democratic Services, by 1 working day before the meeting takes place

### **Decision Making Proceedings**

#### **1. Cabinet Member introduction**

Welcome to the public and introducing participants

Confirmation of comments received by the officer or by Democratic Services (if any have been received)

#### **2. Officer overview of the report**

Officer to provide a short verbal summary of the report with key details relating to the decision

Providing any updates that need to be considered by the Cabinet Member when taking the decision.

#### **3. Public Questions**

The Cabinet Member may invite public contributions or representations verbally at the meeting from members of the public present. Questions must relate directly to the decision. If a question is asked which in the view of the Cabinet Member is not relevant to the decision the member of the public will be advised where to direct their question.

#### **4. Cabinet Member Questions**

Cabinet Member to ask for any clarifications regarding the report and the decision which is required, including any alternative options which might be considered.

#### **5. Decision**

The Cabinet Member will verbally confirm the decision stating whether they accept the recommendations of the officer, whether they decide to take a different decision contrary to the officer's recommendation, or whether to refer the decision to a meeting of Cabinet.

The Cabinet Member then must inform the Democratic Services officer present of the reason for the decision which will be formally recorded on the decision notice.

**Meeting is then closed and webcasting is shut off**

### **After the meeting**

A draft decision notice is sent by Democratic Services to the Overview and Scrutiny Committee to allow 5 clear working days for 'call-in' of the decision.

If the decision is not called-in to the next Overview and Scrutiny Committee, the decision is then implemented on the next working day.

If the decision is called-in it will be referred to the next meeting of the relevant Overview and Scrutiny Committee.

# Agenda Item 10



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 18 JANUARY 2023
Report Number	AGENDA ITEM 10
Subject	DISPENSATIONS
Wards affected	None directly
Accountable member	Cllr Joe Harris, Leader of the Council Email: <a href="mailto:Joe.Harris@Cotswold.gov.uk">Joe.Harris@Cotswold.gov.uk</a>
Accountable officer	Angela Claridge, Director of Governance and Development Email: <a href="mailto:Angela.Claridge@Cotswold.gov.uk">Angela.Claridge@Cotswold.gov.uk</a>
Report author	Andrew Brown, Democratic Services Business Manager Email: <a href="mailto:Andrew.Brown@publicagroup.uk">Andrew.Brown@publicagroup.uk</a>
Summary/Purpose	To approve a number of general dispensations to councillors under the Localism Act 2011 for a period of four years.
Annexes	None
Recommendation(s)	<i>That Council resolves to approve, under Section 33 of the Localism Act 2022, the general dispensations listed at paragraph 2.1, for all elected members and co-opted members of Cotswold District Council, until 17 January 2027.</i>
Corporate priorities	Delivering our services to the highest standards
Key Decision	NO
Exempt	NO
Consultees/ Consultation	N/A



## **1. BACKGROUND**

- 1.1** The Localism Act 2011 prevents elected members from participating in any business of the Council where they have a Disclosable Pecuniary Interest (DPI) unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years. Dispensations may be sought where the Council, having considered all relevant circumstances, considers that:
- a) So many Members of the decision making body have a disclosable pecuniary as to impede the business that may be transacted;
  - b) Without a dispensation the representation of different political groups on the body would be so upset as to alter the outcome of any vote;
  - c) The dispensation is in the interests of persons living in the area;
  - d) No Member of the Cabinet would be able to participate on the matter without a dispensation;
  - e) It is otherwise appropriate to grant a dispensation.
- 1.2** When granting dispensations the Council must specify the period for which it has effect, which may not exceed four years.
- 1.3** The Council's Constitution (Article 12.4) delegates authority to the Monitoring Officer, in consultation with the Chair of the Audit Committee and an Independent Person, to grant dispensations to individual members to speak only or to speak and vote on matters where they have a DPI, and to grant dispensations in respect of conflicts of interest declared by a Cabinet member making a decision, or declared by a Cabinet member consulted by a member or officer taking such a decision.

## **2. GENERAL DISPENSATIONS**

- 2.1** It is proposed that general dispensations to speak and vote on the following items are granted to all elected and co-opted members of Cotswold District Council for the period up to and including 17 January 2027:
- Determining an allowance (including special responsibility allowances), travelling expense, payment or indemnity given to members;
  - Housing: where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the member (their spouse or partner);
  - Universal Credit and Housing Benefit: where the member (or spouse or partner) receives Universal Credit or Housing Benefit;
  - Any Ceremonial Honours given to members;



- Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and
- Setting a Local Council Tax Reduction Scheme or local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation).

### **3. COUNCIL TAX**

- 3.1** Guidance issued by the Government Department for Communities and Local Government (DCLG) in 2012 (updated in 2013) expressed the view that a member was not required to seek and be granted a dispensation in order to take part in the business of setting the Council Tax or a local Council Tax support scheme because these are decisions affecting the generality of the public in the area rather than a member as an individual.
- 3.2** As the DCLG guidance is not statutory and has not been tested in court the Monitoring Officer considers it prudent to include Council Tax in the list of general dispensations at paragraph 2.1.
- 3.3** The dispensation for Council Tax relates to a member's DPI and does not affect a member's obligation under the Local Government Finance Act 1992 (Section 106) to declare and not vote if they are two months or more in arrears with their Council Tax when voting on the Council Tax or the Council's budget.

### **4. CONCLUSIONS**

- 4.1** Council is recommended to agree the general dispensations listed in paragraph 2.1.

### **5. FINANCIAL IMPLICATIONS**

- 5.1** There are no financial implications for the Council arising from the recommendation in this report.

### **6. LEGAL IMPLICATIONS**

- 6.1** The legal implications arising from Section 33 of the Localism Act 2011 are set out in the body of the report.

### **7. RISK ASSESSMENT**

- 7.1** Not putting in place the recommended general dispensations would mean that every elected and co-opted member would need to apply for a personal dispensation when the relevant



matters arose. This would not be an efficient use of the Council's resources or in the public interest.

## **8. EQUALITIES IMPACT**

- 8.1** There are no equalities impacts arising from this report and the recommendation would not have differential impacts on groups with protected characteristics.

## **9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 9.1** There are no climate and ecological emergencies implications arising from this report.

## **10. ALTERNATIVE OPTIONS**

- 10.1** An alternative option would be to rely on the DCLG guidance in respect of Council Tax but this is not recommended for the reasons given in paragraph 3.2.

## **11. BACKGROUND PAPERS**

- 11.1** There are no background papers.

(END)