

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Tuesday, 7 March 2023

Tel: 01285 623181/623208
e-mail - democratic@cotswold.gov.uk

COUNCIL

A meeting of the Council will be held at Council Chamber - Trinity Road on **Wednesday, 15 March 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 15th February 2023.
4. **Announcements from the Chair, Leader of Chief Executive**
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 one minute each and relate to issues under the Council's remit. 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.

The Chair will ask whether any members of the public present at the meeting wish to ask a question and will decide on the order of questioners.

The response 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.

6. **Member Questions**

A Member of the Council may ask the Chair, the Leader, a Cabinet Member or the Chair of any Committee a question on any matter in relation to which the Council has powers or duties or which affects the Cotswold District. A maximum period of fifteen minutes shall be allowed at any such meeting for Member questions.

A Member may only ask a question if:

- a) the question has been delivered in writing or by electronic mail to the Chief Executive no later than 5.00 p.m. on the working day before the day of the meeting; or
- b) the question relates to an urgent matter, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by 9.30 a.m. on the day of the meeting.

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.

The following questions have been submitted:

Question 1

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

In January of this year, you will recall that you undertook to provide a short briefing note for Members so that we are all aware of the support that this Council will now provide, or act to encourage those that it can influence to provide as part of this new Armed Forces Covenant Duty.

I have not yet seen this briefing note. This should not be complicated as the Council should already have the measures in place with guidance available to Staff.

When will this briefing note be produced and made available to Members?

Question 2

Question from Councillor Stephen Andrews to Councillor Juliet Layton, Cabinet Member for Development Management and Licensing

As of the 3rd March 2023, the version of the Scheme of Delegation posted on the Planning Committee page of the CDC website (<https://www.cotswold.gov.uk/planning-and-building/planning-permission/planning-committee/>) is clear at 4 i under Development Management (DM) that Planning Applications should be referred to the Planning Committee unless the Scheme of Delegation applies:

“... with the following exceptions:-

- i. Applications where the views of the Town Council or Parish Council are clearly contrary to the proposed recommendation and cannot be resolved by condition or negotiation (with the exception of householder development or advertisement consent, which may continue to be delegated)”

In this and other areas, the published Scheme of Delegation differs significantly from the current practice of this Council.

Would she agree with me that the Scheme of Delegation followed by the Council should, in the interest of openness, transparency and good governance, be that made available to the public on the website of the Council?

Question 3

Question from Councillor Tom Stowe to Councillor Joe Harris, Leader of the Council

With the international cost of living crisis continuing, and council employees' morale at a low, can Cllr Harris please confirm what financial hardship and well-being arrangements the council has in place to help council employees who may be struggling financially?

7. **Gloucestershire-Wide Code of Conduct for Elected Members (Pages 23 - 44)**

Purpose

This report sets out the proposed Member Code of Conduct.

Recommendations

The Council resolves to:

- adopts the Gloucestershire-wide Code of Conduct with effect from the 9th May 2023
- Council notes that the Monitoring Officer will carry out training prior to it coming into effect.

8. **Amendments to the Constitution - Report of the Constitution Working Group (Pages 45 - 72)**

Purpose

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

- commence the recruitment process and agree remuneration for up to two independent members on the Audit Committee, and associated amendments to the Constitution;
- Implement a Monitoring Officer Protocol

change the meeting duration for Overview and Scrutiny Committee and Audit Committees to a maximum duration of three hours.

Recommendations

That Council resolves to:

- a) approve the recruitment of up to two Independent Members of Audit Committee on the basis of the recruitment pack at annex A;
- b) delegate authority to the Director of Governance & Development (Monitoring Officer, and Deputy Chief Executive & S151 Officer, in consultation with the Chair of Audit Committee, to agree three members of Audit Committee to be on the interview panel;
- c) approve an annual payment of £1,000.00 to be paid to independent members of Audit Committee;
- d) authorises the Director of Governance & Development (Monitoring Officer) to update Part C3: Committee Functions to make the consequential amendments to the Audit Committee's membership.
- d) approve the Monitoring Officer Protocol for inclusion in the Constitution.
- f) update Procedure Rule 9 in Part D of the Constitution to read as follows:

“The maximum duration of one sitting of a meeting (excluding any comfort breaks) will be as shown below. When the time limit is reached the current agenda item will be completed in the normal way. Any subsequent business will fall or may be reschedule to a later meeting or the meeting may be adjourned (to conclude on a different date).

Council – four hours*

Cabinet – four hours*

Audit Committee – three hours

Overview and Scrutiny Committee – three hours

Planning and Licensing Committee – no maximum duration

*For Council and Cabinet, at the conclusion of an item of business, after three hours have elapsed, a vote will be taken by a simple majority to continue for the final hour”.

9. **Approval of contract awards for Leisure and Culture (Pages 73 - 86)**

Purpose

To seek authority to award a contract for;

- a. the management of the Council's leisure facilities
- b. the management of the Council's culture facilities

Recommendations

That, subject to the decision of Cabinet on 13 March 2023, Council resolves to:

1. Agree to award the Leisure Management Contract to the preferred bidder set out in EXEMPT Annex C (i).
2. Agree to award the Culture Management Contract to the preferred bidder set out in EXEMPT Annex C (ii).
3. Delegate authority to the interim Head of Legal Services for Contract finalisation.
4. Delegate authority to Deputy Chief Executive and s151 Officer, in consultation with the Cabinet Member for Health and Wellbeing and Leadership and Management Team (Chief Executive, Deputy Chief Executive and Director of Governance and Development), to accept capital investment proposals set out in preferred bidder's Leisure tender submission.
5. Notes the position set out in paragraph 5.6 for the mobilisation period and in the early process of embedding the new contracts.

10. **Notice of Motions**

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

Motion proposed by Councillor Julia Judd and seconded by Councillor Tony Berry

Motion to consider the provenance and supply chain for approval of bricks for building developments in the Cotswolds.

I congratulate the member of the public for lobbying me about this ethical proposal.

Through Building Regulation powers, Cotswold District Council prohibits the use of unethical and unsustainable bricks from being used in the Cotswolds. Some bricks on the open market derive from dubious supply sources particularly on the Asian subcontinent, where poor working conditions and the use of bonded and child labour is used to produce them. Furthermore, it cannot be sustainable to transport bricks, heavy freight for thousands of miles to the UK. This issue has recently been highlighted in the national press.

A report produced in February 2022, written evidence submission from Department of Geography, Royal Holloway, titled: The Environmental Footprint of UK Trade: Three Case Studies and Recommendations states:

The first case examined here concerns the rapidly growing phenomenon of brick importation from outside the UK. Once self-sufficient in terms of brick production, the UK has since the recession of 2008 seen production fall behind demand. As a result, the UK has now risen to become the world's largest importer of bricks, importing more

than 400,000 in 2019 (HMRC, 2020). Moreover, these bricks are coming from further and further afield. Bricks imported from outside the EU increased more than tenfold in the five years between 2015 and 2019, from 3,088,902 to 32,942,280: a low value, high weight trade that generates carbon on an enormous scale. Produced in largely unregulated kilns and shipped thousands of miles by boat, a three-kilogram house brick imported from outside the EU has a carbon cost three times higher than one produced domestically. Worse still, they carry with them a legacy of local environmental destruction and human exploitation on a scale that the UK has long since eliminated domestically, yet on which the goods we consume continue to depend.

The Brick Development Association has produced a Charter which states: 'Through our everyday monitoring of brick statistics and UK market throughput, we have noticed and have evidenced through work with our partners, at University College London and others, a significant increase in the importation of clay bricks from outside of the EU into the UK. Most notably from Asia. There is a large defined area across Pakistan, India, Nepal and Bangladesh as well as Sub-Saharan Africa and the Far East, which is causing concern where bricks are manufactured seasonally, in large numbers, and more often than not using bonded or child labour. Those individuals making these bricks work under extreme conditions with little or no regard to health and safety, poor sanitation, often with little or no pay. This is unacceptable in today's business world.'

Developers and merchants are becoming aware of this ethical provenance issue, however our policies can specifically exclude unethical bricks from approval so that they cannot be used. If bricks are registered for approval by the BDA Brick Makers Quality Charter, they would qualify. If they're not listed there, then don't approve them!

Resolution

Therefore, this motion requests that the Council actively encourages the use of ethical bricks for current and future developments within the district.

11. **Next meeting**

The next meeting will be Wednesday 24th May 2023 for Annual Council.

12. **Matters exempt from publication**

If Council wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for Council to pass a resolution in accordance with the provisions of section 100A of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

Council may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13. **Exempt annexes of for the award of contracts for the management of the Council's leisure and culture facilities (Pages 87 - 166)**

(END)

Council
15/February2023



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Council held on Wednesday, 15 February 2023.

Councillors present:

Dilys Neill - Chair
Stephen Andrews
Claire Bloomer
Ray Brassington
Patrick Coleman
Rachel Coxcoon
David Cunningham
Tony Dale
Andrew Doherty
Mike Evemy

Nikki Ind – Vice Chair
Jenny Forde
Joe Harris
Mark Harris
Stephen Hirst
Roly Hughes
Sue Jepson
Richard Keeling
Andrew Maclean
Nick Maunder

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

Officers present:

Jan Britton, Managing Director - Publica
Andrew Brown, Democratic Services Business
Manager
Angela Claridge, Director of Governance and
Development (Monitoring Officer)

Caleb Harris, Democratic Services
Robert Weaver, Chief Executive
David Stanley, Deputy Chief Executive and
Chief Finance Officer
Wayne Smith, Democratic Services Officer

1 Apologies

Apologies had been received from Councillors Ray Theodoulou, Gina Blomefield, Tony Berry, Robin Hughes, Juliet Layton and Julia Judd.

2 Declarations of Interest

There were no declarations of interest from Members

There were no declarations of interest from Officers

3 Minutes

Council considered the Minutes of Council held 18 January 2023 and **AGREED** they were an accurate record of the meeting.

Voting Record – For 20, Against 0, Abstentions 8, Absent 6,

4 Announcements from the Chair, Leader of Chief Executive (if any)

Council

15/February2023

The Chair welcomed members of the public who were watching the proceedings in-person and on-line and described how the meeting would be conducted including the standards and courtesies that should be observed during the meeting.

The death of Clive Bennet a highly respected former councillor and Chair of the Council was announced and Councillors were invited to speak in tribute to him.

The Leader of the Council paid personal tribute to the wit and intelligence of former Councillor Clive Bennett who enjoyed a successful career as a journalist and had served the South Cerney Ward as a Councillor. The Leader also announced that the Progress Pride flag was being flown above the Council offices to recognise LGBTQ+ history month and celebrate diversity and inclusivity and the Council's commitment to creating a welcoming and accepting community for everyone.

The Deputy Leader of the Conservative Group who had served with former Councillor Bennet paid tribute to his larger than life character, intelligence and sense of humour

Councillor Roly Hughes recalled his long association with former Councillor Bennett and how much he will be missed by all those that knew him.

The Chair then called on Council to stand for a minutes silence in memory of Clive Bennett.

5 Public Questions

Appendix A

6 Member Questions

Appendix B

7 Appointment of Deputy Electoral Registration Officers

The purpose of the report was to recommend to Council, the appointment of Two Deputy Electoral Registration Officers.

The Leader of the Council introduced the report and provided context for the recommendations to appoint two additional Deputy Electoral Registration Officers to provide additional support to the Electoral Registration Officer and Returning Officer during the election.

Council noted that the elections due to take place on 4 May 2023 would introduce Voter Identity requirements and additional complexity ensuring voting is conducted correctly.

RESOLVED: Council agreed the appointment of the Electoral Services Manager (Sarah Dalby) and Electoral Services Officer (Katrina Keylock) as Deputy Electoral Registration Officers to act in place of the Electoral Registration Officer where they are unable to act personally and delegate authority to the Council's Electoral Registration Officer to appoint Deputies to this post in future

Voting Record – For 26, Against 0, Abstentions 2, Absent 6,

8 2023/24 Revenue Budget, Capital Programme, and Medium Term Financial Strategy

The purpose of this report is to present the budget for 2023/24.

The Deputy Leader and Cabinet Member for Finance introduced the Revenue Budget, Capital programme and Medium Term Financial Strategy and provided history, context and detailed summary of fourth and final Budget from the Liberal Democrat Administration

The Budget had been built in the aftermath of a pandemic and against a backdrop of reducing Government funding (down £2m over 10 years), increased fuel, energy and cost of living costs, instigated by the war in Ukraine, and high inflation, high interest rates, and political and public financial uncertainty following the 23 September 2022 mini-budget. Despite these challenges, the Administration's priorities to Tackle Climate Change, Deliver Social Rented Housing and Strengthen the Local Economy would be delivered through a financial approach that aimed to deliver more efficient services, improve standards, increase income to replace lost funding, and bring in money from external funding sources.

Council noted that although the Budget would require the use of Council financial reserves (£860,000), other plans to reduce Council expenditure (by £1.1m) and increase income and revenue (by £415,000) would reduce the amount of financial reserves required to balance the budget.

Council noted that both the Council, and its partners Publica and Ubico, would be expected to deliver the reduction in the Council's expenditure

Council noted that funds that had been released through the sale of the Council's Housing stock in 1997 had been used by previous administrations on a number of projects from building the Cirencester Leisure Centre to replacing the recycling collection fleet. Those funds had now come to an end and would not be available for future projects.

Council noted that the Recovery Investment Strategy had been rescinded when escalating interest rates and tighter Government (investment) regulation meant it was no longer viable.

Council noted over £860,000 had been raised by reviewing fees and charges that had been previously frozen or increased below cost and £184,000 Local Government Pension Costs had been saved for each of the last three years.

Council noted over £4.25m of external funding had been brought to the Cotswolds

Council noted the creation of a new Cabinet Transformation Working Group to oversee the Councils finances and produce proposals for consideration as part of the 2024/25 budget and deliver savings in 2023/24

Council noted that a Financial Resilience Reserve of £3.3 million pounds would be created to fund the £860,000 revenue reserves required to balance the 2023/24 budget and support services while they transform their provision to meet the funds available.

Council noted that the public had been consulted on proposals to increase Council Tax increases and parking charges

Council noted that discretionary charges would increasingly be set at a level that would enable them to be funded by those that used them. Green Waste Collection charges had been increased so that the service would be funded by those that used it,

Council

15/February2023

Council noted that the funding for the replacement recycling vehicles would be required on a rolling basis as and when current vehicles were decommissioned at the end of their working life.

Council noted that the number of new homes reported in the Budget did not take into account demolitions. Had this been the case the reported figures would have been less.

Council noted that the Budget recommended that Member allowances were frozen for 2023/24, although increases for the current year 2022/23 (that had already been set and approved) would still be paid.

Council noted that details of the proposed budget had been considered by Audit Committee, Overview and Scrutiny Committee and recommended by Cabinet.

The Chair invited the Deputy Leader of the Conservative Group to comment on the Budget

The Deputy Leader of the Conservative Group stated that the Conservative Group would not be proposing any amendments to the Budget

The Deputy Chair of the Conservative Group, Councillor Sue Jepson commented that Council was being asked to approve a budget that was not fit for purpose, from an Administration that keeps on putting the Council and its taxpayers into debt, borrowing for unnecessary vanity projects and cutting out democracy. The (Liberal Democrat) Administration had taken over a debt free, well run Council, and although (the Conservative Group) would not be making any budget proposals on the presented Budget, they would be making a budget proposal after 4 May 2023. Councillor Jepson stated that her side of the Chamber would be voting against the Budget in the papers before them.

Councillor Cunningham stated he believed the main reason for the Council was to help residents and he could not see anything in the proposed Budget that would do this and, in the middle of a Cost of Living Crisis, the proposed increase of Council Taxes, Green Waste Collections, Taxi Licenses, Street Food Vending Licenses, and Public Toilets would cause additional hardship.

The Deputy Leader of the Council, and Cabinet Member for Finance Mike Every proposed, and the Cabinet member for Climate Change and Forward Planning seconded that the Budget and recommendation (a) to (i) should be **AGREED**.

RESOLVED: Council AGREED:

- (a) the Medium-Term Financial Strategy set out in Annex B
- (b) the Savings and Transformation items for inclusion in the budget, set out in Annex C
- (c) the Council Tax Requirement of £6,310,795 for this Council
- (d) the Council Tax level for Cotswold District Council purposes of £148.93 for a Band D property in 2023/24 (an increase of £5)
- (e) the Capital Programme, set out in Annex D
- (F) the Annual Capital Strategy 2023/24, as set out in Annex E
- (g) the Annual Treasury Management Strategy and Non-Treasury Management Investment Strategy 2023/24, as set out in Annex F
- (h) the Strategy for the Flexible use of Capital Receipts, as set out in Annex H
- (i) the balances and reserves forecast for 2023/24 to 2026/27 as set out in Section 3 of the report.

Recorded Vote

For	Against	Abstain
Claire Bloomer	Stephen Andrews	
Ray Brassington	David Cunningham	
Rachel Coxcoon	Stephen Hirst	
Tony Dale	Sue Jepson	
Andrew Doherty	Richard Keeling	
Mike Every	Richard Morgan	
Jenny Forde	Richard Norris	
Joe Harris	Tom Stowe	
Mark Harris	Steve Trotter	
Roly Hughes		
Nikki Ind		
Andrew Maclean		
Nick Maunder		
Dilys Neill		
Nigel Robbins		
Gary Selwyn		
Lisa Spivey		
Clive Webster		
18	9	0

9 Council Tax 2023/24

The purpose of the report was to set the Council Tax for 2023/24

The Deputy Leader and Cabinet Member for Finance introduced the report and provided details of how the precept for Band D Properties (agreed in the previous Budget) would determine Council Tax liabilities for each household in the District.

Council noted that the Council Tax consultation had revealed that many Council Tax payers did not know that it was not possible to change key features of Council Tax calculations (e.g. increase charges for larger properties, changing the percentage increments between bandings), as these were set by the Government.

Council welcomed the level of scrutiny that Council was able to give to Council Tax charging levels.

Council noted the support that was available for Council Tax payers in receipt of certain benefits and those on the lowest incomes.

Council

15/February2023

The Deputy Leader of the Council and Cabinet Member for Finance, Mike Every propose and The Leader of the Council, Joe Harris seconded that the Council Tax recommendations 1 to 8 were agreed.

RESOLVED: Council **AGREED** that:

1) for the purposes of the Local Government Finance Act 1992 Section 35(2), there are no special expenses for the District Council in 2023/24

2) it be noted that, using her delegated authority, the Deputy Chief Executive calculated the Council Tax Base for 2023/24:

(a) for the whole Council area as 42,374.24 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”) and

(b) for dwellings in those parts of its area to which a Parish Precept relates as in the attached Schedule 1.

3) the Council Tax requirement for the Council’s own purposes for 2023/24 (excluding Parish Precepts) is £148.93.

4) the following amounts be calculated for the year 2023/24 in accordance with Sections 31 to 36 of the Act:

(a) £45,096,080 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act, taking in account all precepts issued to it by Parish Councils and any additional special expenses.

(b) £34,724,034 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.

(c) £10,372,046 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).

(d) £244.77 being the amount at 4(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);

(e) £4,061,250 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act as per the attached Schedule 2.

(f) £148.93 being the amount at 4(d) above less the result given by dividing the amount at 4(e) above by Item T(2(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;

(g) the amounts shown in Schedule 2 being the amounts given by adding to the amount at 4(f) above, the amounts of the special item or items relating to dwellings in those parts of the Council’s area shown in Schedule 2 divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate;

(h) the amounts shown in Schedule 3 being the amounts given by multiplying the amounts at 4(f) and 4(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

5) it be noted that for the year 2023/24 the Gloucestershire County Council and the Police & Crime Commissioner for Gloucestershire have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council’s area as indicated below:

Valuation Band	Gloucestershire County Council	Police and Crime Commissioner
	£	£
A	1,015.85	196.72
B	1,185.16	229.51
C	1,354.47	262.29
D	1,523.78	295.08
E	1,862.40	360.65
F	2,201.02	426.23
G	2,539.63	491.80
H	3,047.56	590.16

6) the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in Schedule 4 as the amounts of Council Tax for the year 2023/24 for each part of its area and for each of the categories of dwellings.

7) the Council's basic amount of Council Tax for 2023/24 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

8) the following Council/Public Officers: Deputy Chief Executive, Group Manager – Resident Services, Director of Governance and Development, Legal Executive, Business Manager – Operational Services, Revenues Manager, Revenues Lead and Court Officer be authorised to:
(a) collect and recover any National Non-Domestic Rates and Council Tax; and Page 179(b)
(b) prosecute or defend on the Council's behalf or to appear on its behalf in proceedings before a magistrate's court in respect of unpaid National Non-Domestic Rates and Council Tax.

Recorded Vote

For	Against	Abstain
Claire Bloomer	Stephen Andrews	
Ray Brassington	David Cunningham	
Rachel Coxcoon	Stephen Hirst	
Tony Dale	Sue Jepson	
Andrew Doherty	Richard Keeling	
Mike Every	Richard Morgan	
Jenny Forde	Richard Norris	
Joe Harris	Tom Stowe	
Mark Harris	Steve Trotter	
Roly Hughes		
Nikki Ind		
Andrew Maclean		

Council
15/February2023

Nick Maunder		
Dilys Neill		
Nigel Robbins		
Gary Selwyn		
Lisa Spivey		
Clive Webster		
18	9	0

I0 Notice of Motions

There were no motions submitted for Council to consider.

II Next meeting

The next meeting of Council will be held at 2.00pm 15 March 2023

The Meeting commenced at 6.00 pm and closed at 8.10 pm

Chair

(END)

Public Questions

QUESTION 1a from Mrs Heaven, to the Cabinet Member for the Economy and Transformation	
Question (Oral)	Response (Oral)
<p>Mrs Haven stated that since 2019 car parking charges had been increased by 40% and yet now, 3 months before an election, you have frozen car parking charges.</p> <p>For how long are you intending to freeze car parking charges and does it include season ticket holders, or is this just a ploy?</p>	<p>The Cabinet Member for the Economy and Transformation stated that the 40% figure was not recognised by himself, the Chief Finance Officer or the Cabinet Member for Finance and indicated it was significantly less than this. The cost of living crisis had also been recognised by the Liberal Democrat Administration and the decision to freeze car parking charges was made to help with this. The period of the freeze would be determined after the next election, and the decision regarding Season Tickets was addressed in the Budget Debate.</p>
QUESTION 1b from Mrs Heaven, to the Leader of the Council	
Question (Oral)	Response (Oral)
<p>Mrs Heaven stated that following a 25% increase in members' allowances in 2019, when the Liberal Democrats took control, and seeing you get an allowance from Cotswold District Council, your role as Leader, the County Council, and the LGA.</p> <p>Would you please tell me the total amount of allowances you draw from the public purse, as these public funds are funded by taxpayers?</p>	<p>The Leader of the Council stated that all of his allowances were a matter of public record and were all available online. It was also stated that Cotswold District Council was proposing to freeze its members' allowances for the following year at a time that (for instance) Gloucestershire County Council had voted to increase theirs.</p>

QUESTION 2a from Mr Fowles to the Deputy Leader and Cabinet Member for Finance

Question (Oral)	Response (Oral)
Mr Fowles stated that, after wasting £2.8m on restructuring the management structure, pointless consultation and the like, How can you justify allocating £300,000 to handle the Leisure Centre and Museum tenders this year (and outside of this meeting provide a breakdown)?	The Deputy Leader of the Council and Cabinet Member for Finance stated that the Council had not wasted £2.8m. This figure appeared to be made up, and Mr Fowles had implied that everything that had been spent on the Local Plan had been a waste of money, the car park that Mr Fowles had voted for as a Councillor had been a waste of money and everything the current Administration had spent its money on had been a waste of money. The Deputy Leader stated he did not agree with any of these assertions and stated that the funding provision for the Leisure and Museum Tendering process was included within the Council Budget which was being debated later.

QUESTION 2b from Mr Fowles to the Cabinet Member for the Economy and Transformation

Question 2 (Oral)	Response 2 (Oral)
Mr Fowles stated that at the March 2022 Council meeting, Conservative Councillor Julia Judd had asked why Cotswold District Council had not put forward a bid for the first and second rounds of the Government's £4.8 billion levelling up fund, which resulted in £52.8m being awarded to Gloucestershire but not to the Cotswolds. Why didn't we apply, and how can you claim credit for the £1m recently awarded which should really go to Councillor Judd and the Conservative Government?	The Cabinet Member for the Economy and Transformation stated that rules around bidding for rounds one and two of the Government funding indicated that, at that time, there were no projects within the Cotswolds that would have qualified for the funding. The current round of bidding for funds from the UK Shared Prosperity Fund delivered £1m following the extraordinary efforts of two officers who managed to submit a bid in a very short timescale.

QUESTION 3a from Mr Corps to the Cabinet Member for Corporate Services

Question (Oral)	Response (Oral)												
<p>Mr Corps stated that the cost of press and PR for 2022/23 was £76,200 and had been budgeted to be £61,700</p> <p>Could you provide a full breakdown of where the money is being allocated and spent across Facebook, Instagram and Twitter, Wilshire and Gloucestershire next door</p>	<p>The Cabinet Member for Corporate Services stated that a full breakdown was not available, but would be prepared and sent to Mr Corps. It was confirmed that over the past two years, the Council had raised its profile and reached out to residents across the Cotswolds following recommendation from the LGA Peer Review conducted in 2019.</p>												
	Response (Written)												
	<p>Dear Mr Corps,</p> <p>At last week's Council meeting you asked a question about the use of the budget for press/PR. The Cabinet Member for Corporate Resources has provided the following response:</p> <p>Thank you for your question.</p> <p>The two figures quoted in your question include a range of spend not associated with press/ PR activities such as license fees for software and some of our staffing costs. The CDC Communications and Marketing Team has an annual budget of £8,000 to spend on comms activities which is not allocated at the start of the year and is spent based on the requirements of communications activity as it arises. This would include spend on social media platforms, with media, etc. along with design work and other costs associated with producing our communications. We have a strategic plan which sets out our areas of focus for the coming year but spend is only allocated as detailed plans are developed for each project and/or any reactive work comes in such as emergency response. For the 22/23 budget year we have so far spent money on the following platforms (please note we have not yet had all the bills through and activity has finished for this financial year):</p> <ul style="list-style-type: none"> - Facebook/ Instagram (both Meta and managed through the same platform) – £785.25 - Google advertising - £177.58 - LinkedIn - £100 - Local papers/media – we have not spent anything in the corporate communications team on adverts in local papers, however, some services may have done so for statutory notices. To show the breakdown of the £76k figure: <table border="1" data-bbox="703 1872 1386 2040"> <thead> <tr> <th data-bbox="703 1872 847 1906">2022/23 Budget</th><th data-bbox="847 1872 1386 1906"></th></tr> </thead> <tbody> <tr> <td data-bbox="703 1906 847 1928">8</td><td data-bbox="847 1906 1386 1928">Photography & Promotional Materials/Design</td></tr> <tr> <td data-bbox="703 1928 847 1951">3</td><td data-bbox="847 1928 1386 1951">IT - Licences</td></tr> <tr> <td data-bbox="703 1951 847 1973">64</td><td data-bbox="847 1951 1386 1973">Employees</td></tr> <tr> <td data-bbox="703 1973 847 1995">1</td><td data-bbox="847 1973 1386 1995">Capital charges</td></tr> <tr> <td data-bbox="703 1995 847 2018">76</td><td data-bbox="847 1995 1386 2018"></td></tr> </tbody> </table>	2022/23 Budget		8	Photography & Promotional Materials/Design	3	IT - Licences	64	Employees	1	Capital charges	76	
2022/23 Budget													
8	Photography & Promotional Materials/Design												
3	IT - Licences												
64	Employees												
1	Capital charges												
76													

	For the 23/24 budget we cannot say how this spend will be broken down at this stage. However, we do have the same £8k to spend on communications activity. I hope this answers your question With best wishes, Andrew
QUESTION 3b from Mr Corps to the Deputy Leader and Cabinet Member for Finance	
Question 2 (Oral)	Response 2 (Oral)
Mr Corps stated that last year Cotswold District Council had lent £7,970 to employees for cars and were budgeted to lend a further £10,000 over the coming financial year. Why is public money being spent on this and can I ask to whom in particular?	The Deputy Leader and Cabinet Member for Finance stated that car loans were a common and popular benefit that were offered by employers to their staff and although personal details could not be provided, a summary of the approach taken by the Council would be provided in writing.
	Response 2 (Written)
	<p>Dear Mr Corps</p> <p>I have been asked to send the follow-up response to you regarding the question you presented to Councillor Mike Every at the last meeting of Full Council on 15th February regarding information around the car loan scheme. Please find the following response as set out below:</p> <p><i>Car Loan Scheme</i></p> <p><i>Annex F: Appendix 2 of the Budget papers considered by Council on 15 February 2023</i></p> <p><i>Annual Non-Treasury Management Strategy 2023/24</i></p> <p><i>Table 1 sets out the loans the Council has made in previous years and sets out the remaining balances owed, loss allowance and an approved limit for the 2023/24 financial year.</i></p> <p><i>One of the items in this table is for Employees (car loans) and showed a balance owing at 31/03/2022 of £7,970 and an authorised limit of £10,000 (which is set at a level to limit risk). This scheme is now closed.</i></p> <p>Car Loans were provided to employees who were able to meet the criteria and subject to an approval process. The loans are repaid through salary deductions. At the time of writing only 2 loans remain outstanding with salary deductions in place. The Council, through Publica, provides a car benefit scheme to enable employees to lease a new electric or hybrid vehicle. This is a salary sacrifice scheme operated by NHS Fleet Solutions for public sector employees</p> <p>Kind regards, Caleb Harris</p>

QUESTION 4a from Mr Gibson to the Cabinet Member for the Environment and Recycling	
Question (Oral)	Response (Oral)

<p>Mr Gibson stated that Ubico have increased the garden waste collection cost by 16%, revenue was going to increase by 18.4%, but the public were being asked to pay 21.3% increase. My calculation is that the public are being financially penalised when the service level has been reducing in 2022 during the cold spell and other service providers have maintained their service levels with no financial rebates to bin subscribers.</p> <p>The service is meant to be run on a cost neutral basis and the increase to the public has been charged in the budget is excessive.</p>	<p>The Cabinet Member for the Environment and Recycling stated that the charging basis was changed to make it cost neutral at a cost of £45 when the administration originally took over. Since then inflation and costs have been incurred. Bearing in mind the additional charges are subsidising the much expanded Council Tax support scheme that now enable larger numbers of residents to have half priced bins. Although Ubico have put the costs up, the service is still run on a cost neutral basis.</p>
<p>QUESTION 4b from Mr Gibson to the Deputy Leader and Cabinet Member for Finance</p>	
<p>Question 2 (Oral)</p> <p>Mr Gibson stated that Cotswold District Council owns 12.5% of Ubico and 25% of Publica. All contributions made by Cotswold District Council should be made in proportion to the shareholding in Ubico and Publica. CDC is allocating £1.64m to the financing of vehicles with Ubico and a total of £170,000 or 26% increase in diesel, even when the cost of diesel is dropping daily. If you scale this up, in the next financial year they will be spending £13.2m on vehicles and an additional £1.36m on diesel.</p> <p>Can you please justify these extra costs, as £13m would replace a whole fleet of vehicles and when the price of diesel is dropping it doesn't make sense to make an increase of this proportion?</p>	<p>Response 2 (Oral)</p> <p>The Deputy Leader and Cabinet Member for Finance stated that Mr Gibson had erroneously stated that, because CDC owned 12.5% (1/8th) of Ubico, they carried 1/8th of the costs (£1.64m). This was NOT how the Ubico contract worked. Ubico worked for their eight partner councils and the work that they delivered (apart from Senior Management/back office costs), was all directed to each Council according to the service that has been asked for. If CDC wanted vehicles, CDC will buy and retain ownership of vehicles. It is not a case that CDC own 1/8th of Ubico vehicles. With Publica, three of the 4 councils have most of their staff within Publica, and one has much less. Therefore each Council does NOT pay 1/4 of the costs.</p>

This page is intentionally left blank

Member Questions

Question 1 from Councillor Andrew Maclean to Councillor Rachel Coxcoon, Cabinet Member for Climate Change and Forward Planning	
Question (Oral)	Response (Oral)
<p>Thank you for the very welcome news that all planning applications will require applicants to provide statements on the environmental impact of their developments such as Biodiversity statements, Energy and Climate statements and Sewage and Air quality impact assessments. This will provide your officers with the information that I have been badgering them for at virtually every planning committee since I joined and will help us in making better, more informed planning decisions.</p> <p>In the civil service we used to say that once you start collecting information, sooner or later it leads to action, so well done.</p> <p>My question is, now that we are starting to collect this information, do you anticipate producing any forward projections of how the energy performance of the housing stock in the district is expected to improve?</p>	<p>The Development Management Team has moved forward with the introduction of this requirement as part of the streamlining of requirements across the 3 Publica Councils and is a positive step towards the introduction of a policy 'hook' (currently in force at West Oxfordshire Council) that demands applicants answer against the Sustainability Checklist in a more formal way.</p>
Question 2 from Councillor Richard Morgan to Councillor Joe Harris, Leader of the Council.	
Question (Oral)	Response (Oral)
<p>I have residents in Didmarton who is very unhappy with Bromford Housing and their lack of communication over some renovations. That the resident requires.</p> <p>My question is, would you work alongside me to help my resident resolve their issues?</p>	<p>Yes, I am very happy to work with you to resolve the issues your resident is currently facing.</p>

This page is intentionally left blank

Agenda Item 7



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 15 MARCH 2023
Subject	GLOUCESTERSHIRE-WIDE CODE OF CONDUCT FOR ELECTED MEMBERS
Wards affected	ALL
Accountable member(s)	Cllr Joe Harris - Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer(s)	Angela Claridge, Director of Governance & Development Tel: 01282 623219 Email: angela.claridge@cotswold.gov.uk
Summary/Purpose	This report sets out the proposed Member Code of Conduct.
Annexes	Annex A: Proposed Code of Conduct for Elected Members Annex B: Existing Code of Conduct for Elected Members
Recommendation/s	The Council resolves to: <ul style="list-style-type: none"> adopts the Gloucestershire-wide Code of Conduct with effect from the 9th May 2023 Council notes that the Monitoring Officer will carry out training prior to it coming into effect.
Corporate priorities	Ensure that all services delivered by the Council are delivered to the highest standard
Key Decision	No
Exempt	No
Consultees/ Consultation	Elected Members of the Constitution Working Group Audit Committee

I. REPORT

I.1 The Elected Member Code of Conduct is a key element of the Council's corporate governance framework. The purpose of the Code is to ensure that Councillors understand their individual role in maintaining high standards of conduct, to ensure that such standards are maintained at all times, and to allow action to be taken when breaches of the Code occur. In order to do this, the Code of Conduct needs to set out clearly the behaviour and standards that are expected of members of the Council.

I.2 The group of Monitoring Officers for the seven principal Gloucestershire Councils have been working together to draft a Gloucestershire wide Member Code of Conduct taking into account the Local Government Association model, which Cotswold adopted in 2021, and their collective experiences of operating the present variety of Codes in the individual Councils.

I.3 The main benefits of having a common code of conduct are that:

- It will enable training resources to be shared across and between councils;
- For those who are members of more than one council, it will mean that a single set of standards apply;
- It will provide greater clarity and consistency for members of the public about what behaviour they should expect from their representatives;
- Where complaints are brought against a member at both county and district level (as sometimes is the case), the same considerations will apply, reducing duplication and allowing a single investigation of the complaint to be undertaken.

I.4 However, the Council could decide not to adopt the revised Code.

I.5 Whilst the group acknowledge that town and parish councils are under no obligation to adopt a unified Gloucestershire Code, it is hoped that will do so. Although, a degree of adaptation of the Code may be required by other Gloucestershire Districts and Town and Parish councils. For example, those sections of the code that refer to executive responsibilities will not be relevant to those councils who do not operate executive arrangements. However, other than that, it is intended that the provisions and standards set out in the code should apply equally to all town and parish Councils. It will, of course, be up to each Town and Parish to decide whether to adopt it.

I.6 The group have been supported in its development by Gloucestershire Association of Parish and Town Councils (GAPTC). GAPTC is extremely supportive of town and parish councils adopting the unified Code as they believe it will enable them to provide better advice, support and training. The Monitoring Officer will be discussing the revised Code and promoting its adoption with parish councils in the new municipal year.

I.7 While the style and layout of the Code is different to the Local Government Association (LGA) model code, the content is fully consistent with it. This ensures that the Authority can still benefit from guidance and training the LGA offers on Code of Conduct issues.

1.8 Audit Committee at its meeting on 26 January 2023 discussed the Draft Gloucestershire wide Code of Members' Conduct and endorsed it for onward approval by Full Council.

1.9 The arrangements for assessing allegations under the Code of Conduct, which were agreed at Council on 17 March 2021, remain unchanged.

2. FINANCIAL IMPLICATIONS

2.1 There are no direct financial implications arising from the recommendations.

3. LEGAL IMPLICATIONS

3.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Authority must promote and maintain high standards of conduct by Members and Co-opted members of the authority. Section 27 and 28 of the Localism Act require the Authority to adopt a Code of Conduct.

4. BACKGROUND PAPERS

Council's Constitution (available on the Cotswold.gov.uk website).

Minutes of Audit Committee 26.01.2023 report title "Elected Member Code of Conduct".

Minutes of the Constitution Working Group 01.12.2022.

Adoption of the LGA Model Code of Conduct – Full Council 20.01.2021

This page is intentionally left blank



Cotswold District Council

DRAFT CODE OF CONDUCT FOR ELECTED MEMBERS

Contents

- I Introduction
- II Scope of the Code of Conduct
- III General Principles of Members' Conduct
- IV Rules of Conduct
- V Registration of Interests
- VI Declaration of Interests and Restrictions on Participation
- VII Duties in respect of the Code of Conduct
- VIII Dispensations
- IX Gifts and Hospitality
- X Definitions

Appendix A – Disclosable Pecuniary Interests

Appendix B – Other Registrable Interests

I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Authority's duty to promote and maintain high standards of conduct by Members of the Authority.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of the Authority, including;
 - (a) when engaged in the business of the Authority including Ward business or representing the Authority externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of the Authority.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Authority and any Protocols and Policies which may be adopted from time to time by the Authority.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.¹

¹ Section 34 Localism Act 2011

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
7. Members shall observe the following rules:-

General Requirements

- (1) **Do** treat everyone with respect.
- (2) **Do not** bully any person.
- (3) **Do not** harass any person
- (4) **Do** promote equalities and **do not** discriminate unlawfully against any person.

- (5) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- (6) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.
- (7) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless–
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority.

Before making any disclosure under (iv) above, the written advice of the Monitoring Officer must be sought and considered.

- (8) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (9) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (10) **Do** not behave in a manner which brings your role or the Authority into disrepute.
- (11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Authority, or authorising the use of those resources by others:

- (12) **Do** act in accordance with the Authority's requirements including the requirements of the Authority's ICT Policy.
- (13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or to the office to which you have been elected or appointed.
- (14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Authority:

- (15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (16) **Do** have regard to advice provided to you by the Authority's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- (17) **Do** be as open as possible about your own decisions and actions and those of the Authority and be prepared to give reasons for those decisions and actions.
- (18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

8. Members shall observe the following rules when registering their interests.

- (1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
- (2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Monitoring Officer of the interest.
- (3) **Do** notify the Monitoring Officer of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
- (4) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** ensure that, if your interest is not entered in the Authority's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(2) of this Code.
- (3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.
- (4) **Do not**, as a member of the Authority's executive, exercise any executive functions in respect of any matter in which you have a disclosable pecuniary interest (Appendix A). You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

10. Other Interests (Other Registrable Interests Appendix B and Non - registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** ensure that you disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
 - (a) it affects the financial position of an interest specified in Appendix B (other registrable interests)
 - (b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associateor
 - (c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(2) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

- (3) **Do not**, as a member of the Authority's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(2) above. You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

VII. Duties in respect of the Code of Conduct

11. Members shall observe the following:-

- (1) **Do** undertake training on the Code of Conduct as required by the Authority.
- (2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Authority.
- (3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Council's Code of Conduct.

- (4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Monitoring Officer for a dispensation.
13. A Member may be granted a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Authority, the following rules must be observed.
 - (1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or to a reasonable suspicion of influence to show favour, from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.
 - (2) **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. (Appendix B).

- (3) **Do** register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.

X. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority.
5. "Member" is an elected Member or a Co-opted Member of the Authority.
"Co-opted Member" is a person who is not a Member of the Authority but who is either a Member of any Committee or Sub-Committee of the Authority, or a Member of, and represents the Authority on, any Joint Committee or Joint Sub-Committee of the Authority, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
6. "Member of your family" means:

- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; and the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; and the partners of any of these persons.
7. "Monitoring Officer" is the Monitoring Officer to the Authority.
8. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Authority's Register in consequence of that notification.
9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
10. "The Act" is the Localism Act 2011.
11. "The Authority" is Cotswold District Council.
12. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
13. "Well-being" means general sense of contentment and quality of life.
14. Excepted functions are functions of the Authority in respect of

- (i) housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to the Member's tenancy or lease;
- (ii) an allowance, payment or indemnity given to Members;
- (iii) any ceremonial honour given to Members; and
- (iv) setting Council tax or a precept under the Local Government Finance Act 1992.

DRAFT

Disclosable Pecuniary Interests

The interests set out below are "Disclosable Pecuniary Interests" in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following**:

- the Member's spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, Profession or Vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
<p>(a) "the Act" means the Localism Act 2011;</p> <p>(b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;</p> <p>(c) "director" includes a member of the committee of management of an industrial and provident society;</p> <p>(d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;</p> <p>(e) "M" means a member of a relevant authority;</p> <p>(f) "member" includes a co-opted member;</p> <p>(g) "relevant authority" means the authority of which M is a member;</p>	

- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

DRAFT

Other Registrable Interests

The interests set out below are “other registrable interests” which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Authority.)
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union). of which the Member of the Authority is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.

Agenda Item 8



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 15 MARCH 2023
Subject	AMENDMENTS TO THE CONSTITUTION – REPORT OF THE CONSTITUTION WORKING GROUP
Wards affected	All
Accountable member	Cllr Joe Harris - Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance & Development Tel: 01282 623219 Email: angela.claridge@cotswold.gov.uk
Report author	As above
Summary/Purpose	To consider proposals from the Constitution Working Group for amendments to the Constitution to – <ul style="list-style-type: none"> • commence the recruitment process and agree remuneration for up to two independent members on the Audit Committee, and associated amendments to the Constitution; • Implement a Monitoring Officer Protocol • change the meeting duration for Overview and Scrutiny Committee and Audit Committees to a maximum duration of three hours.
Annexes	Annex A – DRAFT Recruitment Pack: Independent Member of Cotswold District Council's Audit Committee Annex B – DRAFT Monitoring Officer Protocol
Recommendation(s)	<i>That Council resolves to:</i> <i>a) approve the recruitment of up to two Independent Members of Audit Committee on the basis of the recruitment pack at annex A;</i> <i>b) delegate authority to the Director of Governance & Development (Monitoring Officer, and Deputy Chief Executive & S151 Officer, in consultation with the Chair of Audit Committee, to agree three members of Audit Committee to be on the interview panel;</i> <i>c) approve an annual payment of £1,000.00 to be paid to independent</i>



	<p><i>members of Audit Committee;</i></p> <p><i>d) authorises the Director of Governance & Development (Monitoring Officer) to update Part C3: Committee Functions to make the consequential amendments to the Audit Committee's membership.</i></p> <p><i>d) approve the Monitoring Officer Protocol for inclusion in the Constitution.</i></p> <p><i>f) update Procedure Rule 9 in Part D of the Constitution to read as follows:</i></p> <p><i>"The maximum duration of one sitting of a meeting (excluding any comfort breaks) will be as shown below. When the time limit is reached the current agenda item will be completed in the normal way. Any subsequent business will fall or may be reschedule to a later meeting or the meeting may be adjourned (to conclude on a different date).</i></p> <p><i>Council – four hours*</i></p> <p><i>Cabinet – four hours*</i></p> <p><i>Audit Committee – three hours</i></p> <p><i>Overview and Scrutiny Committee – three hours</i></p> <p><i>Planning and Licensing Committee – no maximum duration</i></p> <p><i>*For Council and Cabinet, at the conclusion of an item of business, after three hours have elapsed, a vote will be taken by a simple majority to continue for the final hour".</i></p>
Corporate priorities	Deliver the highest standard of service
Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>Elected Members of the Constitution Working Group;</p> <p>Chair and Vice-Chair of Audit Committee;</p> <p>Local Management Team;</p> <p>Business Manager, Democratic Services, and;</p> <p>Interim Head of Legal Services.</p>

1. 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.
- 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. 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. RECRUITMENT OF INDEPENDENT MEMBERS ON AUDIT COMMITTEE

- 3.1** Full Council on 18 January 2023, considered the Local Government Association's Corporate Peer Review Feedback Report and associated Action Plan addressing how the recommendations within the report will be implemented.
- 3.2** Audit Committee, at its meeting on 26 January 2023, considered and supported those actions relating to the responsibilities of that committee, primarily addressing the Peer Review's recommendation: "The council needs to reassure itself that its governance arrangements are robust". This report addresses one of the actions - introduce two independent members to the Audit Committee.
- 3.3** A co-opted independent or lay member is a committee member who is not an elected representative but recruited to join the committee. The role description of an independent member of Audit Committee is the same as for an elected member with the only substantial difference being around decision making responsibilities. An independent member cannot vote on Council policy so will not be able to take part in the decision although they can actively contribute to the discussions leading up to the vote. The objective of including such members is to increase the knowledge and experience base of the committee, reinforcing its independence. The Inclusion of lay members is a legislative requirement for authorities in Wales and for combined authorities in England.
- 3.4** The Chartered Institute of Public Finance and Accounting (CIPFA) have long been advocates for the benefits of an Independent Member on Audit Committees stating "Independent members can be helpful in supplementing the knowledge and experience of elected members on the committee". Although there is no legal requirement to, CIPFA recommends a committee of our size includes two co-opted independent members.

- 3.5** It is proposed that a recruitment exercise is undertaken with advertisement of the position on the Council's website and social media channels to ensure the net is cast as wide as possible.
- 3.6** The recruitment pack at Annex A has been drafted to highlight the skills required for the position and sets out in full what would disqualify a person from applying.
- 3.7** The recommendation is that there will be an interview panel consisted of three members of the Audit Committee. The interview panel will be assisted by the Director of Governance & Development and Deputy Chief Executive and S151 Officer.
- 3.8** Subject to Council's approval, the recruitment campaign will commence this month, with interviews in April, ready for a recommendation to Council in the new municipal year for the appointments to be made. It is suggested in the Recruitment Pack that the appointments should be a four year period.

4. MONITORING OFFICER PROTOCOL

- 4.1** It is proposed that Cotswold District Council adopt a Monitoring Officer Protocol to be included in Part E of the Constitution with other Codes and Protocols. The Protocol is not a mandatory part of the Constitution, but is considered good practice. Annex B sets out a draft Protocol which was considered by the Constitution Working Group at their meetings on 20 January and 20 February 2023 and is now recommended by the Constitution Working Group for approval.
- 4.2** The provisions of the draft Protocol may be summarised as follows:
- Clarity around the role and responsibility of the Monitoring Officer including the statutory obligation to make public report to the Council in cases of illegality;
 - Describes the manner in which the Council expects the Monitoring Officer to discharge their functions;
 - Clarifies the statutory requirements around the appointment of a Monitoring Officer;
 - Confirms the role of the Deputy Monitoring Officer, when it is effective, and when the duties of the Monitoring Officer may be delegated and when they remain personal to the post holder;
 - To confirm functions including reporting on illegality and maladministration, reporting on ombudsman decisions, maintaining the members register of interests and assessing and investigating member code of conduct complaints;
 - Inclusion of the responsibility for monitoring, maintaining and interpreting the constitution;
 - Provision of resources to support the Monitoring Officer function.

5. TIME LIMIT FOR OVERVIEW & SCRUTINY AND AUDIT COMMITTEES.

- 5.1 At the Full Council meeting on the 17 November 2022, Council agreed to approve the programme of meetings for 2023 to May 2024 and agreed amongst other recommendations that the Constitution Working Group considers recommending a change to the Council's Constitution so that meetings of Overview and Scrutiny and Audit Committee should have a maximum duration of three hours.
- 5.2 At the request of the Chair of Overview and Scrutiny, the item was deferred from the Constitution Working Group to allow the Overview and Scrutiny and Audit Committees the opportunity to review the proposals. Audit Committee considered this at their meeting on 26 January. The Chair of Overview and Scrutiny requested that the Overview and Scrutiny Committee consider this matter at its informal work planning session on 1 March 2023. Members at that meeting debated the issue whilst having regard to the emerging scrutiny work plan for the coming municipal year. At both meetings, members were supportive of making changes to future meeting lengths being cognisant of the following points:
- Effective from the new municipal year, Overview and Scrutiny, and Audit Committee meetings will commence at 5pm;
 - Travel times for members particularly during inclement weather;
 - Diary clashes with other evening commitments such as town & parish council meetings;
 - Accessibility of meetings for members with day-time commitments.
- 5.3 The Constitution (Part D, paragraph 9) currently provides that all meetings, with the exception of Planning and Licensing Committee meetings, are subject to a rule whereby the maximum duration of one sitting of a meeting will be for four hours. Meetings at the time limit can either be adjourned or the business rescheduled to a subsequent meeting. At the conclusion of an item of business, after three hours have elapsed, a vote will be taken by a simple majority to continue for the final hour.
- 5.4 The proposed new wording to Procedure Rule 9 in Part D of the Constitution is to read as follows:
- 5.5 *"The maximum duration of one sitting of a meeting (excluding any comfort breaks) will be as shown below. When the time limit is reached the current agenda item will be completed in the normal way. Any subsequent business will fall or may be reschedule to a later meeting or the meeting may be adjourned (to conclude on a different date).*
- Council – four hours**
- Cabinet – four hours**
- Audit Committee – three hours*
- Overview and Scrutiny Committee – three hours*
- Planning and Licensing Committee – no maximum duration*

**For Council and Cabinet, at the conclusion of an item of business, after three hours have elapsed, a vote will be taken by a simple majority to continue for the final hour”.*

6. ALTERNATIVE OPTIONS

- 6.1 Members are advised to adopt the recommendations for the reasons outlined in the main body of the report.

7. FINANCIAL IMPLICATIONS

- 7.1 There is an annual allowance of £1,000.00 each for independent members on Audit Committee which is included in the Members’ Allowances Scheme and can be accommodated within existing budgets.

8. LEGAL IMPLICATIONS

- 8.1 Full Council, through its responsibilities as set out in the Constitution, recognises the requirement to observe specific requirements of legislation and the general responsibilities placed on the Council by public law, but also accepting responsibility to use its legal powers to the full benefit of the citizens and communities in its area.
- 8.2 Section 5(1) Local Government and Housing Act 1989 requires the Council to appoint an Officer as the Council’s Monitoring Officer and gives that Officer personal responsibility for a number of functions as set out in the Protocol.

9. EQUALITIES IMPACT

- 9.1 This will be considered as part of the selection process.

10. 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:
- Full Council 16.11.2022, report titled “Draft Programme of Meetings 2023-24”
 - Full Council: 18.01.2023, report titled “Peer Review”.
 - Audit Committee: 26.01.2023, report titled “Peer Review – Governance Recommendations & Action Plan
 - Audit Committee 26.01.2023 and Overview and Scrutiny (work planning session) 01.03.2023, report titled “Referral from Council - Time limit for Overview and Scrutiny Committee and Audit Committee”
 - Council’s Constitution (available on the Cotswold.gov.uk website).

- CIPFA Guide: “The audit committee member in a local authority” (2022)

10.2 These documents will be available for inspection online at www.cotswold.gov.uk or by contacting democratic services democratic@cotswold.gov.uk for a period of up to 4 years from the date of the meeting.

(END)

This page is intentionally left blank



Draft Recruitment Pack

Independent Member of Cotswold District Council's Audit Committee

Contents

1. Advertisement
2. Personal Specification
3. Terms of Reference of the Audit Committee
4. Recruitment Process
5. Application Form

Advertisement

Vacancy for Independent Member of the Audit Committee

The Council is looking for two local people, unaffiliated to the Council's political groups and with no connection with the Council, to sit on our Audit Committee. The Audit Committee provides challenge and assurance on the Council's control environment, mainly focusing on risk and financial issues, to support the Council in ensuring that it is well managed and able to deliver its priorities.

The Committee meets between four and six times a year (usually a Thursday afternoon at 5pm). You will sit with elected councillors and bring an informed and independent perspective to the Committee.

This is a role which carries public responsibility. You'll have the chance to make a meaningful and positive contribute to the residents of the district. You should be a person with experience of working in an organisation at a senior level or have other experience which would give similar experiences. Financial management experience (accountancy, audit or management of a large budget) would be advantageous.

You will be appointed for a four year term and the position may be extended for a further 6 months to align to the municipal cycle.

In order to be eligible to apply for the position, applicants must not:

- Be a councillor or officer of the Council or have been so in the preceding five years prior to appointment
- Be related to, or a close friend of, any councillor or officer of Cotswold District Council.
- Have been convicted of any offence.
- Be an undischarged bankrupt
- Have significant business dealings with the Council
- Have a formal connection with any political group
- Have a proven history of vexatious and/or frivolous complaints against Cotswold District Council
- Be in arrears with council tax, business rates or have other outstanding debts owing to the Council

You will not be the holder of a significant office in an organisation being grant aided/supported by Cotswold District Council. If you are interested in becoming an Independent Member of the Audit Committee, please apply by completing the application form.

We welcome candidates from diverse backgrounds and experiences.

There is an annual allowance of £1000 for the role. You can also view an information pack about the role.

The closing date for applications is xxx (date)

For more information or an informal discussion, please contact Angela Claridge, Director of Governance and Monitoring Officer or David Stanley, Deputy Chief Executive and Section 151 Officer by email on angela.claridge@cotswold.gov.uk or david.stanley@cotswold.gov.uk

Personal Specification

Qualifications and Experience

You will be a person who has experience of working in a medium / large organisation at a senior level or other experience which would give similar benefits.

Financial management experience (accountancy, audit or management of a large budget) would be advantageous.

A local connection is desirable but not essential (for example, reside in the District, carry out the main part of your work in the Borough or have other recognisable ties to the area.)

Skills

You will have:

- an ability to understand complex issues and the importance of accountability and probity in public life
- an ability to analyse and question written and verbal reports on audit and risk management activities
- an understanding of the need for independence of audit from daily management responsibilities
- an ability to demonstrate integrity and discretion
- effective interpersonal skills
- be able to maintain strictest confidentiality of sensitive information

Knowledge

All members of the Audit Committee should have, or should acquire as soon as possible after appointment:

- An understanding of the priorities, objectives and key activities of the Council and current major initiative and significant issues for the Council
- An understanding of the Council's structures and responsibilities, including key relationships with partners, businesses and organisations
- An understanding of the organisation's culture
- An understanding of any relevant legislation or other rules governing the organisation
- An understanding of corporate governance arrangements in place across the Council
- An understanding of the governance environment generally
- An understanding of risk management

Other

You must agree to abide by the provisions of the Code of Conduct while serving on the Committee.

You must not:

- Be a councillor or officer of the Council or have been so in the preceding five years prior to appointment
- Be related to, or a close friend of, any councillor or officer of Cotswold District Council.
- Have been convicted of any offence. The Council has the right to DBS check any independent committee members.
- Be an undischarged bankrupt
- Have significant business dealings with the Council
- Have a formal connection with any political group
- Have a proven history of vexatious and/or frivolous complaints against Cotswold District
- Be the holder of a significant office in an organisation being grant aided/supported by Cotswold District Council

Functions, Powers & Responsibilities

Of the Audit Committee

Membership: 7 councillors reflecting political balance and two independent members.

- (a) consider the Assistant Director of the Internal Audit Service annual report and a summary of the internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements, including an opinion on the overall adequacy and effectiveness of the Council's internal control environment;
- (b) consider summaries of specific internal audit reports, quarterly;
- (c) consider an annual report on the performance of the internal audit service and review the effectiveness of the service in accordance with the Accounts and Audit Regulations;
- (d) consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- (e) consider the external auditor's annual letter, relevant reports, and the report of those charged with governance;
- (f) consider specific reports as agreed with the external auditor;
- (g) comment on the scope and depth of external audit work and to ensure it gives value for money;
- (h) monitor the effective development and operation of risk management and corporate governance;
- (i) consider summaries of specific risk management reports, quarterly;
- (j) monitor Council policies on whistleblowing, the counter fraud and anti-corruption policy and the Council's complaints process;
- (k) oversee the production of the authority's 'Annual Governance Statement' and recommend its adoption;
- (l) consider the Council's arrangements for corporate governance and recommend the necessary action to ensure compliance with best practice;
- (m) consider the Council's compliance with its own published standards and controls;
- (n) review and approve the annual statement of accounts - including to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;
- (o) consider the external auditor's report on issues arising from the audit of the accounts;
- (p) commission work from internal and external audit;
- (q) review any issues referred to it by the Council's statutory officers or any Council body;
- (r) to require the Chief Executive or other officer to attend and be questioned on audit, risk management and corporate governance matters relating to their roles and responsibilities;
- (s) to call expert witnesses from outside the Council to give advice on matters under review or discussion.

- (t) to discharge powers under section 101 of the Local Government Act 1972 acting as a Sub-Committee of the Council for Statement of Auditing Standards (610) purposes.
- (u) to approve the Internal Audit Plan, receive reports on progress and as a consequence approve any material changes to the plan.

The Audit Committee also has a role in relation to Conduct/Standards Matters.

(a) To formulate and keep under review a code of conduct to promote high ethical standards amongst Officers and to do anything that is calculated to promote and maintain high standards of conduct by Officers.

(b) To promote maintain and assist the achievement of high standards of conduct by Members in accordance with the Council's Code of Conduct for Members.

- To monitor the operation of the Code of Conduct for Members
- To advise the Council on any amendment or revision of the Code
- To secure adequate and appropriate training of Members on the Code of Conduct for Members.
- To give general guidance and advice to Members on Members' interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer.
- To give general guidance and advice to Members and employees on gifts and hospitality.

(c) To conduct hearings following any formal investigation into an allegation that a Member of the Council has failed or may have failed to comply with the Council's Code of Conduct for Members; and assist the Monitoring Officer to determine, in consultation with an independent person, if this is the case and whether, in the case of a breach, any of the following sanctions should be imposed:

- Censure;
- Report to Council;
- Recommend actions to the Leader of the Council;
- Recommend actions to Group Leader;
- Removal from Outside Bodies;
- Withdrawal of facilities, such as Council email/website/internet access;
- Exclusion for the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub- Committees and/or nominating a single point of contact;
- Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.

(d) To set up when necessary an interview panel comprising representatives of each political group, and a non-aligned member (if there are any), to shortlist and interview candidates for the role of Independent Person; and to recommend successful candidates to the Council to be chosen by a majority of Councillors

Recruitment Process

- Application submission deadline **[date]**
- Applications will be considered and a shortlist of candidates for interview will be produced.
- Interviews will take place. This may involve other assessments, tests or activities.
- Recommendation for appointments presented to Full Council for decision

Application form

COTSWOLD DISTRICT COUNCIL

APPLICATION FOR THE POST OF INDEPENDENT MEMBER

Personal Details

Name:

Address:

Home Telephone:

Work Telephone:

Mobile:

Email:

Please read the **Person Specification** before completing this form.

Are you currently, or have you been at any time in the past five years, a member of Cotswold District Council or any other local authority?

Yes/No

If yes, please state which Council and give dates.

Are you a paid-up member of a political party?

Yes/No

If yes, please give details.

Are you currently, or have you been at any time in the past five years, employed by Cotswold District Council or any other local authority?

Yes/No

If yes, please state which Council and give dates.

Are you the subject of a Bankruptcy Restrictions Order or Interim Order?

Yes/No

Do you have any convictions that remain unspent?

Yes/No

If yes, please enclose details.

Have you ever been convicted or disqualified for any corrupt electoral practices?

Yes/No

If yes, please enclose details.

Are you a relative or close friend of a Councillor or employee of Cotswold District Council?

Yes/No

If yes, please give details.

QUALIFICATIONS AND WORK EXPERIENCE

Please provide brief details of any professional or academic qualifications, any work experience and/or any roles relevant to the role of an independent member?

SKILLS, KNOWLEDGE, ABILITIES AND PERSONAL QUALITIES

<p>Please briefly explain how you feel you fulfil the role profile for this post.</p>

Please give the names and addresses of two referees	
1.	2.

I confirm that the information given in this application is correct.

Signed :

Date:

Please return this form to xxx (insert contact details)

DRAFT MONITORING OFFICER PROTOCOL (V2)

1.0 The Monitoring Officer

The Monitoring Officer is responsible for ensuring that the Council and its Members act lawfully, do not cause maladministration, and comply with the Code of Conduct for Members. The Monitoring Officer is the Council's primary source of advice on all legal issues, and to Members on their legal obligations but also has specific statutory duties, such as investigating complaints of Member misconduct and making public report to the Council in cases of illegality.

The purpose of this protocol is to enable Members to make use of the Monitoring Officer's ability to provide them with practical advice on legality and conduct, by setting out how the Monitoring Officer will carry out their functions.

2.0 Introduction

The Council recognises that an effective Monitoring Officer, positively engaged in the discharge of the Council's business, is essential to the effective running and sound governance of the Council.

Section 5(1) Local Government and Housing Act 1989 requires the Council to appoint an Officer as the Council's Monitoring Officer and gives that Officer personal responsibility to:

- Report on actual, and anticipated, illegality within the Councils;
- Report cases where the Ombudsman has found maladministration on the part of the Council;
- Maintain the Register of Members' Interests; and
- Administer, assess and investigate complaints to Members' misconduct.

The law does not prescribe exactly how the Monitoring Officer is to carry out these functions. Therefore, this protocol describes the manner in which the Council expects the Monitoring Officer to discharge these functions and how it expects Officers and Members to co-operate with the Monitoring Officer in order to enable them to discharge these functions effectively.

3.0 Appointment

The Monitoring Officer is appointed by Council, and may or may not be an employee of Cotswold District Council. Where the Monitoring Officer is an employee of the Council and leaves that employment, they automatically cease to be the Monitoring Officer for the Council. The Council may appoint an Officer as Interim Monitoring Officer pending a permanent appointment.

The Monitoring Officer is a Statutory Chief Officer in line the Constitution and is a direct report of the Chief Executive. Their appointment must therefore be made in accordance with the Officer Employment Procedure Rules in the Constitution.

4.0 Personal Responsibility

The Monitoring Officer is required to carry out the statutory functions of their post personally, with the exception that:

- The Monitoring Officer, (not the Council), will nominate an Officer as Deputy Monitoring Officer, with the power to act as Monitoring Officer where they are unable to act as a result of absence or illness; and
- In respect of the obligations relating to alleged breaches of the Members' Code of Conduct, the Monitoring Officer may arrange for any person to perform all or any of their functions, for example by delegating internally or by instructing an external lawyer to conduct a particular investigation.
- Whilst the statutory functions are personal to the Monitoring Officer, they may arrange for any Officer to assist them in the discharge of any non-statutory functions.

5.0 Functions

The functions of the Monitoring Officer are as follows:

5.1 Statutory Functions

- To report to the Council in any case where they are of the opinion that any proposal, decision or omission by the Council or any of its Committees, Sub-Committees, or any Member or Officer, has given rise to, or is likely to give rise to any illegality, in accordance with section 5(2)(a) Local Government and Housing Act 1989.
- To report to the Council in any case where the Ombudsman, after investigation, has reported that any proposal, decision or omission by the Council or any of its Committees, Sub-Committee, or any Member or Officer, has given rise to maladministration or injustice, in accordance with section 5(2)(b) Local Government and Housing Act 1989.
- To maintain the Register of Member's Interests in accordance with section 81(1) Local Government Act 2000 and section 29 Localism Act 2011.
- To administer, assess and investigate complaints of allegations of breach of the Members' Code of Conduct, in accordance with the Localism Act 2011.

5.2 Non-Statutory Functions

- Ensure that the Council has effective governance arrangements in place
- Providing an effective, robust and ongoing programme of elected member training and development
- Contribute to the corporate management of strategic risks;

- Provide and lead effective scrutiny of the Council
- To monitor and uphold the Constitution
- To act as advisor to the Council and the Cabinet
- To act as advisor to the Standards Sub-Committee, in particular when sitting as a Local Hearing Panel, to determine allegations of breach of Code of Conduct
- To provide advice to Members on conduct and ethics matters generally
- To consult regularly with the Chief Executive, the Chief Finance Officer and Auditors to identify areas where the probity of the Council can be improved or better protected and to take appropriate action.
- To investigate any applications for dispensation from a Member and to report and recommend to the Council as appropriate
- To report to the Council on resources which they consider they require for the discharge of their functions

6.0 Advice and Decisions

The Monitoring Officer's responsibilities fall into 3 distinct categories:

6.1 Advice

A Member may seek advice from the Monitoring Officer, for example concerning their interests. The Monitoring Officer will provide their advice but ultimately it is for the individual Member to take their own decision as to their conduct in the light of that advice.

6.2 Decisions

Where the proposal, action or omission would cause the Council to act unlawfully, the Monitoring Officer may be required to decide whether there is any illegality that they are required to report to Council which would have the effect of suspending implementation of the action or decision until their report has been considered.

6.3 Advice and Decision

In some case, for example a Member conduct matter, the Monitoring Officer may be obliged to advise a Member whilst also being required to take action as Monitoring Officer.

7.0 Seeking the Advice of the Monitoring Officer

The Monitoring Officer will be most effective if they are able to advice on any issue at an early stage of policy formulation or implementation. Officers and Members should therefore routinely consult the Monitoring Officer in respect of new policy proposals and action programmes.

Members and Officers of the Council may consult the Monitoring Officer in confidence in respect of any proposal, decision or omission. Wherever possible, the Monitoring Officer will seek to avoid any illegality or maladministration by identifying alternative means of achieving the objective or rectifying any deficiency. The Monitoring Officer will only make a report on illegality public where the relevant Officer or Member progresses the matter

despite having been advised not to by the Monitoring Officer. Before reporting to Council on any illegality or maladministration, the Monitoring Officer will consult with the Chief Executive and Chief Finance Officer.

The Monitoring Officer is responsible for advising Members on conduct and ethics matters and any Member can seek the confidential advice of the Monitoring Officer about their own position. Subject to any conflict of interest with the Council, the Monitoring Officer will advise whether in their view the conduct would amount to a breach of the Code, and will not disclose that advice unless required to do so by law or as part of an investigation into an alleged breach of the code. Members are encouraged to seek the advice of the Monitoring Officer concerning the conduct of another Member, prior to making a formal complaint, and they should do so in writing. The Monitoring Officer may make contact with the Member complained of, before responding.

8.0 Investigation

The Council expects the Monitoring Officer to investigate matters which give them concern as to possible illegality, maladministration or breach of code of conduct.

Where the Monitoring Officer is considering a complaint of a breach of the code of conduct they will follow the Council's procedures and arrangements set out for the assessment and investigation of such complaints.

Where the Monitoring Officer considers a complaint of illegality or maladministration and determines that the proposal, act or omission does, or would, give rise to maladministration or illegality, they shall seek to agree an alternative and lawful course of action and/or make a statutory report.

Upon receiving any complaint of illegality, maladministration or breach of the code of conduct, the Monitoring Officer will, where appropriate, seek to resolve the matter amicably and informally, but there may be circumstances where the matter is not appropriate for local resolution, is incapable of so being resolved, or if of such seriousness that a statutory report is the only appropriate response.

9.0 Reporting

Where the Monitoring Officer is of the opinion that illegality or maladministration has occurred or will occur, they will, after consulting with the Chief Executive and Chief Finance Officer, report to Council. Alternatively, to negate the need for a separate statutory report, they are also able to add their written advice to the report on the matter by any other Council officer, and/or to provide oral advice at any meeting of the Council.

10.0 Advice to Individual Members

Wherever possible the Monitoring Officer will provide advice to individual Members to support them in the discharge of their responsibilities as a Councillor. The Monitoring

Officer will not however provide advice to a political group of the Council. The Monitoring Officer is designated as statutory officer to the Council, rather than to any individual Member or group of Members. Where the Monitoring Officer considers that providing advice to a Member is incompatible with their role as advisor to the Council, they may decline to provide such advice but can, at their discretion, secure such advice from an independent source at the Council's expense.

11.0 Monitoring and Interpreting the Constitution

The Monitoring Officer will monitor, and review on a regular basis, the effectiveness and operation of the Council's constitution so as to ensure that the aims and principles of the Constitution are given full effect and that the Constitution enables the Council to discharge its functions effectively.

In order to conduct such monitoring and review, the Monitoring Officer may:

- Consult any Member or Officer, other organisations and stakeholders
- Observe meetings of Members and/or Officers at any level
- Undertake an audit trail of a sample of decisions;
- Record and analyse issues raised with them by Members, Officers, the public or stakeholders
- Compare practices in this Council with those in other comparable authorities, or national examples of best practice
- Consider any relevant reports and recommendations of the Auditors and other regulatory agencies.

The Monitoring Officer will maintain an up to date copy of the Constitution and ensure that it is accessible to Members, Officers and the public and will make such amendments to the Constitution as are necessary to reflect changes of law, decisions made by Council and any other minor and consequential amendments.

The Monitoring Officer is responsible for advising on the interpretation of the Constitution.

12.0 Resources

The Council is required by statute to provide the Monitoring Officer with the resources which they consider are necessary for the fulfilment of their statutory duties.

For the purpose of carrying out their functions, the Monitoring Officer shall be provided with the following resources:

- The right of access to all documents and information held by or on behalf of the Council;
- The right of access to any meetings of Members or Officers of the Council, other than political group meetings;
- The right to require any Officer or Member of the Council to provide an explanation of any matter under investigation;

- A right to report to the Council and to the Executive, including the right to present a written report and to attend and advise verbally;
- The right of access to the Chief Executive and the Chief Financial Officer;
- The right, following consultation with the Chief Executive and the Chief Financial Officer, to notify the Police, the Council's auditors and other regulatory agencies of their concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;
- The right to obtain legal advice at the Council's expense from an independent external source.

13.0 Town & Parish Councils

The Monitoring Officer provides:

- advice and training to Town and Parish Members in relation to the operation of the Code of Conduct;
- resources for investigations into allegations of a breach of the Code of Conduct by a town or parish councillor.

The Monitoring Officer is not responsible for carrying out other town or parish council functions. These are undertaken by each respective town or parish councils' Proper Officer appointed under SI 12 of the Local Government Act 1972.



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 15 MARCH 2023
Subject	AWARD OF CONTRACTS FOR THE MANAGEMENT OF THE COUNCIL'S LEISURE AND CULTURE FACILITIES
Wards affected	All
Accountable member	Cllr Jenny Forde - Cabinet Member for Health & Wellbeing Email: jenny.forde@cotswold.gov.uk
Accountable officer	Scott Williams - Business Manager (Contracts) Email: scott.williams@publicagroup.uk
Report author	Rachel Biles - Strategic Project Lead (Leisure) Email: rachel.biles@publicagroup.uk
Summary/Purpose	To seek authority to award a contract for; a. the management of the Council's leisure facilities b. the management of the Council's culture facilities
Annexes	<ul style="list-style-type: none"> ● Annex A - Project timeline. ● EXEMPT Annex B - (i) Leisure Contract Invitation to Submit Revised Tender documentation. ● EXEMPT Annex B - (ii) Culture Contract Invitation to Submit Revised Tender documentation. ● EXEMPT Annex C - (i) Leisure Invitation to Submit Revised Tender (ISRT) Evaluation Scorecard, (ii) Culture Invitation to Submit Revised Tender (ISRT) Evaluation Scorecard. ● EXEMPT Annex D1 - (i) Leisure preferred bidder fee proposal, (ii) Culture preferred bidder fee proposal and impact on revenue budget. ANNEX D2 - (i) All bidders fee proposal for leisure, (ii) All bidders fee proposal for culture. ● EXEMPT Annex E - Legal terms of the procured Leisure and Culture Contract. ● EXEMPT Annex F - Bidders Information.
Recommendation(s)	<i>That, subject to the decision of Cabinet on 13 March 2023, Council resolves to:</i>

	<ol style="list-style-type: none"> 1. Agree to award the Leisure Management Contract to the preferred bidder set out in EXEMPT Annex C (i). 2. Agree to award the Culture Management Contract to the preferred bidder set out in EXEMPT Annex C (ii). 3. Delegate authority to the interim Head of Legal Services for Contract finalisation. 4. Delegate authority to Deputy Chief Executive and s151 Officer, in consultation with the Cabinet Member for Health and Wellbeing and Leadership and Management Team (Chief Executive, Deputy Chief Executive and Director of Governance and Development), to accept capital investment proposals set out in preferred bidder's Leisure tender submission. 5. Notes the position set out in paragraph 5.6 for the mobilisation period and in the early process of embedding the new contracts.
Corporate priorities	<ul style="list-style-type: none"> • Deliver the highest standard of service • Respond to the climate crisis • Support health and wellbeing • Enable a vibrant economy
Key Decision	Yes
Exempt	<ul style="list-style-type: none"> • Main report - NO • Annex A - Project timeline - NO • EXEMPT Annex B (i) & (ii); Leisure and Culture Invitation to Submit Revised Tender documentation - YES • EXEMPT Annex C (i) & (ii); Leisure Invitation to Submit Revised Tender and Culture Invitation to Submit Revised Tender scorecards respectively - YES • EXEMPT Annex D1 (i) & (ii); Proposed bidders for Leisure and Culture Contract fee proposals respectively, Annex D2 (i) & (ii); All bidders fee proposal for leisure and Culture respectively - YES • EXEMPT Annex E; Legal terms of the procured Leisure and Culture Contract - YES • EXEMPT Annex F - Bidders information - YES
Consultees/ Consultation	<p>Overview and Scrutiny Committee, Cross party Leisure and Cultural Provision Working Group (Cllr. Jenny Forde, Cllr. Nigel Robbins, Cllr. Nick Maunder, Cllr. Gary Selwyn, Cllr. Stephen Andrews, Cllr. Ray Theodoulou, Cllr. Stephen Hirst, Cllr. Richard Norris), Leadership and Management Team (Chief Executive, Deputy Chief Executive, Director of Governance and Development, Publica Managing Director, Publica Group</p>

	Finance Director).
--	--------------------

I. BACKGROUND

- I.1 In March 2021, the Council's Strategic Outcomes Planning Model (Active Cotswolds) was adopted and authority granted to undertake a leisure management options appraisal, to determine the most suitable delivery model, contract scope and contract terms for the Council's leisure facilities - [Minutes of a meeting of Cabinet held on Monday, 1 March 2021](#)
- I.2 Leisure consultants Max Associates were appointed to undertake the options appraisal on behalf of the Council. To support this process a cross party Leisure and Cultural Provision Working Group was established. The purpose of the working group was to help determine the best delivery model for the provision of sustainable leisure and cultural activities, provided in Council owned and operated facilities. The working group was involved in identifying the key drivers for the new contracts via a paired comparison exercise and also supported the review of the options appraisal findings and potential bidders soft market testing.
- I.3 In May 2022, the Cabinet granted authority for officers to commence procurement exercises for the appointment of a Leisure Management Contractor, and a Culture Management Contractor for the operation of the Council's leisure and cultural facilities - [Minutes of a meeting of Cabinet held on Monday, 9 May 2022](#)
- I.4 As part of the procurement exercise, a commitment was given to provide the Overview and Scrutiny Committee with key updates on the procurement process and timeline. Updates were provided at the October 2022 and February 2023 Committee meetings - [Minutes of a meeting of Overview and Scrutiny Committee held on Tuesday, 4 October 2022](#) and [Minutes of a meeting of Overview and Scrutiny Committee held on Wednesday, 1 February 2023](#)
- I.5 A Project Board was established to oversee the procurement, which included the Cabinet Member for Health and Wellbeing, Senior Officers from the Council and Publica, South West Audit Partnership (SWAP), legal advisors Trowers & Hamlin and leisure consultants Max Associates. Alongside the board was a project team, which also acted as the evaluation panel for bids received. This consisted of core Council officers, leisure consultants Max Associates and legal advisors Trowers and Hamlin, plus several other specialist officers (Community Wellbeing, Climate Action, Tourism Services, Assets and Council Priorities) who evaluated specific method statements.
- I.6 Leisure Consultants Max Associates, who provided valuable support with the Leisure and Culture Management Option Appraisal, were also commissioned to support the procurement process as project coordinators.

- 1.7 The Leisure Management Contract (herein referred to as the 'Leisure Contract') is the operation of Cirencester Leisure Centre, Bourton on the Water Leisure Centre and Chipping Campden Leisure Centre. The Culture Management Contract (herein referred to as the 'Culture Contract') is the operation of the Corinium Museum, Cirencester and the Resource Centre, Northleach.
- 1.8 The development of the Leisure Contract utilises the industry standard Sport England's template for a Leisure Operating Contract. Within the Contract sits the Service Specifications which provide details of the Council's requirements and performance standards in respect of the various elements of the services. The Specifications are largely output based, therefore the Council will be adopting a Performance Monitoring System to ensure that the service outcomes it requires are met and adhered to, and that continuous improvement is achieved throughout the Contract period. This will ensure that a high quality service is being delivered and also enables the Council to demonstrate the measurable contribution the services are having to the Council's outcomes.
- 1.9 The development of the Culture Contract utilises the current Management Contract as a base document. This contract has been further refined to enhance and rationalise its existing structure and definitions, to capture the outcomes and requirements of the Council. The Council's requirements are set out in the Services Specification and the Council will be adopting a Performance Monitoring system to ensure that the service outcomes are met and adhered to. Contract Monitoring is included in the Specification to ensure that continuous improvement is achieved and close partnership working implemented.
- 1.10 Following the Commissioning and Procurement Board in July 2022, it was agreed that both procurements would follow a competitive procedure with negotiation processes and the contract term would be 10 years for both contracts commencing on 1st August 2023, with the option included to extend for up to a further 5 years on each contract. The extension option will be available at the Council's discretion, and will be subject to the established terms and conditions from the contract.
- 1.11 The procurement process for both the Leisure and Culture Contracts commenced on 2nd September 2022, with the publication of the notice within the Official Journal of European Union (OJEU) - please refer to Annex A for detailed project timeline.

2. MAIN POINTS

- 2.1 The procurement process consisted of several stages; OJEU Notice and Standard Selection Questionnaire, Invitation to Submit Initial Tender and negotiation, Invitation to Submit Revised Tender followed by preferred bidder and Contract award.

OJEU and Standard Selection Questionnaire (SSQ)

- 2.2 The Council invited expressions of interest through a SSQ from organisations wishing to enter into a contract with the Council for the provision of the services. This stage was designed as an initial assessment to identify and shortlist suitable potential candidates.
- 2.3 Six leisure organisations expressed an interest in the Leisure Contract at the SSQ stage and two organisations for the Culture Contract. Following assessment (suitability, economic and technical) one contractor was excluded and another subsequently withdrew from the leisure contract. Therefore four contractors were taken through to Invitation to Submit Initial Tender for leisure and two for culture.

Invitation to Submit Initial Tender (ISIT)

- 2.4 This stage applied to Candidates who were shortlisted from the SSQ phase. The full tender stage involved candidates submitting detailed and fully priced responses and method statements. Following evaluation the Council entered into negotiation with candidates, particularly around their capital investment and business viability proposals, in order to inform the Council's requirements for the revised tenders.
- 2.5 The ISIT submissions were received on 9th January 2023. All those invited to the ISIT stage submitted a bid. These were assessed by the evaluation panel on commercial impact (management fee, capital investment and legal markup (amendment or suggested changes to Contract)) and quality (contribution to strategic objectives, social impact, environmental management, research and intelligence), see table 1 and 2 below for weightings.
- 2.6 For the Leisure Contract the commercial and quality assessment of submissions resulted in a scoring range from 52.99% - 71.50%. As a consequence the lowest scoring candidate was not invited to submit a revised tender; the de-selected candidate's commercial submission would have resulted in a significant cost to the Council and furthermore the assessment of the quality method statements only met or partially met the evaluation criteria set out in the ISIT documents. Therefore three contractors were taken through to the revised tender stage for leisure.
- 2.7 The culture submission assessment of commercial and quality responses presented an overall scoring range of 55.15% - 66.50%. This meant both candidates were invited through to the revised tender stage.

Invitation to Submit Revised Tender (ISRT)

- 2.8 Following negotiation candidates were invited to submit revised tenders in response to the Council's agreed requirements- See EXEMPT Annex B (i) and (ii) for the Leisure and Culture Invitation to Submit Revised Tender documentation.
- 2.9 The ISRT submissions were received on 17th February 2023. All those invited to the ISRT stage submitted a bid. These were then re-assessed by the evaluation panel utilising the same evaluation criteria and weightings, from the ISIT stage as set out in tables 1 and 2 below, which were established using feedback from the cross party Leisure and Cultural Provision Working Group paired comparison exercise.

Table 1: Leisure Invitation to Submit Initial Tender and Invitation to Submit Revised Tender evaluation criteria and weightings

Evaluation Criteria and Weightings	% weighting
Price / commercial	
1 Management Fee	25%
2 Capital investment proposals	15%
3 Viability of business plan	5%
4 Acceptance of commercial terms and conditions	5%
	50.00%
Quality	
1 Delivering Strategic Objectives	20%
2 Social and economic benefits	10%
3 Environmental Management	10%
4 Research, intelligence, and product development	10%
	50.00%
	100.00%

Table 2: Culture Invitation to Submit Initial Tender and Invitation to Submit Revised Tender evaluation criteria and weightings

Evaluation Criteria and Weightings	% weighting
Price / commercial	
1 Subsidy Payment	25%
2 Commercialisation and ability to reduce subsidy	15%
3 Grant funding	5%
4 Acceptance of commercial terms and conditions	5%
	50.00%
Quality	
1 Delivering Strategic Objectives	10%
2 Commercial approach to developing services and assets	10%
3 Staff and volunteering	10%
4 Retail and catering	10%
5 Research, intelligence, and product development	10%
	50.00%
	100.00%

- 2.10 The evaluation panel was satisfied that all organisations complied with the tender process for both the Leisure and Culture Contracts.

Preferred bidder / Award of Contract

- 2.11 Following evaluation, preferred bidders for each Contract have been identified. Those identified are the most economically advantageous Tenders for the Council in line with the evaluation criteria set out in the Tender documentation.
- 2.12 Please see EXEMPT Annex C (i) Leisure Invitation to Submit Revised Tender scorecard and (ii) Culture Invitation to Submit Revised Tender scorecard, for final scores, rankings and preferred bidders for both contracts.
- 2.13 Following a Council decision to award the contracts, a contract award notification letter will be issued to all operators and a mandatory ten day (calendar days) standstill period will be observed. Unsuccessful bidders will be offered feedback detailing why their bid was unsuccessful. This will be followed by a contract mobilisation period to establish and embed the new Contracts, prior to a Contract go live date on 1st August 2023.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 That Cabinet recommends that Council resolves to enter into a contract with the Leisure Contract preferred bidder for the operation and management of the Council's leisure facilities, as set out in EXEMPT Annex C (i) Leisure Invitation to Submit Revised Tender scorecard, and resolves to enter into a contract with the culture contract preferred bidder for the operation and management of Council's culture facilities, as set out in EXEMPT Annex C (ii) Culture Invitation to Submit Revised Tender scorecard. And, delegate authority to the interim Head of Legal Services for Contract finalisation.
- 3.2 Within the Leisure Contract Invitation to Submit Revised Tender documentation - see EXEMPT Annex C (i), candidates were requested to submit capital investment proposals for the £1.2m investment which the Council has allocated to leisure centre improvements in the capital investment programme. It is recommended that Cabinet delegates authority to the Deputy Chief Executive and s151 Officer, in consultation with Cabinet Member for Health and Wellbeing and the Leadership and Management Team (Chief Executive, Deputy Chief Executive and Director of Governance and Development), to accept the capital investment proposals as set out in the preferred bidder's tender submission.

4. ALTERNATIVE OPTIONS

- 4.1 The Council is under no obligation through the procurement process to accept any tender or any part of any tender and reserves the right to cancel this procurement at any time and the Council shall not be liable for any losses, damages, costs, expenses, or other sums whatsoever to any of the bidders.
- 4.2 Council could decide not to support the key recommendation above, should this be the decision the procurement process will require restarting and the current contract expiry date of July 2023 would be surpassed. This would introduce significant risk in terms of ongoing provision of leisure and cultural services, and the Council would have to consider the future of its Leisure and Culture Services.

5. FINANCIAL IMPLICATIONS

- 5.1 EXEMPT Annex D (i) and (ii) sets out the preferred bidders fee proposal for the Leisure and Culture Contracts respectively and the impact on the revenue budget.
- 5.2 As part of the budget setting process for 2023/24, the draft Revenue Budget and Medium Term Financial (MTFS) considered by Cabinet in November 2022, included an additional £300,000 of revenue budget recognising uncertainty, cost and income pressures in the procurement of the new leisure and culture contracts. Council approved the 2023/24 Revenue Budget and MTFS at their meeting on 15 February 2023, which confirmed this provision to ensure the Council could agree a new contract for the Council's Leisure Centres and Corinium Museum in March 2023.
- 5.3 During the procurement process the Council communicated to all bidders the position around affordability over the contract term and the impact of any management fee profile bidders had submitted.
- 5.4 The Council's position was for bidders to understand how the profile of the fee would impact on the Council's financial resilience over the MTFS period. A higher fee in the initial years of the contract period would draw more heavily from the Financial Resilience Reserve than forecast in the MTFS. This would, by consequence, bring forward the point at which the reserve is fully depleted from 2026/27 and pose a risk to the Council's financial sustainability other things being equal.
- 5.5 To summarise, taking account of the financial analysis completed and scoring of the tenders received for the Leisure and Culture Contracts, the tenders submitted by the preferred bidders provides the best value to the Council and meets or exceeds the contract outcomes.
- 5.6 It is imperative that the Council supports the mobilisation phase to establish and embed the new Leisure and Culture Contract requirements. The Council's Section 151 Officer has confirmed that the Financial Resilience Reserve can be utilised to ensure adequate resources

are available during this period and in the early process of embedding the new delivery requirements of the new contracts. Expenditure and commitments in respect of this activity will be reported to Cabinet through the regular Financial Performance reports.

6. LEGAL IMPLICATIONS

Legal powers to enter into Leisure and Culture Contracts

- 6.1 The Council has the power to enter into the contracts. The powers include, in respect of the Leisure Contract, section 19 of the Local Government (Miscellaneous Provisions) Act 1976 which allows a local authority to provide such recreation facilities as it thinks fit. In respect of the Culture Contract section 12 of the Public Libraries and Museums Act 1964 allows the Council to provide and maintain museums and art galleries within its administrative area or elsewhere in England or Wales, and may do all such things as may be necessary or expedient for or in connection with the provision or maintenance thereof. Additionally s.1 of the Local Government (Contracts) Act 1997 gives power to enter into contracts to discharge the Council's functions.

Procurement process

- 6.2 The Council has conducted a procurement process in accordance with the requirements of the Public Contracts Regulations 2015 (as amended), and has identified preferred bidders to enter into the Leisure and Culture Contracts in accordance with the process explained in this and the accompanying Exempt Annex C (i) and (ii).
- 6.3 The Council has elected to procure the preferred bidders to both contracts pursuant to the Competitive Procedure with Negotiation, and the Council should therefore note that it is not permitted to negotiate any further on the principle terms of the Leisure or Culture Contract once it has identified the preferred bidders. It is important therefore for the Council to be satisfied as to the terms upon which the preferred bidders will contract with the Council, as set out in EXEMPT Annex E.

7. RISK ASSESSMENT

- 7.1 There is a risk that the preferred bidders fail to achieve the level of surplus/deficit predicted in their tender returns. In mitigation, the Contracts will be signed under seal which will commit the preferred bidders to the financial terms of their tender regardless of the marketplace fluctuations. The residual risk in these circumstances will therefore be mitigated by the ability to hold the preferred bidders to deliver the full life of the 10 year Contracts.
- 7.2 During the mandatory 10-day standstill period, any unsuccessful bidders could potentially challenge the contract award. Should this happen, all pre contract award discussions must

pause until any challenge has been successfully dealt with. This could potentially have a knock on effect to the contract go live date. However, it should be noted that the Procurement team is confident that an open, fair, transparent and robust procurement process has been conducted; meaning the risk of challenge is deemed low.

- 7.3 In the unlikely event the preferred bidder does not enter into contract, the Council will be required to go back out to the market to conduct a new procurement process. This is deemed a low risk as all operators have been fully engaged and keen throughout the procurement exercise.
- 7.4 Following the Contract award there will be a four month mobilisation period to establish and embed the new Contract requirements. This period will be managed and monitored to ensure a successful launch of the new contracts and to ensure business continuity is delivered.
- 7.5 It should be noted that similar to all industry sectors there is a heightened risk of bankruptcy across the Leisure and Culture sector in the post pandemic period of high global energy prices and inflation. This risk will be mitigated by carrying out robust due diligence checks on the preferred bidder at both the pre contract stage and throughout the duration of the contract.

8. EQUALITIES IMPACT

- 8.1 Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:
- Race
 - Disability
 - Gender, including gender reassignment
 - Age
 - Sexual Orientation
 - Pregnancy and maternity
 - Religion or belief
- 8.2 The Council has a duty, in accordance of the Equality Act 2010 to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a Relevant Protected Characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a Relevant Protected Characteristic and persons who do not share it, and the preferred bidders agree to use

best endeavours to assist the Council , and to co-operate as necessary in order to ensure that the Council can comply with such duties.

Preferred Bidders obligations

- 8.3 To assist the Council in complying with its duties under the Equality Act 2010, the preferred bidders must:
- (a) have regard to the Equality and Diversity Guidance;
 - (b) have a written equality and diversity policy that, as a minimum, must include:
 - a commitment to the principles of equality and diversity and to observing all applicable legislative requirements;
 - a detailed description of how the preferred bidders will meet the diverse needs of users of the Leisure and Culture facilities;
 - a detailed description of how the preferred bidders will implement, monitor, evaluate and update the policy;
 - a detailed description of how the preferred bidders intend to ensure equality in relation to their own personnel.
 - The identity of a senior person within the preferred bidders organisation with responsibility for the policy and its effective implementation;
 - a detailed description of how complaints and issues are to be dealt with to comply with the 'Equality and Diversity Policy'
 - (c) have and implement an equality and diversity training plan for their personnel;
 - (d) have and implement a communications plan to promote their policies and procedures for ensuring that the Services are accessible for people with a disability and meet any specific language needs of the users of the Leisure and Culture Facilities.
 - (e) Without limiting the generality of any other provision of the awarded contract, the preferred bidders shall not unlawfully discriminate and shall take all reasonable steps to ensure that their Personnel do not unlawfully discriminate as provided by the Equality Act 2010 and/or any other relevant legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services.
- 8.4 The Council has a legal duty to ensure that all existing and new contracts undergo an equality impact assessment. Equality impact assessments are a key element of risk planning, will highlight any potential issues in advance and provide robust evidence of good practice.
- 8.5 To ensure that the Council is complying with its statutory obligations in relation to equalities and diversities and to assist the Council to carry out equalities impact assessments and make decisions that better take account of any equality and diversity needs of users of the Leisure

and Culture Facilities, the preferred bidders shall, at the Council's request, use its best endeavours to provide the Council with equality and diversity information in accordance with the Equality and Diversity Guidance.

- 8.6 Any reports which relate to new policies, procedures or services or changes to policies, procedures or services must be accompanied by an appropriate equalities impact assessment (EIA).

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1 The Leisure buildings have benefited from substantial energy system upgrades through the Public Sector Decarbonisation Scheme (PSDS) programme, and the preferred bidders have committed to ensuring that the energy / carbon saving measures will be actively managed and maintained to ensure the projected benefits are delivered. There may be opportunities in the future for the Council to further enhance the energy / climate measures already in place, and the preferred bidders are willing and able to support this.
- 9.2 No significant ecological risks or issues are foreseen.

10. BACKGROUND PAPERS

- 10.1 None

(END)

ANNEX A This Annex provides details on the timeline of events associated with the project

March 2021	Strategic Outcomes Planning Model (Active Cotswolds) adopted, and authority granted to undertake a leisure management options appraisal to determine the most suitable delivery model, contract scope and contract terms for the Council's leisure facilities.
June 2021	Cross party Leisure and Cultural Provision Working Group established.
July 2021	Leisure and Cultural Provision Working Group undertook paired comparison exercise, to determine the key drivers for the new contracts.
August 2021	Max Associates appointed to undertake an option appraisal.
November 2021	Draft report on options appraisal received from Max Associates following consultation period, this was then reported back to Leisure and Cultural Provision Working Group for comment
January 2022	Final report on Options Appraisal received.
February 2022	Findings of options appraisal reported to Leisure and Cultural Provision Working Group, request to do further analysis on financial elements submitted by group and s151 Officer.
March 2022	Updated Options Appraisal provided to Leisure and Cultural Provision Working Group
April 2022	Option Appraisal report presented to Overview and Scrutiny Committee and Publica Portfolio Board.
May 2022	Options Appraisal report presented to Cabinet and Council. Approval granted agreed to commence the procurement process for the appointment of a leisure management contractor and a cultural management contractor.
June 2022	Max Associates appointed to support the procurement process.
July 2022	Commissioning and procurement meeting to decide on procurement route.

September 2022	Procurement process commenced with OJEU notice publication.
October 2022	Deadline for Standard Selection Questionnaires submission.
October 2022	Update report presented to Overview and Scrutiny Committee.
October 2022	Successful candidates Invited to Submit Initial Tender.
November 2022	Potential candidates attended site tours and pre submission meetings to discuss points of clarification.
January 2023	Deadline for Invitation to Submit Initial Tenders submission.
January 2023	Bidders presentation day, where each potential candidate presented their bids to the evaluation panel.
February 2023	Update report presented to Overview and Scrutiny Committee.
February 2023	Successful candidates Invited to Submit Revised Tenders.
February 2023	Negotiation meetings held with all candidates to discuss clarifications and legal mark ups (amendments/suggested changes) to the Contracts.
February 2023	Evaluation completed and preferred bidders for both Contracts identified.
March 2023	Contract Award report to be presented to Cabinet and Council.
August 2023	Contract start date 1st August 2023.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank