

Public Document Pack

Council
15/March2023



COTSWOLD
DISTRICT COUNCIL

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

Councillors present:

Dilys Neill - Chair
Stephen Andrews
Tony Berry
Gina Blomefield
Claire Bloomer
Ray Brassington
Patrick Coleman
Rachel Coxcoon
David Cunningham
Tony Dale

Nikki Ind – Vice-Chair
Andrew Doherty
Mike Evemy
Jenny Forde
Joe Harris
Mark Harris
Stephen Hirst
Robin Hughes
Roly Hughes
Sue Jepson

Julia Judd
Juliet Layton
Andrew Maclean
Richard Norris
Nigel Robbins
Gary Selwyn
Lisa Spivey
Tom Stowe
Steve Trotter

Officers present:

Ana Prelici, Democratic Services Officer
Rachel Biles, Strategic Projects Lead
Andrew Brown, Democratic Services Business Manager
Angela Claridge, Director of Governance and Development (Monitoring Officer)
Caleb Harris, Senior Democratic Services Officer

David Stanley, Deputy Chief Executive and Chief Finance Officer
Robert Weaver, Chief Executive
Scott Williams, Contracts Business Manager

12 Apologies

Apologies were received from Councillors Nick Maunder, Richard Keeling, Clive Webster, and Richard Morgan.

Council noted the sad passing of Cllr Ray Theodoulou, and offered condolences to his family and friends who were in attendance on behalf of all the Members and Officers.

The Leader of the Council offered his condolences on behalf of the administration and the Liberal Democrat Group to Ray Theodoulou's family and friends. It was highlighted how Cllr Theodoulou was a very knowledgeable and diligent councillor.

The Leader of the Conservative Group noted Ray Theodoulou's long service since 2003 and his service with Gloucestershire County Council. It was also highlighted how Cllr Theodoulou had brought his experience from working in financial services to his role as a Councillor. A communication received from Tim Guest as Chair of Southrop Parish Council was also read out by Cllr Berry.

Council
15/March2023

The Chief Executive provided his condolences on behalf of the officers to the family, friends and colleagues of Ray Theodoulou.

A number of Members spoke and provided tributes to Cllr Theodoulou and his work during his time as a Councillor at Cotswold District Council.

The Chair then invited everyone in the room to stand for a 1 minute silence in remembrance of Cllr Ray Theodoulou.

13 **Declarations of Interest**

Cllr Berry stated a non-pecuniary interest that he was a member of Friends of the Corinium Museum.

14 **Minutes**

Council noted the correction to be made on Page 12 section 2 of the minutes to change the word 'her' to 'his' in relation to the delegation of the Deputy Chief Executive.

RESOLVED: That Council agreed to the minutes of the meeting on 15th February 2023 subject to any corrections being made.

Voting Record - For 24, 4 abstentions, 0 against, 4 absent

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

15 Announcements from the Chair, Leader of Chief Executive

The Chair informed Members that, with the agreement of Council, the Motion by Cllr Judd on the agenda would be taken before the Award of the Leisure and Culture Contracts.

The Leader of the Council noted that Councillors Clive Webster, Nick Maunder, Rachel Coxcoo, Jenny Forde and Andrew Doherty were not standing at the next election and thanked them for their hard work for their residents.

The Leader of the Conservative Group was invited to speak regarding any tributes he wished to make on Members standing down on his side. Cllr Berry paid a general tribute to all of the Members who were standing down from all groups and the work that had been done.

The Chief Executive as part of his announcements wished to thank all departing Members on behalf of the officers of the Council. He also wished all Members standing the very best of luck for the election.

It was noted for the record that Cllr David Cunningham thanked Cllr Andrew Doherty for his work during the floods that had taken place in the north of the district.

At the discretion of the Chair, Councillor Robin Hughes addressed Council regarding sewage in rivers and representations to the water companies.

16 Public Questions

The Chief Executive made an announcement regarding responses to public questions after the meeting. It was highlighted that responses would be provided where possible within 5 working days, and if not, a holding response would be sent. These responses would also be captured in the minutes of the meeting.

Mr Fowles addressed Council and on behalf of the Cotswold Conservative Association wished to thank Council for their condolences on the death of Ray Theodoulou.

Answers to the questions can be found at Annex A.

17 Member Questions

Annex C Supplementary Responses and Written Responses

Cllr Brassington commented following the reply to the supplementary question to Cllr Joe Harris from Cllr Tom Stowe that he found the tone of Cllr Stowe's remarks offensive. It was noted that the Code of Conduct for Councillors says that Councillors should treat other Councillors with respect. This was noted that 'respect means politeness in behaviour and speech'.

The Chair highlighted that the Monitoring Officer would take the matter away outside of the meeting.

18 Gloucestershire-Wide Code of Conduct for Elected Members

Council
15/March2023

The Leader of the Council introduced the item as an item from the Constitution Working Group and the Audit Committee.

It was noted that a unified code would help to share resources between the different local authority tiers, and that Members of multiple local authority tiers would be clear on the standards that applied to their conduct in their roles on different councils.

The Leader of the Conservative Group seconded the item and felt that this was a much clearer code of conduct for all Members and that it was hoped that Town and Parish Councils would also adopt this.

Council noted that the code of conduct was based on the Local Government Association's recommendations and put more responsibility on the Councillor to abide by the Code of Conduct.

It was noted that any member of the public who chaired a sub-group operated by a town or parish council would need to be aware of their responsibilities under the code of conduct. This was noted by the Director of Governance.

Council commented that the Code of Conduct should be adopted by town and parish councils in the district and that chairs of parish councils should be informed of its adoption by the Cotswold District Council. The Director of Governance commented that this was a good proposal and would take this away. It was also noted that the GATPC had been involved with this and considerations around making this training mandatory. It would also be added to the next Audit Committee agenda.

Council noted that this Code of Conduct would be part of members' training following the election on 4 May 2023.

There was a query to the Monitoring Officer about requests to make the training mandatory and how this might be possible to enforce. It was noted that the Audit Committee had responsibility for standards and this would be discussed at the next Audit Committee meeting on 27 April 2023.

RESOLVED: The Council **AGREED** to:
ADOPT the Gloucestershire-wide Code of Conduct with effect from 9 May 2023
NOTE that the Monitoring Officer will carry out training prior to it coming into effect.

Voting Record – For 29 , Against 0 , Abstention 0 , Absent 4

For	Against	Abstention	Absent
Andrew Doherty			Clive Webster
Andrew Maclean			Nick Maunder
Claire Bloomer			Richard Keeling
David Cunningham			Richard Morgan
Dilys Neill			
Gary Selwyn			
Gina Blomefield			
Jenny Forde			
Joe Harris			
Julia Judd			

Juliet Layton			
Lisa Spivey			
Mark Harris			
Mike Evely			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Rachel Coxcoon			
Ray Brassington			
Richard Norris			
Robin Hughes			
Roly Hughes			
Stephen Andrews			
Stephen Hirst			
Steve Trotter			
Sue Jepson			
Tom Stowe			
Tony Berry			
Tony Dale			

19 Amendments to the Constitution - Report of the Constitution Working Group

The purpose of this report was 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.

The Leader of the Council introduced the item and outlined the context for these proposals. The Seconder of the item Councillor Nikki Ind added that as a member of the Constitution Working Group she was satisfied with the proposals going to Council.

Council noted the minor spelling corrections within the report to the recommendations where there were two letter d's that would be made to the final documents. It was also noted on Page 57 that there was a reference to a 'borough' where this should read 'district'.

Council noted that the Overview and Scrutiny Committee and Audit Committee would need officer support to ensure Members were briefed to complete business within the proposed timings.

Council also noted that some of the meetings may clash with town and parish council meetings which were recognised as being very important for hearing the view of residents. However, it was recognised that the vote that Council was being asked to approve the time limits and that the meeting start times had already been agreed by Council.

RESOLVED: That Council **AGREED** to

a) **APPROVE** the recruitment of up to two Independent Members of Audit Committee on the basis of the recruitment pack at annex A;

Council

15/March2023

- 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) AUTHORISE the Director of Governance & Development (Monitoring Officer) to update Part C3: Committee Functions to make the consequential amendments to the Audit Committee's membership.
- e) 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”.

Voting Record For 29, 0 Against, 0 Abstention, 4 absent

For	Against	Abstention	Absent
Andrew Doherty			Clive Webster
Andrew Maclean			Nick Maunder
Claire Bloomer			Richard Keeling
David Cunningham			Richard Morgan
Dilys Neill			
Gary Selwyn			
Gina Blomefield			
Jenny Forde			
Joe Harris			
Julia Judd			
Juliet Layton			
Lisa Spivey			
Mark Harris			
Mike Evey			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Rachel Coxcoon			
Ray Brassington			
Richard Norris			
Robin Hughes			
Roly Hughes			
Stephen Andrews			

Stephen Hirst			
Steve Trotter			
Sue Jepson			
Tom Stowe			
Tony Berry			
Tony Dale			

20 Notice of Motions

Cllr Judd proposed the motion which requested that the Council actively encourage the use of ethical bricks for current and future developments within the district.

Council noted the appalling working conditions for brickmaking and the suffering caused from the unethical conditions.

Council noted the proposals that bricks used in the Cotswolds for developments should be ethical bricks.

There were comments made by Councillors on cost and how any mandatory requirements for bricks could add costs to developments.

The Cabinet Member for Climate Change and Forward Planning noted that many policies within the planning system were set at a national level. However, there were requirements around sustainable sourcing and building policies within current planning policies.

Council noted that motions can help to start the practical implementation of policies and this motion would help to encourage locally sourced materials.

It was noted that the Council had a net-zero carbon toolkit being used for developments that would also take into account ethical concerns.

Cllr Judd, in summing up the debate on the motion thanked the Senior Democratic Services Officer for assisting in ensuring that the wording of the motion was acceptable for inclusion on the agenda.

RESOLVED: That the Council **AGREE** the request to actively encourage the use of ethical bricks for current and future developments within the district.

Voting Record – 27 For, 0 Against, 2 Abstention, 4 absent

For	Against	Abstention	Absent
Andrew Doherty		Claire Bloomer	Clive Webster
Andrew Maclean		Robin Hughes	Nick Maunder
David Cunningham			Richard Keeling
Dilys Neill			Richard Morgan
Gary Selwyn			
Gina Blomefield			
Jenny Forde			
Joe Harris			
Julia Judd			
Juliet Layton			

Lisa Spivey			
Mark Harris			
Mike Evey			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Rachel Coxcoon			
Ray Brassington			
Richard Norris			
Roly Hughes			
Stephen Andrews			
Stephen Hirst			
Steve Trotter			
Sue Jepson			
Tom Stowe			
Tony Berry			
Tony Dale			

21 Next meeting

The Chair of Council reminded the public that the next meeting of Council was on 24th May 2023.

22 Approval of contract awards for Leisure and Culture

The purpose of the report was to seek authority to award a contract for the management of the Council's leisure facilities and the management of the Council's culture facilities as set out in the report and the annexes.

The officers responsible for the procurement process introduced themselves as Rachel Biles - Strategic Projects Lead, and Scott Williams - Business Manager - Contracts, Environmental Services. They were supported by Scott Dorling, Partner from Trowers & Hamblins LLP.

It was noted that Leisure and Cultural Centres had been facing difficult circumstances following the coronavirus pandemic.

It was noted that this procurement strictly covered the leisure centres in Cirencester, Bourton-on-the-Water and Chipping Campden.

A minor addition to Recommendation 4 to include the Leader of the Council in the consultation was put to Council as the Cabinet positions may change after the election on 4 May 2023.

Council noted the work with Members as part of the Leisure and Culture Working Group to examine the assessment criteria.

Council noted the hard work of officers to complete the process in a very short timeframe and thanked officers for their work.

Council
15/March2023

There were comments made by Members regarding the leisure facilities within Chipping Campden and the lack of consultation that had been had with the school through this procurement process. The Business Manager for Contracts stated that the specifications of the contract required the preferred bidder to have a good partnership with the schools to deliver services. It was also noted that meetings would be set up with the schools running leisure centres in the district to discuss this.

Council noted that whilst there were rights to terminate the contract such as poor performance, there was also a voluntary right to terminate the contract in the event that this was deemed as necessary. However this would have financial implications for the Council which was highlighted by the officers present.

Council noted the reporting requirements and performance standards to ensure the contract requirements were met by the preferred bidder.

Council noted the work in partnership with Max Associates who had experience in leisure management contract procurement and had assisted the Council in determining the specifications of the contracts.

23 Matters exempt from publication

Following the questions that Members had asked in public session, the Chair then opened the vote to move into private session for the remainder of this item.

RESOLVED: That Council exclude the public and press for the remainder of the meeting under 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 Paragraph 3 of Schedule 12A of the Local Government Act 1972.

Voting Record - For 29, 0 against, 0 abstention, 4 absent

For	Against	Abstention	Absent
Andrew Doherty			Clive Webster
Andrew Maclean			Nick Maunder
Claire Bloomer			Richard Keeling
David Cunningham			Richard Morgan
Dilys Neill			
Gary Selwyn			
Gina Blomefield			
Jenny Forde			
Joe Harris			
Julia Judd			
Juliet Layton			
Lisa Spivey			
Mark Harris			
Mike Evely			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Rachel Coxcoon			

Ray Brassington			
Richard Norris			
Robin Hughes			
Roly Hughes			
Stephen Andrews			
Stephen Hirst			
Steve Trotter			
Sue Jepson			
Tom Stowe			
Tony Berry			
Tony Dale			

24 Exempt annexes of for the award of contracts for the management of the Council's leisure and culture facilities

There was discussion regarding a number of points within the exempt annexes of Agenda Item 9.

Following requests from a number of Members, a recorded vote on the recommendations was then taken.

RESOLVED: That Council:

1. AGREED to award the Leisure Management Contract to the preferred bidder set out in EXEMPT Annex C (i).
2. AGREED to award the Culture Management Contract to the preferred bidder set out in EXEMPT Annex C (ii).
3. DELEGATED AUTHORITY to the interim Head of Legal Services for Contract finalisation.
4. DELEGATED 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. NOTED the position set out in paragraph 5.6 for the mobilisation period and in the early process of embedding the new contracts.

Voting Record – 17 for, 2 against, 7 abstention, 7 absent

For	Against	Abstention	Absent
Andrew Doherty	Sue Jepson	Andrew Maclean	Clive Webster
Claire Bloomer	Tom Stowe	David Cunningham	Nick Maunder
Dilys Neill		Gina Blomefield	Richard Keeling
Gary Selwyn		Julia Judd	Richard Morgan
Jenny Forde		Stephen Andrews	Patrick Coleman
Joe Harris		Steve Trotter	Richard Norris
Juliet Layton		Tony Berry	Lisa Spivey
Mark Harris			
Mike Evey			
Nigel Robbins			
Nikki Ind			
Rachel Coxcoon			
Ray Brassington			

Council
15/March2023

Robin Hughes			
Roly Hughes			
Stephen Hirst			
Tony Dale			

The Meeting commenced at 2.00 pm and closed at 5.35 pm

Chair

(END)

This page is intentionally left blank

Public Questions and Responses

<p>Question from Mr David Fowles to Cllr Joe Harris</p>	<p>It was stated that many members of the public had asked Cllr Joe Harris what his total allowances are as a member of Cotswold District Council, Gloucestershire County Council and as a senior member of the Local Government Association. It was stated that according to figures, he had a total allowance of £69,000 for his positions in public services. It was also noted that Cllr Harris was the first Leader of the Council to employ a personal assistant. It was in Mr Fowles' view that it was impossible to dedicate the time necessary for the role as Leader.</p> <p>Is this the reason why your administration had only delivered for of your manifesto pledges, mismanaged the Council's finances, heaped pressure on residents by increasing Council Tax to the maximum allowable level, increased car parking charges by 60% and the Green Bin charges by 90%?</p>
<p>Response by Cllr Joe Harris</p>	<p>It was noted that all of the positions held were elected positions, the allowances were a matter of public record and employing a Personal Assistant was normal in every single Council everywhere. Cllr Harris stated he was proud of the administration's record of creating 500 new jobs through the Green Economic Growth Strategy and delivered 441 affordable houses across the district since 2019. This was compared by Cllr Harris to the record of the Conservative administration in Gloucestershire County Council who he stated had no plan for the area, had let the roads become covered in pot holes and had cut NHS services.</p>
<p>Question from Mr David Fowles to Cllr Joe Harris</p>	<p>It was stated that whilst he is normally just a member of the public, he was also representing the Cotswold Conservative Association as its Vice Chairman. It was stated that the Leader of the Council has a very close relationship with the Chief Executive after 4 years as Leader and is familiar with the Council's activities.</p> <p>It was asked whether he and Cllr Lisa Spivey was familiar with the Code of Recommended Practice for Local Publicity 2011?</p> <p>It was also asked whether Cllr Harris had made officers aware that on the front of Cotswold</p>

	<p>News and social media, the communication carries the same slogan as Liberal Democrat campaign material. Objectivity, even-handedness, and handled with care during the height of political sensitivities.</p>
<p>Response by Cllr Joe Harris</p>	<p>It was stated that both Cllr Harris and Cllr Spivey was aware of the code and it was highlighted how the communication channels used were about supporting residents with the cost of living crisis. It was also stated that by Cllr Harris that there were more editions of Cotswold News whilst Mr Fowles was a Councillor.</p> <p>In response to the second question, Cllr Harris stated that the the Cotswold Liberal Democrats slogan stated by Mr Fowles of 'Caring for our Cotswolds' was incorrect, and that it was instead 'Save our Services from Conservative Cuts'.</p>
<p>Question from Mr Rob Gibson to Cllr Mike Evey</p>	<p>In 2020 and 2021 £890,000 was paid in loans and grants to SLM. According to the agreement made, £750,000 was supposed to have been repaid in profits.</p> <p>Please could you confirm how much has been repaid, and what will happen to the residual balance should SLM not be successful with the new tender? If the money is going to be written off, then how could this be acceptable to the public who are facing a cost of living crisis, increase in Council Tax, Parking charges in 2022, and Green Waste charges.</p>
<p>Response by Cllr Mike Evey</p>	<p>In response, Cllr Evey stated that he would seek a detailed response by the Chief Finance Officer. It was stated that the agreement had been mischaracterised in the question, and that the agreement stated there would be a share payback of any profits made by SLM subsequently to the agreement being brought in. (Written Response at Annex D)</p>
<p>Question from Mr Rob Gibson to Cllr Joe Harris</p>	<p>Mr Gibson stated that the intimidation of Councillors and Officers discouraged the participation in politics. It was noted that Cotswold District Council had signed the Local Government Association's 'Debate not Hate' statement to have healthy debate, and that the Council has a code of conduct for Members. An email was sent to the Chief Executive in October 2021 regarding this matter by Mr Gibson but has not been responded to. In the</p>

	<p>last Council meeting, Mr Gibson stated that the Leader had thrown papers in the Chamber at a Member that was not condemned by anyone in the room.</p> <p>It was asked that the Leader in the public forum explain how this could be seen to be acceptable and if apology will be provided?</p>
Response by Cllr Joe Harris	<p>It was stated that the Leader didn't recognise his version of events. However, the 'Debate not Hate' initiative was recognised as important, but it was stated that Conservative Party in the Cotswolds was posting 'fake news' on its communication channels which Cllr Harris stated needed to be examined by Mr Gibson first.</p>
Question from Mrs Lynn Hilditch to Cllr Joe Harris	<p>It was stated that there had been instances where Facebook posts by Cotswold District Council had been removed. There were examples given of the change to the public speaking rules, and stating actual Councillor allowances. Mrs Hilditch believed that the Liberal Democrat manifesto pledge of transparency was being broken.</p> <p>It was asked if Cllr Harris could assure her that these type of posts would not be taken down even if they were perceived to be embarrassing or inconvenient for the administration.</p>
Response by Cllr Joe Harris	<p>Cllr Harris said that the question by Mrs Lynn Hilditch made a very serious accusation against the impartial Communications Team of Cotswold District Council. It was outlined that the Communications Officers work on the administration of social media platforms does not involve elected Members.</p>
Question from Mrs Lynn Hilditch to Cllr Andrew Doherty	<p>It was stated that there had been a big increase in dog ownership across the Cotswolds as well as an increase in visitors bringing their dogs with them. It was stated that this had led to an increase in dog fouling.</p> <p>It was asked if Cllr Doherty could confirm the status of the number of dog waste bins installed, the number of dog fouling enforcement notices issued, and the number of successful convictions?</p>
Response by Cllr Andrew Doherty	<p>Cllr Doherty stated that he would need to provide a written reply to provide accurate figures.</p>

<p>Written response by Cllr Andrew Doherty to Mrs Lynn Hilditch</p>	<p>The Council has served 1 Fixed Penalty Notice on dog fouling in the last 12 months. Dog fouling is difficult to witness and catch in the act, but through the Clean and Green Programme, school and community initiatives have taken place to educate and inform about the public health risks from dog fouling. Signs and information are provided to parishes and community groups to warn against dog fouling and patrols take place in hotspots such as playing fields and cemeteries.</p> <p>The number of new dog bins installed since April 2020 is 11 and they've replaced 14 existing dog bins that have been damaged beyond repair during that period.</p> <p>There are currently 1600 bins (both dog and litter) within the district. 26 new litter bins have also been installed during that same timeframe given the fact that litter bins can be used to dispose of dog waste. Sometimes a litter bin installation is favourable because of the dual functionality and the fact that, unlike dog bins, litter bins don't require the user to touch the bin when disposing of the waste.</p>
<p>Mrs Maggie Heaven to Cllr Juliet Layton</p>	<p>Mrs Heaven stated in the Lib Dem manifesto, there would be more staff to deal with planning enforcement cases. Mrs Heaven stated were currently 397 enforcement cases with only 1 member of staff to deal with them. It was expressed that there was concern that the core statutory functions were struggling to cope.</p> <p>It was therefore asked about how many unprocessed planning applications there were to date, and how many FOI requests are there outstanding?</p>
<p>Cllr Juliet Layton to Mrs Maggie Heaven</p>	<p>Cllr Layton stated that as there were figures requested, a written response would be provided.</p>
<p>Written response by Cllr Juliet Layton to Mrs Maggie Heaven</p>	<p>The Council currently employ 4 enforcement staff who deal with investigations into breaches of planning control. The current caseload for the team is circa 390 however this should be viewed in the round. The team has been operating a full review of all the live cases and actively seeking to reduce numbers where appropriate (in line with the Council's adopted enforcement plan), this has meant that the numbers have been reduced from nearly 700</p>

	<p>when the project commenced in September 2022 to the current figure (this is coupled with the fact that 200 new cases were opened in this time-period). This significant reduction in numbers is allowing the team to concentrate on those pressing cases and ensuring that notices where appropriate and required are able to be served in a timely manner whilst continuing to prioritise further reductions in the caseload.</p> <p>In relation to Freedom of Information requests, I can confirm that for Q4 (Jan-March 2023), the Council have received 93 FOIs, of which 71 have been responded to, 8 have missed the 20-day deadline, and 13 are pending (but still within the 20-days). There are 2 outstanding for Q3.</p>
Mrs Maggie Heaven to Cllr Jenny Forde	<p>It was noted whilst parts of the contract needed to be in private session, there was a concern that Leisure and Culture contract was being considered very close to an election. It was stated that the people of the Cotswolds believe that the current administration were financially incompetent.</p> <p>It was therefore asked whether the Council should wait until a new administration had taken over if there was a disagreement amongst Members about the contract.</p>
Cllr Jenny Forde to Mrs Maggie Heaven	Cllr Forde stated that she didn't agree with this view.
Mrs Mary Cobbett to Cllr Joe Harris	<p>It was stated that the public questions forum at Full Council was often used for political point scoring rather than for genuine questions and debate.</p> <p>It was asked whether anything could be done to control the questions presented as it was discouraging people to engage with politics?</p>
Response by Cllr Joe Harris	It was stated by Cllr Harris that many of the public speakers who were in attendance were opposition political candidates. However, it was noted that Cllr Harris did not want to curtail anyone's freedom of speech and believed that the right to ask questions should be protected.

This page is intentionally left blank

Public Questions – Council, 15 March 2023

Mr Rob Gibson

“In 2020 and 2021 a total of £892k was paid out in loans and grants to SLM. In excess of £750k was to be re-paid by SLM from profits. How much has been repayed from profits and what will happen to the residual balance should SLM not be successful with the new tender. If this money is to be written off how can this be acceptable to the public who are facing a cost of living crisis, increases in Council Tax, green bins, toilet charges and an increase in parking charges last year?”

Response from Cllr Mike Evemy

In the absence of central Government support for leisure operators and in common with many local authorities, financial support was requested by the operator (Sports and Leisure Management “SLM”) due to the impact on their income and expenditure from the Covid pandemic.

The Council has provided £661,504 of financial support to SLM (£841,504 prior to National Leisure Recovery Fund of £180,000) with decisions taken by Full Council in July 2020, October 2020, March 2021 and July 2021.

Period/Detail	Amount (£)	Comments
April 2020 to July 2020	74,000	
Open Book Support		
August 2020 to October 2020	194,053	Approved at July 2020 Council
November 2020 to March 2021	247,605	Approved at October 2020 Council
April 2021 to July 2021	178,334	Approved at March 2021 Council
Management Fee foregone	147,512	
GROSS Support	841,504	
Less: NLRF Funding	(180,000)	
NET Support	661,504	

The terms of the financial support, as agreed by Full Council is dependent on a profit share mechanism to recover the support offered to SLM with the Council being entitled to take a 75% share of profits in excess of the tendered financial submission until the funding is recovered.

To date, no payment has been received from SLM due to the ongoing financial losses on the contract. The Council is monitoring the financial performance closely

and the contract will end in July 2023. At the end of the contract a full reconciliation of the operator's financial position under an open book arrangement will take place and a decision on any funding that may not be recovered under the terms outlined above will need to be taken.

Annexes A to C include links to the reports considered by Council and the printed minutes indicating the nature of the debate, decision and voting record.

This support was paid to the operator to enable our leisure and culture facilities to re-open to the public when it was lawful to do so. Without this support, the operator would not have re-opened the facilities and therefore residents and visitors would have been deprived of their use in the short term and potentially in the longer term. The contract with SLM did not contain clauses regarding a global pandemic and the support provided to re-open the centres was therefore negotiated on an individual basis.

The Council is retendering all its leisure and cultural facilities against this backdrop. Many other local authorities are closing or considering reductions in their leisure and cultural offer following decisions to keep their centres and museums closed. Our decisions to provide this support gave us the best footing for a successful tender process to continue to provide these services to our residents and visitors for many years to come.

Mike Every
Deputy Leader and Cabinet Member for Finance

ANNEX A – July 2020 Decision

July 2020 Report to Council

<https://meetings.cotswold.gov.uk/Data/Council/202007291900/Agenda/Agenda%20Item%2003%20-%20Reopening%20of%20Leisure%20Facilities.pdf>

Printed Minutes

CL.29 REOPENING OF LEISURE FACILITIES

The Cabinet Member for Health and Wellbeing introduced the report explaining that the Leisure Centre and Museum were forced to close on 20 March 2020 due to the Covid-19 Pandemic. Work to start to re-open the Leisure Centre and Museum had been ongoing and getting residents to return to these facilities was a priority. She was recommending Option 3 of the report to Members.

Councillor Every seconded the proposal. He highlighted that a word in recommendation (e) of the report should be changed from 'and' to 'or' to read 'or the Cabinet Member for Health and Wellbeing'.

Speaking to the proposal he explained that when the pandemic first started himself and financial officers agreed to waive the management fee for the first few months and highlighted the report in relation to Government funding. He understood that the financial position is difficult but wanted to reassure Members that the costs have been scrutinised by officers and are robust. He reiterated that he would be supporting the recommendation of Option 3 in the report.

Councillor Theodoulou proposed an amendment which was seconded by Councillor Andrews.

Speaking to the amendment he highlighted that it should be a loan that is given to SLM, rather than a grant. The reason for this was that he had looked at the accounts of SLM and concluded that it was a wealthy company, with sales amounting to £270m, which was a successful company and paid a dividend to the shareholders of £10m and Director's salaries of £656,000 plus pension contributions. As such, a grant would not be appropriate, and urged members to provide a loan which would be paid back. By providing a grant the Council would never receive anything in return.

Amendment set out below:

- a) That the phased re-opening of the District's Leisure centres as outlined in the report (Annex A. Option 3) be approved;
- b) That the re-opening of the Corinium Museum in Cirencester as outlined in the report (Annex A. Option 3) be approved;
- c) That the financial support package for SLM for August-October, at an estimated cost of £222,140, be approved as a loan to SLM;

ANNEX A – July 2020 Decision

d) That the requirement for SLM to pay the Council a £8,773 monthly management fee for the period 1st April 2020 to 31st October 2020 (~~total lost income to the Council of £61,411~~) be ~~waived~~ included within the loan to SLM;

e) That authority to finalise and sign an agreement with SLM confirming the terms upon which this financial package is based, including the consideration of a more detailed analysis of when the "breakpoint" of moving into a neutral or profitable position might be on the basis of a shared (CDC/SLM) business recovery plan, in order to determine what level of support might be judged equitable, shall be delegated to the Interim Chief Executive in consultation with the Deputy Leader of the Council Meeting 29 July 2020 3 Council or in his absence with the Leader of the Council and the Cabinet Member for Health and Wellbeing.

f) That the lost income referred to in (d) above be part-funded from the Government Grant promised to compensate the Council for income lost as a direct result of the impact of Covid-19;

g) That the financial impact of the lost income from SLM which will not be funded through Government grant, and the impact of the SLM support package be included in the revised Budget for 2020/21, which is due to be considered by Council in September 2020;

h) That Council note that the 2020/21 Budget report to its meeting in September will include all Covid-19 costs and income pressures together with expected Government funding for the year, and will recommend how the overall funding gap will be financed.

i) That although Tetbury and Fairford leisure centres are no longer the direct responsibility of CDC, the health and wellbeing of all Cotswold residents is the responsibility of CDC. As a result, CDC will contact relevant parties in Tetbury and Fairford and ask if we can offer any assistance.

Councillor Neill highlighted that a Task and Finish Group had been set up to look at the Tetbury and Fairford Leisure facilities.

The amendment had been given to Members just before the Council meeting. If a loan were to be offered to SLM it was unlikely that the centres would open.

Councillor Morgan believed that questions should be clarified for the public and understood that there were no immediate plans to open the Tetbury and Fairford Sports centres.

Private gyms were beginning to open and the sports hall in Tetbury remained closed and requested help to open the sports hall.

ANNEX A – July 2020 Decision

Concern was expressed and clarification was given on the question of SLM being a successful company and requesting a grant to open the centres. This was a private company limited by shares with subsidiaries, of which Everyone Active is a wholly owned subsidiary which is a charitable trust.

Councillor Every spoke to the amendment and highlighted that if Members had concerns about the status they should have raised it earlier, as the Council has been working with SLM Everyone Active since 2013. Officers had waived management fees and undertaken negotiations with the trust. The arrangements are negotiated between now and the end of October. He urged Members to reject the amendment.

A review had been undertaken by the Overview and Scrutiny Committee, looking at the contract break point. The principal company was SLM with a subsidiary of Everyone Active which was a charitable trust.

Councillor Theodoulou again reiterated that the company was Sports and Leisure Management Limited which was a substantial organisation with Council Meeting 29 July 2020 4 substantial dividends to shareholders it was not a charitable organisation. The subsidiary which was a charitable organisation did not disperse money and was not registered with the charities commission. He was horrified to hear that the proposal had already been agreed with SLM, and questioned whether due diligence had been carried out. He recommended the amendment to all Members.

The amendment was put to the vote:

Record of Voting - for 12, against 16, abstentions 0, absent 5.

The amendment was lost.

The meeting adjourned at 8.10pm to discuss these issues and recommenced at 8.35pm.

The Cabinet Member for Health and Wellbeing spoke to the proposal recommending option 3, reiterating that it was imperative that the leisure centres and Museum should be opened. Keeping them closed would lose market share, a review can take place at a date in the future.

She thanked Councillor Theodoulou for raising these issues, but explained that the leisure centres and Museum must re-open.

RESOLVED that:

(a) the phased re-opening of the District's Leisure Centres as outlined in the report (Annex A. Option 3) be approved;

ANNEX A – July 2020 Decision

(b) the re-opening of the Corinium Museum in Cirencester as outlined in the report (Annex A. Option 3) be approved;

(c) the financial support package for SLM for August-October, at an estimated cost of £222,140, be approved;

(d) the requirement for SLM to pay the Council a £8,773 monthly management fee for the period 1st April 2020 to 31st October 2020 (total lost income to the Council of £61,411) be waived;

(e) the authority to finalise and sign an agreement with SLM confirming the terms upon which this financial package is based, be delegated to the Interim Chief Executive in consultation with the Deputy Leader of the Council or in his absence with the Leader of the Council or the Cabinet Member for Health and Wellbeing;

(f) the lost income referred to in (d) above be part-funded from the Government Grant promised to compensate the Council for income lost as a direct result of the impact of Covid-19;

(g) the financial impact of the lost income from SLM which will not be funded through Government grant, and the impact of the SLM support package be included in the revised Budget for 2020/21, which is due to be considered by Council in September 2020;

(h) Council note that the 2020/21 Budget report to its meeting in Council Meeting 29 July 2020 5 September will include all Covid-19 costs and income pressures together with expected Government funding for the year, and will recommend how the overall funding gap will be financed.

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

ANNEX B – October 2020 Decision

October 2020 Report to Council:

<https://meetings.cotswold.gov.uk/Data/Council/202010211800/Agenda/Agenda%20Item%2003%20-%20SLM%20Financial%20Support%20November%202020%20-%20March%202021%20.pdf>

Printed Minutes:

CL.49 SLM Financial Support November 2020 - March 2021

Council was requested to make a decision on a further financial support package to enable SLM Everyone Active (SLM) to continue the provision of leisure services across the District and operation of the Corinium Museum during a period of expected continuing Covid-19 restrictions.

The Deputy Leader introduced the report and commented upon various aspects. He explained he wished to record his thanks to Amanda Hart, Director of the Corinium Museum, and Councillor Forde whose efforts had resulted in £111,000 being saved from the financial request of the Council and also to Councillors Andrews, Norris and Theodoulou for their correspondence with Councillor Forde and himself enabling information to be shared across parties. The Deputy Leader stated that the current situation was unprecedented and required unprecedented actions and he urged Members to support the recommendations as outlined in the report.

In seconding the recommendations, Councillor Forde explained that health and wellbeing had been raised as key objectives during the pandemic nationally and that these objectives were also a key ambition of the administration. She added that whilst recognising the Council needed to be careful when spending public funds, the Council needed to ensure leisure facilities remained open for the benefit of the District's residents and also urged Members to support the recommendations.

The Deputy Leader then advised that he wished to move an Amendment in addition to recommendations (a) to (e), so as to include a further recommendation (f). He advised that this had been added in recognition of comments received from the Opposition Group prior to the meeting. The Amendment was as follows:- ‘

(f) That in preparation for the current contract coming to an end, a Cross Party Member Working Group will be set up early in 2021 to draw up a detailed specification which will include Key Performance Indicators against which any future management arrangements will be measured; and to consider an appraisal of the options for such arrangements in Quarter 3 of 2021 when the nature of the leisure market post-Covid-19 is clearer.’

This Amendment was seconded by Councillor Forde.

Councillor Andrews was then invited to address the meeting. He extended his thanks to Councillors Evemy and Forde for their Amendment and explained that the main

ANNEX B – October 2020 Decision

element of the Amendment, regarding the establishment of a Cross Party Working Group, and the focus on the commercial elements and cost saving measures of the centres, were also the main focus of his Group's intended Amendment. He added that there was a requirement to recognise that the District's leisure services needed to be provided effectively in a business-like way and that it was imperative for the Group to be established as soon as was practical. Councillor Andrews then proposed that the Amendment be altered to change:

'reference to 'Quarter 3 of 2021' to Quarter 1'.

In speaking to the proposed amendment and the comment made by Councillor Andrews, Councillor Theodoulou added that the stability of the contractor was difficult to determine and that they had 'threatened' the Council with risk of legal challenge. He explained that it made sense to therefore start work now, given the unknown future situation.

The Deputy Leader, as the Mover of the initial Amendment, was then invited to address the meeting. He explained that it was intended for the Working Group to be established early in 2021 and that he did not consider it reasonable for the Group to be established prior to then, given that the 3 existing contract ran until 2023. He also added that he did not consider it suitable for the Council to be rushing any decisions and that discussion and review by all Council Members should be allowed.

Councillor Forde, in Seconding the original Amendment, advised that she also considered Quarter 3 of 2021 was the most appropriate time for any appraisal.

On being put to the vote, the Proposition to include the Amendment regarding the addition of a recommendation (f) as originally proposed, was CARRIED. The record of voting was as follows:-

Record of Voting - for 32, against 0, abstention 1, absent 1.

Councillor Andrews then Proposed an Amendment, as follows:

'That the Working Group be set up by the November 2020 meeting of Council and that an initial report be provided by the beginning of Quarter 1 2021/22.'

This Amendment was then Seconded by Councillor Theodoulou.

Councillor Coleman, in response to the Amendment then suggested that membership of the Group could be determined within the political groups and be confirmed prior to the establishment of the Group in 2021. He also added that this would enable Group Members to be appropriately briefed prior to starting serving on the Group and therefore suggested Councillors Andrews and Theodoulou should withdraw the Amendment as it related only to specific details of the Group's working.

ANNEX B – October 2020 Decision

The Deputy Leader and Councillor Forde as the Proposer and Seconder responded to comments and explained that they had no issues with the Group membership being determined early and research being undertaken, but added that they did not consider it realistic that a report could be prepared in January 2021, given the ongoing uncertainty both nationally and locally.

Councillor Andrews then responded to the comment by Councillor Coleman and explained that he agreed with the suggestion that Group Member nominations could be agreed prior to the establishment of the Group and that research start to be undertaken into the relationship between the Council and SLM prior to the Group being formed. Councillor Thedoulou added that he agreed with the suggestion and that the main requirement of the Group was to determine a suitable outcome for leisure facilities in the long term, which he considered would require various complexities to be investigated.

The Leader explained that he wished to place on record his thanks to the Deputy Leader and Councillor Forde and also to Amanda Hart, Director of the Corinium Museum, who had enabled significant savings to the requested funding from the Council. He added that it was expected the Leisure 4 Strategy, that was due to be launched in early 2021, would help address known issues regarding the District's leisure service and provision.

The Deputy Leader was invited to address the Council again and explained that the key requirement was to ensure the District's leisure centres remained open. He added that whilst this currently required substantial funding by the Council, Members should vote to support the recommendations for the benefit of the District's residents.

The Chair concluded that Officers would take action upon the appropriate instructions following suggestions and comments made by Members during the meeting.

RESOLVED that:

a) the financial support package for SLM for November 2020 - March 2021, at a capped cost of £291,146, be approved;

b) the requirement for SLM to pay the Council a monthly management fee of £8,773 for the period 1 November 2020 to 31 March 2021 (total lost income to the Council of £43,865) be waived;

c) Council approves a profit share mechanism to recover the support offered to SLM as set out at recommendations a) and b). The Council will be entitled to take a 75% share of profits in excess of the tendered financial submission until the funding is recovered;

ANNEX B – October 2020 Decision

d) authority to finalise and sign an agreement with SLM confirming the terms upon which this financial package is based, be delegated to the Interim Chief Executive in consultation with the Deputy Leader of the Council or in his absence with the Cabinet Member for Health and Wellbeing;

e) Cabinet reviews the results of the open book process in January 2021 when outturn financial and visitor data from September and October 2020 and indicative data for November 2020 will be available;

f) in preparation for the current contract coming to an end, a Cross Party Member Working Group will be set up early in 2021 to draw up a detailed specification which will include Key Performance Indicators against which any future management arrangements will be measured; and to consider an appraisal of the options for such arrangements in Quarter 3 of 2021 when the nature of the leisure market post-Covid-19 is clearer.

Record of Voting - for 32, against 0, abstention 1, absent 1.

ANNEX C – March 2021 Decision

March 2021 Report to Council

<https://meetings.cotswold.gov.uk/documents/s1747/Agenda%20Item%2012%20-%20SLM%20Financial%20Support%20-%20April%202021-July%202021.pdf>

Printed Minutes

91 SLM Financial Support - April 2021 - July 2021

Councillor Evemy introduced this report noting that this was the third report and was very much hoping that it was the last time that the Council would be discussing financial support for the leisure contractor SLM. The facilities were very important for residents and as soon as restrictions allowed, the leisure centres would open. The request was for funding from April to July 2021, November 2020 to March 2021 were agreed in aggregate, which reflected the position at the time. The forecast did not foresee the loss in visits to the centres in January which was normally a significant month for leisure provision.

The Museum had received £110,000 from the Culture Recovery Fund. The government road map currently allowed the Gyms and Swimming provision to open on 12 April 2021, with the Museum opening on 7 May 2021. He reiterated that it was the Council's responsibility to support the leisure centres and museum, as they were in the Council's ownership. There was government grants to support this funding and a financial summary was set out in the report.

Councillor Forde seconded the recommendations.

Councillor Andrews referred back to a previous Council meeting on 21 October 2021, that resolved to set up a cross party Member working group to draw up a detailed specification which would include Key Performance Indicators, against which any future management arrangements would be measured and to consider an appraisal of the options for such arrangements in Quarter 3 of 2021 when the nature of the leisure market post-Covid-19 was clearer. He commented that this group had not yet been set up and future arrangements should be measured, in order to have a better understanding of the leisure provision. He proposed an amendment to the current recommendations:

'The cross-party working group that is to be established by June 2021 as part of the Cabinet approved Cotswold Leisure Strategy shall monitor the delivery of that agreement.'

Councillor Theodolou seconded the amendment, highlighting his concern that there should be a better understanding of the support the Council was giving to such a big company as SLM. He supported this amendment as it was incumbent on the Council to support the leisure centres.

ANNEX C – March 2021 Decision

The Monitoring Officer clarified that the amendment monitored the legal agreement in paragraph (e) of the recommendations.

The meeting adjourned at 8.10pm and reconvened at 8.30pm.

Following the adjournment Councillor Every commented that the Leisure Strategy was passed by the Cabinet and the working group would look at the future leisure provision for the district, not scrutinise the finances of the existing contractor, officers would do the due diligence on the contractor. The amendment would not be accepted, as it was not considered that the working group was the appropriate methodology for monitoring the agreement, there were provisions in the Overview and Scrutiny process to scrutinise issues such as this.

Following debate, Councillor Andrews wanted the amendment to stand and a vote was taken:

On being put to the vote, the record of voting was as follows: for 14, against 17, abstention 0, absent 2; 1 Member could not vote due to technical reasons. The vote on the amendment was LOST.

Councillor Forde in seconding the proposals commented that the leisure centres needed to open as soon as possible. She thanked officers for their work on monitoring the contract and highlighted that the Council was awarded funding for the Museum to be able to reopen, in August last year, it was important for the residents of the District to have the centres reopen. She was hoping that there would be no need to discuss this issue again.

Councillor Every summed up, commenting that this had been a costly exercise for the Council, it was hoped that some Government support would be available and he, too, hoped this would be the last time this issue would be discussed, although it was right thing to do to support the centres, in order for them to re-open.

RESOLVED that:

(a) the financial support package for SLM for April 2021 - July 2021, at a capped total cost of £280,403, be approved;

(b) the requirement for SLM to pay the Council a monthly management fee of £10,462 for the period 1 April 2021 to 31 July 2021 (total lost income to the Council of £41,848) be waived;

(c) the financial support package for SLM for November 2020 - March 2021 be adjusted to be capped at a total cost of £291,000 (rather than to be capped on a monthly basis) be approved;

ANNEX C – March 2021 Decision

(d) Council approves a profit share mechanism to recover the support offered to SLM as set out at recommendations a) and b). The Council will be entitled to take a 75% share of profits in excess of the tendered financial submission until the funding is recovered;

(e) authority to finalise and sign an agreement with SLM confirming the terms upon which this financial package is based, be delegated to the Deputy Chief Executive in consultation with the Deputy Leader of the Council or in his absence with the Cabinet Member for Health and Wellbeing.

Record of Voting – for 32, against 0, abstentions , absent 2.

This page is intentionally left blank

Member Questions

Questioner	Follow-up question	Answer
<p>Question from Councillor Stephen Andrews to Councillor Jenny Forde, Cabinet Member for Health and Wellbeing and Armed Forces Champion</p>	<p>Cllr Andrews thanked Cllr Forde for the briefing note for Members which outlined the responsibilities of the Council in this area. It was requested that it might be extended to include points of contact and methodology of working with Cotswold District Council in this area. It was hoped that the Community Wellbeing Team under her portfolio could be used to connect veterans and current service personnel to the right agencies for support.</p>	<p>Cllr Forde thanked Cllr Andrews for the answer and would ask the officers to extend the note if appropriate to do so.</p>
<p>Question from Councillor Stephen Andrews to Councillor Juliet Layton, Cabinet Member for Development Management and Licensing</p>	<p>Cllr Andrews noted the issue in the original question was brought to his attention by Fairford Town Council and the rules in planning matters. It was highlighted that there were obligations in the original document on the website on the advice of Town and Parish Councils. However there was also no mention of the current Planning Panel. It was noted that the old Scheme of Delegation in question had been removed. Whilst it was welcomed that there was an opportunity through the review taking place, it was requested that the deleted document was taken into account.</p>	<p>Cllr Layton noted that most of the supplementary question was provided in the first question. It was also highlighted how disappointing how the old and incorrect scheme of delegation was on the website, but this has been addressed. It was noted that there will be a review of the Scheme of Delegation, but the current error was just an administrative issue with the website.</p>
<p>Question from Councillor Tom Stowe to Councillor Joe Harris, Leader of the Council</p>	<p>Cllr Stowe noted the written response in his view diverted around the assistance with the cost of living for staff. It was highlighted by Cllr Stowe that in his view that as the only 'career politician', Cllr Harris was asked if he accepted that had no idea</p>	<p>Cllr Harris noted the tone of the question which he felt was not in keeping with the 'debate not hate' initiative. It was also highlighted how all of the remunerated positions are elected positions. It was also stated how the funding for</p>

	<p>what it is like to be a family or business during the midst of an international cost of living crisis. He was also asked whether this explains why Cllr Harris treated businesses and resident in the district as a 'piggy bank' to waste money whilst core services suffer.</p>	<p>public services had been cut by 60%, and that a number of schemes to help residents had been highlighted.</p>
--	---	--