

Council  
05/October2022



COTSWOLD  
DISTRICT COUNCIL

## Minutes of a meeting of Council held on Wednesday, 5 October 2022.

### Councillors present:

Dilys Neill – Chair

Stephen Andrews

Tony Berry

Claire Bloomer

Ray Brassington

Patrick Coleman

Tony Dale

Mike Evemy

Joe Harris

Mark Harris

Robin Hughes

Roly Hughes

Sue Jepson

Juliet Layton

Nick Maunder

Richard Morgan

Gary Selwyn

Lisa Spivey

Tom Stowe

Steve Trotter

Clive Webster

### Officers present:

Rob Weaver – Chief Executive

Angela Claridge – Director For Governance

Andrew Brown – Business Manager For Democratic Services

Caleb Harris – Democratic Services

Wayne Smith – Democratic Services

## **39** Apologies

Apologies were received from Councillors, Gina Bloomfield, Rachel Coxcoon, David Cunningham, Andrew Doherty, Jenny Forde, Stephen Hirst, Nikki Ind, Julia Judd, Richard Keeling, Andrew Maclean, Richard Norris, Nigel Robins, Ray Theodoulou.

Councillor Spivey had advised that she would be arriving late.

## **40** Declarations of Interest

There were no Declarations of Interest from Members

There were no Declarations of Interest from Officers

## **41** Constitution of the Council

The purpose of the report and Extraordinary Council Meeting was to review the Constitution of the Council and the table of changes to the Constitution since May 2019 in Annex A.

The Chair suggested that the usual rules of debate, limiting Members to speak only once, would be relaxed to enable Members to speak on any item. This was welcomed by Members. The Chair drew Council's attention to an addendum to the report listing formatting and

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spelling corrections that had already been identified and corrected, and a list of items that had already been referred to the Constitution Working Group for consideration.

The Leader of the Council introduced the report and thanked Members for their time spent reviewing the Constitution and attending the meeting to consider the proposed updates. The Constitution was considered the foundation and bedrock of the Council, and it was important that it was up to date and accurately reflected the fundamental principles and precedents by which the Council was governed.

The Director for Governance provided an overview of the Constitution and explained that Members would be reminded of the changes that had been recommended, followed by a comprehensive section by section review.

## **Part A – Summary and Explanation of the Constitution**

No comments from Council

## **Part B – Articles of the Constitution**

3.1c Councillor Call For Action

*Council requested link/reference to be added to enable readers to refer to related information elsewhere in the document, and it is referred to the Constitution Working Group for consideration*

6.1 The Council currently has a leader and eight Councillors in its Cabinet.

*Council requested this sentence was removed and ‘The Cabinet has a minimum of three and a maximum of ten Members.’ was added.*

7.8 Whipping (paragraph)

*Council requested this paragraph was considered by Constitution Working Group along with other ‘Whipping’ paragraphs within the Constitution*

9.2 The Planning and Licensing Committee shall comprise of fifteen Members...

*Council requested this is corrected to, ‘The Planning and Licensing Committee shall comprise of eleven Members...’, or this is removed as part of a wider removal of time limiting entries*

## **Part C – Responsibility of Functions, Scheme of Delegation, Key Decisions and Forward Plan**

2.10 Council Functions

The functions which may only be exercisable by Council... e.g. Promote or oppose local or personal bills.

*Council requested that the statutory act that empowers this and all similar functions is referenced (e.g. Local Government Act 2000)*

3.0 Licensing Sub Committee (Licensing Act 2003) and Licensing Sub Committee (Taxi Private Hire and Street Trading)

*Council requested the addition of minimum and maximum numbers of members that enable meetings to be quorate*

5.10.1 Decisions By Individual Cabinet Members

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***Council requested the Constitution Working Group should consider the addition of clear details indicating when decisions should be referred to Cabinet Members, Chief Executives or Council Officers that could be understood by lay people.***

7.0 Roles and Responsibilities of Councillors

***Council requested the addition of a reference to the Code of Conduct.***

7.3 Functions relating to Housing, Public Health, Environmental Health and Health and Safety (Statutory Instrument)

***Council requested 'Section 284 of the Public Health Act 284' to be replaced by 'Section 284 of the Public Health Act 1936'***

## **Part D – Procedure Rules**

1.0 In Addition to its Annual Meeting a minimum of four ordinary meetings of the council will be scheduled.

***Council requested this is changed to 'In Addition to its Annual Meeting, six ordinary meetings of the council will be scheduled.***

2.6.2 Call-In Decisions Outside the Budget or Policy Framework

The reasons why it is not practical to convene a meeting of the Council, and the Chair of the Overview and Scrutiny Committee's consent, to the decision being taken as a matter or urgency, must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee then the consent of the Chair of the Council and in their absence the Vice Chair of the Council will be sufficient

***Council requested that the legal order of decision making referrals to the Chairs and Vice Chairs of Council and Overview and Scrutiny is determined, and that this paragraph correctly reflects the law.***

1.25.2c Limit on Rights – the advice of a political advisor

***Council requested this item is referred to the Constitution Working Group to clarify 'c) the advice of a political advisor'***

3.1.6c Supply of Documents

Any other documents supplied to Councillors in connection with an item, if the Proper officer thinks fit to any person on payment of a charge for postage photocopying and other reasonable costs

***Council requested the wording "...if the Proper Officer thinks fit..." is checked to determine if it is correct, and "...postage and photocopying..." are changed to '...communication charges...'***

## **Part E – Codes and Protocols**

No comments from Council.

## **Part F – Local Petition Scheme**

15 Cotswold District Council's Overview and Scrutiny Committee consists of seven Members of the Council who are tasked with scrutinising the work of Cabinet and holding Members of the Cabinet to account.

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*Council requested ‘...consists of seven Members of the Council who....’ is replaced with ‘consists of Members of the Council who are not members of Cabinet or the Chair of Council that...’ or match other references to the composition of Overview and Scrutiny.*

## Part G – Appendices

E “A Councillor is able to seek reimbursement of actual, but reasonable expenditure incurred in respect of meals/subsistence...”

*Council requested the term “...reasonable...” is more clearly defined or a maximum amount is stated*

*Council requested that, for clarity, the ratios of allowances e.g. Chair to Vice chair were shown in the list of allowance*

RESOLVED: Council noted the Constitution and authorised the Monitoring Officer: to publish a final clean version of the Constitution (correct any numbering, editing or formatting errors).

**Voting Record – For 20, Against 0, Abstentions 0, Absent 14,**

The Meeting commenced at 6.00 pm and closed at 7.03 pm

Chair

(END)