

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Tuesday, 17 September 2024

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COUNCIL

A meeting of the Council will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 25 September 2024 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Council

(Councillors Nikki Ind, Mark Harris, David Cunningham, Dilys Neill, Tristan Wilkinson, Mike Evemy, Joe Harris, Roly Hughes, Julia Judd, Juliet Layton, Andrew Maclean, Gina Blomefield, Claire Bloomer, Nigel Robbins, Gary Selwyn, Lisa Spivey, Patrick Coleman, Ray Brassington, Tony Dale, Tom Stowe, Tony Slater, Helene Mansilla, Mike McKeown, David Fowles, Jeremy Theyer, Clare Turner, Chris Twells, Michael Vann, Jon Wareing, Ian Watson, Daryl Corps, Len Wilkins, Paul Hodgkinson and Angus Jenkinson)

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.

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX
Tel: 01285 623000 www.cotswold.gov.uk

AGENDA

1. **Apologies**
To receive any apologies for absence. The quorum for Council is 9 members.
2. **Declarations of Interest**
To receive any declarations of interest from Members relating to items to be considered at the meeting.
3. **Minutes (Pages 11 - 50)**
To confirm the minutes of the meeting of Council held on 31 July 2024.

The exempt minutes at item 16 can be taken as read unless Council wishes to discuss the content (in private session).
4. **Unsung Heroes Awards**
For the Chair of Council to award the Unsung Heroes Awards.
5. **Announcements from the Chair, Leader or Chief Executive (if any)**
To receive any announcements from the Chair of the Council, the Leader of the Council and the Chief Executive.
6. **Public Questions**
To deal with questions from the public within the open forum question and answer session of fifteen minutes in total. Questions from each member of the public should be no longer than 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.
7. **Member Questions (Pages 51 - 56)**
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 were submitted before the publication of the agenda:

Question 1 from Councillor David Fowles to Councillor Mike Evemy, Cabinet Member for Finance

Over the weekend of 7th and 8th September, a severe leak resulted in a huge amount of rainwater entering Trinity Road causing extensive damage to ceilings, storage rooms, paper files and the electrical system such that neither the heating nor security systems were operational.

To my knowledge, over the 20 years I have worked in Trinity Road there have been several very heavy rainfalls (particularly the floods of 2007) but no significant leaks or damage.

Why has rainwater caused such extensive damage just after £1 million plus has been spent on major works to the roof? What steps are being taken to identify the cause and who is liable for the costs?

Question 2 from Councillor Tony Slater to Councillor Mike Evemy, Cabinet Member for Finance

The recent flood at Trinity Road caused significant damage to the building, critical IT infrastructure and stored documents, and had a seriously detrimental impact on the ability to work effectively from the building.

Please can you confirm that all critical data and records, whether stored digitally or in paper hard copy, were safely recovered and not compromised in anyway and what control measures are in place to ensure the resilience of CDC infrastructure in the future?

Question 3 from Councillor Len Wilkins to Councillor Joe Harris, Leader of the Council

Following the recent cyber-attack on neighbouring Tewkesbury Borough Council, please could you confirm that discussions will take place with Tewkesbury and other specialist external bodies involved in resolving the matter, to fully understand the causes and any lessons that can be learnt?

Are you satisfied that member and staff training on cyber security is sufficient and there is a policy of continual improvement in this area to battle this ever-evolving threat?

Question 4 from Councillor Julia Judd to Councillor Mike Evemy, Cabinet Member for Finance

Missed waste collections in Ermin Ward and other parts of the district over the last three months have been prolific, happily I can report that they have abated, but not yet ceased. However, throughout this period some residents have been unable to use the CDC website missed waste collection reporting tool, because a missed collection in their area had already been reported. This caused great frustration and concern, not only because missed collections could not be logged, but they could not tell what type of waste had already been reported, so people were left in the dark. Furthermore, many villages who had reported missed collections were not included in the published list. Is the reporting tool being redesigned to make it more accessible, accurate, transparent and easy to use?

Question 5 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council

Given the Deputy Prime Minister's enthusiasm for a nationwide introduction of a 4-day working week, could the leader confirm that the Liberal Democrat administration have no plans to introduce a 4-day working week for staff at CDC?

Question 6 from Councillor Daryl Corps to Councillor Joe Harris, Leader of the Council

Your intention to build more, much needed, social-rented homes in the District is well publicised.

What steps has this administration taken since May 2023, and what plans do you have in place, to build more social-rented homes and how many new units do you envisage these plans will deliver by 2030?

Question 7 from Councillor Gina Blomefield to Mike Evely, Cabinet Member for Finance

Having recently looked at the freshly renovated parts of the Trinity Road building which Watermoor Point are now marketing as office space on behalf of the council I was amazed at how big an area it is when also taking into account the various side offices on two floors off the main atrium. As I understand it there has been some interest, but no tenants are yet signed up.

How attractive are the rents compared to those in Watermoor Point itself and is consideration being given to lower them should the market dictate, to attract tenants and much needed income from this asset?

8. **Petition: Retain the public toilets in the High Street/Market Square, Stow-on-the-Wold**
(Pages 57 - 60)

Purpose

For Council to consider a petition submitted under the Local Petition Scheme (Part F of the Constitution).

Recommendations

That Council resolves to either:

1. Make recommendations to Cabinet as the decision-maker for the request to be considered.
2. Refer the petition to Overview and Scrutiny Committee for review.
3. Note the petition and take no further action.

9. **District Boundary Review - Council Size Proposal** (Pages 61 - 110)

Purpose

For Full Council to consider the draft Council Size Proposal for submission to The Local Government Boundary Commission for England (LGBCE).

Recommendation

That Council resolves to:

1. Approve the draft Council Size Proposal (Annex A) for submission to The Local Government Boundary Commission for England.
2. Delegate authority to the Business Manager for Democratic Services, in consultation with the Chief Executive Officer and the Chair of the Boundary Review Working Group, to finalise the Council Size Proposal document to reflect the discussion at full Council (if required) and to make other minor amendments to improve the document prior to submission.

10. **Treasury Management Outturn 2023/24** (Pages 111 - 126)

Purpose

To receive and discuss details of the Council's Treasury management performance for the period 01 April to 31 March 2024.

Recommendation

That Council resolves to:

1. Note the Treasury Management performance for the period 01 April 2023 to 31 March 2024;
2. Approve the Treasury Management Outturn Report for 2023/24.

11. **Sewage Summit Update** (Pages 127 - 140)

Purpose

The purpose of the report is to provide an update to all Councillors on the Sewage Summit event that took place on 8 July 2024, the meetings held with the 3 water companies and 2 workshops that took place leading up to the event, along with outlining a series of recommendations associated with these.

Recommendation

That Council resolves to:

- I. Note the report and approve the following recommendations;
 - a. The Chief Executive writes to Government requesting they:
 - i. Make Water Companies Statutory Consultees for both Development Control and in preparing Local and Strategic Plans;
 - ii. Introduce clear mandatory controls on storm water drainage for all development.
 - b. Introduce a validation checklist and matrix of Grampian conditions.
 - c. Incorporate policies within the new Local Plan to optimise water efficiency for new houses.
 - d. Consider, subject to a business case and affordability including in the 2025-26 budget process funding for a specialist Officer to work with the Flood Risk Management Team and Planning service to liaise between Developers and the Water Companies along with related bodies.

- e. Continue to develop an effective Communication Strategy to outline to residents the statutory obligations and powers of each local government body and other relevant organisations such as the Environment Agency.

12. Report of the Constitution Working Group - Planning Protocol and Scheme of Delegation (Pages 141 - 174)

Purpose

To consider updates to the planning scheme of delegation and the planning protocol following review in practice of the updated format of those parts adopted from 1 April 2024, for the benefit of all stakeholders.

Recommendation

That Council resolves to:

1. Approve the changes and corrections to the Scheme of Delegation in respect of the Planning & Licensing Committee.
2. Approve the changes and corrections to Planning Protocol in respect of the Planning & Licensing Committee.

13. Review of Standards Arrangements (Pages 175 - 200)

Purpose

To consider the adoption of procedure rules for the Standards Hearings Sub-Committee and a review of the Council's arrangements for dealing with complaints under the Code of Conduct.

Recommendation

That Council resolves to:

1. Approve the updated arrangements for dealing with code of conduct complaints;
2. Approve the procedure for the Standards Hearing Sub-Committee and to delegate authority to the Director of Governance & Development to make minor amendments to the procedure.

14. Notice of Motions

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

14.1 Motion A: Safety of lithium batteries in e-scooters and e-bikes & their disposal

Proposer: Councillor Nikki Ind

Seconder: Councillor Mike McKeown

Whilst Full Council recognises the significant environmental benefits of electric-powered micromobility vehicles, such as e-scooters and e-bikes, in reducing CO2 emissions—particularly as transport remains the largest source of CO2 in the Cotswolds—we believe it is essential to address the growing safety concerns surrounding lithium batteries. By supporting the Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill, we aim to ensure that safety standards keep pace with the increasing use of these vehicles, allowing us to continue promoting low-carbon transport solutions while protecting public safety.”

Whilst we have been lucky so far in the Cotswolds, lithium battery fires are

on the increase – there have been over 1000 in the past few years, nearly 200 injuries, and over a dozen fatalities and the cost to the UK runs into £billions.

It is important to clarify that the safety concerns raised in this motion are specifically related to lithium batteries in e-bikes and e-scooters, where the higher risk of fire incidents is largely due to poor quality standards and substandard components. This motion seeks to address those issues by advocating for stronger safety regulations, rather than any intrinsic problems with the technology itself. It is also important to note that there are no significant safety concerns with electric vehicle (EV) car batteries, which undergo stringent testing and have a lower fire risk compared to petrol, diesel, and hybrid vehicles. By improving standards for micromobility batteries, we can support safer, sustainable transport options without undermining the broader transition to electric vehicles.”

Electrical Safety First, with cross-party support, is promoting the Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill. A Bill to make provisions regarding the safety of electric-powered micromobility vehicles and of lithium batteries and to ensure greater safety in the use and disposal of lithium batteries. The proposed legislation covers:

- Safety Assurance – this clause mandates a third-party safety assessment, conducted by a government-approved body, for all e-bikes, e-scooters, and their lithium-ion batteries before they enter the UK market. This process mirrors safety measures in place for other high-risk products like fireworks and heavy machinery
- Responsible Disposal – this clause requires the Government to make regulations ensuring the safe disposal of lithium batteries once their lifecycle ends.
- Comprehensive Fire Safety – this clause assigns the Government the responsibility of comprehensively addressing fire-related concerns – involving enhancing safe usage, charging and storage practices for these devices. It includes setting standards for conversion kits and charging systems and considering a temporary ban on the sale of universal chargers that heighten fire risks.

Electrical Safety First has the support of many national organisations, including the National Fire Chiefs Council, local Fire and Rescue Services, insurance companies and various organisations who have issued warnings regarding the lithium-ion battery situation.

Full Council notes that:

- Fires caused by lithium-ion batteries in e-scooters and e-bikes have multiplied fourfold since 2020
- The UK is now facing a projection of nearly one e-bike or e-scooter fire per day this year, a significant leap from just over one per week in 2020
- This issue is widespread across the UK – in the last 18 months, battery fires in over 150 UK parliamentary constituencies have occurred

Full Council therefore resolves to:

1. Support the Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill;
2. Request that the Leader of the Council writes to MP's Sir Geoffrey Clifton-Brown and Dr Roz Savage MBE to provide notice that the motion has been passed - request that the Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill is supported in Parliament;
3. Request that the Leader of the Council writes to the organisers of the cross-party campaign for the Bill, expressing our support (electricalsafetyfirst.org.uk).

14.2 Motion B: Ambulance motion
Proposer: Councillor Paul Hodgkinson
Seconder: Councillor Gina Blomefield

Council notes with concern the latest ambulance response times for the Cotswold district. For category 1 cases the target time to arrive at a patient's home is 8 minutes on average but in the Cotswolds this is running at 13 minutes and has been increasing this year. Northleach and Bourton Vale wards are running at 22 minutes. For category 2 cases the target is 18 minutes but this is running at 57 minutes. Chedworth and Churn Valley Ward is the joint worst in the county at one hour, 2 minutes. Council also notes the excellent work of first responders and paramedics who are doing their best in challenging times.

Residents want to feel reassured that the South Western Ambulance Service NHS Foundation Trust (SWASFT) (described as having the worst performance of all ambulance trusts in the country in a recent County Council Health Overview and Scrutiny Committee report) is taking steps to improve.

Council instructs the Chief Executive to write to the CEO of SWASFT asking him for a full report on what steps he will be taking to improve ambulance response times in the Cotswold District as well as providing more support to grow the Community First Responder teams whose assistance is invaluable and thereafter invite him to attend the Overview and Scrutiny Committee to discuss his report and the actions resulting from it. Council also instructs the Chief Executive to write to the Chair of the county's Health Overview and Scrutiny Committee asking that committee to express this Council's concerns at its next meeting and to regularly scrutinise ambulance performance as a standard agenda item. Finally, Council instructs the CEO to write to our two MPs asking them to raise this issue in Parliament and to lobby SWASFT on our behalf.

15. Next meeting
The next meeting of Council will be held on Wednesday 27 November 2024 at 2pm.

16. 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.

17. **Exempt minutes from the meeting of Council on 31 July 2024 (Pages 201 - 204)**

(END)

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Minutes of a meeting of Council held on Wednesday, 31 July 2024

Members present:

Mark Harris - Vice Chair, in
the Chair
David Cunningham
Dilys Neill
Mike Evey
Joe Harris
Roly Hughes
Julia Judd
Juliet Layton
Andrew Maclean
Gina Blomefield

Claire Bloomer
Nigel Robbins
Gary Selwyn
Lisa Spivey
Patrick Coleman
Ray Brassington
Tom Stowe
Tony Slater
Helene Mansilla
Mike McKeown

David Fowles
Jeremy Theyer
Clare Turner
Michael Vann
Jon Wareing
Ian Watson
Daryl Corps
Len Wilkins
Paul Hodgkinson
Angus Jenkinson

Officers present:

Andrew Brown, Democratic Services Business
Manager
Angela Claridge, Director of Governance and
Development (Monitoring Officer)
Ana Prelici, Governance Officer
Robert Weaver, Chief Executive
Mandy Fathers, Business Manager for
Environmental, Welfare and Revenue Service

Claire Locke, Interim Executive Director
Michelle Burge, Chief Accountant
Kira Thompson, Election and Democratic
Services Support Assistant
Caleb Harris, Senior Democratic Services
Officer

12 Apologies

Apologies were received from Councillors Chris Twells, Nikki Ind, Tony Dale and Tristan Wilkinson.

13 Declarations of Interest

Councillor Andrew Maclean noted his name on the report in respect of appointing a temporary Parish Council Member for Upper Rissington but it had been agreed that he had no pecuniary interest.

The Chair then made a statement regarding the Publica Review. The following points were made:

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The Publica Shareholder Councils had taken legal advice about whether officers employed by the Publica Group whose roles were in scope for the phase I transition to direct Council employment needed to declare an interest and/or leave the room.

Whilst officers do not have an “interest” in public-law decision making unlike the decision-makers (i.e. Councillors), there was a need to avoid the appearance of bias.

Therefore, officers employed by the Publica Group who were in scope for the phase I transition, such as Democratic Services officers, would leave the room for the duration of the item.

Any officers employed by the Publica Group who were acting as Deputy Statutory Officers or otherwise advising members in relation to the Publica Transition item were able to stay in the room. This was because, in the view of the Council’s Monitoring Officer, the need for Members to receive answers to questions outweighed the risk of any appearance of bias.

14 Minutes

The minutes of the Full Council meetings on 20 March 2024 and 15 May 2024 were considered as part of the published pack.

There were two minor typographical amendments raised by Councillor Neill were noted on 20 March 2024 minutes under the Chair Announcements item which would be updated.

Councillor David Fowles queried where the apologies were for the previous meeting on 15 May 2024. It was confirmed by email after the meeting that these were present in the document but were not in the usual place because of the format of the Annual Meeting agenda.

* Due to a technical error, Councillor Helene Mansilla’s vote was incorrectly noted electronically as ‘Against’ and was corrected verbally to ‘Abstain’.

| Minutes of the Full Council meeting on 20 March 2024 (Resolution) | | |
|--|--|----|
| RESOLVED: That subject to the amendments noted, the Full Council minutes on 20 March 2024 be APPROVED as a correct record. | | |
| For | Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Every, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 26 |
| Against | None | 0 |
| Conflict Of Interests | None | 0 |
| Abstain | Claire Bloomer, David Cunningham, Roly Hughes and Helene Mansilla | 4 |
| Carried | | |

| Minutes of the Annual Council meeting on 15 May 2024 (Resolution) | | |
|--|--|--|
| RESOLVED: That the minutes of the Annual Council meeting on 15 May 2024 be approved as | | |

| | | |
|-----------------------|--|----|
| a correct record. | | |
| For | Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evemy, Joe Harris, Mark Harris, Paul Hodgkinson, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 26 |
| Against | None | 0 |
| Conflict Of Interests | None | 0 |
| Abstain | David Cunningham, David Fowles, Roly Hughes and Helene Mansilla | 4 |
| Carried | | |

15 Announcements from the Chair, Leader or Chief Executive (if any)

The Vice- Chair started this item by welcoming both Dr Roz Savage MP and Sir Geoffrey Clifton-Brown MP and congratulating them on their election to the South Cotswolds and North Cotswold parliamentary constituencies respectively. It was hoped that they could be present at a future Council meeting to engage with Members on national considerations.

The Vice-Chair read announcements on behalf of the Chair who was not able to be in attendance:

The Chair had been in attendance for a number of gatherings on behalf of the Council: Mayor of Evesham Gathering for Civic Leaders, D-Day and Armed Forces Day Commemorations and the Annual Kiribati Tungaru gathering in Chedworth Village Hall.

An update was given on the Chair's Cotswold Way Challenge Walk to commemorate 50 years of Cotswold District Council. 8 out of the 12 stages had been completed alongside other representatives from the charities supported, Council Officers and family members.

The Vice-Chair also noted the following announcements:

- The Unsung Heroes award would be launching for nominations on 1 August to recognise the contributions of volunteers in the District.
- There would be an event on 25 September 2024 for the 50th Anniversary of the Council. The Council delivered over 50 different services within the District that supported communities.

The Leader, Councillor Joe Harris, was then invited to make the following announcements:

- The Leader congratulated both Dr. Roz Savage and Sir Geoffrey Clifton Brown on their election victories. The Leader also noted the importance of the General Election in engaging with residents and encouraging participation in democracy.
- The Leader noted the optimism regarding the new government and the need for the local government sector to be supported during the difficult financial challenges. There

was a need for multi-year funding settlements to be able to make informed decisions on service delivery and capital investments.

- The Leader noted that the housing target from the Government had changed which would require 300 more homes to be built per year. In doing so, some points were noted in relation to housing.
 - Tough decisions were required with communities to deliver more homes to buy and to rent.
 - Affordable housing was required to help those in the District to support communities particularly for those like carers to support the ageing population.
 - The priority for the administration was to deliver more socially rented housing.
 - The Council needed to meet housing targets and if it failed to meet the requirements, the Council could lose control of where and how those homes were built.
 - The whole Council was committed to get feedback from residents but there needed to be honesty about the requirements being asked of the Council.
- There were three Olympians competing in the Paris Olympic Games from the Cotswolds: Laura Collett and Tom McEwen in Equestrian events and Alex Cohoon in the swimming events and the Leader wished to wish them the best of luck.

The Chief Executive was then invited to make any announcements:

- Congratulations were given to the MPs for the North and South Cotswolds on their election victories. Thanks was also given to the Elections Staff who worked so hard to deliver the process.
- Best wishes were given to the Chair, Councillor Nikki Ind's mother who was going in for a minor operation and was the reason for the Chair's absence.
- The Chief Executive wished to provide condolences to the friends and family following the tragic incidents in Southport.

16 Public Questions

The Vice-Chair then invited the first public speaker to ask their question.

Councillor Mike Cameron Davies of Sapperton Parish Council asked a question regarding waste collection issues. Whilst recognising that the recent round reorganisation was required for the Council's budget, it was felt that the Council did not take appropriate action to mitigate the impact on those affected. Frampton Mansell was used as an example of an area where bin collections had not been consistent to the new timetable. The question asked was if the Council agreed that this was a pretty poorly planned and executed change that should not be repeated, and what lessons have been learned from this?

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The Deputy Leader and Cabinet Member for Finance, Councillor Mike Evemy, responded as the portfolio holder for waste and recycling and apologised to residents who had been inconvenienced from the changes. It was highlighted that officers within Publica and Ubico had been working hard on implementing the changes. It was affirmed that the planning work for the changes had been underway since November 2023, with the issues arising from the logistics implementing the change. There was a desire to minimise further disruptions on waste collections and it was noted that extra resources had been put in to the project. It was highlighted that missed bin collections had fallen week on week after an initial increase in missed bin collections.

A supplementary question was asked by Councillor Mike Cameron Davies about clarifying how the Council would proceed from here and work in a smarter way and how lessons would be learnt.

The Deputy Leader and Cabinet Member for Finance, Councillor Evemy, stated that officers were to rectify any current issues and noted the complexities of the locations of properties in the District. Whilst stating that the change wasn't recognised as being a failure, there would be lessons to be learnt for any future changes required and that the Overview and Scrutiny Committee would have a role in scrutinising any such changes.

Ben Eddols asked a public question regarding the proposed Stow and the Swells Neighbourhood Development Plan. It was highlighted that many volunteers' hours had been put into developing the plan since 2011 to improve the local community such as affordable housing, improving parking spaces and finding a permanent space for Stow Town Council. The main part of the plan had been rejected by the Inspector. In addition, Stow Town Council were currently in negotiations with Cotswold District Council regarding the future of the public toilets. It was felt that it was wrong that the residents should cover the £15,000 annual loss through the precept. It was asked why Stow Town Council should exist given the perceived lack of control over events in the communities.

The Deputy Leader and Cabinet Member for Finance, Councillor Evemy, wished to pick up the point about the toilets. It was noted that the Overview and Scrutiny Committee had conducted a review through the Public Conveniences Working Group. The review had highlighted the need for the service to change and duplicate locations in one locality needed to be addressed. It was explained that discussions were taking place but there were constraints about what the Council could do on the future ownership of assets.

The Cabinet Member for Planning and Regulatory Services, Councillor Juliet Layton, answered the point raised on the neighbourhood development plan and recognised the disappointment around the proposed developments being taken out by the examiner. It was noted that the Council and gone through a rigorous process and would go to a referendum in September. Councillor Layton commended the Town Council for their work on the rest of the plan, and said that conversations had been held with officers and the member for Stow around these issues.

The Cabinet Member for Communities and Public Safety, Councillor Lisa Spivey, wished to pick up the point about communities not being heard and that frustration was understood. It was key that decentralisation of decisions takes place. It was noted that the Town and Parish Council forums did take place in order to engage Town and Parish Councils as the centre of their communities.

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Neil Backwith then asked a question about the impacts of the Council's Local Plan on Moreton-in-Marsh. It was noted that a locally organised poll of residents in Moreton-in-Marsh showed a 96% rejection of the proposed Local Plan Update. The question asked to Councillor Joe Harris was if the Council would withdraw the Local Plan and replace it or would it continue with the overdevelopment in Moreton-in-Marsh?

The Leader, Councillor Joe Harris, noted that the Council would not be withdrawing the Local Plan Update. It was noted that there was a consultation on some of the key elements of the proposals. It was stated that Moreton would get more housing in the future but that some of this housing would unlock better infrastructure in the town. It was highlighted that whilst it would be preferable to go with an infrastructure first approach, the current system for planning did not allow for this. It was confirmed that the Council would continue to work with local communities going forward on the Local Plan Update.

The Chair then indicated that the 15 minutes allocated for public speakers had been used, and that therefore the other public speakers present who wished to ask a question were encouraged to submit their questions to Cabinet Members directly and would get an answer from the Cabinet Members in writing.

Councillor David Fowles on a point of order asked whether the Vice-Chair knew under the system how many questions there would be and that it was disappointing for those members of the public who had travelled to the Chamber to ask a question. The Vice-Chair indicated he wasn't aware of how many questions were going to be asked, but advised Councillor Fowles that any procedural points could be discussed at the Constitution Working Group. It was highlighted that the packed agenda required the timings to be kept to.

17 Member Questions

Member Questions with written responses and supplementary responses are attached at the Annex A.

18 Publica Review - Detailed report

The purpose of the report was to consider the Detailed Transition Plan, to note its content and to approve the recommendations therein.

The Chair invited those Publica officers who felt that they should leave the room to do so.

The Chair then invited the Leader of the Council, Councillor Joe Harris, to introduce the item. The following points were made:

- There were concerns about the sovereignty of the Council over its staff and the attractiveness of the Council as an employer at the time of introducing Publica in 2017.
- The Leader noted his own vote against the establishment of Publica as an organisation at that time.
- The concerns were noted as being manifested as part of the Council's current day-to-day operations during his time as Leader.
- The misgivings around Publica were not a reflection on the staff who work hard at the Council across a range of areas who support people and businesses across the District.

- The Leader wished to thank all staff for their work and noted that they were the Council's greatest asset to deliver the Council's priorities.
- The Leader noted that the transition of services would put staff at the forefront of the process to ensure they can deliver to the best of their ability.
- Phase I would return staff to the Council and set the Council's brand and identity as it becomes a major employer in the District once again.
- The report outlined the need to define what success looks like for the Council and how the future of the Council's services would look.
- The Overview and Scrutiny Committee were thanked for their work in scrutinising the report and providing constructive feedback. Following this, the Leader proposed an additional recommendation to the report which read as follows:

7. Note the recommendations of the Overview and Scrutiny Committee and therefore ask officers to work with members to clarify and define what success for the Council and continuing Publica will look like and the values that will underpin this success in order to improve efficiency and enhance services for residents, businesses and community organisations in the district.

- The Leader noted that a lot of the change required would take time but this was the beginning of the journey and the priority was to complete the Phase I transition of staff at pace.
- It was noted that the short-term and medium-term financial assumptions were clear but that unforeseen costs were possible and that mitigation measures would need to be prepared.
- It was highlighted that the transfer of staff would help to prepare the Council for the need to respond to the changes likely to take place in the local government sector.
- This was an opportunity to reset the Council as an employer and to ensure all employees feel valued and empowered in their roles.
- In the 50th Anniversary year of the Council, it was noted that this would be a significant moment in the history of the organisation.

The Deputy Leader and Cabinet Member for Finance, Councillor Mike Every seconded the recommendations and made the following points:

- In previous years, outsourcing to the private sector and economies of scale was something that all councils were seeking to do. This was also supported by the UK Government at that time through grant funding.
- Previous arrangements at that time under GO (Gloucestershire and Oxfordshire) Shared Services included transactional services like HR and Payroll under this model.

- Publica was created in 2016 and went live in 2017, taking on the vast majority of services. It was highlighted that in hindsight this could have been seen as a step too far.
- The councils had been left with very little policy and strategic capabilities which made it hard to influence staffing structures and associated spending.
- The Publica Shareholder Councils all had individual circumstances within their own Districts which needed to be met through services. This had become particularly prevalent with the change of administrations in the Shareholder Councils.
- It was reiterated that it wasn't a criticism of the staff within Publica but rather of the model it was operated under.
- Following the review of services by Human Engine and the decisions taken to repatriate services to the Council, senior management in the Councils and Publica had been working closely with the Programme Director to drive the process.
- Publica as a company would still have a role within Council services which would need to be closely managed by the Council.
- The expected cost following the transition was estimated to be around £376,000 per annum which represented a 10% increase over the current cost within Publica. The key factor in this increase was the offering of all staff the Local Government Pension Scheme which the modelling assumed all staff would take up with few opting out.
- There were key principles for success in the Detailed Transition Plan and key performance indicators would be drawn up and monitored. These principles included enabling performance and value for money to be measured, simplify processes, manage resource deployment, and embed cost recovery in services.

Members made various comments around previous concerns of the financial impact of the transition of services. It was also noted that the work of the Overview and Scrutiny Committee had produced previous amendments which were rejected around monitoring the financial costs.

Council noted points raised that the Phase 1 and 2 transitions would have a long-term impact on the cost of delivering services and the scale of services provided.

Council noted that extra transparency around agency staff costs and the whole project costs would be of benefit as promised at the Overview and Scrutiny Committee.

Council noted that Senior Management of the Council had worked very hard to deliver the change and to have an 'open-door' to Members for questions.

Council noted issues with staff recruitment because of Publica's lack of access to the Local Government Pension Scheme.

Council noted the findings of the Peer Review which had raised the original concerns around the Publica shared services model.

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Council noted that Publica did not need to be totally dismantled to deliver improvements and that any change would need to be done creatively.

The Leader in summing up made the following points:

Councillors across the political divide had shared frustrations around the operation of services under Publica.

The Leader was comfortable that the vast majority of the financial questions had been answered. There would be some unknowns but there was confidence in the work done by the Chief Finance Officer and the Programme Director.

There would be difficult decisions around staffing structures but the Council would have control over future requirements.

There was hope that the new UK Government would give long-term funding certainty, but this wasn't available right now.

It was stated that most councils were moving away from Teckal companies.

While the transition may provide challenges the Council would plan to mitigate these where possible.

It was stated that the transition of services in future years would likely be seen as a positive step for the District.

Publica Review Detailed Transition Plan (Resolution)

RESOLVED: That Full Council:

1. APPROVED the implementation of Phase I of the Publica Transition based on the Detailed Transition Plan and the phasing for the transition.
2. DELEGATED AUTHORITY to the Chief Executive, in consultation with the Leader of the Council, the decision to deal with any final detail matters arising from the Detailed Transition Plan.
3. DELEGATED AUTHORITY to the Director of Governance and Development (Monitoring Officer), in liaison with the Leader, to update the constitution by making any consequential changes required as a result of Phase I of the Publica Transition.
4. AGREED TO carry out a budget re-basing for the 2026/7 financial year so that the funding provided to Publica is proportionate to the services received.
5. NOTED that following the decision on Phase I, preparatory work for Phase 2 will commence and will be the subject of a separate report
6. NOTED the following as included in the Detailed Transition Plan;
Section 2: Transition Planning:
 - *Note the Design-Led principles*
 - *Note the Key Goals for Transition**Section 7: Modelling Assumptions and Outputs:*
 - *Note the cost modelling for Phase I.**Section 9: Post-Transition Support:*

| | | |
|---|--|----|
| · <i>Note the need for post-transition support.</i> | | |
| 7. NOTED the recommendations of the Overview and Scrutiny Committee and therefore asks officers to work with members to clarify and define what success for the Council and continuing Publica will look like and the values that will underpin this success in order to improve efficiency and enhance services for residents, businesses and community organisations in the district. | | |
| For | Claire Bloomer, Ray Brassington, Patrick Coleman, Mike Every, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Angus Jenkinson, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Lisa Spivey, Clare Turner, Michael Vann, Jon Wareing and Ian Watson | 21 |
| Against | Daryl Corps, David Cunningham, David Fowles, Julia Judd, Tony Slater, Tom Stowe, Jeremy Theyer and Len Wilkins | 8 |
| Conflict Of Interests | None | 0 |
| Abstain | Gina Blomefield | 1 |
| Carried | | |

19 Business And Planning Act 2020 - Update To Pavement Licensing Regime

The purpose of the report was for Full Council to consider the draft Pavement License Policy document for approval following the Levelling Up and Regeneration Act making permanent the pavement licensing regime.

Councillor Juliet Layton introduced the report and made the following points:

- The Planning and Licensing Committee as a consultee approved the draft policy at its meeting on 12 June 2024.
- The report contained the draft policy following the Levelling Up and Regeneration Act which made Pavement Licensing a permanent regime.
- The original regime was introduced in 2020 under the Business and Planning Act to extend the trading area for food and drink to outside spaces during the Coronavirus Pandemic. Businesses would need to apply to the Council for a licence to utilise this.
- The Council had issued 12 licences across the District.
- The draft policy reflected changes in legislation which included:
 - increasing the consultation period to 28 days
 - expanding licence validation to 24 months
 - increasing the capped fee to £500 and the renewal fee to £350.
- Expanding enforcement powers for the Council.

- Licences granted prior to 30 March 2024 would be valid until the end of the expiration date.
- A cost recovery principle underpinned the draft policy with a new licence costing £185 for a new 24 months licence and £150 for a renewal.
- It was stated that this move would give certainty for business in the District.

Councillor Ray Brassington seconded and made the following points:

- Any objections to a pavement licence application would be reviewed by officers in consultation with himself as Chair of Planning and Licensing Committee.
- The change to a 28 day consultation period was welcomed to improve responses from the public.

Council noted the encouraging policy from the Covid Pandemic on pavement licensing for communities in an orderly way.

Council noted the entrepreneurs in the Cotswold using pavement licences which would be of benefit to businesses.

Council asked about the 14-day public consultation and how that was carried out. The Business Manager - Environmental, Welfare & Revenue Service answered and stated that Highways and other public bodies would be consulted. It was noted these applications were also posted online for residents to raise any objections. Council asked about the 28 day minimum consultation and whether this was enough time. The Business Manager answered that the statutory consultees did respond quite efficiently normally to these applications.

Council noted the clarity for businesses in the District that the policy would provide.

| Business And Planning Act 2020 - Update To Pavement Licensing Regime (Resolution) | | |
|--|--|----|
| RESOLVED: That Full Council: I. APPROVED the draft Pavement Licensing Policy and Fees, attached at Annex A. | | |
| For | Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Mike Evemy, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 30 |
| Against | None | 0 |
| Conflict Of Interests | None | 0 |
| Abstain | None | 0 |

20 Overview and Scrutiny Annual Report 2023/24

The purpose of the report was to receive the annual report of the work of the Overview and Scrutiny Committee for the 2023/24 Civic Year.

Councillor Blomefield as Chair of the Overview and Scrutiny Committee introduced the report:

- Thanked the members of the Committee who had contributed to the work of the Committee over the past year. Specifically Councillor Selwyn as Vice-Chair and Councillor Clare Turner who had stood in as a Vice-Chair.
- The Chair also thanked the officers involved in the running of the Committee.
- It was noted that this was the first time a report had been received by Full Council in respect of the work done by the Committee.
- The report highlighted the progress made by the Committee, in particular in relation to Task and Finish Groups and the special meeting held with Great Western Railway.
- The Overview and Scrutiny Committee had also made a positive contribution through the recommendations to Cabinet. Many of these recommendations had been accepted as part of the recommendations.

Council noted thanks from Cabinet Members for the development of the Overview and Scrutiny Committee to being an effective 'critical friend' of the Executive.

Council noted the difference made by Public Conveniences Working group in its work regarding the future of public conveniences through cross-party working.

Many Members commended the chairing skills of Councillor Blomefield in guiding the Overview and Scrutiny Committee and improving the work of the Committee.

It was highlighted that the questions by Committee members to Cabinet Members as the leading policy makers helped to examine proposals to Cabinet and Council.

Councillor Blomefield in summing up noted about liaising with the Leader and other Cabinet Members to discuss more in advance about the work of the Committee through work planning sessions.

RESOLVED: Full Council NOTED the Overview and Scrutiny Annual Report 2023/24.

21 Decision taken under Urgency Powers

The purpose of the report was for Council to note the decision taken by the Chief Executive using Urgency Powers.

The Leader, Councillor Joe Harris introduced the report and made the following points:

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- The Full Council meeting date had changed due to the General Election pre-election period which moved other meetings such as Cabinet and Overview and Scrutiny Committee.
- As Full Council needs to agree its own meeting date changes and was unable to, the Chief Executive used the Urgency Powers within the Constitution to action the change.

There were no comments on this item.

RESOLVED: Full Council NOTED the decision taken.

22 Appointment and Remuneration of Independent Persons

The purpose of this report was to appoint Independent Persons for standards matters and approve allowances payable.

The Leader of the Council, Councillor Joe Harris, introduced this item and made the following points:

- The Localism Act 2011 required that at least one independent member was appointed to assist the Monitoring Officer in assessing code of conduct complaints against District and Town and Parish Councillors.
- There had been an uptick in complaints, particularly in relation to Town and Parish Councillors.
- Independent persons could advise the Councillor accused of breaching the Code of Conduct and this was usually not required.
- The large increase in complaints required the Council to reinforce its arrangements for assessing these complaints.
- One of the Independent Members also sat on the Council's Independent Remuneration Panel.
- Two of the Independent Persons would be re-appointed but two new Independent Persons would be appointed following a retirement. This followed a recruitment campaign and interview where Robert Cawley and Melvin Kenyon met the requirements needed.

The Director of Governance and Development (Monitoring Officer) was then invited to speak to the item and made the following points:

- The increase in complaints was highlighted in the report to the Audit and Governance Committee on 23 July 2024.
- The independent persons were important individuals to support the process for maintaining standards.

Councillor David Fowles seconded and noted the hard work of the Director of Governance and Development in dealing with complex cases. A question arose regarding the format of

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meetings with the independent persons given their distance from the area. The Director of Governance and Development noted that most of the contact was via video conference but for Standards Hearings, these would need to be held in person. It was also confirmed the mileage paid would be at the same rate as for Councillors.

Councillor Mike Evemy wished to note for the record that Michael Paget-Wilkes was known to him as he played in the same tennis club. However, he did not otherwise socialise with him and this would not be a pecuniary interest.

Appointment and Remuneration of Independent Persons (Resolution)

RESOLVED: That Full Council

1. AGREED to appoint Robert Cawley and Melvin Kenyon and re-appoint Michael Paget-Wilkes and Phyllida Pyper as Independent Members, effective from 1.08.2024. All appointments to be a maximum of four years i.e. to 31.07.2028;
2. APPROVED that the Independent Persons are paid an annual allowance of £1000 per annum on a monthly basis, plus a mileage allowance equivalent to the rate paid to elected Members;
3. AUTHORISED the Director of Governance & Development (Monitoring Officer) to commence a recruitment campaign prior to the expiration of current appointments and to enable reports to be presented on future appointments.

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| For | Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Mike Evemy, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 30 |
| Against | None | 0 |
| Conflict Of Interests | None | 0 |
| Abstain | None | 0 |
| Carried | | |

23 Appointment of a Temporary Parish Council Member to Upper Rissington Parish Council

The purpose of the report was to appoint Independent Persons for standards matters, commence a subsequent recruitment campaign, and approve allowances payable.

The Leader, Councillor Joe Harris proposed the recommendations within the report and outlined the following points:

- Parish Councils must be quorate to operate and make decisions which meant a minimum of 3 Members or 1/3 of its membership.
- Section 91 of the Local Government Act dealt with situations where a Town/Parish Council becomes inquorate, making provisions for the District Council to co-opt a member of its own on to the Town or Parish Council.

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- Upper Rissington Parish Council was now inquorate after the resignation of several members of its own Council.
- Councillor Andrew Maclean would therefore be co-opted on to the Council in order for the Council to co-opt new members.
- The clerk of Upper Rissington Parish Council had advised that there was interest in the community and that it should be able to become quorate shortly.
- Council had approved a procedure in 2021 to allow appointments to be delegated to the Chief Executive in order for Council to co-opt.

Councillor Tom Stowe seconded the proposal and made the following points:

- Councillor Maclean was thanked for stepping up to the role.
- There was a question about problems in recruitment of Town and Parish Councils and whether this was a wider trend. The Director of Governance and Development replied anecdotally that there did seem to be a wider national trend in recruiting this voluntary role. It was also a prominent issue locally given that Cotswold had a large number of Town and Parish Councils in the District.

Councillor Maclean noted there was a large number of younger people in the village due to the siting of an ex-RAF base.

Appointment of Temporary Town or Parish Council Members (Resolution)

RESOLVED: That Full Council

1. AGREED to make an order under Section 91 of the Local Government Act 1972 ('the Act') appointing Councillor Andrew Maclean as a temporary member of Upper Rissington Parish Council enabling Upper Rissington Parish Council to become quorate;
2. NOTED that the appointment shall be effective until Upper Rissington Parish Council is quorate (i.e. it has four members of the Council in place, excepting the temporary appointee);
3. APPROVED the draft procedure at Annex A, delegating authority to the Monitoring Officer to make orders and make temporary appointments to Town/Parish Councils as required, under the powers in Section 91 of the Act.

| | | |
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| For | Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Mike Evemy, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Angus Jenkinson, Julia Judd, Juliet Layton, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 29 |
| Against | None | 0 |
| Conflict Of Interests | None | 0 |
| Abstain | Andrew Maclean | 1 |
| Carried | | |

24 Notice of Motions

The one motion tabled was titled Cotswold Lakes.

Councillor Juliet Layton introduced the motion and made the following points:

- This motion was to ask that Council acknowledge the desire of the Cotswold Lakes Trust for the change of name from Cotswold Water Park to Cotswold Lakes. It would also formalise the name change within the constituent authorities of which Cotswold District Council was one.
- In April 2024, Councillor Layton and Councillor Every were invited as the local ward members to discuss with businesses and the Trust about changing the name along with Council tourism officers.
- The steering group had consulted Town and Parish Councils within the locality and all were supportive of the proposals.
- It was noted that about the named Cotswold Water Park caused some confusion.
- The decision had been taken by the Trust to market the area more appropriately.
- The motion was to formalise the name into the constituent authorities.

Councillor Mike Every seconded and made the following points:

- Councillor Every noted that other Councillors attended the meeting with the Trust to discuss the proposal.
- The motion was a public statement in supporting the change.
- The business involved would be changing its name to adapt to the new name as they recognised the benefits of doing so.
- New signs would be required over time and this would be done as signs were replaced in partnership.
- The Council would update its Local Plan and other documents to support this.

Council asked if there would be cost implications for Cotswold District Council. Councillor Every clarified that the signage change could cost some money, but this would need to be clarified as to which organisation owned the signs. There was a street signage budget and any old signs being replaced would be updated to the new name.

It was noted by the Vice-Chair that the name was changing anyway but it was whether the Council supported this change.

Council noted the importance of putting the Cotswold Lakes on the map in regarding to its landscape and the work of the Cotswold Lakes Trust.

It was highlighted that it was important to get the partner authorities and other parties required together to make the name change happen.

| Cotswold Lakes (Motion) | | |
|--------------------------------|--|----|
| For | Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Mike Evemy, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 30 |
| Against | None | 0 |
| Conflict Of Interests | None | 0 |
| Abstain | None | 0 |
| Carried | | |

25 Next meeting

The next meeting of Full Council was confirmed to be on 25 September 2024 at 2pm.

26 Matters exempt from publication

The Chair then moved the following motion which was seconded by Mike Evemy

RESOLVED: That Full Council exclude the press and the public from the meeting during consideration of item 16 in accordance with 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 paragraph 3 of Schedule 12A of the Local Government Act 1972.

Voting Record

30 For, 0 Against, 0 Abstentions, 4 Absent/Did not vote

| To move into private session (Motion) | | |
|---|--|----|
| RESOLVED: That Full Council exclude the press and the public from the meeting during consideration of item 16 in accordance with 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 paragraph 3 of Schedule 12A of the Local Government Act 1972. | | |
| For | Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Mike Evemy, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 30 |
| Against | None | 0 |

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| | | |
|-----------------------|------|---|
| Conflict Of Interests | None | 0 |
| Abstain | None | 0 |
| Carried | | |

27 Decision on future regeneration of The Old Station and Memorial Cottages, Cirencester

The purpose of the report was to consider the Asset Plans for the Old Station and Memorial Cottage buildings produced as part of the Council's Asset Management Strategy and consider disposal of these buildings in line with those Asset Plans.

Full Council discussed the report in private session.

The recommendations were proposed by Councillor Mike Evely and seconded by Councillor Joe Harris.

| | | |
|--|--|----|
| Decision on future regeneration of The Old Station and Memorial Cottages, Cirencester (Resolution) | | |
| RESOLVED: That Full Council: | | |
| <ol style="list-style-type: none"> 1. AGREED that the Old Station and Old Memorial cottages are disposed of, as two separate assets, in line with the Asset Management Strategy adopted at Cabinet in May 2024 and the Asset Plans appended to this report. 2. DELEGATED AUTHORITY to the Deputy Chief Executive and Chief Finance Officer, in consultation with the Deputy Leader and Cabinet Member for Finance to approve the final terms of the sale including sale price. | | |
| For | Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Mike Evely, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins | 30 |
| Against | None | 0 |
| Conflict Of Interests | None | 0 |
| Abstain | None | 0 |
| Carried | | |

The Meeting commenced at 6.00 pm and closed at 8.55 pm

Chair
(END)

Member Questions for Council – 31 July 2024

Any supplementary questions are noted within the document where applicable

| Question | Response |
|---|--|
| <p>Question 1 from Councillor Jon Wareing to Councillor Joe Harris, Leader of the Council (on behalf of Councillor Dale)</p> <p>The World Tourism Organization (UNWTO) defines over-tourism as “the impact of tourism on a destination, or parts thereof, that excessively influences perceived quality of life of citizens and/or quality of visitor experiences in a negative way”.</p> <p>Does the Cabinet Member responsible for the Economy and Council Transformation agree with me that Bourton-on-the-Water suffers from over-tourism on this basis, and will he commit to ensuring that Bourton can develop an approach to sustainable tourism whilst building a more resilient economy with retail services for the residents of Bourton and the wider North Cotswolds? This should include prioritising parking for residents and looking to support parking for visitor traffic on the periphery of the village.</p> | <p>I share Cllr Wareing’s concerns about over-tourism in Bourton-on-the-Water.</p> <p>Bourton-on-the-Water is a popular destination, evidenced by high visitor footfall. While we lack specific survey data on perceptions of over-tourism, we acknowledge the strong sentiments of residents regarding the negative impacts on their quality of life due to excessive visitor numbers.</p> <p>Balancing the needs of local businesses benefiting from tourism with the quality of life of residents is crucial. Our administration has taken initial steps to address this issue, including:</p> <ol style="list-style-type: none"> 1. Tourism Levy on Parking: We have introduced a tourism levy on car parking in Bourton-on-the-Water, specifically allocated for initiatives to mitigate the impact of tourism on the village. This is a unique measure within our district. 2. Visitor Dispersal and Public Transport Promotion: Our Tourism Team actively discourages additional visitors to Bourton and promotes other parts of the district to spread the visitor load. We also encourage the use of public transport whenever possible. <p>However, more comprehensive measures are needed. To begin addressing these challenges, I will ask the Chief Executive to arrange a meeting with you to discuss and develop effective strategies for Bourton-on-the-Water.</p> <p>Potential Approaches and Ongoing Initiatives:</p> |

| | |
|---|--|
| | <ul style="list-style-type: none"> • Local Plan Review: The ongoing review of our local plan may offer opportunities to influence planning policy in favour of sustainable tourism. • Parking Strategy Review: Cotswold District Council is reviewing its parking strategy to optimize the use of council assets for the benefit of both residents and the local economy. Input from residents, town and parish councils, and visitors has been sought to address immediate and long-term needs. <p>Cllr Paul Hodgkinson, who is leading this effort, is well-versed in the issues facing Bourton as the local county councillor. Collaboration with Gloucestershire County Council will be essential in addressing broader parking issues.</p> <p>While there is no simple solution to the problems outlined by Cllr Wareing, Cotswold District Council is committed to supporting Bourton-on-the-Water in its pursuit of sustainable tourism and a more resilient local economy.</p> |
| <p>Question 2 from Councillor Dilys Neill to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>Here is a quote from the submitted Neighbourhood development plan for Stow & The Swells</p> <p>MAIN PLANNING ISSUES</p> <ul style="list-style-type: none"> • During the mid Twentieth Century a substantial amount of social housing was built in two major developments – King Georges Field and the Park estate. A substantial number of | <p>Thank you, Cllr Neill, for raising these crucial issues affecting Stow. The Council is committed to addressing the challenges of providing genuinely affordable housing, particularly social rented housing.</p> <p>National policies like Right to Buy, and the lack of restrictions on second home ownership and short-term lets, have significantly reduced the availability of family housing in Stow, making remaining properties unaffordable for many, especially young families.</p> <p>Stow’s hilltop location and its designation within the AONB present significant challenges for new housing development due to national policies aimed at</p> |

these properties have passed into private hands under the Right to Buy and have not been replaced. There is only limited turnover in the remaining social housing.

- Stow, a compact hilltop community within the AONB, has a tight development boundary. Most developments in recent years have been minor infill developments within the development boundary. Stow's attractiveness has resulted in high prices well beyond the reach of almost all local residents. There has been an increase in the number of second homes. The private rented sector has seen a significant shift towards holiday lettings pricing local people out of that market also. This has forced many young people away from Stow leaving an increasingly ageing population.

- Stow's working age population has fallen over the last decade and the Primary School rolls have declined with an increasing number of pupils coming from outside the parish. Only two significant developments have been permitted outside the development boundary both of which have been restricted to retirement living. Taken together the McCarthy and Stone development north of Tesco and the Brio development on Stow Hill (for which approval was given on appeal) will add some 200 elderly residents to

Stow's population (currently about 1900).

- There is a strong case for seeking to improve Stow's sustainability by providing a significant number of houses that local people, people of working age and essential workers can afford. This can only be achieved by substantial development of affordable housing, primarily social rented,

protecting the landscape. However, where opportunities arise, the Council is dedicated to capitalizing on them to benefit the community.

Steps Taken and Planned Initiatives:

1. **Housing Needs Survey:** An independent housing needs survey for the Neighbourhood Development Plan (NDP) identifies a need for 37 affordable homes in Stow, including 17 for social rent, 5 for affordable rent, and 15 for affordable ownership by 2031.
2. **New Affordable Housing Approvals:** In December 2023, planning permission was granted for 37 affordable homes at Land north of Oddington Road, with 22 affordable rented and 15 shared ownership homes. Additionally, land for 15 co-housing units is earmarked for the Stow Community Land Trust.
3. **Recent Developments:** In July 2022, 18 energy-efficient social rent homes were completed at Chamberlayne Close, replacing 16 outdated sheltered housing units.
4. **Partial Local Plan Update:** The ongoing update includes policies to lower the development size threshold for affordable housing contributions and increase the percentage requirement for affordable housing within developments. It also aims to increase the availability of smaller, more affordable housing types.
5. **Local Plan Policy S13 Review:** The Council is considering further updates to emphasize Stow's housing and community needs, highlighting the necessity for more affordable homes.

outside the current development boundary.

Our primary school received an impressive Ofsted report last month, yet the numbers on role have fallen to less than 100, they can take 140 children. Last year, they had to lose a teacher & unless something is done to allow more families to live in Stow, the viability of the school is threatened.

In addition to the shortage of genuinely affordable housing, the neighbourhood plan sight to address the lack of employment opportunities in Stow & parking.

Our Market Square the jewel in the crown of Stow's built development is spoilt by the fact that it is effectively a large car park.

The neighbourhood plan's proposal for a strategic site for housing, a car park & a community hub which included employment opportunities was turned down by the inspector. I have been the Ward Councillor for Stow since 2016, & have been told by members of this administration as well as the previous administration & officers from the forward planning team that these concerns, particularly housing, should be a priority for this council. Yet year by year, under the SHELAA process, sites put forward around Stow are turned down.

My question to the Cabinet member with the responsibility for the local plan is what are you going to do to support the residents of Stow in terms of allowing more affordable, & in particular social, housing to be built?

6. **Development Strategy and Site Allocation Plan:** Extending the Local Plan period to 2041, this strategy aims to identify additional land for housing. For example, the site at 'Land adjoining Tall Trees, Oddington Road' is under consideration for development, potentially including affordable homes.
7. **Exploring Nearby Options:** The Council is exploring affordable housing developments in accessible nearby locations, such as Moreton-in-Marsh, to support Stow's housing needs.
8. **New Housing Strategy:** This comprehensive strategy addresses housing affordability by increasing genuinely affordable housing and improving energy and water efficiency to reduce household bills.
9. **Support for the NDP:** The Council has actively supported the Stow and the Swells NDP, despite challenges in securing major development sites. Council officers remain committed to assisting the NDP, which will soon proceed to a referendum.
10. **Advocacy and Policy Changes:** The Council has actively participated in national policy consultations, advocating for changes to address local issues. This includes introducing a 100% council tax premium on substantially furnished second homes.

The Council will continue to explore all available options and take necessary actions to support the residents of Stow by enabling the development of more affordable and social housing.

I'd welcome a meeting with you and Alan Hope, the Council's new Strategic

Housing Manager, to look at how we identify and deliver more social rented and other affordable homes in Stow.

Question 3 from Councillor Chris Twells to Councillor Mike Evely, Deputy Leader and Cabinet Member for Finance

Please set out the number of missed refuse and recycling collections, broken down by ward, since the new refuse collection timetable was introduced on 24 June 2024.

It would be helpful to have a percentage figure as well as the number.

Please find below a list of the number of missed containers per ward for the first five weeks of the new collection cycle. The number of containers missed has continued to fall over this period.

We recognise that there has been a small percentage of missed collections and apologise to any residents affected for the inconvenience that this may cause. We are working with UBICO to ensure mitigation is put in place to avoid problems going forward.

Containers missed by week

| Count of Ward | Column Labels | | | | | Grand Total | No Properties |
|---------------------------------------|---------------|-------------|------------|------------|------------|-------------|---------------|
| Row Labels | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | Grand Total | No Properties |
| Abbey | 142 | 45 | 25 | 5 | 43 | 260 | 1273 |
| Blockley | 15 | 8 | 9 | 10 | 21 | 63 | 1393 |
| Bourton Vale | 73 | 14 | 58 | 12 | 39 | 196 | 1373 |
| Bourton Village | 40 | 11 | 85 | 2 | 51 | 189 | 1606 |
| Campden and Vale | 99 | 14 | 55 | 13 | 58 | 239 | 3113 |
| Chedworth and Churn Valley | 64 | 105 | 17 | 46 | 17 | 249 | 1146 |
| Chesterton | 16 | 1 | 8 | 7 | 5 | 37 | 1053 |
| Coln Valley | 55 | 16 | 10 | 22 | 27 | 130 | 1270 |
| Ermin | 209 | 220 | 87 | 108 | 8 | 632 | 1205 |
| Fairford North | 29 | 5 | 37 | | 27 | 98 | 1131 |
| Fosseridge | | 54 | 1 | 19 | 3 | 77 | 1393 |
| Four Acres | 11 | 1 | 6 | | 11 | 29 | 963 |
| Grumbolds Ash with Avening | 23 | 83 | 53 | 53 | 46 | 258 | 1195 |
| Kemble | 9 | 48 | 6 | 12 | 2 | 77 | 1389 |
| Lechlade, Kempford and Fairford South | 101 | 20 | 57 | 10 | 21 | 209 | 3018 |
| Moreton East | 10 | 38 | 2 | 36 | 2 | 88 | 1602 |
| Moreton West | 1 | 94 | | 51 | 1 | 147 | 1361 |
| New Mills | 8 | 2 | 7 | 1 | 13 | 31 | 1093 |
| Northleach | 20 | 49 | 2 | 43 | 9 | 123 | 1442 |
| Sandywell | 61 | 50 | 88 | 113 | 2 | 314 | 1274 |
| Siddington and Cerney Rural | 7 | 32 | 4 | 19 | 3 | 65 | 1555 |
| South Cerney Village | 1 | 50 | 1 | 13 | | 65 | 1255 |
| St Michael's | 87 | 1 | 84 | | 23 | 195 | 1417 |
| Stow | 51 | 22 | 24 | 13 | 33 | 143 | 1594 |
| Stratton | 72 | 115 | 23 | 29 | 1 | 240 | 1201 |
| Tetbury East and Rural | 9 | 64 | 63 | 35 | 19 | 190 | 1454 |
| Tetbury Town | 5 | 4 | 5 | | 1 | 15 | 1166 |
| Tetbury with Upton | 1 | 12 | 30 | 35 | 42 | 120 | 1107 |
| The Ampneys and Hampton | 32 | 33 | 3 | 65 | 8 | 141 | 1263 |
| The Beeches | 20 | | 4 | | 1 | 25 | 1256 |
| The Rissingtons | 1 | 8 | | 17 | 1 | 27 | 1132 |
| Watermoor | 69 | 2 | 44 | 4 | 23 | 142 | 1507 |
| Grand Total | 1341 | 1221 | 898 | 793 | 561 | 4814 | 45200 |

Containers missed by week

| Ward | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 |
|--|--------|--------|--------|--------|--------|
| Abbey | 11.15% | 3.53% | 1.96% | 0.39% | 3.38% |
| Blockley | 1.08% | 0.57% | 0.65% | 0.72% | 1.51% |
| Bourton Vale | 5.32% | 1.02% | 4.22% | 0.87% | 2.84% |
| Bourton Village | 2.49% | 0.68% | 5.29% | 0.12% | 3.18% |
| Campden and Vale | 3.18% | 0.45% | 1.77% | 0.42% | 1.86% |
| Chedworth and Churn Valley | 5.58% | 9.16% | 1.48% | 4.01% | 1.48% |
| Chesterton | 1.52% | 0.09% | 0.76% | 0.66% | 0.47% |
| Coln Valley | 4.33% | 1.26% | 0.79% | 1.73% | 2.13% |
| Ermin | 17.34% | 18.26% | 7.22% | 8.96% | 0.66% |
| Fairford North | 2.56% | 0.44% | 3.27% | 0.00% | 2.39% |
| Fosseridge | 0.00% | 3.88% | 0.07% | 1.36% | 0.22% |
| Four Acres | 1.14% | 0.10% | 0.62% | 0.00% | 1.14% |
| Grumbolds Ash with Avening | 1.92% | 6.95% | 4.44% | 4.44% | 3.85% |
| Kemble | 0.65% | 3.46% | 0.43% | 0.86% | 0.14% |
| Lechlade, Kempsford and Fairford South | 3.35% | 0.66% | 1.89% | 0.33% | 0.70% |
| Moreton East | 0.62% | 2.37% | 0.12% | 2.25% | 0.12% |
| Moreton West | 0.07% | 6.91% | 0.00% | 3.75% | 0.07% |
| New Mills | 0.73% | 0.18% | 0.64% | 0.09% | 1.19% |
| Northleach | 1.39% | 3.40% | 0.14% | 2.98% | 0.62% |
| Sandywell | 4.79% | 3.92% | 6.91% | 8.87% | 0.16% |
| Siddington and Cerney Rural | 0.45% | 2.06% | 0.26% | 1.22% | 0.19% |
| South Cerney Village | 0.08% | 3.98% | 0.08% | 1.04% | 0.00% |
| St Michael's | 6.14% | 0.07% | 5.93% | 0.00% | 1.62% |
| Stow | 3.20% | 1.38% | 1.51% | 0.82% | 2.07% |
| Stratton | 6.00% | 9.58% | 1.92% | 2.41% | 0.08% |
| Tetbury East and Rural | 0.62% | 4.40% | 4.33% | 2.41% | 1.31% |
| Tetbury Town | 0.43% | 0.34% | 0.43% | 0.00% | 0.09% |
| Tetbury with Upton | 0.09% | 1.08% | 2.71% | 3.16% | 3.79% |
| The Ampneys and Hampton | 2.53% | 2.61% | 0.24% | 5.15% | 0.63% |
| The Beeches | 1.59% | 0.00% | 0.32% | 0.00% | 0.08% |
| The Rissingtons | 0.09% | 0.71% | 0.00% | 1.50% | 0.09% |
| Watermoor | 4.58% | 0.13% | 2.92% | 0.27% | 1.53% |
| Total | 2.97% | 2.70% | 1.99% | 1.75% | 1.24% |

Question 4 from Councillor Chris Twells to Councillor Joe Harris, Leader of the Council

Please could the Leader confirm when he expects to meet the new Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government, and the main issues he intends to raise in any meeting?

I haven't yet met with the Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government however I hope to in the next few months as part of my role at the Local Government Association.

Issues I intend to raise are:

- Local government funding - the sector and our council needs certainty about how much money we'll be getting from Government over the next few years. I'll be pressing for a 'multi-year funding settlement' so we're able to put our medium-term financial strategy on a firmer footing.
- Affordable housing – many councils like Cotswold want to deliver more affordable housing to help tackle the affordable housing crisis. I'll ask for more power and resources to deliver social rented homes, particularly support for council's that don't have any housing stock.
- Devolution – I'll seek a commitment from Government to work with both county and district councils as equal partners whose expertise, local networks and knowledge – for example supporting local economic development, housing and planning - are key to a successful outcome, and for district councils to have a seat at the table of Combined County Authorities and be constituent members of them.

Question 5 from Councillor Tom Stowe to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

Has the Council and UBICO investigated the use of HVO fuels for its refuse collection fleet?

The Council declared a climate emergency in 2019 and has a desire to transition the waste fleet to zero carbon energy by 2030. HVO is a potential way of facilitating the transition.

Cllr Evemy and Cllr McKeown have held meetings with officers and are working to explore ways to replace our current fleet with zero carbon alternatives.

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| | <p>The waste collection fleet currently use standard forecourts to refuel vehicles, therefore HVO (Hydrogenated Vegetable Oil) is not a viable option. Officers are reviewing whether a fuel tank can be used at the depot for refuelling and a business case will then be prepared on this.</p> <p>All vehicles on the waste fleet can use HVO as an alternative fuel without implication for the vehicles' performance or warranty but the cost of HVO has been significantly more expensive than standard diesel, although there are significant environmental benefits, principally including a reduction in carbon emitted from vehicle tailpipes.</p> |
| <p>Supplementary Question from Councillor Tom Stowe to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</p> <p>Councillor Stowe recognised the financial case for HVO fuel use was not clear, but emphasised that other local authorities had made the switch for the environmental benefits that their use brings. Councillor Stowe then asked:</p> <p>Given that the Council declared a climate emergency several years ago, why has it taken the administration 5 years to investigate this, and adopt or discount the idea?</p> | <p>Councillor Evemy noted that he could only speak to his time as the portfolio holder for waste and recycling services when he took over 12 months ago. It was highlighted he was made aware of and had discussions with the relevant officers. It was noted that some Councils had taken on HVO fuels but it was noted that HVO fuels do have significant financial implications in order to move to this fuel and to operate it with the vehicles. It was outlined that whilst the administration was open to the idea, the aim was to eventually move to a 100% zero emission electric fleet whilst balancing this against the financial pressures the Council is facing.</p> |
| <p>Question 6 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council</p> <p>Several months ago, I asked a supplementary question about Cotswold News to which I did not receive an answer. Given the Administration's pledge to be 'green to the core' please could you confirm that the latest issue of Cotswold</p> | <p>The paper used to produce Cotswold News is 'FSC certified' and carbon balanced. This ensures that the paper used is sustainably produced and minimises the impact on the environment.</p> <p>The advice we have received is that this is an environmentally sustainable solution while also providing the required quality for the publication at an affordable cost.</p> |

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| <p>News was produced on 100% Recycled Material and the paper and production were Carbon Balanced to ensure the environmental impacts of the publication were kept to a minimum?</p> | |
| <p>Supplementary from Councillor David Fowles to Councillor Joe Harris, Leader of the Council</p> <p>Councillor Fowles noted that FSC certified whilst being sustainably sourced is not 100% recycled paper which is the most environmentally friendly producing this. The supplementary question was in two parts:</p> <p>At what cost is the ambition of being ‘green to the core’ and whether the most sustainable model would be a digital subscriber based model for Cotswold News as opposed to the current model?</p> | <p>Councillor Joe Harris responded by saying that he didn’t agree with assertions about the current model as the magazine was about reaching the most vulnerable people who can’t access digital channels which can’t be targeted. It was noted that communications from the Council needed to be on multiple fronts. It was stated that the Council would explore sustainable paper options but the financial costs for any change needed to be examined carefully before proceeding.</p> |
| <p>Question 7 from Councillor Tom Stowe to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>Following recent news in the National Press that CDC has pledged to “identify suitable areas for wind energy development” in the district, given the constraints on development across much of the district as evidenced in the ongoing Local Plan update, where do you foresee these Wind Farms being built?</p> | <p>A Renewable Energy Strategy is being prepared that will provide the evidence base for the identification in the Local Plan of broadly suitable areas for renewable energy development.</p> <p>The Strategy and the Local Plan will have full regard to the constraints on such development. Planning for renewable energy in Cotswold District will assist in delivery of the Council’s Corporate Plan. Preparation of a Renewable Energy Strategy as part of a Local Plan is a requirement of the National Planning Policy Framework (NPPF, para 160).</p> |

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| <p>Supplementary from Councillor Tom Stowe to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>Councillor Stowe noted that policy CC25B2.35 within the draft Local Plan aimed to have a minimum target of 21% of the District’s electricity consumption from renewable generation. His question was:</p> <p>Please can you confirm how much land is required to meet this target by either solar or wind energy?</p> | <p>Councillor Layton noted that she did not have that information to hand but would write him with an answer. It was noted that renewable energy generation would need to take place in the right location in order to manage them and to make them as efficient as possible. It was also highlighted that the UK Government’s policy change had only just be announced and officer’s were still processing the impact of the Council’s draft Local Plan policies.</p> |
| <p>Written Response to Councillor Stowe sent on 27 August 2024 by email.</p> <p>I am sorry that there has been a little delay in coming back to you with an answer to your question to Council with regards to wind turbines. Officers had to do some research and ask questions to consultants. The response from the Forward Planning Team can be found below:</p> <p>In response to Cllr Stowe’s question regarding the amount of land required to accommodate the equipment needed to generate at least 20% of the District’s energy requirements from wind and solar energy by 2041, it is not possible to respond in quantifiable terms to the question posed.</p> <p>The reasons are that it is not possible to predict/forecast the total amount of equipment required as, for example, different sizes of turbines or solar PV arrays take up a different site area and it is not known in what size the future equipment would come forward. In addition, some equipment may be placed on existing buildings, the size of the equipment required could change over time as technology becomes more efficient and it might be that alternative technologies replace the need for wind and/or solar energy.</p> <p>If there is anything further Cllr Stowe would like to ask, officers would be happy to assist.</p> | |
| <p>Question 8 from Councillor Jeremy Theyer to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</p> <p>At a recent Audit and Governance Committee meeting, concerns were raised around Gas Safe and Electrical Safety</p> | <p>Since the audit the council's property team has started using the Uniform software system to record all property information including compliance data such as when gas and electrical safety checks were last undertaken, when the next tests are due and what the outcomes and actions (where required) of those tests were. The system will be used to trigger alerts several months before routine tests are due so</p> |

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| <p>Tests on some CDC buildings. Please can you confirm the Council has robust systems in place to ensure these tests are up to date and recorded in line with Health & Safety legislation to ensure our buildings are safe for visitors and staff?</p> | <p>these are not missed. The Audit team are being kept informed of progress against the audit recommendations.</p> |
| <p>Supplementary Question from Councillor Theyer to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</p> <p>Councillor Theyer asked whether Council properties were up to EPC standards and whether there was plan to ensure all properties were compliant with any future regulations?</p> | <p>Councillor Evemy stated that a written response would be provided as the information was not available to him.</p> |
| <p>Written Response to Councillor Theyer sent by email on Friday 2 August 2024</p> <p>All of the Council’s tenanted properties comply to the current legislation. The expectation is that the Government will enact further legislation to set a higher standard of B by 2030, but this has so far not emerged. The Council has approved an Asset Management Strategy under which we are reviewing properties based on a number of factors including their EPC and carbon efficiency.</p> | |
| <p>Question 9 from Councillor Julia Judd to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</p> <p>In March this year we were told that a number of interested parties had been in touch in response to the ‘Call for Interest’ regarding the Council owned Old Station building.</p> | <p>Unfortunately, none of the interested parties came forward with a viable scheme.</p> <p>There is an exempt report on this Council agenda considering the Old Station.</p> |

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| <p>At least £150,000 has already been spent to address urgent repairs and the building is in a poor state of repair, it would be prudent therefore to find a way forward to progress matters as soon as possible in order to avoid further expense.</p> <p>Have any of the interested parties come forward with a viable scheme which can be taken forward?</p> | |
| <p>Question 10 from Councillor Gina Blomefield to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</p> <p>At a recent Cabinet meeting a decision was taken to appoint an external company to market the space at Trinity Road that had been made available for commercial letting. What progress has been made?</p> | <p>The Council is entering into a management agreement with local company Watermoor Point who provide serviced office accommodation.</p> <p>The space has been redecorated and has now been fitted out with desks, chairs and ICT. It is anticipated that the Management Agreement will be finalised by the first week in August and tenants will then start to move into the building.</p> |
| <p>Supplementary Question</p> <p>Councillor Blomefield asked a supplementary question what the difference was in expected income from the letting of office space using Watermoor Point against the previous budgeted figure from the original proposal in March 2022?</p> | <p>Councillor Evemy noted that this was discussed at the Overview and Scrutiny Committee when the report was presented to them around the change in financial assumptions. But it was noted that he would provide a written answer to the question.</p> |
| <p>Written Response sent to Councillor Blomefield by email on Friday 2 August 2024</p> <p>The February 2024 Cabinet report provides the answer to your question in paragraph 6.4:</p> <p>“The projected income is lower than that originally estimated when the business case for releasing office space was prepared. This is due to the broader economic picture, the changing rental market over the last 18 months and the fact attempts to secure one or two larger tenants to</p> | |

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| <p>enable direct letting of all available space, has not been successful. The MTFS includes income/savings of £151,000/year. Whereas service office accommodation is projected to deliver in the region of £114,882/year.”</p> | |
| <p>Question 11 from Councillor Daryl Corps to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>What is the status of the Moreton-in-Marsh Working Group set-up in respect to the Local Plan update?</p> | <p>It is intended to set up the Moreton-in-Marsh Working Group following a Moreton Planning for Real event, which is being organised for late September or early October 2024.</p> <p>The Planning for Real event will assist in the selection of the Working Group members.</p> |
| <p>Supplementary from Councillor Daryl Corps to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>Councillor Corps asked what was the criteria for selecting residents to be on the Moreton-in-Marsh Working Group and to attend the Planning for Real event? It was noted that the Working Group needed to be a broad mix of individuals.</p> | <p>Councillor Layton noted that there was a list drawn up of individuals the Council wished to invite to the event that represented a range of stakeholders to oversee by GRCC. It was highlighted that the group would oversee the work being undertaken.</p> |
| <p>Question 12 from Councillor Tony Slater to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>The CDC Local Enforcement Plan 2022 states that “Planning Enforcement is a vital function of the Council’s overall planning strategy and service. It underpins the planning decisions and policies of the Council, while helping protect the district’s built and natural environments.”</p> <p>Although performance against targets is not included in the quarterly performance figures, it is clear, and acknowledged on the CDC website, that despite their best efforts the</p> | <p>We will be reviewing the Local Enforcement Plan in Autumn 2024 which will include considering whether quarterly reporting on performance within the Planning Enforcement Team would be appropriate and if so which measures should be included.</p> <p>It is widely recognised that there is currently a national shortage of trained and experienced Planning Enforcement Officers. It is hoped as the member recognises that returning planning and planning enforcement to the Council, will aid recruitment and retention. In addition, the Council has is taking the opportunity to support career development from within, that will hopefully provide the next generation of planning enforcement officers.</p> |

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| <p>enforcement team faces huge challenges in providing an effective service across the district due to a critical lack of resources.</p> <p>It is acknowledged that the transition of Publica back to CDC has the potential to attract suitable candidates, but this in itself will not resolve the issue.</p> <p>Please can you advise what actions the administration is taking locally to resolve the shortage of skilled staff in the department and will you pledge to include statistical information in the quarterly performance report against the published targets in the Enforcement Plan?</p> | |
| <p>Supplementary from Councillor Tony Slater to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>The initial signs for a long term solution was welcomed. It was noted in 2022 that Councillor Judd provided details around the Army Veterans Charity and the skills that could be offered to the enforcement role. It was noted that this could be a good source for future employees for these positions. The question was:</p> <p>Would Councillor Layton like the details of this proposal to look at this option for recruitment?</p> | <p>Councillor Layton welcomed the idea and said she would look at the details of any proposal sent to her carefully.</p> |
| <p>Question 13 from Councillor Gina Blomefield to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> | <p>A point of clarification is that the statutory timeframe to determine planning applications is 8 weeks, 13 weeks or 16 weeks respectively. Other planning related applications, notifications and prior approvals have different statutory determination periods of 8 weeks or less and most of these are not subject to the call-in process.</p> |

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| <p>In April, CDC introduced a new planning protocol with the intention of making the process more efficient so decisions could be made in most cases within the statutory six-week period. As part of this process, pro forma Call Ins were introduced whereby a ward member could call in an application early in the process if they felt there might be serious concerns. This pro forma Call In could be annulled later if these concerns were found to be unwarranted or addressed by the applicant.</p> <p>As Members we received a Briefing on this in April and were told that Town and Parish Councils would shortly also be given training on the new protocol so that they understood the importance of examining planning applications as soon as possible after validation and quickly raising any concerns they might have with their ward councillor.</p> <p>As far as I am aware from the Town and Parish Councils in my area, they have not been invited to attend training on the new protocol yet. Planning is a core service provided by CDC and Town and Parish Councils have an important role to play in assessing planning applications.</p> <p>When do you plan to provide this important training on the new planning protocol to the Town and Parish Councils?</p> | <p>It is important to recognise that the call-in procedure is for District Councillors to request an application be considered by the Review Panel as to whether it would be appropriate to be considered by the Planning and Licensing Committee.</p> <p>Town and Parish Councils are notified of and consulted on every application in their area that the District Council receives and can submit their comments to be considered as part of the assessment of the individual application. There has been no change to the consultation process for Town and Parish Councils.</p> <p>Town and Parish are not able to call in planning applications, it is Ward Members who are to do so and must submit their request within 28 days of the application being valid. This is a longer period for Ward Members to consider whether they wish to call in an application than the former process which gave only 7 days and there are now two meetings of the Review Panel each month rather than one previously.</p> <p>A presentation to Town and Parish Councils could be scheduled for early Autumn 2024 if there is sufficient interest.</p> |
| <p>Supplementary from Councillor Gina Blomefield to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services</p> <p>It was noted that engagement with Town and Parish Councils was valued by the administration. Please could</p> | <p>Councillor Layton stated that there wasn't certainty about the amount of interest for training. It was highlighted that Members would now have 28 days to respond to planning applications. It was noted that Town and Parish Forums could be used to discuss the Planning Protocol.</p> |

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| <p>assurance be given that Town and Parish Councils would be provided training on the Planning Protocol as important sources of knowledge in the District to spot any issues arising?</p> | |
| <p>Question 14 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council</p> <p>During the recent General Election, the North Cotswold Conservatives received a number of complaints from voters who had applied for postal votes and found that their packs did not include ballot papers. This was immediately reported to the CDC elections office who stated that the packs had been collated by hand and that there were no omissions. Whilst we don't wish to criticise the highly professional organisation of the election by the Elections department there is always the chance of human error. That said, we were instructed to tell postal voters to return their postal vote packs and new ones would be issued. The Liberal Democrat candidate Cllr Hodgkinson stated on social media that he was also aware of others who had reported problems and that there should be a review carried out. Given it is of paramount importance to get the process 100% accurate, would the leader support a cross-party review into the postal voting process?</p> | <p>At the Parliamentary election, around 28,000 postal votes were issued across the two constituencies, North Cotswolds and South Cotswolds and around 90% of these were returned.</p> <p>When preparing postal packs for issue, the team receive printed packs with the postal vote statement and return envelopes in them. The ballot paper is then added to the pack by hand. Around 70 staff working in pairs are given small batches of around 150 packs to issue. Each batch is issued and checked before being sealed. The packs are then issued to Royal Mail for delivery.</p> <p>Unfortunately, some people mislay their ballot papers when opening the pack.</p> <p>When this happens, we ask them to return the whole pack to us for a replacement to be issued. Postal vote replacements were issued for a number of reasons including packs which didn't arrive, packs which were spoilt in some way by the electorate and those where the ballot paper had been mislaid.</p> <p>Where electors contacted the team, they were given instructions on the process for obtaining a replacement. In total around 100 replacement packs were issued across the two constituencies – this is a similar figure to previous Parliamentary elections.</p> <p>For the reasons outlined above I don't believe there is need for a cross-party review into the postal voting process nor do I believe it would be appropriate.</p> |
| <p>Supplementary from Councillor David Fowles to Councillor Joe Harris, Leader of the Council</p> | <p>Councillor Joe Harris said no and emphasised that Members should not get involved in the administration of the working of elections. It was noted that in the event there were significant issues, these needed to be investigated by officers</p> |

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| <p>Councillor Fowles noted that it was a subject of interest to Members, and it wasn't seen as harmful to examine this as part of an Overview and Scrutiny Committee Task and Finish Group. It was noted that there were upcoming elections in 2025, this would become important with the differences in votes. It was highlighted that review in processes would potentially help make sure that people check their ballot packs. Councillor Folwes asked if the issue could be taken to a Task and Finish Group?</p> | <p>rather than Members. It was stated that officers weren't aware of significant issues. It was emphasised that residents would need to report to the Elections Team if they don't receive a ballot paper.</p> <p>The Chief Executive also provided a reply on the question. The Chief Executive provided assurance to Members that the team look incredibly carefully at the packs going out and was confident in the processes being carried out by staff. Therefore it was felt that a review was not a good use of resources.</p> |
| <p>Question 15 from Councillor Andrew Maclean to Councillor Mike McKeown, Cabinet Member for Climate Change and Sustainability</p> <p><i>(Submitted after the deadline for a guaranteed written response before the meeting)</i></p> <p>Climate Emergency UK (CE UK) was set up in response to the climate emergency declarations that councils started making from the end of 2018. CE UK began by collecting these declarations, and the Climate Action Plans that followed, on its website. They published the Council Climate Plan Scorecards in January 2022, measuring the strength of councils' written climate action plans.</p> <p>CE UK have created a Climate Action Plan Explorer (CAPE) and the Climate Action Plan Checklist with the support of Friends of the Earth, Ashden, the Centre for Alternative Technology and APSE Energy. This outlines the elements of a strong Climate Action Plan and highlights best practice from councils all over the world. Using CAPE and the</p> | <p>No, I do not believe the Climate Action Scorecard is a fair reflection of CDC's performance. While we certainly have room for improvement, the Council has been actively delivering projects that contribute significantly to carbon reduction since the Liberal Democrat administration took over in 2019.</p> <p>The Scorecard assessment is conducted by volunteer researchers, meaning if our actions and projects are not easily identifiable on the Council's website, the scores may not accurately reflect all our activities.</p> <p>Earlier this year the Council Leader, via the Local Government Association, met with a representative from Climate Emergency UK and raised concerns about their mechanism for compiling the data.</p> <p>At this meeting the CEUK representative recognised that the way they compile data can understate the efforts of many councils.</p> <p>Many councils comparable to Cotswold District Council raised similar concerns.</p> <p>Notwithstanding this, we are addressing this issue by compiling comprehensive responses to all the questions that the Council will be scored against and will</p> |

Checklist, CE UK assessed the quality of all UK councils' written climate action plans.

CE UK hope that the Council Climate Action Scorecards will:

- Effectively hold councils to account on their claimed climate action and provides credible and transparent data on council climate action in the UK.
- Allow councils to use the results of the Council Climate Action Scorecards to improve their current Climate Action Plans and implement effective policies to help them reach net-zero in a just way within their current constraints.

Unfortunately CDC is not one of the best performing councils with a score of only 24% with 3 areas of particular concern: Transport (2%), Planning and Land Use (8%) and Biodiversity (0%).

Would you agree that the Scorecard is an accurate reflection of the progress we have made towards achieving our climate emergency goals? Have you got any firm plans in place that would make a significant difference to this score? And most importantly what can we learn from this Scorecard that will help us improve our performance in achieving our goals in responding to the Climate Emergency?

publish this information on our website under [Climate action - Cotswold District Council](#) to facilitate easy access for researchers and residents.

There is a lot of positive activity being undertaken by the Council to address the Climate Emergency:

1. **Cotswold Climate Investment:** Raised £500,000, a model of best practice I've presented at Climate Emergency UK events.
2. **NetZero Carbon Toolkit:** Published practical guidance for house builders, architects, and homeowners to achieve net-zero carbon homes, covering steps from pre-planning to construction, including retrofitting advice - [How to achieve net zero carbon homes - Cotswold District Council](#)
3. **EV Charging Infrastructure:** We've rolled out EV chargers to support EV adoption and secured additional grant funding this year to expand this network.
4. **Solar Panels and Batteries Installation:** Installed on Trinity Road, saving taxpayers over £40,000 annually and reducing our carbon footprint by over 30 tonnes a year.
5. **Public Sector Decarbonisation Scheme:** Received over £1.2M in funding used to fit heat pumps and energy efficiency measures, such as heat recovery systems and LED lighting, to leisure centres and council buildings.
6. **Retrofit Program:** Secured funding from the Southwest NetZero Hub in collaboration with Cheltenham Borough Council, Forest of Dean District Council, and Climate Leadership Gloucestershire, which I chair. The program, launching this autumn, includes hiring a Retrofit Officer to educate and encourage the community to retrofit homes with heat pumps, solar

panels, and insulation.

7. **Warm and Well Partnership:** Providing free energy advice and access to funding for retrofitting low-income, inefficient homes to reduce energy costs and carbon footprints - [Warm and Well - Cotswold District Council](#)
8. **Local Plan Revision:** A key part of our revised local plan work is to introduce new planning policies aimed at reducing CO2 emissions and energy costs by promoting improved development planning and more efficient, fossil fuel-free buildings. Something the previous Tory government took little action on.
9. **Climate Board:** Establishing the Climate Board to drive action across all portfolio areas.
10. **Cotswold Climate Action Network:** Recently set up to increase public engagement and action, with more details to be announced shortly.
11. **Cotswold Home Solar:** Launched last year to promote the uptake of solar panels and batteries in Cotswold homes - [Cotswold Home Solar - Cotswold District Council](#)
12. **New Web Pages:** Creating web pages to detail our climate actions for Climate Emergency UK and residents, alongside a Climate Action Guide for residents and businesses on how to reduce their CO2 footprint and energy costs.
13. **Waste Fleet Transition:** Working with UBICO to transition our waste fleet to electric vehicles before 2030, addressing our biggest source of council emissions.

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| | <p>I am confident that the new climate scorecard marking starting this month will reflect our ongoing efforts more accurately. Our improved organisation, significant actions and clear communication of our activities should significantly enhance our score.</p> |
| <p>Supplementary Question from Councillor Andrew Maclean to Councillor Mike McKeown, Cabinet Member for Climate Change and Sustainability</p> <p>Councillor Maclean welcomed the changes to the website. It was noted that there was a low score particularly in the area of sustainable transport. It was noted that the decommissioned railway line between Bourton and Kingham had a study awaiting sign-off for use as a recreational path. Councillor Maclean asked if action could be taken fast so that sustainable transport options could put into place as soon as funds become available?</p> | <p>Councillor McKeown stated that he would provide a written response on the details mentioned but agreed with the concept of sustainable transport of projects. It was noted that the Council was working with Gloucestershire County Council to promote other projects like a Kemble to Cirencester Cycle Path which would help delivery in this area.</p> |
| <p>Written Response sent by email to Councillor Maclean on 5 August 2024</p> <p>Cotswold District Council (CDC) has received the necessary funds for the Bourton to Kingham Cycleway Feasibility Study from Gloucestershire County Council (GCC), Great Western Railway (GWR), and the UK Shared Prosperity Fund. The Feasibility Study is being undertaken by Sustrans. The invoice from Sustrans will be paid on Tuesday 13th August and will arrive in their bank account no later than Thursday 16th August. Sustrans have been kept up to date with progress with paying the invoice. The Feasibility Study is already at an advanced draft stage. CDC's former Sustainable Transport Lead, who used to work on this project, has offered to volunteer her time to provide feedback on the draft Feasibility Study.</p> | |

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Member Questions for Council – 25 September

| Question | Response |
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| <p>Question 1 from Councillor David Fowles to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</p> <p>Over the weekend of 7th and 8th September, a severe leak resulted in a huge amount of rainwater entering Trinity Road causing extensive damage to ceilings, storage rooms, paper files and the electrical system such that neither the heating nor security systems were operational.</p> <p>To my knowledge, over the 20 years I have worked in Trinity Road there have been several very heavy rainfalls (particularly the floods of 2007) but no significant leaks or damage.</p> <p>Why has rainwater caused such extensive damage just after £1 million plus has been spent on major works to the roof? What steps are being taken to identify the cause and who is liable for the costs?</p> | <p>The section of the roof where the leak happened was not significantly changed during the recent roofing project. Only minor repairs were done in that area, and they were completed to the correct standards. We don't believe those repairs caused the leak.</p> <p>The problem seems to have been caused by the extremely heavy rainfall. The rainwater couldn't drain away fast enough, so it rose up from a sump (a low spot where water collects and drains through a downpipe) and seeped under the roof tiles. To investigate further, we are using cameras to inspect the internal downpipes for blockages or leaks. Since these pipes run inside the building, they can't be checked from outside.</p> <p>There haven't been leaks in this area before, so no redesign or extra protection was considered necessary. However, we are now planning and costing measures to prevent this from happening again.</p> <p>The Council is working with its insurer, and a loss adjuster has already visited the site. The damage to the building and server room will be included in the insurance claim.</p> <p>This administration is clear that Trinity Road will remain the Council's home for the foreseeable future and the administration is committed to investing in the building to ensure it remains a great workplace, fostering creativity and enabling our staff to deliver their best for residents.</p> |

Question 2 from Councillor Tony Slater to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

The recent flood at Trinity Road caused significant damage to the building, critical IT infrastructure and stored documents, and had a seriously detrimental impact on the ability to work effectively from the building.

Please can you confirm that all critical data and records, whether stored digitally or in paper hard copy, were safely recovered and not compromised in anyway and what control measures are in place to ensure the resilience of CDC infrastructure in the future?

The flooding at Trinity Road affected the building's connectivity and security doors, but all council services to residents continued as normal. This was managed with a reduced number of staff working on-site and through home working.

Wi-Fi connectivity was restored for most areas, and public Wi-Fi, along with the webcasting system in the Council Chamber, was operational by the planning committee meeting on the 11th. Video conferencing in key rooms was also reinstated within a few days.

Regarding data safety, there were no storage systems located in the affected ICT Network Distribution room. All data is stored elsewhere within Trinity Road and is backed up to other locations at least once every 24 hours, sometimes more frequently.

The property and ICT teams worked efficiently, even during evenings and weekends, to resolve the issues, and they were instrumental in restoring services quickly. Their efforts are a credit to the Council.

Question 3 from Councillor Len Wilkins to Councillor Joe Harris, Leader of the Council

Following the recent cyber-attack on neighbouring Tewkesbury Borough Council, please could you confirm that discussions will take place with Tewkesbury and other specialist external bodies involved in resolving the matter, to fully understand the causes and any lessons that can be learnt?

Yes, I can confirm that our ICT team has already been in contact with Tewkesbury Borough Council and is working with them as they recover their systems. We have also shared technical information with other Districts and the County Council.

Once Tewkesbury has made further progress in their recovery, additional discussions will take place.

Over the past year, we have provided Cyber Security training to all members and staff. On 18th September, we started a Cyber refresher course, and following that,

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| <p>Are you satisfied that member and staff training on cyber security is sufficient and there is a policy of continual improvement in this area to battle this ever-evolving threat?</p> | <p>we will introduce Data Protection training, which includes aspects of Cyber Security.</p> <p>Thanks to the Council's investment in August 2022, we now have a dedicated Cyber Team equipped with advanced security tools. We are continuously improving and upgrading these tools to stay ahead of cyber threats.</p> |
| <p>Question 4 from Councillor Julia Judd to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</p> <p>Missed waste collections in Ermin Ward and other parts of the district over the last three months have been prolific, happily I can report that they have abated, but not yet ceased. However, throughout this period some residents have been unable to use the CDC website missed waste collection reporting tool, because a missed collection in their area had already been reported. This caused great frustration and concern, not only because missed collections could not be logged, but they could not tell what type of waste had already been reported, so people were left in the dark. Furthermore, many villages who had reported missed collections were not included in the published list. Is the reporting tool being redesigned to make it more accessible, accurate, transparent and easy to use?</p> | <p>The waste team is committed to reviewing and improving the reporting processes following the recent round re-organisation. This review will include an evaluation of the entire online process, from residents reporting missed collections to crews addressing the issue, ensuring it is effective and allows residents to accurately report missed containers.</p> <p>The review will also look into the messages residents receive when reporting missed collections. This will include issues like 'gate checks,' where crews may indicate bins weren't placed out for collection or were contaminated, which currently prevents residents from logging missed bins.</p> <p>Key stakeholders, including customer services and the digital team, will be involved in the review, and extensive user testing will be conducted to ensure the tool is accessible and easy to use.</p> <p>Once again, I apologise to residents who have been inconvenienced because of the issues that have arisen following the recent round reorganisation.</p> |
| <p>Question 5 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council</p> <p>Given the Deputy Prime Minister's enthusiasm for a nationwide introduction of a 4-day working week, could the</p> | <p>We currently have no plans to introduce a 4-day working week for staff at Cotswold District Council although we will continue to monitor how successful it is at other local authorities and businesses.</p> |

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| <p>leader confirm that the Liberal Democrat administration have no plans to introduce a 4-day working week for staff at CDC?</p> | <p>If new legislation is proposed on this matter, we will carefully review the details and any obligations it may place on organisations like ours.</p> <p>For reference under a four-day week, officers are expected to carry out 100 per cent of their work, in around 80% of their contracted hours, for 100 per cent of their pay.</p> <p>I've recently returned from an LGA peer review at South Cambridgeshire District Council where they've been trialling a four-day week. An independent report has shown that the trial is working well; of 24 key performance indicators monitored by the Council 22 improved or remained the same. Use of expensive agency staff has fallen saving South Cambridgeshire taxpayers' money.</p> |
| <p>Question 6 from Councillor Daryl Corps to Councillor Joe Harris, Leader of the Council</p> <p>Your intention to build more, much needed, social-rented homes in the District is well publicised.</p> <p>What steps has this administration taken since May 2023, and what plans do you have in place, to build more social-rented homes and how many new units do you envisage these plans will deliver by 2030?</p> | <p>The delivery of social-rented homes is a key priority for the council's administration. Since May 2023, several steps have been taken to advance this goal, including the following:</p> <ol style="list-style-type: none"> 1. New Housing Leadership: In May 2024, the Council hired a new Strategic Housing lead to take a more proactive role in delivering affordable housing. 2. Site Allocation and Planning Policy Updates: The Council is working on updating planning policies to prioritize affordable housing in the Local Plan update. 3. Outreach to Landowners: We are engaging with landowners of potential sites to bring these forward in tandem with the Local Plan update. 4. Rural Exception Sites: We are using Rural Exception Sites to deliver additional affordable housing, leveraging our membership in the Gloucestershire Rural Housing Partnership (GRHP) and our collaboration with the Gloucestershire Rural Community Council (GRCC). 5. Strategic Site Exploration: We are considering strategic sites across the Cotswold district for potential affordable housing development. |

6. **Council-Owned Assets Review:** We are reviewing Council-owned assets for possible affordable housing opportunities.
7. **Public Sector Collaboration:** We are working with public sector partners (e.g., NHS, Fire and Rescue, Police) through the One Public Estate Programme to explore affordable housing options.
8. **Partnerships with Housing Providers:** We are encouraging Registered Providers and developers to be proactive and engaged in delivering affordable housing in the district.
9. **Collaboration with Homes England:** Strengthening our relationship with Homes England to gain their support in delivering affordable homes.
10. **Use of S106 Affordable Housing Funds:** We are establishing a protocol for using retained S106 funds to support further affordable housing provision.
11. **Progression of the Down Ampney site:** We have entered a partnership with Bromford housing association and are progressing plans to deliver low-carbon affordable homes which will be built on a small plot of land in Down Ampney that the council owns. We hope to use this as a model for future small developments in villages.
12. **Exploration of new models of housing delivery:** We are looking at how the council can more directly intervene in the housing market in future. This includes looking at the council directly delivering social rented homes again or establishing a housing company to do so like Cheltenham have in Cheltenham Borough Homes.

Regarding the number of homes, the housing target is currently under review, due to new the new Labour Government's proposals to amend the National Planning Policy Framework (NPPF), which is still in consultation.

The current Local Plan aims to deliver around 3,300 new homes (all tenures) from 2024 to 2031, though this figure may rise with the expected change.

We welcome the new Government's emphasis on the delivery of social rented homes, and we await more details on what the impact in our District will be.

Question 7 from Councillor Gina Blomefield to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

Having recently looked at the freshly renovated parts of the Trinity Road building which Watermoor Point are now marketing as office space on behalf of the council I was amazed at how big an area it is when also taking into account the various side offices on two floors off the main atrium. As I understand it there has been some interest, but no tenants are yet signed up.

How attractive are the rents compared to those in Watermoor Point itself and is consideration being given to lower them should the market dictate, to attract tenants and much needed income from this asset?

The management agreement with Watermoor Point was finalised on 6 September, and the first tenant moved in on 18 September. Watermoor Point is currently marketing the remaining office space, and we expect additional tenants to move in soon.

The rental rates are similar to those at Watermoor Point's HQ site, as Watermoor Point sets the rents based on current market conditions. The high-quality office space, competitive rent, and flexible terms offered to tenants are expected to generate significant interest.

We will closely monitor and report on the income generated to ensure it meets our financial targets.

Agenda Item 8



COTSWOLD
DISTRICT COUNCIL

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| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | COUNCIL – 25 SEPTEMBER 2024 |
| Subject | PETITION RECEIVED IN RELATION TO PUBLIC CONVENIENCES IN THE HIGH STREET / MARKET SQUARE, STOW-ON-THE-WOLD |
| Wards affected | Stow |
| Accountable member | Councillor Mike Every, Deputy Leader and Cabinet Member for Finance Email: tony.dale@cotswold.gov.uk |
| Accountable officer | Andrew Brown, Business Manager for Democratic Services Email: Democratic@Cotswold.gov.uk |
| Report author | Andrew Brown, Business Manager for Democratic Services Email: Democratic@Cotswold.gov.uk |
| Summary/Purpose | For Council to consider a petition submitted under the Local Petition Scheme (Part F of the Constitution). |
| Annexes | None |
| Recommendation(s) | That Council resolves to either: <ol style="list-style-type: none"> 1. Make recommendations to Cabinet as the decision-maker for the request to be considered. 2. Refer the petition to Overview and Scrutiny Committee for review. 3. Note the petition and take no further action. |
| Corporate priorities | <ul style="list-style-type: none"> • Deliver the highest standard of service |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | NONE |



1. EXECUTIVE SUMMARY

- 1.1 The report presents a petition titled “Cotswold District Council retain the public toilets in the High Street/Market Square, Stow on the Wold” which was received by the Council on 11 September 2024.
- 1.2 The report presents to Council the options for courses of action to take in response to the petition, in line with the Council’s Constitution.

2. BACKGROUND

- 2.1 The Council’s Constitution includes a Local Petition Scheme (Part F) which enables residents of the district to submit petitions to the Council.
- 2.2 Petitions can either be submitted on paper directly to the council offices or via the e-petition service the Council has on the website.
- 2.3 A petition will be considered at Full Council if it reaches a threshold of 850 signatures by residents.

3. PETITION IN RELATION TO PUBLIC CONVENIENCES IN STOW-ON-THE-WOLD

- 3.1 The Council received a hard copy of a petition on 11 September 2024.
- 3.2 The petition calls for ‘Cotswold District Council to retain the public toilets in the High Street/Market Square, Stow-on-the-Wold’.
- 3.3 The petition has a verified number of signatures of 1198 and therefore meets the Constitution’s threshold for a Full Council debate.
- 3.4 The options set out in the recommendation are in line with the Local Petition Scheme and are consistent with the topic area being discussed.
- 3.5 The Council’s Overview and Scrutiny Committee established the Public Conveniences Review Group in September 2023 to review the future provision of public conveniences and make recommendations to Cabinet. The Review Group reported to Cabinet in February 2024 and, among other things, recommended that:

That the Council commits to retaining at least one district council provided public conveniences facility in each town and village within the district that currently has one.

That the Council opens discussions with the relevant Town Councils about the transfer of responsibility for four sites in towns that have more than one district council provided facility, or where town councils are not willing, the Council seeks to close the facilities and repurpose the buildings to generate a commercial opportunity, as set out in Exempt Annex B. This approach is expected to result in a maximum annual revenue saving of £39,061.



- 3.6** Cabinet agreed the two recommendations above at its meeting on 1 February 2024. Since then the Council has been in discussions with Stow Town Council to establish whether the Town Council would be willing to take on responsibility for the public conveniences facility on the High Street/Market Square in Stow-on-the-Wold while the Council would retain responsibility for the facility at Mangersbury Road in Stow-on-the-Wold.
- 3.7** Any reconsideration of the Council's approach would be a matter for Cabinet as it is an Executive function. Council can decide whether or not to make recommendations to Cabinet to inform that decision.
- 3.8** A referral to the Overview and Scrutiny Committee by Council would involve the Overview and Scrutiny Committee using its functions to investigate the matter concerned and/or make recommendations to Cabinet.
- 3.9** The petition organiser will receive written confirmation of any decision taken by Council. This confirmation will also be published on the Council's website.
- 3.10** A petitioner has the right to request that the Overview and Scrutiny Committee reviews the decision taken by Council if it is felt that the Council has not dealt with the petition properly.

4. ALTERNATIVE OPTIONS

- 4.1** The options for Council's response are set out in the Local Petition Scheme. However, the options presented are in-line with the decision-making processes and the request set out by the petitioners.

5. FINANCIAL IMPLICATIONS

- 5.1** Cabinet in February 2024 agreed with the recommendation from the Overview and Scrutiny Committee's Public Conveniences Review Group "to retaining at least one district council provided public conveniences facility in each town and village within the district that currently has one." Cabinet recognised that closing some facilities would reduce costs whilst maintaining the service. The net cost of providing public conveniences at Stow-on-the-Wold is broadly similar for the High Street/Market Square facility and the Mangersbury Road facility. The closure of one of the public convenience facilities at Stow-in-the-Wold would reduce the Council's costs on a similar basis.

6. LEGAL IMPLICATIONS

- 6.1** The provision of public conveniences by the district council is a discretionary service.

7. RISK ASSESSMENT

- 7.1** In the event of the Council not responding to the petition, then this would be in breach of scheme set out within the Constitution.



8. EQUALITIES IMPACT

- 8.1** This report does not have a negative impact on equalities. The local petition scheme process enables residents to engage with the council on concerns within the District.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1** There are no significant impacts arising from this report.

10. BACKGROUND PAPERS

- 10.1** None

(END)

Agenda Item 9



COTSWOLD
DISTRICT COUNCIL

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| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | FULL COUNCIL – 25 SEPTEMBER 2024 |
| Subject | DISTRICT BOUNDARY REVIEW – COUNCIL SIZE PROPOSAL |
| Wards affected | All |
| Accountable member | Councillor Mike Evemy, Chair of the Boundary Review Working Group Email: joe.harris@cotswold.gov.uk |
| Accountable officer | Robert Weaver, Chief Executive Email: robert.weaver@cotswold.gov.uk |
| Report author | Andrew Brown, Business Manager for Democratic Services Email: Democratic@Cotswold.gov.uk |
| Summary/Purpose | For Full Council to consider the draft Council Size Proposal for submission to The Local Government Boundary Commission for England (LGBCE). |
| Annexes | Annex A – Council Size Proposal |
| Recommendation(s) | That Council resolves to: <ol style="list-style-type: none"> 1. Approve the draft Council Size Proposal (Annex A) for submission to The Local Government Boundary Commission for England. 2. Delegate authority to the Business Manager for Democratic Services, in consultation with the Chief Executive Officer and the Chair of the Boundary Review Working Group, to finalise the Council Size Proposal document to reflect the discussion at full Council (if required) and to make other minor amendments to improve the document prior to submission. |
| Corporate priorities | <ul style="list-style-type: none"> • Delivering Good Services • Responding to the Climate Emergency • Delivering Housing • Supporting Communities • Supporting the Economy |



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| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | Boundary Review Project Officer Group Boundary Review Working Group Cotswold District Council's Management Team |



I. EXECUTIVE SUMMARY

- I.1** Cotswold District Council is subject to an electoral review by The Local Government Boundary Commission for England (“the Commission”). The review is primarily aimed at addressing variances in the numbers of electors in wards across the district, with 31% of district wards having variances more than 10% from the average for the authority.
- I.2** Phase 1 of the review is to consider the future size of the Council (i.e. the number of Councillors, also known as Members). The Council is invited to submit a Council Size Proposal to the Commission by 18 October 2024.
- I.3** At its meeting on Wednesday 20 September 2023, Full Council agreed to establish a Boundary Review Working Group to produce draft recommendations for the review which may include:
 - The total number of Councillors of the Council
 - The number and boundaries of electoral wards for the purposes of the election of Councillors
 - The number of Councillors to be returned by any electoral division
 - The name of any electoral area.
- I.4** The development of a Council Size Proposal document has been overseen by the cross-party Boundary Review Working Group. The Members of the Working Group are Councillors Evemy (Chair), Coleman, Fowles, Hodgkinson, Maclean, Spivey and Stowe.
- I.5** The Council Size Proposal has also been informed by an analysis of the workloads associated with Member meetings and a survey which was circulated to all Members to which 26 of the Council’s 34 Members responded (76%). The survey responses are appended to the draft Council Size Proposal document (Annex A).
- I.6** The Working Group, having taken advice from officers and considered the issues, recommend that a size of 37 Councillors would be appropriate for the district to ensure effective representation for communities and sufficient Member-capacity on the Council into the future. This would provide an elector ratio of 2070:1; a very minor increase on the current elector ratio of 2060:1.
- I.7** The Council is also seeking a uniform pattern of single-Member wards across the whole of the district area if this can be achieved within the parameters set by the Commission without dividing communities in a way that would conflict with effective representation.
- I.8** Phase 2 of the electoral review will be to consider the warding arrangements after the size of the Council has been agreed and will involve public consultation. New boundaries will be implemented for the local elections in May 2027.



2. BACKGROUND

- 2.1** The previous electoral review of Cotswold District reported in 2015 and resulted in a significant reduction in the number of Councillors from 44 to the current number of 34. The Council requested a uniform pattern of single Member wards across the whole of the district area but the review resulted in 30 single-Member wards and two wards represented by two councillors (Campden & Vale; and Lechlade, Kempsford & Fairford South).

3. COUNCIL SIZE PROPOSAL

- 3.1** In making its judgement on council size the Commission will consider three board areas:
- the governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities.
 - the Council's scrutiny functions relating to its own decision making and the council's responsibilities to outside bodies.
 - the representational role of councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations.
- 3.2** The Commission's decision on council size will enable the review to progress to phase 2, i.e. the drafting of ward boundaries. At this stage, the council size is a 'minded to' intention because the final number of councillors may be adjusted slightly (generally ± 1) where this would achieve a pattern that best reflects the three statutory criteria set out above.
- 3.3** The Commission expects the Council and/or its political groups to present the Commission with a case for a council size that they believe is right for their authority.
- 3.4** The draft Council Size Proposal document at Annex A uses the template provided by the Commission and is recommended for approval subject to any amendments consequent to the discussion at Full Council and any other minor amendments that are considered necessary to improve the final document.
- 3.5** The Working Group found that evidence from the Member survey and the analysis of workloads associated with Member meetings demonstrate that the workload of Members has increased and become less comfortable for Members over recent years. This has been driven by a number of factors, notably case work and changes to the Council's governance arrangements such as a more active Overview and Scrutiny function and an increase in the number of Member working groups. The survey results also indicate that the time commitment associated with special responsibilities has increased.
- 3.6** The Working Group noted that the response to a survey question showed that a majority of Members believed that the current size of 34 Members remains appropriate, with a minority favouring an increase. However, a large majority of Members identified that the workload of a Councillor has increased since they were first elected. The survey results also



show that a further increase in workload of 10% would result in Members becoming less comfortable with their workload on average, with some Members becoming very uncomfortable with their workload.

- 3.7** An unchanged Council size of 34 would be expected to result in an elector ratio of 2252:1 by 2031. This would result in councillors representing 9% more electors on average than at present and would be expected to translate into a similar increase in case work.
- 3.8** With population growth expected to be concentrated in and around the main settlements, to provide for electoral equality into the future the rural wards in the district would need to increase in size and cover more parish areas on average than they do at present. The Working Group was concerned that this would exacerbate the particular pressures faced by Members representing the sparsely populated rural areas of the district and would not provide for effective representation in those areas.
- 3.9** Having considered the available evidence and discussed the issues, the Working Group consider that there is a strong rationale for proposing a modest increase in the size of the Council.
- 3.10** The proposed increase in the number of Members to 37 is considered by the Working Group to be appropriate for the district from 2027, recognising that if the Commission agreed with this figure on a “minded to” basis then final Council size is highly likely to be in the range of 36-38 Members.
- 3.11** A Council size of 37-Members would keep the number of electors that each councillor represents broadly flat, with only a very minor increase of 10 electors per Member by 2031. With a modest increase in the number of Members the rural wards would be less likely to increase in size on average under new boundaries. There would also be additional Member-capacity on the Council to ensure that committees and working groups can operate effectively in the future and meet the needs of the Council and the communities it serves.
- 3.12** A Council size of significantly more than 37 Members is not considered necessary. This would reduce the elector ratio and risk providing for more Members than the Council needs to operate effectively, diluting the responsibilities and influence of individual Members and adding unnecessary costs to the Council (e.g. additional allowance payments).
- 3.13** As part of the proposal the Council is stating a strong preference for a uniform pattern of single-Member wards across the whole of the district area. The Working Group consider that single-Member wards would provide for optimum representation across the district area. This is based on the feedback from Members representing two-Member wards about the particular challenges they face over and above the demands on Members representing single-Member wards. The Working Group recognise that this may not be achievable within the available variance of $\pm 10\%$ without dividing communities in a way that conflicts with effective representation.



4. ALTERNATIVE OPTIONS

- 4.1 Full Council could choose not to submit a proposal to the Commission. However, this would be more likely to result in an outcome that is not desirable for the Council and is not recommended.
- 4.2 Full Council may consider that the Council size proposal should be based on a different Council size (e.g. unchanged at 34, or a larger size than 37). This is not recommended for the reasons set out in section 3.

5. FINANCIAL IMPLICATIONS

- 5.1 A small increase in the size of the Council would add costs to the Council e.g. in the form of additional allowance payments, which would need to be budgeted for from 2027. A small increase in the number of Members is considered appropriate to ensure for effective governance of the Council and representation of the district into the future. The current level of the basic allowance paid to all Members is £5,868.

6. LEGAL IMPLICATIONS

- 6.1 The size of the Council is a decision for the Commission. The Council is not required to submit a Council size proposal to the Commission but doing so is more likely to result in an outcome that will meet the needs of the Council and the district area.

7. RISK ASSESSMENT

- 7.1 There is a risk that if the Council does not submit a Council Size Proposal to the Commission, then the outcome of the electoral review will be less likely to meet the needs of the Council and the wider district.

8. EQUALITIES IMPACT

- 8.1 There are no equalities implications arising directly from this report.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1 An increase in the size of the Council may result in a small increase in emissions associated with travel to and from full Council meetings.

10. BACKGROUND PAPERS

- 10.1 None.

(END)

[Insert name of submission organisation/group/individual here]

Council Size Submission: Cotswold District Council

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How to Make a Submission

It is recommended that submissions on future governance arrangements and council size follow the guidance provided and use the format below as a template. Submissions should be treated as an opportunity to focus on the future needs of the council and not simply describe the current arrangements. **Submissions should also demonstrate that alternative council sizes have been considered in drawing up the proposal and why you have discounted them.**

The template allows respondents to enter comments directly under each heading. It is not recommended that responses be unduly long; as a guide, it is anticipated that a 15 to 20-page document using this template should suffice. Individual section length may vary depending on the issues to be explained. Where internal documents are referred to URLs should be provided, rather than the document itself. It is also recommended that a table is included that highlights the key paragraphs for the Commission's attention.

'Good' submissions, i.e. those that are considered to be most robust and persuasive, combine the following *key success components* (as set out in the guidance that accompanies this template):

- Clarity on objectives
- A straightforward and evidence-led style
- An understanding of local place and communities
- An understanding of councillors' roles and responsibilities

About Cotswold District

The respondent should use this space to provide the Commission with a little detail about who is making the submission, whether it is the Full Council, Officers on behalf of the Council, a political party or group, a resident group, or an individual.

This submission is made on behalf of Cotswold District Council, following its **approval** by full Council on 25 September 2024.

Electoral and boundary matters are a non-executive function which fall within the responsibilities of full Council. On 20 September 2023 Council approved the creation of a cross-party working group to oversee the Local Government Boundary Review and agreed terms of reference for the working group.

The Boundary Reviews Working Group held a series of meetings from December 2023 to September 2024 to consider advice from officers based on data and the local application of guidance on boundary reviews and to oversee and shape the development of this Council Size Proposal.

The proposal has also been informed by an analysis of Member workloads associated with meeting attendance and a survey which was circulated to all members and had a 76% response rate (26 / 34 Members). The survey was open from 22 July 2024 to 23 August 2024 and a summary of responses is appended to this proposal document.

Summary of the proposal

The Council is proposing a modest increase in the size of the Council from 34 Councillors to 37 Councillors. This increase would keep the ratio of councillors to numbers of electors broadly flat into the future while providing additional capacity to mitigate the increased workload of councillors linked to improvements to the Council's governance arrangements following a recent Corporate Peer Challenge Review. Given that population growth will be centred in and around the main settlements, an unchanged electorate ratio will mean that the rural wards within the district, which are already large and cover numerous parish areas, shouldn't need to increase in size on average.

The Council is also seeking a uniform pattern of single member wards across the whole of the district area if this can be practicably achieved.

Reason for Review (Request Reviews Only)

Please explain the authority's reasons for requesting this electoral review; it is useful for the Commission to have context. *NB/ If the Commission has identified the authority for review under one of its published criteria, then you are not required to answer this question.*

Cotswold District Council meets the Commission's criteria for electoral inequality with 31% of wards having variances more than 10% from the average for the authority.

Cotswold District Council was due to have a boundary review commencing in 2025, following the previous boundary review in 2015. Due to changes in population across the district and slow progress of key major development sites (such as the Steadings in Four Acres ward) impacting the electoral inequality across the district, the Council approached the Local Government Boundary Commission and asked if the review could be brought forward. The Commission agreed and indicated that it would conduct a review of District Ward boundaries beginning in Spring 2024. The review will consider council size and warding arrangements with any changes implemented at the next ordinary elections in May 2027.

The Context for your proposal

Your submission gives you the opportunity to examine how you wish to organise and run the council for the next 15 - 20 years. **The consideration of future governance arrangements and council size should be set in the wider local and national policy context.** The Commission expects you to challenge your current arrangements and determine the most appropriate arrangements going forward. In providing context for your submission below, please demonstrate that you have considered the following issues.

- When did your Council last change/reorganise its internal governance arrangements and what impact on effectiveness did that activity have?
- To what extent has transference of strategic and/or service functions impacted on the effectiveness of service delivery and the ability of the Council to focus on its remaining functions?
- Have any governance or capacity issues been raised by any Inspectorate or similar?

- What influence will local and national policy trends likely have on the Council as an institution?
- What impact on the Council's effectiveness will your council size proposal have?

When did your Council last change/reorganise its internal governance arrangements and what impact on effectiveness did that activity have?

The Council has operated the Leader and Cabinet model of governance since executive arrangements were first brought in following the Local Government Act 2000. The Cabinet takes most of the Council's strategic decisions and in doing so must act within the budget and policy framework set by full Council. This governance model was reviewed by the Council in 2021 and is reflected in the Council's Constitution, which is regularly reviewed by the Council's Constitution Working Group with any changes agreed by full Council. The Leader and Cabinet model provides for strong accountability and certainty around the decision-making process, with appropriate democratic checks and balances, including the role of the Overview and Scrutiny Committee, with a strong pre-decision scrutiny function now being demonstrated. Members recognise that open, transparent and inclusive decision making with clear accountability benefits the Council and the communities it serves.

The Council's Constitution has since 25 May 2022 required that an opposition member is chair of the Overview and Scrutiny Committee. While this is not a legal requirement it is widely considered to be good governance practice as it provides for independent checks and balances on executive power. For example, the Chair of Overview and Scrutiny must agree to special urgency in relation to a key executive decision being taken with less than 5 clear days' notice on the Council's Forward Plan, or where the Cabinet wishes to exclude the public from a meeting without having given the required 28 clear days' notice.

All 34 Members serve on Full Council, which meets seven times per year, for up to four hours per meeting. Full Council collectively takes decisions that are reserved to it in the Constitution, appoints the Leader of the Council for a four-year term and appoints the Chief Executive and designates who will be the Chief Finance Officer and Monitoring Officer when there are vacancies. Council also debates any motions brought by councillors, hears public participation, deals with any petitions and provides a forum for members to question Cabinet Members and Committee Chairs.

Members also serve on committees, sub-committees and working groups. All Members spend time reading reports, attending briefings and dealing with correspondence and case work on behalf of the communities they represent. Members with special responsibilities will spend additional time on those responsibilities, for example by engaging with officers and attending informal meetings such as pre-meetings.

The Council has relatively recently undertaken a thorough options appraisal of the available governance models through a cross-party Models of Governance Group, which reported in May 2022. This followed a manifesto commitment of the current controlling group to review the Council's governance structure. The Models of Governance Group's recommended option was to retain the Leader and Cabinet model but with enhanced transparency around Individual Cabinet Member decision making. This is the governance system the Council currently operates. The enhanced transparency around individual Cabinet Member decision making has included enabling the public to attend and view live webcasts of Cabinet Member decision making. In addition, a call-in system was implemented for executive decisions taken by individual Cabinet Members (in addition to Cabinet decisions and key decisions taken by officers). These measures have successfully enhanced the

accountability and effectiveness of executive decision-making and opened it up to the local community.

The Council has systematically reviewed and improved its governance arrangements in response to a Corporate Peer Challenge Feedback Report in October 2022, which recommended that the Council assures itself that its governance arrangements are robust.

The Peer Challenge Feedback Report noted that there were different views about the effectiveness of the Council's Overview and Scrutiny function. The report welcomed the requirement for the Chair of the Overview and Scrutiny Committee to be an opposition member as a mature constitutional change that provided a good foundation. The report also noted that the Leader and Cabinet were clear that they wished to be held to account more effectively by Overview and Scrutiny.

The Council has made significant progress in strengthening its Overview and Scrutiny function in response to the report. The Council has refocused the role of Overview and Scrutiny on to holding Cabinet to account and contributing to policy development on behalf of the local community. This has involved properly embedding pre-decision scrutiny as part of the Council's executive decision-making process and moving away from using Overview and Scrutiny as a means of keeping elected members informed of key developments across the district. Instead, the Council now holds monthly member briefing sessions on topics affecting the Council or the wider District.

The improvements to the Overview and Scrutiny function and individual Cabinet Member decision making, and other changes implemented through the Peer Review Action Plan and a Democratic Services Improvement Plan (e.g. improvements to the report process) have all had a positive impact on the governance of the Council. There has been a consequent increase in the number of meetings held (particularly Overview and Scrutiny and working groups) and the workload of Members.

The Boundary Commission's last review of the size and warding of Cotswold District Council reported in 2015. That followed a request from the Council that the Commission undertake a single-member ward review. The size of the Council was reduced from 44 councillors to 34 councillors representing 32 wards. 30 wards are represented by a single councillor and two wards are represented by two councillors (Campden & Vale; and Lechlade, Kempsford & Fairford South).

The Boundary Commission Review in 2015 recommended a two-member ward for Campden & Vale to provide the best balance of the statutory criteria for this part of the district. This was a departure from the Council's request for a uniform pattern of single-member wards across the whole district.

The Lechlade, Kempsford & Fairford South ward was originally proposed by the Boundary Commission to be two single-member wards; one for Lechlade and one for Kempsford and Fairford South (which had included some communities that were within Lechlade). This was changed following the consultation based on strong community evidence of links between the communities in Lechlade to ensure that the whole of Lechlade town could be included within the same district ward while keeping electoral variances to a minimum.

The previous Boundary Commission review envisaged an average number of electors per councillor of 2,021 in 2013 rising to 2,183 by 2019. As of June 2024, 34 councillors

represent 70,036 electors, a ratio of 2060:1. The population of Cotswold District increased by 9.6% between 2011 and 2021 from 82,881 to 90,800.

Based on planned housing development within the district, the number of electors is likely to increase by 6,538 to 76,574 by 2031, giving a ratio of 2252:1 based on the current number of councillors, an increase of over 9% on average. This growth is not expected to be uniform across the whole district and will be concentrated in a small number of wards where new housing development is concentrated, most notably those containing larger development sites. Cirencester - Chesterton faces the largest growth, at around a 1,125 increase in electors, followed by the adjacent Four Acres ward at an estimated 711. Moreton West will grow by around 530. Other wards in the principal settlements look set to grow by between 100 and 250 electors. A modest increase in the number of councillors to 37 would provide a ratio of 2070:1 in 2031, which represents a very small increase on the existing number of electors per councillor from the current ratio of 2060:1.

To what extent has transference of strategic and/or service functions impacted on the effectiveness of service delivery and the ability of the Council to focus on its remaining functions?

There have been some changes to the demands on local authorities since 2015, against a backdrop of funding constraints. For example, the Council played an active role in supporting communities in new and different ways during the Covid-19 pandemic. This included the redeployment of a large number of staff into community facing roles, with significant resources allocated to ensure vulnerable people had access to food and medicines. Once this network of support was established and being sustained through an active network of Voluntary agencies and Charities, the focus switched to business support. Members played an active role in identifying local resources and needs throughout this period.

Local Councils have had to increase efficiency and become increasingly financially self-sufficient as the Revenue Support Grant from Government has reduced. For example, the Council is seeking to make the best use of its assets through the adoption of a new Asset Management Strategy based on the following three principles:

- Fit for purpose, cost effective and well utilised;
- Sustainable and efficient;
- Commercially managed.

Members of the public increasingly expect councils to utilise modern forms of technology and to be more responsive than ever before, for example on social media. The Council has been introducing new digital channels and improving those that already existed. This activity coincided with the Covid pandemic, where people accepted the use of alternative service access channels as a result of national restrictions. This resulted in a significant percentage of service requests coming through digital channels, which presented an opportunity for the Council to trial a reduction in the hours of opening for its customer contact centre. Making this change permanent can be expected to save the Council £125,000 per annum.

The Councils Waste, Recycling and Street Cleansing services are delivered efficiently through its Teckal company Ubico Limited. However, it remains an ongoing financial burden, particularly with the need to maximise recycling and recovery of food waste which requires a significant fleet to operate across a large rural district. The Council is constantly reviewing opportunities to increase efficiency and reduce cost through its Cabinet Transform

Working Group. The latest change to be implemented was the Round Optimisations in June 2024.

The new Biodiversity Net Gain requirements placed on authorities are having a notable impact on limited ecology resources and on the demands for large numbers of S.106 agreements which need to be administered through the legal team.

Funding is regularly made available to district councils by central government but the bid process and administration of fundings can be extremely resource intensive and timelines are frequently tight. The provision of UKSPF and REPF funding is welcomed but it is extremely resource intensive to devise schemes, call for interest, evaluate and award, put grant agreements in place and then monitor and report progress. This also requires agile and responsive executive decision making, which the Leader and Cabinet model can provide.

The Council, together with its partner councils Forest of Dean District Council and West Oxfordshire District Council, is undertaking a major transfer of services from its wholly owned Teckal company Publica Group back to the Council. This repatriation of services is taking place in a phased approach with phase 1 being implemented on 1 November 2024, affecting the employment of 270 staff across the partnership; most of whom work exclusively for a single council. A second phase of the transition comprising services and staffing posts that are currently shared is due to be implemented in Spring 2025. This represents a major change programme for the Council which will require significant Member-oversight.

Have any governance or capacity issues been raised by any Inspectorate or similar?

The Corporate Peer Challenge Feedback Report recommended that the Council reassures itself that its governance arrangements are robust. Various improvements have been addressed through the production and implementation of a Peer Review Action Plan and a Democratic Services Improvement Plan.

The Corporate Peer Challenge Feedback Report discussed the Council's "capacity for improvement", noting that the vast majority of Council staff are employed by the Teckal company Publica and noted that it was clear from their discussions with staff at various levels of both organisations that capacity pressures were increasingly being felt and were impacting on both the delivery of council priorities and the wellbeing of staff. The Council has subsequently started the process of insourcing the majority of services from Publica back to the Council in a phased transition.

Over the ten years from the Census 2011 to the Census 2021, the population of Cotswold District increased by 9.6% from 82,881 to 90,800, with the latest estimate in mid-2022 of 91,311. This was a greater increase than the average for the county (8.1%), and England (6.6%). Housing growth projections up until 2031 are estimated to add a further 7,967 in population. Using the current age profile of the district as a reference, this adds some 6,538 electors. The Council has started work on the Local Plan 2031-41. While this work is at a relatively early stage, the strategy is to continue to focus growth over this period around the district's main settlements, to minimise impacts on the Cotswold Natural Landscape.

Cotswold District has three tiers of local government; with a county council, district council and town/parish councillors covering the whole of the district areas. Some District

Councillors also serve as county councillors and / or town/parish councillors. Compared to unitary authorities, this structure adds complexity and places additional burdens on District Councillors, who need to engage at all three levels of local government as local representatives.

Some Members representing rural wards have raised concerns about their capacity to engage effectively with parish councils. There are 88 Town and Parish Councils with 616 town and parish councillors across the district. Town and Parish Councils provide a number of local functions such as the maintenance of cemeteries, bus shelters, and recreation facilities. They also act as important consultees for planning applications and distribute grants to organisations. Councillors representing rural wards cover a number of parish council areas (up to 11 in two of the single-member wards - Ermin ward and Fossebridge ward). In rural areas, ward councillors regularly engage with parish councils and attend parish council meetings or parish meetings, providing an important link between the District Council and its local communities. It is considered that some wards cover too many parish council areas due to the demands of engaging effectively with so many separate organisations and communities. A slight increase in the number of District Councillors which keeps the electorate ratio broadly unchanged would ensure that the rural wards are not any larger than they are at present, given that population growth will be centred around the main settlements. An unchanged Council size would result in rural wards being larger than at present on average.

Members representing two-Member wards have raised concerns about the particular challenges they face as elected representatives over and above the demands on Members who represent single-member wards. Representing a two-member ward creates an additional layer of administration for the members themselves as they need to be in regular communication with each other. Members find that it is very difficult for them to split their responsibilities and represent their ward effectively. The experience is that both Members find themselves representing the whole ward, with double the electorate of a single-Member ward, and there is inevitably duplication (e.g. engagement in planning) and consequently a higher workload for both members compared to members representing a single-Member ward. These issues are likely to be exacerbated where the two members are from different political groups. Two-Member wards also create additional confusion about ownership and responsibility within communities (which can already be confusing in three-tier areas) and dilutes the accountability of elected representatives to the communities they serve.

Attendance at Cotswold District Council meetings is generally good and there have been no issues with meetings being quorate, given that substitutions are allowed at most meetings. In 2023/24 Members attended an average of 18.5 meetings (range: 8 to 31, median 18). This is an increase on the figure of 15.2 for 2022/23 (range 6 to 29, median 16), which was unchanged from 2021/22 (range 2 to 32, median 15).

The table below shows that the workload and time commitment associated with attending Council, Cabinet, Cabinet decision making, committees, sub-committees and working groups increased significantly in 2023/24. The primary drivers of this increase are the more active Overview and Scrutiny function and the enhanced role that Member working groups are playing in the Council's governance arrangements. The increase in the number and total duration of meetings seen in 2023/24 is expected to represent the new normal following the recent improvements that have been implemented to the Council's governance arrangements following the Corporate Peer Challenge Feedback Report.

Table 1: Meeting statistics 2021/22 to 2023/24

| | 2023/24 | 2022/23 | 2021/22 |
|------------------------|---------|---------|---------|
| Number of meetings | 93 | 70 | 76 |
| Total duration (hours) | 119.8 | 91.6 | * |
| Number of reports | 553 | 273 | 285 |
| Total pages | 11569 | 7508 | 7327 |

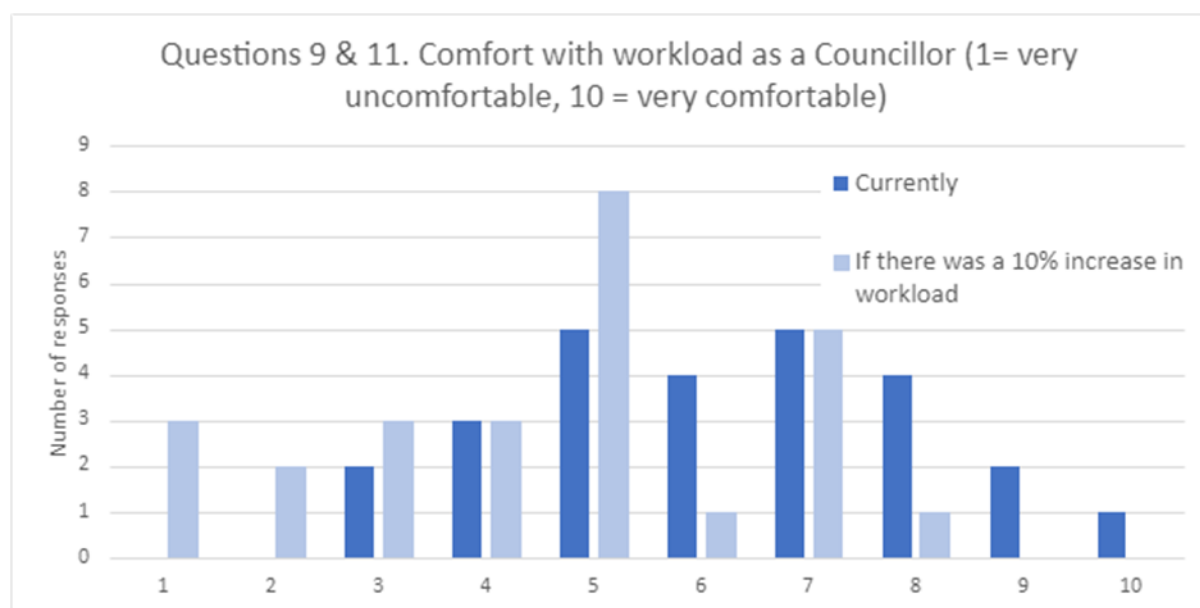
*meeting durations were not accurately recorded for 2021/22.

The increase in the number of meetings has primarily been driven by the increasingly important role that Overview and Scrutiny and Member Working Groups are now playing in the work and governance of the Council following the Corporate Peer Challenge Feedback Report. In 2023/24 Members spent more time reading significantly more pages preparing for meetings and spent more time in meetings compared to previous years.

Half of Members who responded to the survey (13) estimated that they spend 11-15 hours per week on average on their role as a district councillor. Only two Members estimated that they spend less than 11 hours per week on their duties as a councillor (both 6-10 hours per week). 11 Members responded with more than 15 hours per week, with six of those selecting more than 20 hours per week.

The survey results also showed that the majority of Members (21 out of 26 survey respondents) believed that the workload had increased since they first became a councillor (whenever that was). The primary drivers for this increase in workload were identified as being "reading reports" and "ward member work including casework" (both selected by 15 of the 21 Members). Only one member out of 26 felt that the workload had decreased (due to a change in their responsibilities).

The survey asked Members to rank how comfortable they are with their workload from 1 (very uncomfortable) to 10 (very comfortable). The table below shows how Members responded to this question and a follow up question about how comfortable they would be if the workload was to increase by 10%.



If the number of councillors was to reduce (or stay the same) the workload of individual councillors would continue to increase significantly on average and there is a risk that certain councillor roles could not be performed effectively in future, which would be detrimental to the work of the Council and the communities it serves (including town and parish councils and the outside bodies the Council appoints to). This would place particular pressure on councillors who work full time or have caring responsibilities in addition to their duties as a councillor. Members who represent large rural wards covering numerous of parish council areas would continue to face particular demands, including spending significant amounts of time travelling to and attending parish council meetings. These demands would only increase without an overall increase in the number of councillors because population growth will be centred around existing settlement meaning rural wards would likely need to increase in size on average.

What influence will local and national policy trends likely have on the Council as an institution?

The national policy landscape has change significantly following the general election on 4 July 2024.

The Chancellor of the Exchequer has been clear that achieving sustained economic growth is going to be the major economic focus of the government, describing this as "Our national mission". This approach will rest on three pillars: stability, investment and reform. The Chancellor has stated that "Nowhere is decisive reform needed more urgently than in the case of our planning system". The first step the government is taking is to consider reform of the National Planning Policy Framework, which is currently under consultation.

The Deputy Prime Minister wrote to local authorities on 30 July 2024 setting out the government's plans to reform the planning system and accelerate the delivery of housing, with an emphasis on social and affordable housing. The letter talks about achieving universal coverage of local plans and introducing new mechanisms for cross-boundary strategic planning, potentially including the introduction of Spatial Development Strategies outside of mayoral areas. The letter also confirms that the government plans to reinstate the standard method as the required approach for assessing housing needs, which will significantly increase the number of homes needed in Cotswold District (from 504 to 979 homes per year).

The new Labour government has indicated that further powers will be devolved to local government although the likely impact on district councils in the form of new powers is not yet clear. The government has stated that "New devolution settlements should be tailored to sensible economic geographies so that local leaders can act at the scale needed to effectively deploy their powers. In the majority of cases that will require local authorities to come together in new combined or combined county authorities".

In March 2024 the Council, along with the other principal authorities in Gloucestershire, agreed to the establishment of the Gloucestershire City Region Board. This new partnership body will support the delivery of developing a vision for the future growth of the economic success for the whole of the Gloucestershire economic area. This is a new outside body which the Cabinet Member for Economy and Council Transformation has been appointed to.

Cotswold District is situated on the edge of the "Western Gateway" which stretches from Swansea to Swindon; a pan-regional net-zero innovation zone. This is a new regional body comprising Council Leaders, Mayors, Government Departments and Local Enterprise Partnerships. While the Council isn't directly represented on the Western Gateway, there is a 'Gloucestershire seat' at the table, currently the leader of Gloucestershire County Council. The Western Gateway it is of strategic economic importance to the district and the wider area.

What impact on the Council's effectiveness will your council size proposal have?

The effects of the proposal to increase the size of the Council to 37 councillors on the Council's effectiveness will be positive compared to maintaining the status quo of 34 councillors:

- All Members will be more likely to have sufficient capacity to deal with increasingly complex casework on behalf of local residents and businesses, including the most vulnerable members of the community, notwithstanding the growth in the size of the population and the electorate.
- All Members will be more likely to have sufficient capacity to attend meetings of outside bodies (where applicable), in addition to their duties as members of Full Council, Cabinet, committees, sub-committees and working groups.
- Non-executive members will be more likely to have sufficient capacity to participate in an active scrutiny function (including task and finish groups).
- It would be more likely that there will be sufficient member capacity for working groups to function effectively.
- Councillor workloads are less likely to be off-putting to prospective councillors, particularly those in employment or with caring responsibilities (15 of 26 survey respondents described their employment status as being employed, either full time or part time; 9 of 26 had caring responsibilities).
- Members representing rural wards will be more likely to serve a manageable number of communities within a reasonable travelling distance.
- Members will be more likely to have sufficient capacity to attend meetings of town and parish councils within their wards.
- Members representing rural wards will be less likely to cover an increased number of parish areas and will be more likely to be able to engage effectively with and support the parish councils within their wards.
- All communities within the district will be more likely to be able to be effectively represented by their local ward member.
- All members will be more likely to have reasonable and manageable volumes of planning applications that they need to engage with.

Local Authority Profile

Please provide a short description of the authority and its setting, in particular the local geography, demographics and community characteristics. This should set the scene for the Commission and give it a greater understanding of any current issues. The description should cover all of the following:

- Brief outline of area - are there any notable geographic constraints for example that may affect the review?
- Rural or urban - what are the characteristics of the authority?
- Demographic pressures - such as distinctive age profiles, migrant or transient populations, is there any large growth anticipated?

- Community characteristics – is there presence of “hidden” or otherwise complex deprivation?
- Are there any other constraints, challenges, issues or changes ahead?

Further to providing a description, the Commission will be looking for a submission that demonstrates an understanding of place and communities by putting forth arguments on council size based upon local evidence and insight. For example, how does local geography, demographics and community characteristics impact on councillor casework, workload and community engagement?

Cotswold District has a population of about 91,311 spread over an area of 450 sq. miles (1,165 sq. km). Although very rural, the District lies in close proximity to large urban areas – notably Swindon, Gloucester and Cheltenham and, further afield, Oxford, Bristol, Bath, Birmingham and Coventry.

The Cotswolds is internationally renowned for its natural beauty. The distinctive local building stone, used in the construction of the many magnificent historic buildings, is a hugely important part of the character that makes the Cotswolds a famous tourist destination. The interplay between the built and natural environment is a defining characteristic throughout the District, especially within the Cotswolds Natural Landscape.

The distinctive heritage includes its numerous market towns and villages and their settings, as well as individual heritage assets. The quality of the District's built and natural environment is reflected in the high number of environmental and heritage assets (both designated and non-designated). These include: 80% of the District is within the Cotswolds National Landscape (a greater coverage by a national landscape designation than any other District in England); 144 Conservation Areas (more than any other District in England); 4,991 entries on the statutory list of buildings of special architectural and historic interest (second after City of Westminster); 239 Scheduled ancient monuments; 32 registered historic parks and gardens; 37 Sites of Special Scientific Interest; Over 260 locally designated Key Wildlife Sites; 1 registered battlefield.

In the south of the District, beyond the Cotswold Natural Landscape, the Cotswold Water Park (CWP) is the largest area of man-made lakes in the UK, covering an area of 40 sq. miles (33 sq. miles in Cotswold District). The CWP has evolved from major sand and gravel extraction of the upper Thames valley, which is on-going and likely to continue for the foreseeable future. The area is important for nature conservation, while also providing a major resource for tourism, notably water recreation. Circa 1000 holiday homes have been granted planning permission in the Cotswold part of the CWP.

The District has a high proportion of elderly people and a low proportion of children and young people. It also has the lowest population density, by far, of any of the districts in Gloucestershire. While most residents in the District enjoy a good quality of life, many live in places that lack good access to services, facilities, training and education. This presents problems for those who rely on public transport, particularly young and elderly people.

The population is predominantly UK born (91.2%), but has become more diverse in recent years, as a consequence of both internal migration within the UK and also inward migration, from the EU (3.6%) and from outside the EU. There is little evidence of any concentration of BAME residents in any particular area, nor local concern over integration.

The attractiveness of the area has inevitably brought pressures for housing growth. In the north of the District these have been driven, since the 1960s, by commuting to the West Midlands. However, movement out of London and the south-east has made the Cotswolds particularly attractive for retirement and holiday or second homes. Anecdotally, this has been exacerbated in recent years by the post-Covid boom in 'staycations' but there is paucity of data on short term lets.

The median earned income of full-time employees resident in the Cotswold District is £36,234, higher than both Gloucestershire and UK figures. However, looking at workplace earning in the district paints a very different picture, the median earned income of full-time employees working in the district is £29,579, lower than the county average, and significantly lower than the UK figure of £34,963. Consequently, those people working in local businesses and services face financial barriers, particularly access to housing. The area has high property values, exacerbated by private sector rents rising faster than house prices and earnings. The affordability of homes is a significant challenge – the Ratio of median house price to median gross annual workplace-based earnings has long been one of the highest nationally, and in 2023 sat at 14.88 – 18th out of 319, and the sixth highest outside London.

Each of the larger Cotswold towns has a strong and distinctive role. However, Cirencester is by far the most dominant centre with about a quarter of the District's population and over 30% of jobs (around 13,500) based in the town. This is the key location for business services, finance, retail and public services. Moreton-in-Marsh is regarded by many as the main centre for the north Cotswolds, while Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Northleach, Stow-on-the-Wold and Tetbury perform the role of service centres for surrounding rural areas. Smaller local service centres exist at Andoversford, Blockley, Down Ampney, Kemble, Mickleton, South Cerney and Willersey. Elsewhere, rural services are relatively sparse and declining. A striking point about the District's main service centres is their even geographical distribution, with each of them serving a significant catchment of smaller settlements. Many of these historic market towns and larger villages have developed at points along the Fosse Way - a major route running between the south-west and the north of the District. There is a range of employment land and premises in most of the larger market towns and villages, although provision at Lechlade, Northleach and Stow-on-the-Wold is limited. Despite poor broadband coverage throughout much of the District, the economy has a strong representation of small businesses and a diverse economic base. These businesses make a significant contribution to the economic well-being of the District, offer local employment opportunities, and have made the area resilient to fluctuations in the national and global economies. Unemployment rates remain relatively low. In 2011, well before the Covid pandemic, almost 8,000 people (13.3%) already worked from home in Cotswold, double the national average. This is partly due to the rural nature of the District and a highly skilled and entrepreneurial workforce.

As of 2022, the wholesale and retail trades represent the largest employment group in the District (15.6%). The next largest groups are Accommodation and Food (13.3%) and administrative and support services (10.0%). The service sector accounts for a large proportion of local jobs, with tourism being a major and growing part of the local economy. There are several large businesses including Campden BRI, St. James's Place, the Fire Service College, and educational institutions, notably the Royal Agricultural University, which offer opportunities for higher value growth. The economically active population is,

however, declining across the District, and the labour market is considered tight by local businesses with labour supply issues, particularly in the professional, skilled trades and engineering sectors, potentially impacting on economic growth. Demand enquiries for employment land/premises particularly from small, knowledge-based businesses, who want to secure a quality environment or a site for an existing local business, tend to be focussed upon Cirencester and established business parks. The loss of employment land to housing development has reduced opportunities for employment growth in some areas; for example, at Tetbury 9.11 hectares of employment land has been lost to residential / care home development since 2011.

A large number of residents commute out of the District; many using the area as a rural base from which to commute to larger employment centres, notably Swindon, Cheltenham and Gloucester, where there are higher value jobs. This is largely balanced by numbers commuting in, and by those residents who work in the District. Given the rural nature of the area, average travel-to-work times are longer than in most other parts of the County. Much of the District has good road links, with easy access to the motorway network via A-class routes, although this does not apply to the northernmost parishes. The 'missing link' section of the A417(T) between the Brimpsfield roundabout and Brockworth bypass has been a major bottleneck, badly delaying access to and from the M5 motorway at peak times – current work to dual the entire length through the district will create some short-term disruption, but longer term will lead to improved connectivity.

The District is served by just two railway stations, at Kemble (on the Swindon-Gloucester line) and Moreton-in-Marsh (on the Oxford-Worcester line). Kingham and Honeybourne stations lie just outside the District boundary to the east and north respectively.

Parts of the District are vulnerable to the impacts of climate change, including flooding. The area at greatest flood risk is the upper Thames valley, which includes the Cotswold Water Park (CWP), although many other settlements such as Bourton-on-the-Water, Cirencester and Moreton-in-Marsh have also been affected. Recent and regular flooding experienced in the District highlights the additional risk to both existing and new properties of sewer flooding.

Since the July 2024 parliamentary general election, the district area has been represented by two Members of Parliament (representing North Cotswolds and South Cotswolds), whereas previously there was a single MP for the Cotswold district area.

Council Size

The Commission believes that councillors have three broad aspects to their role. These are categorised as: **Strategic Leadership, Accountability (Scrutiny, Regulatory and Partnerships), and Community Leadership**. Submissions should address each of these in turn and provide supporting evidence. Prompts in the boxes below should help shape responses.

Strategic Leadership

Respondents should provide the Commission with details as to how elected members will provide strategic leadership for the authority. Responses should also indicate how many members will be required for this role and why this is justified. **Responses should demonstrate that alternative council sizes have been explored.**

| Topic | | |
|--------------------------------|--|--|
| <p>Governance Model</p> | <p><i>Key lines of explanation</i></p> | <ul style="list-style-type: none"> ➤ <i>What governance model will your authority operate? e.g. Committee System, Executive or other?</i> ➤ <i>The Cabinet model, for example, usually requires 6 to 10 members. How many members will you require?</i> ➤ <i>If the authority runs a Committee system, we want to understand why the number and size of the committees you propose represents the most appropriate for the authority.</i> ➤ <i>By what process does the council aim to formulate strategic and operational policies? How will members in executive, executive support and/or scrutiny positions be involved? What particular demands will this make of them?</i> ➤ <i>Whichever governance model you currently operate, a simple assertion that you want to keep the current structure does not in itself, provide an explanation of why that structure best meets the needs of the council and your communities.</i> |

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| | Analysis | <p><u>Leader and Cabinet model</u> The Council operates the Leader and Cabinet model. The Leader of the Council is elected for a 4-year term following all out elections (most recently in May 2023). The Leader appoints Cabinet Members and allocates portfolio responsibilities.</p> <p>Cabinet takes strategic decisions collectively and provides political leadership and oversight of the Council as a whole, including at monthly informal Cabinet meetings. Individual Cabinet Members also have certain decision-making responsibilities and provide political leadership and public accountability for the specific services and activities within the remit of their portfolio. Cabinet Members, both individually and collectively, play a key role in overseeing the development of strategic policies and strategy documents. Cabinet Members also act as the Accountable Member for reports within their portfolio responsibilities, which includes presenting reports at meetings of Cabinet, Council and the Overview and Scrutiny Committee, with the lead officers playing a supporting role and answering technical questions the Cabinet Member is unable to. Cabinet Members hold senior officers to account for the implementation of decisions and the delivery of the Council’s agreed policies and strategies.</p> <p>The Council has recently reviewed its governance arrangements through the Models of Governance Review in 2022 and agreed to continue with and enhance the Leader and Cabinet Member. The options appraisal measured different governance options against 4 criteria:</p> <ul style="list-style-type: none"> • Maximises individual member talents, and provides the opportunity for greater engagement in Council activity • Facilitates decision making at an appropriate pace • Demonstrates propriety, regularity and accountability • Solution is costed and fully resourced <p>The Models of Governance Review concluded that the Leader and Cabinet model was suitable when measured against the criteria for a successful governance model. However, there were changes made to enhance the transparency of Cabinet Member Decisions which are now webcast live, are open for the public to attend to ask questions and are subject to call-in.</p> |
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In 2023/24 Cabinet held 11 meetings lasting a combined duration of 13.7 hours and the agenda packs totalled 2672 pages.

Committee structure

The Council has a streamlined committee structure which is appropriate for a Council with a relatively small number of councillors. For example, the Council operates a combined Planning and Licensing Committee and a single Overview and Scrutiny Committee.

In total there are 35 seats on non-executive committees, plus 11 seats on sub-committees and 34 seats on working groups, so 80 seats are appointed in total annually.

Overview and Scrutiny Committee

The Council has a 10 Member Overview and Scrutiny Committee which meets c. 10 times per year. The Committee has a key role in scrutinising executive decisions and holding Cabinet to account. It is also empowered to examine any issues that affect the district or its people and to make recommendations to Cabinet or Council. The role of the Committee and recent improvements to the function are discussed elsewhere in this proposal.

Regulatory and administrative committees

The Council operates the following regulatory and administrative committees which are detailed elsewhere in this proposal and have delegated responsibility for certain non-executive functions:

Planning and Licensing Committee: 11 Members,

- Licensing Sub-Committee (Licensing Act 2003 Matters): 3 Members
- Licensing Sub-Committee (Taxis, Private Hire and Street Trading Consent Matters): 5 Members

Audit and Governance Committee: 7 Members

- Standards Hearings Sub-Committee: 3 Members

Performance and Appointments Committee: 7 Members

Working Groups

The Council has appointed a number of cross-party Member working groups which oversee or steer specific areas of Council activity and are separate from

(and in addition to) any task and finish groups established by the Overview and Scrutiny Committee. Working Groups enable Members to make a contribution and add value to the work of the Council outside of the Council's formal decision-making structures. The majority of working groups were established in the last two years and two of them (Moreton-in Marsh and Publica Review) hadn't started to hold meetings in the 2023/24 civic year but will have important roles to play over the coming period:

- Boundary Reviews
- Constitution
- Cost of Living
- Member Development
- Moreton-in-Marsh (strategic growth)
- Publica Review (overseeing the in-sourcing of services from a Teckal company)
- Public Conveniences Working Group (a task and finish group of the Overview and Scrutiny Committee)

Conclusion

The Council has recently undertaken a comprehensive review of its governance arrangements (the Models of Governance Review) in 2022 and agreed to continue with and enhance the Leader and Cabinet Member. As such, it is expected that the Council will continue to operate these arrangements for the foreseeable future. Recent improvements to Cabinet Member decisions and Overview and Scrutiny have improved the effectiveness of the Council's governance model and provide a strong platform for the future.

The Council is aware of a petition, promoted by an individual councillor, seeking a referendum on a change to the Council's governance arrangements, from the Leader and Cabinet model to a committee system, under The Local Authorities (Referendums)(Petitions)(England) Regulations 2011 ("the Regulations"). However, to date this petition has not met the requirements that would oblige the Council to hold a referendum.

At present the size of Cabinet is 8 Members, as it has been for the last four years, and it is not expected that this will increase or decrease in size in the short term. An executive of 8 Members is considered appropriate for a Council with 34 Members. However, the size of the Cabinet is entirely a matter for the Leader of the Council and could range from 3-10 Members.

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| | | <p>The Council's committee structure is well-established and operating effectively. Committees enable non-executive members to play active and important roles in non-executive functions and decision making, in addition to holding Cabinet Members to account through Overview and Scrutiny and at full Council.</p> <p>Working groups are an increasingly important feature of the Council's governance arrangements, which is placing additional demands on member capacity.</p> <p>As has been demonstrated, the total workload and time commitment associated with meetings increased significantly in 2023/24 compared to the previous two years and is not expected to decrease from that higher level in the short to medium term.</p> <p>Decreasing or keeping the number of councillors unchanged would add to the average workload of Members which is undesirable and may constrain the ability of the Council to operate effectively. Significantly increasing the number of councillors would dilute the influence of individual Members and is not recommended. A modest increase in the number of councillors to 37 would help to mitigate the additional demands and pressures on Member capacity, ensure that Member roles can be distributed effectively, and help to optimise the functioning of the Council's governance arrangements.</p> |
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| Portfolios | <i>Key lines of explanation</i> | <ul style="list-style-type: none"> ➤ How many portfolios will there be? ➤ What will the role of a portfolio holder be? ➤ Will this be a full-time position? ➤ Will decisions be delegated to portfolio holders? Or will the executive/mayor take decisions? |
| | Analysis | <p>The are currently eight Cabinet portfolios which are allocated by the Leader and cover the Corporate Priorities agreed by Council, strategic responsibilities and statutory services. Recent changes to portfolios include the addition of a Cost of Living portfolio, and the movement of car parking between portfolios. The Cabinet portfolios have remained broadly stable over the recent years.</p> <p>The current portfolios are:</p> <ul style="list-style-type: none"> • Leader (includes housing) • Finance (includes assets, waste and recycling) • Climate Change and Sustainability • Economy and Council Transformation • Planning and Regulatory Services • Health, Leisure and Parking • Communities and Public Safety • Cost of Living and Inclusion <p>The services that fall within each portfolio are listed on the Council’s website and will change from time to time, with changes normally announced at an Annual Council meeting.</p> <p>Cabinet Members agree the strategic direction and provide political oversight of the services and Council activities within their portfolio remits. They act as the Accountable Member for reports that come forward for decision within their areas of responsibilities and provide public accountability for performance and decisions. Cabinet Members take delegated decisions as required under the Constitution. 16 individual Cabinet Member decision making meetings were held during 2023/24.</p> <p>The current portfolios are quite intensive and involve high levels of engagement with officers. 4 of the 6 Cabinet Members who responded to the survey estimated that they spend 20+ hours on Council business per week, with the other two Cabinet Members estimating that they spend 11-15 hours and 16-20 hours per week on Council business.</p> <p><u>Conclusion</u></p> |

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| | | <p>The role of a Cabinet Member is not considered to be a full-time position but it does demand considerable time given that the role is carried out in addition to the normal duties of a councillor and that many Cabinet Members also serve on non-executive committees (apart from Overview and Scrutiny, which they will attend in their capacity as Cabinet Members) and outside bodies.</p> <p>The number of Cabinet portfolios has remained unchanged for several years under the current leadership. The Leader has and will make annual adjustments to the portfolios as they see fit but no significant changes are expected that would affect the size of the Cabinet or the size of the Council in the short term to medium term. This could change if significant new powers were devolved to district councils by the new Government elected in July 2024.</p> |
| <p>Delegated Responsibilities</p> | <p><i>Key lines of explanation</i></p> | <ul style="list-style-type: none"> ➤ <i>What responsibilities will be delegated to officers or committees?</i> ➤ <i>How many councillors will be involved in taking major decisions?</i> |
| | <p>Analysis</p> | <p>The Council's non-executive and executive schemes of delegation are set out in the Constitution (Parts C4 and C5).</p> <p>Responsibility for setting the Council's budget and policy framework rests with all 34 Members of full Council. The budget and policy framework comprises the guiding strategic policies of the Council:</p> <ul style="list-style-type: none"> • Corporate Plan • Local Plan • Budget (including setting the Council Tax and the Capital and Treasury Management strategies) • Housing Strategy • Licensing Policy Statements • Pay Policy <p>The budget and policy framework set by Council is binding on the whole organisation, including the Cabinet, committees and officers, who must operate within it. Council also takes decisions in relation to certain non-executive functions that are not delegated to committees, such as electoral matters, the Members' Allowances Scheme, the Members' Code of Conduct, and the Council's Constitution.</p> |

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| | <p>Executive functions are the responsibility of the Leader of the Council and in summary are delegated as follows:</p> <ul style="list-style-type: none"> • Cabinet (8 Members): matters of corporate policy and high-level strategic matters, key decisions, recommending the budget and policy framework to Council. • Individual Cabinet Members: strategic matters relating to Cabinet member portfolios; delegated decisions. • Chief Executive or Deputy Chief Executive: operational service matters, in consultation with the Leader and / or relevant Cabinet Member, where appropriate. <p>Cabinet may agree to delegate certain decisions to individual Cabinet Members or senior officers at Cabinet meetings.</p> <p>Non-executive decisions, such as the determination of planning and licensing applications are delegated to committees, sub-committees and officers. Generally, the larger and/or more contentious decisions (e.g. where there are objections or proposals are contrary to adopted policies) are taken by Members at committee and sub-committee meetings and smaller, routine decisions are taken by officers.</p> <p><u>Conclusion</u> The Council's decision-making arrangements are well established and functioning effectively. The Council's Constitution sets out how the Council operates, how decisions are taken and the procedures which are followed to ensure that decision-making is efficient, transparent and accountable to local people. The Council has a cross-party Constitution Working Group, which has an annual work plan, meets regularly and makes recommendations to Council regarding amendments to the Constitution, keeping it up to date with changes to legislation, governance practice and the needs of the Council. The Council's delegated arrangements are kept under regularly review but no changes to delegation thresholds are expected that would impact the size of the Council.</p> |
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Accountability

Give the Commission details as to how the authority and its decision makers and partners will be held to account. The Commission is interested in both the internal and external

dimensions of this role. **Responses should demonstrate that alternative council sizes have been explored.**

| Topic | |
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| Internal Scrutiny | The scrutiny function of authorities has changed considerably. Some use theme or task-and-finish groups, for example, and others have a committee system. Scrutiny arrangements may also be affected by the officer support available. |
| <i>Key lines of explanation</i> | <ul style="list-style-type: none"> ➤ <i>How will decision makers be held to account?</i> ➤ <i>How many committees will be required? And what will their functions be?</i> ➤ <i>How many task and finish groups will there be? And what will their functions be? What time commitment will be involved for members? And how often will meetings take place?</i> ➤ <i>How many members will be required to fulfil these positions?</i> ➤ <i>Explain why you have increased, decreased, or not changed the number of scrutiny committees in the authority.</i> ➤ <i>Explain the reasoning behind the number of members per committee in terms of adding value.</i> |
| Analysis | <p>The Council has a 10-Member Overview and Scrutiny Committee which meets c. 10 times per year and is chaired by an opposition Member. The Overview and Scrutiny function has been transformed in the last couple of years, with the work of the Committee refocused on holding the Cabinet to account and contributing to policy development on behalf of local communities.</p> <p>In November 2022 the Council adopted an Executive Scrutiny Protocol which sets out the basis for a positive relationship between the Cabinet and Overview & Scrutiny Committee.</p> <p>Meetings of the Overview and Scrutiny Committee are scheduled to take place in the week prior to each meeting of the Council’s Cabinet. This enables effective pre-decision scrutiny of selected executive decisions and provides the Committee with the opportunity to hold Cabinet Members to account in public and make any recommendations to the Cabinet in a timely and transparent fashion. This system helps to ensure that non-executive members can influence decisions on behalf of the local community and that any issues with proposals can be explained, clarified or reconsidered in advance of decisions being taken. There is also the opportunity for other elected Members or public speakers to make representations in public to the Overview and Scrutiny Committee and to raise issues related to forthcoming Cabinet decisions. This can provide the Committee with lines of enquiry when questioning Cabinet</p> |

Members and/or inform recommendations the Committee submits to Cabinet.

In addition to focusing on Cabinet reports, the Committee is empowered to examine any issues that affect the district or its people. Recent examples include focuses on the ecological emergency and issues with rail services in the district, where the Committee engaged with a representative of Great Western Railways at a meeting held in public.

The Overview and Scrutiny Committee may establish task and finish groups to focus in on key areas of policy development. An example is the Public Conveniences Review Group, which drew on external and internal expertise and analysed usage and financial data in undertaking a detailed piece of work looking at the future provision of public conveniences facilities within the district. The cross-party group's recommendations helped to inform the decisions of Cabinet in relation to the renewal of the maintenance contract, the options for different facilities, and the promotion of services to the public, with the aim of reducing the net cost of the service to the Council while maintaining an acceptable level of public service provision across the whole district. The review spanned 4 meetings over a 10-week period. The meetings took place remotely and lasted a total of 4 hours. There was additional work for Members in between meetings which included liaising with councillors at other local authorities, reading meeting reports, reviewing financial and usage data, and commenting on a draft report over email.

There were 11 meetings of the Overview and Scrutiny Committee in 2023/24 (total duration 28.5 hours), up from 6 meetings in 2022/23 (16.1 hours) and 7 meetings in 2021/22. The Committee's agenda packs totalled 2243 pages, up from 866 pages in 2022/23 and 917 pages in 2021/22. This highlights the enhanced role that the Committee is playing in the work and governance of the Council and the resulting increased workload for Members.

In 2023/24 the Overview and Scrutiny Committee submitted 28 recommendations to Cabinet, 22 of which were agreed in whole or in part. The Council has for the first time in recent years produced an Overview and Scrutiny Committee Annual Report for 2023/24. The report submitted to full Council in July 2024 demonstrated the impact of Overview and Scrutiny and the effectiveness of the Executive Scrutiny Protocol.

Conclusion

Following the Peer Challenge Report the Overview and Scrutiny Committee is playing an enhanced and more effective role in the Council's governance arrangements. It is

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| | <p>also holding more meetings and scrutinising more reports. This is directly impacting the workload and capacity of Member and in particular, Members of the Overview and Scrutiny Committee and Cabinet Members.</p> <p>Task and finish groups can be expected to play a more prominent role in contributing to policy development. The frequency and length of task and finish group meetings will depend on the nature of the matter being scrutinised and the timeframe for the review. The Council can support one task and finish group at any one time and a review will typically span 3-6 meetings.</p> <p>The increased activity of the Overview and Scrutiny Committee and any increase in the number of task and finish groups, which to date have been quite occasional (c. 1 per year), is having an impact on Member workload and capacity, which would support a small increase to the size of the Council.</p> | | | | |
| Statutory Function | <p>This includes planning, licencing and any other regulatory responsibilities. Consider under each of the headings the extent to which decisions will be delegated to officers. How many members will be required to fulfil the statutory requirements of the council?</p> | | | | |
| Planning | <table border="1"> <tr> <td data-bbox="355 1131 542 1496"><i>Key lines of explanation</i></td> <td data-bbox="542 1131 1460 1496"> <ul style="list-style-type: none"> ➤ <i>What proportion of planning applications will be determined by members?</i> ➤ <i>Has this changed in the last few years? And are further changes anticipated?</i> ➤ <i>Will there be area planning committees? Or a single council-wide committee?</i> ➤ <i>Will executive members serve on the planning committees?</i> ➤ <i>What will be the time commitment to the planning committee for members?</i> </td> </tr> <tr> <td data-bbox="355 1496 542 2049">Analysis</td> <td data-bbox="542 1496 1460 2049"> <p>The Council operates a single combined Planning and Licensing Committee comprising 11 Members and covering the whole of the Cotswold District Area. The Committee meets monthly to determine certain planning applications and consider any changes to licensing policies.</p> <p>Members of the Committee are expected to read papers in advance, attend Sites Inspection Visits, which are scheduled monthly, and attend meetings.</p> <p>Members are required to undertake planning training before sitting on the Planning and Licensing Committee to determine planning applications. Going forward there will also be a more regular programme of planning training for Members to build Member knowledge and expertise in this area.</p> </td> </tr> </table> | <i>Key lines of explanation</i> | <ul style="list-style-type: none"> ➤ <i>What proportion of planning applications will be determined by members?</i> ➤ <i>Has this changed in the last few years? And are further changes anticipated?</i> ➤ <i>Will there be area planning committees? Or a single council-wide committee?</i> ➤ <i>Will executive members serve on the planning committees?</i> ➤ <i>What will be the time commitment to the planning committee for members?</i> | Analysis | <p>The Council operates a single combined Planning and Licensing Committee comprising 11 Members and covering the whole of the Cotswold District Area. The Committee meets monthly to determine certain planning applications and consider any changes to licensing policies.</p> <p>Members of the Committee are expected to read papers in advance, attend Sites Inspection Visits, which are scheduled monthly, and attend meetings.</p> <p>Members are required to undertake planning training before sitting on the Planning and Licensing Committee to determine planning applications. Going forward there will also be a more regular programme of planning training for Members to build Member knowledge and expertise in this area.</p> |
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In 2023/24 the Planning and Licensing Committee held 12 Meetings lasting a total duration of 26.8 hours and the agenda packs totalled 1008 pages. This represents an increase in the workload from the previous year 2022/23 (21.4 hours, 748 pages).

The Committee determined 33 planning applications out of a total of 3832 applications submitted to the Council. The total number of applications submitted to the Council has reduced slightly in recent years, down from 4496 in 2021/22 and 4354 in 2022/23. The number of applications determined by Committee will vary from year to year and not necessary in proportion to the number of applications received overall:

2023/24: 33
2022/23: 25
2021/22: 46

Members of the Executive can serve on the Planning and Licensing Committee but tend to only do so as substitute Members.

All Members of Council will engage in the planning system in the planning system in some forms, including by:

- Attending meetings of the Planning and Licensing Committee as a substitute Member.
- Attending meetings of the Planning and Licensing Committee as a Ward Member.
- Reviewing applications within their Ward and referring applications to the Planning and Licensing Committee.

Ward Members tend to attend Committee meetings where there are applications situated within their wards. Based on 2023/24 figures there are on average 120 planning applications per ward or 113 per ward Member. The wards with the highest and lowest numbers of planning applications in 2023/24 are listed below. The wards with the highest numbers of planning applications tend to be the larger rural wards within the Cotswold Natural Landscape whereas the wards with the fewest planning applications tend to be the more urban wards in Cirencester and Tetbury.

Highest

Campden & Vale, 278 (2 Member ward)

Coln Valley, 248

Fosseridge, 244

Bourton Vale, 220

Lechlade, Kempsford & Fairford South, 210 (2-Member ward)

Lowest

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| | | <p>Stratton, 35 Tetbury Town, 24 Chesterton, 23 The Beeches, 12 New Mills, 9</p> <p>The Council's Planning Protocol (Part 5E of the Constitution) was updated by Council in January 2024 to improve the functioning of the process whereby applications can be referred by Members to the Planning and Licensing Committee for determination. This change may result in Members making more use of the referral system going forward although referrals are subject to a view process so applications will only go to committee for determination where there are valid planning reasons.</p> <p><u>Conclusion</u> Planning can be a significant challenge in an area with many parts of the district subject to one constraint or another, (much of the district is located within the Cotswolds National Landscape). The Council has suitable arrangements in place for discharging its planning responsibilities. There is an adequate pool of Members who can determine planning applications and there are plans to increase the frequency and scope of planning training available to all Members.</p> <p>Changes to the process for referring applications to the Planning and Licensing Committee for determination could result in an increase in the number of applications referred to the Committee but that remains to be seen.</p> <p>The government elected on 4 July 2024 has announced plans to accelerate house building to provide more homes and support economic growth, which could have an impact on the number of major applications that come forward for determination in the coming years, which would directly impact the workload of the Committee.</p> <p>While the Council itself has no plans that would warrant a review of the size or responsibilities of the Planning and Licensing Committee, the Government has announced plans to legislate for the introduction of a national scheme of delegation. The Council will keep the workload of the Planning and Licensing Committee under review over the coming period.</p> |
| <p>Licensing</p> | <p>Key lines of explanation</p> | <ul style="list-style-type: none"> ➤ How many licencing panels will the council have in the average year? ➤ And what will be the time commitment for members? ➤ Will there be standing licencing panels, or will they be ad-hoc? |

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| | | <p>➤ <i>Will there be core members and regular attendees, or will different members serve on them?</i></p> |
| | <p>Analysis</p> | <p>The Council has a combined Planning and Licensing Committee which appoints two licensing sub-committees:</p> <ul style="list-style-type: none"> • Licensing Sub-Committee (Licensing Act 2003 Matters): 3 Members, meets ad hoc as required to determine certain licensing applications. • Licensing Sub-Committee (Taxis, Private Hire and Street Trading Consent Matters): 5 Members, meets ad hoc as required to determine certain licensing applications. <p>The Planning and Licensing Committee principally deals with licensing policies, while applications are determined by the relevant sub-committee depending on which legislation the application is governed by. Members are required to undertake licensing training prior to sitting on a sub-committee to determine a licensing application.</p> <p>In 2023/24 five licensing applications were determined by the licensing sub-committees and the total duration of the hearings was 6.6 hours, with agenda packs totalling 403 pages. These figures are similar to the previous year (4 applications, 5.9 hours, 422 pages).</p> <p><u>Conclusion</u> The Council has suitable arrangements in place for discharging licensing functions. The demands of the licensing sub-committee functions on Member workloads and capacity are relatively minor compared to Cabinet, Overview and Scrutiny Committee and Planning and Licensing Committee. The split of responsibilities between the main committee and the sub-committees works well and there is an adequate pool of Members who can be called on to determine licensing applications. There are no plans to change the composition of the licensing sub-committees at present.</p> |
| <p>Other Regulatory Bodies</p> | <p>Key lines of explanation</p> | <p>➤ <i>What will they be, and how many members will they require?</i></p> <p>➤ <i>Explain the number and membership of your Regulatory Committees with respect to greater delegation to officers.</i></p> |
| | <p>Analysis</p> | <p>Council appoints the following other regulatory or administrative committees:</p> <p>Audit and Governance Committee: 7 Members plus 2 Independent Members, meets 5 time per year to monitor the adequacy and effectiveness of the Council's governance arrangements and to promote and maintain high standards of conduct by Members.</p> |

- Standards Hearings Sub-Committee: 3 Members plus an Independent Person, meets ad hoc, as required to determine allegations that a Member of the district, town or parish council within the district area, has breached their Council's Code of Conduct.

Performance and Appointments Committee: 7 Members, meets ad hoc as required to consider the appointment and terms and conditions of the Council's Statutory Officers and any grievance or disciplinary matter in relation to the Chief Executive. The Committee did not meet during 2023/24.

Audit and Governance Committee

The Audit and Governance Committee now operates within an annual workplan and has a busy programme of business. The five meetings held in 2023/24 totalled 9.8 hours and the agenda packs totalled 913 pages. This is a slight increase on the previous year when the Committee discharged its business in four meetings (854 pages). The Committee previously held 4 scheduled meetings per year but this was increased to 5 per year from 2023/24.

The Membership of the Audit and Governance Committee has recently been supplemented by the addition of two Independent Members; non-councillors who have made a positive contribution and brought an independent view to the matters before the Committee.

The Standards Hearings Sub-Committee is a recent addition to the Council's committee structure. The Council has not held a standards hearing for over a decade but robust arrangements are being put in place (including updated hearings procedure rules and complaint handling arrangements) as a matter of good governance should the need arise in future. Council has also agreed to recruit up to two town and parish council representatives who will sit on hearings in a non-voting capacity where the subject Member is a town or parish councillor.

Conclusion

The Council's regulatory committees are functioning effectively, and recent improvements have been positive. No changes are proposed to the size of the Audit and Governance Committee or the Performance and Appointments Committee.

The Standards Hearings Sub-Committee currently comprises 3 Members plus an Independent Person but given that the

| | | |
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| | | <p>quorum is 3 Members there would be merit in considering a small increase in the size of this sub-committee.</p> <p>The new government elected on 4 July 2024 may decide to make changes to the standards regime at a national level (for example the introduction of more meaningful sanctions). This would raise the profile of the complaints process and could be expected to result in more complaints being submitted and/or reaching the hearing stage, which would impact Member capacity and support a slight increase in the size of the Council.</p> |
| External Partnerships | <p>Service delivery has changed for councils over time, and many authorities now have a range of delivery partners to work with and hold to account.</p> | |
| <i>Key lines of explanation</i> | <ul style="list-style-type: none"> ➤ <i>Will council members serve on decision-making partnerships, sub-regional, regional or national bodies? In doing so, are they able to take decisions/make commitments on behalf of the council?</i> ➤ <i>How many councillors will be involved in this activity? And what is their expected workload? What proportion of this work is undertaken by portfolio holders?</i> ➤ <i>What other external bodies will members be involved in? And what is the anticipated workload?</i> | |
| Analysis | <p><u>External Committees</u> Council appoints one Member plus one named substitute Member to two external non-executive committees:</p> <ul style="list-style-type: none"> • Gloucestershire County Council Economic Growth Scrutiny Committee • Gloucestershire County Council Health Overview and Scrutiny Committee <p>There is a standing item on the agenda for the Overview and Scrutiny Committee to enable the appointed Members to provide written or verbal reports on the work of the external committees.</p> <p><u>Outside bodies</u> The Council appoints Members to outside bodies that have a wide variety of connections to the Council’s work and corporate priorities. These include links to climate change, management of the natural landscape, economic growth and representatives on the partner organisations delivering services such as Ubico (waste and recycling) and Publica (currently delivering the majority of services on behalf of the Council). Most representatives on outside bodies are appointed by the Leader of the Council annually. The work of some outside bodies relates to Cabinet portfolios but several non-executive members also serve on outside bodies.</p> | |

| | |
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| | <p>In recent years there has been a modest increase in the number of outside bodies the Council appoints councillors to, from 17 in 2022/23 to 18 in 2024/25. In 2023/24 Members served on 0.56 outside bodies on average (range: 0 to 5). Meeting frequencies and time commitments will vary across the different outside bodies. Currently 13 seats on outside bodies are occupied by Executive Members, and six by non-executive Members.</p> <p>Outside bodies cannot take decisions on behalf of the Council as the Council has not formally ceded any decision-making powers to outside bodies. The Council is producing guidance on the responsibilities of Members appointed to outside bodies.</p> <p><u>Conclusion</u> There has been a recent increase in the number of outside bodies the Council appoints to, linked to the economic development and climate agendas. This would support a small increase in the size of the Council.</p> |
|--|--|

Community Leadership

The Commission understands that there is no single approach to community leadership and that members represent, and provide leadership to, their communities in different ways. The Commission wants to know how members are required to provide effective community leadership and what support the council offers them in this role. For example, does the authority have a defined role and performance system for its elected members? And what support networks are available within the council to help members in their duties? The Commission also wants to see a consideration of **how the use of technology and social media by the council as a whole, and by councillors individually, will affect casework, community engagement and local democratic representation. Responses should demonstrate that alternative council sizes have been explored.**

| Topic | | Description |
|-----------------------------|---------------------------------|---|
| Community Leadership | <i>Key lines of explanation</i> | <ul style="list-style-type: none"> ➤ <i>In general terms how do councillors carry out their representational role with electors?</i> ➤ <i>Does the council have area committees and what are their powers?</i> ➤ <i>How do councillors seek to engage with their constituents? Do they hold surgeries, send newsletters, hold public meetings or maintain blogs?</i> ➤ <i>Are there any mechanisms in place that help councillors interact with young people, those not on the electoral register, and/or other minority groups and their representative bodies?</i> ➤ <i>Are councillors expected to attend community meetings, such as parish or resident's association meetings? If so,</i> |

| | | |
|--|--|--|
| | | <p><i>what is their level of involvement and what roles do they play?</i></p> <p>➤ <i>Explain your approach to the Area Governance structure. Is your Area Governance a decision-making forum or an advisory board? What is their relationship with locally elected members and Community bodies such as Town and Parish Councils? Looking forward how could they be improved to enhance decision-making?</i></p> |
| | <p style="text-align: center;">Analysis</p> | <p>District councillors perform a variety of roles both within the Council and in playing an active role in the communities they represent, providing a two-way link between the Council and communities.</p> <p>Some District councillors have multiple representative roles as they may also serve as county councillors and/or town or parish councillors. Currently three District Councillors serve as county councillors and thirteen other District Councillors serve as town or parish councillors (no District Councillors currently serve at all three levels).</p> <p>There are a number of ways in which councillors will engage with communities, including:</p> <ul style="list-style-type: none"> • Being the voice of the community at District Council meetings. • Attending town or parish council meetings. • Engaging with, supporting and serving on community organisations, residents' associations, charities or business groups. • Holding surgeries. • Dealing with casework by email, telephone or letter. • Engaging in social media platforms. <p>The Council does not have any area committees in the District and there is no budget allocated to Ward Members.</p> <p><u>Conclusion</u> The growth in the population and the size of the electorate will place additional demands on the representative roles of elected members. A modest increase in the size of the Council to 37 will mitigate this additional demand.</p> |
| <p style="text-align: center;">Casework</p> | <p style="text-align: center;"><i>Key lines of explanation</i></p> | <p>➤ <i>How do councillors deal with their casework? Do they pass it on to council officers? Or do they take a more in-depth approach to resolving issues?</i></p> <p>➤ <i>What support do members receive?</i></p> <p>➤ <i>How has technology influenced the way in which councillors work? And interact with their electorate?</i></p> <p>➤ <i>In what ways does the council promote service users' engagement/dispute resolution with service providers and managers rather than through councillors?</i></p> |

| | | |
|--|---|---|
| | <p style="text-align: center;">Analysis</p> | <p>Councillors are responsible for dealing with their own casework correspondence. The Council does not have a casework management system. All Councillors are provided with a welcome pack and corporate induction programme upon their election and are provided points of contact for each Council service. Contact points are also listed on the Councillor Portal (intranet), which also includes a link to the planning portal and e-forms for councillors to report issues such as missed bin collections and fly tipping. The Democratic Services Team will act as the first point of contact for newly elected members through a buddying system and will signpost members to other officers where they are unsure who to contact for particular issues.</p> <p>The nature of casework has changed in recent years. More Members are active on social media and will be contacted by residents using social media. Councillors are also contacted regularly by email, telephone or, increasingly rarely, letter. Councillors' preferred methods of contact are reflected on their pages on the Council's website. All councillors are provided with a Council email account for managing their Council correspondence, which they access using their own device.</p> <p>Some queries which would have previously been directed to councillors are now solved through direct contact with the Council, which is done by phone, email or social media. Contact with councillors now often involves more complex matters such as planning or other complex casework which may involve multiple agencies, for example where there are mental health issues. This is particularly the case for members representing the main settlements within the district area. Such complex casework can involve research and co-ordination with multiple partner organisations, rather than simply referring the resident to the relevant officer or department. For members representing rural areas, the planning casework and issues can be particularly complex.</p> <p>15 of the 26 Members who responded to the survey believed that ward member work including casework had driven an increase in the workload of councillors since they were first elected. The survey also showed that all 26 Members who responded deal with casework over email and telephone, with the next popular methods of communication being face to face (24), instant messaging (12), social media/blogs (11), public meetings (7), letter (3) and surgeries (2). Nine members also selected "Other" methods of engagement.</p> <p><u>Conclusion</u></p> |
|--|---|---|

| | | |
|--|--|---|
| | | <p>The proposed addition of three councillors will enable additional capacity for managing casework compared to the status quo, particularly in more urban areas where significant growth is planned.</p> <p>Without a modest increase in the number of councillors, the workload associated with casework for each councillor can be expected to increase by c. 9% on average because of growth in the size of the population and the electorate. The survey results show that this would result in councillors becoming less comfortable with their workload on average, with some councillors becoming very uncomfortable with their workload.</p> |
|--|--|---|

Other Issues

Respondent may use this space to bring any other issues of relevance to the attention of the Commission.

There are no other issues that the Council wishes to raise with the Commission.

Summary

In following this template respondents should have been able to provide the Commission with a robust and well-evidenced case for their proposed council size; one which gives a clear explanation as to the governance arrangements and number of councillors required to represent the authority in the future.

Use this space to summarise the proposals and indicate other options considered. Explain why these alternatives were not appropriate in terms of their ability to deliver effective Strategic Leadership, Accountability (Scrutiny, Regulation and Partnerships), and Community Leadership.

The Council considers that a size of 37 Members is appropriate for the Cotswold District from 2027. This size provides for an acceptable and broadly stable ratio of councillors to the electorate, accounting for the expected population growth over the coming years. It also helps to mitigate the increased pressures on councillor workloads associated with enhanced Member governance arrangements such as a more active Overview and Scrutiny function and increased numbers of Member working groups following the Corporate Peer Challenge Feedback Report in 2022. This proposal would enable councillors to remain effective in undertaking their roles on the Council and in the communities they represent.

An unchanged Council size of 34 members, or a smaller Council size, is not recommended. This would place increased pressure on councillor workloads into the future and would potentially deter people from standing for election. It would also not provide sufficient capacity for the Council to effectively operate its current, recently improved, governance and decision-making arrangements. Due to population growth being centred around existing settlements, the rural wards would necessarily need to increase in size and cover more parish areas on average. This would exacerbate the existing pressures faced by Members representing rural communities and would not support effective representation.

A Council size significantly larger than 37 councillors could arguably provide for enhanced representation but would dilute the responsibilities and accountability of individual

councillors and add cost to the Council (in the form of additional allowances payments and electoral costs) without providing significant additional benefits to the governance of the Council.

The Council has a strong preference for a uniform pattern of single-Member wards across the whole of the district area and would therefore seek to reconfigure the ward boundaries so that all parts of the district, including the areas covered by the current Campden & Vale and Lechlade, Kempsford & Fairford South wards, will be represented by a single district councillor following the local elections in 2027. The Council recognises that this may not be achievable within the available variance of $\pm 10\%$ without dividing communities in a way that conflicts with effective representation. If this proves to be the case and single Member wards are found to be impractical in certain areas, and there is no flexibility in the variances, then 2-Member wards may prove to be unavoidable in a very small number of exceptional locations.

Member Survey on Council Size Proposal

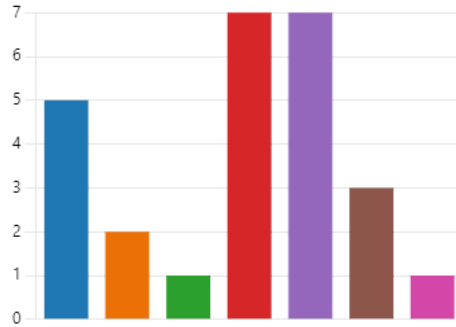
26 Responses

08:46 Average time to complete

Active Status

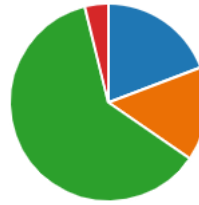
1. How would you describe your employment status?

| | |
|---------------------------|---|
| Employed - Full time | 5 |
| Employed - Part time | 2 |
| Self-employed - Full time | 1 |
| Self-employed - Part time | 7 |
| Retired | 7 |
| Other | 3 |
| Prefer not to say | 1 |



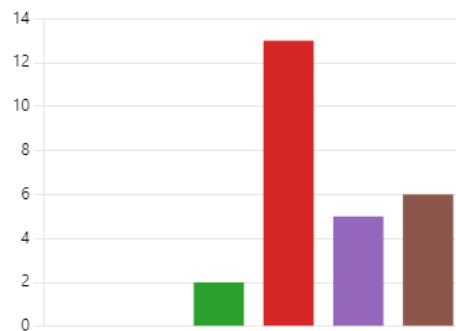
2. Do you have any caring responsibilities?

| | |
|------------------------------------|----|
| Yes - Childcare | 5 |
| Yes - Caring for one or more ad... | 4 |
| No | 16 |
| Prefer not to say | 1 |

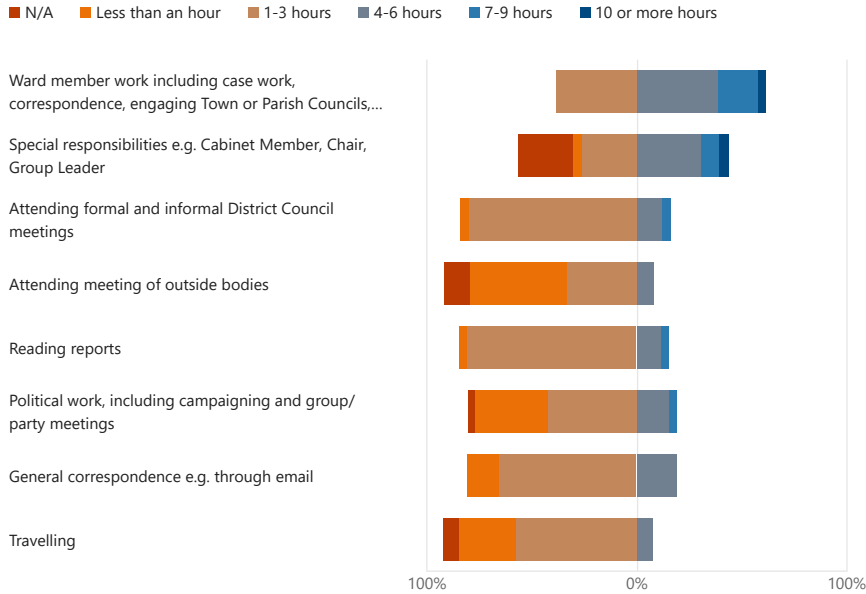


3. Overall, how many hours do you estimate that you spend in your role as a District Councillor, on average, per week? (including District meetings, Town/ Parish meetings, case work, etc.)

| | |
|-------------------|----|
| Less than an hour | 0 |
| 1-5 hours | 0 |
| 6-10 hours | 2 |
| 11-15 hours | 13 |
| 16-20 hours | 5 |
| More than 20 | 6 |



4. How many hours per week do you estimate that you spend on the following responsibilities?



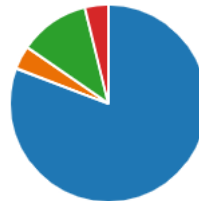
5. When were you first elected as a Cotswold District Councillor? If you've had a break, please enter the date you were elected for the first time.

26
Responses

Latest Responses
 "2021-05-01"
 "2016-09-29"
 "2019-05-04"

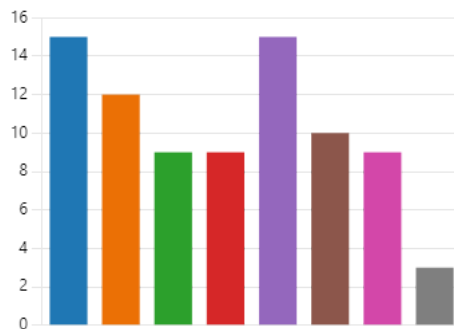
6. Since you first became a Councillor, would you say that the workload has increased, decreased or broadly stayed the same?

| | |
|-------------------------|----|
| Increased | 21 |
| Decreased | 1 |
| Broadly stayed the same | 3 |
| Unsure | 1 |



7. If your workload has increased, what would you say that the driver behind this has been? (select all that apply)

| | |
|--|----|
| Ward member work including c... | 15 |
| Special responsibilities, e.g. Cabi... | 12 |
| Attending formal and informal ... | 9 |
| Attending meeting of outside b... | 9 |
| Reading reports | 15 |
| Political work, including campai... | 10 |
| General correspondence e.g. thr... | 9 |
| Travelling | 3 |



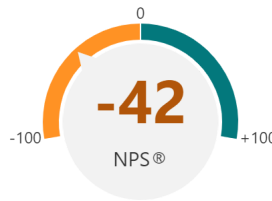
8. If your workload has decreased, what would you say that the driver behind this has been? (select all that apply)

- Ward member work including c... 0
- Special responsibilities e.g. Cabi... 1
- Attending formal and informal ... 0
- Attending meeting of outside b... 0
- Reading reports 0
- Political work, including campai... 0
- General correspondence e.g. thr... 0
- Travelling 0



9. How comfortable are you with your workload as a Councillor?

| | |
|------------|----|
| Promoters | 3 |
| Passives | 9 |
| Detractors | 14 |



10. What are the challenges (if any) you face in managing your workload?

20
Responses

Latest Responses

"When I was elected in 2016, I had no grandchildren. I now have four & I hav...
"The expectation to attend several parish council meetings, often on the sam..."

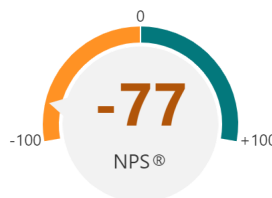
[Update](#)

11 respondents (58%) answered **work** for this question.



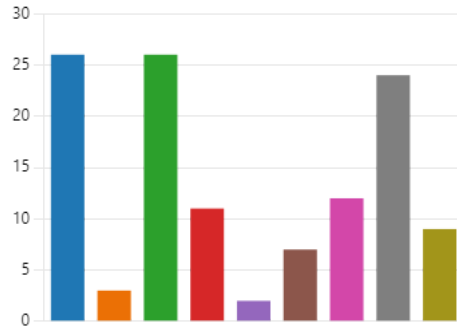
11. How comfortable would you be with your workload as a councillor if your workload was to increase by 10%?

| | |
|------------|----|
| Promoters | 0 |
| Passives | 6 |
| Detractors | 20 |



12. In which ways do you engage with residents and the communities you represent? (please select all that apply)

| | |
|---------------------------|----|
| ● Email | 26 |
| ● Letter | 3 |
| ● Telephone | 26 |
| ● Social media/ blogs | 11 |
| ● Surgeries | 2 |
| ● Holding public meetings | 7 |
| ● Instant messaging | 12 |
| ● Doorstep/ face to face | 24 |
| ● Other | 9 |



13. Thinking about the responsibilities and workload of a Councillor and the functions of the Council, do you think the size of Cotswold District Council (34 Councillors) should be increased, decreased or stay the same?

| | |
|-----------------------------------|----|
| ● More Councillors | 7 |
| ● Fewer Councillors | 0 |
| ● The same numbers of Councillors | 19 |



14. Is there anything else you would like to say about your workload as a Councillor or the size of the Council?

16
Responses

Latest Responses

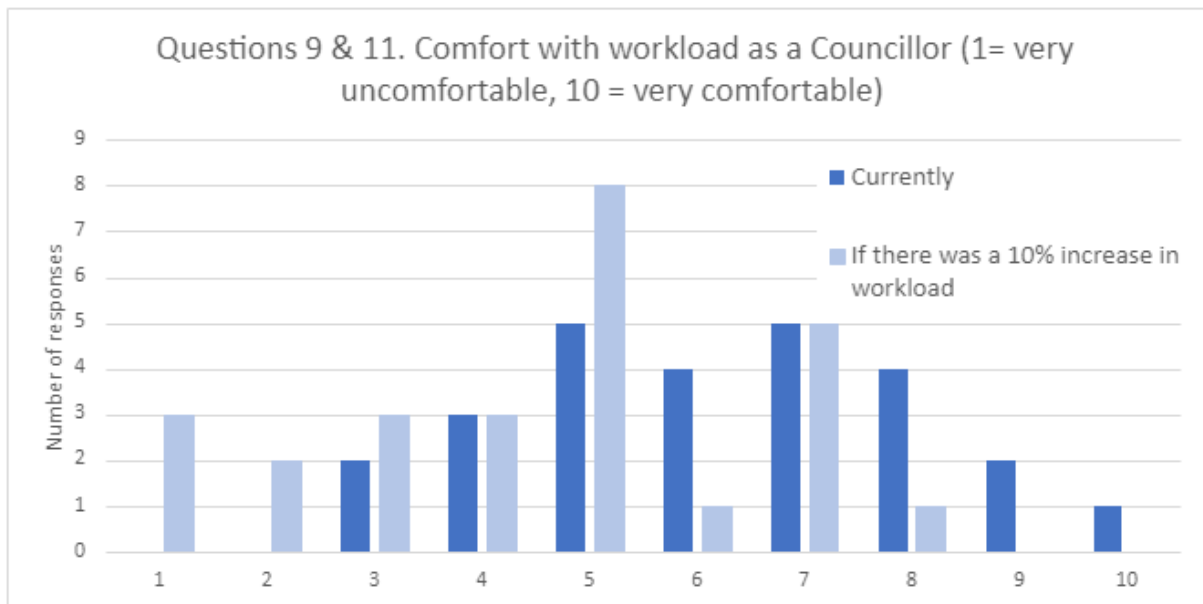
- "The workload has mainly increased due to the larger number of enquiries o...
- "My ward is small enough for me to be known by most of my residents "
- "I think there should be no 2 member wards. All wards should be 1 member"

[Update](#)

5 respondents (36%) answered **ward** for this question.



9. How comfortable are you with your workload as a Councillor? & 11. How comfortable would you be with your workload as a councillor if your workload was to increase by 10%?



10. What are the challenges (if any) you face in managing your workload?

“balancing workload with non councillor work”

“Representing six parish councils spread among the District's largest ward.”

“Badly written, unnecessary or junk emails”

“Calendar management. Keeping up and following up case work as not always informed if issues have been resolved, either by member or public who asked for help. Fending off complaints about Council performance in planning, enforcement etc from both members and public.”

“Balancing work and family responsibilities with council duties. The allowance is very small compared to the hours worked and means I face a financial loss compared to my other work. I also need to travel for my work and for family reasons and this is hard to balance with time needed for council activities.”

“Never ending elections increase work load enormously, community and case work takes second place during election periods. I am not 100% comfortable with that as stood for election to serve my community.”

“Slow or no responses from officers as there are shortages of staff and alternate priorities. The learning curve of figuring out what can be done and how to do it. My ward is a long way from Cirencester. Time consuming technical systems. Effect on family member when unavailable.”

“Meetings in working hours, particularly afternoons which often clash with my full time job - working for a US company”

"None - though the impact on other things in my life is significant"

"conflicts with work, ability to balance both at times. If I'm away with work I can go a couple of days without engagement in council work"

"Having sufficient time to spend on the more strategic/longer term work and bigger issues, when dealing with lots of smaller case work that is important to residents."

"Time!"

"Managing should I return to paid employment as I did until June 2022. I spend significantly more time on my role as a councillor as I am not in paid work."

"Lots of correspondence from multiple channels e.g. email, social media, whatsapp, phone etc"

"work/life balance IT"

"Peaks and troughs in District Councillor workload may not always fit with my work."

"Parish Council meetings clashing. Increased work due to the change in the planning application process. Balancing my job with Council work sometimes."

"ward structure in Cotswold DC with part of Fairford in 2 member ward and not clear to voters who does what"

"The expectation to attend several parish council meetings, often on the same evening."

"When I was elected in 2016, I had no grandchildren. I now have four & I have a significant child care commitment"

14. Is there anything else you would like to say about your workload as a Councillor or the size of the Council?

"Depends if you represent a rural ward with a number of parish councils or a large village or town with just one parish council."

"No"

"As a voluntary role it is almost a full time job; the above questions didn't ask about training or joining on line conferences, updates etc relating to my portfolio."

"Dem services help enormously with organization and lighten my workload. I feel the numbers are about right"

"I have responsibilities that could make me a cabinet member but there is no budget and there are limited resources. I have several chunky committees, which cabinet members do not have, and am in the Ward most affected by the Area Plan. So, with private life as well my situation is probably not the norm"

"Having Council and Cabinet meetings from 6pm onwards throughout the year would be better, the afternoon times are difficult for someone working full time. This might exclude some people from standing. I find using AI to help analysis reports, research, write responses and documents very helpful - improves the quality and efficiency of what I do."

"To be truly effective, the role is incompatible with being f/t employed elsewhere. I stood down for a term because of this."

"I don't think the number of councillors is the issue, its the support services and ability to respond to detailed specific questions from the public"

"I think increasing the number of councillors would benefit residents overall. Some wards are geographically big, far from Cirencester (long travel times for meetings) and have multiple parishes meaning that a lot of time can be taken up covering the basics, before any productive work even begins."

"Whilst I have no real concerns about my ward workload, I am able to attend the majority of all meetings, I am aware of wards where there are so many parishes that ward councillors are unable to attend all meetings."

"There are too few councillors which has made it difficult to find substitutes for scrutiny committees, particularly when the cabinet is large and the administration has a narrow majority."

"We need more officers, rather than Councillors. Especially in Planning and in Enforcement given the new Govt's focus on housebuilding expansion."

"we need a district council rather than a single tier of local government"

"I think there should be no 2 member wards. All wards should be 1 member"

"My ward is small enough for me to be known by most of my residents"

"The workload has mainly increased due to the larger number of enquiries on planning. This is a byproduct of the Planning Dept being understaffed and residents using the Ward members as a method of getting updates and extra information"

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Agenda Item 10



COTSWOLD
DISTRICT COUNCIL

| | |
|----------------------------|--|
| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | COUNCIL – 25 SEPTEMBER 2024 |
| Subject | TREASURY MANAGEMENT OUTTURN REPORT 2023/24 |
| Wards affected | N/A |
| Accountable member | Cllr Mike Every, Deputy Leader and Cabinet Member for Finance Email: mike.every@cotswold.gov.uk |
| Accountable officer | David Stanley, Deputy Chief Executive and S151 Officer Email: david.stanley@cotswold.gov.uk |
| Report authors | Sian Hannam, Treasury Accountant; Email: sian.hannam@publicagroup.uk Michelle Burge, Chief Accountant; Email: michelle.burge@publicagroup.uk |
| Summary/Purpose | To receive and discuss details of the Council's Treasury management performance for the period 01 April to 31 March 2024. The report was considered by the Audit and Governance Committee at its meeting on 23 July 2024. |
| Annexes | Annex A – Economic Background |
| Recommendation(s) | That Council resolves to: <ol style="list-style-type: none"> 1. Note the Treasury Management performance for the period 01 April 2023 to 31 March 2024; 2. Approve the Treasury Management Outturn Report for 2023/24. |
| Corporate priorities | The Council's Treasury Management Strategy underpins all the Council Priorities and is relevant to the Council principle of "Value for money – we will use the council's resources wisely but will invest in the fabric and future of the district." |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | Arlingclose Limited – Council's treasury advisors |



1. TREASURY MANAGEMENT - INTRODUCTION

- 1.1** The purpose of the treasury management operation is to ensure that cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in counterparties or instruments commensurate with the Council's low risk approach, pursuing optimum performance while ensuring that security of the investment is considered ahead of investment return. The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure.
- 1.2** The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning, to ensure the Council can meet its capital spending obligations. The management of longer-term cash may involve the arrangement of long and/or short-term loans (external borrowing) or may use longer term cash flow surpluses in lieu of external borrowing (internal borrowing).
- 1.3** The Council continued to engage the services of Arlingclose for independent treasury advice during the year 2023/24. Arlingclose provide specialist treasury support to 25% of UK local authorities. They provide a range of treasury management services including technical advice on investment management and long-term capital financing. They advise on investment trends, developments, and opportunities consistent with the Council's Treasury Management Strategy.
- 1.4** The Council's treasury management advisors have provided commentary on the economic background that prevailed during 2023/24. This commentary is provided within **Annex A**.

2. EXECUTIVE SUMMARY

- 2.1** This report covers the Treasury Management activity and performance of Cotswold District Council for the period 01 April to 31 March 2024.
- 2.2** During the year the Council operated within the treasury limits and prudential indicators as set out in the Treasury Management Strategy approved by Council on the 15 February 2023. Investment interest for 2023/24 has produced a net surplus of £0.967m against the original budget set in February 2023 of £0.719m largely due to sustained higher interest rates throughout the year and higher level of surplus cash balances available to invest than budgeted.
- 2.3** The Council's strategy has been to diversify investments into Pooled Funds in order to reduce risk and increase returns. Pooled Funds have maintained strong returns of dividends and returned over 4.72% (£0.492m) against the £12.5m invested in this area (further details provided in section 6). This compares to returns achieved of 4.98% for cash invested in money market funds and call accounts and 5.19% where cash is invested with the Government.



- 2.4** The capital values of the Pooled Funds increased by £24,123 from £11.528m to £11.551 during 2023/24.
- 2.5** The Council holds a £0.500m loan administered by Abundance Investments Limited for the purpose of Community Municipal Investments. The Council's first Community Municipal Investment (CMI), named 'Cotswold Climate Investment' (CCI) which targeted a £0.500m fundraise closed on the 16 August 2022, fully funded by over 450 investors.
- 2.6** In July 2022, Cotswold District Council entered into an agreement with Cottsway 2, to provide an unsecured development loan of up to £3.753m in increments upon drawdown requests. The first request was received in June 2023 and the balance outstanding as at the 31st March 2024 is £1.696m.
- 2.7** Due to the rescinding of the Council's Recovery Investment Strategy and slippage in capital expenditure, the Council has continued to have no requirement to borrow or hold any further external debt as at 31 March 2024.
- 2.8** The treasury management position as at 31 March 2024 is set out in table I below together with the year-on-year movements.

Table I: Treasury Management Summary

| | 31/3/2023 Actual £m | 2023/24 Movement £m | 31/3/2024 Balance £m | 31/3/2024 Rate % |
|---------------------------|------------------------------------|------------------------------------|-------------------------------------|---------------------------------|
| Short-term borrowing | 0.451 | (0.094) | 0.357 | 2.20 |
| Total borrowing | 0.451 | (0.094) | 0.357 | 2.20 |
| Long-term investments | 11.528 | 0.024 | 11.552 | 4.72 |
| Short-term investments | 4.361 | (3.14) | 1.221 | 5.19 |
| Cash and cash equivalents | 12.083 | 0.055 | 12.138 | 4.98 |
| Total investments | 27.972 | (3.061) | 24.911 | 4.98 |
| Net Investments | 27.521 | (2.967) | 24.554 | |



3. BACKGROUND

- 3.1** In February 2011, the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code). The CIPFA Code requires the Council to approve reports on treasury management activities at the end of the first half of the financial year and at the end of the financial year.
- 3.2** The Council's Treasury Management Strategy for 2023/24 was approved at the Council meeting on the 15 February 2023. The Council has invested substantial sums of money and is therefore exposed to financial risks including changes in capital value of funds, the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are central to the Council's treasury management strategy.

4. BORROWING

- 4.1** Local authorities can borrow from the Public Works Loan Board (PWLB) provided they can confirm they are not to purchase 'investment assets primarily for yield' in the current or next two financial years, with confirmation of the purpose of capital expenditure from the S151 Officer. Authorities that are purchasing or intending to purchase investment assets primarily for yield will not be able to access the PWLB except to re-finance existing loans or externalise internal borrowing.
- 4.2** Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, re-financing debt and treasury management.
- 4.3** Competitive market alternatives are available for authorities with or without access to the PWLB. However, the financial strength of the individual authority and borrowing purpose will be scrutinised by commercial lenders.
- 4.4** The Council is not planning to purchase any investment assets primarily for yield and so is able to fully access the PWLB.
- 4.5** The Council's first Community Municipal Investment (CMI), named 'Cotswold Climate Investment' (CCI) which targeted a £0.500m fundraise closed on the 16 August 2022, fully funded by over 450 investors. As at the 31 March 2024 the Council therefore held a £0.357m loan administered through Abundance Investments Limited for the purpose of Community Municipal Investments at a rate of 2.2%.
- 4.6** The Council has no further borrowing considerations. There are plans to borrow in the future to fund the Capital Programme. Any borrowing undertaken will be subject to approval by either Cabinet or Council as appropriate.
- 4.7** In order to determine whether the Council needs to borrow, the underlying need to borrow needs to be compared against the Council's internal borrowing capacity. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR) which



is total capital expenditure to be funded by borrowing less any revenue provision made for the Minimum Revenue Provision.

- 4.8 Whilst there may be an underlying need to borrow, the Council may not actually undertake external borrowing and may instead use its internal cash balances to fund the borrowing requirement which is known as “internal borrowing.”
- 4.9 For Cotswold District Council, there is a small underlying need to borrow of £0.071m and significant internal borrowing capacity as set out in Table 2 below:

Table 2: Balance Sheet Summary

| | 31/3/2023 Actual £m | 2023/24 Movement £m | 31/3/2024 Actual £m |
|--|---------------------------|---------------------------|---------------------------|
| General Fund CFR | 0.020 | 0.051 | 0.071 |
| Less: External borrowing | (0.451) | 0.094 | (0.357) |
| Less: Usable reserves | (23.169) | 0.325 | (22.844) |
| Less: Working capital | (4.676) | 2.045 | (2.631) |
| Available for investment or internal borrowing* | (28.276) | 2.515 | (25.761) |

*A positive figure would indicate a need to externally borrow

- 4.10 If interest rates were to rise by 1%, then investment income would average 5.98%, whilst borrowing costs (based on 20-year PVWL Loan) would be 5.04%. For every £1m borrowed there would be additional income of £9,400 per annum.

5. INVESTMENT PERFORMANCE

- 5.1 The Council invested funds representing income received in advance of expenditure plus balances and reserves held. During 2023/24, the Authority’s investment balance ranged between £24.737m and £46.607m due to timing differences between income and expenditure. The investment position is shown in table 3 below:

Table 3: Treasury Investment Position

| | 31/3/2023 Actual £m | 2023/24 Movement £m | 31/3/2024 Balance £m | 31/3/2024 Rate % |
|-------------------------------------|------------------------------------|------------------------------------|-------------------------------------|---------------------------------|
| Bank of England DMADF | 4.283 | (3.142) | 1.141 | 5.19 |
| Money Market Funds/Call Accounts | 12.083 | 0.055 | 12.138 | 4.98 |
| Real Estate Investment Trust (REIT) | 1.007 | (0.047) | 0.953 | 2.85 |
| Cash Plus Fund | 1.096 | 0.057 | 1.153 | N/A |
| Pooled Funds (1) | 9.503 | 0.023 | 9.526 | 4.72 |
| Net Investments | 27.972 | (3.061) | 24.911 | 4.98 |

(1) See breakdown at Table 4 and 5 below.

- 5.2** Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 5.3** High levels of cash were maintained throughout 2023/24, in part due to Capital Programme underspend, these balances were diversified over several counterparties and Money Market Funds to manage credit and liquidity risk.
- 5.4** The investment income budget for 2023/24 is £0.719m, as approved in February 2023, investment income of £1.686m was achieved. A sustained high Base Rate has fed through to higher short-term deposit and MMF interest rates. These have increased from 4.15% at the



start of the year to over 5.25% by March. There has been a small increase in Pooled Fund interest, further details are provided in section 6 of this report.

- 5.5 The year-end investment position analysed between investment types and the year-on-year change in show in table 4 below.

Table 4: Investment Position (Treasury Investments)

| | 31/03/2023 | 2023/24 | 31/03/2024 | 31/03/2024 |
|--|-------------------|-----------------|-------------------|-------------------|
| | Actual | Movement | Balance | Rate |
| | £m | £m | £m | % |
| Banks & building societies (unsecured) | 3.104 | (0.005) | 3.099 | 5.14 |
| Government (incl. local authorities) | 4.283 | (3.142) | 1.141 | 5.19 |
| Money Market Funds | 8.979 | 0.060 | 9.039 | 4.98 |
| Other Pooled Funds | | | | |
| - Federated Cash plus fund | 1.096 | 0.057 | 1.153 | N/A |
| - CCLA Property Fund | 2.265 | (0.083) | 2.182 | 4.31 |
| - CCLA Diversified Multi Asset Income Fund | 0.946 | 0.047 | 0.993 | 3.31 |
| - Schroders Equity Income Fund | 0.812 | 0.003 | 0.815 | 5.81 |
| - M&G UK Strategic Bond Fund | 1.811 | (0.030) | 1.781 | 5.03 |
| - Investec Multi asset income fund | 1.821 | (0.003) | 1.818 | 4.12 |
| - Columbia Threadneedle Equity Income Fund | 1.848 | 0.082 | 1.93 | 3.89 |
| Fundamentum - Real Estate Investment Trust | 1.007 | (0.04) | 0.96 | 2.85 |
| Total investments | 27.972 | -3.061 | 24.911 | 4.98 |

6. EXTERNALLY MANAGED POOLED FUNDS

- 6.1 A key aspect of the Council's current investment strategy is to invest into pooled funds in order to increase investment returns. These funds do introduce higher levels of risk as the capital value is not protected and the value of the funds can go up and down. The funds can be drawn down at relatively short notice, but consideration would need to be given as to



whether drawing them down would crystallise a capital loss. The funds themselves are invested in different investment classes and therefore risk within the pooled fund is diversified.

- 6.2** Of the Council's investments, £10.5m are held in externally managed strategic pooled cash, bond, equity, multi-asset and property funds with a further £1m held in a Cash Plus fund and £1m held in a Housing Real Estate Investment Trust (REIT) where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. These funds generated a total return of £0.492m (4.72%) during 23/24 and the capital values on these funds increased by £24K in the year to 31 March 2024 due to continued external economic factors as outlined in Annex A including political instability, global economic uncertainty and market confidence capital values did not increase as much as expected. Members are reminded that Pooled Funds are held for the longer-term and the capital value will fluctuate over each financial year.
- 6.3** The increase in value is treated as an unrealised capital gain i.e., the gain is not recognised as any gain or loss will only be recognised at the point funds are sold. The Council did not make any further contributions to these funds during 2023/24 with the amount invested remaining at £12.5m.
- 6.4** In April 2023 the Department for Levelling Up, Housing and Communities (DLUHC) published the full outcome of the consultation on the extension of the statutory override on accounting for gains and losses on pooled investment funds. The override has been extended until 31st March 2025, but no other changes have been made; whether the override will be extended beyond this date is unknown but commentary to the consultation outcome suggests it will not.
- 6.5** With the expectation of improved investment returns during the financial year, it was agreed by Cabinet that £0.150m of additional investment income above the budgeted level is transferred to a new earmarked reserve ("Treasury Management Risk") to manage higher borrowing costs in the short-term and to mitigate potential changes to the accounting treatment of gains and losses on pooled funds from March 2025.
- 6.6** The change in the Authority's funds' capital values and income earned over the 12-month period is shown in Table 5.



Table 5: Pooled Funds, Cash Plus and REIT

| Fund Manager | Investment | 1st April Fund Value | 31 st March Fund Value | Dividends in 2023/24 | 2023/24 Gain/(Loss) | Gain/(Loss) to Initial Principal | % Return Capital & Dividend 2023/24 |
|----------------------------|-------------------|----------------------|-----------------------------------|----------------------|---------------------|----------------------------------|-------------------------------------|
| | £ | £ | £ | £ | £ | £ | % |
| CCLA Property | 2,500,000 | 2,241,061 | 2,153,645 | 112,825 | (87,416) | (346,355) | 1.13 |
| Schroders (E) | 1,000,000 | 801,858 | 806,834 | 56,801 | 4,976 | (193,166) | 7.70 |
| M&G UK Income (B) | 2,000,000 | 1,793,403 | 1,763,426 | 100,710 | (29,977) | (236,574) | 3.94 |
| Investec Div Income (M) | 2,000,000 | 1,814,069 | 1,812,676 | 82,314 | (1,393) | (187,324) | 4.46 |
| Threadneedle (B) | 2,000,000 | 1,842,079 | 1,923,475 | 78,362 | 81,397 | (76,525) | 8.67 |
| CCLA Div (M) | 1,000,000 | 939,659 | 985,867 | 32,889 | 46,207 | (14,133) | 8.42 |
| Federated Cash +(C) | 1,000,000 | 1,096,121 | 1,153,550 | - | 57,428 | 153,550 | 5.24 |
| Fundamentum REIT | 1,000,000 | 1,000,000 | 952,900 | 28,500 | (47,100) | (47,100) | (1.86) |
| Total current funds | 12,500,000 | 11,528,249 | 11,552,372 | 492,402 | 24,123 | (947,628) | 4.48 |

Key E- Equity, M-Multi asset, B- Bond, C-Cash

- 6.7** Pooled funds capital value made a small gain of 0.19% in the financial year. This period has been characterised by significant volatility in the bond markets. Adjusting to central banks' intention of keeping policy rates unchanged amid persistently higher core inflation, tight labour markets and resilient growth, global bond yields rose (i.e., bond prices fell), the August-October 2023 period being a particularly weak one for bond markets with falling prices negatively impacting credit market sentiment and bond fund performance as well as weighing on multi-asset fund returns.
- 6.8** The first quarter of 2024 proved more difficult for government bonds as stubborn inflation led fixed income markets to question if the expectation of the number of rate cuts over 2024 and the accompanying fall in yields had been overdone.
- 6.9** By contrast, shrugging off geopolitical concerns, global equities were buoyed by healthy corporate earnings, resilient economic data and moderating inflation and the view central banks had reached the peak of their rate tightening cycles.
- 6.10** As highlighted above, the nature of these funds is that values can fluctuate from one year to another. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's investment objectives are monitored and discussed with Arlingclose on a regular basis.



Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three to five-year period total returns will exceed cash interest rates.

- 6.11 With the expectation of continued good investment income returns during the 2024/25 financial year, it was recommended to Cabinet in July 2023 that any additional investment income above the budgeted level is transferred to a new earmarked reserve (“Treasury Management Risk”) to manage higher borrowing costs in the short-term and to mitigate potential changes to the accounting treatment of gains and losses on pooled funds from March 2025.

7. INVESTMENT RETURNS

- 7.1 The outturn for investment income received in 2023/24 was £1.686m which equates to a 4.98% return (22/23 – 2.68%) on an average investment portfolio of £35.791m against a budgeted £0.719m an average investment portfolio of £20m. Net loans and investments made a surplus of £0.907m, for the 2023/24 financial year. See table 6 for details.

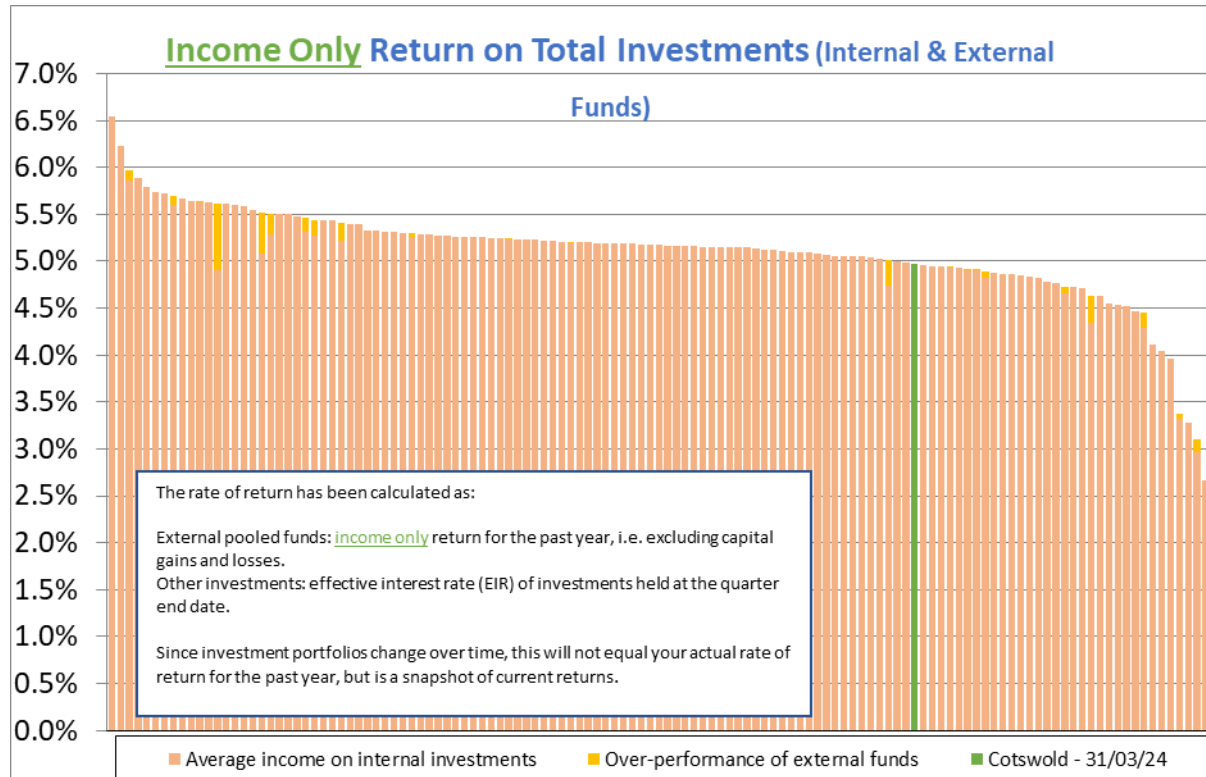
Table 6: Investment income and interest payable versus budget

| Investment and Loan Income/Interest Payable | 2023/24 Budget £m | 2023/24 Actual £m | Variance Surplus/ (Deficit) £m |
|--|-------------------|-------------------|--------------------------------|
| Community Municipal Borrowing (Interest payable) | (0.007) | (0.006) | 0.001 |
| Cottsway Loan* | 0.060 | 0 | (0.060) |
| Long Term Loans | 0.012 | 0.011 | (0.001) |
| Pooled Funds | 0.405 | 0.464 | 0.059 |
| Housing REIT | 0.027 | 0.029 | 0.002 |
| Short term | 0.093 | 0.726 | 0.633 |
| Call/MMF's | 0.194 | 0.467 | 0.273 |
| NET Income | 0.784 | 1.691 | 0.907 |

*Repayment of interest expected in 2024/25

- 7.2 Table 7 below shows that as at 31 March 2024, Cotswold District Council (purple bar) achieved the 54th highest average rate on investments from the 125 local authorities that Arlingclose support.

Table 7 Cotswold' District Council investment returns v Arlingclose clients (125) as at 31 March 2024.



8. COMPLIANCE REPORT

- 8.1 The Chief Finance Officer reports that all treasury management activities undertaken during 2023/24 complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.
- 8.2 Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 8 below.

Table 8: Debt Limits

| | 31.3.24 Actual £m | 2023/24 Operational Boundary £m | 2023/24 Authorised Limit £m | Complied |
|-----------|----------------------------------|--|--|-----------------|
| Borrowing | 0.357 | 10.000 | 10.000 | ✓ |

- 8.3 A £0.500m loan administered by Abundance Investments Limited was taken out in 2022/23 for the purpose of Community Municipal Investments. The authority has no further external debt at 31 March 2024.

9. TREASURY MANAGEMENT INDICATORS

- 9.1 The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security

- 9.2 The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

Table 9: Portfolio average credit rating

| | 31.3.24 Actual | 2023/24 Target | Complied |
|--------------------------|---------------------------|---------------------------|-----------------|
| Portfolio average credit | A+ | A- | ✓ |

Principal Sums Invested for Periods Longer than 364 days:

- 9.3 The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

Table 10: Limit on principal invested > 364 days.

| | 2023/24 | 2024/25 | 2025/26 |
|---|----------------|----------------|----------------|
| Actual principal invested beyond year end | £12.5m | £12.5m | £12.5m |
| Limit on principal invested beyond year end | £15m | £15m | £15m |
| Complied | ✓ | ✓ | ✓ |



10. ALTERNATIVE OPTIONS

10.1 None

11. FINANCIAL IMPLICATIONS

11.1 The Council maintained an average investment portfolio of £35.791m during 2023/24. The funds earned an average rate of return of 4.98%, this compares to 2.68% in 2022/23.

11.2 The Council budgeted for £0.719m in treasury investment income for 2023/24. Actual performance was a surplus of £0.967m, with investment income received of £1.686m.

12. LEGAL IMPLICATIONS

12.1 None

13. RISK ASSESSMENT

13.1 Treasury risk is managed by the application of the Council's Treasury Management Strategy. This report discusses the impact of economic risk on the value and returns associated with the Council's investment portfolio together with the risk of low interest rates on the Council's revenue budget.

14. EQUALITIES IMPACT

14.1 None

15. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

15.1 None

16. BACKGROUND PAPERS

16.1 None

(END)

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ANNEX A

ECONOMIC BACKGROUND

- 1.1** UK inflation continued to decline from the 8.7% rate seen at the start of 2023/24. By the last quarter of the financial year headline consumer price inflation (CPI) had fallen to 3.4% in February but was still above the Bank of England's 2% target at the end of the period. The core measure of CPI, i.e., excluding food and energy, also slowed in February to 4.5% from 5.1% in January, a rate that had stubbornly persisted for three consecutive months.
- 1.2** The UK economy entered a technical recession in the second half of 2023, as growth rates of -0.1% and -0.3% respectively were recorded for Q3 and Q4. Over the 2023 calendar year GDP growth only expanded by 0.1% compared to 2022. Of the recent monthly data, the Office for National Statistics reported a rebound in activity with economy expanding 0.2% in January 2024. While the economy may somewhat recover in Q1 2024, the data suggests that prior increases in interest rates and higher price levels are depressing growth, which will continue to bear down on inflation throughout 2024.
- 1.3** Labour market data provided a mixed message for policymakers. Employment and vacancies declined, and unemployment rose to 4.3% (3mth/year) in July 2023. The same month saw the highest annual growth rate of 8.5% for total pay (i.e., including bonuses) and 7.8% for regular pay growth (i.e., excluding bonuses). Thereafter, unemployment began to decline, falling to 3.9% (3mth/year) in January and pay growth also edged lower to 5.6% for total pay and 6.1% for regular pay, but remained above the Bank of England's forecast.
- 1.4** Having begun the financial year at 4.25%, the Bank of England's Monetary Policy Committee (MPC) increased Bank Rate to 5.25% in August 2023 with a 3-way split in the Committee's voting as the UK economy appeared resilient in the face of the dual headwinds of higher inflation and interest rates. Bank Rate was maintained at 5.25% through to March 2024. The vote at the March was 8-1 in favour of maintaining rates at this level, with the single dissenter preferring to cut rates immediately by 0.25%. Although financial markets shifted their interest rate expectations downwards with expectations of a cut in June, the MPC's focus remained on assessing how long interest rates would need to be restrictive in order to control inflation over the medium term.
- 1.5** In the Bank's quarterly Monetary Policy Report (MPR) released in August 2023 the near-term projection for services price inflation was revised upwards, goods price inflation widespread across products, indicating stronger domestic inflationary pressure with second-round effects in domestic prices and wages likely taking longer to unwind than they did to emerge. In the February 2024 MPR the Bank's expectations for the UK economy were positive for the first half of 2024, with a recovery from the mild recession in calendar H2 2023 being gradual. Headline CPI was forecast to dip below the 2% target quicker than previously thought due to



declining energy prices, these effects would hold inflation slightly above target for much of the forecast horizon.

- 1.6** Following the latest MPC meeting, Arlingclose, the authority's treasury adviser, maintained its central view that 5.25% remains the peak in Bank Rate and that interest rates will most likely start to be cut later in H2 2024. The risks in the short-term are deemed to be to the downside as a rate cut may come sooner than expected, but then more broadly balanced over the medium term.
- 1.7** The US Federal Reserve also pushed up rates over the period, reaching a peak range of between 5.25-5.50% in August 2023, where it has stayed since. US policymakers have maintained the relatively dovish stance from the December FOMC meeting and at the meeting in March, economic projections pointed to interest rates being cut by a total of 0.75% in 2024.
- 1.8** Following a similarly sharp upward trajectory, the European Central Bank hiked rates to historically high levels over period, pushing its main refinancing rate to 4.5% in September 2023, where it has remained. Economic growth in the region remains weak, with a potential recession on the cards, but inflation remains sticky and above the ECB's target, putting pressure on policymakers on how to balance these factors.
- 1.9** Sentiment in financial markets remained uncertain and bond yields continued to be volatile over the year. During the first half of the year, yields rose as interest rates continued to be pushed up in response to rising inflation. From October they started declining again before falling sharply in December as falling inflation and dovish central bank attitudes caused financial markets to expect cuts in interest rates in 2024. When it emerged in January that inflation was stickier than expected and the BoE and the Federal Reserve were data dependent and not inclined to cut rates soon, yields rose once again, ending the period some 50+ bps higher than when it started.



| | |
|----------------------------|--|
| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | COUNCIL – 25 SEPTEMBER 2024 |
| Subject | SEWAGE SUMMIT UPDATE |
| Wards affected | All |
| Accountable member | Councillor Lisa Spivey, Cabinet Member for Communities and Public Safety Email: lisa.spivey@cotswold.gov.uk |
| Accountable officer | Phil Martin - Assistant Director Business Support Services Email: Democratic@cotswold.gov.uk |
| Report author | Phil Martin - Assistant Director Business Support Services Email: Democratic@cotswold.gov.uk |
| Summary/Purpose | The purpose of the report is to provide an update to all Councillors on the Sewage Summit event that took place on the 8 th July 2024, the meetings held with the 3 water companies and 2 workshops that took place leading up to the event, along with outlining a series of recommendations associated with these. |
| Annexes | None |
| Recommendation(s) | That Council resolves to: <ul style="list-style-type: none"> I. Note the report and approve the following recommendations; <ul style="list-style-type: none"> a. The Chief Executive writes to Government requesting they: <ul style="list-style-type: none"> i. Make Water Companies Statutory Consultees for both Development Control and in preparing Local and Strategic Plans; ii. Introduce clear mandatory controls on storm water drainage for all development. b. Introduce a validation checklist and matrix of Grampian conditions. c. Incorporate policies within the new Local Plan to optimise water efficiency for new houses. d. Consider, subject to a business case and affordability |



| | |
|-----------------------------|--|
| | <p>including in the 2025-26 budget process funding for a specialist Officer to work with the Flood Risk Management Team and Planning service to liaise between Developers and the Water Companies along with related bodies.</p> <p>e. Continue to develop an effective Communication Strategy to outline to residents the statutory obligations and powers of each local government body and other relevant organisations such as the Environment Agency.</p> |
| Corporate priorities | <ul style="list-style-type: none">• Responding to the Climate Emergency• Supporting Communities |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | Councillor Angus Jenkinson, Legal and Finance Teams |



1. EXECUTIVE SUMMARY

- 1.1** On the 16th March 2022, Councillors Andrew Doherty and Lisa Spivey raised a motion on Sewage in Rivers at the full Council meeting, in response a number of actions and activities were undertaken.
- 1.2** The report provides a summary of the relevant Government actions and the legislation framework including the Environment Act 2021 and Storm Overflows Discharge Reduction Plan that were introduced to tackle the increasing level of sewage being discharged into rivers, lakes and waterways across the Country.
- 1.3** The report outlines a new approach to working with the Water Companies by the Council, which began in January 2024 along with providing information about 2 sewage workshops held in March and October 2023, one of which included Officers from across Gloucestershire and the Sewage Summit event that was hosted in July 2024

2. BACKGROUND

- 2.1** At the Full Council meeting on the 16th March 2022, Councillors Andrew Doherty and Lisa Spivey raised a motion on Sewage in Rivers, that highlighted the increased levels of raw sewage being discharged into Cotswold rivers by the 3 water companies: Severn Trent Water, Thames Water and Wessex Water.
- 2.2** Statistics at the time from the Rivers Trust reinforced this situation showing that sewage discharges across all locations in the Cotswold district occurred for 17609 hours in total throughout 2020, which illustrated that discharges had become routine, rather than an emergency response to exceptional conditions.
- 2.3** In response to the national situation at the time, which largely reflected what was happen to Cotswold Rivers the Government established a Storm Overflows Taskforce and would publish a plan to reduce sewage discharges from storm outflows by September 2022, however one of the drivers behind the motion was it was felt it was too little too late to tackle the problem.
- 2.4** Councillors resolved to collaborate with neighbouring Local Planning Authorities, that will develop appropriate policy to guide planning application determination and enforcement in those areas where sewage treatment is insufficient. As well as instructing that the Leader and Chief Executive to write to the relevant Government Ministers, requesting an acceleration in the capital programme to lower risks of untreated sewage discharges into our rivers, and an assurance that local housing developers will be expected to fund water infrastructure to meet the needs of new housing.



3. National Government Perspective and Legislative Framework

Storm Overflow Taskforce

3.1 In November 2021, an independent report commissioned by the taskforce found:

- The complete separation of wastewater and stormwater systems—eliminating storm overflows—would cost between £350bn and £600bn. This could increase household bills between £569 and £999 per year. It would be “highly disruptive and complex” to deliver nationwide.
- The costs of retaining storm overflows discharging into inland waters, but limiting their use, “vary widely depending on how frequently they operate”. Nationally applied policies and scenarios were modelled and costed between £5bn (40 spills average) and £260bn (zero spills average). The equivalent benefits are £2bn and £39bn. The impact on annual household bills could be between £9 and £495 respectively.
- A policy focused on achieving 10 spills per year on average in sensitive rivers, such as chalk streams, would cost between £8.2bn and £16bn.
- A focus on improving rivers known to be used for bathing to achieve an average spill frequency of five per year would cost between £8bn and £26bn.

3.2 The report estimated that if nothing was changed about the use of storm overflows, up to 83 additional water bodies would fail to achieve good ecological status by 2050 because of their impact, an increase of 13% from the baseline at the time of the report’s publication. It concluded that the deterioration was because of reduced river flows, population growth, urban creep, and changes in rainfall. It stated that for the same reasons, rivers currently used for recreation would see around a quarter of their length become unsuitable for swimming.

Environment Act 2021

3.3 The government introduced a range of measures under the Environment Act 2021 to tackle discharges from storm overflows. These included:

- A new duty directly on water companies to secure a progressive reduction in the adverse impact of discharges from storm overflows.
- A new duty on government to produce a statutory plan to reduce spills and their adverse impact, and report to Parliament on progress. The plan was required by 1st September 2022.
- A requirement for government to produce a report setting out the actions that would be needed to eliminate spills from storm overflows in England, and the costs and benefits. The report was required by 1st September 2022.



- A new duty placed on water companies and the EA to publish data on storm overflow operation on an annual basis.
- A new duty directly on water companies to publish near real-time information on the operation of storm overflows.
- A new duty directly on water companies to monitor the water quality upstream and downstream of storm overflows and sewage disposal works.
- A new duty directly on water companies to produce statutory drainage and wastewater management plans. The plans must set out how the companies will manage and develop their drainage and sewer system over a minimum 25-year planning horizon, including how storm overflows will be addressed through these plans.
- A power of direction for the government to direct water companies in relation to the actions in these drainage and sewerage management plans if they are not good enough. The government has said it will “not hesitate to use this power of direction”.

3.4 The Environment Bill was introduced in Parliament in January 2020 and received royal assent on 9th November 2021. The new statutory duty on water companies to secure a progressive reduction in the adverse impact of spills from overflows was introduced by the government during the final stages of the bill. The House of Lords had added an amendment to the bill at report stage that would have placed a legal duty on water companies to take “all reasonable steps” to avoid using storm overflows and to demonstrate progressive reductions in harm caused by discharges of untreated sewage. The secretary of state and the EA would have been given powers to enforce compliance by the companies. However, during ping pong the Commons rejected the amendment, and the Government proposed an alternative amendment. This introduced the duty for companies to secure a progressive reduction in harms caused by discharges. It also gave the secretary of state and Ofwat enforcement powers. The Government’s amendment was agreed to in both Houses, and the provision was added to the bill.

Storm Overflows Discharge Reduction Plan

3.5 Under the Environment Act 2021, the government is required to publish a storm overflow discharge reduction plan by 1st September 2022. The Government has stated that the plan will “set clear and enforceable targets that the water industry must meet”. On 31st March 2022, the Government launched a consultation to seek views on the targets and its other core proposals. The consultation was open for 12 weeks and closed on 12th May 2022.

3.6 The main measures set out in the consultation included:



- Time-bound targets for water companies to achieve the “complete elimination of ecological harm from storm overflows, further protect public health and limit storm overflow use”.
- Details of how water companies will be expected to achieve these targets, such as: regulatory compliance; mapping sewer networks of overflows and separate rainwater pipes connected to the combined sewer network; reducing surface water connections to the combined sewer network; and proactively investigating “novel solutions”, making use of Ofwat’s innovation fund. Water companies will be expected to set out how they will meet their storm overflow targets in their drainage and wastewater management plans.
- Commitments to revise guidance on how to make an application for new bathing water designation. The government said it would consider further steps to improve the timeliness and usefulness of information the public are given about water quality.

3.7 On the issue of eliminating rainwater from the combined sewer network, the consultation set out recommendations from the Storm Overflow Taskforce:

- Reviewing the case for implementing schedule 3 of the Flood and Water Management Act 2010. If implemented, the schedule would introduce standards for new sustainable drainage systems and a new “approving body”. It would also remove the automatic right to connect to the public sewer.
- Giving water companies the right to repair defective drains on private property.
- Giving water companies the right to alter drainage systems on private property to reduce impermeable areas connected to the combined sewer network.
- Giving water companies the right to discharge water to water courses.
- Assessing the role of highway drainage as a rainwater drainage system.

3.8 The Government said it would assess the recommendations along with views from the consultation to inform the final storm overflows reduction plan. Nearly 22,000 responses were submitted as part of the 2022 public consultation on proposals for the Storm Overflows Reduction Plan highlighting the public interest in this issue.

3.9 In August 2022, the Department for Environment, Food and Rural Affairs (DEFRA), published the Storm Overflows Discharge Reduction Plan and a report on the feasibility of elimination of discharges from storm overflows. The scope of what the plan covered was expanded in September 2023 to all storm overflows from companies wholly or mainly in England by including all coastal and estuarine storm overflows. It also sought to clarify the extent of each target and storm overflows, which are prioritised for early action.



3.10 The new targets, aimed at revolutionising the national sewer system and generate the most significant investment and delivery programme ever undertaken by water companies to protect people and the environment:

- By 2035, water companies will have: improved all storm overflows discharging near every designated bathing water; and improved 75% of storm overflows discharging into or near 'high priority sites'.
- By 2045, water companies will have improved all remaining storm overflows discharging into or near 'high priority sites'.
- By 2050, no storm overflows will be permitted to operate outside of unusually heavy rainfall or to cause any adverse ecological harm.

3.11 The new Government is clear that improving water quality is a priority and the use of storm overflows must be addressed. Therefore, is committing to review the targets in the Storm Overflows Discharge Reduction Plan in 2027, ahead of the 2030-35 water company planning cycle (PR29)

Public Opinion

3.12 Over the past 5 years, the profile of sewage discharges has significantly changed, with campaigners such as Fergal Sharkey pledging to protect local rivers and streams along with organisation such as Surfers against Sewage, Earth Watch, Campaign to Protect Rural England (CPRE) and Windrush Against Sewage Pollution (WASP).

3.13 The recent election also saw all the main political parties focusing on the environment and in particular the need to improve the rivers and waterways across the Country.

4. Meetings with Water Companies operating in the Cotswolds

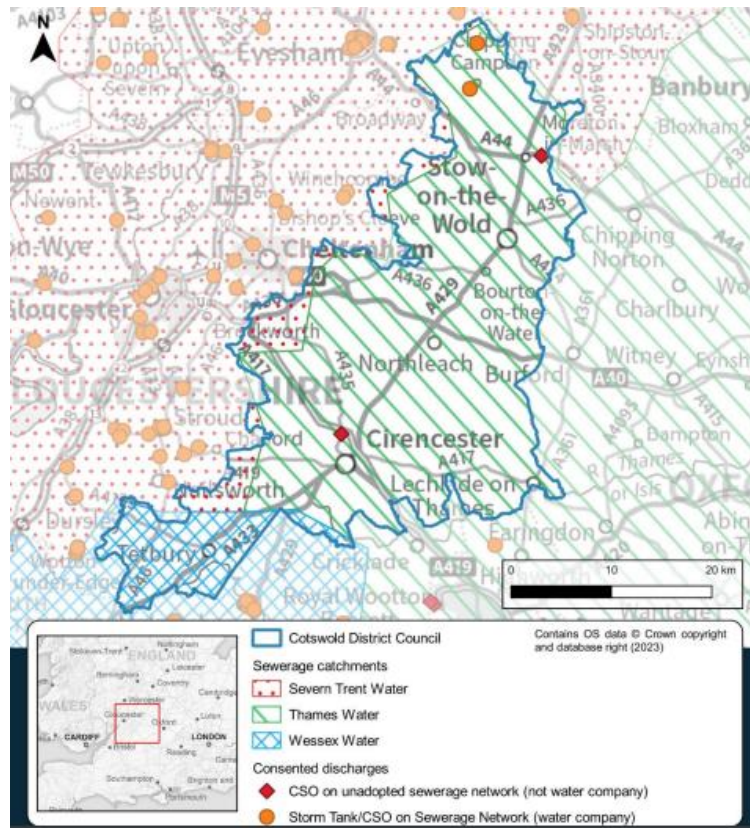
4.1 There are three water and sewage companies that operate in Cotswold District, these are technically known as Sewerage Undertakers.

4.2 Thames Water operate across most of the District with areas around Chipping Campden and Avening being served by Severn Trent Water Limited and the Tetbury area being served by Wessex Water.

4.3 The role of companies includes collection and treatment of wastewaters from domestic and commercial premises, and in some areas drainage of surface water from building curtilages to combined or surface water sewers. It excludes, unless adopted by water and sewage companies, systems that do not connect directly to the wastewater network, e.g. SuDS or highway drainage.



4.4 The map below shows the catchment areas of the 3 water companies –



4.5 The Portfolio holder Councillor Spivey approached each of the water companies operating in the district to arrange an initial meeting with key individuals to discuss –

- Background information and key contacts
- Identification of problem areas – Sewage Treatment Works and Pipework Networks
- Investment Programme - AMP 7 & 8

4.6 The first of the meetings took place on the 15th January 2024, with Thames Water and subsequent meetings with held with Wessex Water and Severn Trent relatively soon afterwards.

4.7 As Thames Water cover the largest area within the district, regular meetings with them have taken place on a 4 to 6 weekly basis, where a similar approach by peers in West Oxfordshire District Council was adopted and focused on not only challenging performance levels but also gaining an understanding of how they operated as a company and non-statutory consultee, their terminology and how they calculate capacity.



- 4.8** The meetings also provided an opportunity for key Officers to gain access to individuals from specialist teams within Thames Water such as their Developer Services as well as learn about alternative service providers (NAVs - New appointments and variations) who are limited companies which provide a water and/or sewerage service to customers in an area that was previously provided by the incumbent monopoly provider. So far there is only one operating within the district and they are still feeding into Thames Water's network and treatment works. However, we may see growth in these as Ofwat recognises they potentially introduce increased competition and feasibly as the timescales and costs involved in increasing the existing infrastructure is significant, developers may begin working with NAVs to establish local treatment facilities.
- 4.9** As the levels of discharge across the district are at an unacceptable level, the meetings also focus on different locations each time, requesting specific information and updates to help Councillor Spivey and Officers fully understand the issues, so they can then press for answers and plans.
- 4.10** Recently a site visit was held at the Cirencester Sewage Treatment Works (STW), where as part of a significant upgrade Thames Water has installed a Reed Bed as they were trialling a more natural processing approach, to help provide the additional capacity required to meet demand levels.
- 4.11** Clearly increasing the capacity of Thames Water's STWs is key in reducing helping to reduce the discharge of sewage into local rivers and waterways along with reducing the levels of infiltration into the companies' pipe network, however this is outside of the direct control of the Council. Therefore, the use of Grampian conditions as a way of aligning infrastructure with developments was also discussed in detail at the meetings, with a view to their widespread use in the future.
- 5. Sewer Workshop**
- 5.1** In response to the Motion raised by Councillors Doherty and Spivey, which reflected local and national concerns about the frequency and duration of overflows of untreated sewage to watercourses, Officers commissioned the consultancy who were supporting the Water Cycle Study that will feed into the Local plan to support a group of Councillors and Officers to –
- Review the Thames Water Drainage and Wastewater Management Plans (DWMP) to identify what Thames, Severn Trent and Wessex have planned to address sewer overflows in Cotswold District (this activity is already costed as part of the WCS);



- Review of how local authorities in other parts of the country are addressing this topic;
- Hold a workshop with a select number of CDC Councillors and Planning Officers;

5.2 The Workshop took place on the 10th March and examined:

- the role of the water industry and how it has sought to address sewer overflows in the past and plans for the future;
- the role of the planning system and how it might help to address this issue (both as part of the Local Plan update and on individual planning applications);
- The role of the Water Cycle Study update and how it will aid the planning system to address such matters; and
- any other measures that the Council could promote.

5.3 Following the first workshop it was felt there should be a follow up, with representatives from the other Local authorities across Gloucestershire to share both knowledge and experience.

5.4 The second workshop took place on the 13th October 2023 and was hosted in the Council chamber and also included representatives from Thames Water. The second workshop was split into three parts:

- An overview of sewer overflows and integrating water resource management;
- Participatory workshop that focussed on two case studies - a brownfield and greenfield development site – and a discussion afterwards; and
- A Q&A / discussion on how to work effectively with your local water company.

5.5 The two workshops concluded that -

- In exceptional circumstances there may be a need to allow overflow to avoid flooding, the workshops discussed and identified, that there can be better management of this at source (on site) including to reduce or at least not increase the rate of run off using for example SuDs; and by following the drainage hierarchy with (the option to use pipes for overflow in extreme storm events, and combined sewers in particular as the last resort). SuDs can also have multiple benefits to enable improvement to the water environment creating habitat, storing water, slowing the flow of water etc.
- There are also ways to reduce water consumption and demand; given increasing population, climate change and extreme weather events (drought and storms) and new development for example, such as rainwater harvesting and grey water recycling. However, there is no single 'golden bullet' and it has to be the right



method for the right site, dependent on local geology or other considerations such as run off from farms, which may be beyond our scope to control.

- Designing in space for water using the drainage hierarchy, especially at the start, and options for low consumption design, to achieve these aims (reduce consumption and overflow to rivers and homes) should be a priority and future focus.

5.6 The workshops have helped consideration of the update to the Local Plan (water) policies; and help confirm our choices, for example to prioritise the importance SuDs, put in a water efficiency target within the policy, and pursue no occupancy until the infrastructure is in place (by condition) from the Thames Water and West Oxfordshire work, and Regulation 18 consultation of the Local Plan. It has helped us discuss with experts (Flood Risk Officers, LLFA, JBA etc) to test out our thoughts with local knowledge (selected Councillors), find support and shape our thinking on the draft policies for the District.

6. Sewage Summit Event

6.1 In May 2023 the Council committed to holding a Sewage Summit that will bring the regulators, Water Companies and local communities together to highlight local issues and identify solutions that will reduce instances of sewer overflow pollution in Cotswold water courses.

6.2 The event took place on the 8th July 2024 and was hosted in the Corinium Museum, Cirencester, which was later than originally planned due the snap general election on the 4th July 2024. Despite limited time to promote the event, it was sold out highlighting the interest of local communities and residents was very high.

6.3 The Council recognised that its ability to take direct action is limited by its statutory powers (e.g. planning and licencing regulations) and national and local planning frameworks, therefore the focus of the event was to bring together environmental activists, Water Companies and other agencies to delve into the underlying causes of sewage pollution affecting our district and to explore effective and practical measures to stop it.

6.4 The event also gave residents access to senior representatives from all 3 Water Companies operating in the district and the Environment Agency and an opportunity to ask questions and challenge the current situation.

6.5 The format of the event was structured into 2 parts, the morning focused on information sharing and clarification whereas the afternoon was designed for residents to be able to ask specific questions to the reps from all 6 organisations, many of which were sent in before the event.



6.6 To make sure the information from the event was as accessible to all, a separate page on the Council's website was created and after the event all the presentations were uploaded on to this along with a recording of the afternoon 'panel' session where representatives from all 6 organisations answered questions and gave their views on specific topics.

7. CONCLUSION

7.1 The Council is and remains committed to finding practical solutions that will have a positive impact on the causes of sewage pollution affecting our district. The work with the Water Companies to date has helped it gain a better insight into the capacity of STWs across the district, how the water companies calculate current and future usages, the impact of infiltration on the overall sewage network and their future plans. The approach to date has been that Councillor Spivey has led the meetings and invited other Councillors with specific responsibilities and supporting Officers to attend relevant meetings, so ensuring informed discussions could take place.

7.2 The Council has also worked with West Oxfordshire District Council, who are also part of the Publica partnership, to explore how it can introduce a robust matrix of Grampian Conditions and a Verification Checklist, both of which are aimed at aligning sewage infrastructure with developments.

7.3 The Sewer Workshops helped Officers from both the Council and their peers across Gloucestershire share ideas and best practice that will feed into the emerging Local Plan and the policies that will underpin it.

7.4 The Sewage Summit was designed to raise awareness and provide a platform for both community groups and individual residents to challenge what the Water Companies and regulator are doing and explore options and ideas to help improve the situation for everyone across the district. The level of interest clearly showed that this is an area of concern for all and the Council has a role in being a voice for its communities / residents along with helping to educate them about the wider water cycle and introducing policies to ensure future housing uses water efficiently as it's a very precious and limited resource.

7.5 The Council recognises that the Water Companies are under significant financial pressures and OFWAT's draft determinations on their business plans challenged their funding request to meet future investment plans, some of which included upgrades to STWs in the district. Therefore, continued close working with them is essential to help ensure that essential improvements are delivered and improvements to the existing pipework network continue.

7.6 Whilst the Water Companies are not statutory consultees, progress has been made in regards to one of them making an informal commitment to responding to all planning



applications in locations where there is insufficient treatment capacity rather than just the larger ones. Clearly this is a step in the right direction, however Water Companies like other major utility providers should be statutory consultees as that will then help ensure that the required infrastructure is planned and operational along with any housing development across the district.

8. ALTERNATIVE OPTIONS

- 8.1** The Council could change its approach to how it works with the Water Companies in the future, requesting that they present information on their plans and performance on a regular basis. However, without the knowledge and trust built up during the regular meetings this will be counterproductive going forward as the Council has no powers to demand change.

9. FINANCIAL IMPLICATIONS

- 9.1** The work on the Grampian Conditions to date has highlighted that this is a complex and time-consuming piece of work that currently sits between the Planning and Flood Risk Management Team. One of the recommendations of the report requests that subject to a business case and affordability, the Council considers building into the 2025-26 budget approx. £55,000, that includes on-costs to increase the capacity in this area, which may change once the role has been fully specified and evaluated.

10. LEGAL IMPLICATIONS

- 10.1** There are no direct legal implications resulting from building a closer working relationship with the Water Companies as the Council does not have any specific powers under the Land Drainage Act to enforce improvements nor demand change.
- 10.2** The one area the Council does have direct influence to help reduce the levels of discharges into the rivers and water courses across the district is in regards the planning process, which is why work is currently underway in regards to the implementation of a robust set of Grampian conditions coupled with the adoption of a validation checklist. The impact of both these will ensure that all development applications must state at the outset whether there is sufficient capacity at the relevant sewage treatment works and sewer infrastructure. Where there is insufficient STW capacity, network capacity or both Grampian conditions will be applied stating that the new homes may not be occupied until additional capacity has been installed and is operational.

11. RISK ASSESSMENT



- 11.1** The one of biggest risk associated with the report is the potential reputational damaged the Council may incur if it is perceived by residents and businesses not to be trying to identify ways to mitigate the impact of continued sewage discharges into local rivers / waterways and in extreme cases flood individual properties.
- 11.2** The other significant risk to the Council is that the Water Companies fail to deliver the improvements and increases in capacity in key locations where significant housing is planned therefore potentially impacting on its ability to maintain a five-year land supply and delivery of key strategic housing sites identified in the Local Plan, which could then result in speculative development in parts of the district where the water and sewage infrastructure is inadequate.
- 11.3** There is also a wider risk associated with the water companies continuing to discharge sewage into local rivers / waterways in regards the detrimental impact on our local ecology, health, and urban welfare.

12. EQUALITIES IMPACT

- 12.1** None

13. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 13.1** As the Water Companies are responsible for providing both clean drinking water as well as processing foul water and effluent across the district their actions have a massive impact not only on the lives of the residents but also on the ecology and wider environment of the district. We have not only seen an increase in storm surge discharges into the rivers and waterways across the district but also a worrying trend in 'dry season' discharges. The work of the Council to date has focused on identifying the areas most affected along with pushing for investment in these areas so Thames Water are able to process the increased volumes coupled with making improvements in the overall network to reduce the amount of water ingress and infiltration that is contributing to the problem.

14. BACKGROUND PAPERS

- 14.1** None

(END)

Agenda Item 12



COTSWOLD
DISTRICT COUNCIL

| | |
|----------------------------|---|
| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | COUNCIL - 25 SEPTEMBER 2024 |
| Subject | REPORT OF THE CONSTITUTION WORKING GROUP – PLANNING PROTOCOL AND SCHEME OF DELEGATION |
| Wards affected | All |
| Accountable member | Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services Email: Juliet.Layton@cotswold.gov.uk |
| Accountable officer | Jon Dearing, Assistant Director for Planning & Sustainability Email: jon.dearing@cotswold.gov.uk |
| Report author | Richard McEllistrum, Interim Development Manager Email: richard.mcellistrum@cotswold.gov.uk |
| Summary/Purpose | The purpose of the report is to consider updates to the planning scheme of delegation and the planning protocol following review in practice of the updated format of those parts adopted from 1 st April 2024, for the benefit of all stakeholders. |
| Annexes | Annex A - Existing Part C4 Scheme of Delegation (extract) with proposed tracked changes Annex B - Existing Part E5 Planning Protocol with proposed tracked changes |
| Recommendation(s) | That Council resolves to: <ol style="list-style-type: none"> 1. Approve the changes and corrections to the Scheme of Delegation in respect of the Planning & Licensing Committee. 2. Approve the changes and corrections to Planning Protocol in respect of the Planning & Licensing Committee. |
| Corporate priorities | <ul style="list-style-type: none"> • Delivering Good Services |



| | |
|-----------------------------|--|
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | Elected Members of the Constitution Working Group on 10 September 2024; Local Management Team; Assistant Director – Assistant Director - Resident Services and; Interim Head of Legal Services. |



1. EXECUTIVE SUMMARY

- 1.1** The report seeks to review and update the Council's Scheme of Delegation (Part C4) in respect to Development Management matters, principally in regard to identified inconsistencies, duplications, omissions, incomplete or out of date references.
- 1.2** The report also seeks (principally) to modify and correct the Planning Protocol (Part E5) in regard to the provision allowing a Member, having successfully sought for an application to be referred to the Planning and Licensing Committee (hereafter referred to as the 'Committee'), to be able to speak at that Committee following the conclusion of the debate regarding that application.
- 1.3** The report also recommends that inconsistent references to the manner through which Members may make such a referral request are clarified and made consistent.

2. BACKGROUND

- 2.1** 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.
- 2.2** 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
- 2.3** The April 1st update to these elements within the Constitution followed advice given by the Planning Advisory Service dated May 2022, which highlighted potential issues with Cotswold District Council scheme of delegation. Those changes assisted in the streamlining of the planning process giving applicants and stakeholders more certainty and to eradicate potential delays which could be avoided.
- 2.4** It has recently been observed that both Parts C4 (the Scheme of Delegation) and E5 (the Planning Protocol) would benefit from a check for consistency, completeness and accuracy.
- 2.5** The ability set out within the Planning Protocol for a Member who refers the application to Committee to speak prior to and also following the completion of the debate regarding that application is noted to be highly unusual, and contrary to the typical and logical sequence of decision making that a Committee carries out. This element, having been previously part of the Constitution, had been removed by the Council, and yet was reintroduced into the version adopted as of 1st April. No reference was given in the supporting reports to either



the Constitution Working Group of 7th November 2023, or to Full Council in January 2024, and as such it is unclear why this element became part of the draft new Protocol put forward to Members for adoption.

3. CHANGES TO THE SCHEME OF DELEGATION

3.1 The Scheme of Delegation (Part C4, hereafter, the 'Scheme') is the document that allows the Council's Development Management and Planning functions to operate their day to day work in determining planning applications and taking enforcement and other such actions. The document is used on a day to day basis as a guide for Planning Officers to ensure that decisions are made in a safe and legal manner.

3.2 The proposed modifications to the Scheme are set out within a tracked change document attached as Annex I. A significant proportion of those changes are straightforward and relate to:

- Applying section lettering to different elements within the table (A, B, C etc) to more easily differentiate the elements and for ease of later reference.
- To correct and clarify references to types of applications, consents and notifications, to avoid more than one area of guidance applying to the same application type (such as 3.D which sets out the process for 'Technical Details Consent' applications, which are already explicitly within the scope of 3.A).
- To clarify and make consistent references to 'Ward Members' or 'Members' to avoid unintended consequences inhibiting the intended operation of application referral processes (such as 3.A(iv) which implies that the 28 day time limit applied only to the Ward Member, and not to Members of another ward).
- To amend within 3.A(iv) and 3.B(iv) that the 28 day notification period runs from the validation date of the application, not the date of receipt of the notification (which is already set out at 2.3 of the Planning Protocol).
- To modify language (such as 3.C(iii) which in it's current form allows Members to require Prior Approval applications be referred to Committee, as opposed to 'request' that they do so)
- To remove artifacts referring to preceding versions of legislation ((such as in 3.E 'Established' Use applications which were effectively phased out from 1991), the Constitution, and correct obvious typographical errors.
- To remove text which is of no relevance to the exercise of delegated powers (such as 9.A)



- To remove duplicating references (such as the incomplete list of types of notice at the end of section 9, when action to be taken in regard to all notices is provided for at the beginning of that section).
 - 3.3** To note that providing pre-application advice is a necessary function of the Council as Local Planning Authority, and was not previously recorded as having been specifically delegated to officers.
 - 3.4** Part of the provisions set out in 3.B(ii) duplicate part of the matters set out within 12.D. The reference in 3.B(ii) shall therefore be modified to cross reference to part 12.D.
 - 3.5** It is currently unclear whether 3.A or 3.D are intended to act as a wrap-up home for any other types of applications/consents etc. Part 3.D is titled 'Other Types of...' but states that this 'includes' and then identifies certain types of application. 3.A also refers to various applications or 'consents' and then uses the same language of 'including' when listing specific application types. An unusual or new application type of application may be claimed to be caught within either of those sections as the use of 'including' is not an exclusionary term. It is proposed to replace the 3.A 'including' reference with 'comprising' to enable certainty in regard to the application of this section, and to utilise 3.D as a wrap-up home for any other unspecified types of application/consent etc.
 - 3.6** References within 3.A(v), 3.B(v) and 3.C(v) to applications submitted by or on behalf of employees (directly or indirectly) of the Council or Publica (or their partner, close relative or their partner's close relative) have been modified to better reflect section 4.3 of the Planning Protocol, which sets out that such applications 'will be reported for determination by the Committee' (with certain exceptions). The Scheme currently only requires consultation with the Ward Member in these circumstances. This is considered to not be sufficient to ensure that adequately transparent decisions are made. The need to refer such applications to Committee excludes applications where no assessment of the merit of the development, or of the degree of impact arising from it, is required to be assessed. Other applications, such as approval of the conditions arising from planning applications, non-material amendments to them, or certificate of lawfulness applications, which only relate to the lawfulness of the development, are not proposed to be required to go to Committee. This is consistent with such applications by or on behalf of the Council, or for Members.
 - 3.7** Upon consolidation of any changes made by Council, the layout of the table will be modified for coherency and easy review.
- 4. CHANGES TO THE PLANNING PROTOCOL**
- 4.1** To modify language within the Planning protocol (hereafter, the 'Protocol') for clarity and consistency generally.



- 4.2 To modify the wording at 2.2 to allow for a necessarily wider consideration of current and future legislation. The Committee does not only deal with matters defined narrowly under the identified legislation.
- 4.3 To modify the wording at 2.3 (second paragraph) principally to highlight that not all types of application are permitted, under the Scheme of Delegation, to be referred to Committee.
- 4.4 To modify the wording of 2.3 (fourth paragraph) principally to identify the correct process for members to following when making a request for referral.
- 4.5 The Protocol deliberately (in sections 2.3 and 2.4) sets out that where the relevant Ward Member successfully refers an application to Committee, they are 'expected' to attend, but that a non-ward Member who has referred that application is 'required' to attend. The 'required' is proposed to be deleted and the duplicate reference within section 2.4 also removed, to ensure consistency in approach and avoid duplication.
- 4.6 To modify the wording of 2.5 (fifth paragraph) and 2.12 to remove the opportunity for Ward Members to speak both before and after the Committee debate (questions and proposals) stage. This reflects the typical sequence for Planning Committees generally, and reaffirms that the Committee themselves have the final say and makes the final decision on any given application. Allowing referring members to speak after the debate may give the impression that their voice is the more relevant, and does not allow for any subsequent correction, clarification or questioning of any statements made by that Member prior to a vote occurring. As currently set out, the Protocol might also be interpreted as allowing a referring, Ward Member to speak both at the end of public speaking and after the conclusion of the debate, which may give those observing an even greater impression of the role of that Member in the work of the Committee. As is noted in paragraph 2.5 of this report, this appears to have been unintentionally reintroduced to the Constitution, having been previously removed, and the reintroduction not explained in either the accompanying reports to the Constitution Working Group, or to Full Council.
- 4.7 To reflect this modification to 2.5 (fifth paragraph) an equivalent clarification is also proposed to 2.12.
- 4.8 To modify the wording at 2.11 to reflect the potential for an additional type of vote (to 'defer') to be able to be held prior to the deadlocked committee needing to refer the application to Full Council.
- 4.9 To modify the wording at 3.2 to reflect that applications other than 'planning applications' will from time to time be determined by the Planning Committee, and therefore the Town & Country Act, and/or the Development Plan may not always be a relevant consideration to those applications.



- 4.10 To modify the wording at 3.3 in regard to predetermination and predisposition, in order to reflect the fuller extent of guidance provided by the Local Government Association guidance, 'Probity in Planning' (2019, page 11).
- 4.11 To modify the wording at 3.4 (second paragraph) to clarify that the reference within the 3rd bullet point is only in regard to pre-application meetings that are attended by a Member.
- 4.12 To modify the wording in 3.5 in regard to lobbying that the advice is directed towards Member of the Committee specifically.
- 4.13 To modify the wording in 4.3 to be consistent with the modified references in regard to applications submitted by or on behalf of employees, as described in paragraph 3.6 of this report.

5. ALTERNATIVE OPTIONS

- 5.1 Members are advised to adopt the recommendations for the reasons outlined in the main body of the report.
- 5.2 Not amending the Constitution namely the Scheme of Delegation and Planning Protocol which would lead to a lost opportunity in terms of setting out clear decision making processes, promoting transparency and ensuring robust governance arrangements.

6. FINANCIAL IMPLICATIONS

- 6.1 None specifically arising from this report.

7. LEGAL IMPLICATIONS

- 7.1 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. RISK ASSESSMENT

- 8.1 There is a risk of reputational damage that if the Council does not determine planning applications in-line with the Government Targets and the potential that the Council could lose its ability to determine its own application in the worst case scenario.

9. EQUALITIES IMPACT

- 9.1 The Constitution is made available to all Members and the Public via the Council's website and has been updated in line with the Accessibility Requirements for Public Sector Bodies Regulations (2018). This means that it can be accessed by as many people as possible including those with impaired vision, motor difficulties or cognitive impairments. Where accessibility difficulties are encountered, the Council can provide a copy of the Constitution



COTSWOLD
DISTRICT COUNCIL

in different formats.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

10.1 Not applicable

11. BACKGROUND PAPERS

11.1 None.

(END)

Part C4: Non-Executive Scheme of Officer Delegation

- 4.1 Council has delegated to committees and officers the exercise of a range of functions set out in the table below (as referred to in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended), which are not the responsibility of the Executive.
- 4.2 When exercising these delegated powers, officers should maintain a close liaison with the relevant committee chair and refer any proposed action to the relevant committee if required by the chair.
- 4.3 Officers may, in turn, authorise other officers to exercise their functions, or escalate the making of those decisions to Chief Executive or Deputy Chief Executive but must ensure that such delegations are documented and are regularly reviewed.
- 4.4 Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility, except those reserved by law to others.
- 4.5 Any Non-Executive function may be exercised by the Chief Executive or the Deputy Chief Executive notwithstanding its delegation to another officer (except those reserved by law to others).
- 4.6 In the absence of the Chief Executive the Deputy Chief Executive is authorised to exercise any functions which are delegated to the Chief Executive
- 4.7 Officers (or an officer authorised by them) may act on urgent matters, which would otherwise require reference to, or consultation with Council or a committee, if there is no time for such reference or consultation to be made; relevant committee chairs should be consulted if time permits. All such decisions should be reported to the next meeting of Council or committee.
- 4.8 Certain Non-Executive decisions taken by officers must be recorded and published, in accordance with The Openness of Local Government Bodies Regulations 2014.
- 4.9 In addition to the specific powers detailed in the tables below all powers necessary and appropriate for the operational discharge of functions, whether mandatory or discretionary are deemed delegated to the Senior Officer(s) with responsibility for discharging that function, or exercising that power, without a specific resolution of Council or Cabinet, unless the legislation requires a positive resolution or a specific procedure to be adopted before the function can be undertaken. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the relevant committee and budgetary resources. Further, such delegated powers will be exercised in compliance with and consistent with the policy framework adopted by Council and in accordance with law and the principles of this constitution. The Senior Officers will be able to appoint such officers as they consider necessary to assist in the discharge of the functions.

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Functions relating to Planning

In this section of the scheme of delegation the following abbreviations have been applied:

PCttee means the Planning and Licensing Committee

CM means the Cabinet Member for Planning

HLS means the Senior Officer Responsible for Legal Services

SOP means the Senior Officer Responsible for Planning

| No. | Function | Responsibility/ Decision Maker | Exceptions and Conditions |
|--|---|-----------------------------------|------------------------------|
| Unless specified otherwise, titles in the third column indicate full delegation to the named officer | | | |
| I | General | | |
| A | To respond on behalf of the Council to consultations from Government, Government agencies, the Local Government Association, other local authorities (except <i>with respect to</i> planning applications and similar consultations - see below), professional bodies and all other similar organisations, relevant to the work of the PCttee and so long as: (i) it is not possible to assess and present the matter to the PCttee within the prescribed time for response; or, the matter is considered to be of a relatively minor or straightforward nature not requiring prior debate by the PCttee. | SOP | |
| B | To provide verbal and written pre-application advice. | SOP | |
| C | The scope of delegation may be amended by a majority of the Members present at a PCttee to which a report is submitted and there will be no requirement to comply with the procedure for amending the constitution. Changes to officer titles, onward delegations and minor drafting changes can be made without referral back to the PCttee. | SOP | |
| 2 | Right of Entry onto Land | | |

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| | To exercise the Council's powers with respect to rights of entry onto land and into buildings under the relevant planning, historic building conservation, environmental and Local Government (Miscellaneous Provisions) legislation. | | |
| 3 | Dealing with Planning and other related Applications and Notifications | | |
| A | <p>To determine all applications for planning permission or related consents (with or without planning conditions or obligations), comprising Listed Building Consent, Tree Preservation Order (TPO) applications, Permissions in Principle, Technical Details Consent.</p> <p>The following provisos apply:</p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation, Government planning policy, guidance and circulars, and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system.</p> <p>(iii) Any Member(s) can request that an application or related consent be referred to the PCttee for determination and must provide Planning reasons for the referral.</p> | SOP | <p><i>Types of applications NOT to be determined under delegated powers</i></p> <p>(a) Applications submitted by or on behalf of the Council, for development on Council-owned land.</p> <p>(Any application required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Applications submitted by or on behalf of a Member of the Council or by</p> |

| No. | Function | Responsibility/ Decision Maker | Exceptions and Conditions |
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| | <p>(iv) Should a Member wish to call in an application to the PCttee then this must be done so in writing within 28 days of the validation date of the application</p> <p>(v) For applications submitted by or on behalf of an employee (directly or indirectly) of the Council (or their partner, close relative or their partner's close relative) in which they have a beneficial interest (i.e. they own the land or are a prospective purchaser), then the employee shall declare their interest and shall have no involvement in the processing of the application/consent. The application will be reported for determination to the PCttee, with the exception of applications made by non- Planning staff (excluding those in politically restricted posts) for Householder development and alterations to dwellings.</p> <p>(vi) If a Permission in Principle application or Technical Details Consent cannot be brought to PCttee due to time constraints, the application/Consent should be the subject of consultation with the Ward Member(s). The final decision lies with the Senior Officer responsible for Planning.</p> <p>(vii) Applications where the Senior Officer for Planning considers (for reasons of public interest, or significant planning reasons) should be referred to the PCttee regardless of whether a call in request has been received in conjunction with the Chair of PCttee</p> | | <p>a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p> <p>(c) Applications where the intended decision would be a significant departure from the provisions of the approved or draft development plan or other approved or adopted Council Planning policies or Supplementary Planning Documents.</p> |
| B | <p><i>Notifications</i></p> <p><i>The following provisos apply:</i></p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation,</p> | SOP | <p><i>Types of notifications NOT to be determined under delegated powers</i></p> <p>(a) Notifications submitted by or on behalf of the Council,</p> |

| No. | Function | Responsibility/ Decision Maker | Exceptions and Conditions |
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| | <p>Government policy, guidance and circulars , and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system, with the exception of tree works notifications.</p> <p>(iii) Any Member(s) can request that a notification be referred to the PCttee for determination and must provide Planning reasons for the referral.</p> <p>(iv) Should a Member wish to call in an application to the PCttee then this must be done so in writing using the agreed form within 28 days of the receipt of the planning application. Where an application does not have all the statutory consultation responses the Member may (within the initial 28 day period) request in writing an extension to this period. This will then be considered by the SOP and responded to in writing. Any extension would be expected to be within either the statutory determination date or any agreed Extension of Time with the applicant.</p> <p>(v) All notifications submitted by or on behalf of an employee (directly or indirectly) of the Council (or their partner, close relative or their partner's close relative) will be reported for determination to the PCttee, with the exception of applications made by non-Planning staff (excluding those in politically restricted posts) for Householder development and alterations to dwellings.</p> <p>(vi) If a notification cannot be brought to PCttee due to time constraints, the notification should be the subject of consultation with the Ward Member(s). The Senior Officer responsible for Planning will have discretion to determine proposals where objections are received relating to</p> | | <p>for development on Council- owned land.</p> <p>(Any notification required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Notifications submitted by or on behalf of a Member of the Council or by a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p> |

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| | submissions that have strict, statutory time limits for making decisions or taking action | | |
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| No. | Function | Responsibility/ Decision Maker | Exceptions and Conditions |
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| C | <p><i>Requests for Prior Approval</i></p> <p><i>The following provisos apply:</i></p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation, Government policy, guidance and circulars, and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system.</p> <p>(iii) Any Member(s) can request that a Request for Prior Approval be referred to the PCttee for determination and must provide Planning reasons for the referral.</p> <p>(iv) If a Request for Prior Approval is proposed for refusal, or if any written objection is received but it is proposed to permit, the Ward Member(s) must be notified by the Case Officer and given three calendar days within which they may require that the request for Prior Approval be referred to the PCttee for determination. If no response is received within the three day period, then the delegated decision can be made as notified to the Ward Member(s).</p> <p>(v) All Requests for Prior Approval submitted by or on behalf of an employee (directly or indirectly) of the Council (or their partner, close relative or their partner's close relative) will be reported for determination to the PCttee, with the exception of applications made by non- Planning staff (excluding those in politically restricted posts) for development within the curtilage of a dwellinghouse..</p> | SOP | <p><i>Types of requests for Prior Approval NOT to be determined under delegated powers</i></p> <p>(a) Requests for Prior Approval submitted by or on behalf of the Council, for development on Council- owned land.</p> <p>(Any request for Prior Approval required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Requests for Prior Approval submitted by or on behalf of a Member of the Council or by a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p> |

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| | (vi) If the Request for Prior Approval cannot be brought to PCttee due to time constraints, the request should be the subject of consultation with the Ward | | |
| | Member(s). The Senior Officer responsible for Planning will have discretion to determine proposals where objections are received relating to submissions that have strict, statutory time limits for making decisions or taking action. | | |
| D | <p><i>Other Types of Application, Notification and Consultations</i></p> <p><i>This includes</i></p> <ul style="list-style-type: none"> • <i>Non-material Amendments</i> • <i>Compliance with conditions</i> • <i>Certificate of Lawfulness of Proposed Use or Development (Section 192)</i> <p>The following provisos apply:</p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation, Government policy, guidance and circulars, and all other relevant material considerations.</p> <p>(ii) Consultation with the relevant Ward Members and Town / Parish Councils / Parish Meetings is discretionary.</p> | SOP | Subject to prior consultation with HLS where considered appropriate by the Case Officer, in regards to Certificates of Lawfulness. |

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| E | <p>Applications for Certificates of Lawful Use or Existing Use or Development (Section 191)</p> <p>The following provisos apply:</p> <p>(i) The Ward Member(s) and Town / Parish Council / Meeting, must be notified of all Section 191 applications.</p> <p>(ii) Representations will be considered; however, there is no provision to allow this application type to be referred to PCttee for determination.</p> | SOP | Subject to prior consultation with HLS where considered appropriate by the Case Officer. |
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| 4. | Power to Decline to determine Applications for Planning Permission, Permission in Principle or Listed Building Consent | SOP | |
| 5. | Environmental Impact Assessments | | |
| A | Power to carry out all publicity and other actions related to the relevant Environmental Impact Assessment (EIA) legislative framework. | SOP | |
| B | Authority to require an Environmental Statement under the Environmental Impact Assessment) Regulations (or any other legislation amending or revoking and replacing that legislation) and to offer screening and scoping opinions | SOP | |
| 6 | (Section 106) Planning Agreements/Obligations | | |
| A | To negotiate and finalise the Heads of Terms of Section 106 agreements, (agreements regulating development or use of land), Deeds of Variation and other planning agreements, including the details thereof. | SOP | Subject to prior consultation with HLS |
| B | To determine applications for the modification or discharge of planning obligations. | SOP | (a) Applications which involve the proposed variation or discharge of a section 106 deed that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation. |

| No. | Function | Responsibility/ Decision Maker | Exceptions and Conditions |
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| | | | <p>(b) Prior consultation with: HLS.</p> <p>(c) Subject to the same consultation and other requirements as planning applications (3.A, above)</p> |
| 7 | Disposal of Applications | | |
| | To finally dispose of applications for planning permission, in accordance with the relevant planning legislation. | SOP | |
| 8 | Planning Appeals | | |
| | To consider information, including amended plans, submitted by appellants and vary the Council's case accordingly. | SOP | If circumstances dictate, and following reasonable endeavours, to consult, in consultation with the HLS, the Chair (Vice-Chair) and Ward Member(s). |
| 9 | Enforcement of Planning Control | | |
| A | <p>To exercise the Council's enforcement powers, including the serving of notices, under the relevant planning, listed building, control of advertisement and tree legislation, including decisions to take no remedial action when unauthorised work has been undertaken but no application is forthcoming (within a timeframe deemed appropriate by officers determined by the circumstances of the case including the Council's Enforcement Policy).</p> <p>A. All assessments as to whether it is expedient to take remedial action in</p> | SOP | Prior consultation with: HLS when required |

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| | <p>relation to a breach of control will take into account the Council's Enforcement Plan and the following provisos:</p> <p>i. All decisions must pay due regard to any relevant provisions of the Development Plan, where applicable, and to legislation, Government policy, guidance and circulars, and all other relevant material considerations.</p> <p>ii. When necessary, consultation will be undertaken to establish whether harm has resulted and if there are expediency reasons for taking action.</p> <p>iii. All cases involving an employee of the Council (or their partner, close relative or their partner's close relative), must be the subject of consultation with the Ward Member(s) and Chair/Vice-Chair of PCttee.</p> | | |
| B | <p>To exercise the Council's enforcement powers to prosecute, or serve an official caution under the relevant planning, listed building, control of advertisement and tree legislation, and pursue proceedings in the courts where appropriate.</p> <p>Where prosecution or the serving of an official caution is undertaken, or civil or criminal court proceedings are pursued, such matters should be reported to the PCttee.</p> | HLS | |
| C | <p>The withdrawal of Enforcement Notices (including Stop Notices and Breach of Condition Notices) which have served their purpose or which are no longer relevant or necessary.</p> | SOP | Prior consultation with HLS |

| No. | Function | Responsibility/ Decision Maker | Exceptions and Conditions |
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| 10 | Article 4 Directions | | |
| A | To serve and confirm Article 4 Directions. | SOP | |
| B | Power to withdraw Article 4 Directions where it is no longer expedient to remove PD rights | SOP | |
| 11 | Rights of Way and Highways | | |
| | To deal with consultations from Gloucestershire County Council on Definitive Map Orders, Public Path Orders and reviews of Roads used as Public Paths – there is no requirement for Officers to undertake consultation as, if necessary, this will be done by Officers of the County Council. | SOP | |
| 12 | Trees and Forestry | | |
| A | To exercise the Council's powers relating to the serving, revoking, varying and confirming of Tree Preservation Orders (TPOs) under the relevant legislation. | SOP | |
| B | To serve Tree Replacement Notices | SOP | |
| C | To respond to consultations from the Forestry Authority on grant applications and Tree Felling Licences (subject to there being no objections). | SOP | |
| D | Authority to determine: any application to carry out work to a tree(s) subject to a Tree Preservation Order (subject to consultation with the Ward Member(s) in any case where the officer is recommending refusal or where objections have been received) any notification to carry out work to a tree within a Conservation Area (subject to consultation with the Ward Member(s) in any case where the officer intends serving a TPO or an objection has been received) | SOP | |

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| E | To exercise the Council's powers under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to dangerous trees, including rights of entry onto land and into buildings | SOP | |
| F | To determine Hedgerow Removal Notices and ancillary matters | SOP | |
| G | Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003 | SOP | |
| I3 | Listed Buildings at Risk | | |
| A | Where urgent action is necessary, to exercise the Council's powers under the following Sections of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA Act). <ul style="list-style-type: none"> • Sections 3 and 4 (PLBCA Act) (Building Preservation Notices) • Section 54 (PLBCA Act) (urgent works for the preservation of an unoccupied listed building); • Section 55 (PLBCA Act) (recovery of costs for works carried out under Section 54). | SOP | Prior consultation with HLS |
| B | Powers to serve a Repairs Notice and to acquire a listed building in need of repair under Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990. | SOP | Prior consultation with HLS |
| I4 | Amendments to the Statutory List of Buildings of Special Architectural or Historic Interest | | |
| A | To respond to consultations from the relevant organisations or Government departments on potential amendments to the Statutory List of Buildings of Special Architectural or Historic Interest. | SOP | |
| B | To propose amendments to the Statutory List of Buildings of Special Architectural or Historic Interest to the relevant organisations or Government departments. | SOP | |

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E5 - Planning Protocol

Revised Guidance for Councillors and Officers

1. Purpose of this Protocol

This protocol sets out guidance for both officers and councillors when determining Planning and related applications, specifically those which come before the Planning and Licensing Committee for determination.

This should be read in conjunction with:

Part C of the Council's Constitution - "Responsibility for Functions", which sets out the role of the Planning and Licensing Committee, and the "Non-Executive Scheme of Officer Delegation".

This Protocol how the Committee will operate and when and how it takes decisions.

2. The Planning and Licensing Committee

2.1 The Development Management role of the Planning and Licensing Committee

As a quasi-judicial Committee, members of the Committee are required to be non-partisan and to represent the entire district. The practice of political whipping has no place in the decisions of the Planning and Licensing Committee (hereafter, the 'Committee'), because decisions must be made on material Planning considerations.

2.2 Statutory functions of the Committee

The Committee is responsible for those functions allocated to the Council under the statutory provisions (to include statutory instruments, government policy and guidance) for control over development as defined in section 55(1) of the Town and Country Planning Act 1990 or any associated, updated or replacement legislation within the administrative district, or that will have an impact on the district, save those matters delegated to officers and included in the Scheme of Delegation.

Members involved in the Planning process shall at all times comply with the requirements of this Protocol, which are in addition to the Code of Conduct for Members.

2.3. Referring an application to Committee

Members are expected to engage with Planning officers to resolve issues at every stage and may query interpretations of policy, and request extra detail.

Members have 28 days from the date of validation of the application to make representations should they consider the application should be heard at Committee (where the scheme of delegation permits such an application to be able to be requested to be determined by the Committee). Should a Member require further time and the Statutory Consultee responses have not been received or published, then the Member may make a request to the case officer via email for an extension of time to make their request to call in.

Should no request be made in line with the timescales outlined above, the application will be able to be determined under delegated authority in line with the Scheme of Delegation.

Where a Member believes, for reasons related to material Planning considerations, that an eligible application should be referred to the Committee, they must request referral by completing the Review Panel pro-forma (available here: <https://forms.office.com/e/DxKOGSYP00>). The form must clearly detail the Planning reasons why the Member believes the matter should be referred to the Committee. When making referrals, Members are reminded that they are expected to attend the Committee meeting to present their reasons for referral.

Any Member can make a request to refer any eligible application to the Committee. However, where a Member seeks to refer an application for a site located outside of their own ward, they should notify the relevant Ward Member(s) of their request at the time of making it,

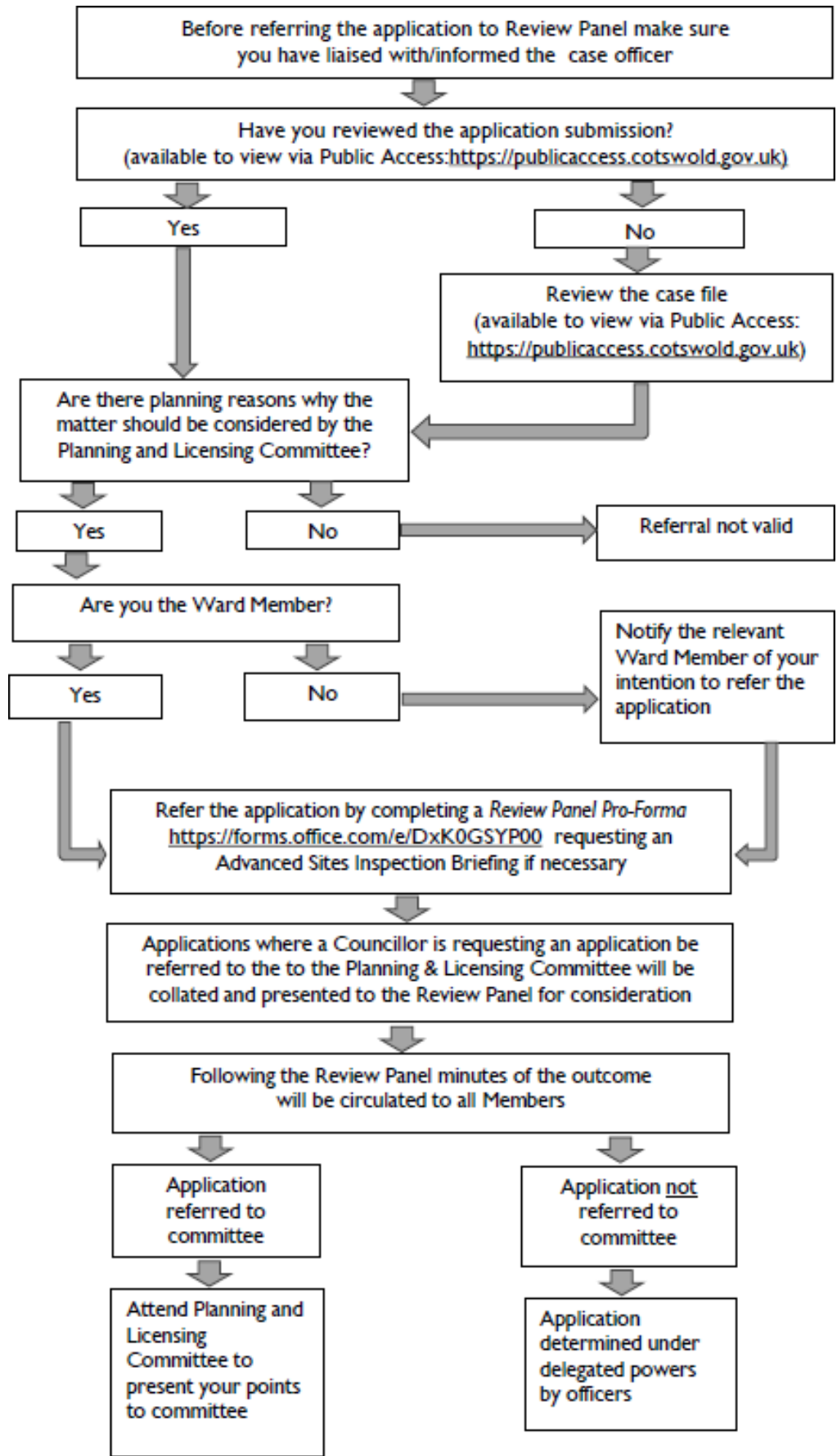
Applications being considered for referral to Committee will be collated for a meeting before each forthcoming Committee meeting (known as the Review Panel). The Review Panels will be generally held on a bi-weekly basis and the application, should it be considered to go to the Committee, will go to the next available date.

At this Panel, the Chair, Vice-Chair and Lead Officer will review the referral requests and will consider which applications should proceed to Committee. Referrals which do not contain valid Planning reasons will not be passed to Committee. The final responsibility for the decision will lie with the Senior Officer responsible for Planning.

The Panel should comprise of the Lead Officer, Chair or Vice Chair (ideally both) and where appropriate a member of legal services will attend.

Following this meeting, the minutes of the Review Panel will be circulated to all Members and the relevant subsequent Committee agenda will be distributed to all relevant parties will at the appropriate time.

Referral process flowchart:



V4.16.05.24

2.4. Officers Report

All applications to go to Committee will be presented in the form of an Officer report which will deal with all relevant documents in connection with an application. Any additional information received after the preparation of that report up to 12.00 hrs on the day before the Committee meeting will also be brought to the attention of the Committee if it raises new and relevant material planning matters. This is referred to as late material. Papers received after that time, at the discretion of the Chair, will normally be discounted since time will not be available to check their accuracy or to give proper consideration to their implications.

If any Member receives material from or on behalf of an applicant or third party in connection with an application before a Committee, they should establish from the Planning Officers whether the material has been received by them. If it has not, they should make it available as soon as possible to the Planning Department.

2.5. Public Speaking at Planning and Licensing Committee

The purpose of permitting public speaking is to enable those affected by proposed developments to inform the Committee of their viewpoint and to contribute to an open, fair and transparent process in relation to applications in which they have an interest. All public speaking will be carried out in accordance with any guidance issued by the Council.

Guidance will be provided for members of the public who wish to speak at Committee meetings and practical assistance will be provided for persons undertaking public speaking by Council officers at the meeting. All public speakers should provide a written copy of their speech to Democratic Services ahead of the meeting.

Public speaking is limited to three minutes per speaker. For each application, the applicant/agent and one supporter will be permitted to speak, together with one objector and one representative of the town/parish council. Public speaking will take place in the following order:

- Town/Parish Council;
- Objector;
- Supporter;
- Agent/Applicant.

Upon the conclusion of public speaking, the Ward Member(s) and, where appropriate (at the Chair's discretion), Members representing neighbouring wards directly affected by the proposed development will be invited to speak for up to five minutes each.

Where a Member for a site located outside of their own ward referred that application to Committee, they will be invited to speak after public speaking and Ward Member speaking has occurred.

Where a Ward Member, or a (non-ward) Member who referred the application to Committee, is unable to attend that Committee, they may provide a written submission of up to 450 words to - and which will be read out by - the Democratic Services officer.

Ward Members who serve on a Town or Parish Council will not present the Town or Parish Council's comments during or following Public Speaking. If there is no other representative available to attend, a written submission on behalf of the Town or Parish Council, of up to 450 words, can be provided to - and will be read out by - the Democratic Services officer.

2.6. Questions and Proposals

Planning debates have two phases - Questions and Proposals. This is required as often expert opinions need to be queried or technical details clarified.

During the Questions section, Committee Members will have the opportunity to ask questions of officers and attending consultees.

The Chair will decide when the Questions section for an application ends.

During the Proposals phase, Committee Members will have an opportunity to make their points known to the Committee.

Any amendments, alternative Proposals or conditions will be made during this phase, following the usual rules of debate.

2.7. Site Inspection Briefings (SIBs)

Site inspections are usually called for by the Case Officer for large developments and held prior to the application coming before the Committee. However, in certain circumstances the Committee can vote on a proposal made by a Committee Member for an SIB. Members need to be aware that this would delay decision-making for another month and such a proposal should not be made lightly.

All SIB requests must be justified on Planning grounds and the strict criteria for holding them are as follows:

- the character or appearance of the development itself is a fundamental planning consideration;
- a judgement is required on visual impact; or
- the setting and surroundings are fundamental to the determination or to the conditions being considered.

They should not be requested when inspection of the site is irrelevant to the material conditions.

SIBs should be used with discretion, must be properly justified and have a significant expected benefit, particularly in light of the cost of SIBs and the increasing availability of visual technology.

SIBs may be either Full Committee, or Panel, with membership of the Panel set on a rota basis. Ward Members will also be invited to attend.

If access to private land is necessary for a SIB, officers will secure the prior agreement of the landowner, explaining that an SIB is a private meeting of the Council, and that third parties must not be present at the Briefing.

The purpose of the SIB is fact finding. Officers have a duty to point out all relevant features of the site and surroundings. The attending officer will describe the proposal and draw attention to relevant features. The officer will not discuss the merits or otherwise of the application ahead of formal publication of the report regarding the application. Members will be able to see the physical features of the site and ask questions, through the Chair, of the officers to seek clarification.

The visiting party will stay together as a group.

Conduct of Site Inspection Briefings (SIBs)

- Will be conducted in a formal manner.
- Chair or Vice-Chair will open the SIB, and advise Members of purpose and conduct.
- Officers will highlight issues relevant to site inspection. If issues are raised which necessitate consultation with the applicant or his agent, this should be raised after the close of the meeting and the outcome reported to the subsequent Committee.
- Chair or Vice-Chair to close SIB. General

Matters

- There will be NO debate about the merits of the application and no decision will be made.
- No formal notes will be made; an officer will orally update the Committee on any new findings or further developments when it next meets to consider the application, although a record of attendance will be maintained.
- No hospitality will be accepted.

Members who have a disclosable pecuniary interest in an application are precluded from attending any SIB on that matter. In addition, if an interest becomes apparent during a SIB, the Member should immediately declare it to the Chair and withdraw from the site. Members with another interest in an application subject to a SIB must declare the interest but may continue to attend the site.

2.8. Voting at Committee

It is permissible to vote on an application only if you have been present for the whole of the presentation of, and discussion on, the application.

Note: In the event that there is a lawful requirement for the meeting is being held remotely, the usual rules in relation to quorum will continue to operate. If there is a drop out of connectivity the Chair will pause proceedings until Members are reconnected. Prior to the vote, Democratic Services will check that Members have heard all of the debate.

2.9. Decisions Contrary to Officer Recommendations or to Development Plan Policies

Should the Committee propose to vote against an Officer Recommendation, it will be for the Members to clearly set out their reasons for doing so and these should be clearly specified in the resolution of the Committee and recorded in the Minutes.

2.10 Action on Decisions Taken Contrary to Professional Advice

In cases where an Officer Recommendation for approval has been voted against by Committee and an appeal is lodged:

- officers shall give full support to external witnesses in preparing evidence for any public inquiry, short of giving evidence themselves;
- officers will give evidence themselves only in exceptional circumstances, where their Code of Professional Conduct is not breached (for clarity, not in the case of a Public Inquiry);
- where an Informal Hearing is to be held, with no cross-examination, officers may give evidence themselves where the Code of Professional Conduct is not breached, but this will normally be only if the officer concerned has not been involved in formulating the original recommendation;
- officers must give full support to Member decisions which are appealed using the Written Representations procedures.

2.11. Committee unable to determine

In any case where the Committee have voted both for and against a motion, both votes have been lost, and either no vote for deferral is made, or such a vote has also been lost, the Committee will be considered to be in 'deadlock' and the application will be referred to Full Council for determination.

2.12. Non Members of Planning & Licensing Committee Attending Meetings

Councillors may attend Committee meetings even if they are not a Member of that Committee unless they have a Disclosable Pecuniary Interest in regard to the application being determined. They may speak on applications in their ward in their capacity as the Ward Member before the questions and proposals stage, but they cannot vote. When they attend Committee, they should not sit in the public gallery, but in the place reserved in the Council Chamber for Members of the Council who are not Members of the Committee.

3. Advice and Guidance for Members

3.1. Training

As a Member of a Planning and Licensing Committee, they must undertake introductory and planning procedures training before they can serve on the Committee.

Committee Members will also undertake supplementary training on at least an annual basis.

3.2. The Role of Members

In making decisions on applications, Members will:

- act fairly and openly
- approach each application with an open mind
- carefully weigh up all the material planning considerations
- avoid inappropriate contact with interested parties

- ensure that valid reasons for decisions are clearly stated.

Members will be free to vote on applications as they consider appropriate (i.e. without an explicit or implicit Party 'whip'), deciding them in the light of all the relevant information, evidence and arguments. In accordance with the requirements of the Town and Country Planning Act, they will base their decisions on the provisions of the Development Plan (and all material planning considerations) and upon any other related relevant considerations in regard to decisions on matters other than planning applications that are before them.

They may not give instructions to Officers nor may they place pressure on Officers in order to secure a particular recommendation on an application. They may request extra information about an application from the case officer to help them in their deliberations.

They will not use their position improperly to confer or secure for themselves, or for any other person, an advantage or disadvantage.

3.3 Predetermination and Predisposition

Members must consider each application on its merits and must not do anything which may preclude them from taking part in the determination process. They must only make their decision after reading the report, hearing the Officer's presentation and any points of clarification and all the arguments on both sides.

It is acceptable to have a legitimate predisposition in relation to an application. A Member who has expressed a preference for a particular outcome, will not be taken to have a closed mind when making their decision, provided that a fair-minded observer would think that they were open to changing their mind in the light of different or additional information, advice or evidence presented.

A Member may however be considered as predetermining an application if they have:

- expressed an intention to vote in a particular way before a meeting, or
- acted as an advocate for the application, including being significantly involved in the preparation or submission of the application, or
- acted as an active supporter or objector of the application.

In any circumstance where a Member is unclear they should consult the Monitoring Officer.

3.4. Discussions with Applicants

Local authorities are encouraged to enter into pre-application discussions with potential applicants. In addition, negotiations and discussions are likely to be ongoing after an application has been submitted. Such discussions can often be interpreted by the public, and especially objectors, as prejudicing the Planning decision making process. In order to allay such perceptions, application discussions should take place within the clear guidelines given below.

Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally only involve Officers. Members should not involve themselves in such meetings unless an appropriate Senior Officer is present. It will be made clear at such pre-application meetings that:

- Officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Development Plan and other adopted Council policy (unless there

are clear material considerations that would justify consideration of a development contrary to policy;)

- no decisions may be made or advice given which would bind or otherwise compromise the Planning and Licensing Committee of the Council (or the Senior Officer responsible for Planning if delegated to make the decision); and
- for all pre-application meetings, a note of the discussion (not a formal advice note) will be taken by the Planning Officer, including details of those present, and will be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will be present at all such meetings.

Members may, following discussion with the appropriate Planning Officer, take part in organised post-submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. At least one Planning Officer will be present at all such meetings, unless the meeting is a formal meeting of a Town or Parish Council (including its planning committee).

If Members do engage in pre-application discussions with developers, observe the rules on lobbying and observe the do's and don'ts contained in *Positive Engagement – A Guide for Planning Councillors (2008)*

3.5. Lobbying

Lobbying or seeking to influence a decision is a normal and perfectly proper part of the political process. However, it can lead to impartiality being called into question and the need to declare publicly that an approach of this nature has taken place. Problems could arise if Committee Members indicate or give the impression of support or opposition to a development proposal or particular planning application, or declare their voting intention to anyone, before a decision is to be taken. To do so without all of the relevant information (including the officer report) and views to hand would be unfair and would prejudice the impartiality of the decision-making process, although the Localism Act does allow a Committee Member to express a particular predisposed position.

Lobbying can take place by way of an approach to you, by telephone, or on a chance meeting, or by way of a request to see all or some of the Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to them. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, Committee Members will:

- avoid discussing with an applicant or any other person their thoughts about the merits and flaws of a planning application or proposed development;
- pass any written material provided to them to the case officer dealing with the application for inclusion and evaluation in their report;
- not make it known in advance of the consideration of the application by Committee whether they support or oppose a proposal unless they accept that this will mean that they may not take part in the decision;

- restrict their response to giving procedural advice, and make it clear that that is all they are prepared and allowed to do;
- direct lobbyists or objectors to the case officer and advise that their views should be expressed in writing, and
- advise the Senior Officer responsible for Planning as soon as possible of the existence of any substantial lobbying activity.

Committee Members should avoid signing any Petition on a matter likely to be determined by the Committee.

If a Committee Member expresses publicly a final view on an application prior to the meeting at which a decision is to be taken, they will be required to withdraw from the meeting whilst the application is discussed and determined. Public expression of a view would include, for example, making a statement to the press of their firm attitude to an application, or in any document to be made publicly available, at a meeting of the Council or a Town or Parish Council (or one of their Committees), or in any situation where the view expressed might reasonably be expected to gain wider circulation.

3.6 Planning and Licensing Committee Members who serve on Parish and Town, or County Councils

Some Councillors will be Members of Parish or Town Councils, or of Gloucestershire County Council (collectively 'Other Council'), as well as Cotswold District Council Councillors. This situation can also present problems where the Other Council is consulted on Planning applications. It is quite conceivable that a Councillor in this position could finally vote in a different way when all the relevant information is made available in the Officer's report.

In order to avoid any potential conflict, it would be preferable for Councillors not to contribute to Other Councils' considerations of Development Management matters. Members who do serve on Other Councils may find it helpful to make the following statement to clarify their position when regarding Development Management matters:

While I will consider this matter as a Member of this Council, I am also on the Planning and Licensing Committee of Cotswold District Council and may be called upon to vote on any application that this council responds to. In the light of additional information received, I may not vote at the District Council's Planning and Licensing Committee as I will in this meeting.

See Section 2.5 above for further advice for Members who wish to speak on an application, who are also a Member of an Other Council.

3.7 Hospitality

As a Member of the Council, they are discouraged from receiving hospitality generally, but are expressly prohibited from receiving any gifts or hospitality from people with an interest in a Planning proposal.

4. Rules around certain types of application

4.1 Applications from a Member or their relatives

All applications which are submitted by or on behalf of a Member of the Council in their private capacity or by a close relative or their partner (as defined in the Code of Conduct for Members) or which relate to land which they own and/or have a beneficial interest in, must be drawn to the attention of the Senior Officer responsible for Planning, and will be reported to the Planning and Licensing Committee for a decision, in accordance with the Scheme of Delegation to Officers.

They must not speak in support of, or take part in the determination of, an application as described above. They must declare an Interest and leave the meeting and not seek to influence any decision made. They may, however, appoint an agent who can speak on their behalf.

If an application is submitted by a close relative or partner (as defined in the Code of Conduct for Members) of a Member of the District Council, the Member should not speak in support of, or take part in the determination of, the application. The applicant may speak at Committee meetings subject to or appoint an agent to speak on their behalf.

4.2 Applications submitted by the Council itself

All applications which are submitted by or on behalf of the Council on Council owned land itself must be reported to the Committee for a decision, in accordance with the Scheme of Delegation to officers. However, once the principle of development has been established, subsequent applications to discharge conditions or for minor variations may be determined in accordance with the Scheme of Delegation.

4.3 Applications submitted by Officers

A planning or related application, notification or request for prior approval (as set out within parts 3.A, B & C of the Scheme of Delegation) submitted by or on behalf of an employee (directly or indirectly) of the Council or Publica (or their partner, close relative or their partner's close relative), will be reported for determination to the Committee. Exceptions will apply for non-planning staff (except those in politically restricted posts) in certain circumstances, as set out within the Scheme of Delegation.

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Agenda Item 13



COTSWOLD
DISTRICT COUNCIL

| | |
|----------------------------|---|
| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | COUNCIL - 25 SEPTEMBER 2024 |
| Subject | REVIEW OF STANDARDS ARRANGEMENTS |
| Wards affected | None |
| Accountable member | Councillor Nigel Robbins, Chair of the Audit and Governance Committee Email: Nigel.Robbins@cotswold.gov.uk |
| Accountable officer | Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: Democratic@Cotswold.gov.uk |
| Report author | Ana Prelici, Governance Officer Email: Democratic@Cotswold.gov.uk |
| Summary/Purpose | To consider the adoption of procedure rules for the Standards Hearings Sub-Committee and a review of the Council's arrangements for dealing with complaints under the Code of Conduct. |
| Annexes | Annex A – Draft Code of Conduct Complaint Handling Arrangements Annex B – Draft Procedure for the Standards Hearing Sub-Committee |
| Recommendation(s) | That Council resolves to: <ol style="list-style-type: none"> 1. Approve the updated arrangements for dealing with code of conduct complaints; 2. Approve the procedure for the Standards Hearing Sub-Committee and to delegate authority to the Director of Governance & Development to make minor amendments to the procedure. |
| Corporate priorities | <ul style="list-style-type: none"> • Delivering Good Services |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ | Audit and Governance Committee |



COTSWOLD
DISTRICT COUNCIL

| | |
|--------------|---|
| Consultation | Democratic Services Business Manager Chief Executive Chair of Audit and Governance Committee Independent Persons for Standards |
|--------------|---|



1. EXECUTIVE SUMMARY AND BACKGROUND

- 1.1** The Localism Act 2011 requires the Council to have complaint handling arrangements in place. These enable an individual to make a formal complaint that an elected or co-opted member of Cotswold District Council, or a Town or Parish Council within the district area, has failed to comply with their Council's Code of Conduct for Members. The complaint handling arrangements seek to ensure that complaints are dealt with fairly and are resolved informally where appropriate.
- 1.2** On 17 March 2021, the Council adopted arrangements for assessing allegations under the code of conduct. The requirement of these arrangements is that they be reviewed at least every three years. A review has been undertaken by officers overseen by the Director of Governance and Development.
- 1.3** This report presents the updated arrangements for dealing with code of conduct complaints, and a procedure for the Standards Hearing Sub-Committee,
- 1.4** The revised arrangements for code of conduct complaints and proposed Standards Hearing Procedure were taken to the Audit and Governance Committee on 23 July. The Committee resolved to recommend the both the arrangements and procedure, delegating authority to the Director of Governance to make amendments to the latter in light of legal advice given to a neighbouring authority and shared with the Council.

2. ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

- 2.1** The Council adopted its arrangements for dealing with code of conduct complaints on March 2021. The review requirements of these arrangements is that they be reviewed every 3 years thereafter. In compliance with this requirement and the adoption of the Gloucestershire- Wide Code of Conduct in March 2023, a 'light touch' review of these arrangements has been carried out.
- 2.2** In light of the increased number of complaints received by the Council, a Governance Officer has been seconded from the Democratic Services team to assist the Monitoring Officer with code of conduct complaints for seven hours per week. With this additional capacity, some processes have been updated to ease the administrative burden on the Monitoring Officer, in particular carrying out correspondence.
- 2.3** The revised arrangements at Annex A have been reviewed as follows;
 - The name and introduction has been updated to reflect that the code of conduct also applies to co-opted members of committees.
 - At 1.3 of the Arrangements, the Independent Persons have been updated to reflect current appointments.



- In light of updated processes, an additional paragraph (2.2) has been added to ensure that complaints contain sufficient information.
 - The time scale of a month for the Investigating Officer to produce their report was unrealistic, considering that interviews often need to be carried out before the production of the draft report. The timescale were revised to ensure investigations were dealt with in a timely manner.
- 2.4** Notwithstanding any circumstances in which the arrangements warrant an earlier review e.g. new legislation introduced by the Government, the arrangements will next be reviewed in 2027.
- 2.5 PROCEDURE FOR STANDARDS HEARING SUB-COMMITTEE**
- 2.6** Under the Council's Constitution, one of the Audit and Governance Committee's roles is to appoint a Standards Hearings Sub-Committee to conduct hearings following any formal investigation into an allegation that a Member of the District Council or a Town or Parish Council within the district area has failed or may have failed to comply with their Council's Code of Conduct for Members.
- 2.7** A Standards Hearing Sub-Committee was established in the Council's Constitution by full Council on 20 September 2023. The previous procedure for Standards Hearing Sub-Committees adopted by the Council predates the Localism Act 2011 and is no longer current. The proposed procedure for this sub-committee is provided at Annex B.
- 2.8** There is no legal requirement to have a procedure for Standards Hearing Sub-Committee, but having a procedure is matter of good practice to ensure that practices are robust thereby reducing risk to the Council.
- 2.9** The Audit and Governance Committee on 23 July 2024 considered the draft standards hearing procedure rules and resolved to recommend it to full Council for adoption. Following that committee meeting a neighbouring authority received legal advice in respect of a standards hearing which was shared with the Council. With the agreement of the Chair of the Audit and Governance Committee that advice was used to inform revisions to the draft standards hearing procedure rules and the revised version was circulated to the Members of the Audit and Governance Committee. Council is also recommended to delegate authority to the Director of Governance and Development (Monitoring Officer) to make any minor amendments to the procedure after its approval.
- 2.10** The Council's Constitution also allows a Town and Parish representative to attend a hearing of the Standards Hearing Sub-Committee on a voluntary basis where the allegations concern Town or Parish Councillors. Work was undertaken with the Gloucestershire Association of Parish and Town Councils (GAPTC) to identify suitable candidates for this representative



role but no interest was expressed. Subsequently the Council will look to directly approach suitable representatives.

3. ALTERNATIVE OPTIONS

- 3.1 The Audit and Governance Committee could decide to not recommend that the Code of Conduct Handling Arrangements to full Council for approval, but doing so would forgo compliance with the requirement that these are reviewed every three years.
- 3.2 The Audit and Governance Committee could decide to not recommend the Procedure for the Standards Hearing Sub-Committee to full Council, but this could increase the risk of legal challenge if a hearing was required.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications resulting directly from this report.

5. LEGAL IMPLICATIONS

- 5.1 The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have in place a suitable procedure at a local level to investigate and determine allegations that elected Members and co-opted Members of the district council or town and parish councils within the district area have breached the Code of Conduct.

6. RISK ASSESSMENT

- 6.1 If the Council fails to adopt and maintain a Code of Conduct and a process for the investigation of complaints that are fit for purpose, robust and transparent then there are risks to the Council's reputation and to the integrity of its corporate governance and decision-making processes.

7. EQUALITIES IMPACT

- 7.1 Equalities and Human Rights issues are taken into account in the handling of Code of Conduct complaints.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1 There are climate implications as a result of independent persons who do not live in the Cotswold District needing to travel to Cirencester for in person meetings. However, the nature of the role means that these are likely to be infrequent. This will also be mitigated by using virtual meetings wherever possible. The impact is therefore considered minimal.

9. BACKGROUND PAPERS

9.1 None.
(END)

~~ARRANGEMENTS FOR DEALING WITH COMPLAINTS UNDER THE CODE OF CONDUCT ABOUT DISTRICT AND TOWN & PARISH COUNCILLORS~~

CODE OF CONDUCT COMPLAINT HANDLING ARRANGEMENTS

Most councillors and co-opted members conduct themselves appropriately and in accordance with the Code of Conduct. Councillors and co-opted members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

The Localism Act places a general duty on the Council to ensure that high standards of conduct are maintained and demonstrated to the public. An authority must have an effective, fair, impartial, and transparent complaints and investigation procedure to enable it to make decisions on allegations which both councillors and the public can have confidence. Sanctions should be imposed in a consistent way and only where there is a genuine breach.

This procedure applies when a complaint is received that a member of Cotswold District Council or a town or parish councillor has, or may have, failed to comply with the Code of Conduct for Members ('the Code'). The District Council has adopted the Local Government Association Model Code of Conduct (the Code) which it will review each year and regularly seek, where possible, the views of the public, community organisations and the town and parish councils. The Code will be readily accessible to both councillors and the public and will be placed in a prominent position on the District Councils website and available in its premises.

I. General

The person making the complaint will be referred to as "the Complainant" and the person against whom the complaint is made will be referred to as the "Subject Member".

I.2 The Monitoring Officer is the officer of the Council who is responsible for administering the system of complaints about member misconduct and as part of that role may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

I.2.1 The Monitoring Officer will provide advice, support and management of investigations and adjudications on alleged breaches to town and parish councils within Cotswold District. However, the Monitoring Officer cannot provide advice to town and parish councils in relation to matters outside of the

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Code, e.g. decision making not involving a breach of the Code and meeting procedure and etiquette.

- 1.2.2 The Monitoring Officer will usually appoint a deputy to act when they are unavailable or has an actual or potential conflict of interest. Helen Blundell, Interim Head of Legal Services is the Deputy Monitoring Officer at Cotswold District Council. If there is no deputy or the deputy is unavailable, the Monitoring Officer may ask a monitoring officer from a different authority to undertake the investigation.
- 1.3 The Council appoints Independent Persons from outside the authority to assist the Monitoring Officer and Standards Hearing Sub-Committee in considering complaints. The Independent Persons currently appointed by the District Council are Michael Paget-Wilkes, ~~John Acton and~~ Phyllida Pyper, ~~Robert Cawley and~~ Melvin Kenyon.
- 1.4 No member or officer of Cotswold District Council or any town or parish council will participate in any stage of the arrangements if they have, or may have, any conflict of interest in the matter.

2. Making a complaint

Complaints should be made in writing by email at: Democratic@Cotswold.gov.uk

or by post to:

The Monitoring Officer
Cotswold District Council
Trinity Road
Cirencester GL7
1PX

- 2.1 Complaints about councillors may be made by anyone, but complaints about the conduct of a town or parish councillor towards a clerk should be made by the Chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances. The Monitoring Officer may require the town or parish council to seek to resolve the complaint itself informally in the first instance.
- 2.2 **Complaints must be made in writing. The Council asks that complaints are submitted using the Members' Complaint form, available on the website. This is to ensure that the Monitoring Officer and Independent Person have all the information they need in order to assess the complaint and to ensure that complaints can be dealt with on a fair and equitable basis.**
- 2.3 An oral complaint will be accepted where the Complainant is unable to write due to a physical or mental disability or there is a language barrier. Where an oral complaint

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is received it will be transcribed and sent to the Complainant for their approval and the Monitoring Officer will talk them through it.

- 2.4 Anonymous complaints will only be accepted in exceptional circumstances. Further information regarding confidentiality and anonymous complaints is set out below.
- 2.5 A complaint must provide substantiated information and should outline an indication of the form of resolution the Complainant is seeking. Further information regarding the range of sanctions available is set out in 2.9 below.
- 2.6 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code. In the case of alleged criminal conduct the complaint will normally be held in abeyance pending the outcome of any criminal investigation to ensure that no criminal investigation is prejudiced (Referred to as Sub Judice).
- 2.7 If a Complainant wishes their identity to be withheld, they should state this and provide full reasons why they believe their request is justified when submitting the complaint. Any request for confidentiality will be considered by the Monitoring Officer at the initial assessment stage of these Arrangements. In reaching their decision the Monitoring Officer may also consult with an Independent Person.
- 2.8 As a matter of fairness and natural justice the Subject Member will usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.
- 2.9 If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member.

- 2.10 The Monitoring Officer may discontinue a complaint if they consider it appropriate to do so where the Subject Member ceases to be a councillor for any reason. Where a complaint is discontinued the Monitoring Officer will write to the Complainant setting out the reasons for their decision.

If an anonymous complaint is received it will be considered by the Monitoring Officer at the initial assessment stage of these Arrangements. In reaching their decision the Monitoring Officer may also consult with the Independent Person.

- 2.11 The principles of fairness and natural justice referred to in paragraph 2.8 will also be applied to anonymous complaints and such complaints will only be accepted if they include documentary or photographic evidence indicating an exceptionally serious or significant matter.
- 2.12 The Monitoring Officer will acknowledge receipt of the complaint within a maximum of 10 working days of all required information being provided. The Complainant will be given details about how the complaint will be dealt with and provided with a copy of these Arrangements. At the same time, the Monitoring Officer will write to the Subject Member and copy in their Group Leader and / or Whip if applicable (and in the case of a complaint about a town or parish council member to the Clerk) with a copy of the complaint and the name of the Complainant, (unless anonymity has been requested and accepted as valid by the Monitoring Officer).
- 2.13 The Subject Member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account at the discretion of the Monitoring Officer but will not be considered after the Monitoring Officer has issued the initial assessment of the complaint.
- 2.14 Whilst the Monitoring Officer will deal with complaints at the earliest convenience, a decision regarding whether the complaint merits formal investigation or another course of action will ~~normally~~ be taken within a maximum of 20 working days of either receipt of representations from the Subject Member or where no representations are submitted 20 working days of the expiry of the period mentioned in paragraph 2.13 above. The Complainant and the Subject Member will be informed should there be a delay in completing any stage of the process.

3. Stage I – Procedure for Initial Assessment of Complaint

- 3.1 The complaint will be automatically rejected if:
- The complaint is not against one or more named member of Cotswold District Council or any town or parish council within Cotswold District; or
 - The complaint is against a current member of Cotswold District Council or any town or Parish Council within Cotswold District but the Subject Member was not acting in their capacity as a member of that council at the time of the alleged failure to comply with the Code. (The Monitoring Officer will consider all of the circumstances before reaching a conclusion as to the status of the member at the time of the alleged breach of the Code)
- 3.1.1 The Monitoring Officer may at their discretion, consult with the Independent Person in these circumstances.
- 3.1.2 Where a complaint is rejected on any of the above grounds, the Monitoring Officer will write to the Complainant explaining why their complaint cannot be dealt with under this procedure.
- 3.2 The Monitoring Officer may request further information from either the Complainant, the Subject Member or any other persons the Monitoring Officer considers appropriate before reaching a decision.
- 3.3 Where a complaint is by an officer or a member about a member of the same council which would be more appropriately dealt with informally, the Monitoring Officer will refer the matter to the relevant Group Leader and may, but will not have to, consult the Independent Person.
- 3.4 In all other cases, the Monitoring Officer will consider the complaint and, consult with the Council's Independent Person before reaching a decision (initial assessment) as to whether the complaint merits investigation, or another course of action. Where the complaint relates to a town or parish council member, the Monitoring Officer may also seek input from the clerk of the town or parish council before deciding whether the complaint merits formal investigation or other action.
- 3.5 If the complaint has not been rejected on either of the grounds in 3.1 the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected. A complaint may be rejected if:

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- a substantially similar allegation has previously been made by the Complainant to the Monitoring Officer (unless sufficient new evidence is provided), or the complaint has been the subject of an investigation by another regulatory authority unless a pattern of behaviour is established
- The complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now
- The allegation is anonymous
- The complaint is of an interpersonal nature that would more properly be dealt with by referring the matter to the members Group Leader for informal resolution
- The allegation discloses a potential breach of the Code of Conduct, but the alleged conduct is not serious enough to merit any action
- The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations

In all the circumstances there is no overriding public benefit in carrying out an investigation

- The complaint appears to be malicious, vexatious, politically motivated or tit for tat
- The complaint suggests that there is a wider problem throughout the Authority

3.6 After consulting with the Independent Person the Monitoring Officer will then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question as to how to proceed to the Chair of the Audit Committee.

3.7 If the Monitoring Officer decides that no further action is appropriate, a decision notice will be sent to the Complainant and the Subject Member. The decision notice will summarise the allegation, give the decision of the Monitoring Officer and the reasons for their decision.

4. Stage 2 - Informal Resolution

4.1 In appropriate cases, and at any stage, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may be appropriate for example where: -

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- There is a breach of the Code but this is minor, trivial or technical in nature
- It is apparent that the Subject Member is relatively inexperienced as a member
- The member has admitted making an error which would not warrant a more serious sanction and has taken action to address this e.g. withdrawing comments.
- The member has apologised
- Training or conciliation would be a more appropriate response.

4.2 Types of informal resolution might include:

- An explanation by the Subject Member to the Complainant of the circumstances surrounding the complaint;
- An apology from the Subject Member;
- An agreement from the Subject Member to attend relevant training or to take part in a mentoring process;
- Offering to engage in a process of mediation or conciliation between the Subject Member and the Complainant; or
- Any other action capable of resolving the complaint.

4.3 Where the Monitoring Officer seeks to resolve the complaint informally they will provide the Subject Member with a reasonable timescale within which to attempt to resolve the complaint (~~usually~~ this will be 10 working days **unless there are exceptional circumstances**). The Subject Member will be provided with the contact details for an available Independent Person. The Independent Person may give advice on the severity of the complaint and what form of resolution might be appropriate, provided that such guidance will not of a nature that would inhibit the Independent Person from giving a view to the Hearings Panel.

4.4 Before deciding upon a course of action the Subject Member may seek guidance from a Group Whip, Leader of the Group, the Independent Person, and/or the Monitoring Officer. The Monitoring officer may also seek the Complainant's views to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.

4.5 At the end of the 10 working day period referred to at paragraph 4.3 above, the Monitoring Officer will, in consultation with the Independent Person, seek to establish whether the Subject Member has resolved the complaint to the Complainant's satisfaction.

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- 4.6 Where it has been possible to agree a form of resolution between the Subject Member and the Complainant there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the Complainant and the Subject Member of this decision.
- 4.7 Where it has not been possible to agree a form of resolution between the Subject Member and the Complainant, the Monitoring Officer will decide if the complaint merits formal investigation. Where the Subject Member makes a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in his or her decision.

5. Stage 3 – Formal Investigation

- 5.1 Where the Monitoring Officer, in consultation with the Independent Person, decides that a complaint merits investigation he/she will appoint an Investigating Officer who may be a Council officer, an officer from another Council, or an external investigator. However, if the facts and evidence are self-sufficient, the Monitoring Officer may dispense with a formal investigation and present the facts him / herself.
- 5.2 The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of council resources and shall be interpreted in line with these principles. ~~The Investigating Officer should complete their investigation within a maximum of 1 month of their appointment.~~
- 5.3 ~~During the investigative process the complainant will receive fortnightly progress updates.~~
- 5.4 At the end of their investigation, the Investigating Officer will produce a draft report and send copies to the Complainant and Subject Member for comments on matters of fact. The Investigating Officer will take any such comments received during a period to be specified by the Investigating Officer into account before issuing their final report to the Monitoring Officer. ~~The Investigating Officer should aim to complete their investigation and the final report within 3 months of the original complaint being referred for investigation. The complainant will be advised if there is likely to be a delay.~~

6. Investigating Officer finding of no failure to comply with the Code of Conduct

- 6.1 Where the Investigating Officer's report finds that the Subject Member has not failed to comply with the Code, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will

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confirm the finding of no failure to comply with the Code.

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- 6.2 The Monitoring Officer will write to the Complainant and the Subject Member (and to the clerk of the town or parish council, where the complaint relates to a town or parish council member), with a copy of the decision and the Investigating Officer's report.
- 6.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

7. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

- 7.1 Where the Investigating Officer's report finds that the Subject Member has failed to comply with the Code, the Monitoring Officer will review the Investigating Officer's report and will then, having consulted the Independent Person, either send the matter for hearing before the Hearings Panel or seek informal resolution in accordance with paragraph 7.2 below.
- 7.2 Informal Resolution - If the Monitoring Officer believes that the matter can reasonably be resolved without the need for a hearing, for example because informal resolution has not yet been considered, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. The types of resolution available are as set out in paragraph 4.2 of these Arrangements.
- 7.2 If the Subject Member and the Complainant accept the suggested resolution, the Monitoring Officer will report the outcome to the Standards Panel and the clerk to the town or parish council (if appropriate) for information but will take no further action.
- 7.3 If the Complainant or the Subject Member refuses informal resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a hearing without further reference to the Complainant or the Subject Member.

8. Stage 4 - Hearing

Where, in the opinion of the Monitoring Officer, informal resolution is not appropriate or the Complainant and/or Subject Member refuses to accept informal resolution, then the Monitoring Officer will report the Investigating Officer's findings to the Standards Hearings Sub-Committee which will conduct a hearing before deciding whether the Member has failed to comply with the Code and, if so,

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what action (if any) to take in respect of the Member. The Standards Hearing Sub-Committee will be constituted in accordance with council Standing Orders and will adopt whatever process it considers appropriate.

9. Action available to the Standards Hearing Sub-Committee

Where the Standards Hearing Sub-Committee finds that a Subject Member has failed to comply with the Code, it will publish a decision notice on its website (in the case of a town or parish council the Standards Hearing Sub-Committee will provide a decision notice to be published on its website) of its findings in respect of the Subject Member's conduct setting out the following:

- A brief statement of facts
- The provisions of the code engaged by the allegations
- The view of the Independent Person
- The reasoning of the decision-maker
- Any sanction applied.

9.1 In terms of sanctions, the Standards Hearing Sub-Committee may -

- Recommend to the relevant council that the member should be censured;
- Require the member to provide an apology
- Request the member remove any social media content which led to the complaint
- Recommend to the Subject Member's Group Leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
- Instruct the Monitoring Officer (or recommend to the town or parish council) to arrange training for the Member;
- Recommend to Council (or recommend to the town or parish council) that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council (or by the town or parish council);
- Withdraw (or recommend to the town or parish council that it withdraws) facilities provided to the Subject Member by the council such as a computer, website and/or e-mail and internet access; or
- Place such restrictions on the Subject Member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances.

10. Appeals

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There is no right of appeal against the substantive decision of the Monitoring Officer or of the Standards Hearing Sub-Committee

11. Withdrawal of a Complaint

In the event that a Complainant withdraws a complaint at any time prior to a decision having been made by the Standards Hearing Sub-Committee, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of that complaint.

- 11.1 In taking such a decision the Monitoring Officer will take into account whether there has been any intimidation 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 the allegation that the Subject Member has failed to comply with the Council's Code.

12. Revision of these Arrangements

In individual cases the Monitoring Officer may, in consultation with the Chair of Audit and Governance Committee, revise these Arrangements, as they consider appropriate, to enable the process to be dealt with efficiently. Any such revisions are to be reported to the next meeting of the Audit and Governance Committee.

13. Review of these Arrangements

These Arrangements were last reviewed and adopted in ~~2021~~ 2024 and shall be reviewed every 3 years thereafter or earlier where there is a change in law or where circumstances warrant an earlier review. The Monitoring Officer will seek to meet regularly with political group leaders or group whips to discuss standards issues.

Standards Hearings Sub-Committee Procedure Rules

These procedure rules apply to meetings of the Standards Hearings Sub-Committee, or the Audit and Governance Committee, when sitting to hear and determine a member code of conduct complaint referred to it by the Monitoring Officer.

1.0 DEFINITIONS

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| Complainant(s) | The person/people making the complaint. |
| Subject Member | The Councillor, co-optee, or Town or Parish Councillor against whom an allegation has been made. |
| Appointed representative | The Subject Member may be represented or accompanied during the meeting by a Solicitor, Counsel or another person. |
| Standards Hearings Sub-Committee | A Sub-Committee of the Audit and Governance Committee in accordance with the provisions of the Local Government Act 1972. A meeting of the Standards Hearings Sub-Committee will consider whether the Subject Member has breached the Code of Conduct. Comprising 3 members of the Audit and Governance Committee, appointed by the Audit and Governance Committee. |
| Independent Person | An Independent Person will be invited by the Monitoring Officer to attend the Standards Hearings Sub-Committee as a Member of the Sub-Committee. Their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct, in accordance with the provisions of the Localism Act 2011, and as to any action to be taken following a finding of failure to comply with the Code of Conduct |
| Town and Parish Council Representative | In the event that the allegations relate to a town or parish councillor, a town and parish council representative from another town or parish council may attend in an advisory capacity. |
| Investigating Officer | The person appointed by the Monitoring Officer to undertake a formal investigation on behalf of the Monitoring Officer. This person may be another Officer of the Council, an Officer of another Council or an external third party investigator appointed for the purpose. |
| Investigating Officer's report | The report of the Investigating Officer to the Monitoring Officer, setting out their findings and recommendations in respect of the allegation. |
| Legal Advisor | The Officer responsible for providing legal advice to the Standards Hearings Sub-Committee. This may be the Monitoring Officer, another legally qualified Officer, or an external third party legal advisor appointed for the purpose. |

| | |
|------------------------|--|
| Chair | The Chair of the Standards Hearings Sub-Committee elected by that Sub-Committee to chair meetings for the municipal year. If this person is not available, the Sub-Committee will elect a Chair. |
| Code | The Members' Code of Conduct for the relevant Authority formally adopted by it at the relevant time. |
| The Monitoring Officer | The Officer designated as such by West Oxfordshire District Council in accordance with section 5 of the Local Government and Housing Act 1989. |
| Exempt Information | As defined in Section 100A and Schedule 12A to the Local Government Act 1972 |

2.0 INTRODUCTION

- 2.1 Where the Monitoring Officer considers that it is in the public interest for a complaint to be considered by the Standards Hearings Sub-Committee, a Sub-Committee meeting will be convened, to determine whether the Subject Member has failed to comply with the Code of Conduct. Where there is more than one Subject Member in relation to a single complaint, the Monitoring Officer may agree that the complaint against each Subject Member can be determined at a single meeting. In such instances the Sub-Committee will stick to the Determination Procedure (Section 5) as closely as possible while allowing for the complaint against each Subject Member to be heard together.
- 2.2 The Monitoring Officer will seek to convene the Sub-Committee meeting within a maximum of 25 working days of receipt of the final Investigator's report or as soon as practicably possible thereafter. The Standards Hearings Sub-Committee will comprise 3 members appointed to that Sub-Committee by the Audit and Governance Committee, plus an Independent Person allocated to each meeting on a case by case basis by the Monitoring Officer, to act as a co-opted member of that Sub-Committee. For a meeting of the Standards Hearings Sub-Committee to be quorate and proceed, three elected members of the Standards Hearings Sub-Committee plus an Independent Person must be present.

3.0 PRE-HEARING PROCESS

- 3.1 The Monitoring Officer shall invite the Subject Member to give a response in writing to the Investigator's report.
- 3.2 If the Subject Member provides a written response to the Investigation Report (which may include written evidence), this should be provided to the Monitoring Officer only, no later than 7 clear days before the meeting to allow for its inclusion in the reports pack. The Subject Member should not otherwise engage with members of the Sub-Committee.
- 3.3 The Subject Member may be represented or accompanied at the meeting, if they so choose. The Subject Member should notify the Monitoring Officer of the name of any person who will represent or accompany them in advance of the meeting.

4.0 DOCUMENTATION

- 4.1 Standards Hearings Sub-Committee meetings are subject to the normal rules for publication of Council Agendas and Access to Information.
- 4.2 The Agenda papers for the Standards Hearings Sub-Committee will include:
- Complaint form and documentation
 - Subject Member's written response
 - Investigating Officer's report
 - Monitoring Officer report
 - For reference: Code of Conduct, Standards Hearings Sub-Committee Procedure Rules
- 4.3 The agenda and documents will be published under the Council's rules for exempt information. Prior to the Standards Hearings Sub-Committee meeting, any documentation issued or exchanged during the process must be treated by all recipients as confidential until the Standards Sub-Committee resolve whether or not the press and public should be excluded from the meeting at which the allegations are going to be heard.
- 4.4 If the Standards Hearings Sub-Committee agrees that the meeting should be held in public, the Investigation Report will be made available to the press and public in attendance at the meeting. The Chair may, at their discretion, allow a short adjournment of the meeting to enable them to read the report,

5.0 DETERMINATION HEARING PROCEDURE

- 5.1 The quorum for a Sub-Committee meeting will be three elected Members plus an Independent Person. Substitute Members are allowed only from the membership of the Audit and Governance Committee. Members will only be able to sit on the Standards Hearings Sub-Committee if they have undertaken standards training.
- 5.2 The Sub-Committee will be assisted on matters of law and procedure by the Legal Advisor. The Sub-Committee may take legal advice, in private, if necessary, from the Legal Advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given should be shared with the Subject Member and the Investigating Officer.
- 5.3 The hearing will normally be held in public. However, the Sub-Committee will consider, having regard to any representations made by the Investigating Officer and/or by the Subject Member and advice from the Monitoring Officer and/or Legal Advisor as to the public interest, whether to hear the matter, after the passing of a resolution to exclude the press and public from the meeting. Any such resolution may only be passed on the grounds set out in Section 100A and Schedule 12A to the Local Government Act 1972.
- 5.4 The Subject Member may be represented or accompanied by Counsel, a Solicitor or any other person.
- 5.5 Normal hearing rules will apply in terms of providing opportunities to test evidence, subject to the principles of natural justice and the Human Rights Act 1998.
- 5.6 The meeting will proceed in the absence of the Subject Member unless this would be unfair. If the Subject Member is unable to attend, they are required to notify the Monitoring Officer in advance of the meeting with reasons for their non-attendance.

- 5.7 The Standards Hearings Sub-Committee meeting is not a court of law. Therefore (save as provided for in paragraph 5.13 below) there will be no oral evidence heard at the meeting. The Standards Hearings Sub-Committee may consider any evidence (including hearsay evidence) which it considers relevant to its determination of the complaint and may attach whatever weight it considers appropriate to that evidence.
- 5.8 In the event that the allegations relate to a town or parish councillor, a town and parish council representative from a different town or parish council from the Subject Member(s) may attend in an advisory capacity at the invitation of the Council's Monitoring Officer. Their role will be limited to explaining the role and duties of a town and parish councillor to the Sub-Committee, if necessary.

Preliminary business

- 5.9 The first item of business at the first Sub-Committee meeting in each civic year is for the Sub-Committee to elect a Chair for the remainder of that civic year. If a Chair has already been elected but is not present at the meeting, the Sub-Committee will elect a Chair for that particular meeting.
- 5.10 The Standards Hearings Sub-Committee will follow usual committee procedures for apologies, and declarations of interests.
- 5.11 The Sub-Committee will consider whether to pass a resolution to exclude the press and public from the meeting. Any such resolution may only be passed on the grounds set out in Section 100A and Schedule 12A to the Local Government Act 1972. If the Sub-Committee determine that the hearing can take place in public session, the papers will be made available to any press and public in attendance
- 5.12 The Chair will introduce the Members of the Sub-Committee, the Independent Person, the Legal Advisor, the Investigating Officer, the Subject Member and any other persons present.
- 5.13 The Legal Advisor will give a brief outline of the allegation before the Sub-Committee, namely that the Subject Member has failed to comply with the Code of Conduct, and outline the procedure to be followed and confirm that those present understand it.

Investigating Officer's case

- 5.14 The Investigating Officer will present the report into the allegation against the Subject Member including any findings of fact and make representations to substantiate the conclusion that the Subject Member has failed to comply with the Code of Conduct. Save for exceptional circumstances, the Sub-Committee will not hear oral evidence from witnesses called by the Investigating Officer, as evidence of such witnesses will have been dealt with in the Investigation Report.
- 5.15 The Subject Member (or their representative) may question the Investigating Officer through the Chair.
- 5.16 The Sub-Committee Members may question the Investigating Officer.
- 5.17 The Independent Person may question the Investigating Officer.
- 5.18 The Chair will ensure that any questions are necessary and will assist the Sub-Committee in determining the complaint.

Subject Member's case

- 5.19 The Subject Member (or their appointed representative) will present the case in relation to the Investigating Officer's findings and make representations about why the Subject Member considers that they did not fail to comply with the Code of Conduct. If the Subject Member admits that they breached the Code of Conduct the Sub-Committee may move to paragraph 5.32 below. Save for exceptional circumstances, the Sub-Committee will not hear oral evidence (including character evidence) from witnesses called by the Subject Member, as evidence of such witnesses should have been made available to the Investigating Officer and/or dealt with in the Subject Member's written response to the Investigation Report.
- 5.20 The Investigating Officer may question the Subject Member through the chair.
- 5.21 The Sub-Committee may question the Subject Member.
- 5.22 The Independent Person may question the Subject Member
- 5.23 The Chair will ensure that any questions are necessary and will assist the Sub-Committee in determining the complaint.

Summing up

- 5.24 The Investigating Officer will sum up the case in relation to the findings in their report.
- 5.25 The Subject Member (or their appointed representative) will sum up the case in relation to the findings in the Investigating Officer's report of whether there has been a breach of the Code.
- 5.26 The Independent Person will give their views to the Sub-Committee as to whether or not the Code of Conduct has been breached and these will be recorded in the Minutes of the meeting.

Determination as to whether there has been a breach of the Code

- 5.27 The Sub-Committee will then retire with the Legal Advisor. If the hearing has been in public the Committee will need to pass a resolution under Section 100A of the Local Government Act 1972 to exclude the public from the meeting. The Sub-Committee must take into account the views of the Independent Person before reaching a decision. Decisions will be determined by a simple majority of those Members present and voting; the Independent Person does not have a vote. Where there are equal numbers of votes for and against the Chair will have a second casting vote and there is no restriction on how the Chair chooses to exercise a casting vote.
- 5.28 The Sub-Committee will announce their decision as to whether there has been a breach of the Code in the presence of all parties, and, if the press and public was excluded earlier in the meeting, this will normally be after passing a resolution that they should no longer be excluded from the meeting. The Sub-Committee will provide summary reasons for the decision and will explain any reasons why any advice from the Independent Person has or has not been followed in giving its decision.
- 5.29 If the Sub-Committee decide that the Subject Member has not breached the Code, they shall dismiss the complaint and take no further action. However, they may still make general recommendations to the Council, its Audit and Governance

Committee, the Monitoring Officer, or the Town or Parish Council, on any remedial actions, if it considers necessary to address the issues raised.

- 5.30 If the Sub-Committee decide that the Subject Member has breached the Code, then the following sub-section on sanctions will apply.

Determination as to any sanctions to be applied (if applicable)

- 5.31 If the Complainant is present at the meeting, the Standards Sub-Committee will invite them to give a statement as to the effect on them of the Subject Member's conduct which has been found to have breached the Code. The Complainant is not obliged to give such a statement. If the Complainant does make a statement, they may only be questioned by the Standards Sub-Committee. Alternatively, the Complainant may provide a written statement to the Monitoring Officer in advance of the meeting which the Legal Adviser will read out at this stage of the meeting.
- 5.32 The Investigating Officer may make representations as to whether the Sub-Committee should impose a sanction and what form any sanction should take.
- 5.33 The Sub-Committee may question the Investigating Officer in relation to any such representations.
- 5.34 The Subject Member (or their appointed representative) may make representations as to whether the Sub-Committee should impose a sanction and what form any sanction should take and may make representations as to mitigation.
- 5.35 The Sub-Committee may question the Subject Member in relation to any such representations.
- 5.36 The Legal Advisor will then raise any points that need to be addressed before the matter is determined.
- 5.37 The Independent Person will then give their views on the appropriate sanction, if any, to be imposed and their views will be recorded in the Minutes of the meeting.
- 5.38 The Sub-Committee will then retire with the Legal Advisor. If the hearing has been in public the Sub-Committee will need to pass a resolution under Section 100A of the Local Government Act 1972 to exclude the public from the meeting.
- 5.39 The Sub-Committee will come to a decision as to sanctions. Any sanction imposed must be reasonable and proportionate to the breach found and the Legal Advisor may advise the Sub-Committee in this regard. The Sub-Committee has no power to suspend or disqualify the member or to withdraw or suspend allowances. The Sub-Committee may:
- Censure or reprimand the Subject Member;
 - Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommend to the Leader of the Council that the Subject Member be removed from the Executive or removed from particular Executive Portfolio responsibilities;
 - Recommend to Council that the Subject Member be replaced as Executive Leader of the Council;

- Instruct the Monitoring Officer to, or recommend that a Town or Parish Council, arrange training for the Subject Member;
- Publish its findings in respect of the Subject Member's conduct;
- Report its findings to Council, or to a Town or Parish Council, for information.

5.40 The Sub-Committee will announce its decision in the presence of all parties, and this will normally be after passing a resolution that the public should no longer be excluded from the meeting. The Sub-Committee will give reasons for its decision and will explain the reasons why any advice from the Independent Person has or has not been followed in giving its decision.

Decision notice

5.41 The Monitoring Officer will, within 10 working days of the Sub-Committee meeting prepare a formal Decision Notice, and send a copy to the Complainant, to the Investigating Officer and to the Subject Member (and to the Town or Parish Council if appropriate). The Decision Notice will be published as part of the Minutes of the Sub-Committee meeting and will be placed on the Council's website, regardless of whether the Sub-Committee excluded the press and public for the meeting or not, unless the Monitoring Officer determines that it should remain confidential.

5.42 The findings and recommendations of the Sub-Committee are final and there is no right of appeal against the decision of the Standards Hearings Sub-Committee.

Departing from this procedure

5.43 The Chair of the Sub-Committee has the right to depart from this procedure, having taken advice from the Legal Advisor where it is considered it is sensible to do so, to deal with the case effectively and in the public interest, provided that the principles of fairness are upheld.

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

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