

Council
15/March2023



COTSWOLD
DISTRICT COUNCIL

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

Councillors present:

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

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

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

Officers present:

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

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

12 Apologies

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

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

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

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

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

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

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

13 **Declarations of Interest**

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

14 **Minutes**

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

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

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

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

15 Announcements from the Chair, Leader of Chief Executive

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

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

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

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

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

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

16 Public Questions

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

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

Answers to the questions can be found at Annex A.

17 Member Questions

Annex C Supplementary Responses and Written Responses

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

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

18 Gloucestershire-Wide Code of Conduct for Elected Members

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

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

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

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

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

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

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

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

RESOLVED: The Council **AGREED** to:

ADOPT the Gloucestershire-wide Code of Conduct with effect from 9 May 2023

NOTE that the Monitoring Officer will carry out training prior to it coming into effect.

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

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

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

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

The purpose of this report was to consider proposals from the Constitution Working Group for amendments to the Constitution to:

commence the recruitment process and agree remuneration for up to two independent members on the Audit Committee, and associated amendments to the Constitution;

implement a Monitoring Officer Protocol

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

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

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

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

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

RESOLVED: That Council **AGREED** to

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

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- b) DELEGATE AUTHORITY to the Director of Governance & Development (Monitoring Officer, and Deputy Chief Executive & S151 Officer, in consultation with the Chair of Audit Committee, to agree three members of Audit Committee to be on the interview panel;
- c) APPROVE an annual payment of £1,000.00 to be paid to independent members of Audit Committee;
- d) AUTHORISE the Director of Governance & Development (Monitoring Officer) to update Part C3: Committee Functions to make the consequential amendments to the Audit Committee's membership.
- e) APPROVE the Monitoring Officer Protocol for inclusion in the Constitution.
- f) update Procedure Rule 9 in Part D of the Constitution to read as follows:

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

Council – four hours*

Cabinet – four hours*

Audit Committee – three hours

Overview and Scrutiny Committee – three hours

Planning and Licensing Committee – no maximum duration

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

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

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

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

20 Notice of Motions

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

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

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

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

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

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

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

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

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

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

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

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

21 Next meeting

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

22 Approval of contract awards for Leisure and Culture

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

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

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

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

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

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

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

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

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

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

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

23 Matters exempt from publication

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

RESOLVED: That Council exclude the public and press for the remainder of the meeting under section 100A of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as described in Paragraph 3 of Schedule 12A of the Local Government Act 1972.

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

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

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

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

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

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

RESOLVED: That Council:

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

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

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

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Robin Hughes			
Roly Hughes			
Stephen Hirst			
Tony Dale			

The Meeting commenced at 2.00 pm and closed at 5.35 pm

Chair

(END)